

**FWS-ASFWP Agenda
October 15, 2019**

I. Executive Travel

FWS Principal Deputy Director, Margaret Everson will be in the office October 15 - 18.

FWS Deputy Director Steve Guertin will be in the office October 15 - 18.

FWS Deputy Director, Bryan Arroyo will be in the office October 15 - 18.

II. New Business

- 1. Reorganization**
- 2. Keystone BiOp Timeline**

Old Business

- 1. Regs Update**
 - a. MBTA**
- 2. 2021 Budget**
- 3. Ebikes SO & policy**
- 4. Wild Turkey Conservation Success event**
- 5. Hurricane EOY Obligations**

III. ASFWP Briefings

- **Desert NTTR (to be scheduled for Rob & SOI trip)**
- **Rec.gov (with NPS) due 4pm**
- **CBRA decision memo - due 10/15 (per OCL)**

IV. Congressional Requests and Correspondence

1. FOIA -
 - Nothing to report.
2. WHR and CC- See Table 1 at the end of the report
3. Congressional Meetings
 - **Week of October 21:** FWS Regional Director Amy Leuders will meet with Members from Arizona, New Mexico, Oklahoma, and Texas for courtesy visits.
 - **October 29:** Great Lakes Task Force Members will meet to discuss Asian carp. FWS, Regional Director Wooley and a regional fisheries biologist were invited to participate.
 - **October 30:** Briefing co-hosted by USGS and FWS on bat conservation.

V. Major Federal Register Notices and Approval Packages Notices with FWP

1. Hermes Copper butterfly proposed listing, proposed critical habitat, proposed 4(d) rule
2. Yellow Lance Proposed Critical Habitat Rule

3. Proposed Rule to Streamline FWS Permitting of Rights-of-Way (RIN 1018-BD78) (& comms
4. Sierra Nevada Red Fox Proposed Listing (also with SOL)
5. Notice of Availability, Seismic Survey Design and Impacts to Maternal Polar Bear Dens.
6. NOAA Draft recovery plan for the Gunnison Sage-grouse
7. Reclassification of the Humpback Chub from Endangered to Threatened with a Section 4(d) Rule
8. Colorado Butterfly Plant Final Delisting outreach
9. FWS 1st Quarter Travel

VI. Media Report

Announcing this week:

-

Interviews:

-

VII. Emergency

Fire:

- National Preparedness Level has dropped to a 1. The level dropped to a 1 on 9/27 due to current and predicted weather, adequate resource availability and the decreasing potential for emerging significant wildland fires in multiple geographical areas.
- The southeast continues to dry and with increasing wildfire activity has moved the Regional Preparedness Level to a 3 at the end of September. The southeastern United States will remain in above average potential for large wildfire events through the Fall of 2019.
- Alaska: Swan Lake Fire is now at 90% containment at 167,164 with 8 personnel assigned with a cost to date of \$49M. Estimated control date is 12/31/2019. Last report for Swan Lake Fire unless a significant event occurs.

Wildfires:

- South Atlantic-Gulf: Merritt Island (FL) and Vieques (PR) NWRs reported small wildfires and personnel from Carolina Sandhills NWR (SC) suppressed a 20+ acre fire on the refuge.

Prescribed Fire:

- California-Great Basin: San Luis NWR (CA) conducted two prescribed burns completing 1,015 acres.

Emergency Management & Physical Security

- Post Tropical Storm Karen Impacts
 - All accounted, no unmet needs and request for assistance at the time of this report (*26th Sept 1425 EST*).
 - Refuge facility initial damage assessments are on-going and will be reported once information has been received. Areas of PR and USVI are still receiving

rain thus there will be a delay in completing initial damage assessments in areas prone to flooding, mudslides, etc.

- USFWS - Caribbean Locations Included Area of Impact:
 - Refuges - Caribbean Islands NWR Complex
 - Ecological Services - Caribbean Islands Field Office
 - Office of Law Enforcement - Guaynabo Field/Port Office
 - Science Applications - Landscape Conservation Cooperative

VIII. Listings/Delistings (bold items have published or have been sent to FR; regular text are items expected to go to FR pending DOI clearance)

- **Final Listing Status for the Southern Mountain Caribou Distinct Population Segment**
- **Bi-State DPS of Greater Sage Grouse 6-Month Extension**
- **Final Delisting Rule for Monito Gecko**
- **Proposed rule to delist Water Howellia**
- **Final Rule to Delist Kirtland’s Warbler**
- Interior Least Tern Proposed Delisting (cleared)
- Threatened Species Status for Meltwater Lednian Stonefly and Western Glacier Stonefly (with Exec Sec)
- Barrens Topminnow Final Listing Rule (with Exec Sec)
- Nashville Crayfish Proposed Delisting (with SOL)
- Reclassification of the Endangered June Sucker to Threatened With a Section 4(d) Rule (with Exec Sec)
- Final Rule to Delist Colorado butterfly plant (with FWP)
- Hermes Copper butterfly proposed listing, proposed critical habitat, proposed 4(d) rule (with FWP)
- Sierra Nevada Red Fox Proposed Listing (with FWP)
- Reclassification of the Humpback Chub from Endangered to Threatened with a Section 4(d) Rule (with FWP)

Table 1. Congressional Correspondence and WHR (updated 10/10/2019 NSR)

DTS	Subject	Date Assigned	Original OES Due date	Assigned to:	Action	Addressee
071065	Proposed Presidential Executive Order - Restoring the Rule of Law, Private Property, and Economic Growth	09/20/2019	09/25/2019	D	Surname	Hunter(Surname)

070996	Eliminating Key Protections Established by the Endangered Species Act (ESA)	09/06/2019	09/23/2019	AEA	Surname	Buchanan
071138	Constituent concerns regarding enforcement of the Migratory Bird Treaty Act	10/10/08	10/22/2019	CLE	Prepare Draft Response	Alexander(AMB drafting response due 10/3)
071176	WHR Ivory Trade	09/25/2019	10/23/2019	CLE	Prepare Draft	Hamil, Cameel
071207	WHR Wild Horses Currituck NWR	10/01/2019	10/15/2019	R4	Prepare Reply	Ates. Anna

Congressional Assigned (Not By Dept) (10/10/2019 NSR)

DCN	Subject	assigned	where	Task	Addresse
070502	CBRA Requests USGS and FWS evaluate the short and long term impacts of sand /sediment removal on areas in and adjacent to the CBRS	09/03/2019	D	2-Appropriate Action	Grijalva
070972	EPA proposed revisions for the evaluation of pesticide risks to threatened and	09/17/2019	AES-DAES	3-Surname	Grijalva

	endangered species				
070983	Requests the DOI to vote in favor of CoP 18 Proposal 42	09/18/2019	AEA-CLA	0-Prepare Draft Response	McCaul
070984	Questions about East Rockhill Quarry mining operations	10/09/2019	OCL	16- Surname thru DTS	Fitzpatrick
071050	Concerned about FWS Policies denying landowners access to their own lands for hunting and fishing etc	09/19/2019	FWP	3-Surname	Cramer
070752	Request answers to follow up questions related to Valentine NWR and meeting held July 9th	09/25/2019	D	5- Review/Comment	Fischer
071200	Requests the Service Support Water Institute of the Gulfs funding application	10/01/2019	R4	0-Prepare Draft Response	Cassidy
070778	Robert Shifflett-regarding his elephant import permit application	10/02/2019	SIO-OCL	16-Surname through DTS	Riggleman
071085	CONGRESSIONAL INQUIRY: Regional Habitat Conservation Plan	10/03/2019	AES-DRR	6-Revise	Calvert

071194	Additional Clarifications Requested by Property owner on FWS decisions regarding CBRA and constituents property	10/03/2019	AES-DBTS	16-Surname through DTS	Langevin
071232	Questions regarding gate access closer from Big Bend Road to Catahoula NWR	10/702019	R4	0-Prepare Draft	Abraham

FEDERAL REGISTER LOCATIONS(Updated 10/10/2019 NSR)

DCN	Subject	Task Assigned To	Task Assigned Date
FR00003458	Two LEHCPs CTS Santa Barbara County	SIO-REGS	02/25/2019
FR00003572	Island Marble Butterfly CCAA Permit Application and FR Notice Surname Package	SIO-REGS	05/13/2019
FR00003646	R8 ES Recovery permit applications (Yosemite National Park, first applicant)	SIO-REGS	05/14/2019
FR00003631	Proposed 2019-2020 Hunting and Sport Fishing Regulation	SIO-REGS	05/21/2019

FR00003676	Endangered and Threatened Species; Receipt of One Recovery Permit Application (Minnesota Zoological Garden, Apple Valley, MN)	SIO-REGS	06/12/2019
FR00003431	Revised Proposed Rule to Amend Current Regulations: Kenai National Wildlife Refuge	SIO-REGS	06/12/2019
FR00003690	Endangered and Threatened Species; Receipt of Recovery Permit Apps (first applicant: Derek Klostermeier, Bismarck, ND)	SIO-REGS	06/14/2019
FR00003698	R8 ES Recovery permit applications (Ryan Layden, first applicant)	SIO-REGS	06/20/2019
FR00003689	Proposed Site Plans under a Candidate Conservation Agreement with Assurances for the Fisher in Oregon	SIO-REGS	06/21/2019
FR00003487	Migratory Bird Permits: Regulation Governing Take of Migratory Birds	SIO-Regs-BivanPatnaik/202-208-4582	06/28/2019
FR00003652	AK Subsistence Management; Cook Inlet Area final rule	SIO-REGS	07/03/2019
FR00003656	Subsistence Management Regulations for Public Lands in Alaska, 2019-2020 and 2020-2021 Subsistence Taking of Fish Regulations	SIO-REGS	07/03/2019
FR00003654	Migratory Bird Hunting; Proposed 2020?21 Migratory Game Bird Hunting Regulations (Preliminary) With Requests for Indian Tribal Proposals; Notice of Meetings	SIO-REGS	07/08/2019

FR00003718	Recovery Permit Applications, R6 (D Duffy and other apps) N040	SIO-REGS	07/15/2019
FR00003668	Proposed Amendment and Transfer of Enhancement of Survival Permits, for the Columbia Basin Pygmy Rabbit, Douglas and Grant Counties, Washington; EA	SIO-REGS	07/15/2019
FR00003679	Alaska Subsistence - 2019 Season Affirmation Rule	SIO-Regs-BivanPatnaik/202-208-4582	07/19/2019
FR00003575	Migratory Bird Hunting; Normal Agricultural Operations	SIO-REGS	07/23/2019
FR00003723	General Conservation Plan for Cultivation Activities in Santa Barbara County	SIO-REGS	07/25/2019
FR00003719	FR 00003719 Hunting and Shooting Sports Conservation Council Summer 2019 teleconference meeting (HSSCC)	SIO-REGS	07/30/2019
FR00003741	NOA for Mattamy Homes Incidental Take Permit	SIO-REGS	08/08/2019
FR00003509	Barrens Topminnow Final Listing Rule	SIO-REGS	08/21/2019
FR00003640	Removing the Kirtland's Warbler From the Federal List of Endangered and Threatened Wildlife	SIO-REGS	08/29/2019
FR00003750	FRN for Draft Amendment to the Recovery Plan for the Rough Popcornflower	SIO-REGS	09/09/2019
FR00003788	Delay of Effective Date for section 7 regs	SIO-REGS	09/20/2019

FR00003460	Nashville Crayfish Proposed Delisting	SIO-REGS	09/24/2019
FR00003748	Reclassification of the Endangered June Sucker to Threatened With a Section 4(d) Rule	SIO-REGS	09/24/2019
FR00003776	5-Year Status Reviews of the Short-tailed Albatross and the Southwest Alaska Distinct Population Segment of the Northern Sea Otter	SIO-REGS	09/26/2019
FR00003701	General Provisions; Revised List of Migratory Birds	SIO-REGS	09/26/2019
FR00003660	Final Rule to Delist Colorado butterfly plant	SIO-REGS	10/01/2019
FR00003746	ANSTF Fall 2019 Meeting Notice	SIO-REGS	10/10/2019
FR00003504	NOA for Butte Sink, Willow Creek-Lurline, and North Central Valley WMAs FCCP/EA	SIO-REGS	10/10/2019
FR00003771	Info Coll 60-day FRN: Revision to 1018-0070, "Incidental Take of Marine Mammals During Specified Activities, 50 CFR 18.27 and 50 CFR 18, Subparts J and K"	SIO-REGS	10/10/2019
FR00003571	DRP Streaked Horn Lark	SIO-REGS	10/10/2019
FR00003763	Info Coll 60-day FRN: Revision to 1018-0093, "Federal Fish and Wildlife Permit Applications and Reports ? Management Authority; 50 CFR 12, 13, 14, 15, 16, 17, 18, 21, 23"	SIO-REGS	10/10/2019

FR00003770	Info Coll 60-day FRN: Renewal of 1018-0066, "Marine Mammal Marking, Tagging, and Reporting Certificates, and Registration of Certain Dead Marine Mammal Hard Parts"	SIO-REGS	10/10/2019
DCN	Subject	Task Assigned To	Task Assigned Date
FR00003030	Hermes Copper butterfly proposed listing, proposed critical habitat, proposed 4(d) rule	FWP	08/26/2019
FR00003685	Sierra Nevada Red Fox Proposed Listing	FWP	08/26/2019
FR00003568	Yellow Lance Proposed Critical Habitat Rule	FWP	08/27/2019
FR00003772	Info Coll 30-day FRN: 1018-0023, "Migratory Bird Surveys, 50 CFR 20.20"	FWP	09/23/2019
FR00003611	Proposed Rule to Streamline FWS Permitting of Rights-of-Way (RIN 1018-BD78)	FWP	09/27/2019
FR00003792	Notice of Availability, Seismic Survey Design and Impacts to Maternal Polar Bear Dens.	FWP	10/02/2019
FR00003746	ANSTF Fall 2019 Meeting Notice	FWP	10/04/2019
FR00003793	NOA Draft recovery plan for the Gunnison Sage-grouse	FWP	10/07/2019
FR00003717	Reclassification of the Humpback Chub from Endangered to Threatened with a Section 4(d) Rule	FWP	10/07/2019

DCN	Subject	Task Assigned To	Task Assigned Date
FR00003544	Framework for issuing eagle incidental take permits for low-risk projects	D	04/26/2019
FR00003636	ANWR Coastal Plain 2019 Proposed ITR	D	05/02/2019
FR00003678	Theodore Roosevelt Genius Prize Competition Five Advisory Board Establishment and a Call for Nominations	D	06/07/2019
FR00003663	Southern Sea Otter SAR	D	06/26/2019
FR00003523	Final Rule to List the Yangtze Sturgeon as an Endangered Species	D	08/14/2019
FR00003727	Reclassifying the Hawaiian Goose from Endangered to Threatened with a Section 4(d) Rule	D	08/19/2019
FR00003768	Endangered and Threatened Wildlife and Plants; Removing Bradshaw's Lomatium (Bradshaw's lomatium) From the Federal List of Endangered and Threatened Plants	D	09/16/2019
FR00003782	Removing the Hawaiian Hawk From the Federal List of Endangered and Threatened Wildlife	D	09/16/2019
FR00003761	Eastern black rail final listing and 4(d) rule	D	09/16/2019

FR00003715	NOA, Conservation Plan/EA; Oil and Gas Activities in Santa Barbara County	D	09/19/2019
FR00003785	Removing the Kanab Ambersnail from the List of Endangered and Threatened Wildlife	D	09/24/2019
FR00003625	peppered chub proposed listing and critical habitat designation	D	09/24/2019
FR00003784	Reclassification of Morro Shoulderband Snail (<i>Helminthoglypta walkeriana</i>) from Endangered to Threatened with a 4(d) Rule	D	10/01/2019
FR00003775	Info Coll 60-day FRN: Renewal of 1018-0168, "Alaska Native Handicrafts, 50 CFR 92.6"	D	10/02/2019
FR00003773	Info Coll 60-day FRN: Reinstatement of 1018-0167, "Eagle Take Permits and Fees, 50 CFR 22"	D	10/02/2019
FR00003786	Info Coll 60-day FRN: Revision to 1018-0022, "Federal Fish and Wildlife Permit Applications and Reports--Migratory Birds; 50 CFR 10, 13, 21"	D	10/02/2019
FR00003749	West Coast DPS of Fisher Revised Proposed Listing	D	10/03/2019
FR00003795	Revised Designation of Critical Habitat for the Western Distinct Population Segment of the Yellow-billed Cuckoo	D	10/04/2019
FR00003313	Proposed listing and critical habitat for Chapin Mesa milkvetch	D	10/04/2019

FR00003191	Western Glacier Stonefly and Meltwater Lednian Stonefly Final Listing Rule	D	10/04/2019
FR00003756	Wright's Marsh Thistle Proposed Listing and Critical Habitat	D	10/07/2019
FR00003759	Batched 90-Day Findings for Two Species (Bethany Beach Firefly Batch)	D	10/07/2019
FR00003757	California Spotted Owl 12-Month Finding	D	10/07/2019
FR00003570	Golden Conure downlisting	D	10/07/2019
FR00003598	Updated Collision Risk Model Priors for Estimating Eagle Fatalities at Wind Energy Facilities	D	10/08/2019
FR00003680	CBRA Availability of Draft Revised Boundaries for FL and SC; Request for Comments	D	10/09/2019

From: [Trott, Matthew](#)
To: [Charisa Morris](#); [Melissa Beaumont](#)
Subject: 1023 weekly final
Date: Thursday, October 24, 2019 2:02:57 PM
Attachments: [FWS Weekly 102319-final.docx](#)

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FWS Weekly 102319

Week Ahead Schedule of Meetings, Hearings, and Travel

Rob Wallace: October 28-November 1 in the office

John Tanner: October 28-November 1 in the office

Aurelia Skipwith: October 28-November 1 in the office

Ryan Hambleton: October 28-November 1 in the office

Katie Mills: October 28-November 1 in the office

FWS Principal Deputy Director, Margaret Everson will travel to California on October 28 - 31. She will meet with staff and tour the Salton Sea Refuge in Calipatria, CA on 10/28 and meet with staff at the FWS Ventura Field office and Hopper Mountain Refuge in Ventura, CA on October 29-30. She will be in the office on October 31 and November 1.

FWS Deputy Director, Steve Guertin will be in the office October 28 - 31. He will be on leave on November 1.

FWS Deputy Director, Bryan Arroyo will in at a National Tribal Liaisons Meeting in Boston, MA on October 28 - 31. He will be in the office on November 1.

Immediate Announcements and Actions For the Next Week

U.S. Fish and Wildlife Service

During Bat Week (October 24-31), FWS will announce a prize challenge for ideas that may eliminate, weaken, or disarm the fungus that causes white-nose syndrome. This will be the first prize challenge issued by the FWS on Challenge.gov. A total of \$100,000 in prizes are available for winning ideas that will then be developed into usable solutions. The challenge is authorized by the Prize Competition section of the America COMPETES Reauthorization Act of 2010 (15 USC 3719), as amended by the American Innovation and Competitiveness Act of 2017. A news release and congressional outreach is planned. (09/25/2019)

On October 30 (during Bat Week), FWS will co-host a briefing with USGS on bat conservation at the Longworth House Office Building. A panel of experts including speakers from FWS, USGS, BLM, USFS, and the Pennsylvania Game Commission will discuss natural benefits of bats, the status of bat populations, the threat of white-nose-syndrome, and updates from federal and state perspectives. (10/23/2019)

By October 31, FWS will announce state and tribal capacity grants for responding to white-nose syndrome. Approximately \$1.2 million is expected to be awarded to states and tribes to support research, monitor bat populations and prepare for and respond to white-nose syndrome, a fungal

disease of hibernating bats. This is the first year white-nose syndrome capacity grants were open and awarded to tribes. FWS is waiting for all of the states to confirm acceptance of the grants before making a final announcement. Outreach to states is planned, but FWS is not planning a national news release. (Updated 10/09/2019)

On October 29, there will be two Hill briefings for House and Senate members of the Great Lakes Task Force and their staff and will consist of general updates about Asian carp control activities. FWS, (along with U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, and USGS) has been invited to participate. (10/16/2019)

On October 29, Frontier Airlines will debut a plane with an image of a black-footed ferret on the plane's tail in coordination with FWS's National Black-footed Ferret Center in Colorado, which provided the image. The debut will occur at Denver International Airport. Frontier Airlines will lead on any public outreach/communications and will coordinate with FWS as needed. (10/23/2019)

By October 30, FWS plans to publish in the *Federal Register* a proposed rule to revise and streamline FWS regulations for permitting of rights-of-way by aligning FWS processes more closely with those of other DOI bureaus. Outreach will include congressional notifications. (Updated 09/25/2019)

By October 31, FWS plans to release to the public the draft Programmatic Environmental Assessment (PEA) for the use of genetically engineered crops in refuge agriculture practices for natural resource management on national wildlife refuges in the Southeast. The draft PEA has gone through internal review and comment. All edits received to date have been addressed in the document. The next step in the development process for the draft document is public review and comment. Outreach includes a regional news release. (10/02/2019)

By the end of October, FWS plans to announce in the *Federal Register* the publication of a peer-reviewed scientific study that evaluates how various seismic survey designs and mitigation measures affect the potential impacts to maternal denning polar bears in the Coastal Plain of the Arctic National Wildlife Refuge. The analysis shows that with careful planning on the timing and location of seismic activity, disturbance to polar bear dens can be significantly reduced while still allowing the areas of interest to be surveyed. The study also found that the addition of a single aerial survey using forward-looking infrared (FLIR) sensors to detect dens can further reduce the potential impacts to denning polar bears from seismic surveys. However, the design of the survey (i.e., the timing and location of surveys) had a larger role in reducing potential impacts to denning bears compared to the use of FLIR. (Updated 10/16/2019)

On October 31-November 1, John Tahsuda, Counselor for the Secretary (negotiations team lead) and FWS Interior Region 3 Regional Director will hold another round of meetings with the State of Michigan and tribes fishing in 1836 treaty waters of the Great Lakes about the next fishing agreement. On September 19, initial conversations were held. The current agreement (2000 U.S. v Michigan Consent Decree) governs allocation, management, and regulation of the State and Tribal fisheries in 1836 treaty waters and expires in August of 2020. Additional meeting dates that were agreed upon by the parties through the end of the 2019 calendar year are November 21-

22 and December 19-20. The parties will attempt to meet monthly beginning in January 2020 until the terms of the next fishing agreement are negotiated and resolved. (Updated 10/23/2019)

On or around November 1, FWS plans to publish in the *Federal Register* a draft habitat conservation plan and environmental impact statement for the former Fort Ord military base in Monterey County, California. The draft plan balances the need for local economic growth through residential, commercial, and recreational development while ensuring the long-term survival of rare plants and animals and their habitat. In October, FWS briefed the DOI Review Team, which approved the documents. Planned outreach includes a local news release and congressional notifications. (Updated 10/23/2019)

On or around November 1, FWS will post a final environmental assessment and finding of no significant impact associated with issuance of an eagle take permit for the incidental take of bald and golden eagles at the Wild Horse Wind project in Kittitas County, Washington. The Bald and Golden Eagle Protection Act (16 U.S.C. 668a-d;) allows FWS to authorize the take of bald and golden eagles if that take is incidental to actions that are otherwise lawful. Tribes and local interested parties will be notified directly by email. FWS expects to issue the eagle take permit to the applicant by November 15 and is not planning a news release. This is not expected to be controversial. (10/16/2019)

8-30 Day Outlook

U.S. Fish and Wildlife Service

NEW ITEMS

On November 8, FWS, U.S. Army Corps of Engineers, Kentucky Department of Fish and Wildlife Resources, and Tennessee Wildlife Resources Agency will host a ceremony at Barkley Lock and Dam in Grand Rivers, Kentucky, to announce the deployment of a bio-acoustic fish fence. This innovative technology will be tested at Barkley Lock over the next three years. The goal of the bio-acoustic fish fence is to reduce the use of the lock by Asian carp, thus helping to protect hundreds of river miles that remain relatively untouched by carp in the Tennessee and Cumberland rivers. Senator Mitch McConnell (R-KY) and Representative James Comer (R-KY-1) are confirmed to attend the event and are expected to announce efforts to secure additional federal funding (\$25 million in total) for Asian carp control. (10/23/2019)

On November 20, FWS will host a meeting of the Hunting and Shooting Sports Conservation Council (HSSCC). The HSSCC is a federal advisory committee established by the Secretary of the Interior and the Secretary of Agriculture to provide recommendations regarding the establishment and implementation of conservation endeavors that: (a) benefit wildlife resources; (b) encourage partnership among the public; sporting conservation organizations; and Federal, state, tribal, and territorial governments; and (c) benefit recreational hunting and recreational shooting sports. November 20 may be the last day possible for the HSSCC to meet in calendar year 2019. (10/23/2019)

In November, FWS, in cooperation with DOI SOL, intends to issue an updated legal memorandum to replace a 1994 legal interpretation regarding the Coastal Barrier Resources Act (CBRA), and how FWS engages in CBRA specific consultation with other agencies. Consultation under CBRA is unrelated to consultation required by the Endangered Species Act. (10/23/2019)

UPDATED ITEMS

During the week of November 18, FWS plans to make available to the public the opportunity to submit a [limited number of Convention on International Trade in Endangered Species \(CITES\) and all Migratory Birds permit applications online](#), including electronic payment of permit fees through the pay.gov website. While the process improvements are modest, the impacts on permit applicants are significant. Applicants have, up to now, been required to apply via mail and pay permit fees by sending paper checks. FWS will improve accountability and receive applications more expediently by moving to an electronic submission platform. Permit processing will continue to require time for analysis of information against issuance criteria and decision-making. A news release is planned. (Updated 10/23/2019)

By November 30, FWS will post a draft environmental assessment online for public comment for the possible issue of a bald eagle incidental take permit to the Pleasant Valley/Grand Meadow wind facility in Minnesota. The assessment is for a five-year permit under the Bald and Golden Eagle Protection Act for the take of bald eagles at the 167-turbine wind facility, which has a known eagle nest near a turbine. The turbines resulted in the death of one adult eagle in May 2018. The proposed permit allows for the take of six eagles over a five-year period. There is a 30-day comment period. Stakeholders will be notified immediately of the availability of the assessment when it is posted online. If-asked talking points will be available. (10/23/2019)

ONGOING ITEMS

On or about November 4, FWS plans to submit to the *Federal Register* an announcement of the availability of comprehensively revised boundaries for Coastal Barrier Resources System (CBRS) units in Okaloosa and Walton counties, Florida, and Beaufort and Charleston counties, South Carolina. The notice will announce a 60-day public comment period. This effort addresses longstanding requests received over the years from property owners and their members of Congress to determine whether certain areas were mapped within the CBRS appropriately. Outreach will include a news bulletin; letters to Congress, federal, state, and local officials, and NGOs; and a stakeholder outreach toolkit available to local officials. (10/09/2019)

During the 2019 Thanksgiving Holiday celebration, FWS and the Hunting and Shooting Sports Conservation Council (a federal advisory committee managed by FWS) are proposing a White House event or Secretary event to celebrate the conservation success story of the restoration of populations of the North American wild turkey. The event would immediately follow the annual White House pardoning of a Thanksgiving turkey. The event would highlight the partnerships among conservation organizations, states, and the federal government that halted the precipitous decline of the species and led to its restoration. At the time of European settlement, wild turkey populations were estimated in the tens of millions, however, by the early 1900s turkeys were

facing extinction. The story of the successful restoration of the wild turkey to its historic range in nearly every state in America also highlights the success of the North American Model of Wildlife Conservation, which is funded, in part, through the Wildlife Restoration Program managed by FWS. (10/09/2019)

By November 30, FWS will post a draft environmental assessment online for public comment for the possible issue of a bald eagle incidental take permit to the Black Oak/Getty wind facility in Minnesota. The assessment is for a 30-year permit under the Bald and Golden Eagle Protection Act for the take of bald eagles at its 39-turbine wind facility. The proposed permit allows for the take of 36 eagles (up to six every five years) over a 30-year period. There is a 30-day comment period. Stakeholders will be notified immediately of the availability of the assessment when it is posted online. If-asked talking points will be available. (09/18/2019)

In November, FWS will hold an open press ceremony to announce the establishment of Green River NWR in Henderson, Kentucky. DOI Secretary Bernhardt and Senator McConnell (R-KY) are invited to participate. On September 27, FWS Principal Deputy Director Everson authorized the establishment of Green River NWR. FWS is continuing its realty process to accept the donation of a 10-acre tract from Southern Conservation Corporation, a local land trust, that will serve as the establishing parcel of land. FWS expects to accept the donated tract in early November. (Updated 10/16/2019)

A proposed change to the implementing regulations for the Migratory Bird Treaty Act (MBTA) has been developed. The rule: 1) defines the scope of the MBTA as it applies to conduct resulting in the injury or death of protected migratory birds consistent with the Department Solicitor's Opinion M-37050 and 2) reduces permitting burdens by modifying existing permit exceptions and proposing new ones. FWS and SOL are responding to interagency comments. Responses to the comments will go back to OMB. The proposed rule can be published in the *Federal Register* after it clears OMB-OIRA and any comments received are resolved. (Updated 10/02/2019)

(b) (5)



FWS plans to publish a proposed rule to allow the baiting of brown bears on Kenai NWR, which is permitted under Alaska state hunting regulations. The rule would also allow the discharge of firearms along the Kenai and Russian rivers during certain times of the year; allow the use of snowmobiles, all-terrain vehicles, and utility task vehicles on certain lakes when there is

adequate snow and ice cover; and increase access to the refuge by bicycle and game cart. This proposed rule would be available for a 60-day public comment period and is likely to be strongly opposed by those who believe that baiting of wildlife for hunting is unethical and those who oppose hunting generally (particularly of large predatory mammals). FWS plans to notify stakeholders and congressional offices directly by email and issue a news release to Alaska media announcing the proposed rule and public comment period. The rule was sent to OMB for informal review, and during an OMB briefing that FWS delivered on July 16, OMB requested additional information. FWS provided a response through Exec Sec to OMB-OIRA the week of August 12. FWS will provide the revised draft rule to OMB-OIRA by late October for them to make a significance determination before FWS publication of the rule. (Updated 10/09/2019)

Endangered Species Act Actions through November 22:

Species	Action	Current Status	Target Date to FR (dates in bold are litigation deadline)	Outreach
Nashville crayfish	Proposed Downlisting	Pending Exec-Sec clearance	As soon as it clears	Regional Release
June sucker	Proposed Downlisting	Pending Exec-Sec clearance	As soon as it clears	Regional Release
Colorado butterfly plant	Final Delisting	Pending Exec-sec clearance	FR publication to be timed to delisting event	Regional release
Fisher (West Coast DPS)	Revised Proposed Listing	Pending Exec-Sec clearance	As soon as it clears	Regional Release
Western Glacier Stonefly and Meltwater	Final Listing	Pending FWP clearance	November 15	Regional Release

Lednian Stonefly				
Sierra Nevada red fox	Proposed Listing	Pending FWP clearance	As soon as it clears	Regional release
Hawaiian goose (nene)	Final Downlisting with a 4(d) Rule	Pending FWP clearance	As soon as it clears	Regional Release
Hermes copper butterfly	Proposed Listing and Critical Habitat	Pending FWP clearance	As soon as it clears	Regional Release
Yellow lance	Proposed Critical Habitat	Pending FWP clearance	As soon as it clears	Regional release
Humpback chub	Proposed Downlisting	Pending FWP clearance	As soon as it clears	Regional Release
Bradshaw's lomatium	Proposed Delisting	Pending FWP clearance	November 4	Regional Release
Hawaiian hawk	Final Delisting	Pending FWP clearance	November 5	Regional Release

Yellow-billed cuckoo	Revised Proposed Critical Habitat	Pending FWP clearance	November 5	Regional Release
All	FY2017 Expenditures Report to Congress	Pending FWS Director clearance	As soon as it clears	National release
Yangtze sturgeon	Final Listing	Pending FWS Director clearance	As soon as it clears	National Release
Chapin mesa milkvetch	Proposed Listing and Critical Habitat	Pending FWS Director clearance	As soon as it clears	Regional Release
Eastern black rail	Final Listing with a 4(d) Rule	Pending FWS Director clearance	As soon as it clears	Regional Release
Wright's Marsh Thistle	Proposed Listing and Critical Habitat	Pending FWS Director clearance	As soon as it clears	Regional Release
California spotted owl	12-Month Finding	Pending FWS Director clearance	November 4	Regional Release
Kanab ambersnail	Proposed Delisting	Pending FWS Director clearance	November 8	Regional Release
Morro shoulderband snail	Proposed Downlisting	Pending FWS Director clearance	November 8	Regional Release

Peppered chub	Proposed Listing and Critical Habitat	Pending FWS Director clearance	November 13	Regional Release
Golden conure	Final Downlisting	Pending FWS Director clearance	November 18	National Release
Bethany beach firefly and Gulf Coast solitary bee	Batched 90-day Findings	Pending FWS Director clearance	November 22	National Release
All	2016 Recovery Report to Congress	Pending FWS clearance	As soon as it clears	No Release
Texas hornshell	Proposed Critical Habitat	Pending FWS clearance	As soon as it clears	Regional release

31-60 Day Outlook

U.S. Fish and Wildlife Service

NEW ITEMS

None to report.

UPDATED ITEMS

None to report.

ONGOING ITEMS

By the end of December, FWS plans to see a fifth monarch butterfly research paper “Evidence for a growing population of eastern migratory monarch butterflies is currently insufficient” published in the *Frontiers* journal special monarch conservation edition, North American Monarch Butterfly Ecology and Conservation. *Frontiers* utilized a Monarch Conservation Science Partnership research meeting as the basis for contributions. The second round of papers: “A Method to Project Future Impacts From Threats and Conservation on the Probability of

Extinction for North American Migratory Monarch (*Danaus plexxipus*)” and “Butterflies across the globe: A synthesis of the current status and characteristics of monarch (*Danaus plexippus*) populations worldwide” is published. The first two papers have also been published: “Does Nature Need Cities? Pollinators Reveal a Role for Cities in Wildlife Conservation” and “The Integrated Monarch Monitoring Program: from design to implementation.” (Updated 10/16/2019)

From: [Boulton, Caroline](#)
To: [Aaron Thiele](#); [Alan Mikkelsen](#); [Alex Hinson](#); [Alexander Sterhan](#); [Amanda Hall](#); [Amanda Kaster](#); [Andrea Travnicek](#); [Andrew Patterson](#); [Aubrey Bettencourt](#); [Aurelia Skipwith](#); [Bivan Patnaik](#); [Brandon Middleton](#); [Brenda Burman](#); [Cally Younger](#); [Cara Lee Macdonald](#); [Casey Hammond](#); [Casey Stemler](#); [Catherine Gulac](#); [Christian Palich](#); [Christopher Prandoni](#); [Daniel Jorjani](#); [Douglas Domenech](#); [Edward Keable](#); [Elinor Werner](#); [Elizabeth Appel](#); [Eva Cline](#); [George Triebsch](#); [Gregg Renkes](#); [Hannah Cooke](#); [Hubbel Relat](#); [James Cason](#); [James Reilly](#); [James Schindler](#); [Jamie Burley](#); [Jeffrey Small](#); [John Bockmier](#); [John Tahsuda](#); [John Tanner](#); [Judith Lavoie](#); [Justin Abernathy](#); [Karen Budd-Falen](#); [Katharine Macgregor](#); [Katherine White](#); [Kathleen Benedetto](#); [Katie Mills](#); [Kerry Rae](#); [Kiel Weaver](#); [Kimberly Edwards](#); [Kyle Scherer](#); [Lacey Smethers](#); [Lanny Erdos](#); [Leila Getto](#); [Lisa Pelstring](#); [Lori Mashburn](#); [Marc Marie](#); [Margaret Triebsch](#); [Mariagrazia Caminiti](#); [Mark Cruz](#); [Marshall Critchfield](#); [Matthew Dermody](#); [Maureen Foster](#); [Maximos Nikitas](#); [Melissa Beaumont](#); [Melissa Brown](#); [Michael Freeman](#); [Nicholas Davis](#); [Nicholas Goodwin](#); [Nikolao Pula](#); [Omero Martinez](#); [OS Thomas Baptiste](#); [Pamela Williams](#); [Paul \(Dan\) Smith](#); [Preston Heard](#); [Raquel Martinez-Niles](#); [Reggie Rogers](#); [Reid Dagul](#); [Richard Cardinale](#); [Richard Myers](#); [Rick May](#); [Ronald Klawitter](#); [Russell Newell](#); [Ryan Hambleton](#); [Ryan Nichols](#); [Samantha Hebert](#); [Sarah Jorgenson](#); [Sarah Spaulding](#); [Scott Angelle](#); [Scott Cameron](#); [Shandria Dixon](#); [Shelby Hagenauer](#); [Skyler Zunk](#); [Stephen Wackowski](#); [Susan Combs](#); [Tanya Joshua](#); [Tara Sweeney](#); [Taylor Playforth](#); [Timothy Petty](#); [Timothy Williams](#); [Todd Willens](#); [Tracy Goodluck](#); [Wendy Fink](#); [William Dove](#); [William Pendley](#); [Zachariah Gambill](#)
Subject: Weekly Report to the Secretary October 27-November 2
Date: Thursday, October 24, 2019 4:33:26 PM
Attachments: [iconfinder_youtube-square-shadow-social-media_765073.png](#)
[Weekly Report to the Secretary October 27-November 2.docx](#)

All,

Attached is the Weekly Report to the Secretary. Please let me know if you have any questions.

Best,
Caroline

--

Caroline Boulton
Special Assistant to the Secretary
Immediate Office of the Secretary
U.S. Department of the Interior
202.208.5403





**WEEKLY REPORT TO THE SECRETARY
DEPARTMENT OF THE INTERIOR
OCTOBER 27-NOVEMBER 2, 2019**

OFFICE OF THE SECRETARY

Todd Willens will be in the office.
Samantha Hebert will be in the office.
Gregg Renkes will be in the office.
Chris Prandoni will be in the office.
Rick May will be on travel all week.
Lori Mashburn will be in the office.
Alan Mikkelsen will be on travel October 29-30, but in the office the rest of the week.
John Tahsuda will be on travel October 30-November 1, but in the office the rest of the week.
John Bockmier will be in the office.

OFFICE OF THE DEPUTY SECRETARY

Week Ahead Schedule of Meetings, Hearings, and Travel

Katharine MacGregor will be in the office.
James Cason will be in the office.
Kiel Weaver will be in the office.

OFFICE OF THE EXEC SECRETARIAT AND REGULATORY AFFAIRS

Schedule of Meetings, Hearings, and Travel

Richard Cardinale will be in the office.
Justin Abernathy will be in the office.
Margaret Tribsch will be in the office.
Bivan Patnaik will be in the office.
Jamie Burley will be in the office.
Tony Irish will be in the office.
Preston Heard will be in the office.

Priority Final Rules

National Park Service (NPS) Final Rule, “Alaska; Hunting and Trapping in National Preserves” (RIN 1024-AE38) - The NPS is finalizing its regulations for sport hunting and trapping in national preserves in Alaska. This rule removes a regulatory provision issued by NPS in 2015 that prohibited certain sport hunting practices that are otherwise permitted by the State of Alaska. On June 25, 2019, the Notice of Proposed Rulemaking and associated

Regulatory Impact Analysis were formally sent to the Office of Management and Budget (OMB) for review and OMB submitted the rulemaking package for interagency review. Comments were due to OMB on July 12, 2019. The OMB submitted interagency comments to the Office of the Executive Secretariat and Regulatory Affairs on July 16, 2019. The NPS-prepared responses to the comments which were submitted to OMB on September 25, 2019. The Alaska State Fish and Game Department and the Alaskan Professional Hunters Association requested a listening session with OMB, which was held on October 1, 2019. OMB submitted a second round of pass-back comments on October 7, 2019. NPS prepared responses that were submitted to OMB on October 10, 2019. OMB submitted the Small Business Administration's (SBA) comments regarding the impacts to small businesses to the Department on October 11, 2019. OMB held a conference call to discuss the comments on October 15, 2019. OMB concluded EO 12866 interagency review on October 18, 2019. The NPS is preparing the final rule for publication in the Federal Register.

Bureau of Ocean Energy Management (BOEM) Final Rule, “Air Quality Control, Reporting, and Compliance” (RIN 1010-AE02) - The BOEM proposes to amend its regulations implementing section 5(a)(8) of the Outer Continental Shelf Lands Act (OCSLA), which requires the Secretary of the Interior to promulgate regulations “for compliance with the national ambient air quality standards pursuant to the Clean Air Act (42 U.S.C. 7401 *et seq.*), to the extent that activities authorized under [the OCSLA] significantly affect the air quality of any State.” The draft final rule documents were submitted to OMB to initiate the Executive Order (E.O.) 12866 review process on May 31, 2019. The OMB accepted the submission and formally initiated the E.O. 12866 review process on June 4, 2019. On June 5, 2019, the final rule was circulated for interagency review with comments due to OMB by June 19, 2019. The OMB extended the comment period to June 26, 2019, in order to allow for an interagency briefing during the review/comment period, which was held on June 20, 2019. The OMB provided BOEM with interagency comments from the Environmental Protection Agency and the Small Business Administration on June 27, 2019; OMB also provided comments from the Executive Office of the President on July 2, 2019, for the draft final rule/preamble, and on July 18, 2019, for the draft economic analysis document prepared for the final rule. On August 26, 2019, BOEM submitted draft responses to the interagency comments and revised final rule documents for Departmental review and approval.

Priority Proposed Rules

Fish and Wildlife Service (FWS) Proposed Rule, “Migratory Bird Permits; Regulations Governing Take of Migratory Birds,” (RIN 1018-BC76) - The FWS proposes two regulatory changes under the Migratory Bird Treaty Act (MBTA). The first change would adopt regulatory text that defines the scope of the MBTA as it applies to conduct resulting in the injury or death of migratory birds protected by the Act. This proposed regulatory change is consistent with the Solicitor's Opinion (“M-Opinion”), which states that the MBTA's prohibitions on pursuing, hunting, taking, capturing, killing, or attempting to do the same, apply only to affirmative actions that have the purpose of taking or killing of migratory birds, their nests, or their eggs. The second proposed regulatory change would amend the requirements relating to general exceptions to the permit requirements of MBTA. The proposed rule is with OMB for review pursuant to E.O. 12866 and interagency comments

were due by July 17, 2019. A conference call took place on July 26, 2019, to obtain feedback from the Department of Justice (DOJ). The OMB submitted interagency comments on July 30, 2019. In addition, OMB submitted interagency comments from the Animal and Plant Health Inspection Service on August 8, 2019 and FWS is preparing responses. In addition, OMB hosted a listening session to hear concerns from the American Bird Conservancy on August 27, 2019; Department of the Interior (Department) and FWS personnel were on the call. Further, a conference call took place on August 29, 2019, to discuss comments from the Department of State, which is drafting preamble language regarding international issues to assist FWS. The FWS continues to prepare responses to interagency comments. There are two listening sessions with the National Association of Manufacturers and the U.S. Chamber of Commerce scheduled for October 30, 2019.

BLM Proposed Rule, “Revisions to the Oil and Gas Site Security, Oil Measurement, and Gas Measurement Regulations” (RIN 1004-AE59) - The BLM proposes to amend its regulations for oil and gas site security and oil and gas measurement in order to reduce unnecessary regulatory burdens while still ensuring secure handling, accurate measurement, and accurate royalty payments for oil and natural gas produced from Federal and Indian leases. On August 13, 2019, BLM submitted the draft proposed rule documents to OMB to initiate the E.O. 12866 review process. On August 14, 2019, OMB accepted the proposed rule documents and formally initiated the E.O. 12866 review process. The OMB circulated the proposed rule documents for interagency review on August 14, 2019, with comments due to OMB by August 27, 2019. On August 21, 2019, BLM provided an E.O. 12866 interagency briefing on the proposed rule. The Department of Justice provided oral E.O. 12866 interagency comments on the proposed rule during a conference call held on September 19, 2019. On September 27, 2019, OMB submitted E.O. 12866 interagency comments for BLM and Departmental review and response. On October 15, 2019, OMB held a conference call with BLM and the Department to discuss the E.O. 12866 interagency received from OMB. The BLM is currently reviewing those comments and will prepare the initial draft of responses.

Interagency Reviews Under E.O. 12866

Final Rules

Small Business Administration: Final Rule, “National Defense Authorization Acts of 2016 and 2017, Recovery Improvements for Small Entities after Disaster Act of 2015, and Other Small Business Government Contracting” (RIN 3245-AG86). Comments are due to OMB on October 25, 2019.

Interim Final Rules

Department of Agriculture: Interim Rule, “Conservation Reserve Program” (RIN 0560-AI41). Comments are due to OMB on November 1, 2019.

Proposed Rules

Department of Defense: Proposed Rule, “Environmental Analysis of Arm Actions” (RIN 0702-AB02). Comments are due to OMB on October 25, 2019.

Council on Environmental Quality: Proposed Rule, “Regulations Implementing the Procedural Provisions of the National Environmental Policy Act” (RIN 0331-AA03). Comments are due to OMB on October 28, 2019.

OPM: Proposed Rule, “Administrative Law Judges” (RIN 3206-AN72). Comments are due to OMB on October 28, 2019.

National Oceanic and Atmospheric Administration: Proposed Rule, “Fisheries of the Northeastern United States; Omnibus Deep-Sea Coral Amendment” (RIN 0648-BH67). Comments are due to OMB on October 30, 2019.

Department of Housing and Urban Development: Proposed Rule, “Housing Opportunity Through Modernization Act of 2016—Housing Choice Voucher (HCV) and Project-Based Voucher Implementation; Additional Streamlining Changes” (RIN 2577-AD06). Comments are due to OMB by November 4, 2019.

Department of Transportation: Proposed Rule, “Pipeline Safety: Gas Pipeline Regulatory Reform” (RIN 2137-AF36). Comments are due to OMB by November 8, 2019.

Secretarial Correspondence

The Secretarial Correspondence Unit (SCU) is processing a package for the Gila River Indian Community Water Code. The Chief of Staff reviewed the package and returned it to SOL for the inclusion of a communications plan (EST-00014194).

The SCU is processing a package regarding federal agency obligations under Section 106 of the National Historic Preservation Act. The package is currently under review by the Acting Deputy Chief of Staff (EST-00013216).

The SCU is processing a package for the designation of 14 National Recreation Trails. The package is currently under review by the Acting Deputy Secretary (EST-00014021).

The SCU is preparing a package for the September 2019 Federal Land Assistance Management and Enhancement (FLAME) Suppression Forecast for FY2020. The FLAME Act of 2009 (Title V of Division A of P.L. 111-88) requires the Secretary of the Interior to submit an estimate of anticipated wildfire suppression costs for each fiscal year. The package is under review by the Acting Deputy Secretary (EST-00014203).

The SCU is processing a package regarding the Navajo Nation’s Diné School Accountability Plan. The Acting Deputy Secretary reviewed the package and returned it to the Bureau of Indian Education with questions (EST-00013326).

The SCU is awaiting additional information from the Office of Congressional and Legislative Affairs and NPS in order to process a revised transmittal letter for the Fifth Triennial Federal Lands Recreation Enhancement Act (EST-00011033).

The SCU is processing a package of Secretarial memoranda updating the procedures regarding the Department's review of documents prepared pursuant to the National Environmental Policy Act. The package is with Michael Freeman, who is working with the Office of the Solicitor (SOL) to respond to consolidated comments (EST-00013193).

The SCU is processing a memorandum that provides additional direction for implementing Secretary's Order 3355, which is related to the efficient use of NEPA compliance tools and documented decision-making. The package is under review by SOL (EST-00013551).

Congressional Oversight Document Production

The Document Management Unit (DMU) is processing the first production of documents in response to the May 23, 2019, request from Chairman Grijalva, House Committee on Natural Resources, requesting documents and information on BOEM's 2019-2024 National Outer Continental Shelf leasing proposed program.

The DMU is processing the first production of documents in response to the January 20, 2019, request from Chairman Grijalva, House Committee on Natural Resources, requesting documents and information on three proposed rules pertaining to the implementation of the Endangered Species Act.

The DMU is processing the first production of documents in response to the August 19, 2019, request from Chairman Grijalva, House Committee on Natural Resources, for documents and information regarding the biological options for water deliveries from the Central Valley Project.

The DMU is processing the first production of documents in response to the July 3, 2019, request from Chairman Grijalva, House Committee on Natural Resources, for documents regarding El Dorado Holdings, Inc.'s proposed Villages at Vigneto development.

The DMU is processing the tenth production of documents in response to the March 1, 2019, request from Chairman Grijalva, House Committee on Natural Resources, for documents and information on the reduction of two national monuments.

The DMU is processing the third production of documents in response to the February 26, 2019, request from Chairman Grijalva, House Committee on Natural Resources, for documents and information related to implementation of Bureau and Safety and Environmental Enforcement's (BSEE) regulations.

Committee Management

Federal Advisory Committee Meetings:

Native American Graves Protection and Repatriation Review Committee is scheduled to meet on October 30, 2019, via teleconference.

National Cooperative Geologic Mapping Program Advisory Committee is scheduled to meet on October 31, 2019, via teleconference.

Tule Springs Fossil Beds National Monument Advisory Council is scheduled to meet on November 4, 2019, in Las Vegas, NV.

Aquatic Nuisance Species Task Force is scheduled to meet on November 6-7, 2019, in Beltsville, MD.

Advisory Board for Exceptional Children is scheduled to meet on November 13-15, 2019, in Albuquerque, NM.

OFFICE OF COMMUNICATIONS

Nick Goodwin will be in the office all week.
Carol Danko will be in the office all week.
Russell Newell will be in the office all week.
Alex Hinson will be in the office all week.
Melissa Brown will be in the office all week.
Max Nikitas will be in the office all week.

In the Hopper

- NPS 14 National Trail Designations
- NPS Carr Fire Report
- Infrastructure Op-ed - Washington Times (November)
- NHPA
- NPR-A [Tentative beginning of Nov]
- OTR with Reporters and the Secretary [TBA]

Monday, October 28:

- DOI Comms
 - Coordination of announcements for Bat Week
- Notable Comms:
 - **NPS:** Time, Place and Manner Regulations: The withdrawal notice on the proposed rule on first amendment and special events on the national mall will publish on Tuesday. It will appear in the reading room, and NPS will put out the press release on Monday morning making this announcement.
 - **FWS:** During Bat Week (October 24-31), FWS will announce a prize challenge for ideas that may eliminate, weaken, or disarm the fungus that causes white-nose syndrome. This will be the first prize challenge issued by the FWS on Challenge.gov. A total of \$100,000 in prizes are available for winning ideas that will then be developed into usable solutions. The challenge is authorized by the Prize Competition section of the America COMPETES Reauthorization Act of 2010 (15 USC 3719), as amended by the American Innovation and Competitiveness Act of 2017. A news release and congressional outreach is planned.
 - **BOR:** On October 28, Reclamation plans to sign the record of decision to implement the BF Sisk Safety of Dams Modification Project. The

project will raise portions of BF Sisk Dam up to 12 feet to address safety concerns. During a large seismic event, sections of the dam could slump below the water line or allow cracking to develop through the embankment that could lead to dam failure. A news release will be distributed.

Tuesday, Oct. 29:

- Secretary Comms:
 - PITF Meeting at the WH
- Notable Comms:
 - **FWS:** Assistant Secretary Wallace will chair the meeting of the South Florida Ecosystem Restoration Task Force. The meeting will be held in the Yates Auditorium at the Main Interior Building.
 - **FWS:** Frontier Airlines will debut a plane with an image of a black-footed ferret on the plane's tail in coordination with FWS's National Black-footed Ferret Center in Colorado, which provided the image. The debut will occur at Denver International Airport. Frontier Airlines will lead on any public outreach/communications and will coordinate with FWS as needed
 - **BLM-MT/DK:** State Director, Communications Chief, and BLM Project Manager plan to attend the State Department public meeting in Billings, Mont. regarding the Draft Supplemental Environmental Impact Statement (SEIS) for the Keystone XL pipeline. The document was released Oct. 4 for a 45-day public review and comment period. While BLM's statutory authority is limited to federal lands, the BLM will rely on the SEIS to render a decision in response to TC Energy's application for a right-of-way grant. The Draft SEIS considers impacts related to changes in the project since 2014 and incorporates updated information and new studies in response to a court ruling citing the 2014 analysis was deemed insufficient. The SEIS will also address the route alignment shift in Nebraska.

Wednesday, Oct. 30:

- Secretary Comms:
 - The Secretary will be speaking at Ford's Theater. [No press]
- DOI Comms:
 - NPS Hunting Rule Release [Tentative]
- Notable Comms:
 - **BOR:** Commissioner Burman will be the keynote speaker at the Business H2O Summit in Washington, DC. This event will feature business leaders, senior government officials, and water experts from across the Middle East and the U.S. to showcase water projects in the region, discuss public policy challenges, and profile new water technologies.
 - **BLM-UT:** Aviation, Grand Staircase-Escalante National Monument, and the Denver Museum of Nature & Science (DMNS) plan to airlift

dinosaur bones from the monument. All the fossils have scientific significance and are intended for cleaning and detailed study in Kanab, the Natural History Museum of Utah, or DMNS. Traverse Image will continue filming a documentary.

Thursday, Oct. 31 [Halloween and the End of Bat Week]:

- Notable Comms:
 - **FWS:** On October 31-November 1, John Tahsuda, Counselor for the Secretary (negotiations team lead), and FWS Interior Region 3 Regional Director Charlie Wooley will hold another round of meetings with the State of Michigan and tribes fishing in 1836 treaty waters of the Great Lakes about the next fishing agreement. On September 19, initial conversations were held. The current agreement (2000 U.S. v Michigan Consent Decree) governs allocation, management, and regulation of the State and Tribal fisheries in 1836 treaty waters and expires in August of 2020. Also involved in the preliminary negotiations were DOI Solicitors Stuart Radde, John-Michael Partesotti and Kyle Scherer. Additional meeting dates that were agreed upon by the parties through the end of the 2019 calendar year include November 21-22 and December 19-20. They also met October 10-11, The parties will attempt to meet monthly beginning in January of 2020 until the terms of the next fishing agreement are negotiated and resolved.
 - **BLM-MT/DK:** The South Dakota Field Office plans to conduct two prescribed burns as conditions allow for safe burning on about 650 acres in the Fort Meade Recreation Area, and about 130 acres near Englewood and Sugarloaf Mountain. Low/No Controversy.

Friday, Nov. 1 [Start of Native American Month]:

- DOI Comms:
 - Highlighting the start of Native American Month
- Notable Comms:
 - **BOR:** Reclamation plans to launch a visual identity refresh campaign that includes a new logo design. Campaign launch is aligned with the Department of Interior's reorganization. Stakeholder outreach is planned. Anticipate no media attention.
 - **NPS:** George Washington Memorial Parkway will completely close Arlington Memorial Bridge around 7 p.m. Friday until Monday, November 4 around 5 a.m. The closure is to prepare the bridge for the next phase of rehabilitation. After the full closure ends, the south side of the bridge (which has been closed for construction for about a year) will reopen, and the north side (which has been open with reversible lanes) will be closed. The project contractor will post signs to direct drivers, pedestrians, and bicyclists through the area. There may be other interruptions in traffic during the remainder of the rehabilitation project, which is still on track to end in early 2021.

- **BLM-CA:** Anticipates publishing a Federal Register Notice for the Draft Environmental Impact Statement, Environmental Impact Report, and Draft Land Use Plan Amendment for the proposed Crimson Solar Project in Riverside County. Sonoran West Solar Holdings, LLC (Sonoran West), a wholly owned subsidiary of Recurrent Energy, LLC, is seeking a right of way grant on up to 2,500 acres of public lands to construct, operate, and decommission a 350-megawatt photovoltaic solar energy generation facility in eastern Riverside County. The project represents an investment of approximately \$550 million, would create up to 650 new jobs during peak construction and about 10 permanent jobs and 40 temporary jobs in operations and maintenance during the 30-year life of the project. Following publication, BLM-CA plans to hold public meetings in Palm Desert and Blythe. The DOI Review Team was briefed Sep. 13. The California Department of Fish and Wildlife is designing mitigation measures for impacts on migratory birds.
- **BLM-CA:** Plans to publish a Federal Register Notice for the Bakersfield Field Office Hydraulic Fracturing Final Supplemental Environmental Impact Statement and Record of Decision. This planning effort analyzes the potential impacts of hydraulic fracturing associated with oil and gas development on new leases on public lands within the planning area, which includes eastern Fresno, western Kern, Kings, Madera, San Luis Obispo, Santa Barbara, Tulare and Ventura counties. This planning effort supports the 2014 Bakersfield Field Office Resource Management Plan (RMP) and does not make any new public lands or federal minerals available to oil and gas development. The 2014 Bakersfield RMP determined areas available for oil and gas development on approximately 1.2 million acres of Federal minerals, which includes roughly 400,000 surface acres of BLM-managed public land. Approximately one million acres are available to oil and gas leasing with stipulations that would be applied to protect resources. This issue is controversial and has attracted attention. The DOI Review Team approved publication for the FEIS on Oct. 11.

OFFICE OF CONGRESSIONAL AND LEGISLATIVE AFFAIRS

Cole Rojewski will be in the office.
 Aaron Thiele will be in the office.
 Taylor Playforth will be in the office.
 Amanda Hall will be in the office.
 Hubbel Relat will be in the office.

1. **KATHARINE MACGREGOR, NOMINEE FOR DEPUTY SECRETARY OF THE INTERIOR:** On October 15, 2019, the White House announced the

Nomination of Ms. MacGregor to be Deputy Secretary of the Department of the Interior. DOI is working with the Committee to schedule a hearing date.

Timing: Ongoing until confirmation

Contact: Cole Rojewski

2. **SEQUOYAH SIMERMEYER, NOMINEE FOR CHAIRMAN OF THE NATIONAL INDIAN GAMING COMMISSION:** On June 25, 2019, the White House announced the Intent to Nominate Mr. Simermeyer to be Chairman of the National Indian Gaming Commission. The official nomination was sent to the Senate on June 26. There was a confirmation hearing in the Senate Committee on Indian Affairs (SCIA) on July 24. A business meeting was held in SCIA on July 31. Mr. Simermeyer was reported out of committee by voice vote. DOI is working with Senate leadership to schedule a vote on the confirmation.
Timing: Ongoing until confirmation
Contact: Cole Rojewski
3. **AURELIA SKIPWITH, NOMINEE FOR DIRECTOR OF THE FISH AND WILDLIFE SERVICE:** On July 17, 2019, the White House announced the Nomination of Ms. Skipwith to be Director of the Fish and Wildlife Service. The Senate Committee on Environment and Public Works held a confirmation hearing on September 11. EPW voted on her nomination September 25 and she passed with an 11-10 party line vote. DOI will work with Senate leadership to schedule a vote on the confirmation.
Timing: Ongoing until confirmation
Contact: Cole Rojewski
4. **LANNY ERDOS, INTENT TO NOMINATE FOR DIRECTOR OF THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT:** On October 22, 2019, the White House announced the Intent to Nominate Mr. Lanny Erdos to serve as the Director of the Office of Surface Mining Reclamation and Enforcement (OSMRE). DOI awaits the official nomination of Mr. Erdos.
Timing: Ongoing until confirmation
Contact: Cole Rojewski
5. **UPCOMING SENATE ENERGY AND NATURAL RESOURCES HEARINGS:** The Department of the Interior will be participating in the following Senate Energy and Natural Resources hearings:
 - **Full committee legislative hearing on “S. 1967 "Recreation Not Red Tape", S. 1665 "Simplifying Outdoor Access for Recreation Act", and maybe a Forest Service Bill S. 1723 "Ski Area Fee Retention Act".** Witness is Nikki Haskett, Acting Assistant Director, National Conservation Lands Community Partnerships, Bureau of Land Management.
Timing: October 31, 2019 at 10:00 AM
Contact: Taylor Playforth

6. **UPCOMING HOUSE NATURAL RESOURCES HEARINGS:** The Department of the Interior will be participating in the following House Natural Resources hearings:

- **Subcommittee on National Parks, Forests, and Public Lands legislative hearing on “H.R. 486 Chicano Park Pres. (Vargas, D-CA); H.R. 3250 Rosenwald Schools Act (Davis, D-IL); H.R. 3824 Cahokia Mounds NHPA (Bost, R-IL); H.R. 139 Race Riot (Davis, R-IL); H.R. 4139 Palo Alto National (Vela, D-TX)”.** Witness is David Vela, Deputy Director, National Park Service.

Timing: October 29, 2019 at 10:00 AM

Contact: Amanda Hall

- **Subcommittee on Oversight and Investigations oversight hearing on “Sexual Harassment at the Department of the Interior”.** Witness is Susan Combs, Assistant Secretary, Policy, Management, and Budget.

Timing: October 30, 2019 at 10:00 AM

Contact: Aaron Thiele

7. **UPCOMING SENATE COMMITTEE ON INDIAN AFFAIRS HEARINGS:**

The Department of the Interior will be participating in the following Senate Committee on Indian Affairs hearings:

- **Full committee oversight hearing on “Examining the 477 Program: Reducing Red Tape While Promoting Employment and Training Opportunities in Indian Country.”** Witness is TBD

Timing: November 6, 2019 at 2:30 PM.

Contact: Aaron Thiele

OFFICE OF INTERGOVERNMENTAL AND EXTERNAL AFFAIRS

Tim Williams will be on official travel October 27-30.

Jeff Small will be in the office all week.

Marshall Critchfield will be in the office all week.

Sarah Spaulding will be in the office all week.

Lacey Smethers will be in the office all week.

Immediate Announcements and Actions (within the next 14 days)

Plans are being developed for a departmental eBikes plan rollout event in Florida for early December. Marshall Critchfield

OIEA is working with UT Governor’s office regarding an issue with Flint Trail in Glen Canyon National Recreation Area. Tim Williams

OIEA is working with Communications on the Alaska Hunt-Fish Rule. Jeff Small

OIEA is working on request from the South Dakota Governor regarding FWS issue. Tim Williams

OIEA is working on a talking points handout for ESA, wildfire mitigation, NEPA streamlining, and fee transparency to be disseminated to all County Commissioners. Sarah Spaulding

OIEA is assisting PMB with the outreach plan for the John Dingell Act implementation plan. Sarah Spaulding

OIEA is planning an IGA reception with DOI senior staff, Governor's federal affairs staff and Administration IGA staff. Sarah Spaulding

OIEA is working with the Wyoming Governor's office to schedule a meeting with the Secretary. Jeff Small

OIEA is working with the La Paz County Supervisors in Arizona on an issue with a local USFWS Refuge. Jeff Small

OIEA is working with the National Endangered Species Act Reform Coalition to get the Secretary scheduled to speak or call into their annual meeting. Jeff Small

OIEA is working with Insular Affairs to facilitate a meeting between the USVI Governor and the Secretary. Sarah Spaulding

SECRETARY'S INDIAN WATER RIGHTS OFFICE

Alan Mikkelsen will be on travel October 29-30, but in the office the rest of the week.
Pam Williams will be in the office all week.
Tracy Goodluck will be in the office all week.

8-30 Day Outlook

NEW ITEMS

November 6-8

Pam Williams will be speaking about the Department's Indian Water Settlement Program at the 64th Annual New Mexico Water Conference in Santa Fe, NM.

November 7-8

Tracy Goodluck will be speaking about the Department's Indian Water Settlement Program at the New Mexico Bar Association – Indian Law Section CLE in Albuquerque, NM.

Office of the Secretary (OS) Freedom of Information Act (FOIA)

Status of OS FOIA Requests

- New Requests: 23
- Closed Requests: 3
- Completed Requests: 4
- Open Requests: 1,871
- Requests in Backlog: 1,776

Litigation Matters - Awareness Review and Document Production Schedules

1:18-cv-00797/ OS-2017-01308 (Sierra Club): This is a court-ordered production of at least 850 pages produced per month. Records to be produced are all external communications of Ryan Zinke, David Bernhardt, Susan Combs, James Cason, Scott Cameron and Aurelia Skipwith from January 20, 2017 - March 31, 2018. Records were sent for awareness review on October 21, 2019. The document production is due on October 25, 2019 [JA].

1:19-cv-02838/ OS-2019-00516 (Sierra Club): This is a court-ordered production of at least 500 pages produced per month. Records to be produced are all external communications of Ryan Zinke, David Bernhardt, Susan Combs, James Cason, Scott Cameron and Aurelia Skipwith from April 1, 2018 - May 31, 2019. Records were sent for awareness review on October 22, 2019. The document production is due on October 25, 2019 [JA].

1:19-cv-01802/OS-2018-01620 (The Wilderness Society): This is a joint status agreement production for an unspecified number of pages processed per month. Records to be produced concern the proposed mineral withdrawal of Superior National Forest lands in the Rainy River watershed. Records were sent for awareness review on October 23, 2019. The document production is due on October 31, 2019 [JD].

1:19-cv-01857/OS-2019-00546 & OS-2019-00777 (American Oversight): This is a joint status agreement production for between 350 and 500 pages processed per month. Records to be produced concern communications regarding Department of the Interior employees with members of Congress, Congressional staffers, and multiple third party entities regarding mining leases for Twin Metals in Minnesota. Records were sent for awareness on October 23, 2019. The document production is due on October 31, 2019 [JD].

1:18-cv-02917/OS-2018-01470 (Jimmy Tobias III): This is a court-ordered production for at least 500 pages processed per month. Records to be produced are drawn from emails to/from Timothy Williams or his assistant(s) to/from employees of the Sutherland Institute. Records will be sent for awareness review on October 25, 2019. The document production is due on October 31, 2019 [JA].

1:18-cv-02917/OS-2018-01157 (Jimmy Tobias III): This is a court-ordered production for at least 500 pages processed per month. Records to be produced are drawn from emails to/from Aurelia Skipwith and/or her assistant concerning various keywords. Records will be sent for awareness review on October 25, 2019. The document production is due on October 31, 2019 [JA].

1:19-cv-00039/OS-2018-00865 (Earth Island Institute): This is a joint status agreement production for at least 500 pages processed per month. Records to be produced are related to meetings between third parties and any individuals in OS regarding the 2019-2024 National Outer Continental Shelf Oil and Gas Leasing Program. Records will be sent for awareness review on October 25, 2019. The document production is due on October 31, 2019 [JA].

1:18-cv-02572/OS-2018-00978 (Defenders of Wildlife): This is a court-ordered production for at least 500 pages processed per month. Records to be produced include documents relating to oil and gas planning and exploration of the Coastal Plain of the Arctic National Wildlife Refuge. Records will be sent for awareness review on October 25, 2019. The document production is due on October 31, 2019 [JA].

1:17-cv-02451/OS-2017-01174 (Joel Clement): This is a court-ordered production for at least 1,000 pages processed per month. Records to be produced include documents relating to Senior Executive Service reassignments and other records. Records will be sent for awareness review on October 28, 2019. The document production is due on October 31, 2019 [RM].

1:17-cv-02656/OS-2018-00077 (Matthew Allen): This is a court-ordered production for at least 1,000 pages to be processed per month. Records to be produced include documents relating to the requester (former BLM employee). Records will be sent for awareness review on October 28, 2019. The document production is due on October 31, 2019 [RM].

1:18-cv-02342/OS-2018-01158 (Jimmy Tobias): This is a joint status agreement production on multiple FOIA requests for at least 500 pages processed per month. Records relate to Susan Combs's emails using multiple keywords. Records will be sent for awareness review on October 28, 2019. The document production is due on October 31, 2019 [RM].

1:18-cv-00232/ OS-2017-00806, etc. (WildEarth Guardians): This is a joint status agreement production of at least 500 pages processed per month. Records to be produced are all communications to and/or from David Bernhardt, Ryan Zinke, Vincent DeVito and Katherine MacGregor for the period January 20, 2017 - March 31, 2018. Records will be sent for awareness review on October 28, 2019. The document production is due on October 31, 2019 [JA].

1:18-cv-02498/OS-2018-00224 (WildEarth Guardians): This is a joint status agreement production for 500 pages processed per month. Records to be produced concern development and implementation of the Department's final report titled "Review of the Department of the Interior Actions that Potentially Burden Domestic Energy" produced in response to Executive Order 13783. Records were sent for awareness on October 23, 2019. The document production is due on November 1, 2019 [JD].

1:18-cv-0814/OS-2017-01183, etc. (Centers for Biological Diversity): This is a joint status agreement production for at least 500 pages processed per month. Records to be produced concern several requests for all communications to and from David Bernhardt and Todd Willens from August 1, 2017 - July 31, 2018. Records will be sent for awareness review on October 25, 2019. The document production is due on November 1, 2019 [JA].

1:18-cv-01764/ OS-2018-00616 (Western Values Project): This is a court-ordered production for 500 pages processed per month. Records to be produced are those that contain the keywords “Westmoreland,” “Rosebud,” and “Colstrip” in communications to certain Department political appointees. Records will be sent for awareness review on October 28, 2019. The document production is due on November 1, 2019 [JA].

1:19-cv-01492/OS-2019-00376 (Sierra Club): This is a joint status agreement production for at least 1,000 pages to be processed per month. Records to be produced are related communications of multiple political appointees with external parties. Records will be sent for awareness review on October 29, 2019. The document production is due on November 1, 2019 [RM]

OFFICE OF THE SOLICITOR
(Indicates Press/Comms Opportunities)

Dan Jorjani will be in the office all week.

Greg Zerzan will be in the office all week.

Kyle Scherer will be in on travel October 31-November 1.

Karen Budd-Falen will be on travel October 31-November 1.

Jason Hill will be on travel October 29-31.

Cally Younger will be on travel October 29-30.

Litigation:

Endangered Species Act Section 4 Litigation:

· Deadline Lawsuits—We have 17 pending lawsuits regarding 49 species (9 of which are currently stayed to allow time for FWS to complete the action). Of these lawsuits, none were filed in the past week. We received 0 new notices of intent to sue during the past week.

· Merits Lawsuits—We have 22 pending lawsuits challenging the merits of petition findings (5 cases), final listing/delisting/reclassification determinations (7 cases), final critical habitat designations (4 cases), the species status assessment process (1 case), 5-year reviews and recovery plans (2 cases), a rejection of a purported petition (1 case), and 2 facial challenges to the revisions to the regulations at part 17 and 424 of 50 C.F.R. Of these lawsuits, none were filed in the past week. We received no new notices of intent to sue during the past week.

Swanson Group, et al. v. Bernhardt, et al. (Swanson III, D.D.C.)

On September 30, the court granted in part plaintiffs' motion for summary judgment and denied the U.S. cross motion for summary judgment in this case challenging the BLM's timber program in western Oregon. The parties have agreed to a 30-day extension of time to file remedy briefs, which, if granted by the court, would be extended from October 30 until December 4.

Blackjewel (Bankr. S.D. W.Va.) - Multistate Coal Bankruptcy

The closing process for the sale of the two federal Wyoming mines to Eagle Specialty Materials (ESM) began on Friday, October 18th, and was completed on October 21. ONRR has inquired with DOJ as to whether DOJ received the wire transfer of back royalties owed by the debtors. The bankruptcy court has also approved the sale of the federal Beechfork mine in Kentucky to Black Mountain Resources; however, the federal team is awaiting contact from Black Mountain Resources regarding further negotiations for the sale of the mine.

Natural Resources Defense Council v. Bernhardt (E.D. La.) - Gulf G&G Permitting and NMFS Incidental Take Regulations and Biological Opinion

The current stay in the litigation is set to expire on November 5, 2019. DOJ alerted plaintiffs in this case and in a companion case in Florida against NMFS alone that NMFS is requesting a six-month extension (as well as an interim extension while a longer extension is negotiated). Plaintiffs in both the Florida and *NRDC* case notified DOJ that they are willing to agree to an interim extension of 30 days. DOJ has provided to DOI and NOAA counsel a draft interim agreement, which DMR has reviewed and approved.

Request for rehearing of Ninth Circuit decision in Pacific Coast Federation of Fishermen's Associations (PCFFA) v. Glaser (9th Cir. 2019) -- extension request granted.

In *PCFFA v. Glaser*, a panel of the Ninth Circuit held on September 6, 2019, that, under the Clean Water Act (CWA), (1) discharges of water must be completely from irrigated agriculture to qualify for the exemption from the CWA's requirement for a permit (in contrast to the District Court's decision that discharges must contain a majority of water from irrigated agriculture) and (2) shifting the burden of proof to the defendant to show, as an affirmative defense, that discharges are "entirely" from irrigated agriculture. At the request of the Office of the Solicitor, the Department of Justice submitted a request for an extension of time (until November 12, 2019) to file a request for rehearing on these two issues, which was granted on October 21. The Office of the Solicitor will work with Justice and the Solicitor General's Office to obtain approval to file a request for rehearing and on the substance of the request. In addition, co-Appellee San Luis & Delta-Mendota Water Authority filed a request for rehearing, which argues that the court overlooked two points of law: (1) the mention of "return flows from irrigated agriculture" in the definition of "point source, and (2) the authority's argument that the seepage and sedimentation claims were not encompassed by the original complaint because they focus on the discharge from, rather than into, the San Luis Drain.

League of Conservation Voters v. Trump (D. Alaska) - Modification of OCS Withdrawal

The government's opening brief in this case is due November 7. DOJ will send an initial draft brief for our review on October 25. We will send our comments by October 29.

Environmental Defense Center v. BOEM (9th Cir.)

This is an appeal from unfavorable portions of a summary judgment ruling in a challenge to a Pacific Well Stimulation EA and FONSI. While our brief is not due until November 12, ENRD Appellate counsel has provided an initial draft and requested review and comment by October 25.

Center for Biological Diversity v. Bernhardt (9th Cir.) - Liberty Beaufort Development Plan Oral argument is scheduled for November 5 (Portland, OR), in this case, which challenges the BOEM EIS developed for the project's approval, specifically the extensive greenhouse gas analysis, and the FWS Biological Opinion (BiOp) with respect to polar bear effects. Petitioners also challenge BOEM's reliance on the allegedly flawed FWS BiOp. The DOJ moot court is scheduled for October 25.

TX v. NM - Orig. 141—Rio Grande

The United States is a plaintiff-intervenor in this 2013 Original Action, in which Texas alleges that New Mexico is breaching the Rio Grande Compact by allowing excess diversion of Rio Grande surface water and hydrologically-connected groundwater that impairs the delivery of water from Reclamation's Rio Grande Project for use within Texas and delivery to Mexico. At the request of New Mexico, parties are in early settlement discussions. The next meeting is scheduled for October 29 in Denver. It is still unclear whether New Mexico is genuinely committed to settlement. Therefore, discovery continues and trial is still scheduled for the Spring of 2020.

Western Organization of Resource Councils (WORC) v. DOI, (D. Mont.)

DOJ has responded to Plaintiff's recent letter that asserted that two 2018 BLM guidance documents represented violations of the use injunction imposed in this case in August 2019. Plaintiffs contended that Information Bulletin 2018-061, "NEPA Efficiencies for Oil and Gas Development," and Permanent Instruction Memorandum 2018-014, "Directional Drilling Into Federal Mineral Estate from Well Pads on Non-Federal Minerals," used or relied upon recommendations made by the Royalty Policy Committee (RPC). Plaintiff requested that the documents be withdrawn and that BLM provide an accounting of BLM's application of the guidance to individual APDs in 2018 and 2019. DOJ's response noted that the injunction imposed by the Court was forward-looking from the date of decision, and that the 2018 guidance documents were not created as a response to recommendations of the RPC, but were ongoing projects of the BLM that predated the RPC's recommendations. WORC has not sent a response, but it is possible that Plaintiff's will return to court with their assertion that the agency is in violation of the injunction.

Non-Litigation:

Colorado River Indian Tribes (CRIT) water deliveries and Letter to Secretary

In late September, local BIA ceased deliveries to CRIT Farms from its Colorado River Indian Irrigation Project (CRIIP) based on the understanding that further deliveries would result in an over-allocation of water pursuant to CRIT's decreed rights under *Arizona v. California* and the estimated diversion schedule provided to Reclamation for CY 2019. CRIT sent a letter to the Secretary on September 30, raising concerns with the water shutoff and related issues. Water deliveries have resumed, and a response to CRIT's September 30 letter has been drafted for review and signature in DTS.

NPS Potholes—National Capital Region

Our office continues to review and decide administrative claims alleging damage to automobiles this winter and into the summer as a result of potholes on NPS roadways in the

National Capital Region, including the George Washington Parkway, Rock Creek Parkway, and the Baltimore Washington Parkway. Throughout 2019, the National Capital Region has seen a significant increase in the number of motor vehicle property damage claims allegedly caused when motorists hit potholes on NPS roadways. The number of claims rose from 57 in 2016, 24 in 2017, and 32 in 2018, to 114 in the first seven months of 2019. A significant reason for the increase in claims seems related to the government shutdown, delaying repairs for weeks and sometimes a month or more. NPS employees drive the parkways in the National Capital Region daily looking for potholes and other areas that need immediate maintenance and repair and generally, potholes are repaired within 24-72 hours, weather permitting. Of the 114 claims submitted, 14 claims were granted and 72 were denied (34 are pending review). Of the 72 denied, only six (6) claimants have sought reconsideration. Due to the number of claims and press coverage this winter, it is possible that local members of Congress and/or state-elected officials will be contacted by constituents whose claims are denied.

ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS
(Indicates Press/Comms Opportunities)

Week Ahead Schedule of Meetings, Hearings, and Travel

Rob Wallace: October 28-November 1 in the office

John Tanner: October 28-November 1 in the office

Aurelia Skipwith: October 28-November 1 in the office

Ryan Hambleton: October 28-November 1 in the office

Katie Mills: October 28-November 1 in the office

David Vela: October 28-November 1 in the office

Margaret Everson: October 28-30 official travel; October 31 and November 1 in the office

Immediate Announcements and Actions For the Next Week

U.S. Fish and Wildlife Service

During Bat Week (October 24-31), FWS will announce a prize challenge for ideas that may eliminate, weaken, or disarm the fungus that causes white-nose syndrome. This will be the first prize challenge issued by the FWS on Challenge.gov. A total of \$100,000 in prizes are available for winning ideas that will then be developed into usable solutions. The challenge is authorized by the Prize Competition section of the America COMPETES Reauthorization Act of 2010 (15 USC 3719), as amended by the American Innovation and Competitiveness Act of 2017. A news release and congressional outreach is planned. (09/25/2019)

On October 30 (during Bat Week), FWS will co-host a briefing with USGS on bat conservation at the Longworth House Office Building. A panel of experts including speakers from FWS, USGS, BLM, USFS, and the Pennsylvania Game Commission will discuss natural benefits of bats, the status of bat populations, the threat of white-nose-syndrome, and updates from federal and state perspectives. (10/23/2019)

By October 31, FWS will announce state and tribal capacity grants for responding to white-nose syndrome. Approximately \$1.2 million is expected to be awarded to states and tribes to support research, monitor bat populations and prepare for and respond to white-nose syndrome, a fungal disease of hibernating bats. This is the first year white-nose syndrome capacity grants were open and awarded to tribes. FWS is waiting for all of the states to confirm acceptance of the grants before making a final announcement. Outreach to states is planned, but FWS is not planning a national news release. (Updated 10/09/2019)

On October 29, there will be two Hill briefings for House and Senate members of the Great Lakes Task Force and their staff and will consist of general updates about Asian carp control activities. FWS, (along with U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, and USGS) has been invited to participate. (10/16/2019)

On October 29, Frontier Airlines will debut a plane with an image of a black-footed ferret on the plane's tail in coordination with FWS's National Black-footed Ferret Center in Colorado, which provided the image. The debut will occur at Denver International Airport. Frontier Airlines will lead on any public outreach/communications and will coordinate with FWS as needed. (10/23/2019)

By October 30, FWS plans to publish in the *Federal Register* a proposed rule to revise and streamline FWS regulations for permitting of rights-of-way by aligning FWS processes more closely with those of other DOI bureaus. Outreach will include congressional notifications. (Updated 09/25/2019)

By October 31, FWS plans to release to the public the draft Programmatic Environmental Assessment (PEA) for the use of genetically engineered crops in refuge agriculture practices for natural resource management on national wildlife refuges in the Southeast. The draft PEA has gone through internal review and comment. All edits received to date have been addressed in the document. The next step in the development process for the draft document is public review and comment. Outreach includes a regional news release. (10/02/2019)

By the end of October, FWS plans to announce in the *Federal Register* the publication of a peer-reviewed scientific study that evaluates how various seismic survey designs and mitigation measures affect the potential impacts to maternal denning polar bears in the Coastal Plain of the Arctic National Wildlife Refuge. The analysis shows that with careful planning on the timing and location of seismic activity, disturbance to polar bear dens can be significantly reduced while still allowing the areas of interest to be surveyed. The study also found that the addition of a single aerial survey using forward-looking infrared (FLIR) sensors to detect dens can further reduce the potential impacts to denning polar bears from

seismic surveys. However, the design of the survey (i.e., the timing and location of surveys) had a larger role in reducing potential impacts to denning bears compared to the use of FLIR. (Updated 10/16/2019)

On October 31-November 1, John Tahsuda, Counselor for the Secretary (negotiations team lead), and FWS Interior Region 3 Regional Director will hold another round of meetings with the State of Michigan and tribes fishing in 1836 treaty waters of the Great Lakes about the next fishing agreement. On September 19, initial conversations were held. The current agreement (2000 U.S. v Michigan Consent Decree) governs allocation, management, and regulation of the State and Tribal fisheries in 1836 treaty waters and expires in August of 2020. Additional meeting dates that were agreed upon by the parties through the end of the 2019 calendar year are November 21-22 and December 19-20. The parties will attempt to meet monthly beginning in January 2020 until the terms of the next fishing agreement are negotiated and resolved. (Updated 10/23/2019)

On or around November 1, FWS plans to publish in the *Federal Register* a draft habitat conservation plan and environmental impact statement for the former Fort Ord military base in Monterey County, California. The draft plan balances the need for local economic growth through residential, commercial, and recreational development while ensuring the long-term survival of rare plants and animals and their habitat. In October, FWS briefed the DOI Review Team, which approved the documents. Planned outreach includes a local news release and congressional notifications. (Updated 10/23/2019)

On or around November 1, FWS will post a final environmental assessment and finding of no significant impact associated with issuance of an eagle take permit for the incidental take of bald and golden eagles at the Wild Horse Wind project in Kittitas County, Washington. The Bald and Golden Eagle Protection Act (16 U.S.C. 668a-d;) allows FWS to authorize the take of bald and golden eagles if that take is incidental to actions that are otherwise lawful. Tribes and local interested parties will be notified directly by email. FWS expects to issue the eagle take permit to the applicant by November 15 and is not planning a news release. This is not expected to be controversial. (10/16/2019)

National Park Service

During the week of October 28, Olympic National Park is expected to release the Environmental Assessment (EA) for the Final Disposition of the Enchanted Valley Chalet Plan for a 30-day public comment period. The park's preferred alternative, Alternative B, calls for the park to dismantle and remove the Register of Historic Places-listed Enchanted Valley Chalet structure at a cost of approximately \$660,000. The structure is located in an active floodplain and is currently being undermined by the Quinault River. The SHPO was consulted for this EA and its preferred alternative is Alternative C, to move the chalet within the floodplain at a cost of approximately \$1.5 million, where the building would still be under threat from the moving riverbank. The removal of the structure would prevent it from falling into the river, threatening an important tribal fisheries resource for the Quinault Indian Nation. The chalet is currently closed to the public and administrative use due to safety concerns around its structural integrity. (09/18/2019)

On October 28, National Mall and Memorial Parks and George Washington Memorial Parkway will be commenting on the Draft Environmental Impact Statement (DEIS) and Draft Section 4(F) Evaluation for the Long Bridge Project connecting Arlington, Virginia, to Washington, DC. The project will provide additional long-term railroad capacity and improve the reliability of railroad service through the Long Bridge Corridor. New infrastructure will include a new railroad bridge and a bicycle/pedestrian bridge over the Potomac River that will impact NPS property in both parks. The NPS is a cooperating agency on this project and has collaborated closely with the Federal Railroad Administration and the District Department of Transportation on this planning effort. (10/09/2019)

By October 28, the NPS will respond to a Federal Highway Administration and Maryland State Highway Administration Environmental Impact Statement for the I-495 & I-270 Managed Lanes Study. The NPS has been engaged in this study for over a year as a cooperating agency due to potential impacts to the Chesapeake and Ohio Canal National Historical Park, George Washington Memorial Parkway, Greenbelt Park, Baltimore Washington Parkway, and the Suitland Parkway. The study evaluates potential transportation improvements to portions of the I-495 and I-270 corridors in Montgomery County and Prince George's County, Maryland, and Fairfax County, Virginia. (10/23/2019)

On October 28, Lake Mead National Recreation Area will release for public comment an Environmental Assessment that analyzes a project to make improvements to portions of Willow Beach Road. The road is deteriorated and prone to repeated flash flooding. (09/25/2019)

On October 29, the NPS plans to submit substantive comments to the Federal Energy Regulatory Commission (FERC) on two proposals for dam development on the Little Colorado River adjacent to the Grand Canyon National Park and Glen Canyon National Recreation Area. Comments will focus on concerns of fish movement, reproduction of endangered species, movement of sediment, and tribal traditional cultural properties. USFWS will compile comments from DOI bureaus and submit letters to FERC. (10/23/2019)

Through October 29, the NPS Ambler Road Draft Environmental and Economic Analysis (EEA) will be available for public review. This aligns with the BLM's extension of the review period for its draft EIS from October 7-29. The NPS in Region 11 expects the Final EEA to be completed in late November, with a decision by the Secretaries of the Interior and Transportation in late December 2019. A right-of-way permit could then be issued to Alaska Industrial Development and Export Authority, which would conclude the permitting process. (10/02/2019)

On or around October 30, the NPS Regional Director for Interior Regions 8, 9, 10 and 12 expects to sign the Memorandum of Understanding (MOU) Concerning Conservation of the Western Pond Turtle. The MOU provides for cooperation among participating organizations in the conservation and management of two species of western pond turtle throughout Washington, Oregon, California, Nevada, and Mexico. This effort is a collaborative partnership among DOI bureaus, including the NPS, BLM, USGS, FWS, along with other

federal, state and private partners, to conserve a species at risk using adaptive management strategies. (10/09/2019)

On or about October 30, the NPS is expecting to complete the acquisition of a 40-acre parcel of unimproved land within the boundaries of Petrified Forest National Park. It is currently a privately owned in-holding within the portion of the park in Apache County, Arizona. This acquisition is made possible by the Land and Water Conservation Fund. (10/16/2019)

On October 31, Grand Teton National Park will provide comments on the USFWS Environmental Assessment for the Bison and Elk Management Step-down Plan: A Structured Framework for Reducing Reliance on Supplemental Winter Feeding associated with the National Elk Refuge in Jackson, Wyoming. The draft step-down plan tiers to the 2007 Final Bison and Elk Management Plan/EIS in which the NPS was a co-lead with the USFWS. This 2007 plan provides managers with goals, objectives, and strategies for managing elk and bison on the refuge and in the park. (10/23/2019)

On October 31, the NPS expects to release draft air tour management agreements for fixed-wing operations over Mount Rushmore National Memorial and Badlands National Park. Air tour management agreements contain provisions designed to ensure the protection of park resources and visitor use and enjoyment without compromising aviation safety. These draft agreements are following the timeline sent to the US Court of Appeals for the DC Circuit in response to on-going litigation involving the NPS and the FAA. (10/16/2019)

On October 31, Everglades National Park will sponsor a trip on Florida Bay for the National Academy of Sciences' Committee on Independent Scientific Review of Everglades Restoration. The committee will be meeting in Miami on November 1-2. (10/16/2019)

On or around October 31, Pictured Rocks National Lakeshore will issue a press release announcing the availability of the draft Munising Falls to Spray Falls Visitor Use Management Plan for a 30-day public review period. The plan identifies strategies to address increasing land-based visitation during the summer, changing visitation patterns, and higher public and commercial use in the westernmost portion of the park, while also ensuring protection of park natural and cultural resources, visitor safety, high-quality visitor experiences, and access to appropriate recreational opportunities. The plan includes a variety of minor facility improvements including additional bathroom facilities, additional parking, visitor changing stations, road improvements, and added separation between commercial and private visitors. (10/09/2019)

On October 31, the public review period will close on a Winter and Shoulder Season Plan for Denali National Park and Preserve. This plan is a non-NEPA document that does not propose formal alternatives or commit the park to a specific course of action. The intent of this plan is to describe ideas that address the management of the winter and shoulder seasons in Denali, outline the role that Denali may play in regional tourism and outdoor recreation in these seasons, and increase the quality of the winter and shoulder season visitor experience while protecting park resources and values. If any ideas from this plan are implemented in the future, the appropriate NEPA process would be followed. (09/04/2019)

On November 1, Channel Islands National Park expects work to begin on construction of a new pier at Scorpion Anchorage on Santa Cruz Island. The project is expected to dramatically improve visitor access, safety, and park operations. Scorpion Valley will be closed to public access for the duration of the project. The project, estimated to cost \$15 million and funded by the Federal Lands Highway Alternative Transportation Program and the State of California Department of Transportation Ferry Boat Grant Program, is expected to be completed by July 1, 2020. (09/04/2019)

On November 1, George Washington Memorial Parkway will completely close Arlington Memorial Bridge around 7 pm Friday through Monday, November 4 around 5 a.m. The closure is to prepare the bridge for the next phase of rehabilitation. After the full closure ends, the south side of the bridge (which has been closed for construction for about a year) will reopen, and the north side (which has been open with reversible lanes) will be closed. The project contractor will post signs to direct drivers, pedestrians, and bicyclists through the area. There may be other interruptions in traffic during the remainder of the rehabilitation project, which is still on track for completion in early 2021. (10/09/2019)

On November 1, Grand Canyon National Park's North Rim will transition to day use operations. The North Rim Visitor Center, Backcountry Information Center, and the campground kiosk will close. The Grand Canyon Lodge Gift Shop will remain open until December 1. Camping after October 31 will be on a walk-in basis only, and a permit is required. (10/16/2019)

On or around November 1, the NPS in Region 11 will submit four concession contracts for cruise ship services in Glacier Bay National Park and Preserve in advance of congressional review. Three additional concessions contracts for Glacier Bay cruise ship services were submitted in mid-October. (10/16/2019)

On November 1, Lake Clark National Park and Preserve will open a competitive process for Commercial Use Authorization (CUA) holders to apply for seasonal boat storage permits at Crescent Lake. In the past, the park has allowed boat storage permits for any CUA that applied with no significant review. The demand for these permits has increased over the last several years as visitation has dramatically increased. The available NPS land where boats are stored for the summer is limited and the park has reached capacity at seven boats. The park is undertaking a market analysis study to help guide future commercial use management at the site and has issued a temporary moratorium on boat storage permits until the study is finished. Current boat storage permit holders have been notified and are prepared to apply under this new process. (10/16/2019)

By November 1, the NPS will issue additional guidance on the use of street-legal OHV/ORV use in national park units in Utah. (10/22/2019)

From November 1-3, the National Parks Conservation Association will host its annual board of directors meeting at the Adventure on the Gorge Resort in New River Gorge National River in West Virginia. The park will host a hike and participate in two panel discussions. (09/18/2019)

From November 1, 2019 - March 31, 2020, Rock Creek Park in Washington, DC; Catoctin Mountain Park, Antietam and Monocacy National Battlefields, Chesapeake and Ohio Canal National Historical Park in Maryland; and Manassas National Battlefield Park will cull deer as part of annual operations related to long-term deer management plans. The goal of the program is to allow for healthy, diverse forests that support native vegetation and other wildlife, and to protect cultural resources and historic viewsheds. Under the direction of NPS staff and in coordination with the U.S. Park Police and local law enforcement, US Department of Agriculture biologists who are firearms experts will generally work at night when the parks are closed to the public. The NPS will donate the venison to local food banks. This is the second season of deer management operations in Chesapeake and Ohio Canal National Historical Park and Manassas National Battlefield Park, the third season for Antietam National Battlefield and Monocacy National Battlefield, the seventh season for Rock Creek Park, and the eleventh season for Catoctin Mountain Park. (10/23/2019)

On November 2, Cape Hatteras National Seashore, along with partner organizations, will host the first Cape Hatteras Surf Fishing Heritage Celebration in the Village of Buxton on Hatteras Island. Community partners and the park are moving forward with the event following Hurricane Dorian as the island has been re-opened to visitors since September 12. This free event will include demonstrations and presentations to highlight the area's history of surf fishing and will welcome visitors to patronize businesses that serve the area. (Updated 10/16/2019)

8-30 Day Outlook

U.S. Fish and Wildlife Service

NEW ITEMS

On November 8, FWS, U.S. Army Corps of Engineers, Kentucky Department of Fish and Wildlife Resources, and Tennessee Wildlife Resources Agency will host a ceremony at Barkley Lock and Dam in Grand Rivers, Kentucky, to announce the deployment of a bio-acoustic fish fence. This innovative technology will be tested at Barkley Lock over the next three years. The goal of the bio-acoustic fish fence is to reduce the use of the lock by Asian carp, thus helping to protect hundreds of river miles that remain relatively untouched by carp in the Tennessee and Cumberland rivers. Senator Mitch McConnell (R-KY) and Representative James Comer (R-KY-1) are confirmed to attend the event and are expected to announce efforts to secure additional federal funding (\$25 million in total) for Asian carp control. (10/23/2019)

On November 20, FWS will host a meeting of the Hunting and Shooting Sports Conservation Council (HSSCC). The HSSCC is a federal advisory committee established by the Secretary of the Interior and the Secretary of Agriculture to provide recommendations regarding the establishment and implementation of conservation endeavors that: (a) benefit wildlife resources; (b) encourage partnership among the public; sporting conservation organizations; and Federal, state, tribal, and territorial governments; and (c) benefit recreational hunting and

recreational shooting sports. November 20 may be the last day possible for the HSSCC to meet in calendar year 2019. (10/23/2019)

In November, FWS, in cooperation with DOI SOL, intends to issue an updated legal memorandum to replace a 1994 legal interpretation regarding the Coastal Barrier Resources Act (CBRA), and how FWS engages in CBRA specific consultation with other agencies. Consultation under CBRA is unrelated to consultation required by the Endangered Species Act. (10/23/2019)

UPDATED ITEMS

During the week of November 18, FWS plans to make available to the public the opportunity to submit a [limited number of Convention on International Trade in Endangered Species \(CITES\) and all Migratory Birds permit applications online, including electronic payment of permit fees through the pay.gov website](#). While the process improvements are modest, the impacts on permit applicants are significant. Applicants have, up to now, been required to apply via mail and pay permit fees by sending paper checks. FWS will improve accountability and receive applications more expediently by moving to an electronic submission platform. Permit processing will continue to require time for analysis of information against issuance criteria and decision-making. A news release is planned. (Updated 10/23/2019)

By November 30, FWS will post a draft environmental assessment online for public comment for the possible issue of a bald eagle incidental take permit to the Pleasant Valley/Grand Meadow wind facility in Minnesota. The assessment is for a five-year permit under the Bald and Golden Eagle Protection Act for the take of bald eagles at the 167-turbine wind facility, which has a known eagle nest near a turbine. The turbines resulted in the death of one adult eagle in May 2018. The proposed permit allows for the take of six eagles over a five-year period. There is a 30-day comment period. Stakeholders will be notified immediately of the availability of the assessment when it is posted online. If-asked talking points will be available. (10/23/2019)

ONGOING ITEMS

On or about November 4, FWS plans to submit to the *Federal Register* an announcement of the availability of comprehensively revised boundaries for Coastal Barrier Resources System (CBRS) units in Okaloosa and Walton counties, Florida, and Beaufort and Charleston counties, South Carolina. The notice will announce a 60-day public comment period. This effort addresses longstanding requests received over the years from property owners and their members of Congress to determine whether certain areas were mapped within the CBRS appropriately. Outreach will include a news bulletin; letters to Congress, federal, state, and local officials, and NGOs; and a stakeholder outreach toolkit available to local officials. (10/09/2019)

During the 2019 Thanksgiving Holiday celebration, FWS and the Hunting and Shooting Sports Conservation Council (a federal advisory committee managed by FWS) are proposing

a White House event or Secretary event to celebrate the conservation success story of the restoration of populations of the North American wild turkey. The event would immediately follow the annual White House pardoning of a Thanksgiving turkey. The event would highlight the partnerships among conservation organizations, states, and the federal government that halted the precipitous decline of the species and led to its restoration. At the time of European settlement, wild turkey populations were estimated in the tens of millions, however, by the early 1900s turkeys were facing extinction. The story of the successful restoration of the wild turkey to its historic range in nearly every state in America also highlights the success of the North American Model of Wildlife Conservation, which is funded, in part, through the Wildlife Restoration Program managed by FWS. (10/09/2019)

By November 30, FWS will post a draft environmental assessment online for public comment for the possible issue of a bald eagle incidental take permit to the Black Oak/Getty wind facility in Minnesota. The assessment is for a 30-year permit under the Bald and Golden Eagle Protection Act for the take of bald eagles at its 39-turbine wind facility. The proposed permit allows for the take of 36 eagles (up to six every five years) over a 30-year period. There is a 30-day comment period. Stakeholders will be notified immediately of the availability of the assessment when it is posted online. If-asked talking points will be available. (09/18/2019)

In November, FWS will hold an open press ceremony to announce the establishment of Green River NWR in Henderson, Kentucky. DOI Secretary Bernhardt and Senator McConnell (R-KY) are invited to participate. On September 27, FWS Principal Deputy Director Everson authorized the establishment of Green River NWR. FWS is continuing its realty process to accept the donation of a 10-acre tract from Southern Conservation Corporation, a local land trust, that will serve as the establishing parcel of land. FWS expects to accept the donated tract in early November. (Updated 10/16/2019)

A proposed change to the implementing regulations for the Migratory Bird Treaty Act (MBTA) has been developed. The rule: 1) defines the scope of the MBTA as it applies to conduct resulting in the injury or death of protected migratory birds consistent with the Department Solicitor's Opinion M-37050 and 2) reduces permitting burdens by modifying existing permit exceptions and proposing new ones. FWS and SOL are responding to interagency comments. Responses to the comments will go back to OMB. The proposed rule can be published in the *Federal Register* after it clears OMB-OIRA and any comments received are resolved. (Updated 10/02/2019)

(b) (5)



(b) (5)

FWS plans to publish a proposed rule to allow the baiting of brown bears on Kenai NWR, which is permitted under Alaska state hunting regulations. The rule would also allow the discharge of firearms along the Kenai and Russian rivers during certain times of the year; allow the use of snowmobiles, all-terrain vehicles, and utility task vehicles on certain lakes when there is adequate snow and ice cover; and increase access to the refuge by bicycle and game cart. This proposed rule would be available for a 60-day public comment period and is likely to be strongly opposed by those who believe that baiting of wildlife for hunting is unethical and those who oppose hunting generally (particularly of large predatory mammals). FWS plans to notify stakeholders and congressional offices directly by email and issue a news release to Alaska media announcing the proposed rule and public comment period. The rule was sent to OMB for informal review, and during an OMB briefing that FWS delivered on July 16, OMB requested additional information. FWS provided a response through Exec Sec to OMB-OIRA the week of August 12. FWS will provide the revised draft rule to OMB-OIRA by late October for them to make a significance determination before FWS publication of the rule. (Updated 10/09/2019)

Endangered Species Act Actions through November 22:

Species	Action	Current Status	Target Date to FR (dates in bold are litigation deadline)	Outreach
Nashville crayfish	Proposed Downlisting	Pending Exec-Sec clearance	As soon as it clears	Regional Release
June sucker	Proposed Downlisting	Pending Exec-Sec clearance	As soon as it clears	Regional Release
Colorado butterfly plant	Final Delisting	Pending Exec-sec clearance	FR publication to be timed to delisting event	Regional release

Fisher (West Coast DPS)	Revised Proposed Listing	Pending Exec-Sec clearance	As soon as it clears	Regional Release
Western Glacier Stonefly and Meltwater Lednian Stonefly	Final Listing	Pending FWP clearance	November 15	Regional Release
Sierra Nevada red fox	Proposed Listing	Pending FWP clearance	As soon as it clears	Regional release
Hawaiian goose (nene)	Final Downlisting with a 4(d) Rule	Pending FWP clearance	As soon as it clears	Regional Release
Hermes copper butterfly	Proposed Listing and Critical Habitat	Pending FWP clearance	As soon as it clears	Regional Release
Yellow lance	Proposed Critical Habitat	Pending FWP clearance	As soon as it clears	Regional release
Humpback chub	Proposed Downlisting	Pending FWP clearance	As soon as it clears	Regional Release
Bradshaw's lomatium	Proposed Delisting	Pending FWP clearance	November 4	Regional Release

Hawaiian hawk	Final Delisting	Pending FWP clearance	November 5	Regional Release
Yellow-billed cuckoo	Revised Proposed Critical Habitat	Pending FWP clearance	November 5	Regional Release
All	FY2017 Expenditures Report to Congress	Pending FWS Director clearance	As soon as it clears	National release
Yangtze sturgeon	Final Listing	Pending FWS Director clearance	As soon as it clears	National Release
Chapin mesa milkvetch	Proposed Listing and Critical Habitat	Pending FWS Director clearance	As soon as it clears	Regional Release
Eastern black rail	Final Listing with a 4(d) Rule	Pending FWS Director clearance	As soon as it clears	Regional Release
Wright's Marsh Thistle	Proposed Listing and Critical Habitat	Pending FWS Director clearance	As soon as it clears	Regional Release
California spotted owl	12-Month Finding	Pending FWS Director clearance	November 4	Regional Release
Kanab ambersnail	Proposed Delisting	Pending FWS Director clearance	November 8	Regional Release

Morro shoulderband snail	Proposed Downlisting	Pending FWS Director clearance	November 8	Regional Release
Peppered chub	Proposed Listing and Critical Habitat	Pending FWS Director clearance	November 13	Regional Release
Golden conure	Final Downlisting	Pending FWS Director clearance	November 18	National Release
Bethany beach firefly and Gulf Coast solitary bee	Batched 90-day Findings	Pending FWS Director clearance	November 22	National Release
All	2016 Recovery Report to Congress	Pending FWS clearance	As soon as it clears	No Release
Texas hornshell	Proposed Critical Habitat	Pending FWS clearance	As soon as it clears	Regional release

National Park Service

NEW ITEMS

(Close Hold) On or around November 4, the NPS will notify bidders of selection for the 11 concession contracts to provide Guided Float Trips and/or Fishing Trips on the Snake River within Grand Teton National Park. These new 10-year contracts will provide services similar to those under the existing contracts. The contracts will have an effective date of January 1, 2020. (10/23/2019)

Between November 4 - February 2020, Manassas National Battlefield Park is planning two controlled burns this fall or winter, consistent with the park fire management and other resource plans, and pending weather conditions and the availability of resources. The park plans to burn approximately 75 acres on the Brawner Farm, as well as approximately 100 acres of the North Fields near the park's law enforcement offices. In addition to maintaining the park's cultural landscape, these burns will improve wildlife habitat. (10/23/2019)

On November 5, Grand Teton National Park intends to release an environmental assessment (EA) for a 30-day public comment period regarding paving improvements on Meadow Road, an unpaved road located within the administrative boundaries of the park. The road provides year-round access to property owners and residents of the Meadows subdivision, a growing neighborhood which is located outside of and adjacent to the park boundary. (10/23/2019)

On November 5, the Department of State will hold a meeting to revisit the existing Programmatic Agreement for the Keystone XL Pipeline, which expires December 2020. The meeting will be at the Advisory Council on Historic Preservation Headquarters in the National Building Museum in Washington, DC. The NPS Section 106 Coordinator and the NPS Regions 3, 4, & 5 Energy Specialist will attend, but will not be speaking. (10/23/2019)

On or around November 6, Chesapeake and Ohio Canal National Historical Park will release an environmental assessment for the Fletchers Boathouse Transportation Upgrades for a 30-day public comment period. The plan/EA evaluates alternatives to construct a new entrance and upgrade internal roads and parking areas. The purpose of this project is to provide more direct and safer access to the park between Canal Road and Fletchers Boathouse, the towpath, and the Capital Crescent Trail. (10/23/2019)

On or around November 11, the National Capital Area Director-Region 1 is expected to sign a Finding of No Significant Impact for the improvements to Buzzard Point Park near the Anacostia River, in Southwest DC. The purpose of the project is to transform the park into an accessible community waterfront amenity that continues the Anacostia Riverwalk Trail. The park would provide residents and visitors with more open space, recreational opportunities, and new ways to connect with the Anacostia River. (10/23/2019)

On November 11, Sequoia and Kings Canyon National Parks, in partnership with the Colonel Charles Young Foundation, will host a sign unveiling to designate a California highway in honor of Colonel Charles Young, in Three Rivers, California. Colonel Young is recognized as a national park superintendent and the highest ranking Army officer during his time of service as a Buffalo Soldier. Speakers include Former NPS Director Jon Jarvis, park officials, and Renotta Young from the family foundation. There will be informational booths and activities for visitors prior to the ceremony, including Buffalo Soldier reenactments. (10/23/2019)

By November 13, Channel Islands National Park anticipates submitting comments to NOAA regarding its Notice of Intent to conduct a management plan revision process at Channel Islands National Marine Sanctuary. Channel Islands National Park is a strong partner with the Sanctuary. Public scoping meetings are scheduled for October 22 and 23. OEPC is not coordinating NPS comments. (10/23/2019)

On November 13, Kennesaw Mountain National Battlefield will implement a new entrance fee program to support safety, maintenance, and visitor enjoyment. The new program will be cashless, utilizing recreation.gov for online pass sales. (10/23/2019)

By November 15, Death Valley National Park will open all campgrounds within the park for the fall and winter season. The opening of two of the four campgrounds may be delayed by a month due to a temporary staffing shortage but they will be open by November 15. The park is exploring strategies to try to open the remaining campgrounds as quickly as possible. The park opened its largest campground (270+ sites) on time using existing staff on overtime. (10/23/2019)

On November 18, the comment period will close for St. Croix National Scenic Riverway's draft options to increase visitor safety, improve operations, and enhance the visitor experience at the Osceola Landing. Osceola Landing is the busiest NPS landing on the St. Croix River and is located in Minnesota across from Osceola, Wisconsin. The design seeks to address motorized and non-motorized boat use, parking and wayfinding, day uses (e.g., fishing, picnicking, walking, etc.), natural resource protection, messaging, and interpretation. (10/23/2019)

On November 20, 21, and 23, Golden Gate National Recreation Area will host a series of events on Alcatraz Island to mark the 50th Anniversary of the 1969 Occupation of Alcatraz by the Indians of All Tribes. The occupation was a key event in the history of Alcatraz Island and the Native American civil rights movement. The park, in collaboration with Indians of All Tribes, is planning 19 months of events and programming to commemorate the length of the occupation and its impact. (10/23/2019)

(Close Hold) On or around November 21, Golden Gate National Recreation Area plans to announce the concession business opportunity to operate overnight hostel accommodation, food and beverage, and other visitor services at Fort Mason. (10/23/2019)

On December 2, the Pebble Mine Project preliminary final EIS for cooperating agency review is scheduled to be released for a 45-day review period. The final EIS for public review is scheduled for release in March 2020. Boundaries for Lake Clark National Park and Preserve and Katmai National Park and Preserve are located within a 45-mile radius of the proposed copper mine site, with some portions of NPS-managed land less than 15 miles from proposed project operations. The NPS is a cooperating agency on the DEIS with special expertise in subsistence, recreation, and aesthetics. The NPS submitted agency comments on the project through OEPC and assisted in responding to public comments, as requested by USACE. (10/23/2019)

On December 5, the National Christmas Tree Lighting will take place on the Ellipse at President's Park (White House). The President, First Lady, Secretary of the Interior, and NPS Director have historically participated in the event. (10/23/2019)

On December 7, on Pearl Harbor Remembrance Day, an event is scheduled to commemorate the 78th anniversary of the Japanese attack on Pearl Harbor. Event planning by Pearl Harbor National Memorial staff is underway. An invitation to the Secretary of the Interior to provide remarks has been extended. This follows the successful reopening of the Memorial Dock on September 1, following a 15-month closure for repairs. (10/23/2019)

ONGOING ITEMS

From November 3-7, Aquatic Park Cove within San Francisco Maritime National Historical Park will be closed during daylight hours while a dive team conducts structural evaluations of Hyde Street Pier, mooring pile clusters and vessel moorings. The dive team will have a support boat and air hoses in the water. This closure is for the safety of the public and the dive team. (10/16/2019)

On or around November 5, Voyageurs National Park will hold a meeting in the International Falls area for the Kettle Falls site development and planning project. The goal of the meeting will be to hear public feedback on preliminary development concepts for this area before initiating a NEPA process. This feedback will inform the development of the proposed action and alternatives. (Updated 10/02/2019)

On November 7, National Capital Parks-East will host a public meeting on the Shepherd Parkway Development Concept Plan. Originally intended to be developed as a parkway, Shepherd Parkway today includes 205-acres of forested greenspace and sites such as Parkland, Fort Carroll and Fort Greble. The park will invite stakeholders and the public to comment on initial concept plans to improve safety, connections to neighborhoods, park conditions and ways for people to enjoy the park. (Updated 10/16/2019)

On November 7, the Presidio Trust will host a *Ground Making* to celebrate the creation of the Presidio Tunnel Tops, a 14-acre park on top of a tunnel to connect the Trust's historic Main Post and the bayfront at Crissy Field in Golden Gate National Recreation Area. This open area was created by the demolition of the 75-year-old freeway leading to the Golden Gate Bridge. It was then replaced by the Presidio Parkway, a tunnel-covered roadway. Acting NPS Deputy Director for Operations Shawn Benge will be speaking. The Trust has invited the Speaker of the House, Nancy Pelosi. (10/02/2019)

On November 11, Hawai'i Volcanoes National Park will reopen a one-mile section of the Byron Ledge Trail connecting Devastation Trail to Kīlauea Iki Trail along the southeast rim of Kīlauea caldera. Earthquakes during the volcanic eruption last year damaged the trail, which has been closed since May 2018. (10/09/2019)

On or about November 12, the National Capital Area Director-Region 1 is expected to sign a Finding of No Significant Impact for the relocation of the Chesapeake and Ohio Canal National Historical Park's headquarters. The purpose of the project is to establish a new administrative building and visitor center in Williamsport, Maryland, in partnership with the Maryland Economic Development Corporation and Washington County. The current headquarters is located outside of the park in Hagerstown, Maryland, whereas the proposed site is adjacent to the park. The Project has been delayed as the park awaits response from State Historic Preservation Office and consulting parties in order to complete Memorandum of Agreement and Section 106 documentation. (10/09/2019)

On or around November 15, the NPS in Region 11 will be announcing the selection of concessioners for 16 guided hunting contracts in Wrangell-St. Elias National Preserve. (10/09/2019)

On or about November 15, the NPS plans to complete its review of a sale and transfer request of the Oak Bottom Marina concession contract at Whiskeytown National Recreation Area to a new concessioner. Oak Bottom Marine, owned by Suntex Marinas LLC, has notified the NPS of its desire to sell their interests in this contract, which includes boat rentals, two marinas, fuel docks and a campground. The park expects no adverse impacts to the visitor experience. (10/02/2019)

On or around November 21, Hawai'i Volcanoes National Park plans to reopen Nāhuku (Thurston Lava Tube) following the installation of seismic crack monitoring equipment by NPS engineers. The popular walk-through lava tube and trail have been closed since May 2018 due to tens of thousands of earthquakes triggered by Kīlauea volcano's destructive eruption. The equipment will monitor any widening of cracks in the cave's lava rock ceiling, which would indicate instability and inform management decisions about the future of Nāhuku. (10/09/2019)

After November 30, the NPS anticipates receiving a completed right-of-way application for the Alaska LNG pipeline Denali Alternative alignment and is currently working with the applicant. The NPS submitted comments on the project draft EIS through DOI's Office of Environmental Policy and Compliance for review and submittal to FERC. NPS has been a cooperating agency for the EIS. In the draft EIS, a minor route modification through Denali National Park and Preserve was analyzed as a possible Denali Alternative, and the Alaska Gasline Development Corporation informed FERC that they were adopting the Denali Alternative into the Mainline route. FERC expects to issue a ROD on March 6, 2020. (10/09/2019)

ASSISTANT SECRETARY FOR INDIAN AFFAIRS
(Indicates Press/Comms Opportunities)

Week Ahead Schedule of Meetings, Hearings, and Travel

In the Office:

AS-IA Sweeney
DAS-PED Cruz
DAS-M Freihage
BIA Director LaCounte
BIE Director Dearman
COS Myers

Immediate Announcements and Actions for the Next Week

Assistant Secretary for Indian Affairs

The following rules are pending Office of the Secretary approval to publish: (1) final rule allowing BIA to publish updates to its list of CFR Courts online (in lieu of rulemaking); (2) interim final rule establishing a CFR Court for Kewa Pueblo (formerly known as Santo Domingo Pueblo); (3) advance notice of proposed rulemaking on updates to American Indian probate regulations; and (4) the proposed rule revising Buy Indian Act regulations.

On October 27-29, the Office of Self Governance will present an educational program entitled “Self-Governance 101” at the BIA Superintendents leadership training in Albuquerque, NM. The purpose of the presentation is to make sure that all BIA leadership understands the components of the Self-Determination statutes and regulations and that all BIA Regions apply them consistently.

Bureau of Indian Affairs

On November 1, the BIA Office of Justice Services will attend a tribal listening session at the Elements Event Center in Ak-Chin Village, AZ. Topics such as challenges in tribal law enforcement, employee retention, the opioid crisis, and budget shortfalls will be discussed.

On October 29-31, the BIA Office of Trust Services will host the Fort Berthold Federal Partners’ meeting in Lakewood, Colorado. The Fort Berthold Federal Partners is a local Partnership team that serves as a Department of Interior inter-bureau/office forum for Indian energy and mineral resource development, royalty management coordination and information exchange at the local level.

Bureau of Indian Education

The BIE budget team allocated 80% of fiscal year 2019-2020 funds for the Indian School Equalization Program (ISEP), which provides the base funding for school operations, ISEP Transportation, and Tribal Grant Support Costs to its respective school locations for their operations. The Bureau must allocate this initial 80% of funding by July 1, 2019. The Bureau is on schedule to allocate the remaining 20% by December 1, 2019 to comply with its regulations. Additionally, \$11,297,981 was issued to Tribal Colleges and Universities (TCUs), Haskell Indian Nations University (HINU), and Southwestern Indian Polytechnic Institute (SIPI) for their operations. Any remaining funding is also on track to be allocated by the appropriate December 2019 deadline.

8-30 Day Outlook

Assistant Secretary for Indian Affairs

NEW ITEMS

Upcoming Travel:

AS-IA:

November 6-8, Duluth, MN, Midwest alliance of Sovereign Tribes (MAST) Meeting
November 13-14, Tulsa, OK, Osage Oil and Gas Meeting

DAS-PED:

November 3-6, Choctaw, MS, USET Meeting
November 6-7, St. Paul, MN, Partners in Action Meeting

On November 4-7, the Office of Self Governance will present “Self Governance 101” at the BIA Midwest Region Partners in Action Conference in St. Paul, MN.

ONGOING ITEM

On November 12, AS-IA, DOI’s Office of International Affairs, and the U.S. Department of State are planning a tribal listening session to discuss international repatriation with Tribes at the Association of American Indian Affairs Repatriation Conference at Fort McDowell (Yavapai Nation). At the beginning of October, the Department’s response to GAO regarding legislative options on international repatriation will be coming to RACA and AS-IA for review and will be the subject of said listening session.

UPDATED ITEMS

The Senate Indian Affairs Committee has scheduled an oversight hearing on November 6 on the P.L. 102-477 program (the “477” program). The Committee has also requested a briefing on this topic during the week of October 28. The AS-IA is tentatively scheduled to testify. The 477 program allows tribes to integrate the employment, training and related services programs from multiple Federal agencies.

FOIA: The total Indian Affairs FOIA backlog is 227 requests.

	This Week	Last Week
- AS-IA	61	62
- BIE	55	59
- BIA	111	112

Bureau of Indian Affairs

NEW ITEMS

Upcoming Travel:

November 5-7, BIA Director, Catoosa, OK, Tribal Conservation Districts Conference

On November 4, the BIA Office of Trust Services tracking accountability & production system will go live for the Lands, Title & Records Office at the Southwest Office in

Albuquerque, NM. This new system will provide a thorough record keeping process for the Lands, Title & Records Office staff.

On November 13-14, the BIA Deputy Bureau Directors from Trust Services, Justice Services, Indian Services and Field Operations will meet with the Tribal Interior Budget Council (TBIC) in Washington, DC. The TBIC provides an opportunity for a government-to-government forum and process for tribes and the BIA to develop budgets that allow for the fulfillment of tribes' self-determination, self-governance, sovereignty, and treaty rights. Approximately 40 tribes are expected to attend.

On November 26, the BIA Office of Trust Services will present on a webinar hosted by the Alaska Native Tribal Health Consortium regarding the Tribal Resilience Program. The webinar is part of a monthly on-line series of informational presentations held by the Alaska Native Tribal Health Consortium.

ONGOING ITEMS

On November 4-6, the BIA Office of Justice Services (OJS) will present at the United South and Eastern Tribes' (USET) conference Tribal Justice Committee meeting to be held in Choctaw, MS. The Tribal Justice Committee has asked for a general law enforcement program update and an opportunity to meet OJS Leadership.

On November 5-6, the BIA Office of Trust Services will host a Standard Operating Procedures Fluid Minerals training in Albuquerque, NM. The purpose of the training is to outline the roles and responsibilities among the Department's bureaus and offices with the primary focus on the responsibilities of agencies for fluid mineral development (oil and gas) on Tribal trust lands.

On November 5-7, the BIA Director and the BIA Office of Trust Services will travel to the Indian Nations Conservation Alliance's 2nd annual National Tribal Conservation District Conference in Catoosa, OK. Topics to be discussed are self-determination and self-governance regulations and funding for Tribes' agricultural resource management plans.

On November 7, the BIA Office of Trust Services will meet with representatives from the Forest Service and Bureau of Land Management to discuss ways to assist Tribes in developing biomass infrastructure and make use of the authorities in the 2018 Farm Bill and the Indian Energy Act to provide tribes with a reliable source of biomass energy feedstock. This group will meet regularly on the first Thursday of each month for this purpose.

UPDATED ITEMS

The BIA Acting Chief, Division of Emergency Management, is assisting the Yankton Sioux Tribe of South Dakota in response to flooding in September 2019. So far, the tribe has received two major disaster declarations for individual and public assistance. Approximately 25 tribal HUD homes were flooded in the September event and FEMA funding cannot be used to repair HUD homes. The BIA Regional Director is researching manufactured housing

options including FEMA trailers as a response to the flooding.

The BIA Acting Chief, Division of Emergency Management has been in contact with the Blackfeet Nation after it declared a state of emergency due to more than 40 inches of snow in Montana during the week of September 30. The BIA has so far provided 24,000 sandbags to the tribe, but fortunately additional flooding from the snowmelt has not yet been a significant problem.

Bureau of Indian Education

NEW ITEMS

On October 29, the BIE will participate in an all-day work session with the Department of Education regarding the BIE's Five Year Project Management Plan that encompasses the implementation of the BIE's Standards, Assessments, and Accountability System and the BIE's Corrective Action Plan (CAP) for improving education services. The work session will be facilitated by WestED, a Department of Education Comprehensive Center that was recently awarded a grant to support the BIE in this endeavor for the next five years.

ASSISTANT SECRETARY INSULAR AND INTERNATIONAL AFFAIRS

Week Ahead Schedule of Meetings, Hearings, and Travel for the upcoming week, October 27-November 2 (Indicates Press/Comms Opportunities)

TRAVEL

Doug Domenech will be in the office.

Nik Pula will be in the office.

Sarah Jorgenson will be out of the office on official travel.

Karen Senhadji will be in the office.

Liza Johnson will be out of the office on leave October 29-31.

Immediate Announcements and Actions for the Next Week (October 27-November 2)

Freely Associated States Listening Tour: The State Department, coordinated through the National Security Council, is conducting listening tours to each of the freely associated states in October-November to discuss the future of the Compacts of Free Association. The first meeting in Palau occurred two weeks ago. The meetings in the Federated States of Micronesia and the Republic of the Marshall Islands will take place October 27-November 3, and Sarah Jorgenson and OIA's Steve Savage will attend. Representatives from State and DOD will also be in attendance.

U.S. Virgin Islands Governor Meeting: USVI Governor Albert Bryan will be in Washington, DC, and is scheduled to meet with the Secretary and AS-IIA Domenech the morning of October 29. In addition, in coordination with White House Intergovernmental Affairs and the USVI, OIA is working to assist Governor Bryan in setting up meetings with

additional federal agencies, including Housing and Urban Development Principal Deputy Assistant Secretary David Woll, Secretary of the Treasury David Mnuchin, Health and Human Services Deputy Secretary Eric Hargan, and FEMA Deputy Administrator Pete Gaynor. The Governor is expected to discuss: 1) the Medicaid Fiscal Cliff - continuing resolution and next steps; 2) Hurricane Disaster Recovery; 3) EU Blacklisted group and Territorial Acts group; 4) Proposed tax revisions for the Global Intangible Low-Taxed Income; 5) the Sourcing Rules, Residency and Captive Insurance, specifically Subpart "F" Provisions; and 6) funding issues in the territory.

Wildlife Law Enforcement Officials Exchange: From October 27 to November 16, DOI's International Technical Assistance Program (ITAP) and the Fish & Wildlife Service will host wildlife officials from four African countries (Kenya, Namibia, Botswana, and Malawi) to share adaptive leadership practices among them and participants from state Fish & Game Wardens. Participants will attend a one week orientation and training at NCTC, then shadow Fish & Game Wardens in Maine, Maryland, Missouri, Colorado and California. This work is funded by the State Department.

World Heritage and Historic Preservation Joint Workshop and Training: OIA plans to issue a press release announcing the grant provided (\$63,217) to support this effort and to highlight the collaboration between the Office of Insular Affairs and the National Park Service to host this workshop/training on Guam from December 2 - 6, 2019. All U.S. insular areas, including the U.S. Virgin Islands, are participating.

Pacific Islands and Virgin Islands Training Initiative: OIA plans to issue a press release highlighting the 3rd quarter activities of the Pacific Islands Training Initiative and the Virgin Islands Training Initiative that is funded by the Office of Insular Affairs. The goals of this program, contracted to the Graduate School USA, are to build leadership capacity, strengthen financial accountability, and support strong fiscal planning in American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the U.S. Virgin Islands, as well as in the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

8-30 Day Outlook (November 3-December 2)

NEW ITEMS

Meetings in USVI and Puerto Rico: AS-IIA Domenech will travel to USVI and Puerto Rico the week of November 11 to meet with DOI's Hurricane Recovery Team, NPS/FWS staff, and to attend the fall meeting of the Conservation Trust of Puerto Rico.

Meeting of Key Federal Entities Who Work on Insular Areas: OIA staff are working to put together a meeting on November 13th with key federal entities who work on insular issues in advance of the annual Interagency Group on Insular Areas (IGIA) meeting in February 2020. This advance meeting will lay out all of the prominent issues that each agency is facing in regard to Insular Areas and is expected to include representatives from the Department of Commerce, Health and Human Services, the Department of Justice, and Treasury.

Knauss Fellowship DOI Day: The 5th Annual John A. Knauss Sea Grant Fellowship DOI Day will be held November 4 in the Secretary's Conference Room. Alicia Wilson, a current fellow in the FWS Coastal Program Office, will host. The event will bring Knauss Fellows from across the Executive and Legislative branches to the Department to learn about DOI's role in management and stewardship of our ocean, coasts, and Great Lakes. Speakers will include leadership and staff from DOI offices and bureaus. The Ocean, Great Lakes, and Coastal Program Coordinator will give opening remarks.

UPDATED ITEMS

Guam War Claims: As previously reported, Rep. San Nicolas' (D-Guam) technical corrections bill (H.R. 1365) to the Guam World War II Loyalty Recognition Act passed the House by unanimous vote in July and was referred to the Senate Judiciary Committee. Rep. San Nicolas has been meeting with Senate staff to discuss the timeline, and he has also been in contact with AS Domenech. OCL has also been in contact with Senate Judiciary Committee staff who were expected to discuss with Chairman Graham last week about expediting the bill out of Committee. OCL is waiting to hear back on the result of those discussions.

ONGOING ITEMS

NO CHANGE. Census 2020 in the U.S. Territories: During the week of November 12, Jennifer Reichert, Division Chief, and Jennifer Kim, Assistant Division Chief, of the U.S. Census Decennial Census Management Division for Puerto Rico and Island Areas Operations will be meeting with AS Domenech to discuss ongoing preparations for the Census 2020 Decennial survey in the island areas.

NO CHANGE. World Heritage and Historic Preservation Joint Workshop and Training on Guam: The Office of Insular Affairs and National Park Service are collaborating to host a World Heritage and Historic Preservation training on Guam from December 2- 6. AS Domenech will open the meeting with Guam Governor Guerrero.

NO CHANGE. ONGOING. Judicial Certificate Course on Wildlife and Environmental Crimes, El Salvador: DOI-ITAP and the Attorney General's Office of El Salvador have created an in-depth five-month professional certificate course to train prosecutors and judges in best practices on developing, presenting, and adjudicating a wildlife or other environmental crime case. This course will run from September 29, 2019 through February 22, 2020, and successful participants will receive professional credit for the course from the Public Ministry. This work is funded by the Department of State.

NO CHANGE. Joint Forensics Analysis of Vicuna Samples, Chile: During November 2019, DOI-ITAP is coordinating a three-week forensics joint analysis and publication of findings between the U.S. Fish and Wildlife Service's National Forensics lab, the Government of Chile, and the Universidad de Chile. A scientist from Chile and the FWS Lab team will

analyze vicuna fiber samples provided by Chile and make the findings available for forensic and scientific use worldwide. This work is funded by Department of State.

NO CHANGE. CITES Capacity Building Consultation and Training, Jordan: DOI-ITAP, in partnership with the U.S. Fish and Wildlife Service's CITES Management Authority and the Office of Law Enforcement, will provide technical support to Jordanian counterparts November 3-11 in an effort to strengthen the country's CITES laws, implementing regulations, and enforcement practices to help Jordan achieve Category 1 status by 2021. In addition, the DOI-ITAP team will conduct a two-day training for inspection officers and provide support in the development of a CITES application to simplify permit review and verification. This work is funded by the Department of State.

NO CHANGE. Wildlife Cybercrimes Investigation Course, Central America and Dominican Republic: DOI-ITAP is coordinating with the FWS Office of Law Enforcement and International Attaché program to design and deliver a wildlife cybercrime course November 4-8 as part of a series of professional trainings for police and investigators in Central America and the Dominican Republic. Technical experts from FWS will provide hands-on instruction to enhance national and regional efforts to combat wildlife crime conducted on the internet. This activity is funded by the Department of State.

NO CHANGE. Vegetation Monitoring and Mapping Project, Kenya: DOI-ITAP, in partnership with USGS, will be collecting the final field data for a mapping project November 21-December 6 with the Northern Rangelands Trust (NRT) to remotely detect changing rangeland vegetation conditions over large areas. The resulting mapping tool will assist with grazing management in community conservancies. This work is funded by USAID.

NO CHANGE. Extended Continental Shelf Executive Committee: State Department will host an Extended Continental Shelf (ECS) Executive Committee (EC) meeting in Washington, DC on November 8. The Ocean, Great Lakes, and Coastal Program Coordinator has most recently served as Vice Chair of the ECS EC, but DOI representation in this role will change to Scott Angelle. The meetings will include discussion on progress on documentation of data and analyses for potential future U.S. submissions on claims to the ECS, budget, maritime boundary updates for other countries, discussion on Article 82 of the Law of the Sea, and succession planning for the EC.

NO CHANGE. Arctic Security: INT and bureaus will provide input and support as necessary to an interagency update to existing U.S. Arctic security plans. This effort focuses primarily on national security issues outside of DOI's responsibilities, but INT will participate as appropriate.

AWARENESS

Typhoon Bualoi Hits CNMI: OIA has been tracking Typhoon Bualoi, which formed over the weekend in the western Pacific Ocean and traveled through the Commonwealth of the Northern Mariana Islands on Monday. The typhoon produced maximum sustained winds of 110 mph. President Trump approved an emergency declaration for the CNMI on October 20 -

the second federal emergency declaration for the CNMI in two weeks as Super Typhoon Hagibis also threatened CNMI. As of Monday evening, 328 individuals or 72 families had sought shelter at eight public schools and at the Office on Aging.

Guam Governor Seeks Re-election in 2022: Days after a fundraiser to help kick off their re-election campaign, Guam Governor Lou Leon Guerrero confirmed that she and Lt. Governor Josh Tenorio are seeking re-election in 2022. They are in the first year of a four year term and can only serve for two consecutive terms. During her announcement, the Governor mentioned that she will be sending a letter of support to a Congressional bill seeking to roll back the cockfighting ban law that will take effect in December. In addition, she said she will continue to work with members of the 35th Guam Legislature for the passage of Bill 181 to use local funds to pay the Guam war claims to living World War II survivors.

Persons of Interest Identified in Yap AG Murder: Local and federal authorities in the FSM State of Yap have confirmed that investigators (including the FBI) have completed the initial phase of the investigation and have identified several persons of interest exactly one week after Yap's acting Attorney General Rachelle Bergeron was gunned down outside of her home. No names have been released, and no suspects are in custody yet.

Marshall Islands Removed from EU Tax Blacklist: The European Union Economic and Financial Affairs Council (ECOFIN) announced on October 10 that it has removed the RMI from its list of non-cooperative jurisdictions relating to tax issues. EU officials had indicated in July that RMI tax amendments should meet EU standards for removal from the list.

Marshall Islands Elected to UN Human Rights Council: The Marshall Islands is among 14 new member countries elected to the UN Human Rights Council in Geneva. Five nations - the Marshall Islands, Indonesia, Iraq, Japan, and Korea - put themselves up as candidates for the Asia-Pacific region, for which four seats were reserved. Iraq was not elected for inclusion. The newly elected countries will serve for three years on the 47-seat council taking up their seats by the start of 2020. The Marshall Islands will join Australia and Fiji, who are currently serving on the council.

RMI Pushes for Decarbonized Shipping: The Marshall Islands, Fiji, Samoa, the Solomon Islands, and Tuvalu announced the formation of the Pacific Blue Shipping Partnership, which has proposed a 10-year strategy to have full decarbonized shipping in the Pacific Ocean by 2050. They are seeking \$500 million to eliminate carbon emissions from ships by 2050, with an intermediate goal of reducing carbon emissions 40 percent by 2030. The partnership is seeking grants through multinational institutions, concessional loans, and direct private sector investment to retrofit existing cargo and passenger ferries.

Guatemala Technical Assistance: INT has been asked by staff from Sen. Inhofe's office to provide technical feedback on potential legislation and appropriations related to a high profile and threatened archeological site and conservation area in the Mayan Biosphere Reserve of Guatemala. ITAP has provided technical assistance to the region since 2006, with funding from the Department of State and USAID on subjects such as conservation, sustainable development and tourism, environmental law enforcement, and historic preservation. The

Senate Appropriations Committee, led by Sen. Inhofe, are considering whether to direct funding to DOI to be administered by INT, which would fund ongoing technical assistance by INT and partners in academia for ten more years. Discussions are ongoing as to the amount of funding and mechanisms to use, potentially including grants or cooperative agreements.

Legislation OIA is following:

-H.R. 1365 (San Nicolas-Guam): To make technical corrections to the Guam World War II Loyalty Recognition Act. Senate Judiciary Committee staff were expected to discuss next steps with Chairman Graham last week and provide an update to OCL. OCL is waiting to hear back (details above).

-H.R. 560 (Kilili-CNMI): Rep. Kilili introduced a bill on January 15 that would grant CNMI-only permanent status to qualified long-term guest workers and foreign investors. This would apply to guest workers who have maintained continuous legal employment each fiscal year since 2015 and have received a CW-1 permit annually. The legislation passed the House Natural Resources Committee on September 18, and it is expected to be taken up for House Floor consideration soon.

-H.R. 3631 (Soto-FL): The Territories Health Care Improvement Act passed the Energy and Commerce Committee on July 17 as part of a larger healthcare package (H.R. 2328). The legislation, originally cosponsored by the five delegates representing the U.S. territories, would increase the limit on Medicaid payments and the Federal Medical Assistance Percentage for Puerto Rico, U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. This legislation may not move until there is confirmation that similar legislation will move in the Senate.

-H.R. 3482 (Radewagen-American Samoa): To amend the Immigration and Nationality Act to waive certain requirements for naturalization for American Samoan United States nationals to become United States citizens. A new hearing date on the legislation has not yet been set.

-H.R. 2916 (Gabbard-Hawaii)/S. 1222 (Schatz-Hawaii): Requires the Secretary of Veterans Affairs to carry out a pilot program to provide hospital care and medical services to veterans in the Freely Associated States, and to conduct a feasibility study. The legislation has been referred to both House and Senate Committees on Veterans' Affairs, but there is no scheduled action.

-H.R. 4264 (San Nicolas-Guam): Rep. San Nicolas introduced a bill on September 10 that would require the Guam local government to pay tax refunds within 90 days of tax returns being filed. This is in contrast to the current requirement to pay refunds within six months of the tax-filing deadline. There are no hearings or markups planned for this legislation at this time.

-H. Res. 641 (Grijalva-AZ): On October 18, Rep. Grijalva introduced a resolution that calls for the equal treatment for Americans in the insular areas by rejecting Insular Cases that have allowed Congress to perpetuate what the resolution's authors call the unequal treatment of

insular areas. The Insular Cases are a series of opinions by the U.S. Supreme Court in 1901, about the status of U.S. territories acquired in the Spanish-American War. Rep. González-Colón, Puerto Rico; Rep. Gregorio Kilili Sablan of CNMI; Rep. Stacey E. Plaskett, Virgin Islands; and Guam’s Rep. Michael San Nicolas are original co-signers. The resolution has been referred to the House Committees on Judiciary and Natural Resources.

Upcoming International Agreements:

USGS Memorandum of Understanding with Saudi Arabia: USGS has been working on an MOU with Saudi Arabia to engage in technical and scientific cooperation on water resource sustainability. It is pending Circular 175 clearance by the Department of State.

BOEM Memorandum of Understanding with Norway: BOEM is the lead on this MOU designed to facilitate cooperation on offshore energy development. Norway recently finished its review and BOEM will now coordinate with Norway to arrange signature.

DOI Memorandum of Understanding with Ireland: The Office of the Secretary is working on an initial draft MOU with Ireland to identify, facilitate, and strengthen cooperative bilateral activities specifically focused on matters related to the protection, management, conservation, and restoration of wild species and ecosystems as well as cultural and historical heritage, and in promoting safe and sustainable energy development.

Upcoming International Travel:

Sarah Jorgenson and Steve Savage will travel to the Republic of the Marshall Islands and the Federated States of Micronesia October 27-November 3 (more information above).

Jim Reilly will lead a delegation of ten USGS staff to Canberra, Australia October 31-November 14, for the Group on Earth Observations (GEO) Ministerial Summit.

A delegation of twenty-two USGS staff will travel to Mexico for the 4th International Volcano Observatory Best Practices Workshop November 17-25.

Additional known international travel departing October 27-November 2 (travel funded by originating bureau/office unless otherwise indicated).

<u>Date</u>	<u>Destination</u>	<u>Purpose</u>	<u>Employee</u>	<u>Bureau/Funder</u>
10/27	Switzerland	Mountain Remote Sensing	Kimberly Casey	USGS
10/27	Switzerland	High Mountain Monitoring	Stephen Gray	USGS
10/27	Brazil	Crop Water Use Mapping	Gabriel Senay	USGS/Brazil
10/27	Brazil	Crop Water Use Mapping	Jesslyn Brown	USGS/Brazil
10/27	Czech Rep	Land Remediation	Mary Leewis	USGS/IntlOrg
10/28	Germany	Biocrust Research Exchange	Jayne Belnap	USGS
10/28	Nepal	Earthquake Risk Reduction	Gari Mayberry	USGS/USAID
10/28	Nepal	Earthquake Risk Reduction	Susan Hough	USGS/USAID
10/28	Nepal	Earthquake Risk Reduction	Mark Peterson	USGS/USAID

10/28	Nepal	Earthquake Risk Reduction	Kishor Jiswall	USGS/USAID
10/28	Turkey	Critical Minerals Resources	Sinan Hastorun	USGS
10/28	Senegal	Land Use Patterns Mapping	William Cushing	USGS/USAID
10/28	Germany	Ecotoxicology Assessment	Jeffery Stevens	USGS/Germany
10/29	Argentina	Wolf Recovery Planning	Maggie Dwire	FWS
10/30	Greenland	Arctic Coastal Monitoring	Catherine Coon	BOEM
10/30	Greenland	Arctic Coastal Monitoring	Tahzay Jones	NPS
11/1	Sri Lanka	Landslide Risk Reduction	Joel Smith	USGS/USAID
11/1	Sri Lanka	Landslide Risk Reduction	Stephen Slaughter	USGS/USAID
11/1	Vietnam	Counter Wildlife Trafficking	Katherine Spengler	FWS/State
11/1	Vietnam	Counter Wildlife Trafficking	Chad Hornbaker	FWS/State
11/1	Chile	Volcano Seismology	Stephanie Prejean	USGS/USAID
11/1	Ethiopia	Famine Early Warning	Diego Pedreros	USGS/USAID
11/1	UAE	Seismic Monitoring	Jeff Doebrich	USGS
11/1	UK	Salmon and Sea Trout Mgt	Chris Holbrook	USGS/GWCT
11/1	Switzerland	Structural Modeling	James Grace	USGS/Switzerland
11/1	Jordan	Counter Wildlife Trafficking	Mike MacLeod	FWS/State
11/1	Jordan/Morocco	Counter Wildlife Trafficking	Patricia Bickley	INT/State
11/1	Jordan/Morocco	Counter Wildlife Trafficking	Kossivi Amegan	INT/State
11/2	Chile	Rare Earth Deposits	Albert Hofstra	USGS
11/2	Ecuador	Volcano Monitoring	Angie Diefenbach	USGS/USAID
11/2	Fr Polynesia	Seabird Field Work	Sarah Converse	USGS/UnivWA
11/2	France	Contract Lifecycle Mgt	Dave Tucholski	PMB/ABMC
11/2	France	Contract Lifecycle Mgt	Fang May	PMB/ABMC
11/2	Kyrgyzstan	Water Resource Assessment	Stephen Kolk	USBR/State

ASSISTANT SECRETARY FOR LAND AND MINERALS MANAGEMENT
(Indicates Press/Comms Opportunities)

Week Ahead Schedule of Meetings, Hearings, and Travel

Casey Hammond will be in the office all week.
 Andrea Travnicek will be in the office all week.
 Scott Angelle will be in the office all week.
 Lanny Erdos will be in the office all week.
 William Perry Pendley will be in the office all week.
 Walter Cruickshank will be in the office all week.

Exempt Federal Register Notices (First Week Notice)

Information Collection Renewal Notices: Agency Information Collection Renewal for 1004-0114 Recordation of Location Notices and Mining Claims; Payment of Fees (DTS 2847) Agency Information Collection Activities; Geothermal Resource Leasing and Permitting; and Geothermal Resources Unit Agreements; Control Number 1004-0132 (DTS 2846)

Immediate Announcements and Actions for the Next Week

Bureau of Land Management

Ongoing. The BLM is assisting the Solicitor's Office to review an Oct. 16 U.S. District Court for the District of Idaho preliminary injunction to suspend implementation of all six sets of 2019 Sage-Grouse amendments covering seven states. PR: NA (10/23/19)

Ongoing. The BLM anticipates publishing a proposed rule in the Federal Register for 43 CFR 3170s (onshore orders 3, 4, and 5) on oil measurement, gas measurement, and site security pending approval from OMB/OIRA. The proposed rule would revise three regulations the BLM uses to ensure proper handling of oil and gas production, which is essential for accurate measurement, proper reporting, and production accountability. Taken together, the proposed new rules would remove or modify unnecessarily complex and burdensome requirements, address logistical issues, and eliminate inconsistencies. This effort will also streamline regulations on energy developers whose activities support reliable American energy and jobs. BLM received interagency comments Sep. 27 and the package is currently with ASLM for review. PR: BLM-WO (9/25/19)

Ongoing through Oct. BLM-OR/WA. The Cascades Field Office issued a communication use lease to the Clackamas C800 Radio Group to build a communications facility in Clackamas County, Ore., to provide emergency dispatch and communication support to local/fire government entities. The project is scheduled to be built from Aug. - Oct. on Highland Butte, 14 miles southeast of Oregon City. This project furthers the goals and objectives of Executive Order 13821 by increasing deployment of broadband and wireless infrastructure in rural and undeveloped areas. PR: BLM-WO (6/12/19)

Oct. 24. BLM-OR/WA. The Eugene Sustained Yield Unit plans to hold an auction for the Bald Cobblestone timber sale (approximately 5 mmbf), which includes regeneration harvest (124 acres), commercial thinning (112 acres), and salvage operations across the entire sale area. PR: NA (10/2/19)

Oct. 25. BLM-AK intends to publish a Notice of Availability (NOA) in the Federal Register for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP) Draft environmental impact statement (EIS) to develop a new management strategy consistent with Secretarial Order 3352 that envisions clean and safe development in the NPR-A while avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth and prevent job creation. This plan will supersede the Feb. 21, 2013, NPR-A IAP/EIS Record of Decision and identify new management alternatives that include different combinations of land allocations, lease stipulations, and best management practices. A Level 4 DOI Review Team briefing is scheduled for Oct. 18. PR: BLM-AK (9/11/19) DTS 2771

By Oct. 27. BLM-MT/DK plans to release the Environmental Assessment (EA) Notice of Availability/Public Hearing and associated Federal Register Notice (FRN) for the Coyote Creek Mining Company Federal Coal Lease-by-Application near Beulah, N.D. This is a pilot project with the Office of Surface Mining Reclamation and Enforcement and BLM to prepare

one NEPA document both for coal leasing and for mining operations. The FRN announces availability of the EA for public review to take comments on the EA for two 160-acre lease tracts. A public hearing will be scheduled in Beulah. PR: BLM-MT/DK (9/18/19)

By Oct. 28. BLM-ID. The Cottonwood Field Office (CFO) plans to issue a Decision Record (DR) for the Little Salmon River Grazing Allotment Renewals. CFO expects to receive the biological opinion from National Marine Fisheries Service prior to issuing the DR and concurrence from U.S. Fish and Wildlife Service upon issuance. The project has been pending review by the regulatory agencies since March. PR: NA (10/2/19)

Oct. 28. BLM-CO. The Royal Gorge Field Office plans to complete construction of The Bank Campground expansion project in Shelf Road Recreation Area north of Cañon City. This phase of the project adds 20 new developed campsites, a second group campsite, camp host site, and vault toilet. This completes the project that previously added two vault toilets and visitor parking for 20 additional vehicles. The campground expansion was funded through deferred maintenance funds, fee collection funds, and partner contribution. PR: BLM-CO (8/14/19)

Oct. 28. BLM-ID is seeking concurrence from the Assistant Secretary, Policy Management and Budget (AS-PMB) for the Comprehensive Environmental Response, Compensation, and Liability Act Record of Decision (ROD) for Training Area 3 of the Kimama Training Site in Lincoln County. The site is on BLM-administered lands, and military training activities were conducted there under a permit from 1973-1993. Cleanup of the area began in 2008 and was funded by the Military Munitions Response Program, U.S. Army Corps of Engineers (USACE) and Army National Guard (ARNG), and cleanup of contaminated soils and munitions was completed in 2016. The ROD issued by the USACE, ARNG, and Idaho Army National Guard documents the cleanup and identifies the need for "No Further Action." The BLM-ID State Director plans to transmit the ROD to the BLM and ASLM with a recommendation for concurrence by AS-PMB. PR: BLM-ID (7/17/19)

Oct. 28. BLM-ID. The Owyhee Field Office plans to issue a proposed decision to renew a grazing permit and incorporate range improvements across 70,890 acres of the Silver City Grazing Allotment. The allotment is not meeting six of the seven applicable standards of Idaho's Standards for Rangeland Health and Guidelines for Livestock Grazing Management, and changes to the timing, duration, and intensity of grazing will be included in the proposed decision. The proposed grazing decision will include the authorization of 4,765 active Animal Unit Months (AUMs) and critical range improvement projects including fencing, special status plant exclosures, and cattle guards. A total of 6,175 suspended AUMs would remain on the permit. Furthermore, riparian and aspen restoration projects analyzed in the Environmental Assessment will be included in another decision in an effort to address rangeland health standards unrelated to livestock grazing. PR: NA (4/16/19)

Oct. 28. BLM-UT plans to begin a 30-day public comment period by publishing a Recordable Disclaimer of Interest (RDI) Notice of Application for the Manganese Road, crossing approximately 9.88 miles of BLM-administered lands in Washington County. The road is currently used for grazing, ranching, hunting, wood gathering, prospecting, recreation, and general public access in the local area. If approved, the RDI will disclaim the

United States' interest in the public highway right-of-way as of the date of the disclaimer document. PR: BLM-UT (10/23/19)

Oct. 28. BLM-UT. The Salt Lake Field Office plans to publish a Federal Register Notice to extend a 20-year withdrawal of 2,714.22 acres of public land from location and entry under the U.S. mining laws to protect aspects of the Central Utah Project. The existing withdrawal is located in the Uinta Wasatch Cache National Forest, in Utah County, and will expire in December 2019. The Central Utah Project is administered by the Secretary of the Interior through the Office of the Assistant Secretary for Water and Science. The project's Diamond Fork System consists of pipelines, tunnels, power plants, transmission lines, access roads, and other related structures that convey water from Strawberry Reservoir to the Wasatch Front. The Utah County Commission and the Governor's Office (via the Public Lands Policy Coordination Office) have expressed support for the withdrawal's extension. The package is currently with the BLM Deputy Director for Policy. PR: BLM-UT (5/18/18) DTS L228

Oct. 28. BLM-UT. The St. George Field Office plans to release the Washington County Water Conservancy District right-of-way grant draft Environmental Assessment for the Ash Creek Project and the Recreation and Public Purposes Act Lease/Patent for the Toquer Reservoir Recreation Area; initiating a 30-day public comment period which will include at least one public meeting in Toquerville. PR: BLM-UT (10/16/19)

Oct. 28-29. BLM-AK. Arctic District Office staff plan to attend the Northwest Arctic Federal Subsistence Regional Advisory Council meeting in Kotzebue. The Federal Subsistence Management Program divides Alaska into 10 subsistence resource regions, each with a RAC which makes recommendations to the Federal Subsistence Board, which will decide on regulatory changes when it meets in April 2020. The Seward Peninsula Federal Subsistence RAC and North Slope Subsistence RAC met earlier in October. PR: NA (9/25/19)

Oct. 28 – Nov. 1. BLM-CO proposes to grant a Royalty Rate Reduction (RRR) from 8 percent to 5 percent for coal lease COC62920 requested by GCC Energy due to the adverse geologic conditions at its King II Coal Mine. The RRR is dependent on an account status determination from the Office of Natural Resources Revenue. A letter requesting comments was sent to the governor Sep. 6 with no response received within the 30-day window. PR: NA (10/2/19)

By Oct. 29. BLM-AK has extended the public comment period for the draft environmental impact statement (EIS) on the proposed Ambler Road project to provide an all-season industrial access road to promote exploration, development, and production of mineral resources in the Ambler mineral belt in northwest Alaska's Kobuk Valley. Public meetings were held in nearly 20 cities and towns in Sep. and Oct. to discuss the project. PR: NA (9/25/19)

Oct. 29. The BLM-MT/DK State Director, Communications Chief, and BLM Project Manager plan to attend the State Department public meeting in Billings, Mont. regarding the Draft Supplemental Environmental Impact Statement (SEIS) for the Keystone XL pipeline. The document was released Oct. 4 for a 45-day public review and comment period. While BLM's statutory authority is limited to federal lands, the BLM will rely on the SEIS to

render a decision in response to TC Energy's application for a right-of-way grant. The Draft SEIS considers impacts related to changes in the project since 2014 and incorporates updated information and new studies in response to a court ruling citing the 2014 analysis was deemed insufficient. The SEIS will also address the route alignment shift in Nebraska. PR: BLM-MT/DK (2/5/19)

Oct. 29. BLM State Offices will issue individual Instruction Memorandums on implementing Federal Land Policy and Management Act Section 512 for power line Rights of Way (ROWs), as well as Secretarial Order 3372, Reducing Wildfire Risks on Department of the Interior Land through Active Management. The policy will outline agency requirements for managing authorized activities on public lands for vegetation management and operation and maintenance of power line ROWs. PR: NA (10/21/19)

Oct. 30. BLM-CO. The Royal Gorge Field Office plans to initiate a public comment period on a draft Environmental Assessment for a proposed new non-motorized trail in the Cañon City area. The 2.4-mile trail would connect two city property trail systems from Tunnel Drive to Fremont Peak with public benefits of increasing access and recreational opportunities. The proposal was coordinated with Colorado Parks and Wildlife. PR: BLM-CO (5/28/19)

Oct. 30. BLM-ES is working to acquire three connecting parcels of land totaling nearly 14 acres and appraised at \$1.4 million on the northeastern boundary of the Meadowood Special Recreation Management Area (SRMA). Congress appropriated \$2.4 million in Land Water Conservation Fund money for acquisitions at Meadowood SRMA during FY16 and an additional \$1.4 million during FY17. Acquisition of the parcels enriches multiple use recreation at the Meadowood SRMA, which is near several federal, state, and county conservation lands on the Mason Neck peninsula in northern Virginia. The acquisition is supported by Congressman Don Beyer (D-VA-08). PR: BLM-ES (7/24/19) DTS 2418

Oct. 30. BLM-OR/WA. The Lakeview District plans to issue a Decision Record and Finding of No Significant Impact for the Beatty Butte Targeted Grazing Environmental Assessment, which analyzes three alternatives to provide temporary water sources in a linear fashion for targeted grazing to establish and maintain a defined fuel break in cheatgrass and non-native grass areas. PR: BLM-OR/WA (10/9/19)

Oct. 30. BLM-UT Aviation, Grand Staircase-Escalante National Monument, and the Denver Museum of Nature & Science (DMNS) plan to airlift dinosaur bones from the monument. All the fossils have scientific significance and are intended for cleaning and detailed study in Kanab, the Natural History Museum of Utah, or DMNS. Traverse Image will continue filming a documentary. PR: NA (10/9/19)

By Oct. 31. The National Wild Horse and Burro Program plans to solicit for additional Off-Range Pasture (ORP) facilities that can hold between 1,000-10,000 horses in Okla., Kan., and Neb. Two existing ORP contracts representing approximately 4,500 head are due to expire Dec. 31. The BLM can make an interim extension for up to six months while the new contracts are finalized. PR: BLM-WO (10/9/19)

By Oct. 31. BLM-ID plans to submit to BLM for review a Determination of NEPA Adequacy (DNA) for the Coeur d'Alene Field Office to seek concurrence from the Deputy Secretary to acquire 640 acres of private land in Benewah County to enhance access to public lands, motorized and non-motorized recreation, and big game hunting using Fiscal Year 2017 Land and Water Conservation Funds. The Benewah County Commissioners and local Congressional staff support the project. PR: BLM-ID (8/28/19)

By Oct. 31. BLM-ID plans to submit to the BLM for review an Environmental Assessment on the proposed Owyhee Land Exchange. Under this proposal, BLM-ID would exchange 11 scattered and isolated parcels, encompassing about 31,000 acres adjacent to State land, for 40 parcels of State land totaling about 24,000 acres lying within, adjacent to, and near wilderness areas and wild and scenic river corridors designated in the 2009 Omnibus Public Land Management Act. The proposed exchange would consolidate both Federal and State ownership, enhance management efficiency for both parties, and increase access opportunities for recreation, including hunting and fishing. PR: NA (6/12/19)

Oct. 31. BLM-CO. The Royal Gorge Field Office plans to complete new trails in the Fourmile Travel Management Area outside of Buena Vista. Colorado Mountain Club is leading the project with the help of four Southwest Conservation Corps youth crews and expects to complete about five additional miles of non-motorized trails. PR: BLM-CO (8/7/19)

By Nov. 1. BLM-AZ's Florence Wild Horse and Burro Training and Holding Facility expects to end the quarantine initiated when a female wild burro was brought in July 24 that was later diagnosed with Equine Infectious Anemia (EIA) at the facility. PR: BLM-AZ. (8/14/19)

By Nov. 1. BLM-CA anticipates publishing a Federal Register Notice for the Draft Environmental Impact Statement, Environmental Impact Report, and Draft Land Use Plan Amendment for the proposed Crimson Solar Project in Riverside County. Sonoran West Solar Holdings, LLC (Sonoran West), a wholly owned subsidiary of Recurrent Energy, LLC, is seeking a right of way grant on up to 2,500 acres of public lands to construct, operate, and decommission a 350-megawatt photovoltaic solar energy generation facility in eastern Riverside County. The project represents an investment of approximately \$550 million, would create up to 650 new jobs during peak construction and about 10 permanent jobs and 40 temporary jobs in operations and maintenance during the 30-year life of the project. Following publication, BLM-CA plans to hold public meetings in Palm Desert and Blythe. The DOI Review Team was briefed Sep. 13. The California Department of Fish and Wildlife is designing mitigation measures for impacts on migratory birds. PR: BLM-CA (8/21/19)
DTS 2642

Nov. 1. BLM-CA plans to publish a Federal Register Notice for the Bakersfield Field Office Hydraulic Fracturing Final Supplemental Environmental Impact Statement and Record of Decision. This planning effort analyzes the potential impacts of hydraulic fracturing associated with oil and gas development on new leases on public lands within the planning area, which includes eastern Fresno, western Kern, Kings, Madera, San Luis Obispo, Santa Barbara, Tulare and Ventura counties. This planning effort supports the 2014 Bakersfield

Field Office Resource Management Plan (RMP) and does not make any new public lands or federal minerals available to oil and gas development. The 2014 Bakersfield RMP determined areas available for oil and gas development on approximately 1.2 million acres of Federal minerals, which includes roughly 400,000 surface acres of BLM-managed public land. Approximately one million acres are available to oil and gas leasing with stipulations that would be applied to protect resources. This issue is controversial and has attracted attention. The DOI Review Team approved publication for the FEIS on Oct. 11. PR: BLM-CA (8/30/19)

Nov. 1. BLM-CA. The Ukiah Field Office plans to release the Walker Ridge Wind Energy Project Environmental Impact Statement and Potential Resource Management Plan Amendment scoping report through ePlanning. Colusa Wind, LLC is requesting a right-of-way grant to build a Type III wind energy project with up to 42 wind turbines on approximately 2,270 acres of public land along Walker Ridge in Lake and Colusa counties. A DOI Review Team briefing is scheduled for Oct. 25. PR: BLM-CA (10/9/19)

Nov. 1. BLM-NM plans to publish a Notice of Availability on the Final Joint Oklahoma/Kansas/Texas Resource Management Plan (RMP) / Environmental Impact Statement (EIS). The Bureau of Indian Affairs (BIA) is a co-lead on the plan. The Integrated RMP will replace the 1994 Oklahoma RMP, as amended; 1991 Kansas RMP; and 1996 Texas RMP, as amended. Additionally, the BIA Integrated RMP will facilitate future BLM and BIA environmental analysis and permitting of Indian and tribal mineral development. PR: BLM-NM; to be issued Oct. 31. (9/11/19)

Nov. 1. BLM-NM. The Oklahoma Field Office plans to open a 30-day public comment period on the Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for a Coal Lease Modification Application (LMA) in LeFlore County, Okla. (OKNM 091190), submitted by George Colliers Inc. (GCI). The LMA would expand the existing Pollyanna #8 mine (aka the South Central Coal Mine) to include 270 acres of additional federal coal reserves located approximately two miles east of Spiro at a depth of 150–700 feet. The LMA would extend the existing mining operations by approximately two years. PR: BLM-NM; to be issued Oct. 31. (10/23/19)

Nov. 1. BLM-UT plans to host a ceremony in Draper, Utah, to transfer four wildfire engines and 116 hand-held radios to local cooperators through the Rural Fire Readiness Program. Local, state, regional, and national media will be invited. PR: DOI (9/11/19)

Nov. 1. BLM-UT. The Color Country District plans to publish a Notice of Intent to prepare an Environmental Impact Statement for the Northern Corridor, Washington County Habitat Conservation Plan and associated amendments in the St. George Field Office and Red Cliffs National Conservation Area Resource Management Plans. This is a joint project with U.S. Fish and Wildlife Service to consider a proposed transportation corridor north of St. George and renew the Washington County Habitat Conservation Plan and associated Incidental Take Permit. PR: BLM-UT (10/2/19)

Nov. 1-2. BLM-ES plans to host the Wild Horse and Burro Advisory Board at the adoption/sales event scheduled to take place at the Meadowood Special Recreation

Management Area, Lorton, Va. In addition to demonstrations by a professional trainer, the interactive trailer “America’s Mustang Experience” will be on site for both days. A scheduling request was forwarded to the BLM Director's office. PR: BLM-ES, announcing previously scheduled adoption/sales event; PR: BLM-WO, announcing attendance of Advisory Board members and availability of interactive trailer. (10/9/19)

Office of Surface Mining Reclamation and Enforcement

October 29 - Initial Award of Administrative and Enforcement Regulatory Grants (A&E): On October 29, 2019, OSMRE plans to award funds for coal regulatory program A&E grants for FY2020. OSMRE gives these grants to eligible states and tribes to enable them to protect people, property, and the environment by regulating surface coal mining. The states will use the money for inspection, permitting, and other regulatory and administrative actions for the coal mining program within their state. Specific amounts are listed below:

Funding for Alabama (IR 2, \$360,424; 4th Congressional District), Arkansas (IR 4, \$26,680; 2nd Congressional District), Indiana (IR 3, \$400,700; 7th Congressional District), and Mississippi (IR 4, \$68,218; 4th Congressional District). (10/21/2019). These initial awards are limited as result of the CR until November 21, 2019.

Bureau of Ocean Energy Management

In October. BOEM would like to formalize the MOU between DOI and Norway. Both the Department and Norway have cleared the MOU, which is intended to strengthen cooperation on both marine minerals and offshore energy. Norway has indicated it may be the Ambassador to the U.S. who would sign for Norway. (3/22/19)

In October. BOEM expects to finalize its rule to amend air quality regulations related to oil, gas, and sulfur operations on the OCS. On August 26, BOEM sent a red-lined draft of the rule with responses to comments to ASLM, SOL, Exec Sec, and the Acting Deputy Secretary for review. BOEM is coordinating with SOL to respond to additional requests for information from the Department. (3/18/19, New DTS#2697)

In October. BOEM plans to submit comments in response to NOAA’s Office for Coastal Management March 12, 2019 Federal Register Advanced Notice of Proposed Rulemaking (ANPR) for “Procedural Changes to the Coastal Zone Management Act Federal Consistency Process.” In the ANPR, NOAA is seeking public comment on the changes that should be made to NOAA's Coastal Zone Management Act (CZMA) federal consistency regulations to make the federal consistency process more efficient across all stages of OCS leasing and development for oil and gas and renewable energy projects. On August 8, 2019, the Acting Deputy Secretary requested edits to BOEM’s original comments. The comments are currently with SOL and will be sent to the Acting Deputy Secretary for review. NOAA has indicated that they will not move forward on the Proposed Rulemaking without consultation with BOEM. (4/19/19, DTS# 2744)

In October. BOEM plans to submit a response to NMFS on its revised draft BiOp, received August 5, 2019. BOEM received a revised draft BiOp and a draft summary table discussion

describing how NMFS addressed BOEM's September 2018 comments. BOEM and SOL are preparing an enhanced response to NMFS on the draft BiOp while the Acting Deputy Secretary considers options for next steps. A briefing binder was provided to the Secretary on September 26 and BOEM is currently awaiting further instruction. (8/9/19)

In October. BOEM plans to provide comments to OMB for interagency review of NOAA's proposed rule to expand the boundaries of the Flower Garden Banks National Marine Sanctuary (FGBNMS). On September 16, BOEM was asked to provide comments in response to OMB's request for interagency review of NOAA's proposed rule to expand the boundaries of the FGBNMS. OMB also asked BOEM if it could circulate for interagency review its previous report on the energy and mineral resources that would be impacted by the proposed FGBNMS expansion. Because the latter document contained proprietary information, BOEM prepared a version suitable for public consumption. BOEM is not seeking modification to the proposed expansion of the FGBNMS. BOEM would like the proposed rule to recognize valid existing rights of the active leases within the proposed expansion areas. SOL surmamed the documents and they have been sent to Exec Sec to transmit to OMB. (9/20/19, DTS #3010)

In October. BOEM and BSEE plan to submit the Financial Assurance Proposed Rule to OIRA by the end of October. The joint rule seeks to ensure that entities operating on the OCS comply with financial and performance obligations arising from leases, right-of-use, and right-of-way grants. Additionally, BSEE added provisions to provide that it will order decommissioning from liable predecessors in reverse chronological order if current lessees fail to timely decommission the facilities on a lease or grant. The proposed rule has cleared ASLM and is with BOEM for editing before sending to the Department. (8/27/18, DTS#2343)

November 1. The Fall 2019 Restricted Joint Bidders List (RJB) covering the bidding period from November 1, 2019 to April 30, 2020, is with the Department for clearance. The target publication date is November 1, 2019. (10/11/2019, DTS #2999)

8-30 Day Outlook

Bureau of Land Management

NEW ITEMS

Nov. 4. BLM-AK Plans to submit the proposed Red Devil Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) plan for the Red Devil Mine to the Alaska Department of Environmental Conservation and Department of Natural Resources for review and comment. The proposal is under review by the Deputy State Director for Resources and the Anchorage District Office. Red Devil is an abandoned mercury mine on the Kuskokwim River. BLM-AK expects to have all comments resolved by late Jan. Public meetings at communities along the middle and lower Kuskokwim River are planned for Feb.-March. BLM-AK will resolve public comments through formal responses following the public comment period and begin work on a CERCLA Record of Decision. PR: BLM-AK (10/23/19)

Nov. 4. BLM-NM. The Amarillo Field Office plans to shut down the helium plant for 7-10 days to perform required safety checks and annual facility maintenance. PR: NA (10/23/19)

Nov. 4. BLM-UT. The Canyon Country District plans to publish a Federal Register Notice announcing two meetings in Monticello for the Bears Ears National Monument (BENM) Advisory Committee to discuss the BENM Approved Plans, Record of Decision, and next steps in plan implementation (Dec.), and BENM implementation-level plans (Feb.). PR: BLM-UT (10/23/19)

By Nov. 8. BLM-ID. The Idaho Falls District plans to release the Final Environmental Impact Statement for the Dairy Syncline Mine (DSM) and Reclamation Plan. The Final EIS seeks a balance between resource extraction and conservation, while providing opportunities for high-paying jobs in the local community. The proposed action would allow DSM to maintain more than 250 current mining jobs for an additional 30 years. If approved, the mine would aid the region's economy through the payment of taxes, royalties, and purchases, providing \$25 million in annual payroll. PR: BLM-ID (10/23/19)

Nov. 8. BLM-NV. The Mount Lewis Field Office expects the comment period to end for the Jersey Valley Geothermal Project Environmental Assessment (EA), intended to restore flow to Jersey Valley Hot Spring (JVHS) near the Jersey Valley geothermal power plant operated by Ormat in Pershing County. Between 2013 and 2015, the century-old hot spring dried up, impacting a nearby grazing permittee. Ormat agreed to restore JVHS to normal conditions. The EA included coordination with Ormat, Joe Saval Company, and other interested parties and stakeholders, and examined 14 alternatives for positive and negative effects of the project. PR: BLM-NV (10/23/19)

Nov. 15. BLM-NV. The Bristlecone Field Office expects the Environmental Assessment public comment period to end for Western Oil Exploration's proposal to drill an exploratory well on an existing valid lease in Newark Valley 40 miles west of Ely. PR: BLM-NV (10/23/19)

Nov. 18. BLM-AZ. The Kingman Field Office plans to begin a 20-day public scoping period for the Kalamazoo Minerals Mine Plan of Operations and hold a public meeting in Chloride Nov. 19. PR: BLM-AZ (10/23/19)

Nov. 21-22. BLM-AK plans to host a booth at the Resource Development Council (RDC) for Alaska's 40th Annual Resources Conference. RDC is a nonprofit, statewide business association of representatives from oil and gas, mining, forest, tourism, and fishery industries, Alaska Native Corporations, local communities, organized labor, and industry support firms. RDC's purpose is to encourage a strong, diversified private sector in Alaska and expand the state's economic base through the responsible development of our natural resources. PR: NA (10/23/19)

Nov. 22. BLM-CO. The Tres Rios Field Office plans to publish a notice in the Federal Register implementing annual seasonal wildlife closures Dec. 1 – April 15 (or April 30 if conditions warrant) in the Grandview and Animas City areas, and Dec. 1 – July 31 in the

Perins Peak area to protect wintering deer, elk, nesting peregrine falcons, and other wildlife. PR: BLM-CO (10/23/19)

By Nov. 30. BLM-NV. The Southern Nevada District plans to publish a Federal Register package to extend withdrawal Public Land Order (PLO) 7419 for another 20 years to Nellis Air Force Base (NAFB). Extension of the PLO is necessary to allow NAFB to provide safety buffers from potentially hazardous areas, protect populated areas, and comply with Department of Defense Directive No. 6055.09E regarding ammunition and explosive safety standards. PLO 7419 currently expires Dec. 8. PR: NA (10/23/19) DTS 249

UPDATED ITEMS

Nov 7. BLM-AZ. The Arizona Strip District (ASD) plans to sign the Record of Decision (ROD) for the Paria Canyon–Vermilion Cliffs Wilderness Environmental Assessment (EA) released Sep. 13. ASD held public meetings in St. George and Kanab, Utah, and Page, Ariz. regarding the EA. The EA analyzed the environmental impacts of a proposal to increase daily visitor limits from the current cap of 20 people to a maximum of 96 people per day in Coyote Buttes North, where the internationally popular geologic feature known as The Wave is located. The proposal seeks to increase recreational opportunities and visitor access, as outlined in Secretarial Orders 3347 and 3366, while preserving wilderness values. PR: BLM-AZ (4/30/19)

By Nov. 8. Pending final ASLM approval, Directives will publish Manual Section 1105, Donations, Solicitation, and Fundraising (DTS 9078) and issue an Information Bulletin announcing the new policy (DTS 7385). The policy provides a national framework for conducting donation-related activities throughout the BLM and fulfills the BLM mandate to step down the DOI donations policy (Departmental Manual Part 373, Employee Responsibilities and Conduct; Chapter 6). The policy addresses key and timely BLM-specific policy gaps, clarifies ongoing donation-related issues, and improves the BLM’s accountability, fostering needed consistency while limiting the BLM’s exposure and donation-associated risk. PR: NA (9/11/19) DTS 9078 and 7385

By Nov. 8. BLM Resources and Planning is working with the Deputy Secretary's office to finalize language within the Timber Salvage Categorical Exclusion and plans to submit it to the Council on Environmental Quality. PR: NA (8/21/19)

By Nov. 8. BLM-AK plans to publish the Notice for the National Petroleum Reserve in Alaska (NPR-A) 2019 Oil and Gas Lease Sale; Notice of Availability of the Detailed Statement of Sale for the 2019 NPR-A Oil and Gas Lease Sale in the Federal Register. BLM-AK will offer 350 tracts totaling about 3.98 million acres, with the sealed bid opening conducted via video livestream Dec. 4. PR: BLM-AK (10/2/19) DTS 2839

Nov. 8. BLM-ID. The Owyhee Field Office (OFO) plans to issue final decisions for the Rockville Grazing Allotment, which is part of the Battle Creek litigation in U.S. District Court of Idaho. Proposed decisions and the Environmental Assessment (EA) were released on Aug. 20, 2018. OFO staff have met with relevant parties to address concerns. The final decisions would permit Animal Unit Months (AUMs) equal to the permittees’ average

actual use (1,625) for the first three years of the new permit. After three years and upon achievement of specific parameters toward meeting rangeland health standards, environmental conditions, and forage availability, the permittees would have the opportunity to increase AUMs up to the current permitted AUMs (2,288) on an annual basis. In addition, a total of 135 suspended AUMs would remain on the permits. BLM-ID briefed the BLM Director's Office on Nov. 7, 2018. Controversy is expected on all permit renewals, but will be no more than usual for Owyhee County. PR: NA (3/23/18)

Nov. 8. BLM-UT. The Canyon Country District plans to issue a Federal Register Notice of Availability for the Bears Ears National Monument (BENM) Approved Management Plans Record of Decision (ROD). The U.S. Forest Service is expected to issue a separate ROD for BENM lands they administer. Efforts to complete protest resolution, Governor's consistency review, and U.S. Fish and Wildlife Service consultation are underway. BLM-UT and the Advisory Council on Historic Preservation are discussing the council's letter regarding the BLM's no adverse effect finding for the plan. PR: BLM-UT (9/11/19)

By Nov. 15. BLM Resources and Planning intends to submit a report to Congress providing analysis related to proposed actions that can address wild horse and burro overpopulation and lower program costs. The analysis was required by Congress in its 2019 Appropriations Act and follows a similar report to Congress submitted in 2018. PR: NA (4/2/19)

By Nov. 15. BLM-NM plans to brief the DOI Review Team on the Draft Farmington Mancos-Gallup Resource Management Plan Amendment (RMPA) to examine potential impacts differences of horizontal drilling and multi-stage hydraulic fracturing technologies that are facilitating additional extraction and associated surface disturbance in what was previously considered a fully developed oil and gas field. The Bureau of Indian Affairs is a joint lead agency. The scope of evaluated decisions are limited to fluid mineral leasing and development, lands and realty, vegetation, and lands with wilderness characteristics. PR: BLM-NM; to be issued Nov. 21, if published in the Federal Register on Nov. 22. (10/16/19)

By Nov. 15. BLM-NM plans to publish a Notice of Availability for the Final Carlsbad Resource Management Plan / Environmental Impact Statement. The RMP outlines long-term landscape-level plans and goals for public lands in Lea, Chaves, and Eddy Counties. The planning area includes about 2.1 million acres of federal land and 3 million acres of BLM-managed mineral estate. PR: BLM-NM; to be issued Nov. 14 after DOI Review Team approval. (6/19/19)

Nov. 15. BLM-MT/DK. The Missoula Field Office (MFO) plans to complete the Middle Belmont Land Acquisition (MBLA) from The Nature Conservancy. MFO will acquire 7,268 acres for \$5,633,000 using Sportsman's Access funds from the Land and Water Conservation Fund. The MBLA implements part of the Belmont Land Acquisition Environmental Assessment. The Decision Record was signed Aug. 13. The lands are adjacent to BLM-managed lands within the Lower Blackfoot River-Belmont Creek area 25 miles northeast of Missoula. The acquisition would increase the amount of public lands available for recreational activities and maintain the working lands with active forestry, fire management, and grazing programs. The acquisition is not controversial and has strong local support. A

public celebration of the acquisition will be scheduled following the closing. PR: BLM-MT/DK (9/25/19)

Nov. 18. BLM-AZ plans to announce the public review and 30-day comment period for the preliminary Black Mountains Herd Management Area (HMA) Wild Burro Gather Environmental Assessment (EA). The EA analyzes impacts of removing up to approximately 1,800 burros from the HMA. The Appropriate Management Level is 382-478 burros, with over 2,500 burros estimated within the HMA by year-end. The proposed gather would occur winter 2019 and into 2020. PR: BLM-AZ (7/24/19)

Nov. 19. BLM-AZ. The Phoenix District plans to publish the Recreational Shooting Sports Project final environmental assessment (EA), Finding of No Significant Impact, and related proposed grazing decision, initiating the 15-day protest period. BLM-AZ plans to publish the Shooting Sports EA Decision Record and associated news release, which initiates the 30-day appeal period, Dec. 3. The project focuses on a strategy to identify, plan, develop, and manage sites appropriate for recreational shooting sports on public land. It includes five sites around the greater Phoenix area in Maricopa and Pinal Counties. BLM-AZ will evaluate different approaches for actively managing recreational shooting sports sites – from more passive to more intensive ones – while preserving widespread dispersed recreational shooting sports opportunities. BLM-AZ is working on the project with the Arizona Game and Fish Department and other partners. PR: BLM-AZ (4/23/19)

Nov. 22. BLM-AZ plans to sign the Ten West Link Transmission Line Record of Decision based on the Final Environmental Impact Statement (EIS) that was released Sep. 13. In addition to the Final EIS, BLM-AZ prepared amendments to the Yuma Field Office Resource Management Plan and California Desert Conservation Area Plan. The 500-kilovolt transmission line would connect existing substations near Tonopah, Ariz. and Blythe, Calif., strengthening grid reliability and efficiency for millions of customers in both states. The Final EIS analyzed several alternatives, with BLM-AZ's preferred alternative being a 125.8-mile-long route mostly located within existing utility corridors or parallel to existing infrastructure. BLM-AZ briefed the NEPA Review Team Aug. 23. PR: BLM-AZ (6/26/19)

By Nov 29. The BLM is updating two manuals: Manual 6310, *Conducting Wilderness Characteristics Inventory on BLM Lands*; and Manual 6320, *Considering Lands with Wilderness Characteristics in the BLM Land Use Planning Process*. The updates clarify certain policy direction including conducting inventories for lands with wilderness characteristics only as needed, that inventory and management are separate activities, and that there is no obligation to protect wilderness characteristics once the lands are inventoried. They also emphasize the importance of engaging cooperators, including states and counties, during the inventory and planning process to ensure public input. The revised manuals are under review with the Deputy Secretary's office. PR: NA (9/11/19) DTS 16518

ONGOING ITEMS

By Nov. 4. BLM-AZ. The Lower Sonoran Field Office (LSFO) expects the city of Goodyear to present a BLM-AZ right-of-way grant offer letter for the Sonoran Valley Parkway Project (SVPP) to the city council for approval. LSFO plans to sign and execute the right-of-way

grant at a later date once signed copies are received from the city. The SVPP will allow construction of a two-lane road that could accommodate traffic from a neighboring community, cutting travel distance from 60 miles to 18 miles. This parkway will help expand transportation infrastructure in order to support economic development and emergency services in the Southwest Phoenix exurbs. PR: BLM-AZ (8/14/19)

Nov. 4. BLM-ID. The Bruneau Field Office plans to issue a proposed grazing decision for the Dickshooter Cattle Company Use Area livestock permit renewal in the Big Springs Allotment. Adaptive management, range improvement projects, and flexibility in livestock grazing will be implemented to meet Idaho Standards for Rangeland Health and no reductions to permitted use will be included in the proposed decision. Extensive coordination with the livestock operator and the Owyhee County Commissioners has occurred in the development of the Environmental Assessment. PR: NA (10/16/19)

Nov. 6. BLM-AZ. The Phoenix District’s 30-day public comment period ends regarding the Environmental Assessment of a land conveyance to the Gila River Indian Community (GRIC). A news release announcing the public comment period was issued Oct. 7. The action supports Sec. 4 of P.L. 115-350, GRIC Federal Rights-of-Way, Easements, and Boundary Clarification Act. GRIC has historical ties to the 3,380.69 acres, which include cultural resources and archaeological sites. The lands were designated as suitable for disposal in the 2012 Lower Sonoran approved Resource Management Plan. BLM-AZ expects to issue a Decision Record by the end of Nov. PR: NA (10/2/19)

Nov. 9-10. BLM-UT. Grand Staircase-Escalante National Monument, the BLM-AZ Arizona Strip Field Office, and California State University, Long Beach archaeologists and students plan to conduct a ground penetrating radar remote sensing study to test for the presence of subsurface archaeological site features with non-invasive methods; providing cultural resources managers the opportunity to expand knowledge of archaeological sites without disturbing site integrity. Archaeologists hope this collaborative study will continue in future years to capture additional site data and provide hands-on field experience to students. PR: NA (10/9/19)

Nov. 14. The BLM Division of Lands, Realty, and Cadastral Survey plans to release the Section 368 Corridors Regions 4, 5, & 6 Report for a 30-day public comment period in order to complete the reviews in 2019. The review has been approved by the U.S. Forest Service. PR: NA (10/9/19) DTS 19145

Oil and Gas Lease Sale Updates

Sale Date	State	# of Parcels	# of Acres	Date EA Released	Date of Sale Notice Posted	End of Protest Period

11/4 or 11/11/19	BLM- AK	879	10.2 million	TBD	TBD	TBD
11/07/19	BLM- NM	16	7,619	7/15/19	9/09/19	9/20/19
11/12/19	BLM- NV	263	547,595.25	7/18/19	9/27/19	10/14/19
12/10- 11/19	BLM- WY	160	173,225	8/13/19	10/11/19	11/9/19
12/10/19	BLM- UT	24	13,422	8/29/19	10/24/19	11/25/19
12/17/19	BLM- NV	452	777,436.74	Elko 8/27; BMDO 9/5; Ely 8/8	<u>Soonest. Notice with WO-610</u>	11/17/19
12/18/19	BLM- MT/DK	20	18,879	8/15/19	10/29/19	11/28/19
12/19/19	BLM- CO	6	4,259	8/13/19	<u>Postponement memo sent to BLM 10/18/19</u>	TBD
2/6/20	BLM- NM	79	19,277.13	10/15/19	12/9/19	12/18/19

3/24/20	BLM-MT/DK	8	5,181	11/5/2019	2/4/20	3/5/20
3/26/20	BLM-CO	39	39,256	11/14/19	1/24/20	2/24/20

LBA and LMA 6 Months Ahead Project Sales or Offers (Sales)

Sales Date	State	Ser. No. (LBA or LMA)	Tonnage	Acres	Decision Date (DR or ROD)	Date Published FR Sale Notice
NA	ND	NDM 110277 (LBA)	5,230,000	320	NA (DR)	NA
NA	ND	NDM 105513 (LBA)	11,210,000	630	2020 (DR)	2020
NA	ND	NDM 111186 (LBA)	14,400,000	880	2020/2021 (DR)	2020/2021
NA	ND	NDM 105513 (LBA)	11,210,000	630	NA (DR)	NA

NA	MT	MTM 80697 (LMA)	6,750,000	160	NA (DR)	NA
NA	UT	UTU 0126947 (LMA)	6,600,000	954.80	2/1/20 (DR)	NA
NA	UT	UTU 014218 (LMA)	2,300,000	637.84	2/1/20 (DR)	NA
NA	CO	COC 78825 (LBA)	9,540,000	2,462	9/30/19	<u>11/8/19</u>
NA	NM	OKNM 91190 (LMA#3)	1,822,500	270	NA (DR)	NA

NA: Not Available or Not Applicable

Wild Horse and Burro Gatherers

Gather Dates	State	HMA's	Gather Method	Horses*	Burros*	FC?*	Controversy Expected?
8/2 – TBD/19	BLM-NV	Pine Nut Mountains	Bait/Water Trap	<u>383/485</u>	-	-	No

8/7-TBD	BLM-NV	Antelope and Antelope Valley	Bait/Water Trap	939/1,250	-	Yes; 15 mares	No
10/7-12/31/19	BLM-AZ	Laughlin Ranch Golf Course	Bait/Water Trap	-	0/50	No	No
10/7-17/19	BLM-NV	Buffalo Hills and Granite Range	Helicopter	97/100	112/175	-	No
10/17-26/19	BLM-WY	Fifteenmile	Helicopter	0/700	-	No	Standard level
10/21-TBD	BLM-CA	Clark Mountain HA	Bait/Wwater trap	N/A	0/80	No	No
11/5-11/19	BLM-ID	Challis	Helicopter	0/244	-	Yes: 40-50	Yes
11/13-23/19	BLM-NV	Seaman-White River HMA	Helicopter	0/450	-	No	No
12/9-23/19	BLM-NV	Desatoya HMA	Helicopter	0/450	-	Yes: 25	No

2/3-10/20	BLM-NV	Reveille HMA	Helicopter	0/150	-	Yes: 25	No
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* Gathered / Plan to Remove

** Fertility Control

Wild Horse and Burro Adoption Events

Adoption Date	State	Horses	Burros	Venue	From Corral / Facility
10/19/19	BLM-NV	15	1	Northern Nevada Correctional Center	Northern Nevada Correctional Center
10/25-26/19	BLM-NM	55	10	Lawrence, Kans.	Pauls Valley Off-range Corral, Okla.
11/1-2/19	BLM-ES	40	10	Meadowood, Va.	Ewing, Illinois Off-Range Corral
11/1-3/19	BLM-NV	100	40	TIP Challenge at Horseman's Park, Las Vegas	Palomino Valley and Ridgecrest
11/2/19	BLM-AZ	4	3	Empire Ranch	Florence WHB Training and Holding Facility

11/8-9/19	BLM-AZ	10	6	Florence WHB Training and Holding Facility	Florence WHB Training and Holding Facility
11/15-16/19	BLM-NM	55	10	Hardy Murphy Coliseum	Pauls Valley Off-range Corral, Okla.

Bureau of Ocean Energy Management

UPDATED ITEMS

November 14. BOEM plans to attend the 2019 White House Ocean Science and Technology Summit. The Summit brings together executives from the private, public, philanthropic and academic sectors to identify opportunities for scientific and technological partnerships. Areas of interest for 2019 include: Exploring the Ocean; Conserving Marine Resources; Sustaining Ocean Observations; Promoting Food Security; Advancing Ocean Energy; Characterizing Ocean Life; Leveraging Big Data. The National Oceanographic Partnership Program’s Excellence in Partnering Award will be awarded to the BOEM-funded Marine Arctic Ecosystem Study (MARES) at the Ocean Sciences Meeting in February 2020. (10/8/19)

ONGOING

November 7-8. The 11th meeting of the National Academies Committee on Offshore Science and Assessment (COSA) will be held in BOEM’s Gulf of Mexico Office. The committee meets 2-3 times a year and provides information on issues relevant to BOEM’s environmental studies and assessment activities. BOEM will issue a media advisory for the event. (10/8/19)

November 8. BOEM’s briefing for the NEPA Review Team on the Record of Decision (ROD) for the Programmatic Gulf of Mexico G&G EIS was postponed. BOEM had intended to sign the ROD on November 5, 2019, and publish the Notice of Availability in the *Federal Register* on November 8, 2019. (9/20/19)

November 8. BOEM expects to have a completed analysis from IHS Markit on HPHT fields on November 8. On July 30, BOEM received additional direction from ASLM on further analysis for HPHT fields. BOEM incorporated this request into the proposal from IHS Markit for specific analysis on HPHT fields in the GOM. This material will cover cost differentials, potential incentives, and discussion on needed rates of return. The final product is due on November 6, 2019. (5/13/19)

November 12. BOEM plans to provide briefing materials in anticipation of the Secretary's meeting with the fishing industry on November 12. The meeting will discuss impacts of offshore wind energy on the fishing industry. (10/17/19)

November 13. BOEM will post its price memo for shallow water-specific discount rate parameters on its website. The price memo was developed in support of BSEE's special case royalty relief program. Posting on BOEM's website will be coordinated with BSEE's shallow water announcement. (8/23/2019)

In November. BOEM expects to publish a Notice of Intent (NOI) to prepare an environmental assessment (EA) for leasing offshore the New York Bight. The NOI will be published concurrent with identification of the New York Bight WEAs. A briefing for the ASLM was held October 9. (3/8/19, DTS #2514)

In November. The State Department has requested input from BOEM on how proposed International Seabed Authority (ISA) financial/royalty models conform to our domestic oil and gas royalty system. This is part of a larger support effort that BOEM has been providing to the State Department on ISA-related matters. BOEM plans to provide feedback in November 2019. (10/15/19)

Bureau of Safety and Environmental Enforcement

BSEE RENEWABLE UPDATE: The Department of the Interior's (DOI) Outer Continental Shelf (OCS) Renewable Energy Program is authorized under section 388(a) of the Energy Policy Act of 2005 (EPAct), which amended subsection 8 of the Outer Continental Shelf Lands Act. DOI renewable energy regulations (30 CFR part 585), issued under this authority in 2009, provide a framework for OCS activities that support production and transmission of energy from sources other than oil and natural gas. During 2018, the Office of the Solicitor (SOL) analyzed the question of which agency(ies) may regulate offshore worker safety in connection with activities on renewable energy facilities on the OCS, and advised that such activities may be regulated by the DOI, the Occupational Safety and Health Administration (OSHA), or both. OSHA's requirements generally apply to working conditions on the OCS, unless another Federal agency has exercised authority in that area. BSEE engaged with OSHA, and OSHA determined that the requirements in 30 CFR part 585 are sufficient to preempt OSHA's authority and establish DOI as the primary regulator and enforcement agency for worker safety and health on OCS renewable energy facilities. OSHA advised DOI that publishing a policy statement in the Federal Register would effect the preemption. This policy statement was cleared by the Department of Labor on May 2, 2019. BSEE and BOEM mutually agreed that the most expedient way to publish the policy statement will be on each agency's website, with subsequent publication in the Federal Register. The ASLM signed the FR notice on July 8, DTS # BSE00001144 has moved to the Executive Secretariat for approval to publish in the Federal Register. A Note to Stakeholders (NTS) and a BOEM Communication Plan have been added to the DTS package. . The Executive Secretariat approved the FR Notice on October 4, 2019. The Notice was signed by the Acting Assistant Secretary on October 9, 2019. BSEE and BOEM Office of Public Affairs worked together on a joint press release, which was approved by DOI communications on October 15. The

Notice was sent to the Federal Register on October 15. On October 16, the Federal Register notified the bureaus that the BOEM-BSEE Joint Notice is scheduled for publication in the Federal Register on Friday, October 18, 2019. The document was on the public inspection desk on Thursday, October 17, 2019 at 8:45 a.m.

Arctic Rule (AA01) –This is a joint BSEE BOEM rule and BSEE has been tasked as the lead agency by the ASLM for revisions to this rule. BSEE worked with the Department and the Office of the Solicitor to draft the reg text, the preamble, environmental assessment, information collection compliance statements, and initial regulatory analysis. The draft preamble, reg text, EA, decision memos and Powerpoint were delivered to the ASLM and Departmental leadership on September 20. The RIA was delivered on September 25. The Department is currently reviewing the proposed Arctic rule package and has provided preliminary comments and guidance to BSEE and BOEM. The bureaus are currently in the process of incorporating additional information into the preamble and drafting additional reg text options for the proposed rule's Subsea Isolation Device/Relief Rig requirement. The Department is currently reviewing the proposed Arctic rule package and has provided preliminary comments and guidance to BSEE and BOEM. The bureaus are currently in the process of incorporating additional information into the preamble and drafting additional reg text options for the proposed rule's Subsea Isolation Device/Relief Rig requirement. Hard copies of the first option (an option between equals, the use of a relief rig or the use of a subsea intervention device (SID)) and second option (one method with the use of the SID) of preamble and reg text were delivered on October 21 to the ASLM. A crosswalk chart of both options comparing the changes in regulatory text were delivered to the ASLM on October 22.

Shallow Water Royalty Report: BSEE and BOEM are working to finalize the *Joint BSEE BOEM Report*, which will include the publication of BOEM's revised Discount Rate schedule, and the SOL opinion. BSEE and BOEM are seeking to schedule an announcement to release this report and the solutions to increase Shallow Water activity in a November 2019 presentation in Houma, Louisiana. This presentation is designed to communicate to the public that this administration has 1) conducted the most robust research ever regarding the Shallow Water Province and 2) has developed a smart solution in response to the research. In addition, Shallow Water operators will be notified of this latest information and we would expect an uptick in royalty relief applications for the shallow water province, and consequently an uptick in drilling activity, production, and a reduction in stranding assets.

Office of Surface Mining Reclamation and Enforcement

UPDATED ITEMS

November 8. Dry Fork Mine Plan Modification: OSMRE Region 7 Office submitted the recommendation on the mining plan modification approval to OSMRE Headquarters for the Dry Fork Mine. The Dry Fork Mine, operated by Western Fuels-Wyoming Inc., is located approximately 4.5 miles northeast of Gillette, Wyoming. The proposed mining plan modification would remove 58.1 million tons of Federal coal and extend the life of the mine by approximately 9.7 years, from 2054 to 2064. (10/18/19)

Ongoing. TDN Rulemaking: The ten-day notice rulemaking team had a conference call with the Solicitors on October 17, 2019, to discuss comments and revise the rule text; the rule text was finalized and the preamble will now be drafted. OSMRE has assembled a team to develop the rule to clarify the requirements of section 521 of the Surface Coal Mining and Reclamation Act of 1977 (SMCRA) (30 USC § 1271) and the regulations promulgated under sections 30 CFR 842.11 and 843.12. OSMRE has developed an action plan to ensure it achieves the goal of proposing a rule in late 2019 or early 2020. (10/3/19)

Ongoing. Section 7 Consultation: OSMRE has circulated the revised response to IMCC comments and revised BA to SOL and DOI management for final review. OSMRE plans to provide the revised BA and comment response document on the Section 7 Consultation to IMCC on October 26, 2019. On September 27, 2019, the Center for Biological Diversity, Sierra Club, West Virginia Highlands Conservancy and Ohio Valley Environmental Coalition served OSMRE with a Complaint for Declaratory and Injunctive Relief alleging, among other things that OSMRE is in violation of the Endangered Species Act a result of OSMRE's continued reliance on the 1996 Biological Opinion and Conference Report on Surface Coal Mining and Reclamation Operations under the Surface Mining Control and Reclamation Act of 1977. (10/7/19)

Ongoing through November. State Program Amendment (SPA) Processing. Two final rule notices, MT-035 and VA-128, will be published in the Federal Register on 10/23/2019. One final rule notice, MT-036, will be sent to the Federal Register this week. OSMRE will continue to assess the State Program Amendment process, and consider modifying the current process, as appropriate. A second training opportunity will be provided to OSMRE staff in November on drafting and processing state program amendments via webinar. (10/17/19)

November 8. Tennessee Primacy: OSMRE received Tennessee's completed application for a regulatory program development grant on September 26, 2019, following Unified Region 1 Field Special Assistant meeting with the head of TDEQ on September 18, 2019. Upon reviewing the grant application, OSMRE found the package was incomplete. OSMRE is currently working with Tennessee to obtain a completed application package. Tennessee plans to provide additional clarifications by October 25, after which the application will continue internal view and processing at the Regional level. Completion of Regional review is anticipated by November 8, 2019. Tennessee will be working towards the "Program Submission," which is anticipated to be completed by the end of the 2020 calendar year. Once OSMRE receives a completed Program Submission, the Agency will work diligently to post it in the **Federal Register**. Once the **Federal Register** notice is published, OSMRE then has six months to approve the Tennessee Program. (10/11/19)

ONGOING ITEMS

November 12. Justice Group of Companies: A response to an amended complaint filed by the Justice Group of Companies, that the U.S. Attorney will sign, is now due on November 12, 2019. An affirmative litigation package recommending the initiation of a lawsuit to collect civil enforcement and debt collection and enforce SMCRA reclamation was sent to the Department of Justice (DOJ) in May 2019. On May 17, 2019, Jay Justice and

some of the Justice Companies filed a complaint against OSMRE alleging that OSMRE breached a verbal settlement agreement. On August 12, 2019, the United States was served this lawsuit, but Justice subsequently amended their complaint on August 23, 2019. (10/11/19)

November 27. Center for Biological Diversity v. U.S. Fish and Wildlife Service: The government's response to a lawsuit filed September 4, 2019, by environmental groups against the U.S. Fish and Wildlife Service, OSMRE, and the Department is due November 27, 2019. The plaintiffs, the Centers for Biological Diversity, are challenging the continued reliance on the 1996 Biological Opinion. Among other things, plaintiffs request a declaratory judgment that the 1996 Biological Opinion is invalid and the 2018 crayfish guidance is unlawful. DOI plans to seek a stay of the litigation pending completion of a new Biological Opinion. (10/7/19)

Mine Plan Decision Documents:

Ongoing. Caballo Mine West Lease Tract EA - WY: A consultation letter was mailed to the Wyoming State Historic Preservation Office (SHPO) requesting concurrence on OSMRE's finding that five sites in the area of potential effect are not eligible for listing to the National Register of Historic Places. The Wyoming SHPO is afforded 30 days for review and response. OSMRE regional office expected to submit the recommendation on the mining plan modification approval to OSMRE Headquarters on September 23, 2019, for the Caballo Mine West Lease Tract federal mining plan, however during final review, it was determined that consultation in accordance with Section 106 of the National Historic Preservation Act had not been completed adequately. At this time, a date for submission of the mining plan decision document is unknown. (10/10/19)

October 25. Pollyanna 8 Modification #3 - Oklahoma: BLM intends to post the draft EA and unsigned FONSI for public comment on October 25, 2019. HQ NEPA Lead has reviewed the draft and provided comments. Field Solicitor is reviewing draft and will provide comments by October 22, 2019. BLM had received a request from the permittee of the Pollyanna 8 underground mine to modify its current lease (OKNM 91190) by adding 270 acres of federal coal. OSMRE and BLM will continue to work closely together to produce sound environmental assessments for the Pollyanna 8 operation that meet the needs of both agencies. (10/10/19)

October. Narley Mine No. 3 - Alabama: The State of Alabama plans to approve the mine operator's permit revision as soon as the bond is posted. OSMRE has reviewed the permit revision application and worked with the State of Alabama to correct any outstanding issues. OSMRE regional staff will reinstate development of the EA when the State of Alabama approves the permit revision. OSMRE's Regional Office began scoping for an Environmental Assessment (EA) for the Best Coal Inc., Narley Mine No. 3 in February 2019. The NOI was posted on the OSMRE Regional website on February 22, 2019. The public comment period closed on March 25, 2019. Congressman Gary Palmer sent a letter dated March 25, 2019, to OSMRE requesting expedited completion of the required NEPA EA due to potential exhaustion of available reserves. (10/17/19)

ASSISTANT SECRETARY FOR POLICY, MANAGEMENT AND BUDGET
 (Indicates Press/Comms Opportunities)

Week Ahead Schedule of Meetings, Hearings, and Travel for the Upcoming Week

Susan Combs will be in the office.
 Scott Cameron will be in the office.

Immediate Actions and Announcements for the Next Week

In an effort to assure that policies and procedures are up to date and are still needed, PMB is reviewing over 70 Department Manual Chapters. As of 10/23/2019 PMB has developed reviewed, internally surnamed, prioritized and sent 36 DM chapters to the Office of the Executive Secretariat for processing and Departmental approval. PMB is working with Exec. Sec. to resolve the processing backlog.

<i>PMB Departmental Manual Chapter Updates - FY 2019</i>	
DM Part #	Departmental Manual Chapter # and Chapter Title
112 DM 30	Chapter 30 - Office of Restoration and Damage Assessment
207 DM 6	Chapter 6 - Natural Resource Damage Assessment and Restoration
207 DM 7	Chapter 7 - CERCLA Implementation
520 DM 1	Chapter 1 & 2 - Floodplain Management / Wetlands Protection
105 DM 1	Chapter 1 - Creation, Mission, and Goals
524 DM 1	Chapter 1 - Invasive Species Policy
505 DM 1	Chapter 1 - Grants Administration - Policy Development and Management
505 DM 2	Chapter 2 - Grants Administration - Procurement Contracts, Grant and Cooperative Agreements
505 DM 3	Chapter 3 - Grants Administration - Grants and Cooperative Agreements with State and Local Governments
505 DM 4	Chapter 4 - Grants Administration - Deposit of Publications Produced Under Grants
505 DM 5	Chapter 5 - Grants Administration - Grants Agreements with Education/Hospital/Non-Profit Groups
505 DM 6	Chapter 6 - Grants Administration - Infrastructure Privatization
109 DM 4	Chapter 4 - Assistant Secretary - Policy, Management and Budget and CFO
485 DM 10	Chapter 10 - Safety and Occupational Health Awards
485 DM 8	Chapter 8 - Employee Reports of Unsafe Conditions and Allegations of Reprisal
370 DM 312	Chapter 312 - Position Management
370 DM 511	Chapter 511 - Position Classification Under the Classification Act System
112 DM 34	Chapter 34 - Creation, Authorities, Mission, and Functions (New)
485 DM 16	Chapter 16 - Motor Vehicle Safety
485 DM 21	Chapter 21 - Radiation Safety for Ionizing and Non-Ionizing Radiation
485 DM 7	Chapter 7 - Accident/Incident Reporting and Investigations
485 DM 9	Chapter 9 - Occupational Safety and Health Councils, Committees, and Work Groups
112 DM 8	Chapter 8 - Office of Financial Management
307 DM 1	Chapter 1 - Management Improvement Team
602 DM 1	Chapter 1 - Office of Valuation Services
112 DM 15	Chapter 15: Office of Human Resources
105 DM 2	Chapter 2 - General organization of the Department
200 DM 1	Chapter 1 - Delegation of Authority
209 DM 2	Chapter 2 - Under Secretary
101 DM 3	Chapter 3 - Planning and approval for headquarters and first-level field offices
370 DM 213	Chapter 213 - Excepted Service
521 DM 1	Chapter 1 - Authorities and Policy (ORDA)
521 DM 2	Chapter 2 - Responsibilities (ORDA)
521 DM 3	Chapter 3 - Signatory Authority
112 DM 10	Chapter 10 - Interior Business Center
212 DM 10	Chapter 10 - Interior Business Center

Deputy Assistant Secretary – Budget, Finance, Grants, & Acquisition

The Office of Management and Budget will opened its budget formulation system to agencies on October 24, 2019. Agencies will enter FY 2019 actual funding and staffing information into the system as the first step in the preparation of the President’s FY 2021 Budget. OMB has not yet shared the full schedule for the FY 2021 Budget release. (10/10/19)

The current Continuing Resolution expires on November 21. The House and Senate Appropriations Subcommittee staff are preparing for conference meetings on the FY 2020 Appropriation. The Interior subcommittee staff has expressed an interest in setting up two House/Senate meetings before conference which have not yet been scheduled: 1) to review the end of year unobligated balances in BLM’s main operating account, and 2) to meet with Indian Affairs, Indian Health Service, OMB, and Department of Justice to discuss a path forward for Sec. 105(l) leases and the potential for escalating requirements. (10/10/19)

Office of the Chief Information Officer (OCIO)

OCIO has posted a timeline for the migration from Google Apps for Government to Microsoft Office 365 on the BisonConnect transition site. The transition will be a phased approach, beginning in November and starting with USBR, BOEM, BSEE, and ONRR. Beginning the week of October 28, the CIO Office will hold briefings with each Assistant Secretary and Bureau/Office Director to discuss the implementation strategy, timeline, anticipated impacts, and any questions/concerns they may have. (10/04/19)

Deputy Assistant Secretary – Policy & Environmental Management

A draft rule and communication plan has been drafted to comply with Secretarial Order 3369, “Promoting Open Science.” The Order is intended to ensure that the Department makes decisions supported by the best available science and provides the American public with enough information to thoughtfully and substantively evaluate the scientific information, methodology, and analysis that the Department uses to inform its decisions. As part of the Order, the Department committed to initiating a rulemaking process. The draft proposed rule is in the surnaming process. (09/24/19)

Deputy Assistant Secretary – Human Capital and Diversity

On October 30, 2019, Susan Combs and Workplace Culture Transformation Advisor Tammy Duchesne will participate in a USGS Town Hall focused on DOI actions to improve and transform the workplace culture. (09/30/19)

8-30 Day Outlook

Deputy Assistant Secretary – Public Safety, Resource Protection, and Emergency Services (DAS-PRE)

NEW ITEMS

November 11 - 15, Director Mark Bathrick of OAS will travel to Federal Aviation Administration (FAA) Headquarters in Washington, D.C., to participate in the quarterly meeting of the Federal Unmanned Aircraft Systems (UAS) Executive Committee (ExCom). Established by the National Defense Authorization Act of 2009, the mission of this multi-agency UAS ExCom is to enable increased and ultimately routine access, of Federal UAS engaged in public aircraft operations into the National Airspace System to support operational, training, developmental, and research requirements of several agencies, including DOI. Director Bathrick will also be meeting with bureau and interagency partners on a range of aviation issues of interest to the Department. (10/02/2019)

Deputy Assistant Secretary – Budget, Finance, Grants, & Acquisition

ONGOING ITEMS

On April 24, the Office of Small and Disadvantaged Business Utilization (OSDBU) issued the proposed rule Acquisition Regulations: Removal of Outdated References (84 FR 17131). The rule amends the Department of the Interior Acquisition Regulation (DIAR) to implement Section 15(k) of the Small Business Act and remove outdated references and/or obsolete information. The comment period ended on June 24 without any comments received. The final rule was uploaded in DTS on September 25th and is moving forward in departmental review. The goal is to have the rule to OMB by the end of October. (09/30/19)

Deputy Assistant Secretary – Human Capital and Diversity

ONGOING ITEMS

From October 29, 2019 through May 21, 2020, the DOI University (DOIU) will offer a series of 72 four-hour, in-person sessions on Bystander Intervention and Intergenerational Sensitivity at the various DOIU Learning Centers in Washington, DC (plus Reston); Albuquerque, NM; and Denver, CO. This offering is in support of the DOI Culture Transformation initiative and is funded by OS, ensuring free tuition for participants. (10/04/19)

On November 4, Susan Combs will lead a DOI “Workforce Topics” MIB Auditorium meeting that will provide employees with important updates on the results and actions from the Workplace Culture Transformation Survey, the 2019 Federal Employee Viewpoint Survey results, and key DOI programs such as My DOI Career. The walkthrough for this program will be held on October 31. (10/11/19)

Office of Natural Resources Revenue

ONGOING ITEMS

The Office of Natural Resources Revenue (ONRR) is coordinating with the Department’s Office of Communications (OCO) and Office of Congressional and Legislative Affairs on the FY 2019 disbursements press release and Q & As. This will be a DOI announcement and include a Secretarial quote. The press release addresses the increase in disbursements from FY 2018 to FY 2019, which is attributed to an increase in oil prices and the bonuses received

in BLM's September 2018 New Mexico lease sale. The announcement is scheduled for the beginning of November, at the OCO's discretion. (09/26/2019)

The Office of Natural Resources Revenue (ONRR) is considering rulemaking to address the possibility of excluding property taxes when calculating transportation allowances and processing allowances for Indian properties. ONRR has started tribal consultation on that potential rulemaking, and has a regional consultation meeting scheduled for November 5, 2019, in Tulsa, Oklahoma, for multiple Tribes. (09/20/19)

The Office of Natural Resources Revenue (ONRR) continues to work with the Solicitor's Office and others throughout the Department to address a March 2019 U.S. District Court decision vacating ONRR's 2017 repeal of its 2016 valuation rule, litigation filed in June 2019 challenging the 2016 valuation rule, and a Circuit Court appeal of a challenge to ONRR's 2016 civil penalties rule, as well as an August 13, 2019 U.S. District Court order enjoining reliance on Royalty Policy Committee recommendations, including 2018 recommendations for ONRR rulemaking. (9/11/2019)

Deputy Assistant Secretary – Administrative Services

ONGOING ITEMS

Interior Business Center (IBC) is supporting the BLM Washington DC HQ move by offering on-site support to impacted BLM employees. IBC performs Permanent Change of Station (PCS) counseling/coordination as well as PCS voucher processing on behalf of the BLM and will be available to assist employees regarding questions they may have on their PCS entitlements. (09/30/19)

On Friday, September 27, PMB leadership, SOL, and OHC met with the Defense Advanced Research Projects Agency (DARPA) to discuss acquisition transition from the DOI IBC Acquisitions Office to DARPA. Part of this changeover will include DARPA offering non-competitive lateral reassignments opportunities to existing IBC acquisition employees at the GS-14 and GS-13 levels. The acquisitions transition support to DAPRA will continue through March 2020 after which DARPA will handle the award of their new contracts. No contracts awarded by IBC's Acquisitions Office will be terminated during this process. DARPA and IBC are in the process of finalizing the Interagency Agreement and Memorandum of Agreement to outline the transition of new work requirements and to offer acquisition opportunities to existing IBC staff members by the end of October. (10/23/19)

ASSISTANT SECRETARY FOR WATER AND SCIENCE

Week Ahead Schedule of Meetings, Hearings, and Travel

Tim Petty will be in the office all week.

Brenda Burman will be in the office all week.

Jim Reilly will be in the office all week.

Cindy Lodge will be in the office Oct. 28 and on official travel Oct. 29 - Nov. 1.

Immediate Announcements and Actions For the Next Week

Bureau of Reclamation

On or about October 28, Reclamation plans to post an environmental assessment for the development of the Cold Water Habitat Project being implemented by Montague Water Conservation District near Yreka, California. The project, funded under the Klamath River Coho Habitat Restoration Grant Program, would provide a dependable cold-water rearing habitat for Coho salmon. No news release will be issued; no media interest is expected. (10/21/2019)

From October 28-29, Reclamation's Brackish Groundwater National Desalination Research Facility will host a Water Innovations and Networking Workshop in Alamogordo, New Mexico. This event provides clients an opportunity to share their work with a broader audience. Anticipate local media interest. (10/15/2019)

On or about October 28, Reclamation plans to sign the record of decision to implement the BF Sisk Safety of Dams Modification Project (California). The project will raise portions of BF Sisk Dam up to 12 feet to address safety concerns. During a large seismic event, sections of the dam could slump below the water line or allow cracking to develop through the embankment that could lead to dam failure. A news release will be distributed. Minor media attention is anticipated. (10/21/2019)

Between October 28 and November 8, Reclamation plans to announce the final environmental assessment (EA) and a finding of no significant impact for the reallocation of Non-Indian Agricultural Priority Central Arizona Project water in accordance with the Arizona Water Settlements Act of 2004. Press coverage anticipated. (10/15/2019)

Around October 29, Reclamation plans to announce the final environmental assessment and finding of no significant impact for Fruitland Irrigation Company's Gould Canal Improvement Projects A & B in Delta and Montrose Counties (Colorado). Proposed improvements to about 12.4 miles of open, unlined Gould Canal will prevent seepage and reduce salinity loading in the Colorado River Basin. A news release will be issued; local media interest expected. (09/16/2019)

Around October 29, Reclamation plans to announce the final environmental assessment and finding of no significant impact for the Crawford Clipper Ditch Company's Center Lateral Project in Delta County (Colorado). The project would replace about 4.3 miles of open irrigation ditch with buried pipe to prevent seepage and reduce salinity loading in the Colorado River Basin. A news release will be issued; local media interest expected. (09/16/2019)

Around October 29, Reclamation plans on issuing a news release recapping the irrigation season and water year in New Mexico. This end of season news release is done in most years to inform the public of water levels at reservoirs at the end of the irrigation season and changes in stream flows. Local media interest only. (09/23/2019)

On October 29, Reclamation plans to conduct contract negotiations with San Felipe Division contractors under the authority of the Water Infrastructure Improvements for the Nation Act at the South-Central California Area Office in Fresno, California. A news release will be issued; media interest is not expected. (10/21/2019)

On or about October 30, Reclamation plans to release a draft environmental assessment for a 30-day review period that analyzes the proposed amendment of a previously approved nine-year transfer program for Poso Creek Water Company, LLC. The amendment would allow Poso Creek Water Company, LLC to transfer and/or bank up to 100,000 acre-feet of available Central Valley Project water supplies per contract year over a 25-year period (California). No news release will be issued; no media interest is anticipated. (10/21/2019)

On or about October 30, Reclamation plans to release a draft environmental assessment for a 30-day review period that analyzes the proposed annual conveyance of up to 7,450 acre-feet of Kaweah River water through federal facilities at times when excess capacity exists over a five-year period (California). No news release will be issued; no media interest is anticipated. (10/21/2019)

On October 30, Commissioner Burman will be the keynote speaker at the Business H2O Summit in Washington, DC. This event will feature business leaders, senior government officials, and water experts from across the Middle East and the U.S. to showcase water projects in the region, discuss public policy challenges, and profile new water technologies. (10/21/2019)

On October 30-November 1, Reclamation will host an Indian Water Law training course in Sacramento, California. The course has been coordinated through the Native American and International Affairs Office and features presentations from tribal representatives, Interior's Indian Water Rights Office, and the Department's Office of the Solicitor. No news release will be issued; no media interest is anticipated. (10/21/2019)

On or about October 31, Reclamation plans to release a draft environmental assessment for a 30-day public comment period that analyzes the proposed execution of a fifth interim renewal contract with the Placer County Water Agency for the delivery of up to 35,000 acre-feet annually of Central Valley Project water supply for a two-year period (March 1, 2019 - February 28, 2021). No news release will be issued; light media interest is anticipated. (10/21/2019)

On or about November 1, if no substantial comments are received on the draft environmental assessment, Reclamation plans to sign a finding of no significant impact on the Orange Cove Irrigation District's proposed exchange of up to 10,000 acre-feet of its available Central Valley Project water supplies for a like amount of Kings River water (California). No news release will be issued; no media interest is anticipated. (10/21/2019)

On or about November 1, if no substantial comments are received on the draft environmental assessment, Reclamation plans to sign a finding of no significant impact on the Casitas

Municipal Water District's proposed removal of accumulated sediment from the Robles Fish Diversion Facility forebay (California). No news release will be issued; no media interest is anticipated. (10/21/2019)

On or about November 1, Reclamation plans to release a draft environmental assessment for a 30-day review period that analyzes the proposed issuance of a use agreement to the San Luis and Delta-Mendota Water Authority for the introduction and conveyance of up to 150 cubic feet per second of stormwater flows from the Grassland Basin Drainers through the San Luis Drain that could otherwise lead to property damage, operational restrictions, and impact water supply within nearby wetlands and refuges (California). No news release will be issued; moderate media interest is anticipated. (10/21/2019)

On November 1, Reclamation plans to release for public comment two draft reports required by the America's Water Infrastructure Act regarding affordable power for Klamath Basin (Oregon/California) agriculture. The first report identifies a power cost benchmark; the second report identifies affordable power measures to achieve that power cost benchmark. Comments are due November 14. A joint press release with the Klamath Water Users Association will be issued; medium media interest is expected. (10/15/2019)

On November 1, Reclamation plans to launch a visual identity refresh campaign that includes a new logo design. Campaign launch is aligned with the Department of Interior's reorganization. Stakeholder outreach is planned. Anticipate no media attention. (10/21/2019)

Around November 1, Reclamation plans to notify Congress of a MOU relating to the Water Infrastructure Financing and Innovation Act (WIFIA). The MOU comes at the direction of Congress and had a statutory deadline for signature of October 23, 2019. Through the MOU, the EPA and Reclamation will agree to work together to implement the existing act; as well as potential new federal credit instruments for water infrastructure projects, subject to Reclamation receiving such authority and appropriation. Stakeholder outreach is planned. (10/21/2019)

U.S. Geological Survey

The week of October 24-31 is Bat Week, and the USGS is planning to post a feature story about bats on the USGS website as well as a number of social media posts pertaining to bats and USGS research on bats. On October 30, there will be a briefing about bats on Capitol Hill with speakers from USFWS, USDA, and the USGS. (9/30/2019)

In late October, the USGS will issue a product announcement on a study published in the *Archives of Environmental Contamination and Toxicology* on a baseline assessment for coal dust-derived contamination near active rail lines along the Columbia River Gorge National Scenic Area. Results from this research describe the current distributions, levels and spatial patterns of coal-related contaminants found in nearby habitats and organisms. (10/8/2019)

From October 28-31, 2019, a delegation from the Greenland Ministry of Industry, Energy and Research will visit USGS in Denver, CO, as part of a trip sponsored by the U.S.

Department of State. The delegation will be headed by Deputy Minister Jorn Skov Nielsen and will include the head of the Ministry's oil and gas department along with two other petroleum geologists. The delegation will liaise with USGS Central Energy Resources Science Center (CERSC) scientists regarding assessment assumptions and methodologies that the Ministry is using for a potential new assessment offshore of southwestern Greenland. CERSC staff will also share their experience in seismic imaging through flood basalts and permafrost, which are critical issues in Greenland. The delegation will visit several other agencies in the greater Denver area during the trip, including the National Snow and Ice Data Center in Boulder, CO. (10/22/2019)

[This week, the USGS plans to announce a new Digital Elevation Model distribution format that will improve user experience with the data.](#) (10/22/2019)

The USGS North Carolina Cooperative Fish and Wildlife Research Unit, in collaboration with USFWS, is starting a new study entitled "Impacts of sea level rise and associated salinity changes on at-risk native freshwater mussels and their habitats in Atlantic coastal rivers." The study will use Tidewater Mucke mussels from both reservoir and riverine populations to understand their vulnerability to salinity by conducting sensitivity tests under controlled laboratory conditions, determine the potential effects of natural riverine salinity gradients by conducting a transplant experiment, and develop risk-based visualization maps of mussel salinity tolerances in existing occupied habitats incorporating predictions in sea level rise and projected salinity ranges. The outcomes of this research will provide actionable management and conservation information for maintaining these highly imperiled, but valuable molluscan resources. The project is funded by the Southeast Climate Adaptation Science Center. (10/23/2019)

The Oregon and Washington USGS Cooperative Fish and Wildlife Research Units, in collaboration with USFWS, are starting a new study entitled "Methods to evaluate the success of invasive species prevention measures". This project will investigate potentially useful methods for evaluating the success of invasive species prevention measures and develop an approach for testing the utility and cost effectiveness of the various methods that will allow DOI agencies to implement the most effective and efficient prevention measures. The project is funded by the USFWS. (10/23/2019)

The USGS Washington Cooperative Fish and Wildlife Research Unit is starting a new project entitled "Assessing the precision of estimates of population vital rates for polar bears in Alaska". The goal of this project is to determine the statistical power under various monitoring designs to detect changes in survival and abundances of polar bears in the Southern Beaufort Sea. Using this information, the U.S. and Canada will be better able to identify cost-effective, defensible monitoring approaches for the Southern Beaufort Sea at a time when sampling the subpopulation is becoming increasingly difficult. Funding for the study is being provided by the USGS Alaska Science Center. (10/23/2019)

8-30 Day Outlook

Bureau of Reclamation

ONGOING ITEMS

In October, Reclamation plans to announce a cooperative agreement with Biomilab that will focus on a novel control method for invasive mussels using cell culture, genetic engineering and genomic modification. Reclamation will also highlight other invasive mussel research activities. A news release will be issued; light media interest is expected. (06/17/2019)

In October, Reclamation plans to publish the Salt River Project Reservoir Operations Pilot Study, which identifies possible advancements to reservoir operations. The report will be placed on the WaterSMART website. The Salt River Project is in central Arizona. No news release will be issued; no media attention is anticipated. (07/15/2019)

On November 4, Reclamation, U.S. Army Corps of Engineers and the Bonneville Power Administration (co-lead agencies) will host a meeting in Portland, Oregon, to give an overview of Chapter 3: Affected Environment and Environmental Consequences of the Columbia River System Operation Environmental Impact Statement. (10/21/2019)

On or about November 5-8, National Environmental Policy Act policy leads, tribal liaisons, and executive leadership from Reclamation, U.S. Army Corps of Engineers and the Bonneville Power Administration will meet with tribal executives in Idaho, Washington, and Oregon on the Columbia River System Operation Environmental Impact Statement. (10/21/2019)

On November 5-6, Reclamation, in conjunction with the Western Area Power Administration, will host the first women in water and energy professional development workshop in Park City, Utah. Commissioner Burman will provide the keynote address on November 5. This event will address challenges women face in the water and energy profession and strategies to empower organizational, team, and individual success. (09/30/2019)

Around November 7, Reclamation plans to send out a media advisory announcing the third public meeting for Navajo Tribal Utility Authority operations, maintenance, and replacement contract negotiations for the government owned features of Cutter Lateral, part of the Navajo-Gallup Water Supply Project. The meeting will be on November 14, in Fort Defiance, Arizona. Anticipate local media attention. (10/07/2019)

On November 14, Alan Mikkelsen's Coalition of the Willing will meet in Medford, Oregon. Reclamation will meet with state and federal agencies, tribes, irrigators and other stakeholders to discuss water issues in the Klamath River watershed. No news release will be issued; no media interest is expected. (09/30/2019)

In mid-November, Reclamation plans to release a draft environmental impact statement (EIS) analyzing potential effects associated with extraordinary maintenance on the Truckee Canal in Lyon and Churchill Counties (Nevada). The draft EIS will be available for a 45-day public comment period. The proposed project will improve the structural integrity of the canal and

reduce the risk of a canal breach. Public meetings will be held in December. A news release will be issued; anticipate moderate media interest. (09/23/2019)

U.S. Geological Survey

NEW ITEMS

On November 8, USGS will participate in the Lake Barkley Bio-acoustic Fish Fence Commissioning Ceremony to celebrate the deployment of innovative technology to deter the spread of Asian Carp in southern waters. Special guests include Senator McConnell (KY) and Rep. Comer (KY-01) and the event is open to the media. (10/22/2019)

On November 9, at the request of the Ohio Environmental Council, USGS scientist Patrick Kocovsky will participate in a press forum with Congresswoman Marcy Kaptur (OH-09) in Toledo, Ohio, to discuss the potentially dangerous impact of invasive Asian carp on Lake Erie and the Great Lakes region and solutions. The forum is to be followed by a Q&A with reporters. (10/22/2019)

On November 12, the USGS plans to issue a media advisory announcing that, for about two weeks, an airplane operated under contract to the USGS will be making low-level flights over parts of the eastern Mojave Desert. This survey is part of the Earth MRI program and is designed to remotely study the eastern Mojave Desert to better understand the geology, hydrology and natural resources of the region. The aircraft will carry instruments that measure the earth's naturally occurring magnetic field and the new data will help geologists visualize and understand the rock layers below the surface. (10/22/2019)

On November 12-15, the Southeast Climate Adaptation Science Center will host a Regional Science Symposium in New Orleans, LA for researchers and natural and cultural resource managers in the southeastern U.S. The symposium is meant to support regional climate adaptation efforts, discuss and identify gaps and needs for actionable science, and provide a venue for researchers, managers, and others to share information about current activities, plans, and opportunities for collaboration. (10/18/2019)

On November 19, a public geology review meeting will be held in Anchorage, AK. The meeting is being held prior to the January 20, 2020 release of an updated USGS assessment of technically recoverable oil and gas resources of the Central North Slope (located between the National Petroleum Reserve-Alaska and the Arctic National Wildlife Refuge). The purpose of the meeting, which will be hosted by the Alaska Geological Society, will be to present the geological framework on which the assessment will be based and to solicit feedback from the geological community regarding the geology and interpretations that represent the foundation of the assessment. An overview of the methodology will also be included. (10/22/2019)

UPDATED ITEMS

On November 12, the USGS will issue a news release for a new USGS study to be featured in an upcoming edition of *Economic Geology* that shows that iron waste rock and mill tailings contain rare earth elements. Heavy mining activity in the eastern Adirondack Highlands in northern New York state during the 1800s and 1900s resulted in piles of waste rock and mill tailings (the residuals of ore processing) in various areas throughout the region. This study finds that some of these waste and tailings piles contain rare earth elements which are critical for modern technology such as cell phones, supermagnets and computers, renewable energies, and advanced defense systems. The U.S. depends heavily on imports for rare earth mineral resources, so finding potential domestic sources has become increasingly important. (9/10/2019)

In November, the USGS 3D Elevation Program will send out a news release announcing the FY19/20 Broad Agency Announcement for partner solicitation. (9/23/2019)

On November 30, the USGS will issue its update for the National Seismic Hazard Model (NSHM). Between 2017-2018, USGS earthquake experts concluded their work to update the NSHM for the conterminous United States. The 2018 NSHM considers where and how often future earthquakes will occur and how strong the ground will shake from those earthquakes. Models such as these are considered and factored in to seismic codes for buildings, roads, bridges, railways; risk assessments by the Federal Emergency Management Agency (FEMA) and the insurance industry; as well as government, academic, and industry applications on seismic stability of dams, nuclear facilities, schools, hospitals, and other public policies. The USGS will issue a news release. (6/4/2019)

In November, the USGS plans to issue a Top Story highlighting the economic benefits of Landsat satellite imagery. A 2013 USGS Open-File Report, “Users, Uses, and Value of Landsat Satellite Imagery—Results from the 2012 Survey of Users,” estimated that Landsat imagery provided users an annual benefit of \$2.19 billion in 2011, with U.S. users accounting for \$1.8 billion of those benefits. That study surveyed users in 2012 about Landsat imagery they retrieved in 2011. The current study updates these estimates, surveying users in 2018 about Landsat images they retrieved in 2017. It discusses changes in the value per scene in 2017 when compared to 2011 and analyzes the potential impact of charging fees for accessing data. (10/15/2019)

In November, the USGS will issue a news release regarding a study that showed that conversion of agricultural land to wetlands and native prairie resulted in substantial positive changes in water flow, reduced flooding, and improved water quality in the Glacial Ridge Wildlife Refuge. This effort to restore 25,000 acres of land was the largest wetland and prairie restoration ever done in the United States. Findings of the new study can help managers focus restoration resources on other areas in the Prairie Pothole Region and beyond where the greatest water benefits are likely. (8/27/2019)

Upcoming USGS Publications

Title	Summary	Publication Outlet	Anticipated Publication Date
<p>NEW <i>Occupancy Patterns in a Reintroduced Fisher Population during Reestablishment</i></p>	<p>From 2008-10, researchers translocated 90 fishers (listing status: proposed threatened) from British Columbia to Washington's Olympic Peninsula. Subsequent monitoring using motion-sensing cameras and hair (DNA)-snaring devices allowed researchers to assess population restoration success, evaluate modeling assumptions about suitable reintroduction areas in Washington State, and identify fisher habitat associations in the coastal Pacific Northwest.</p>	<p>Journal of Wildlife Management</p>	<p>11/18/2019</p>
<p>NEW <i>Semi-automated process for enumeration of fishes from recreational-grade side-scan sonar imagery</i></p>	<p>Hydroacoustics have been used to estimate abundance of bigheaded carps, however many management agencies are not staffed or funded well enough to use that technology. Researchers developed a new method as a first step to provide an efficient, cost-effective alternative so managers can be better informed about the success of their management actions using equipment they already have. The method may be useful for acquiring data to evaluate the success of exploratory invasive carp control research.</p>	<p>North American Journal of Fisheries Management</p>	<p>11/15/2019</p>
<p>NEW <i>Alpine plant community diversity in species-area relations at fine scale</i></p>	<p>This study assesses how different drivers of diversity in alpine vegetation operate at different scales. Understanding the multiple scales at which environmental processes vary and interact will provide a better basis for forecasting vegetation responses to a changing climate. These perspectives are also important for land managers as they interpret high-elevation vegetation changes during a warming trend in the Northern Rocky Mountains and decide on management actions, if any.</p>	<p>Arctic, Antarctic and Alpine Research</p>	<p>11/15/2019</p>
<p>NEW <i>1200 years of Upper Missouri River streamflow reconstructed from tree ringst.</i></p>	<p>The Missouri River system provides water resources that drive agriculture, industry, hydroelectric power generation, and ecosystems. The region is facing an array of water resource issues that are challenged by both severe floods and droughts in the recent past. The main goals of this study were to develop the first network of streamflow reconstructions for the basin and develop applications of these extended streamflow records for water resource planning and management.</p>	<p>Quaternary Science Reviews</p>	<p>10/31/2019</p>

NEW <i>Evaluating the mineral commodity supply risk of the U.S. manufacturing sector</i>	In this analysis, we utilize a conventional risk-modeling framework to develop and apply a new methodology for assessing the supply risk to the U.S. manufacturing sector. The methodology is applied to 52 commodities for the decade spanning 2007-2016. The results indicate that a subset of 23 commodities, including cobalt, niobium, rare earth elements, and tungsten, pose the greatest supply risk. Importantly, this supply risk is dynamic, shifting with changes in global market conditions.	Science Advances	11/30/2019
NEW <i>Relative contribution of climate and non-climate drivers in determining dynamic rates of boreal birds at the edge of their range</i>	A National Climate Adaptation Science Center researcher and co-authors assessed the relative contribution of climate and non-climate drivers in determining colonization and extinction rates of boreal birds in the Adirondack Park in New York. Boreal birds appear most likely to colonize sites that have lower levels of precipitation and a high degree of connectivity, and they tend to persist in sites that are warmer in the breeding season and have low and less variable precipitation in the winter.	PLOS One	10/24/2019
NEW <i>Estimating abiotic thresholds for sagebrush condition class in the Western U.S.</i>	A paper authored by a USGS scientist, a USGS contract scientist, and two non-USGS affiliated scientists reports on the development of machine-learning algorithms that were used to estimate three classes of sagebrush condition and to identify the drivers that establish each of those classes. The paper's findings are unique and significant because, while environmental drivers have been associated with sagebrush conditions before, this paper assigns relative values to the drivers.	Rangeland Ecology & Management	12/2/2019
NEW <i>Exploring trends in wet-season drought indices and quantifying potential temperature impacts in dry regions</i>	A paper authored by a USGS scientist was accepted by Environmental Research Letters for a special issue on precipitation extremes. The paper examines a new multi-source data set, looking at potential trends during wet-seasons. It also examines the accuracy of the data sets, and finds concerns with non-stationary systematic errors.	Environmental Research Letters	11/4/2019
NEW <i>Sustaining Environmental Capital Initiative Summary Report</i>	This report summarizes the activities and progress of the USGS Sustaining Environmental Capital Initiative (SECI) project since its inception in 2015. The project has relied on USGS science expertise to conduct eight case studies across a range of environment types and	USGS Open-File Report	10/28/2019

	support development of tools to support partners' decision-making needs.		
<i>The transformative impact of genomics on sage-grouse conservation and management.</i>	Molecular genetic methods have been used to address a wide variety of conservation and management issues for both Greater Sage-grouse and Gunnison Sage-grouse. This chapter to discusses the 20-year progression of molecular studies on Greater and Gunnison Sage-grouse, highlighting the expanded capabilities and advantages of genomic approaches and considering future research directions.	Population Genomics	10/30/2019
<i>Black oystercatcher (Haematopus bachmani) population size, use of marine reserve complexes, and spatial distribution in Oregon</i>	The Black Oystercatcher is a large shorebird found along the west coast of North America that are considered a "species of high conservation concern" and may act as an indicator of intertidal ecosystem health. This study used N-mixture statistical models to estimate oystercatcher population size and probability of detection of breeding Black Oystercatchers in Oregon and adjacent to the Oregon's system of Marine Reserves (MRs) and Marine Protected Areas (MPAs).	Northwestern Naturalist	10/30/2019
<i>A hierarchical analysis of habitat area, connectivity, and quality on amphibian diversity across scales</i>	This study developed a multi-region community occupancy model to analyze 13 years (2005-2017) of amphibian monitoring data within the National Capital Region, a network of U.S. National Parks.	Landscape Ecology	10/30/2019
<i>A statistical forecasting approach to metapopulation viability analysis</i>	This study used 11 years of data on the federally-threatened Chiricahua leopard frog to extend application and biological realism of statistical metapopulation viability analysis by incorporating the effect of landscape structure on patch dynamics to support conservation of at-risk species.	Ecological Applications	10/30/2019
<i>Survival and Conflict Behavior of American Black Bears after Rehabilitation</i>	Wildlife agencies face difficult situations when orphaned or injured American black bear cubs or yearlings are captured. One option is bear rehabilitation, defined here as care and feeding of young in a semi-natural environment with limited human contact, followed by release. The survival of bears released after rehabilitation is poorly documented. This study assessed behavior of bears released after rehabilitation into Great Smoky Mountains National Park or Cherokee National Forest.	Journal of Wildlife Management	10/30/2019

<i>Context-dependent effects of livestock grazing</i>	Ecosystem responses to grazing challenges the ability of researchers or land managers to make sweeping generalizations about ecological consequences. This chapter discusses monitoring the impacts of grazing not only at the scale of immediate interest, but at finer and coarser resolutions to understand the mechanisms behind grazing effects, how they may be manifested at broader scales, and whether grazing disturbance is likely to promote or impede the achievement of management objectives.	Book Chapter	11/13/2019
<i>Social status, forest disturbance, and barred owls shape long-term trends in breeding dispersal distance of Northern Spotted Owls</i>	This study examined breeding dispersal events from threatened Northern Spotted Owls monitored over 27 years to assess relative importance of individual (sex, experience), social (annual productivity, mate availability, territory tenure), and environmental (forest alteration, presence of competitor) sources of variation in breeding dispersal distance. Breeding dispersal distance related to barred owls presence in the study area and disturbance within the originating territory as also assessed.	The Condor: Ornithological Applications	11/13/2019
<i>Mercury Source Changes and food Web Shifts Alter Contamination Signatures of Predatory Fish from Lake Michigan</i>	Scientists used a novel combination of mercury, nitrogen, and carbon isotope analyses in archived lake trout tissues and sediment cores to understand temporal trends relative to trends in mercury sources from 1978 to 2012. Scientists determined that fish tissue concentrations were related to temporal changes in mercury sources and to changes in food web structure. This shift resulted in dietary changes of lake trout that presumably resulted in consumption of prey items higher in mercury content.	Proceedings of the National Academy of Sciences	11/1/2019
<i>Exploring trends in wet-season drought indices and quantifying potential temperature impacts in dry regions</i>	On October 2nd a paper authored by a USGS scientist was accepted by Environmental Research Letters for a special issue on precipitation extremes. It should be published on line by November 2019. The paper examines a new multi-source data set, looking at potential trends during wet-seasons. It also examines the accuracy of the data sets, and finds concerns with non-stationary systematic errors.	Environmental Research Letters	11/1/2019
<i>Seismic survey design and impacts to</i>	The Arctic Coastal Plain is an important maternal denning area for polar bears of the Southern Beaufort Sea subpopulation.	Journal of Wildlife Management	11/1/2019

<i>maternal polar bear dens</i>	Recent legislation to open the 1002 Area for hydrocarbon development has renewed interest in conducting winter seismic surveys in that portion of the Refuge. This paper assesses the potential effects of a range of survey strategies and the findings can inform mitigation strategies and permitting decisions by DOI management agencies.		
<i>Assessing Caribou Use of Habitat Near Energy Development in Arctic Alaska</i>	Increasing demands for energy have generated interest in expanding oil and gas production on the North Slope, raising questions about the resilience of barren-ground caribou populations to new development. This study assessed whether caribou in the Central Arctic Herd of northern Alaska reduced their use of habitat near energy development. This herd has been exposed to oil development on its summer range for approximately 40 years.	Journal of Wildlife Management	11/15/2019
<i>The seasonal energetic landscape of an apex marine carnivore, the polar bear</i>	The Southern Beaufort Sea subpopulation of polar bears has experienced increased sea ice retreat in recent decades. Although declines in sea ice are generally considered a challenge to energy balance in polar bears residing in some regions of the Arctic, little quantitative data exists concerning the seasonal energy expenditures of this apex marine carnivore. This study found energy expenditure was influenced by month, ocean depth, and habitat type (sea ice or land).	Ecology	12/1/2019
<i>The fate of Madagascar's rainforest habitat</i>	A Northeast Climate Adaptation Science Center researchers and Madagascar conservation practitioners demonstrate that climate change and habitat loss threaten species survival in Madagascar. Ruffed lemurs, a representative species in the eastern rainforest, could lose 38-93% of habitat from climate change and deforestation by 2070; protecting areas from deforestation is necessary to protect Malagasy biodiversity.	Nature Climate Change	10/30/2019
<i>Dissolved organic matter in the deep TALDICE ice core: A nano-UPLC-nano-ESI-HRMS method</i>	USGS scientists developed an analytical method to detect major molecular species in ice cores. Interglacial samples encompass a wide range of species, while the glacial samples contained less diverse species. This difference may be due to decreased temperatures during the glacial period inhibiting terrestrial vegetation growth and increasing the sea ice extent, thereby weakening the emission sources.	Science of The Total Environment	11/1/2019

<p><i>PaCTS 1.0: A Crowdsourced Reporting Standard for Paleoclimate Data</i></p>	<p>The Paleoclimate Community reporting Standard (PaCTS), is a crowdsourced reporting standard for paleoclimate data. PaCTS captures which information should be included when reporting paleoclimate data, with the goal of maximizing the reuse value of paleoclimate datasets. The paper discusses a transparent path towards implementing or revising its recommendations in the near future, using both bottom-up and top-down approaches.</p>	<p>Paleoceanography and Paleoclimatology</p>	<p>11/1/2019</p>
<p><i>Lead exposure of red-shouldered hawks during the breeding season in the central Appalachians, USA</i></p>	<p>One of the most common pathways of lead exposure in birds is ingestion of contaminated food sources. Most studies of lead exposure of raptors focus on the winter, non-breeding season when they scavenge heavily. However, less is known about lead exposure of these species during the breeding season when their diets consist almost exclusively of live prey. This study illustrates possible pathways of lead exposure of raptors when they eat live prey.</p>	<p>Bulletin of Environmental Contamination & Toxicology</p>	<p>10/27/2019</p>
<p><i>Whitebark pine in the national parks of the Pacific states: an assessment of population vulnerability</i></p>	<p>Whitebark pine, a foundation species of western subalpine environments, is threatened by a variety of stressors, including altered fire regimes, white pine blister rust, mountain pine beetle, and climate change. These threats have led USFWS to designate the tree as a candidate for listing under the Endangered Species Act in 2011. This publication provides baseline data for future assessments of whitebark pine population health and will inform management and listing decisions for whitebark pine.</p>	<p>Forests</p>	<p>10/30/2019</p>
<p><i>Precision mapping of snail habitat provides a powerful indicator of human schistosomiasis transmission</i></p>	<p>While freshwater snail control has been identified as a strategy in preventing schistosomiasis transmission in Senegalese villages, identifying target locations for snail control is a challenge. Snail abundance or infection rates in a particular area often do not correlate with human infection burden. This study used intensive, randomized snail surveys to examine why snail abundance might not correlate with infection and to identify more effective predictors of disease transmission.</p>	<p>PNAS</p>	<p>10/30/2019</p>
<p><i>Contaminant Concentrations in Sediments, Aquatic Invertebrates, and Fish in Proximity to</i></p>	<p>In preparation for increased coal transport by rail through the Columbia River Gorge National Scenic Area, the USGS has released a baseline assessment of coal-related contamination along active rail</p>	<p>Archives of Environmental Contamination and Toxicology</p>	<p>10/30/2019</p>

<i>Rail Tracks Used for Coal Transport in the Pacific Northwest (U.S.A.): A Baseline Assessment</i>	lines in the area. The assessment describes the current distributions, levels and spatial patterns of coal-related contaminants found in nearby habitats and organisms. If coal transport by rail increases in the future, this assessment will be available to evaluate changes in contaminant levels.		
<i>Golden Eagle perch site use in the U.S. southern plains: reducing mortality risk uncertainty.</i>	Electrocution on overhead electric systems is a primary cause of anthropogenic mortality for Golden Eagles in North America. Distribution poles supporting energized equipment are most often involved in electrocutions. This study assessed the frequency with which Golden Eagles perch on equipment poles to inform mitigation and management practices.	Journal of Raptor Research	10/30/2019
<i>Reconstruction of an early Permian, sub-lacustrine magmatic-hydrothermal system: Mt Carlton epithermal Au-Ag-Cu deposit, northeastern Australia</i>	This publication reports a stable isotope study of the Mt Carlton deposit of gold, silver, and copper, which is located in northeastern Australia. This deposit is epithermal-type but is unusual in that it was formed by hydrothermal activity beneath a lake. The ores consist of structurally-lower gold-copper mineralization within breccia and structurally-higher silver-barite mineralization within volcano-sedimentary rocks.	Economic Geology	10/31/2019
<i>Use of subsistence-harvested whale carcasses by polar bears in the southern Beaufort Sea</i>	As a consequence of decreasing sea ice coverage, monitoring efforts along the coast of northern Alaska indicate a higher proportion of polar bears of the southern Beaufort Sea subpopulation come onshore and feed at subsistence-harvested bowhead whale carcasses during the fall and early winter seasons, creating the potential for human-bear interactions. This study describes patterns of use (abundance and fidelity) of land-based remains of subsistence-harvested bowhead whales by polar bears.	Arctic	11/1/2019
<i>A shallow rift basin segmented in space and time: the southern San Luis Basin, Rio Grande rift, northern New Mexico, U.S.A</i>	The manuscript presents 3D geophysical modeling of the southern San Luis Basin and implications of the results for basin evolution. The manuscript results from NCGMP-supported research, Cenozoic Landscape Evolution of the Southern Rocky Mountains, which studies the evolution of Rio Grande rift basins in New Mexico, Colorado, and southern Wyoming.	Rocky Mountain Geology	11/1/2019
<i>Winter climate change and the poleward range</i>	Winter climate change is expected to allow tropical species to expand poleward in response to a decrease in the intensity and	Global Change Biology	11/1/2019

expansion of a tropical invasive tree (Brazilian pepper - Schinus terebinthifolius)

duration of winter temperature extremes (i.e., freeze events). In the southeastern U.S., freezing temperatures control the northern range limits of many invasive non-native species. Researchers examined the influence of freezing temperatures and winter climate change on the northern range limits of an invasive non-native tree, *Schinus terebinthifolius* (Brazilian pepper).

Projected urban growth in the Southeastern USA puts small streams at risk

The study finds that current levels of urbanization in the Southeast, primarily in the Atlanta, Charlotte, Raleigh/Durham, and the Virginia suburbs of Washington, D.C., have already contributed to substantial losses of such species. The study findings and associated ecological models provide information and forecasts for cities and states that can guide strategies to lessen the adverse effects of current and projected urban development.

PLOS One

10/30/2019

Pre-Fire Vegetation Drives Post-Fire Outcomes in Sagebrush Ecosystems: Evidence from Field and Remote Sensing Data

Researchers studied vegetation cover data from Landsat images and field surveys from 1979 to 2016 to investigate how historical changes to community composition influence contemporary responses of vegetation to fire in sagebrush ecosystems in the Great Basin. This study offers a strategy to integrate field plot data with remote sensing data to provide an insight into patterns and drivers of vegetation change to develop effective management and restoration strategies.

Ecosphere

10/30/2019

From: [Boulton, Caroline](#)
To: [Aaron Thiele](#); [Alan Mikkelsen](#); [Alex Hinson](#); [Alexander Sterhan](#); [Amanda Hall](#); [Amanda Kaster](#); [Andrea Travnicek](#); [Andrew Patterson](#); [Aubrey Bettencourt](#); [Aurelia Skipwith](#); [Bivan Patnaik](#); [Brandon Middleton](#); [Brenda Burman](#); [Cally Younger](#); [Cara Lee Macdonald](#); [Casey Hammond](#); [Casey Stemler](#); [Catherine Gulac](#); [Christian Palich](#); [Christopher Prandoni](#); [Daniel Jorjani](#); [Douglas Domenech](#); [Edward Keable](#); [Elinor Werner](#); [Elizabeth Appel](#); [Eva Cline](#); [George Triebsch](#); [Gregg Renkes](#); [Hannah Cooke](#); [Hubbel Relat](#); [James Cason](#); [James Reilly](#); [James Schindler](#); [Jamie Burley](#); [Jeffrey Small](#); [John Bockmier](#); [John Tahsuda](#); [John Tanner](#); [Judith Lavoie](#); [Justin Abernathy](#); [Karen Budd-Falen](#); [Katharine Macgregor](#); [Katherine White](#); [Kathleen Benedetto](#); [Katie Mills](#); [Kerry Rae](#); [Kiel Weaver](#); [Kimberly Edwards](#); [Kyle Scherer](#); [Lacey Smethers](#); [Lanny Erdos](#); [Leila Getto](#); [Lisa Pelstring](#); [Lori Mashburn](#); [Marc Marie](#); [Margaret Triebsch](#); [Mariagrazia Caminiti](#); [Mark Cruz](#); [Marshall Critchfield](#); [Matthew Dermody](#); [Maureen Foster](#); [Maximos Nikitas](#); [Melissa Beaumont](#); [Melissa Brown](#); [Michael Freeman](#); [Nicholas Davis](#); [Nicholas Goodwin](#); [Nikolao Pula](#); [Omero Martinez](#); [OS Thomas Baptiste](#); [Pamela Williams](#); [Paul \(Dan\) Smith](#); [Preston Heard](#); [Raquel Martinez-Niles](#); [Reggie Rogers](#); [Reid Dagul](#); [Richard Cardinale](#); [Richard Myers](#); [Rick May](#); [Ronald Klawitter](#); [Russell Newell](#); [Ryan Hambleton](#); [Ryan Nichols](#); [Samantha Hebert](#); [Sarah Jorgenson](#); [Sarah Spaulding](#); [Scott Angelle](#); [Scott Cameron](#); [Shandria Dixon](#); [Shelby Hagenauer](#); [Skyler Zunk](#); [Stephen Wackowski](#); [Susan Combs](#); [Tanya Joshua](#); [Tara Sweeney](#); [Taylor Playforth](#); [Timothy Petty](#); [Timothy Williams](#); [Todd Willens](#); [Tracy Goodluck](#); [Wendy Fink](#); [William Dove](#); [William King](#); [William Pendley](#); [Zachariah Gambill](#)
Subject: Weekly Report to the Secretary November 3-9
Date: Thursday, October 31, 2019 5:43:03 PM
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[Weekly Report to the Secretary November 3-9.docx](#)

All,

Attached is the Weekly Report to the Secretary. Please let me know if you have any questions.

Best,
Caroline

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Caroline Boulton
Special Assistant to the Secretary
Immediate Office of the Secretary
U.S. Department of the Interior
202.208.5403





**WEEKLY REPORT TO THE SECRETARY
DEPARTMENT OF THE INTERIOR
NOVEMBER 3-NOVEMBER 9, 2019**

OFFICE OF THE SECRETARY

Todd Willens will be in the office.

Samantha Hebert will be in the office.

Gregg Renkes will be on personal leave November 4 but in the office the rest of the week.

Chris Prandoni will be in the office.

Rick May will be in the office.

Lori Mashburn will be in the office.

Alan Mikkelsen will be on travel November 7-8 but in the office the rest of the week.

John Tahsuda will be on travel November 4, on leave November 5, and in the office the rest of the week.

John Bockmier will be on travel November 5-7 but in the office the rest of the week.

OFFICE OF THE DEPUTY SECRETARY

Week Ahead Schedule of Meetings, Hearings, and Travel

Katharine MacGregor will be in the office.

James Cason will be on travel the afternoon of November 5-8 but in the office the rest of the week.

Kiel Weaver will be on leave the afternoon of November 7 but in the office the rest of the week.

OFFICE OF THE EXEC SECRETARIAT AND REGULATORY AFFAIRS

Schedule of Meetings, Hearings, and Travel

Richard Cardinale will be in the office.

Justin Abernathy will be in the office.

Margaret Triebsch will be in the office.

Bivan Patnaik will be in the office.

Jamie Burley will be in the office.

Tony Irish will be in the office.

Preston Heard will be in the office.

Priority Final Rules

National Park Service (NPS) Final Rule, “Alaska; Hunting and Trapping in National Preserves” (RIN 1024-AE38) - The NPS is finalizing its regulations for sport hunting and trapping in national preserves in Alaska. This rule removes a regulatory provision issued by

NPS in 2015 that prohibited certain sport hunting practices that are otherwise permitted by the State of Alaska. OMB concluded E.O. 12866 interagency review on October 18, 2019. The NPS is preparing the final rule for publication in the Federal Register.

Bureau of Ocean Energy Management (BOEM) Final Rule, “Air Quality Control, Reporting, and Compliance” (RIN 1010-AE02) - The BOEM proposes to amend its regulations implementing section 5(a)(8) of the Outer Continental Shelf Lands Act (OCSLA), which requires the Secretary of the Interior to promulgate regulations “for compliance with the national ambient air quality standards pursuant to the Clean Air Act (42 U.S.C. 7401 *et seq.*), to the extent that activities authorized under [the OCSLA] significantly affect the air quality of any State.” The OMB provided BOEM with interagency comments from the Environmental Protection Agency and the Small Business Administration on June 27, 2019, and from the Executive Office of the President on July 2, 2019, for the draft final rule/preamble, and on July 18, 2019, for the draft economic analysis document prepared for the final rule. On August 26, 2019, BOEM submitted draft responses to the interagency comments and revised final rule documents for Departmental review and approval.

Priority Proposed Rules

Fish and Wildlife Service (FWS) Proposed Rule, “Migratory Bird Permits; Regulations Governing Take of Migratory Birds,” (RIN 1018-BC76) - The FWS proposes two regulatory changes under the Migratory Bird Treaty Act (MBTA). The first change would adopt regulatory text that defines the scope of the MBTA as it applies to conduct resulting in the injury or death of migratory birds protected by the Act. This proposed regulatory change is consistent with the Solicitor’s Opinion (“M-Opinion”), which states that the MBTA’s prohibitions on pursuing, hunting, taking, capturing, killing, or attempting to do the same, apply only to affirmative actions that have the purpose of taking or killing of migratory birds, their nests, or their eggs. The second proposed regulatory change would amend the requirements relating to general exceptions to the permit requirements of MBTA. The FWS continues to prepare responses to interagency comments. A listening session with the National Association of Manufacturers is scheduled for October 30, 2019.

BLM Proposed Rule, “Revisions to the Oil and Gas Site Security, Oil Measurement, and Gas Measurement Regulations” (RIN 1004-AE59) - The BLM proposes to amend its regulations for oil and gas site security and oil and gas measurement in order to reduce unnecessary regulatory burdens while still ensuring secure handling, accurate measurement, and accurate royalty payments for oil and natural gas produced from Federal and Indian leases. On October 15, 2019, OMB held a conference call with BLM and the Department to discuss the E.O. 12866 interagency received from OMB. The BLM is currently reviewing those comments and will prepare the initial draft of responses.

Interagency Reviews Under E.O. 12866

Final Rules

None

Interim Final Rules

U.S. Department of Agriculture: Interim Rule, “Conservation Reserve Program” (RIN 0560-AI41). Comments are due to OMB on November 1, 2019.

Department of Defense, National Aeronautics and Space Administration, and General Services Administration: Interim Rule, Federal Acquisition Regulation, “Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment” (RIN 9000-AN83). Comments are due to OMB on November 4, 2019.

Director of National Intelligence: Security Executive Agent Directive, “Use of Polygraph in Support of Personnel Security Determinations for Eligibility for Access to Classified Information” (RIN N/A). Comments are due to OMB on November 12, 2019.

U.S. Department of Agriculture: Interim Rule, “Regional Conservation Partnership Program (RCPP)” (RIN 0578-AA70). Comments are due to OMB on November 15, 2019.

Proposed Rules

Department of Defense: Proposed Rule, “Environmental Analysis of Arm Actions” (RIN 0702-AB02). Comments are due to OMB on October 25, 2019; the Division of Land Resources submitted comments. Pending Departmental approval (REG0010115).

Department of Housing and Urban Development: Proposed Rule, “Housing Opportunity Through Modernization Act of 2016—Housing Choice Voucher (HCV) and Project-Based Voucher Implementation; Additional Streamlining Changes” (RIN 2577-AD06). Comments are due to OMB by November 4, 2019.

Environmental Protection Agency: Proposed Rule, “National Emission Standards for Hazardous Air Pollutants: Ethylene Oxide Commercial Sterilization and Fumigation Operations” (RIN 2060-AU37). Comments are due to OMB on November 5, 2019.

Department of Transportation: Proposed Rule, “Pipeline Safety: Gas Pipeline Regulatory Reform” (RIN 2137-AF36). Comments are due to OMB by November 8, 2019.

Secretarial Correspondence

The Secretarial Correspondence Unit (SCU) is processing a package for the Gila River Indian Community Water Code. The Chief of Staff reviewed the package and returned it to the Office of the Solicitor (SOL) for the inclusion of a communications plan (EST-00014194).

The SCU is processing a package regarding federal agency obligations under Section 106 of the National Historic Preservation Act. The package is currently under review by the Chief of Staff (EST-00013216).

The SCU is processing a package for the September 2019 Federal Land Assistance Management and Enhancement (FLAME) Suppression Forecast for FY2020. The FLAME

Act of 2009 (Title V of Division A of P.L. 111-88) requires the Secretary of the Interior to submit an estimate of anticipated wildfire suppression costs for each fiscal year. The package is under review by the Chief of Staff (EST-00014203).

The SCU is processing a package for the designation of 14 National Recreation Trails. The package is currently under review by the Acting Deputy Secretary (EST-00014021).

The SCU is processing a package regarding a response to the Outer Continental Shelf Governors Coalition. The package is under review by the Acting Deputy Secretary (EST00013663).

The SCU is processing a package regarding the Navajo Nation's Diné School Accountability Plan. The package was reviewed by the Acting Deputy Secretary and returned to the Bureau of Indian Education with questions (EST-00013326).

The SCU is awaiting additional information from the Office of Congressional and Legislative Affairs and NPS in order to process a revised transmittal letter for the Fifth Triennial Federal Lands Recreation Enhancement Act (EST-00011033).

The SCU is processing a package of Secretarial memoranda updating the procedures regarding the Department's review of documents prepared pursuant to the National Environmental Policy Act. Michael Freeman is working with Karen Budd-Falen to respond to consolidated comments (EST-00013193).

The SCU is processing a memorandum that provides additional direction for implementing Secretary's Order 3355, which is related to the efficient use of NEPA compliance tools and documented decision-making. The package is under review by SOL (EST-00013551).

Congressional Oversight Document Production

The DMU is processing the first production of documents in response to the August 19, 2019, request from Chairman Grijalva, House Committee on Natural Resources, for documents and information regarding the biological options for water deliveries from the Central Valley Project.

The DMU is processing the first production of documents in response to the July 3, 2019, request from Chairman Grijalva, House Committee on Natural Resources, for documents regarding El Dorado Holdings, Inc.'s proposed Villages at Vigneto development.

The DMU is processing the third production of documents in response to the February 26, 2019, request from Chairman Grijalva, House Committee on Natural Resources, for documents and information related to implementation of Bureau and Safety and Environmental Enforcement's (BSEE) regulations.

The DMU is processing the third production of documents in response to the March 13, 2019, request from Chairman Grijalva, House Committee on Natural Resources, for documents and information regarding the implementation of the Freedom of Information Act (FOIA).

Committee Management

Federal Advisory Committee Meetings:

Tule Springs Fossil Beds National Monument Advisory Council is scheduled to meet on November 4, 2019, in Las Vegas, NV.

Aquatic Nuisance Species Task Force is scheduled to meet on November 6-7, 2019, in Beltsville, MD.

Advisory Board for Exceptional Children is scheduled to meet on November 13-15, 2019, in Albuquerque, NM.

Hunting and Shooting Sports Conservation Council is scheduled to meet on November 20, 2019, in the Main Interior Building.

OFFICE OF COMMUNICATIONS

Nick Goodwin will be in the office all week.

Theresa Eisenman will be in the office all week.

Carol Danko will be in the office all week.

Alex Hinson will be in the office all week.

Melissa Brown will be in the office all week.

Max Nikitas will be in the office all week.

In the Hopper [November is Native American Heritage Month]

- NPS 14 National Trail Designations
- NPS Carr Fire Report
- Infrastructure Op-ed - Washington Times (November)
- NHPA
- NPR-A
- OTR with Reporters and the Secretary [Being Scheduled]
- Employee Letter

Monday, November 4:

- Secretary Comms
 - Video Shoot re. Native American Month Message [+Tara and John T]
- Notable Comms:
 - **NPS:** The NPS will publish a press release announcing five fee-free days at national parks in 2020. The release will also remind people that Veterans Day is the last entrance fee-free day of 2019.
 - **BLM-UT:** The Salt Lake Field Office plans to publish a Federal Register Notice to extend a 20-year withdrawal of 2,714.22 acres of public land from location and entry under the U.S. mining laws to protect aspects of the Central Utah Project (CUP). The existing withdrawal is located in the Uinta Wasatch Cache National Forest in

Utah County, and will expire in Dec. CUP is administered by the Secretary of the Interior through the Office of the Assistant Secretary for Water and Science. The project's Diamond Fork System consists of pipelines, tunnels, power plants, transmission lines, access roads, and other related structures that convey water from Strawberry Reservoir to the Wasatch Front. The Utah County Commission and the Governor's Office (via the Public Lands Policy Coordination Office) have expressed support for the withdrawal's extension.

Tuesday, November 5:

- Secretary Comms:
 - TBD Radio Hit [USMCA/Economy]
- DOI Comms
 - NPS Hunting Rule Release [Tentative]
 - The Senate Energy and Natural Resources Committee plans to hold a hearing to consider the nomination of Katharine S. MacGregor to be Deputy Secretary of the Department of the Interior.
- Notable Comms:
 - **BOR:** On November 5-6, Reclamation, in conjunction with the Western Area Power Administration, will host the first women in water and energy professional development workshop in Park City, Utah. Commissioner Burman will provide the keynote address on November 5. This event will address challenges women face in the water and energy profession and strategies to empower organizational, team, and individual success. [Press TBA]
 - **BLM-AK (Nov. 5-17):** The Central Yukon Field Office and Alaska Fire Service (AFS) plan to burn debris remaining from a fuel reduction project in Coldfoot. In early June, AFS created defensible space by removing combustible vegetation around BLM facilities in the small Dalton Highway community. PR: BLM-AK
 - **FWS:** FWS plans to release to the public the draft Programmatic Environmental Assessment (PEA) for the use of genetically engineered crops in refuge agriculture practices for natural resource management on national wildlife refuges in the Southeast. The draft PEA has gone through internal review and comment. All edits received to date have been addressed in the document. The next step in the development process for the draft document is public review and comment. Outreach includes a regional news release.

Wednesday, November 6:

- Secretary Comms:
 - TBD Radio Hit [USMCA/Economy]
 - Video Shoot re. Veteran's Day Message
- Notable Comms:
 - **BOR:** November 6-8, Commissioner Burman and Deputy Commissioner Hagenauer will attend the National Water Resources

Association (NWRA) meeting in Houston, Texas, which will include approximately thirty 15-minute meetings with individual water district representatives. In addition, Commissioner Burman will provide the keynote address on November 7. [Press TBA]

- **BLM-AZ:** The Phoenix District’s 30-day public comment period ends regarding the Environmental Assessment of a land conveyance to the Gila River Indian Community (GRIC). A news release announcing the public comment period was issued Oct. 7. The action supports Sec. 4 of P.L. 115-350, GRIC Federal Rights-of-Way, Easements, and Boundary Clarification Act. GRIC has historical ties to the 3,380.69 acres, which include cultural resources and archaeological sites. The lands were designated as suitable for disposal in the 2012 Lower Sonoran approved Resource Management Plan. BLM-AZ expects to issue a Decision Record by the end of Nov.

Thursday, November 7:

- Secretary Comms:
 - DOI Veteran’s Day Event [Speaking/social]
- Notable Comms:
 - **AS-IA:** Assistant Secretary will attend the Midwest Alliance of Sovereign Tribes (MAST) meeting in Duluth, MN, through November 8. [Press TBA]
 - **BLM-NM:** Oil and gas lease sale offering 16 parcels covering 7,619 acres.
 - **NPS:** The Presidio Trust will host a “Ground Making” to celebrate the creation of the Presidio Tunnel Tops, a 14-acre park on top of a tunnel to connect the Trust’s historic Main Post and the bayfront at Crissy Field in Golden Gate National Recreation Area (GOGA). This open area was created by the demolition of the 75-year-old freeway leading to the Golden Gate Bridge. It was then replaced by the Presidio Parkway, a tunnel-covered roadway. GOGA has formally requested National Park Service Deputy Director David Vela to attend the ceremony. The Trust has invited Speaker of the House Nancy Pelosi to attend. The Mayor of San Francisco London Breed will also be in attendance.
 - **NPS:** National Capital Parks-East will host a public meeting on the Shepherd Parkway Development Concept Plan. Originally intended to be developed as a parkway, Shepherd Parkway today includes 205-acres of forested greenspace and sites such as Parkland, Fort Carroll and Fort Greble. The park will invite stakeholders and the public to comment on initial concept plans to improve safety, connections to neighborhoods, park conditions and ways for people to enjoy the park.

Friday, November 8:

- Sec Comms
 - Comms for 1002 if announced.

- DOI Comms
 - **BLM-AK:** Plans to sign the Record of Decision (ROD) for the Coastal Plain Oil & Gas Leasing Program. The ROD authorizes a leasing program in the Coastal Plain of the Arctic National Wildlife Refuge in accordance with the 2017 Tax Cuts and Jobs Act. The first lease sale will offer at least 400,000 acres of high-potential hydrocarbon lands. [TENTATIVE]
 - **BLM-AK:** Intends to publish a Notice of Availability (NOA) in the Federal Register for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP) draft environmental impact statement (EIS) to develop a new management strategy consistent with Secretarial Order 3352 that envisions clean and safe development in the NPR-A while avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth and prevent job creation. This plan will supersede the Feb. 21, 2013, NPR-A IAP/EIS Record of Decision and identify new management alternatives that include different combinations of land allocations, lease stipulations, and best management practices. BLM-AK is addressing Level 4 DOI Review Team comments from the Oct. 18 briefing. [TENTATIVE]
- Notable Comms:
 - **BLM-AK:** Intends to publish a Notice of Availability (NOA) in the Federal Register for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP) draft environmental impact statement (EIS) to develop a new management strategy consistent with Secretarial Order 3352 that envisions clean and safe development in the NPR-A while avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth and prevent job creation. This plan will supersede the Feb. 21, 2013, NPR-A IAP/EIS Record of Decision and identify new management alternatives that include different combinations of land allocations, lease stipulations, and best management practices. BLM-AK is addressing Level 4 DOI Review Team comments from the Oct. 18 briefing.
 - **FWS/USGS:** On November 8, USGS will participate in the Lake Barkley Bio-acoustic Fish Fence Commissioning Ceremony to celebrate the deployment of innovative technology to deter the spread of Asian Carp in southern waters. Special guests include Senator McConnell (KY) and Rep. Comer (KY-01) and the event is open to the media. [MIGHT MOVE TO THE 22nd]
 - **BLM:** The National Wild Horse and Burro Program plans to solicit for additional Off-Range Pasture (ORP) facilities that can hold between 1,000-10,000 horses in Okla., Kan., and Neb. Two existing ORP contracts representing approximately 4,500 head are due to expire Dec. 31. The BLM can make an interim extension for up to six months while the new contracts are finalized.

- **BLM-ES:** Plans to acquire three connecting parcels of land totaling nearly 14 acres and appraised at \$1.4 million on the northeastern boundary of the Meadowood Special Recreation Management Area (SRMA). Congress appropriated \$2.4 million in Land Water Conservation Fund money for acquisitions at Meadowood SRMA during FY16 and an additional \$1.4 million during FY17. Acquisition of the parcels enriches multiple use recreation at the Meadowood SRMA, which is near several federal, state, and county conservation lands on the Mason Neck peninsula in northern Virginia. The acquisition is supported by Congressman Don Beyer (D-VA-08). PR: BLM-ES
- **BLM-ID:** The Idaho Falls District plans to release the Final Environmental Impact Statement for the Dairy Syncline Mine (DSM) and Reclamation Plan. The DOI Review Team approved Oct. 25. The Final EIS seeks a balance between resource extraction and conservation, while providing opportunities for high-paying jobs in the local community. The proposed action would allow DSM to maintain more than 250 current mining jobs for an additional 30 years. If approved, the mine would aid the region's economy through the payment of taxes, royalties, and purchases, providing \$25 million in annual payroll.

OFFICE OF CONGRESSIONAL AND LEGISLATIVE AFFAIRS

Cole Rojewski will be in the office.

Aaron Thiele will be in the office.

Taylor Playforth will be in the office.

Amanda Hall will be in the office.

Hubbel Relat will be in the office.

1. **KATHARINE MACGREGOR, NOMINEE FOR DEPUTY SECRETARY OF THE INTERIOR:** On October 15, 2019, the White House announced the Nomination of Ms. MacGregor to be Deputy Secretary of the Department of the Interior. Senate Committee on Energy and Natural Resources noticed a hearing for Tuesday, November 5.
Contact: Cole Rojewski
2. **SEQUOYAH SIMERMAYER, NOMINEE FOR CHAIRMAN OF THE NATIONAL INDIAN GAMING COMMISSION:** On June 25, 2019, the White House announced the Intent to Nominate Mr. Simermeyer to be Chairman of the National Indian Gaming Commission. The official nomination was sent to the Senate on June 26. There was a confirmation hearing in the Senate Committee on Indian Affairs (SCIA) on July 24. A business meeting was held in SCIA on July 31. Mr. Simermeyer was reported out of committee by voice vote. DOI is working with Senate leadership to schedule a vote on the confirmation.

Timing: Ongoing until confirmation
Contact: Cole Rojewski

3. **AURELIA SKIPWITH, NOMINEE FOR DIRECTOR OF THE FISH AND WILDLIFE SERVICE:** On July 17, 2019, the White House announced the Nomination of Ms. Skipwith to be Director of the Fish and Wildlife Service. The Senate Committee on Environment and Public Works held a confirmation hearing on September 11. EPW voted on her nomination September 25 and she passed with an 11-10 party line vote. DOI will work with Senate leadership to schedule a vote on the confirmation.

Timing: Ongoing until confirmation
Contact: Cole Rojewski

4. **LANNY ERDOS, NOMINEE FOR DIRECTOR OF THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT:** On October 31, 2019, the White House announced the Nomination Mr. Lanny Erdos to serve as the Director of the Office of Surface Mining Reclamation and Enforcement (OSMRE).

Timing: Ongoing until confirmation
Contact: Cole Rojewski

5. **UPCOMING SENATE ENERGY AND NATURAL RESOURCES HEARINGS:** The Department of the Interior will be participating in the following Senate Energy and Natural Resources hearings:

- **Full committee legislative hearing on S. 2108 "Small County PILT Parity Act", S. 430 "A bill to Extend Secure Rural Schools and Community Self Determination Act of 2000", S. 1643 "Forest Management for Stability Act".** Witness is TBD.

Timing: November 12, 2019 at 10:00 AM

Contact: Taylor Playforth

- **Full committee legislative hearing on S. 2418 "To amend the Gulf of Mexico Energy Security Act of 2006 to modify a definition and the disposition and authorized uses of qualified outer Continental Shelf revenues under that Act and to exempt State and county payments under that Act from sequestration, to provide for the distribution of certain outer Continental Shelf revenues to the State of Alaska, and for other purposes"; and S. 2666, "Public Land Renewable Energy Development Act" (if companion to HR 3794 is introduced)'** Witness is Greg Gould, Director, Office of Natural Resources Revenue.

Timing: November 7, 2019

Contact: Taylor Playforth

6. **UPCOMING HOUSE NATURAL RESOURCES HEARINGS:** The Department of the Interior will be participating in the following House Natural Resources hearings:

- **Subcommittee on Indigenous Peoples of the United States legislative hearing on ‘H.R. XXXX (Gallego) To amend the Indian Child Protection and Family Violence Prevention Act.’** Witness is TBD
Timing: November 13, 2019 at 10:00 AM
Contact: Aaron Thiele

7. UPCOMING SENATE COMMITTEE ON INDIAN AFFAIRS HEARINGS:

The Department of the Interior will be participating in the following Senate Committee on Indian Affairs hearings:

- **Full committee oversight hearing on “Examining the 477 Program: Reducing Red Tape While Promoting Employment and Training Opportunities in Indian Country.”** Witness is TBD
Timing: November 6, 2019 at 2:30 PM
Contact: Aaron Thiele

OFFICE OF INTERGOVERNMENTAL AND EXTERNAL AFFAIRS

Tim Williams will be in the office all week.

Jeff Small will be in the office all week.

Marshall Critchfield will be in the office all week.

Sarah Spaulding will be in the office all week.

Lacey Smethers will be out of the office on November 5 and in the office the rest of the week.

Immediate Announcements and Actions (within the next 14 days)

Plans are being developed for a departmental eBikes plan rollout event in Florida for early December. Marshall Critchfield

OIEA is working with WH Liaison to plan an event highlighting the importance of the Federal Duck Stamp to conservation. Marshall Critchfield

The Hunting and Sport Shooting Conservation Council (HSSCC) is meeting on November 20th at MIB. OIEA will work with FWS DFO to ensure IOS Participation. Marshall Critchfield

OIEA is working with UT Governor’s office regarding an issue with Flint Trail in Glen Canyon National Recreation Area. Tim Williams

OIEA is working with Communications on the Alaska Hunt-Fish Rule rollout. Jeff Small

OIEA is working on request from the South Dakota Governor regarding FWS issue. Tim Williams

OIEA is working on a talking points handout for ESA, wildfire mitigation, and NEPA streamlining to be disseminated to all County Commissioners. Sending on Monday, November 4. Sarah Spaulding

OIEA is assisting PMB with the outreach plan for the John Dingell Act invasive species strategic plan implementation. Listening session calls planned for Nov. 4-19. Sarah Spaulding

OIEA is reaching out to Governors, Commissioners and external partners in 11 states to schedule meetings, calls and further develop relationships. Jeff Small

OIEA is working with the Wyoming Governor's office to schedule a meeting with the Secretary. Jeff Small

OIEA is working with the La Paz County Supervisors in Arizona on an issue with a local USFWS Refuge. Jeff Small

OIEA is working with FWP to schedule a meeting between Kansas Governor Laura Kelly and Aurelia Skipwith on Nov. 14. Sarah Spaulding

OIEA is working with FWP to schedule a meeting between Rob Wallace and Maryland Governor Larry Hogan on Nov. 5. Sarah Spaulding

OIEA is working with FWP to resolves parks issues in Kentucky, North Carolina and Washington, D.C. Sarah Spaulding

SECRETARY'S INDIAN WATER RIGHTS OFFICE

Alan Mikkelsen will be on travel November 7-8, but in the office the rest of the week.
Pam Williams will be on travel November 6-8, but in the office the rest of the week.
Tracy Goodluck will be on travel November 7-8, but will be on leave the rest of the week.

Schedule of Meetings, Hearings, and Travel

November 6-8

Pam Williams will be speaking about the Department's Indian Water Settlement Program at the 64th Annual New Mexico Water Conference in Santa Fe, NM.

November 7-8

Tracy Goodluck will be speaking about the Department's Indian Water Settlement Program at the New Mexico Bar Association – Indian Law Section CLE in Albuquerque, NM.

Immediate Actions and Announcements for the Next Week

NEW ITEMS

SIWRO and OCL were contacted by SCIA staff on possible amendments to S. 1277, the Hualapai Water Rights Settlement Act of 2019. We reiterated the Administration's opposition to the bill but were informed that there is a push to move the legislation this congressional session.

Office of the Secretary (OS) Freedom of Information Act (FOIA)

Status of OS FOIA Requests

- New Requests: 23
- Closed Requests: 3
- Completed Requests: 4
- Open Requests: 1,871
- Requests in Backlog: 1,776

Litigation Matters - Awareness Review and Document Production Schedules

1:18-cv-02498/OS-2018-00224 (WildEarth Guardians): This is a joint status agreement production for 500 pages processed per month. Records concern the development and implementation of the Department's final report titled "Review of the Department of the Interior Actions that Potentially Burden Domestic Energy" produced in response to Executive Order 13783. Records were sent for awareness on October 23, 2019. The document production is due on November 1, 2019 [JD].

1:18-cv-0814/OS-2017-01157, etc. (Centers for Biological Diversity): This is a joint status agreement production for at least 500 pages processed per month. Records concern several requests for all communications to and from David Bernhardt and Todd Willens from August 1, 2017 - July 31, 2018. Records were sent for awareness review on October 29, 2019. The document production is due on November 1, 2019 [JA].

1:18-cv-01764/ OS-2018-00616 (Western Values Project): This is a court-ordered production for 500 pages processed per month. Records contain the keywords "Westmoreland," "Rosebud," and "Colstrip" in communications to certain Department political appointees. Records will be sent for awareness review on November 1, 2019. The document production is due on November 5, 2019 [JA].

1:19-cv-01492/OS-2019-00376/OS-2018-01660 (Sierra Club): This is a joint status agreement production for at least 1,000 pages to be processed per month. Records are related communications of multiple political appointees with external parties. Records were sent for awareness review on October 29, 2019. The document production is due on November 1, 2019 [RM].

National Monuments FOIA Requests (multiple requesters and cases): These are court-ordered productions for at least 3,000 pages to be processed per month. Records are related to the Department's review of the national monuments. Records will be sent for awareness review on November 6, 2019. The document production is due on November 15, 2019 [RM].

OFFICE OF THE SOLICITOR
(Indicates Press/Comms Opportunities)

Dan Jorjani will be in the office all week.
Greg Zerzan will be in the office all week.
Kyle Scherer will be in the office all week.
Karen Budd-Falen will be in the office all week.
Jason Hill will be in the office all week.
Cally Younger will be in the office all week.

Litigation:

Endangered Species Act Section 4 Litigation:

- Deadline Lawsuits—We have 18 pending lawsuits regarding 63 species (9 of which are currently stayed to allow time for FWS to complete the action). Of these lawsuits, 1 was filed in the past week. We received 0 new notices of intent to sue during the past week.
- Merits Lawsuits—We have 23 pending lawsuits challenging the merits of petition findings (5 cases), final listing/delisting/reclassification determinations (7 cases), final critical habitat designations (4 cases), the species status assessment process (1 case), 5-year reviews and recovery plans (2 cases), a rejection of a purported petition (1 case), and 3 facial challenges to the revisions to the regulations at part 17 and 424 of 50 C.F.R. Of these lawsuits, 1 was filed in the past week. We received no new notices of intent to sue during the past week.

Murray Energy Corp. (Bankr. S.D. Ohio) - Multistate Coal Bankruptcy

On October 29, Murray Energy filed for Chapter 11 reorganization. Murray is attempting to restructure via a “controlled” bankruptcy, rather than a prepackaged or unplanned process. Murray and some subsidiaries have an agreement with a lender group to fully fund the debtor in possession and to form a new entity (“Murray NewCo”) to serve as a stalking horse bidder to acquire substantially all of the Old Murray’s assets. A reorganization plan should be filed by December 3. Murray’s subsidiaries have 93 active surface mining permits in seven states, including four federal mines in Utah that have active operations and one federal lease in Illinois that has never been mined. ONRR has identified \$586,150 in unpaid federal royalties. OSM does not report any unpaid AML fees, but payment for the latest quarter is not due until October 30. Some of Murray’s subsidiaries have significant water treatment liabilities, including a reverse osmosis plant receiving water from five mines within a 30-mile area. Other mines are part of a pumping and holding operation related to river water levels that protects the Monongahela River from Fairmont, W.Va., through Pittsburgh, Pa. We are not aware of any threat to the continued operation of those treatment facilities, but we have informed the DOJ of the issue.

League of Conservation Voters v. Trump (9th Cir.) - Challenge to Executive Order 13795

DOJ sent the draft opening brief for review on Friday, October 25, and requested comments by Tuesday, October 29. The brief is to be filed on November 7.

NRDC v. Bernhardt (E.D. La.) - Settlement Gulf G&G Surveys

DOJ has plans to file a 30-day interim extension motion with the court this week. DOJ also expects to receive comments today from NOAA on the Fourth Amendment to the settlement agreement, to extend the stay to May 2020. SOL submitted its comments on Friday.

California v. BLM; Sierra Club v. Bernhardt (N.D. Cal.) - Hydraulic Fracturing Rule Rescission Challenges under APA, NEPA, and ESA

On October 23, plaintiffs filed their respective replies in support of their motions for summary judgment and oppositions to defendants' cross-motion for summary judgment. Defendants' reply in support of cross-motion for summary judgment is due on November 22, 2019.

Taylor Energy Company v. DOI (E.D. La) - Taylor Trust

This is an appeal of an IBLA decision upholding two BOEM decisions, one from 2009 and one from 2011, both of which related to disbursements from the Taylor decommissioning trust fund. On April 26, 2019, Taylor moved to transfer the case to the U.S. Court of Federal Claims, and DOJ opposed this motion on May 14. We are still awaiting the court's decision on the transfer motion, partly because the case was transferred among several different judges, until finally being re-assigned to Judge Greg Guidry. One of the previous judges had entered a scheduling order and, because there has not yet been a decision on the transfer motion, Taylor filed a witness list based on the old scheduling order. Both parties, however, agree that the old scheduling order will need to be changed. On October 18, DOJ filed a motion requesting the Court to vacate the earlier scheduling order and to order the parties to file a new joint proposed scheduling order within 14 days of "any ruling denying Taylor Energy's Motion to Transfer." Taylor would not consent to the filing of this motion.

CBD v. USFWS (D. Ariz.) - Rosemont Mine

On October 28, the Arizona district court denied Intervenor Rosemont Copper's motion to amend or alter the court's judgment overturning the Forest Service's approval of the Rosemont copper mine. Interior is not a party to this litigation, however last week BLM and the Assistant Secretary for Land and Minerals Management provided their concurrence in the Solicitor's Office's recommendation that the Justice Department seek to appeal the district court's decision. SOL-DMR will participate in a meeting on November 1, with the ENRD trial attorney, Appellate Section, and USDA - Office of the General Counsel to discuss litigation strategy.

Complaint filed and Potential Temporary Restraining Order expected soon for mining activities in the Rhyolite Ridge, Nevada

On October 29, the Bureau of Land Management Nevada State Office received a letter from the Center for Biological Diversity alleging harm to an unlisted, but recently petitioned plant species (Tiehm's buckwheat) which they claim is found only in the Rhyolite Ridge area of Nevada, which is being explored for lithium. CBD also claims that BLM has illegally segmented, for purposes of NEPA analysis, two sites where mining companies are conducting exploration. On October 30, CBD filed a complaint in US District Court in

Nevada seeking to enjoin the projects. We expect a motion for a Preliminary Injunction or Temporary Restraining Order to be filed soon.

Non-Litigation

National Park Service FLREA Guidance

DGL and DPW are collaborating with NPS on development of interim expenditure policy for the Federal Lands Recreation Enhancement Act (FLREA). The policy will make a number of changes to existing policy in order to, among other things, refocus NPS spending policy to more directly align with the allowable spending categories outlined in FLREA, including allowing fee funds to be used to pay for permanent positions.

ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS **(Indicates Press/Comms Opportunities)**

Week Ahead Schedule of Meetings, Hearings, and Travel

Rob Wallace: November 4-7 in the office; November 8 on personal travel

John Tanner: November 4-8 in the office

Aurelia Skipwith: November 4-7 in the office; November 8 on annual leave

Ryan Hambleton: November 4-7 in the office; November 8 on annual leave

Katie Mills: November 4-8 in the office

David Vela: November 4-8 on official travel (moving from Wyoming)

Margaret Everson: November 4-6 in the office and off-site meetings; November 7-8 tentative official travel

Immediate Announcements and Actions For the Next Week

U.S. Fish and Wildlife Service

Around November 5, FWS plans to release to the public the draft Programmatic Environmental Assessment (PEA) for the use of genetically engineered crops in refuge agriculture practices for natural resource management on national wildlife refuges in the Southeast. The draft PEA has gone through internal review and comment. All edits received to date have been addressed in the document. The next step in the development process for the draft document is public review and comment. Outreach includes a regional news release. (Updated 10/30/2019)

On or about November 6, FWS plans to submit to the *Federal Register* an announcement of the availability of comprehensively revised boundaries for Coastal Barrier Resources System

(CBRS) units in Okaloosa and Walton counties, Florida, and Beaufort and Charleston counties, South Carolina. The notice will announce a 60-day public comment period. Outreach will include a news bulletin; letters to Congress, federal, state, and local officials, and NGOs; and a stakeholder outreach toolkit available to local officials. (Updated 10/30/2019)

On or before November 7, FWS will begin implementation of the National Bison Range final Comprehensive Conservation Plan. Outreach will include a regional news release and congressional and stakeholder notifications. (10/30/2019)

On November 8, FWS, U.S. Army Corps of Engineers, Kentucky Department of Fish and Wildlife Resources, and Tennessee Wildlife Resources Agency will host a ceremony at Barkley Lock and Dam in Grand Rivers, Kentucky, to announce the deployment of a bio-acoustic fish fence. The goal of the bio-acoustic fish fence is to reduce the use of the lock by Asian carp. Senator Mitch McConnell (R-KY) and Representative James Comer (R-KY-1) are confirmed to attend the event and are expected to announce efforts to secure additional federal funding (\$25 million in total) for Asian carp control. (10/23/2019)

National Park Service

On November 3, the NPS will submit comments to the State of Hawaii Commission on Water Resource Management on a proposed amendment to their Water Resources Protection Plan. Commission staff requested comments on this proposed amendment to the Plan from the “Water Professionals” group, which NPS has been a member of since 2008. Comments are focused on safe or sustainable yields for groundwater extraction. (10/30/2019)

From November 3-7, Aquatic Park Cove within San Francisco Maritime National Historical Park will be closed during daylight hours while a dive team conducts structural evaluations of Hyde Street Pier, mooring pile clusters and vessel moorings. This closure is for the safety of the public and the dive team. (10/16/2019)

On or about November 3, Booker T. Washington National Monument will be providing comments to Blue Ridge Towers, Inc., regarding the installation of a new telecommunications tower on property adjacent to the park. Comments will be done in coordination with the NPS headquarters. (10/30/2019)

On or around November 4, the NPS will release a Request for Proposals for a 10-year concession contract for the management of food and beverage services and boat rentals at National Mall and Memorial Parks. (10/29/19)

(Close Hold) On or around November 4, the NPS will notify bidders of selection for the 11 concession contracts to provide Guided Float Trips and/or Fishing Trips on the Snake River within Grand Teton National Park. These new 10-year contracts will provide services similar to those under the existing contracts. The contracts will have an effective date of January 1, 2020. (10/23/2019)

Between November 4 - February 2020, Manassas National Battlefield Park is planning two controlled burns this fall or winter, consistent with the park fire management and other resource plans, and pending weather conditions and the availability of resources. In addition to maintaining the park's cultural landscape, these burns will improve wildlife habitat. (10/23/2019)

On November 5, Grand Teton National Park intends to release an environmental assessment (EA) for a 30-day public comment period regarding paving improvements on Meadow Road, an unpaved road located within the administrative boundaries of the park. The road provides year-round access to property owners and residents of the Meadows subdivision, a growing neighborhood which is located adjacent to the park boundary. (10/23/2019)

On November 5, the Department of State will hold a meeting in Washington, D.C., to revisit the existing Programmatic Agreement for the Keystone XL Pipeline, which expires December 2020. The NPS Section 106 Coordinator and the NPS Regions 3, 4, & 5 Energy Specialist will attend, but will not be speaking. (10/23/2019)

On or around November 5, Voyageurs National Park will hold a meeting in the International Falls area for the Kettle Falls site development and planning project. The goal of the meeting will be to hear public feedback on preliminary development concepts for this area before initiating a NEPA process. This feedback will inform the development of the proposed action and alternatives. (Updated 10/02/2019)

On November 6, Redwood National Park will participate in a presentation at a California Transportation Commission Town Hall regarding the Last Chance Grade Project; a collaborative effort to study alternatives for a permanent solution to instability and roadway failure on a 3-mile segment of US Hwy 101 through Redwood National and State Parks. Representative Jared Huffman (D-CA-2) is expected to attend. (10/30/2019)

On or around November 6, Chesapeake and Ohio Canal National Historical Park will release an environmental assessment for the Fletchers Boathouse Transportation Upgrades for a 30-day public comment period. The plan/EA evaluates alternatives to construct a new entrance and upgrade internal roads and parking areas. The purpose of this project is to provide more direct and safer access to the park between Canal Road and Fletchers Boathouse, the towpath, and the Capital Crescent Trail. (10/23/2019)

On November 7, National Capital Parks-East will host a public meeting on the Shepherd Parkway Development Concept Plan. Originally intended to be developed as a parkway, Shepherd Parkway today includes 205-acres of forested greenspace and sites such as Parkland, Fort Carroll and Fort Greble. The park will invite stakeholders and the public to comment on initial concept plans to improve safety, connections to neighborhoods, park conditions and ways for people to enjoy the park. (Updated 10/16/2019)

On November 7, the Presidio Trust will host a *Ground Making* to celebrate the creation of the Presidio Tunnel Tops, a 14-acre park on top of a tunnel to connect the Trust's historic Main Post and the bayfront at Crissy Field in Golden Gate National Recreation Area. This

open area was created by the demolition of the 75-year-old freeway leading to the Golden Gate Bridge. It was then replaced by the Presidio Parkway, a tunnel-covered roadway. The Trust has invited the Speaker of the House, Nancy Pelosi. (10/02/2019)

In early November, FWS plans to announce in the *Federal Register* the publication of a peer-reviewed scientific study that evaluates how various seismic survey designs and mitigation measures affect the potential impacts to maternal denning polar bears in the Coastal Plain of the Arctic National Wildlife Refuge. (10/30/2019)

8-30 Day Outlook

U.S. Fish and Wildlife Service

NEW ITEMS

Around November 15, FWS plans to publish in the Federal Register a notice on rulemaking for cormorant management and one announcing plans to increase the annual maximum allowable take of double-crested cormorants through individual depredation permits. Outreach is planned. (10/30/2019)

Around November 29, FWS and NOAA Fisheries plan to submit to DOI and DOC a draft outline of the ESA consultation handbook for policy level review. (10/30/2019)

UPDATED ITEMS

By November 15, FWS will announce state and tribal capacity grants for responding to white-nose syndrome. Approximately \$1.2 million is expected to be awarded. FWS is waiting for all of the states to confirm acceptance of the grants before making a final announcement. Outreach to states is planned, but FWS is not planning a national news release. (Updated 10/30/2019)

Around November 30, FWS plans to publish in the Federal Register a proposed rule to revise and streamline FWS regulations for permitting of rights-of-way by aligning FWS processes more closely with those of other DOI bureaus. Outreach will include congressional notifications. (Updated 10/30/2019)

FWS plans to publish a proposed rule to allow the baiting of brown bears on Kenai NWR, which is permitted under Alaska state hunting regulations, along with other changes. This proposed rule would be available for a 60-day public comment period and is likely to be strongly opposed by those who believe that baiting of wildlife for hunting is unethical and those who oppose hunting generally (particularly of large predatory mammals). FWS plans to notify stakeholders and congressional offices directly by email and issue a news release to Alaska media announcing the proposed rule and public comment period. FWS is still addressing comments from the Department on the proposed Kenai rule. Once comments have been resolved, FWS will be able to provide a date for release. (Updated 10/30/2019)

ONGOING ITEMS

During the week of November 18, FWS plans to make available to the public the opportunity to submit a limited number of Convention on International Trade in Endangered Species (CITES) and all Migratory Birds permit applications online, including electronic payment of permit fees through the pay.gov website. A news release is planned. (Updated 10/23/2019)

By November 30, FWS will post a draft environmental assessment online for a 30-day public comment period for the possible issuance of a five bald eagle incidental take permit to the Pleasant Valley/Grand Meadow wind facility in Minnesota. The proposed permit allows for the take of six eagles over a five-year period. Stakeholders will be notified immediately of the availability of the assessment when it is posted online. If-asked talking points will be available. (10/23/2019)

By November 30, FWS will post a draft environmental assessment online for a 30-day public comment period for the possible issuance of a bald eagle incidental take permit to the Black Oak/Getty wind facility in Minnesota. The proposed permit allows for the take of 36 eagles (up to six every five years) over a 30-year period. Stakeholders will be notified immediately of the availability of the assessment when it is posted online. If-asked talking points will be available. (09/18/2019)

In November, FWS will hold an open press ceremony to announce the establishment of Green River NWR in Henderson, Kentucky. DOI Secretary Bernhardt and Senator McConnell (R-KY) are invited to participate. (Updated 10/16/2019)

In November, FWS, in cooperation with DOI SOL, intends to issue an updated legal memorandum to replace a 1994 legal interpretation regarding the Coastal Barrier Resources Act (CBRA), and how FWS engages in CBRA specific consultation with other agencies. Consultation under CBRA is unrelated to consultation required by the Endangered Species Act.(10/23/2019)

A proposed change to the implementing regulations for the Migratory Bird Treaty Act (MBTA) has been developed. The rule: 1) defines the scope of the MBTA as it applies to conduct resulting in the injury or death of protected migratory birds consistent with the Department Solicitor's Opinion M-37050 and 2) reduces permitting burdens by modifying existing permit exceptions and proposing new ones. FWS and SOL are responding to interagency comments. Responses to the comments will go back to OMB. The proposed rule can be published in the *Federal Register* after it clears OMB-OIRA and any comments received are resolved. (Updated 10/02/2019)

Endangered Species Act Actions through November 29:

Species	Action	Current Status	Target Date to FR (dates in bold are litigation deadline)	Outreach
Nashville crayfish	Proposed Delisting	Pending Exec-Sec clearance	As soon as it clears	Regional release
June sucker	Proposed Downlisting	Pending Exec-Sec clearance	As soon as it clears	Regional release
Colorado butterfly plant	Final Delisting	Pending Exec-Sec clearance	FR publication to be timed to delisting event	Regional release
Sierra Nevada red fox	Proposed Listing	Pending FWP clearance	As soon as it clears	Regional release
Hermes copper butterfly	Proposed Listing and Critical Habitat	Pending FWP clearance	As soon as it clears	Regional release
Yellow lance mussel	Proposed Critical Habitat	Pending FWP clearance	As soon as it clears	Regional release
Humpback chub	Proposed Downlisting	Pending FWP clearance	As soon as it clears	Regional release

Hawaiian goose (nene)	Final Downlisting with a 4(d) Rule	Pending FWP clearance	As soon as it clears	Regional release
Bradshaw's Iomai	Proposed Delisting	Pending FWP clearance	November 4	Regional release
California spotted owl	12-Month Finding	Pending FWP clearance	November 4	Regional release
Hawaiian hawk	Final Delisting	Pending FWP clearance	November 5	Regional release
Yellow-billed cuckoo	Revised Proposed Critical Habitat	Pending FWP clearance	November 5	Regional release
Western Glacier Stonefly and Meltwater Lednian Stonefly	Final Listing	Pending FWP clearance	November 15	Regional release
All	FY2017 Expenditures Report to Congress	Pending FWS Director clearance	As soon as it clears	National release
Yangtze sturgeon	Final Listing	Pending FWS Director clearance	As soon as it clears	National release

Chapin mesa milkvetch	Proposed Listing and Critical Habitat	Pending FWS Director clearance	As soon as it clears	Regional release
Eastern black rail	Final Listing with a 4(d) Rule	Pending FWS Director clearance	As soon as it clears	Regional release
Kanab ambersnail	Proposed Delisting	Pending FWS Director clearance	November 8	Regional release
Morro shoulderband snail	Proposed Downlisting	Pending FWS Director clearance	November 8	Regional release
Peppered chub	Proposed Listing and Critical Habitat	Pending FWS Director clearance	November 13	Regional release
Golden conure	Final Downlisting	Pending FWS Director clearance	November 18	National release
Wright's Marsh Thistle	Proposed Listing and Critical Habitat	Pending FWS Director clearance	November 20	Regional release
Bethany beach firefly and Gulf Coast solitary bee	Batched 90-day Findings	Pending FWS Director clearance	November 22	National release
Suwannee moccasinshell	Proposed Critical Habitat	Under Review With AES	November 20	Regional release

2 Sky Island Plants (beardless chinchweed, Bartram's stonecrop)	Proposed Listing and Critical Habitat	Under Review With AES	November 29	Regional release
Texas hornshell	Proposed Critical Habitat	Pending FWP clearance	As soon as it clears	Regional release
All	2016 Recovery Report to Congress	Pending FWP clearance	As soon as it clears	No release

National Park Service

NEW ITEMS

On or about November 15, Buffalo National River and NPS in Interior Regions 2, 3, and 5 intend to sign a Finding of No Significant Impact for the park's *Plant Gathering for Traditional Purposes Environmental Assessment (EA)*. The plan has been completed in accordance with the August 2016 NPS rule, *Gathering of Certain Plants or Plant Parts by Federally Recognized Indian Tribes for Traditional Purposes* (36 CFR 2.6). The park has prepared the EA in collaboration with the Cherokee Nation. (10/30/2019)

On November 15, National Mall and Memorial Parks will release the National Emergency Medical Services Memorial Site Selection Study for 30-day public review. Public Law 115-275 authorized the National Emergency Medical Service (EMS) Memorial Foundation to establish the memorial on federal land in the District of Columbia. (10/30/2019)

On or about November 18, *Guidelines on Flood Adaptation for Rehabilitating Historic Buildings* will be issued. The Guidelines were developed by the NPS to provide guidance about how to adapt historic buildings to be more resilient to flooding risk in a manner that preserves their historic character. The Guidelines assist in applying the Secretary of the Interior's Standards for Rehabilitation. (10/30/2019)

UPDATED ITEMS

On or about November 15, Lake Mead National Recreation Area will be releasing an Environmental Assessment for public review and comment that analyzes a project to make improvements to portions of Willow Beach Road. The road is badly deteriorated and prone to repeated flash flooding. (Updated 10/30/2019)

ONGOING ITEMS

On November 11, Hawai'i Volcanoes National Park will reopen a one-mile section of the Byron Ledge Trail connecting Devastation Trail to Kīlauea Iki Trail along the southeast rim of Kīlauea caldera. Earthquakes during the volcanic eruption last year damaged the trail, which has been closed since May 2018. (10/09/2019)

On or around November 11, the National Capital Area Director-Region 1 is expected to sign a Finding of No Significant Impact for the improvements to Buzzard Point Park near the Anacostia River, in Southwest DC. The purpose of the project is to transform the park into an accessible community waterfront amenity that continues the Anacostia Riverwalk Trail. The park would provide residents and visitors with more open space, recreational opportunities, and new ways to connect with the Anacostia River. (10/23/2019)

On November 11, Sequoia and Kings Canyon National Parks, in partnership with the Colonel Charles Young Foundation, will host a sign unveiling to designate a California highway in honor of Colonel Charles Young, in Three Rivers, California. Colonel Young is recognized as a national park superintendent and the highest ranking Army officer during his time of service as a Buffalo Soldier. Speakers include Former NPS Director Jon Jarvis, park officials, and Renotta Young from the family foundation. There will be informational booths and activities for visitors. (10/23/2019)

On November 12, Channel Islands National Park expects work to begin on a construction project to replace the Anacapa Island crane. During construction Anacapa Island will be closed for both day and overnight use for three weeks during the month of October, and for at least a week each in November, December, and March. The crane replacement project is funded by Line Item Construction at approximately \$5 million. The project is expected to be completed by May 2020. (10/30/2019)

On or about November 12, the National Capital Area Director-Region 1 is expected to sign a Finding of No Significant Impact for the relocation of the Chesapeake and Ohio Canal National Historical Park's headquarters. The purpose of the project is to establish a new administrative building and visitor center in Williamsport, Maryland, in partnership with the Maryland Economic Development Corporation and Washington County. The Project has been delayed as the park awaits response from State Historic Preservation Office and consulting parties in order to complete Memorandum of Agreement and Section 106 documentation. (10/09/2019)

By November 13, Channel Islands National Park anticipates submitting comments to NOAA regarding its Notice of Intent to conduct a management plan revision process at Channel Islands National Marine Sanctuary. Channel Islands National Park is a strong partner with the Sanctuary. Public scoping meetings are scheduled for October 22 and 23. (10/23/2019)

On November 13, Kennesaw Mountain National Battlefield will implement a new entrance fee program to support safety, maintenance, and visitor enjoyment. The new program will be cashless, utilizing recreation.gov for online pass sales. (10/23/2019)

By November 15, Death Valley National Park will open all campgrounds within the park for the fall and winter season. The opening of two of the four campgrounds may be delayed by a month due to a temporary staffing shortage but they will be open by November 15. The park is exploring strategies to try to open the remaining campgrounds as quickly as possible. The park opened its largest campground (270+ sites) on time using existing staff on overtime. (10/23/2019)

On or around November 15, the NPS in Region 11 will be announcing the selection of concessioners for 16 guided hunting contracts in Wrangell-St. Elias National Preserve. (10/09/2019)

On or around November 15, the NPS plans to complete its review of a sale and transfer request of the Oak Bottom Marina concession contract at Whiskeytown National Recreation Area to a new concessioner. Oak Bottom Marine, owned by Suntex Marinas LLC, has notified the NPS of its desire to sell their interests in this contract, which includes boat rentals, two marinas, fuel docks and a campground. The park expects no adverse impacts to the visitor experience. (10/02/2019)

On November 18, the comment period will close for St. Croix National Scenic Riverway's draft options to increase visitor safety, improve operations, and enhance the visitor experience at the Osceola Landing. Osceola Landing is located in Minnesota across from Osceola, Wisconsin. The design seeks to address motorized and non-motorized boat use, parking and wayfinding, day uses, natural resource protection, messaging, and interpretation. (10/23/2019)

On November 20, 21, and 23, Golden Gate National Recreation Area will host a series of events on Alcatraz Island to mark the 50th Anniversary of the 1969 Occupation of Alcatraz by the Indians of All Tribes. The occupation was a key event in the history of Alcatraz Island and the Native American civil rights movement. The park, in collaboration with Indians of All Tribes, is planning 19 months of events and programming. (10/23/2019)

(Close Hold) On or around November 21, Golden Gate National Recreation Area plans to announce the concession business opportunity to operate overnight hostel accommodation, food and beverage, and other visitor services at Fort Mason. (10/23/2019)

On November 28, Thanksgiving Day, Statue of Liberty National Monument will be closed. This decision was made in consultation with park concession partners and tickets are not available for purchase for that day. (10/30/2019)

After November 30, the NPS anticipates receiving a completed right-of-way application for the Alaska LNG pipeline Denali Alternative alignment and is currently working with the applicant. The NPS submitted comments on the project draft EIS through DOI's Office of Environmental Policy and Compliance for review and submittal to FERC. NPS has been a cooperating agency for the EIS. In the draft EIS, a minor route modification through Denali National Park and Preserve was analyzed as a possible Denali Alternative, and the Alaska Gasline Development Corporation informed FERC that they were adopting the Denali

Alternative into the Mainline route. FERC expects to issue a ROD on March 6, 2020.
(10/09/2019)

On December 2, the Pebble Mine Project preliminary final EIS for cooperating agency review is scheduled to be released for a 45-day review period. The final EIS for public review is scheduled for release in March 2020. Boundaries for Lake Clark National Park and Preserve and Katmai National Park and Preserve are located within a 45-mile radius of the proposed copper mine site, with some portions of NPS-managed land less than 15 miles from proposed project operations. The NPS is a cooperating agency on the DEIS with special expertise in subsistence, recreation, and aesthetics. The NPS submitted agency comments on the project through Office of Environmental Policy and Compliance and assisted in responding to public comments, as requested by U.S. Army Corps of Engineers.
(10/23/2019)

On December 5, the National Christmas Tree Lighting will take place on the Ellipse at President's Park (White House). The President, First Lady, the Secretary of the Interior, and the NPS Director have historically participated in the event. (10/23/2019)

On December 7, on Pearl Harbor Remembrance Day, an event is scheduled to commemorate the 78th anniversary of the Japanese attack on Pearl Harbor. Event planning by Pearl Harbor National Memorial staff is underway. The Secretary of the Interior will provide remarks. This follows the successful reopening of the Memorial Dock on September 1, following a 15-month closure for repairs. (10/23/2019)

ASSISTANT SECRETARY FOR INDIAN AFFAIRS
(Indicates Press/Comms Opportunities)

Week Ahead Schedule of Meetings, Hearings, and Travel

On Travel:

AS-IA Sweeney: November 3-9
DAS-PED Cruz: November 3-7
BIA Director LaCounte: November 4-8
BIE Director Dearman: November 4-8

In the Office:

DAS-M Freihage
COS Myers
Deputy Solicitor for Indian Affairs Scherer

Immediate Announcements and Actions for the Next Week

Assistant Secretary for Indian Affairs

In coordination with the Solicitor’s Office, the AS-IA is drafting a notice letter to the eleven other federal partners, for the Secretary’s signature, that the Department would like to amend the Memorandum of Agreement entered pursuant to the 477 program (Pub. L. 102-477 (as amended)). This notice letter should be signed by November 5, 2019, which is one day prior to the AS-IA testifying before the Senate Committee Indian Affairs on the same topic.

On November 6, the AS-IA will testify on the P.L. 102-477 program (the “477” program) before the Senate Indian Affairs Committee. The Committee staff was briefed on this topic during the week of October 28. The 477 program allows tribes to integrate the employment, training and related services programs from multiple Federal agencies into a single program administered by tribes.

The Department is issuing a proposed rule that would establish a consistent, predictable procedure for acknowledging groups in Alaska based, in large part, on the standards found in the current federal acknowledgement regulations codified in 25 C.F.R. Part 83 ("Part 83"), with minor modifications relevant to the Alaska IRA. Like the Part 83 regulations, this proposed rule focuses on organizing entities capable of establishing government-to-government relations with the United States. Unlike Part 83, however, this proposed rule does not require the petitioner to establish descent from a "historical Indian tribe." Rather, the petitioner must demonstrate a historical connection to an Alaska Native entity that could have satisfied the Alaska IRA in 1936. Since descent from a historical Indian tribe is not required, the proposed rule shifts the start date for satisfying the evidentiary standards from 1900 (as presently used under Part 83) to May 1, 1936 (the date of enactment of the Alaska IRA). The proposed rule applies only to groups in Alaska that were not recognized before 1936, and will not affect the status of tribes that are already federally recognized.

On November 4-7, the Office of Self Governance has will present “Self Governance 101” at the BIA Midwest Region Partners in Action Conference in St. Paul, MN. Staff from the Office of Indian Gaming will also attend conference to provide training to tribal representatives on NEPA streamlining, tribal-state gaming compacts, and revenue allocation plans.

Pending Regulatory Actions

Title	Description	Status
Final Rule: Tribal Energy Resource Agreements (TERAs)	Reduces application requirements and adds an additional mechanism to streamline ability to obtain leases, rights-of-way, and business agreements on Tribal land for energy development.	Pending SOL surname.
Final Rule: Future Publication of Updates to List of CFR Courts	Reduces rulemaking actions and increases transparency by removing list of CFR courts from the CFR and instead allows BIA to post updates to website.	Pending with AS-IA.
Interim Final Rule: Kewa Pueblo CFR Court	Adds Kewa Pueblo (FKA Santo Domingo Pueblo) to the list of CFR courts.	Pending Office of the Secretary approval.

Proposed Rule: Buy Indian Updates	Streamlines order of preference and clarifies deviation processes for Buy Indian set-asides.	Pending Office of the Secretary approval.
Proposed Rule: Procedures for Federal Acknowledgment of Tribes under Alaska IRA	Establishes the criteria and procedures for recognizing Tribes under the Alaska IRA statute.	Pending SOL surname.
Final Rule: BIE Standards, Assessment, and Accountability System	Replaces the Adequate Yearly Progress (AYP) regulations to provide simplicity, certainty, clarity, and consistency for the 174 BIE-funded schools, the students served by those schools, the parents of those students, school administrators, Tribes, and the Indian communities served by BIE-funded schools.	In development.
Final Rule: Education Contracts under Johnson-O'Malley	Implements the JOM Modernization Act to clarify the eligibility requirements for Indian students to receive the benefits of a JOM contract and the funding formula and process to ensure full participation of contracting parties.	In development.
Final Rule: Tribal Transportation Program Proposed Roads	Eliminates or revises the requirements for Tribes to provide certain data to BIA in order to retain proposed roads on the National Tribal Transportation Facilities Inventory.	In development.
Consultation Draft: Administrative Appeals	Updates regulations governing administrative appeals from IA officials to reflect the current structure of IA and provide more description of the process.	Dear Tribal Leader letter is anticipated to announce the draft in November 2019.

Upcoming Federal Register Notices

Title	Description	Status
Sauk-Suiattle Indian Tribe Alcohol Liquor Control Ordinance	Publishes the Tribe's first liquor control ordinance.	Pending PDAS-IA/Counselor surname.
List of Non-BIA Self-Governance Programs for 2019	This notice publishes the list of programs that are eligible to be included in Funding Agreements negotiated with Self-Governance Tribes by DOI bureaus other than BIA and announces FY19 programmatic targets.	Pending Office of the Secretary approval.
List of Non-BIA Self-Governance Programs for 2020	This notice publishes the list of programs that are eligible to be included in Funding Agreements negotiated with Self-Governance Tribes by DOI bureaus other than BIA and announces FY20 programmatic targets.	Pending SOL surname.

Notice of Deadline for FY 2020 or CY 2021 Tribal Self-Governance Program	This notice announces the deadline for Tribes to submit completed applications to participate in the FY 2021 or CY 2021 (depending on the applicable cycle) Tribal Self-Governance Program	Pending SOL surname.
Extension of Tribal-State Gaming Compact; Rosebud Sioux	This routine extension extends the expiration date of the compact between the Rosebud Sioux Tribe and South Dakota.	Pending SOL surname.
Land Acquisitions: Ramona Band of Cahuilla, California	The Assistant Secretary – Indian Affairs has made a final determination to acquire 81.78 acres, more or less, into trust for the Ramona Band of Cahuilla, California.	Pending SOL surname.
Land Acquisitions; Buena Vista Rancheria of Me-Wuk Indian of California	This notice advises the public that AS-IA has made a final determination to acquire 81 acres, more or less, into trust for the Buena Vista Rancheria of Me-Wuk Indians of California.	Pending SOL surname.
Land Acquisitions; Santa Ynez Band of Chumash Mission Indians of California	This notice advises the public that AS-IA has made a final determination to acquire 81 acres, more or less, into trust for the Santa Ynez Band of Chumash Mission Indians of California.	Pending SOL surname.
Land Acquisitions; Twenty-Nine Palms Band of Mission Indians	This notice announces that the Assistant Secretary – Indian Affairs has made a final determination to acquire 96.44 acres, more or less, into trust for the Twenty-Nine Palms Band of Mission Indians of California.	Pending with AS-IA.
Land Acquisitions; San Pasqual Band of Diegueno Mission Indians	This notice announces that the Principal Deputy Assistant Secretary - Indian Affairs has made a final determination to acquire 29 acres, more or less, into trust for the San Pasqual Band of Diegueno Mission Indians, California.	Pending with AS-IA.

The Agua Caliente Band of Cahuilla Indians (CA) requests that the Department acquire 13 acres in trust for gaming and other purposes in Cathedral City, Riverside County, CA. The Assistant Secretary signed the final decision and FONSI on Oct. 7, 2019, but the federal register notice is pending Exec. Sec. clearance.

The Pawnee Nation (OK) requests that the Department acquire 20 acres in trust for gaming and other purposes in Pawnee County, OK. The Assistant Secretary signed the final decision and FONSI on Oct. 7, 2019, but the federal register notice is pending Exec. Sec. clearance.

Bureau of Indian Affairs

On November 4, the BIA Office of Trust Services tracking accountability & production system will go live for the Lands, Title & Records Office at the Southwest Office in

Albuquerque, NM. This new system will provide a thorough record keeping process for the Lands, Title & Records Office staff.

On November 4-6, the BIA Office of Justice Services (OJS) will present at the United South and Eastern Tribes' (USET) conference Tribal Justice Committee meeting to be held in Choctaw, MS. The Tribal Justice Committee has asked for a general law enforcement program update and an opportunity to meet OJS Leadership.

On November 5-6, the BIA Office of Trust Services will host a Standard Operating Procedures Fluid Minerals training in Albuquerque, NM. The purpose of the training is to outline the roles and responsibilities among the Department's bureaus and offices with the primary focus on the responsibilities of agencies for fluid mineral development (oil and gas) on Tribal trust lands.

On November 5-7, the BIA Director and the staff from the BIA Office of Trust Services will travel to Indian Nations Conservation Alliance's 2nd Annual National Tribal Conservation District Conference in Catoosa, OK. Topics to be discussed are self-determination and self-governance regulations and funding for Tribes' agricultural resource management plans. While there the BIA Director will sign a Memorandum of Understanding (MOU) with the United States Department of Agriculture. The MOU will help ensure a clear understanding of applicable federal and tribal laws, policies and regulations and clarify the roles and responsibilities of the signatory parties in order to improve delivery of United States Department of Agriculture programs on Indian lands. Additionally, the MOU will increase efficiency and reduce redundancy by sharing pertinent data, as authorized by federal law, to facilitate conservation, development, and management on Indian lands.

On November 7, the BIA Office of Trust Services will meet with representatives from the Forest Service and Bureau of Land Management to discuss ways to assist Tribes in developing biomass infrastructure and make use of the authorities in the 2018 Farm Bill and the Indian Energy Act to provide tribes with a reliable source of biomass energy feedstock. This group will meet regularly on the first Thursday of each month for this purpose.

Bureau of Indian Education

On November 4-7, the BIE Associate Deputy Director, a Student Health Program Specialist, and a DOI Solicitor's Office staff attorney will travel to Havasupai Elementary School (HES) in Arizona to lead a Havasupai community meeting about concerns and expectations regarding the staffing and operation of the school. The School Principal position is currently being advertised and in the interim is occupied by a detailee.

8-30 Day Outlook

Assistant Secretary for Indian Affairs

NEW ITEMS

On November 13, DAS-PED will speak at the meeting of the Native American Contractors Association in Washington, DC.

On November 13, the AS-IA has been invited by the House Natural Resources Committee, Subcommittee for Indigenous Peoples of the United States to testify on the proposed “*H.R. XXXX To amend the Indian Child Protection and Family Violence Prevention Act*” sponsored by Rep. Ruben Gallego (D-AZ). No decision has been made regarding who, if anyone, will testify for the Department.

Upcoming Travel:

AS-IA:

- November 13-14, Tulsa, OK, Osage Oil and Gas Meeting
- December 2-6, Anchorage, AK, BIA Providers’ Conference

DAS-PED:

- December 2-6, Anchorage, AK, BIA Providers’ Conference

ONGOING ITEMS

The Office of Indian Gaming is preparing a final package for Departmental review of the Record of Decision (ROD) for the Environmental Impact Statement (EIS) analyzing the environmental impact of the Department’s acquiring approximately 114 acres in trust for gaming for the Cayuga Nation (NY). The Department’s NEPA review team will have three days to review and make a decision on the sufficiency of the ROD.

The Rosebud Sioux Tribe and the State of South Dakota submitted an extension to January 19, 2020 of the existing Tribal-State class III gaming compact. The Tribe’s existing compact expired on October 21, 2019.

[On November 12, AS-IA, DOI’s Office of International Affairs, and the U.S. Department of State are planning a tribal listening session to discuss international repatriation with tribes at the Association of American Indian Affairs Repatriation Conference at Fort McDowell \(Yavapai Nation\). At the beginning of October, the Department’s response to GAO regarding legislative options on international repatriation will be coming to RACA and AS-IA for review and will be the subject of said listening session.](#)

UPDATED ITEMS

On October 30, AS-IA requested support from AS-LM, AS-WS, and AS-FWP in endorsing a USDA National Programmatic Agreement (NPA) to streamline Section 106 historic preservation reviews and funding obligations for USDA Rural Development Projects on DOI-managed lands. Currently, the terms of the NPA do not apply to Rural Development projects on DOI-managed lands. By signing on to the NPA, USDA would be able to obligate funds for Rural Development projects before Section 106 reviews are complete, provided construction does not begin until the review is completed, among other provisions. Agreeing

to the terms of the NPA will simply and standardize these procedures and has the potential to significantly impact rural tribes and Americans living on or near tribal lands and the more than 415 million acres of public lands managed by BLM, BOR, NPS, and FWS.

FOIA: The total Indian Affairs FOIA backlog is 213 requests, down from 227 last week.

	This Week	Last Week
- AS-IA	63	61
- BIE	47	55
- BIA	103	111

Bureau of Indian Affairs

NEW ITEMS

On December 3-5, the BIA will host the 29th annual BIA Providers Conference in Anchorage, AK. Deputy Bureau Directors from The Office of Indian Services, Trust Services & Field Operations will all have the opportunity to meet with Alaska tribes to discuss water resources, tribal elections, wildland fire, timber sales, and other Alaska-specific matters.

On December 3-5, the BIA Office of Trust Services will attend the Inter-Tribal Timber Council Quarterly Board Meeting in Portland, OR. Topics will be the upcoming 2020 fire season and the development of a BIA national timber team that will assist in implementing forestry projects in support of locations where there is a shortfall in staff.

ONGOING ITEMS

On November 13-14, the BIA Deputy Bureau Directors from Trust Services, Justice Services, Indian Services and Field Operations will meet with the Tribal Interior Budget Council (TIBC) in Washington, DC. The TIBC provides an opportunity for a government-to-government forum and process for tribes and the BIA to develop budgets that allow for the fulfillment of tribes' self-determination, self-governance, sovereignty, and treaty rights. Approximately 40 tribes are expected to attend.

On November 13, the BIA will host BIA Regional Directors in Washington, DC. The meeting will cover topics such as anti-harassment training, recently hired Regional Directors, and the Tribal Interior Budget Council meeting that is scheduled for the same week.

[On November 26, the BIA Office of Trust Services will present on a webinar hosted by the Alaska Native Tribal Health Consortium regarding the Tribal Resilience Program. The webinar is part of a monthly on-line series of informational presentations held by the Alaska Native Tribal Health Consortium.](#)

UPDATED ITEMS

The Martinez 3 Fire on allotted land in Southern California began on October 14, 2019, is 52 acres in size. It is now 100% contained; meaning a dozer line has been completed around the fire, which can be expected to stop the fire's spread. The fire is 55% controlled; meaning it no longer threatens further spread or resource damage under foreseeable conditions. There are 3 levels of progression with any fire; contained, controlled and out. Heavy equipment operators are dispersing and spreading 12-15 foot deep piles of smoldering mulch using hoses, sprinklers and water trucks. This complex and laborious work will take some time. The Martinez 3 fire remains a top priority for the Bureau of Indian Affairs, Pacific Region, and the Southern California Agency. No infrastructure or structures have been damaged. Area schools remain open after Riverside County health officials confirmed the smoke emanating from the fire is not hazardous. Fire management staff continues to work with the Coachella Valley Unified School District, Air Quality Management District, Environmental Protection Agency and other agencies to ensure student and community health is protected.

Bureau of Indian Education

NEW ITEMS

Upcoming Travel:

BIE Director:

- November 10-12, Atlanta, GA, Council of Chief State School Officers (CCSSO) Annual Policy Forum

On November 10-12, the Director and BIE Chief of Staff will participate in the Council of Chief State School Officers (CCSSO) Annual Policy Forum in Atlanta, GA. The Forum provides BIE an opportunity to meet with state education department executives to share best practices and ideas for improving BIE services to schools, particularly those schools located in the states with high Native populations. This is particularly important at this time as BIE works to implement its rule for a new standards, accountability and assessment system under the Every Student Succeeds Act (ESSA).

UPDATED ITEMS

Update on Chemawa Indian School water quality issues - a call was held with the Environmental Protection Agency (EPA) on July 11 to discuss the Administrative Order (Order) issued on July 1. The Order requires a short-term action plan, long-term action plan with milestones including that the City of Salem, OR, water quality reports be submitted within 60 days of the July 11 meeting date. The Order also requires that the long-term solution be completed within 24 months of the July meeting date. BIE is drafting a comprehensive plan with BIA Regional Staff that provides short and long term solutions. This plan is being developed and will be submitted to the EPA by the October 25 deadline.

ASSISTANT SECRETARY INSULAR AND INTERNATIONAL AFFAIRS

Schedule of Meetings, Hearings, and Travel

Doug Domenech will be in the office.

Nik Pula will be in the office.

Sarah Jorgenson will be in the office.

Karen Senhadji will be in the office.

Liza Johnson will be in the office.

Immediate Announcements and Actions for the Next Week (November 3 - 9)

USVI Health Innovation Summit: OIA Policy Director Basil Ottley will be attending the USVI Health Innovation Summit on Monday, November 4, 2019, at the University of the Virgin Islands Albert A. Sheen Campus on St. Croix, USVI. He will provide opening remarks. The Summit is supported by a grant from the Department of the Interior to The National Health IT Collaborative for the Underserved (NHIT®), a 501(c)3 non-profit organization. The purpose of the NHIT - Virgin Islands Health Innovation Summit is to foster discussion and ideas relative to USVI residents accessing Health Information Technology (HIT) in proportions similar to the population at large in the Mainland U.S.

Knauss Fellowship DOI Day: The 5th Annual John A. Knauss Sea Grant Fellowship DOI Day will be held November 4. The event will bring Knauss Fellows from across the Executive and Legislative branches to the Department to learn about DOI's role in management and stewardship of our ocean, coasts, and Great Lakes. Speakers will include leadership and staff from DOI offices and bureaus. The Ocean, Great Lakes, and Coastal Program Coordinator will give opening remarks.

New U.S. Ambassador-designate to the Federated States of Micronesia: On Thursday, November 7, Carmen Cantor, the new U.S. ambassador-designate to the Federated States of Micronesia will have a courtesy meeting with AS Domenech. Cantor, once confirmed by the Senate, will replace the current U.S. Ambassador to the FSM, Robert Riley, III.

U.S. World Heritage Symposium: On November 8 and 9, the Johns Hopkins University School of Advanced International Studies, the U.S. government and the International Council on Monuments and Sites, are hosting two sessions on the economic and social benefits of World Heritage listing in the United States. AS Domenech will be a panelist on Friday, November 8 for the panel discussion entitled: "*Benefitting from World Heritage Designation in the United States.*"

DOI Senior Ocean Policy Team and Regional Ocean Contacts Meeting: On November 6, the DOI Senior Ocean Policy Team and the Regional Ocean Contacts will meet jointly to discuss ocean, Great Lakes, and coastal actions to be jointly undertaken across DOI bureaus and regions.

Extended Continental Shelf Executive Committee: The State Department will host Extended Continental Shelf (ECS) Task Force (TF) and Executive Committee (EC) meetings

in Washington, DC on November 7 and 8, respectively. BSEE Director Scott Angelle will represent DOI as the Vice Chair of the EC. The Ocean, Great Lakes, and Coastal Program Coordinator is and ECS Project staff from USGS will also attend the TF and EC meetings. The meetings will include discussion on progress on documentation of data and analyses for potential future U.S. submissions on claims to the ECS, budget, maritime boundary updates for other countries, discussion on Article 82 of the Law of the Sea, and succession planning for the EC.

Wildlife Law Enforcement Officials Exchange: Through November 16, DOI's International Technical Assistance Program (ITAP) and the Fish & Wildlife Service will host wildlife officials from four African countries (Kenya, Namibia, Botswana, and Malawi) to share adaptive leadership practices among them and participants from state Fish & Game Wardens. Participants will attend a one week orientation and training at NCTC, then shadow Fish & Game Wardens in Maine, Maryland, Missouri, Colorado and California. This work is funded by the State Department.

CITES Capacity Building Consultation and Training, Jordan: DOI-ITAP, in partnership with the U.S. Fish and Wildlife Service's CITES Management Authority and the Office of Law Enforcement, will provide technical support to Jordanian counterparts November 3-11 in an effort to strengthen the country's CITES laws, implementing regulations, and enforcement practices to help Jordan achieve Category 1 status by 2021. In addition, the DOI-ITAP team will conduct a two-day training for inspection officers and provide support in the development of a CITES application to simplify permit review and verification. This work is funded by the Department of State.

Wildlife Cybercrimes Investigation Course, Central America and Dominican Republic: DOI-ITAP is coordinating with the FWS Office of Law Enforcement and International Attaché program to design and deliver a wildlife cybercrime course November 4-8 as part of a series of professional trainings for police and investigators in Central America and the Dominican Republic. Technical experts from FWS will provide hands-on instruction to enhance national and regional efforts to combat wildlife crime conducted on the internet. This activity is funded by the Department of State.

Ambassador's Water Expert Program, Kyrgyzstan. DOI-ITAP is coordinating a two-week professional exchange November 2-17 to Kyrgyzstan. A Bureau of Reclamation official will assess Lake Issyk-Kul -- the country's largest body of water -- for water quantity and quality issues and generate an understanding of what level of inflow diversion can be supported while sustaining the natural water level of the lake. The DOI-ITAP representative will meet with local and national government officials and scientists and conduct field research, and will present his findings and recommendations in a report to local stakeholders and the U.S. Embassy. This work is funded by the U.S. Department of State.

CITES and Protected Area Coordination, Oman. DOI-ITAP will work with partners in Oman November 6-14 to prepare for CITES and protected areas management activities in early 2020. This work is funded by the U.S. Department of State.

8-30 Day Outlook (November 9 - December 7)

NEW ITEMS

Meetings in USVI and Puerto Rico: AS Domenech will travel to USVI and Puerto Rico the week of November 11 to meet with DOI's Hurricane Recovery Team, NPS/FWS staff, and to attend the fall meeting of the Conservation Trust of Puerto Rico.

Insular Areas Coordinating Group: OIA staff are putting together a meeting on November 20th with key federal entities who work on insular issues in advance of the annual Interagency Group on Insular Areas (IGIA) meeting in February 2020. This advance meeting will lay out all of the prominent issues that each agency is facing in regard to Insular Areas and is expected to include representatives from the Department of Commerce, Health and Human Services, the Department of Justice, and Treasury.

USVI Office of Insular Affairs, Technical Assistance Program Capacity Building (Contractor: Graduate School USA) December 10-12, 2019 - IGFOA Winter Conference 2019 Hawaii: The OIA-funded Winter Island Government Finance Officers' Association (IGFOA) meeting is scheduled to take place from December 10-12, 2019, in Maui, Hawaii. Participation is expected from the heads of finance for each insular government, as well as permanent staff members with a work-related focus on finance office performance measurements and audit improvement initiatives within each finance office. The agenda is currently being developed with input from the finance officers, topics are likely to focus on FY18 single audits and ongoing IGFOA initiatives, including: Insular Government Presentations on Recent Activities; FY18 Single Audit Results (findings, trends, strengths and challenges); FY18 Performer results; Finance Office Performance Measures; Emerging Government Audit Standards, Especially Preparation and Impact of GASB 84 (Financial Activities) and GASB 87 (Leases); and Financial Management Information Systems.

Operation Christmas Air Drop: AS Domenech has been invited to participate in the annual Operation Christmas Air Drop which takes place the second week of December from Guam's Andersen Air Force Base. Families, businesses, and non-governmental organizations on Guam collect and package Christmas presents for families who live in the smaller, remote islands of Micronesia. The U.S. Air Force conducts the airlift operation, called Operation Christmas Air Drop, a tradition that started in 1952 and serves as a training mission for the U.S. Air Force. It is the longest-running U.S. Department of Defense mission in full operation, and the longest-running humanitarian airlift in the world.

White House Summit on Partnerships in Ocean Science and Technology: The White House Summit on Partnerships in Ocean Science and Technology will occur on Thursday, November 14, 2019. The Summit will bring together over 100 leaders from academia, philanthropy, the private sector, and the Federal government to discuss American leadership in ocean science and technology. The Summit will provide an opportunity to strengthen and facilitate public-private partnerships to advance the economic, security and environmental interests of the United States. Summit discussions will provide opportunities for stakeholders

to discuss ways to effectively leverage funding, technologies, resources, and expertise across agencies and sectors to augment knowledge and existing partnerships in the ocean S&T community.

MOU Signing Ceremony, Israel. On November 12, the U.S. Ambassador to Israel is scheduled to participate in an MOU signing ceremony at his office in Jerusalem with Israel's Nature and Parks Authority (INPA). The MOU, on cooperation and exchange on biodiversity conservation, protected areas, and cultural and historical heritage, is intended to establish a vehicle for identifying and facilitating possible cooperative activities between the two countries. Secretary Zinke previously signed on behalf of the United States.

GAO Report on International Repatriation. In response to a GAO recommendation, INT led DOI's development of an assessment of legislative options to facilitate international repatriation of Native American cultural items. INT will seek tribal input on the draft assessment at a November 12 listening session on the margins of the American Association of Indian Affairs Annual Repatriation Conference. INT will participate in the listening session, along with representatives from the Bureau of Indian Affairs, the U.S. Department of State, and the U.S. Department of Justice.

World Heritage and Historic Preservation Joint Workshop and Training on Guam: The Office of Insular Affairs and the National Park Service are collaborating to host a World Heritage and Historic Preservation training on Guam from December 2- 6. Guam Governor Lou Leon Guerrero has been invited to provide welcoming remarks as the host. AS Domenech will be traveling to Guam with Deputy Assistant Secretary of the Navy for Environment and Installations Karnig Ohannessian. Both Domenech and Ohannessian will address the gathering. Each island area is sending participants from the respective historic preservation offices or from the non-government sector, representing organizations that are working on World Heritage sites or have the potential to help historic preservation offices with World Heritage site nominations.

ONGOING ITEMS

NO CHANGE. Joint Forensics Analysis of Vicuna Samples, Chile: During November 2019, DOI-ITAP is coordinating a three-week forensics joint analysis and publication of findings between the U.S. Fish and Wildlife Service's National Forensics lab, the Government of Chile, and the Universidad de Chile. A scientist from Chile and the FWS Lab team will analyze vicuna fiber samples provided by Chile and make the findings available for forensic and scientific use worldwide. This work is funded by Department of State.

NO CHANGE. Vegetation Monitoring and Mapping Project, Kenya: DOI-ITAP, in partnership with USGS, will be collecting the final field data for a mapping project November 21-December 6 with the Northern Rangelands Trust (NRT) to remotely detect changing rangeland vegetation conditions over large areas. The resulting mapping tool will assist with grazing management in community conservancies. This work is funded by USAID.

NO CHANGE. Arctic Security: INT and bureaus will provide input and support as necessary to an interagency update to existing U.S. Arctic security plans. This effort focuses primarily on national security issues outside of DOI's responsibilities, but INT will participate as appropriate.

NO CHANGE. Guam War Claims: As previously reported, Rep. San Nicolas' (D-Guam) technical corrections bill (H.R. 1365) to the Guam World War II Loyalty Recognition Act passed the House by unanimous vote in July and was referred to the Senate Judiciary Committee. Rep. San Nicolas has been meeting with Senate staff to discuss the timeline, and he has also been in contact with AS Domenech. OCL has also been in contact with Senate Judiciary Committee staff who were expected to discuss with Chairman Graham last week about expediting the bill out of Committee. OCL is waiting to hear back on the result of those discussions.

AWARENESS

Audit of U.S. Virgin Islands Government Reveals Waste, Fraud, and Abuse of Taxpayer Money: In a recently completed report issued by the Inspector General of the U.S. Virgin Islands Government, eight offices were audited including the Governor's Office. Findings included issues such as lack of uniform regulations, no internal controls, unauthorized use of credit cards, and unauthorized travel expenses.

Our Ocean 2020: Palau formally announced this week at the Our Ocean 2019 Conference in Norway that it will be hosting the Our Ocean 2020 Conference in Palau on August 17 and 18, 2020. AS Domenech announced in September that OIA was providing \$300,000 to the Government of Palau to assist the government in its preparations for Our Ocean 2020. Palau has created a website to share information on this event: <https://www.ourocean2020.pw/>. The U.S. Government has a strong interest in assisting Palau on this event.

Persons of Interest Identified in Yap AG Murder: Local and federal authorities in the FSM State of Yap have confirmed that investigators (including the FBI) have completed the initial phase of the investigation and have identified several persons of interest exactly one week after Yap's acting Attorney General Rachelle Bergeron was gunned down outside of her home. No names have been released, and no suspects are in custody yet.

Legislation OIA is following:

-H.R. 4821: Congressman Tony Cárdenas (CA-29), along with Representatives Amata Coleman Radewagen (R-AS), Tulsi Gabbard (D-HI), Steve Womack (R-AR), Ed Case (D-HI), and Gregorio Sablan (D-MP) introduced the Covering Our FAS Allies (COFA) Act (H.R.4821), a bipartisan bill to reinstate Medicaid eligibility for citizens of the Freely Associated States (FAS).

-H.R. 1365 (San Nicolas-Guam): To make technical corrections to the Guam World War II Loyalty Recognition Act. Senate Judiciary Committee staff were expected to discuss next

steps with Chairman Graham last week and provide an update to OCL. OCL is waiting to hear back (details above).

-H.R. 560 (Kilili-CNMI): Rep. Kilili introduced a bill on January 15 that would grant CNMI-only permanent status to qualified long-term guest workers and foreign investors. This would apply to guest workers who have maintained continuous legal employment each fiscal year since 2015 and have received a CW-1 permit annually. The legislation passed the House Natural Resources Committee on September 18, and it is expected to be taken up for House Floor consideration soon.

-H.R. 3631 (Soto-FL): The Territories Health Care Improvement Act passed the Energy and Commerce Committee on July 17 as part of a larger healthcare package (H.R. 2328). The legislation, originally cosponsored by the five delegates representing the U.S. territories, would increase the limit on Medicaid payments and the Federal Medical Assistance Percentage for Puerto Rico, U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands. This legislation may not move until there is confirmation that similar legislation will move in the Senate.

-H.R. 3482 (Radewagen-American Samoa): To amend the Immigration and Nationality Act to waive certain requirements for naturalization for American Samoan United States nationals to become United States citizens. A new hearing date on the legislation has not yet been set.

-H.R. 2916 (Gabbard-Hawaii)/S. 1222 (Schatz-Hawaii): Requires the Secretary of Veterans Affairs to carry out a pilot program to provide hospital care and medical services to veterans in the Freely Associated States, and to conduct a feasibility study. The legislation has been referred to both House and Senate Committees on Veterans' Affairs, but there is no scheduled action.

-H.R. 4264 (San Nicolas-Guam): Rep. San Nicolas introduced a bill on September 10 that would require the Guam local government to pay tax refunds within 90 days of tax returns being filed. This is in contrast to the current requirement to pay refunds within six months of the tax-filing deadline. There are no hearings or markups planned for this legislation at this time.

-H. Res. 641 (Grijalva-AZ): On October 18, Rep. Grijalva introduced a resolution that calls for the equal treatment for Americans in the insular areas by rejecting Insular Cases that have allowed Congress to perpetuate what the resolution's authors call the unequal treatment of insular areas. The Insular Cases are a series of opinions by the U.S. Supreme Court in 1901, about the status of U.S. territories acquired in the Spanish-American War. Rep. González-Colón, Puerto Rico; Rep. Gregorio Kilili Sablan of CNMI; Rep. Stacey E. Plaskett, Virgin Islands; and Guam's Rep. Michael San Nicolas are original co-signers. The resolution has been referred to the House Committees on Judiciary and Natural Resources.

Upcoming International Agreements:

USGS Memorandum of Understanding with Saudi Arabia: USGS has been working on an MOU with Saudi Arabia to engage in technical and scientific cooperation on water resource sustainability. It is pending Circular 175 clearance by the Department of State.

BOEM Memorandum of Understanding with Norway: BOEM is the lead on this MOU designed to facilitate cooperation on offshore energy development. Norway recently finished its review and BOEM will now coordinate with Norway to arrange signature.

DOI Memorandum of Understanding with Ireland: The Office of the Secretary is working on an initial draft MOU with Ireland to identify, facilitate, and strengthen cooperative bilateral activities specifically focused on matters related to the protection, management, conservation, and restoration of wild species and ecosystems as well as cultural and historical heritage, and in promoting safe and sustainable energy development.

Upcoming International Travel:

Jim Reilly will lead a delegation of ten USGS staff to Canberra, Australia October 31-November 14, for the Group on Earth Observations (GEO) Ministerial Summit.

A delegation of twenty two USGS staff will travel to Mexico for the 4th International Volcano Observatory Best Practices Workshop November 17-25.

Additional known international travel departing November 3-9 (travel funded by originating bureau/office unless otherwise indicated).

<u>Date</u>	<u>Destination</u>	<u>Purpose</u>	<u>Employee</u>	<u>Bureau/Funder</u>
11/3	Philippines	Mangrove Ecosystems	Ken Karuss	USGS
11/3	Colombia	Ocean Biogeography	Sky Bristol	USGS
11/4	Colombia	Ocean Biogeography	Abigail Benson	USGS
11/4	Colombia	Oil/Gas Shale Development	Ross Klein	BLM/State
11/4	Colombia	Oil/Gas Shale Development	Sarah Scott	BLM/State
11/4	Italy	Dam Part Inspections	Marcel Sorel	USBR
11/4	Italy	Dam Part Inspections	Zahary Johnson	USBR
11/4	Afghanistan	Critical/Strategic Minerals	Frederick Day Lewis	USGS/USAID
11/5	Netherlands	Landsat Imaging Exchange	Zhuoting Wu	USGS
11/5	Netherlands	Landsat Imaging Exchange	Doug Daniels	USGS
11/5	India	Gas Hydrate Research	Timothy Collett	USGS/State
11/5	Switzerland	Coal Mine Methane	Cevat Karacan	USGS
11/5	Uganda	Conservation Grant Mgt	Tatiana Hendrix	FWS
11/6	Costa Rica	Groundwater Mapping	Saud Amer	USGS/Costa Rica
11/6	Domin Rep	Earthquake Tech Assistance	Stephen DeLong	USGS/USAID
11/6	Domin Rep	Earthquake Tech Assistance	Katherine Shearer	USGS/USAID
11/6	Afghanistan	Critical Minerals and Lithium	Thomas Mack	USGS/USAID
11/7	Mexico	Structural Geologic Mapping	Scott Bennett	USGS/NSF
11/8	Thailand	Counter Wildlife Trafficking	Kevin Seiler	FWS/State
11/8	Thailand	Counter Wildlife Trafficking	Rob Ball	FWS/State

11/8	Thailand	Counter Wildlife Trafficking	Kevin Donnell	FWS/State
11/9	Oman	CITES and Protected Areas	Colleen Castle	INT/ITAP
11/9	Portugal	Remote Sensing Exchange	George Xian	USGS/Portugal
11/9	France	Contract Lifecycle Mgt	Meredith Day	PMB/ABMC

ASSISTANT SECRETARY FOR LAND AND MINERALS MANAGEMENT
(Indicates Press/Comms Opportunities)

Week Ahead Schedule of Meetings, Hearings, and Travel

Casey Hammond will be out of the office Wednesday through Friday.
 Andrea Travnicek will be in the office all week.
 Scott Angelle will be in the office all week.
 Lanny Erdos will be in the office all week.
 William Perry Pendley will be out of the office on travel all week.
 Walter Cruickshank will be in the office all week.

Exempt Federal Register Notices (Second Week Notice, or more)

Information Collection Renewal Notices: Agency Information Collection Renewal for 1004-0114 Recordation of Location Notices and Mining Claims; Payment of Fees (DTS 2847)

Agency Information Collection Activities; Geothermal Resource Leasing and Permitting; and Geothermal Resources Unit Agreements; Control Number 1004-0132 (DTS 2846)

Exempt Federal Register Notices (First Week Notice)

Information Collection Renewal Notices: Agency Information Collection Activities; Free Use Application and Permit for Vegetative or Mineral Materials 30 day notice (1004-0001)

Immediate Announcements and Actions for the Next Week

Bureau of Land Management

Ongoing. The BLM anticipates publishing a proposed rule in the Federal Register for 43 CFR 3170s (onshore orders 3, 4, and 5) on oil measurement, gas measurement, and site security pending approval from OMB/OIRA. BLM received interagency comments Sep. 27. The rule was submitted Oct. 23 to Exec. Sec. for review, and then for return to OMB. PR: BLM-WO (9/25/19) DTS 2487

By Nov. 4. BLM-AZ. The Lower Sonoran Field Office (LSFO) expects the city of Goodyear to present a BLM-AZ right-of-way grant offer letter for the Sonoran Valley Parkway Project (SVPP) to the city council for approval. LSFO plans to sign and execute the right-of-way grant at a later date once signed copies are received from the city. The SVPP will allow construction of a two-lane road that could accommodate traffic from a neighboring

community, cutting travel distance from 60 miles to 18 miles. This parkway will help expand transportation infrastructure in order to support economic development and emergency services in the Southwest Phoenix exurbs. PR: NA (8/14/19)

Nov. 4. BLM-AK Plans to submit the proposed Red Devil Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) plan for the Red Devil Mine to the Alaska Department of Environmental Conservation and Department of Natural Resources for review and comment. The proposal is under review by the Deputy State Director for Resources and the Anchorage District Office. Red Devil is an abandoned mercury mine on the Kuskokwim River. BLM-AK expects to have all comments resolved by late Jan. Public meetings at communities along the middle and lower Kuskokwim River are planned for Feb.-March. BLM-AK will resolve public comments through formal responses following the public comment period and begin work on a CERCLA Record of Decision. PR: BLM-AK (10/23/19)

Nov. 4. BLM-UT plans to begin a 30-day public comment period by publishing a Recordable Disclaimer of Interest (RDI) Notice of Application for the Manganese Road, crossing approximately 9.88 miles of BLM-administered lands in Washington County. The road is currently used for grazing, ranching, hunting, wood gathering, prospecting, recreation, and general public access in the local area. If approved, the RDI will disclaim the United States' interest in the public highway right-of-way as of the date of the disclaimer document. PR: BLM-UT (10/23/19)

Nov. 4. BLM-UT. The Salt Lake Field Office plans to publish a Federal Register Notice to extend a 20-year withdrawal of 2,714.22 acres of public land from location and entry under the U.S. mining laws to protect aspects of the Central Utah Project (CUP). The existing withdrawal is located in the Uinta Wasatch Cache National Forest in Utah County, and will expire in Dec. CUP is administered by the Secretary of the Interior through the Office of the Assistant Secretary for Water and Science. The project's Diamond Fork System consists of pipelines, tunnels, power plants, transmission lines, access roads, and other related structures that convey water from Strawberry Reservoir to the Wasatch Front. The Utah County Commission and the Governor's Office (via the Public Lands Policy Coordination Office) have expressed support for the withdrawal's extension. The package is currently with the BLM Deputy Director for Policy. PR: BLM-UT (5/18/18) DTS L228

Nov. 4. BLM-UT. The Canyon Country District plans to publish a Federal Register Notice announcing two meetings in Monticello for the Bears Ears National Monument (BENM) Advisory Committee to discuss the BENM Approved Plans, Record of Decision, and next steps in plan implementation (Dec.), and BENM implementation-level plans (Feb.). PR: BLM-UT (10/23/19)

Nov. 6. BLM-AZ. The Phoenix District's 30-day public comment period ends regarding the Environmental Assessment of a land conveyance to the Gila River Indian Community (GRIC). A news release announcing the public comment period was issued Oct. 7. The action supports Sec. 4 of P.L. 115-350, GRIC Federal Rights-of-Way, Easements, and Boundary Clarification Act. GRIC has historical ties to the 3,380.69 acres, which include cultural resources and archaeological sites. The lands were designated as suitable for disposal

in the 2012 Lower Sonoran approved Resource Management Plan. BLM-AZ expects to issue a Decision Record by the end of Nov. PR: NA (10/2/19)

By Nov. 8. The National Wild Horse and Burro Program plans to solicit for additional Off-Range Pasture (ORP) facilities that can hold between 1,000-10,000 horses in Okla., Kan., and Neb. Two existing ORP contracts representing approximately 4,500 head are due to expire Dec. 31. The BLM can make an interim extension for up to six months while the new contracts are finalized. PR: BLM-WO (10/9/19)

By Nov. 8. The Timber Salvage Categorical Exclusion is with DOI PMB for review and concurrence. BLM Resources and Planning plans to submit it to the Council on Environmental Quality soon. PR: NA (8/21/19)

By Nov. 8. BLM-AK plans to publish the Notice for the National Petroleum Reserve in Alaska (NPR-A) 2019 Oil and Gas Lease Sale; Notice of Availability of the Detailed Statement of Sale for the 2019 NPR-A Oil and Gas Lease Sale in the Federal Register. BLM-AK will offer 350 tracts totaling about 3.98 million acres, with the sealed bid opening conducted via video livestream Dec. 4. PR: BLM-AK (10/2/19) DTS 2839

By Nov. 8. BLM-AZ. The Hassayampa Field Office plans to publish a notice in the Federal Register regarding the temporary closure of public lands Jan. 17-19 for the Vulture Mine Off-Road Challenge. The grazing permittee has been notified and has no concerns. Mining claimants and other public land users will be notified. Nearly 70,000 acres of public land surrounding the course in the Vulture Mountains area are available for recreation and casual use during the race. PR: BLM-AZ (10/2/19)

By Nov. 8. BLM-CO plans to publish in the Federal Register the Notice of Competitive Lease Sale for the Dunn Ranch Tract (Coal Lease Application COC-78825), a 2,462-acre tract about 14 miles west of Durango in La Plata County. The tract holds approximately 9.54 million tons of recoverable coal. Up to 12 million tons of combined federal and privately owned coal will be mined under the mine plan modification approved by OSM. The sealed competitive bid process lease sale will be held 30 days after publication. PR: BLM-CO (10/29/19)

By Nov. 8. BLM-ES plans to acquire three connecting parcels of land totaling nearly 14 acres and appraised at \$1.4 million on the northeastern boundary of the Meadowood Special Recreation Management Area (SRMA). Congress appropriated \$2.4 million in Land Water Conservation Fund money for acquisitions at Meadowood SRMA during FY16 and an additional \$1.4 million during FY17. Acquisition of the parcels enriches multiple use recreation at the Meadowood SRMA, which is near several federal, state, and county conservation lands on the Mason Neck peninsula in northern Virginia. The acquisition is supported by Congressman Don Beyer (D-VA-08). PR: BLM-ES (7/24/19) DTS 2418

By Nov. 8. BLM-ID. The Idaho Falls District plans to release the Final Environmental Impact Statement for the Dairy Syncline Mine (DSM) and Reclamation Plan. The DOI Review Team approved Oct. 25. The Final EIS seeks a balance between resource extraction and conservation, while providing opportunities for high-paying jobs in the local community.

The proposed action would allow DSM to maintain more than 250 current mining jobs for an additional 30 years. If approved, the mine would aid the region's economy through the payment of taxes, royalties, and purchases, providing \$25 million in annual payroll. PR: BLM-ID (10/23/19)

Nov. 8. BLM State Offices will issue individual Instruction Memorandums on implementing Federal Land Policy and Management Act Section 512 for power line Rights-of-Way (ROW), as well as Secretarial Order 3372, Reducing Wildfire Risks on Department of the Interior Land through Active Management. The policy will outline agency requirements for managing authorized activities on public lands for vegetation management and operation and maintenance of power line ROWs. PR: [BLM-WO \(10/21/19\)](#)

Nov. 8. [BLM-AK plans to sign the Record of Decision \(ROD\) for the Coastal Plain Oil & Gas Leasing Program. The ROD authorizes a leasing program in the Coastal Plain of the Arctic National Wildlife Refuge in accordance with the 2017 Tax Cuts and Jobs Act. The first lease sale will offer at least 400,000 acres of high-potential hydrocarbon lands. PR: BLM-AK \(9/25/19\)](#)

Nov. 8. BLM-AK intends to publish a Notice of Availability (NOA) in the Federal Register for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP) draft environmental impact statement (EIS) to develop a new management strategy consistent with Secretarial Order 3352 that envisions clean and safe development in the NPR-A while avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth and prevent job creation. This plan will supersede the Feb. 21, 2013, NPR-A IAP/EIS Record of Decision and identify new management alternatives that include different combinations of land allocations, lease stipulations, and best management practices. [BLM-AK is addressing Level 4 DOI Review Team comments from the Oct. 18 briefing.](#) PR: BLM-AK (9/11/19) DTS 2771

Nov. 8. BLM-CO. The Grand Junction Field Office plans to publish a Notice of Intent in the Federal Register announcing the implementation of an expanded amenity recreation fee for new and existing campgrounds in the Rabbit Valley area of McInnis Canyons National Recreation Area in accordance with the Federal Lands Recreation Enhancement Act. Over the past 15 years there has been an increased demand for developed camping opportunities in Rabbit Valley. The proposal was approved by the Southwest Resource Advisory Council. PR: BLM-CO (10/16/19)

Nov. 8. BLM-NV. The Mount Lewis Field Office expects the comment period to end for the Jersey Valley Geothermal Project Environmental Assessment (EA), intended to restore flow to Jersey Valley Hot Spring (JVHS) near the Jersey Valley geothermal power plant operated by Ormat in Pershing County. Between 2013 and 2015, the century-old hot spring dried up, impacting a nearby grazing permittee. Ormat agreed to restore JVHS to normal conditions. The EA included coordination with Ormat, Joe Saval Company, and other interested parties and stakeholders, and examined 14 alternatives for positive and negative effects of the project. PR: BLM-NV (10/23/19)

Nov. 8. BLM-OR/WA. The Lakeview District plans to issue a Decision Record and Finding of No Significant Impact for the Beatty Butte Targeted Grazing Environmental Assessment, which analyzes three alternatives to provide temporary water sources in a linear fashion for targeted grazing to establish and maintain a defined fuel break in cheatgrass and non-native grass areas. PR: BLM-OR/WA (10/9/19)

Nov. 8. BLM-UT. The Canyon Country District plans to issue a Federal Register Notice of Availability for the Bears Ears National Monument (BENM) Approved Management Plans Record of Decision (ROD). The U.S. Forest Service is expected to issue a separate ROD for BENM lands they administer. Efforts to complete protest resolution, Governor's consistency review, and U.S. Fish and Wildlife Service consultation are underway. BLM-UT and the Advisory Council on Historic Preservation are discussing the council's letter regarding the BLM's no adverse effect finding for the plan. PR: BLM-UT (9/11/19)

By Nov. 9. BLM-CO. The Colorado River Valley Field Office (CRVFO) plans to sign a categorical exclusion approving the Rocky Mountain Resources (RMR) proposal to drill five water monitoring wells as part of a hydrologic baseline study of the groundwater system north of Glenwood Springs. The wells would be used for the environmental analysis of RMR's proposal to significantly expand the Mid-Continent Quarry near Glenwood Springs. CRVFO is reviewing nearly 200 comments (mostly form letters) received during the 30-day public scoping period and completing tribal consultation. The proposal is controversial due to strong local opposition to the quarry expansion. PR: NA (10/29/19)

Office of Surface Mining Reclamation and Enforcement

Ongoing-November 1: Section 7 Consultation: OSMRE has circulated the revised response to IMCC comments and revised BA to SOL and DOI management for final review. OSMRE plans to provide the revised BA and comment response document on the Section 7 Consultation to IMCC no later than Friday, November 1, 2019. The FWS/OSMRE team is also going through comments on the MOU to develop responses to the various concerns raised by the IMCC. The Service provided responses to several significant issues that will be discussed on the next call on October 29, 2019. (10/7/19)

November 8. Dry Fork Mine Plan Modification: On October 18, 2019, OSMRE Region 7 Office submitted the recommendation on the mining plan modification approval to OSMRE Headquarters for the Dry Fork Mine. On October 29, 2019, the mine plan modification was surnamed by the OSMRE Principal Deputy Director and forwarded to ASLM for approval. The Dry Fork Mine, operated by Western Fuels-Wyoming Inc., is located approximately 4.5 miles northeast of Gillette, Wyoming. The proposed mining plan modification would remove 58.1 million tons of Federal coal and extend the life of the mine by approximately 9.7 years, from 2054 to 2064. (10/18/19)

Bureau of Ocean Energy Management

Early November. The Fall 2019 Restricted Joint Bidders List (RJB) covering the bidding period from November 1, 2019 to April 30, 2020, is with the Department for clearance. The target publication date was November 1, 2019. (10/11/2019, DTS #2999)

November 7-8. The 11th meeting of the National Academies Committee on Offshore Science and Assessment (COSA) will be held in BOEM's Gulf of Mexico Office. The committee meets 2-3 times a year and provides information on issues relevant to BOEM's environmental studies and assessment activities. BOEM will issue a media advisory for the event. (10/8/19)

8-30 Day Outlook

Bureau of Land Management

NEW ITEMS

Mid-Nov. BLM-CO expects to sign a programmatic agreement (PA) with the State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation (ACHP), and other consulting parties, regarding travel management plans in the Little Snake, Tres Rios, Uncompahgre, and White River field offices. The PA will allow the BLM to focus on cultural inventories in high-probability areas, rather than across the whole field office managed area. It affirms buy-in for that approach from the SHPO and ACHP. PR: NA (10/29/19)

Mid-Nov. The BLM plans to issue Management Directed Geographic Reassignment (MDR) letters to each Washington-based employee whose position is being located to the West. GS-level employees will have 30 days to decide whether to accept reassignment and an additional 90 days in which to report to their new duty station. Supervisors will work with employees on a case-by-case basis on reporting dates.

Late Nov. BLM-NV. The Southern Nevada District has submitted the U.S. Air Force withdrawal application case file for the extension and proposed expansion of the Nevada Test and Training Range, and the BLM Findings and Recommendations for review and transmittal to the Secretary of the Interior for approval. PR: NA (10/29/19) DTS 19171

UPDATED ITEMS

Nov. 14. BLM-ID. The Bruneau Field Office plans to issue a proposed grazing decision for the Dickshooter Cattle Company Use Area livestock permit renewal in the Big Springs Allotment. Adaptive management, range improvement projects, and flexibility in livestock grazing will be implemented to meet Idaho Standards for Rangeland Health and no reductions to permitted use will be included in the proposed decision. PR: NA (10/16/19)

By Nov. 15. Pending final ASLM approval, Directives will publish Manual Section 1105, Donations, Solicitation, and Fundraising (DTS 9078) and issue an Information Bulletin announcing the new policy (DTS 7385). The policy provides a national framework for conducting donation-related activities throughout the BLM and fulfills the BLM mandate to step down the DOI donations policy (Departmental Manual Part 373, Employee Responsibilities and Conduct; Chapter 6). PR: NA (9/11/19) DTS 9078 and 7385

Nov. 15. BLM-CO. The Royal Gorge Field Office plans to complete construction of The Bank Campground expansion project in Shelf Road Recreation Area north of Cañon City. PR: BLM-CO (8/14/19)

Nov. 18. BLM-MT/DK expects the 45-day public comment period on the Draft Supplemental Environmental Impact Statement (DSEIS) for the Keystone XL pipeline to end. The BLM is a cooperating agency for this NEPA document. The State Department expects to issue a Final SEIS in mid-December. PR: BLM-MT/DK (2/5/19)

Nov. 19. BLM-UT plans to transfer four wildfire engines and 116 hand-held radios to local cooperators in Draper, Utah through the Rural Fire Readiness Program. Local, state, regional, and national media will be invited to a ceremony to recognize the transfer at a later date to be determined. PR: DOI (9/11/19)

Nov. 22. BLM-AZ. The Arizona Strip District (ASD) plans to sign the Record of Decision for the Paria Canyon–Vermilion Cliffs Wilderness Environmental Assessment (EA) released Sep. 13. ASD held public meetings in St. George and Kanab, Utah, and Page, Ariz. regarding the EA. The EA analyzed the environmental impacts of a proposal to increase daily visitor limits from the current cap of 20 people to a maximum of 96 people per day in Coyote Buttes North, where the internationally popular geologic feature known as The Wave is located. The proposal seeks to increase recreational opportunities and visitor access, as outlined in Secretarial Orders 3347 and 3366, while preserving wilderness values. PR: BLM-AZ (4/30/19)

Nov. 22. BLM-UT. The Color Country District plans to publish a Notice of Intent to prepare an Environmental Impact Statement for the Northern Corridor, Washington County Habitat Conservation Plan and associated amendments in the St. George Field Office and Red Cliffs National Conservation Area Resource Management Plans. This is a joint project with U.S. Fish and Wildlife Service to consider a proposed transportation corridor north of St. George and renew the Washington County Habitat Conservation Plan and associated Incidental Take Permit. PR: BLM-UT (10/2/19)

Nov. 27. BLM-ID. The Owyhee Field Office plans to issue a Decision Record for the Carrie Placer Mine Plan of Operations Environmental Assessment. The draft EA and unsigned Finding of No Significant Impact were released to the public on July 1 for a 30-day comment period. PR: NA (4/23/19)

Dec. 5. BLM-AZ plans to announce the public review and 30-day comment period for the preliminary Black Mountains Herd Management Area (HMA) Wild Burro Gather Environmental Assessment (EA). The EA analyzes impacts of removing up to approximately 1,800 burros from the HMA. The Appropriate Management Level is 382-478 burros, with over 2,500 burros estimated within the HMA by year-end. The proposed gather would occur in winter 2020. PR: BLM-AZ (7/24/19)

Dec. 6. BLM-NM plans to publish a Notice of Availability for the Final Carlsbad Resource Management Plan / Environmental Impact Statement. The RMP outlines long-term landscape-level plans and goals for public lands in Lea, Chaves, and Eddy Counties. The

planning area includes about 2.1 million acres of federal land and 3 million acres of BLM-managed mineral estate. PR: BLM-NM (6/19/19)

ONGOING ITEMS

By Nov. 15. BLM Resources and Planning intends to submit a report to Congress providing analysis related to proposed actions that can address wild horse and burro overpopulation and lower program costs. The analysis was required by Congress in its 2019 Appropriations Act and follows a similar report to Congress submitted in 2018. PR: NA (4/2/19)

Nov. 15. BLM-MT/DK. The Missoula Field Office (MFO) plans to complete the Middle Belmont Land Acquisition (MBLA) from The Nature Conservancy. MFO will acquire 7,268 acres for \$5,633,000 using Sportsman's Access funds from the Land and Water Conservation Fund. The MBLA implements part of the Belmont Land Acquisition Environmental Assessment. The Decision Record was signed Aug. 13. The lands are adjacent to BLM-managed lands within the Lower Blackfoot River-Belmont Creek area 25 miles northeast of Missoula. The acquisition would increase the amount of public lands available for recreational activities and maintain the working lands with active forestry, fire management, and grazing programs. The acquisition is not controversial and has strong local support. PR: BLM-MT/DK (9/25/19)

Nov. 19. BLM-AZ. The Phoenix District plans to publish the Recreational Shooting Sports Project final environmental assessment (EA), Finding of No Significant Impact, and related proposed grazing decision, initiating the 15-day protest period. BLM-AZ plans to publish the Shooting Sports EA Decision Record and associated news release, which initiates the 30-day appeal period, Dec. 3. PR: BLM-AZ (4/23/19)

Nov. 22. BLM-AZ plans to sign the Ten West Link Transmission Line Record of Decision based on the Final Environmental Impact Statement (EIS) that was released Sep. 13. In addition to the Final EIS, BLM-AZ prepared amendments to the Yuma Field Office Resource Management Plan and California Desert Conservation Area Plan. The 500-kilovolt transmission line would connect existing substations near Tonopah, Ariz. and Blythe, Calif., strengthening grid reliability and efficiency for millions of customers in both states. The Final EIS analyzed several alternatives, with BLM-AZ's preferred alternative being a 125.8-mile-long route mostly located within existing utility corridors or parallel to existing infrastructure. BLM-AZ briefed the NEPA Review Team Aug. 23. PR: BLM-AZ (6/26/19)

By Nov. 29. The BLM is updating Manual 6310, *Conducting Wilderness Characteristics Inventory on BLM Lands*; and Manual 6320, *Considering Lands with Wilderness Characteristics in the BLM Land Use Planning Process*. The updates clarify certain policy direction including conducting inventories for lands with wilderness characteristics only as needed, that inventory and management are separate activities, and that there is no obligation to protect wilderness characteristics once the lands are inventoried. They also emphasize the importance of engaging cooperators, including states and counties, during the inventory and planning process to ensure public input. The revised manuals are under review with the Deputy Secretary's office. PR: NA (9/11/19) DTS 16518

By Nov. 30. BLM-NV. The Southern Nevada District plans to publish a Federal Register package to extend withdrawal Public Land Order (PLO) 7419 for another 20 years to Nellis Air Force Base (NAFB). Extension of the PLO is necessary to allow NAFB to provide safety buffers from potentially hazardous areas, protect populated areas, and comply with Department of Defense Directive No. 6055.09E regarding ammunition and explosive safety standards. PLO 7419 currently expires Dec. 8. PR: NA (10/23/19) DTS 249

Oil and Gas Lease Sale Updates

Sale Date	State	# of Parcels	# of Acres	Date EA Released	Date of Sale Notice Posted	End of Protest Period
11/7/19	BLM-NM	16	7,619	7/15/19	9/9/19	9/20/19
11/12/19	BLM-NV	<u>118</u>	<u>247,866.61</u>	7/18/19	9/27/19	10/14/19
<u>12/4/19</u>	BLM-AK	<u>350</u>	<u>3.98 million</u>	<u>10/24/19</u>	<u>11/1/19</u>	<u>12/2/19</u>
12/10-11/19	BLM-WY	160	173,225	8/13/19	10/11/19	11/9/19
12/10/19	BLM-UT	24	13,422	8/29/19	10/24/19	11/25/19
12/17/19	BLM-NV	452	777,436.74	Elko 8/27; BMDO 9/5; Ely 8/8	Soonest. Notice with WO-610	11/17/19

12/18/19	BLM-MT/DK	20	18,879	8/15/19	10/29/19	11/28/19
12/19/19	BLM-CO	6	4,259	8/13/19	Postponement memo sent to BLM 10/18/19	TBD
2/6/20	BLM-NM	79	19,277.13	10/15/19	12/9/19	12/18/19
3/24/20	BLM-MT/DK	8	5,181	11/5/19	2/4/20	3/5/20
3/26/20	BLM-CO	39	39,256	11/14/19	1/24/20	2/24/20

LBA and LMA 6 Months Ahead Project Sales or Offers (Sales)

Sales Date	State	Ser. No. (LBA or LMA)	Tonnage	Acres	Decision Date (DR or ROD)	Date Published FR Sale Notice
NA	ND	NDM 110277 (LBA)	5,230,000	320	NA (DR)	NA
NA	ND	NDM 105513 (LBA)	11,210,000	630	2020 (DR)	2020

NA	ND	NDM 111186 (LBA)	14,400,000	880	2020/2021 (DR)	2020/2021
NA	ND	NDM 105513 (LBA)	11,210,000	630	NA (DR)	NA
NA	MT	MTM 80697 (LMA)	6,750,000	160	NA (DR)	NA
NA	UT	UTU 0126947 (LMA)	6,600,000	954.80	2/1/20 (DR)	NA
NA	UT	UTU 014218 (LMA)	2,300,000	637.84	2/1/20 (DR)	NA
NA	CO	COC 78825 (LBA)	9,540,000	2,462	9/30/19	11/8/19
NA	NM	OKNM 91190 (LMA#3)	1,822,500	270	NA (DR)	NA

NA: Not Available or Not Applicable

Wild Horse and Burro Gatherers

Gather Dates	State	HMA s	Gather Method	Horses*	Burros*	FC?* *	Controversy Expected?
8/2 – <u>TBD</u>	BLM- NV	Pine Nut Mountains	Bait/Water Trap	383/485	-	-	No
8/7- TBD	BLM- NV	Antelope and Antelope Valley	Bait/Water Trap	<u>946</u> /1,250	-	Yes; 15 mares	No
10/14- 12/31/19	BLM- AZ	Laughlin Ranch Golf Course	Bait/Water Trap	-	0/50	No	No
10/17- <u>24/19</u>	BLM- WY	Fifteenmile	Helicopter	600/700	-	No	Standard level
10/21- TBD	BLM- CA	Clark Mountain HA	Bait/Water trap	N/A	0/80	No	No
11/5- 11/19	BLM- ID	Challis	Helicopter	0/244	-	Yes: 40-50	Yes
11/13- 23/19	BLM- NV	Seaman- White River HMA	Helicopter	0/450	-	No	No

12/9-23/19	BLM-NV	Desatoya HMA	Helicopter	0/450	-	Yes: 25	No
2/3-10/20	BLM-NV	Reveille HMA	Helicopter	0/150	-	Yes: 25	No

* Gathered / Plan to Remove

** Fertility Control

Wild Horse and Burro Adoption Events

Adoption Date	State	Horses	Burros	Venue	From Corral / Facility
11/1-3/19	BLM-NV	100	40	TIP Challenge at Horseman's Park, Las Vegas	Palomino Valley and Ridgecrest
11/8-9/19	BLM-AZ	10	6	Florence WHB Training and Holding Facility	Florence WHB Training and Holding Facility
11/15-16/19	BLM-NM	55	10	Hardy Murphy Coliseum	Pauls Valley Off-range Corral, Okla.

Bureau of Ocean Energy Management

NEW ITEMS

November 13. On October 24, 2019, GAO announced a new engagement to review offshore pipeline safety and scheduled an entrance conference for November 13, 2019. BOEM and BSEE are in the scope of this review which will address: (1) the Bureau of Safety and Environmental Enforcement's responsibilities regarding pipeline safety and design, (2) what

is known about the condition of aging offshore pipelines, (3) the amount and sufficiency of financial assurance for pipeline decommissioning, and (4) challenges related to the maintenance and decommissioning of aging pipeline infrastructure.

UPDATED ITEMS

Early November. BOEM and BSEE plan to submit the Financial Assurance Proposed Rule to OIRA by early November. The joint rule seeks to ensure that entities operating on the OCS comply with financial and performance obligations arising from leases, right-of-use, and right-of-way grants. Additionally, BSEE added provisions to provide that it will order decommissioning from liable predecessors in reverse chronological order if current lessees fail to timely decommission the facilities on a lease or grant. The proposed rule is currently with Exec Sec. (8/27/18, DTS#2343)

In November. BOEM expects to finalize its rule to amend air quality regulations related to oil, gas, and sulfur operations on the OCS. On August 26, BOEM sent a red-lined draft of the rule with responses to comments to ASLM, SOL, Exec Sec, and the Acting Deputy Secretary for review. BOEM, in coordination with SOL, provided additional edits in response to comments from the Acting Deputy Secretary, who currently has the draft rule. (3/18/19, New DTS#2697)

November. BOEM's briefing for the NEPA Review Team on the Record of Decision (ROD) for the Programmatic Gulf of Mexico G&G EIS was postponed. BOEM had intended to sign the ROD on November 5, 2019, and publish the Notice of Availability in the *Federal Register* on November 8, 2019. DOJ has approached plaintiffs about extending the stay agreement in the NRDC litigation for six months, but an agreement has not yet been reached. The current stay expires on November 5, 2019. (9/20/19)

ONGOING

In November. BOEM would like to formalize the MOU between DOI and Norway. Both the Department and Norway have cleared the MOU, which is intended to strengthen cooperation on both marine minerals and offshore energy. Norway has indicated it may be the Ambassador to the U.S. who would sign for Norway. DOI has not determined who will sign for it. (3/22/19)

In November. BOEM plans to submit comments in response to NOAA's Office for Coastal Management March 12, 2019 Federal Register Advanced Notice of Proposed Rulemaking (ANPR) for "Procedural Changes to the Coastal Zone Management Act Federal Consistency Process." In the ANPR, NOAA is seeking public comment on the changes that should be made to NOAA's Coastal Zone Management Act (CZMA) federal consistency regulations to make the federal consistency process more efficient across all stages of OCS leasing and development for oil and gas and renewable energy projects. The Acting Deputy Secretary requested edits to BOEM's original comments. The comments have been with SOL since October 7, and will be sent to the Acting Deputy Secretary for review. NOAA has indicated that they will not move forward on the Proposed Rulemaking without consultation with BOEM. (4/19/19, DTS# 2744)

In November. BOEM plans to submit a response to NMFS on its revised draft BiOp, received August 5, 2019. BOEM received a revised draft BiOp and a draft summary table discussion describing how NMFS addressed BOEM's September 2018 comments. BOEM and SOL have prepared an enhanced response to NMFS on the draft BiOp which is with the Acting Deputy Secretary for review. A briefing binder was provided to the Secretary's office on September 26 and BOEM is currently awaiting further instruction. (8/9/19)

November 8. BOEM expects to have a completed analysis from IHS Markit on HPHT fields. On July 30, BOEM received additional direction from ASLM on further analysis for HPHT fields. BOEM incorporated this request into the proposal from IHS Markit for specific analysis on HPHT fields in the GOM. This material will cover cost differentials, potential incentives, and discussion on needed rates of return. The final product is due on November 8, 2019. (5/13/19)

November 14. BOEM plans to attend the 2019 White House Ocean Science and Technology Summit. The Summit brings together executives from the private, public, philanthropic and academic sectors to identify opportunities for scientific and technological partnerships. Areas of interest for 2019 include: Exploring the Ocean; Conserving Marine Resources; Sustaining Ocean Observations; Promoting Food Security; Advancing Ocean Energy; Characterizing Ocean Life; Leveraging Big Data. (10/8/19)

November 19. BOEM plans to post its price memo for shallow water-specific discount rate parameters on its website. The price memo was developed in support of BSEE's special case royalty relief program. Posting on BOEM's website will be coordinated with BSEE's shallow water announcement. (8/23/2019)

In November. BOEM expects to publish a Notice of Intent (NOI) to prepare an environmental assessment (EA) for leasing offshore the New York Bight. The NOI will be published concurrent with identification of the New York Bight WEAs. A briefing for the ASLM was held October 9. (3/8/19, DTS #2514)

In November. The State Department has requested input from BOEM on how proposed International Seabed Authority (ISA) financial/royalty models conform to our domestic oil and gas royalty system. This is part of a larger support effort that BOEM has been providing to the State Department on ISA-related matters. BOEM plans to provide the paper for ASLM review in mid-November. (10/15/19)

In December. With Secretary Pompeo's support, the State Department has developed an Eastern Mediterranean Energy Engagement Strategy, which envisions Israel, Cyprus, Greece, and the U.S. cooperating in the field of energy. Pursuant to the strategy, the State Department would like BOEM to lead a workshop in Athens, Greece to discuss environmental approaches to offshore oil and gas in December 2019 or early 2020. (10/22/19)

Bureau of Safety and Environmental Enforcement

Arctic Rule (AA01) –This is a joint BSEE BOEM rule and BSEE has been tasked as the lead agency by the ASLM for revisions to this rule. BSEE worked with the Department and the Office of the Solicitor to draft the reg text, the preamble, environmental assessment, information collection compliance statements, and initial regulatory analysis. The draft preamble, reg text, EA, decision memos and Powerpoint were delivered to the ASLM and Departmental leadership on September 20. The RIA was delivered on September 25. The Department is currently reviewing the proposed Arctic rule package and has provided preliminary comments and guidance to BSEE and BOEM. The bureaus are currently in the process of incorporating additional information into the preamble and drafting additional reg text options for the proposed rule's Subsea Isolation Device/Relief Rig requirement. The Department is currently reviewing the proposed Arctic rule package and has provided preliminary comments and guidance to BSEE and BOEM. The bureaus are currently in the process of incorporating additional information into the preamble and drafting additional reg text options for the proposed rule's Subsea Isolation Device/Relief Rig requirement. Hard copies of the first option (an option between equals, the use of a relief rig or the use of a subsea intervention device (SID)) and second option (one method with the use of the SID) of preamble and reg text were delivered on October 21 to the ASLM and Deputy Secretary. A crosswalk chart of both options comparing the changes in regulatory text were delivered to the ASLM and Deputy Secretary on October 22. We await a selection of the preferred option so that we can fully develop the rule in an effort to obtain DOI surname.

Shallow Water Royalty Report: BSEE and BOEM are working to finalize the *Joint BSEE BOEM Report*, which will include the publication of BOEM's revised Discount Rate schedule, and the SOL opinion. BSEE and BOEM are seeking to schedule an announcement to release this report and the solutions to increase Shallow Water activity in a November 2019 presentation in Houma, Louisiana. This presentation is designed to communicate to the public that this administration has 1) conducted the most robust research ever regarding the Shallow Water Province and 2) has developed a smart solution in response to the research. In addition, Shallow Water operators will be notified of this latest information and we would expect an uptick in royalty relief applications for the shallow water province, and consequently an uptick in drilling activity, production, and a reduction in stranding assets.

Office of Surface Mining Reclamation and Enforcement

UPDATED ITEMS

October 30-Ongoing. State Program Amendment (SPA) Processing. One final rule notice, MT-036, will be published in the Federal Register on October 30, 2019. Two final rule notices are pending approval to publish in Exec Sec, TX-068 and AK-007. OSMRE will continue to assess the State Program Amendment process, and consider modifying the current process, as appropriate. A second training opportunity will be provided to OSMRE staff in November on drafting and processing state program amendments via webinar. (10/24/19)

Ongoing. TDN Rulemaking: The ten-day notice rulemaking team had a conference call with the Solicitors on October 17, 2019, to discuss comments and revise the rule text; the rule text was finalized. The preamble is currently being drafted and the team will meet on October

31, 2019, to review the draft. OSMRE has assembled a team to develop the rule to clarify the requirements of section 521 of the Surface Coal Mining and Reclamation Act of 1977 (SMCRA) (30 USC § 1271) and the regulations promulgated under sections 30 CFR 842.11 and 843.12. OSMRE has developed an action plan to ensure it achieves the goal of proposing a rule in late 2019 or early 2020. (10/3/19)

November 8. Tennessee Primacy: OSMRE is currently working with Tennessee to obtain a completed application package. Tennessee provided final application clarifications on October 22, 2019. Completion of Regional review is anticipated by November 8, 2019. Tennessee will be working towards the "Program Submission," which is anticipated to be completed by the end of the 2020 calendar year. Once OSMRE receives a completed Program Submission, the Agency will work diligently to post it in the Federal Register. Once the Federal Register notice is published, OSMRE then has six months to approve the Tennessee Program. (10/11/19)

ONGOING ITEMS

November 12. Justice Group of Companies: A response to an amended complaint filed by the Justice Group of Companies, that the U.S. Attorney will sign, is now due on November 12, 2019. (10/11/19)

November 27. Center for Biological Diversity v. U.S Fish and Wildlife Service: The government's response to a lawsuit filed September 4, 2019, by environmental groups against the U.S. Fish and Wildlife Service, OSMRE, and the Department is due November 27, 2019. The plaintiffs, the Centers for Biological Diversity, are challenging the continued reliance on the 1996 Biological Opinion. Among other things, plaintiffs request a declaratory judgment that the 1996 Biological Opinion is invalid and the 2018 crayfish guidance is unlawful. DOI plans to seek a stay of the litigation pending completion of a new Biological Opinion. (10/7/19)

Ongoing. Caballo Mine West Lease Tract EA - WY: A consultation letter was mailed to the Wyoming State Historic Preservation Office (SHPO) requesting concurrence on OSMRE's finding that five sites in the area of potential effect are not eligible for listing to the National Register of Historic Places. The Wyoming SHPO is afforded 30 days for review and response. OSMRE regional office expected to submit the recommendation on the mining plan modification approval to OSMRE Headquarters on September 23, 2019, for the Caballo Mine West Lease Tract federal mining plan, however during final review, it was determined that consultation in accordance with Section 106 of the National Historic Preservation Act had not been completed adequately. At this time, a date for submission of the mining plan decision document is unknown. (10/10/19)

Ongoing, Coyote Creek Pilot Project - ND: A recent Departmental review determined the draft EA for the Coyote Creek Mine leasing and mining plan pilot project needs to be augmented with additional information regarding climate analysis and greenhouse gas emissions. At this time, an expected date to publish in the Federal Register a notice for the draft EA and unsigned Findings of No Significant Impact for the Coyote Creek Mine leasing

and mining plan pilot project is unknown. A 30-day public comment period will follow after publication in the Federal Register. (10/24/19)

ASSISTANT SECRETARY FOR POLICY, MANAGEMENT AND BUDGET
(Indicates Press/Comms Opportunities)

Week Ahead Schedule of Meetings, Hearings, and Travel for the Upcoming Week

Susan Combs will be in the office.
Scott Cameron will be in the office.

Immediate Actions and Announcements for the Next Week

In an effort to assure that policies and procedures are up to date and are still needed, PMB is reviewing over 70 Department Manual Chapters. As of 10/30/2019 PMB has developed reviewed, internally surnamed, prioritized and sent 38 DM chapters to the Office of the Executive Secretariat for processing and Departmental approval. PMB is working with Exec. Sec. to resolve the processing backlog. (10/30/19)

<i>PMB Departmental Manual Chapter Updates - FY 2019</i>	
DM Part #	Departmental Manual Chapter # and Chapter Title
112 DM 30	Chapter 30 - Office of Restoration and Damage Assessment
207 DM 6	Chapter 6 - Natural Resource Damage Assessment and Restoration
207 DM 7	Chapter 7 - CERCLA Implementation
520 DM 1	Chapter 1 & 2 - Floodplain Management / Wetlands Protection
105 DM 1	Chapter 1 - Creation, Mission, and Goals
524 DM 1	Chapter 1 - Invasive Species Policy
505 DM 1	Chapter 1 - Grants Administration - Policy Development and Management
505 DM 2	Chapter 2 - Grants Administration - Procurement Contracts, Grant and Cooperative Agreements
505 DM 3	Chapter 3 - Grants Administration - Grants and Cooperative Agreements with State and Local Governments
505 DM 4	Chapter 4 - Grants Administration - Deposit of Publications Produced Under Grants
505 DM 5	Chapter 5 - Grants Administration - Grants Agreements with Education/Hospital/Non-Profit Groups
505 DM 6	Chapter 6 - Grants Administration - Infrastructure Privatization
205 DM 12	Chapter 12 - Financial Assistance
109 DM 4	Chapter 4 - Assistant Secretary - Policy, Management and Budget and CFO
446 DM 7	Chapter 7 - Evidence Handling and Storage
485 DM 10	Chapter 10 - Safety and Occupational Health Awards
485 DM 8	Chapter 8 - Employee Reports of Unsafe Conditions and Allegations of Reprisal
370 DM 312	Chapter 312 - Position Management
370 DM 511	Chapter 511 - Position Classification Under the Classification Act System
112 DM 34	Chapter 34 - Creation, Authorities, Mission, and Functions (New)
485 DM 16	Chapter 16 - Motor Vehicle Safety
485 DM 21	Chapter 21 - Radiation Safety for Ionizing and Non-Ionizing Radiation
485 DM 7	Chapter 7 - Accident/Incident Reporting and Investigations
485 DM 9	Chapter 9 - Occupational Safety and Health Councils, Committees, and Work Groups
112 DM 8	Chapter 8 - Office of Financial Management
307 DM 1	Chapter 1 - Management Improvement Team
602 DM 1	Chapter 1 - Office of Valuation Services
112 DM 15	Chapter 15: Office of Human Resources
105 DM 2	Chapter 2 - General organization of the Department
200 DM 1	Chapter 1 - Delegation of Authority
209 DM 2	Chapter 2 - Under Secretary
101 DM 3	Chapter 3 - Planning and approval for headquarters and first-level field offices
370 DM 302	Chapter 302 - Excepted Service
521 DM 1	Chapter 1 - Authorities and Policy (ORDA)
521 DM 2	Chapter 2 - Responsibilities (ORDA)
521 DM 3	Chapter 3 - Signatory Authority
112 DM 10	Chapter 10 - Interior Business Center
212 DM 10	Chapter 10 - Interior Business Center

Deputy Assistant Secretary – Budget, Finance, Grants, & Acquisition

The current Continuing Resolution expires on November 21. Reports indicate an extension of the current CR is likely necessary to continue funding past November 21, however, there has been no mention of the length of a second CR. The House and Senate Appropriations Subcommittee staff are preparing for conference meetings on a FY 2020 Appropriation. The House and Senate Appropriations Committees continue to work to reach agreement on Subcommittee funding allocations to proceed to conference on the FY 2020 appropriations. The Senate recently considered a four-bill “minibus” that includes the Interior-Environment appropriation. (10/24/19)

The Office of Grants Management (PGM) is preparing a formal response to OIG Draft Report – Risk Assessment of the U.S. Department of the Interior’s Grant Closeout Process. The draft report provides one recommendation: Work with other agencies to determine if funding per Public Law 93-638, Indian Self Determination and Education Assistance Act (as

amended), should be reported pursuant to the GONE Act. PGM has also drafted a formal concurrence request for OMB to provide formal concurrence for the exclusion of Indian Self Determination and Education Assistance (ISDEA) awards from the 2017 Grants Oversight and New Efficiency (GONE) Act reporting. (10/24/2019)

Deputy Assistant Secretary – Policy & Environmental Management

A draft rule and communication plan has been prepared to comply with Secretarial Order 3369, “Promoting Open Science.” The Order is intended to ensure that the Department makes decisions supported by the best available science and provides the American public with enough information to thoughtfully and substantively evaluate the scientific information, methodology, and analysis that the Department uses to inform its decisions. The draft proposed rule is being shared informally with OIRA. (09/24/19)

November 6-7, Stas Burgiel will attend a bi-annual meeting of the Aquatic Nuisance Species Task Force (ANSTF) and provide an overview of NISC's work and future directions. He will also participate in discussions around how to improve coordination with ANSTF and other federal interagency committees addressing invasive species. (9/24/19)

Deputy Assistant Secretary – Human Capital and Diversity

On November 4, Susan Combs will lead a DOI “Workforce Topics” MIB Auditorium meeting that will provide employees with important updates on the results and actions from the Workplace Culture Transformation Survey, the 2019 Federal Employee Viewpoint Survey results, and key DOI programs such as My DOI Career. (10/11/19)

From November 4 through May 21, 2020, the DOI University (DOIU) will offer a series of 72 four-hour, in person sessions on Bystander Intervention and Intergenerational Sensitivity at DOIU Learning Centers in Washington, DC (plus Reston); Albuquerque, NM; and Denver, CO. This offering is in support of the DOI Culture Transformation initiative and is funded by OS, ensuring free tuition for participants. The first of 72 training sessions on Intergenerational Sensitivity and Bystander Intervention sponsored by PMB will be held on November 5 and 6 (four separate 4-hour sessions) at the Washington Learning Center and an expected 2160 employees will be trained. (10/28/19)

Office of Natural Resources Revenue

The Director of the Office of Natural Resources Revenue (ONRR) will be testifying at a full committee oversight and legislative hearing on Onshore and Offshore Revenue Sharing, tentatively scheduled for the week of November 4, 2019. The testimony will cover existing revenue sharing provisions from offshore leases, and the effect that S.2418 would have on those current revenue sharing provisions as well as the addition of new revenue sharing for the state of Alaska. ONRR is working with the Department’s Office of Congressional and Legislative Affairs (OCL) to prepare the testimony and Q&A’s. (10/25/19)

The Office of Natural Resources Revenue (ONRR) is considering rulemaking to address the possibility of excluding property taxes when calculating transportation allowances and

processing allowances for Indian properties. ONRR has started tribal consultation on that potential rulemaking, and has a regional consultation meeting scheduled for November 5, 2019, in Tulsa, Oklahoma, for multiple Tribes. (09/20/19)

8-30 Day Outlook

Deputy Assistant Secretary – Public Safety, Resource Protection, and Emergency Services

NEW ITEMS

December 3 - 5, Director Jeff Rupert of the Office of Wildland Fire (OWF) will travel to Portland, OR, to participate in the Intertribal Timber Council (ITC) Board Meeting to facilitate communication and collaborate to promote sound management of Indian forests. (10/24/19)

ONGOING ITEMS

November 11 - 15, Director Mark Bathrick of OAS will travel to Federal Aviation Administration (FAA) Headquarters in Washington, D.C., to participate in the quarterly meeting of the Federal Unmanned Aircraft Systems (UAS) Executive Committee (ExCom). Established by the National Defense Authorization Act of 2009, the mission of this multi-agency UAS ExCom is to enable increased and ultimately routine access, of Federal UAS engaged in public aircraft operations into the National Airspace System to support operational, training, developmental, and research requirements of several agencies, including DOI. (10/02/2019)

Deputy Assistant Secretary – Budget, Finance, Grants, & Acquisition

NEW ITEMS

The Office of Management and Budget continues to target the week of December 2 to transmit, or passback, their FY 2021 funding decisions. Once the passback decisions are received, agencies will have a limited number of days in which to submit appeals. (10/24/19)

ONGOING ITEMS

On April 24, the Office of Small and Disadvantaged Business Utilization (OSDBU) issued the proposed rule Acquisition Regulations: Removal of Outdated References (84 FR 17131). The rule amends the Department of the Interior Acquisition Regulation (DIAR) to implement Section 15(k) of the Small Business Act and remove outdated references and/or obsolete information. The comment period ended on June 24 without any comments received. The final rule was uploaded in DTS on September 25th and is moving forward in departmental review. The goal is to have the rule to OMB by the beginning of November. (10/30/19)

Deputy Assistant Secretary – Human Capital and Diversity

NEW ITEMS

On November 20, Scott Cameron and the Department's Labor Relations Program Manager will attend the quarterly Interagency Labor Relations Group meeting. During this meeting, the Office of Personnel Management will likely report out on the recent court decision to vacate the previously enjoined provisions of President Trump's three civil service reform executive orders and approved model contract language for agency representatives to use in negotiations with labor organizations. (10/28/19)

Employees with telework agreements under the now superseded 2012 telework policy must initiate a new telework agreement under the new 2019 policy using the automated agreement form by November 12, 2019. To date, approximately 8,000 telework agreements have been approved under the revised telework policy. (10/28/19)

Deputy Assistant Secretary – Policy & Environmental Management

NEW ITEMS

The Office of Policy Analysis is assisting Exec Sec with compiling, reviewing, and submitting information from the Bureaus on costs and cost savings related to deregulatory and non-regulatory actions for FY 2019 and FY 2020. This information is required under EO 13771 and has been submitted to OMB. (10/15/2019)

Office of Natural Resources Revenue

ONGOING ITEMS

The Office of Natural Resources Revenue coordinated with the Department's Office of Communications (OCO) and the Office of Congressional and Legislative Affairs on the FY 2019 disbursements press release and Q & As. A press release addressed the increase in disbursements from FY 2018 to FY 2019, which is attributed to an increase in oil prices and the bonuses received in BLM's September 2018 New Mexico lease sale. The announcement was issued on October 24. (09/26/2019)

The Office of Natural Resources Revenue (ONRR) continues to work with the Solicitor's Office and others throughout the Department to address a March 2019 U.S. District Court decision vacating ONRR's 2017 repeal of its 2016 valuation rule, litigation filed in June 2019 challenging the 2016 valuation rule, and a Circuit Court appeal of a challenge to ONRR's 2016 civil penalties rule, as well as an August 13, 2019 U.S. District Court order enjoining reliance on Royalty Policy Committee recommendations, including 2018 recommendations for ONRR rulemaking. (9/11/2019)

Deputy Assistant Secretary – Administrative Services

ONGOING ITEMS

Interior Business Center (IBC) is supporting the BLM Washington DC HQ move by offering on-site support to impacted BLM employees. IBC performs Permanent Change of Station (PCS) counseling/coordination as well as PCS voucher processing on behalf of the BLM and

will be available to assist employees regarding questions they may have on their PCS entitlements. (09/30/19)

PMB leadership continues to follow with the top 5 R&D external IBC acquisition customers (DARPA, IARPA, SCO, SOCOM and DHS S&T) to move forward with the divestment of acquisition services for new requests from these external agencies. There are no plans to terminate existing contracts with the five agencies. These contracts will continue to end at the natural expiration of their performance period. Draft Memorandum of Agreements (MOAs) have been reviewed and cleared by SOL. These MOAs outline a plan to ensure that new acquisition requirements are handled within the external customers' acquisitions servicing office. IBC sent the individual MOAs to the external agencies with the focus to have the MOAs signed by the first week in November. (10/23/19)

ASSISTANT SECRETARY FOR WATER AND SCIENCE

Week Ahead Schedule of Meetings, Hearings, and Travel

Tim Petty will be on official travel November 3-5, but in the office the rest of the week.
Brenda Burman will be on official travel all week.
Jim Reilly will be on international travel all week.
Cindy Lodge will be in the office all week.

Immediate Announcements and Actions For the Next Week

Bureau of Reclamation

During the fall of 2019, Reclamation may intermittently close some recreation facilities and assets at Lake Berryessa and New Melones (California) due to precautionary fire safety actions (power shutoff) by Pacific Gas & Electric. Facilities at Lake Berryessa were temporarily closed on October 29 until further notice. Reclamation issued a news release announcing the temporary closure. (06/24/2019)

On November 4, Reclamation plans to issue a news release announcing a no trespassing policy at the defunct Teton Dam site in southeastern Idaho. Since the start of the school year, there has been a rise in trespass and vandalism among the structural remains of the Teton Dam site. Reclamation is coordinating with local law enforcement to enforce the policy. Strong media interest is expected. (10/28/2019)

On November 4, Reclamation plans to issue a news release announcing the awarding of nearly \$1 million for projects under an innovative pilot-scale water treatment technologies and desalination program. The selected projects will receive funding through cooperative agreements and will include a period of pilot testing at the Brackish Groundwater National Desalination Research Facility in Alamogordo, New Mexico, and other sites across the country. (10/28/2019)

On November 4, Reclamation plans to issue a funding opportunity announcement for technical assistance to Indian tribes and tribal organizations through the Native American Affairs Technical Assistance Program. Reclamation anticipates distributing a total of \$1 million for up to 15 different projects to assist tribes in the 17 western states manage, develop and protect their water and related resources. The maximum award per proposal is \$200,000; project must be completed within two fiscal years. A news release will be issued; anticipate low media interest. (10/28/2019)

On November 4, DOI-AS/WS, Reclamation, U.S. Army Corps of Engineers and the Bonneville Power Administration (co-lead agencies) will host a cooperating agency meeting in Portland, Oregon. The meeting's purpose is to provide cooperating agencies an overview of *Chapter 3: Affected Environment and Environmental Consequences* of the Columbia River System Operation Environmental Impact Statement. (10/21/2019)

On November 4, Commissioner Burman will give the keynote address at the American Water Resources Association (AWRA) Annual Conference in Salt Lake City. AWRA is an association comprised of water resource management professionals from federal, state, local and private entities across the United States. (10/28/2019)

On November 4, Reclamation plans to begin inspection of the six river gates on the Link River Dam in Klamath Falls, Oregon. The work is being done in coordination with PacifiCorp's operation of the dam and will be completed as weather and Upper Klamath Lake elevations allow. An additional 13 gates on the Keno (six) and Ankeny (seven) canals will be jointly inspected by Reclamation and PacifiCorp, date to be determined. No press release will be issued; no media interest is anticipated. (10/28/2019)

On November 4, Reclamation plans to release a finding of no significant impact for the Middle Klamath Coho Refuge Habitat Enhancement Planning and Design Team Support Project in Siskiyou County, California. The project is funded by the Klamath River Coho Habitat Restoration Grant Program and will use funds for planning and design of salmon projects in the Klamath River corridor in Humboldt and Siskiyou counties. The environmental assessment was posted for public review on September 17. No comments were received. No press release will be issued; no media interest is anticipated. (10/28/2019)

During the week of November 4, mobile trailer permits at the Medicine Creek Dam in Southwest Nebraska will expire. Reclamation will work with the concessionaire and state partners to inform permit holders of the process moving forward. Reclamation is collecting public comments on a recreation survey, as part of a Resource Management Plan (RMP), to determine the most beneficial future use of the area. Reclamation anticipates finalizing the RMP by September 2020. (10/29/2019)

On or about November 4, Reclamation plans to release a draft environmental assessment for a 30-day review period that analyzes the proposed issuance of a use agreement to the San Luis & Delta-Mendota Water Authority for the introduction and conveyance of up to 150 cubic feet per second of stormwater flows from the Grassland Basin Drainers through the San Luis Drain (California). No news release will be issued; moderate media interest is anticipated. (10/28/2019)

On or about November 4, Reclamation plans to release a draft environmental assessment for a 30-day review period that would allow Poso Creek Water Company, LLC to transfer and/or bank up to 100,000 acre-feet of available Central Valley Project water supplies per contract year over a 25-year period (California). No news release will be issued; no media interest is anticipated. (10/28/2019)

On or about November 4, Reclamation plans to release a draft environmental assessment for a 30-day review period that analyzes the proposed annual conveyance of up to 7,450 acre-feet of Kaweah River water through federal facilities at times when excess capacity exists over a five-year period (California). No news release will be issued; no media interest is anticipated. (10/28/2019)

On or about November 4, Reclamation plans to release an environmental assessment and finding of no significant impact to remove a water tank from the Toyon Water Treatment (WTP) site, located on Reclamation property in Shasta County, California, and approve the City of Shasta Lake (occupant) demolition, removal and/or abatement of the remainder of the WTP facilities and related debris. No news release will be issued; no media interest is anticipated. (10/28/2019)

On or about November 4-5, Reclamation plans to issue a news release announcing the shutdown of Boca Dam's seismic modification for the 2019/2020 winter season. The project will resume construction in May 2020 and extend to a projected completion date of October 2020. Boca Dam is located six miles northeast of Truckee, California. Low media interest is anticipated. (10/28/2019)

On November 5, Reclamation plans to meet with representatives from the Utah congressional delegation to discuss possible solutions to a long-standing encroachment at Scofield Reservoir. The trespassing trailers and cabins encumber a portion of Reclamation-owned property known as the Bolotas subdivision. (10/28/2019)

On or about November 5-8, National Environmental Policy Act policy leads, tribal liaisons, and executive leadership from Reclamation, U.S. Army Corps of Engineers and the Bonneville Power Administration will meet with tribal executives in Idaho, Washington, and Oregon on the Columbia River System Operation Environmental Impact Statement. (10/21/2019)

On November 5-6, Reclamation, in conjunction with the Western Area Power Administration, will host the first women in water and energy professional development workshop in Park City, Utah. Commissioner Burman will provide the keynote address on November 5. This event will address challenges women face in the water and energy profession and strategies to empower organizational, team, and individual success. (09/30/2019)

On November 6, Reclamation will participate in a planned power outage that will affect about 6,000 power customers in parts of southern Idaho, northwest Utah and northern Nevada. The outage — scheduled to be eight hours long and will begin at 8:00 a.m. Mountain time — will allow crews to perform electrical upgrades at the Minidoka Dam

Switchyard near Rupert, Idaho. The outage has been coordinated with the Bonneville Power Administration and local public utilities. Some media attention is expected. (10/28/2019)

On November 6-8, Commissioner Burman and Deputy Commissioner Hagenauer will attend the National Water Resources Association (NWRA) meeting in Houston, Texas, which will include approximately 30 meetings with individual water district representatives. Commissioner Burman will provide the keynote address on November 7. Deputy Commissioner Hagenauer will give a presentation on November 8. (10/28/2019)

Around November 7, Reclamation plans to send out a media advisory announcing the third public meeting for Navajo Tribal Utility Authority operations, maintenance, and replacement contract negotiations for the government owned features of Cutter Lateral, part of the Navajo-Gallup Water Supply Project. The meeting will be on November 14, in Fort Defiance, Arizona. Anticipate local media attention. (10/07/2019)

Around November 7, Reclamation plans on issuing a news release recapping the irrigation season and water year in New Mexico. This end of season news release is done in most years to inform the public of water levels at reservoirs at the end of the irrigation season and changes in stream flows. Local media interest only. (09/23/2019)

Around November 8, Reclamation plans to issue a press release announcing the final finding of no significant impact and environmental assessment for improving water efficiency in the Maybell Canal in Moffat County, Colorado. Approximately 1,300 feet of earthen canal will be lined, conserving 150 acre-feet of water per year. Local media interest only. (10/28/2019)

U.S. Geological Survey

On November 3-9, USGS scientists will present an overview of the Earth MRI project and research findings at the Alaska Miners Association Annual Convention in Anchorage, AK. (10/30/19)

On November 4, the USGS plans to announce the next stage of low-level, high-resolution, airborne surveys above portions of the Mississippi Alluvial Plain (MAP). The surveys are coordinated by USGS scientists to map the properties of aquifers throughout parts of the MAP, the low-level flights are intended to provide critical data for the evaluation and management of groundwater resources in the region. A public service announcement to alert residents in the area is planned. (10/28/2019)

On November 7, the U.S. Department of State will open its Diplomacy Center Museum and unveil its first exhibit telling the story of American diplomacy. USGS scientist and Associate Director Peter Chirico is highlighted in the exhibit for his science diplomacy work as scientific and technical advisor to the Office of Threat Finance Countermeasures in the Department of State's Bureau of Economic and Business Affairs. (10/29/2019)

On November 8, USGS will participate in the Lake Barkley Bio-acoustic Fish Fence Commissioning Ceremony to celebrate the deployment of innovative technology to deter the

spread of Asian Carp in southern waters. Special guests include Senator McConnell (KY) and Rep. Comer (KY-01) and the event is open to the media. (10/22/2019)

On November 9, at the request of the Ohio Environmental Council, USGS scientist Patrick Kocovsky will participate in a press forum with Congresswoman Marcy Kaptur (OH-09) in Toledo, Ohio, to discuss the potentially dangerous impact of invasive Asian carp on Lake Erie and the Great Lakes region and solutions. The forum is to be followed by a Q&A with reporters. (10/22/2019)

In November, the USGS plans to issue a Top Story highlighting the economic benefits of Landsat satellite imagery. A 2013 USGS Open-File Report, "Users, Uses, and Value of Landsat Satellite Imagery—Results from the 2012 Survey of Users," estimated that Landsat imagery provided users an annual benefit of \$2.19 billion in 2011, with U.S. users accounting for \$1.8 billion of those benefits. That study surveyed users in 2012 about Landsat imagery they retrieved in 2011. The current study updates these estimates, surveying users in 2018 about Landsat images they retrieved in 2017. It discusses changes in the value per scene in 2017 when compared to 2011 and analyzes the potential impact of charging fees for accessing data. (10/15/2019)

In November, the USGS will issue a news release regarding a study that showed that conversion of agricultural land to wetlands and native prairie resulted in substantial positive changes in water flow, reduced flooding, and improved water quality in the Glacial Ridge Wildlife Refuge. This effort to restore 25,000 acres of land was the largest wetland and prairie restoration ever done in the United States. Findings of the new study can help managers focus restoration resources on other areas in the Prairie Pothole Region and beyond where the greatest water benefits are likely. (8/27/2019)

8-30 Day Outlook

CUPCA

NEW ITEM

The Central Utah Water Conservancy District, Utah Reclamation Mitigation and Conservation Commission, and Interior's Central Utah Project Completion Act (CUPCA) Office, as Joint Lead Agencies (JLAs), are evaluating realignment of a portion of the South Fields Reach of the Spanish Fork – Santaquin Pipeline that is part of the Utah Lake Drainage Basin System (ULS) of the Central Utah Project. The Spanish Fork – Santaquin Pipeline was initially evaluated in an Environmental Impact Statement (ULS EIS) and Records of Decision completed in 2004/2005. The JLAs are preparing a Draft Environmental Assessment to evaluate potential impacts associated with the realignment alternatives. Scoping activities have been initiated and comments received. A preferred alignment has been identified which crosses Brigham Young University Property. A memorandum of agreement has been prepared to establish a common roadway/pipeline corridor across this property.

Bureau of Reclamation

NEW ITEMS

On or about November 12, Reclamation plans to issue a news release announcing negotiations for the operation & maintenance contract with the San Luis & Delta Mendota Water Authority scheduled November 19 and 20 in Sacramento, California. The contract is a linchpin for delivery of Central Valley Project water south of the Delta and is critical to all Reclamation's customers who depend upon San Luis Reservoir, the Delta-Mendota Canal and associated facilities, which the authority operates and maintains on Reclamation's behalf. Low media interest is anticipated. (10/28/2019)

On November 20, Reclamation will host a webcast on the Rust Busters Prize Competition. Participants will be given an overview of the competition, instructed on how to submit ideas, and given an opportunity to ask questions. No media interest is expected. (10/28/2019)

In November, Reclamation plans to announce the funding opportunity for the 2020 Drought Response Program, Drought Contingency Planning, a part of the WaterSMART Program. A news release will be issued. Light media interest is expected. (10/28/2019)

In November, Reclamation plans to announce the selection of WaterSMART Water Marketing Strategy projects. Through this program, Reclamation aids states, tribes, and local governments to conduct planning activities to develop water marketing strategies that establish or expand water markets or water marketing activities between willing participants. A news release will be issued. Light media interest is expected. (10/28/2019)

In early December, Reclamation, Bureau of Land Management, North Coast Regional Water Quality Control Board, and cooperating agency Shasta-Trinity National Forest plan to announce the availability of an updated environmental assessment and a signed finding of no significant impact for the proposed Dutch Creek channel rehabilitation project. The goal of the project is to increase salmon and steelhead habitat downstream of Lewiston Dam on the Trinity River near Redding, California. No news release will be issued; no media interest anticipated. (10/28/2019)

UPDATED ITEMS

In November, Reclamation plans to announce a cooperative agreement with Biomilab that will focus on a novel control method for invasive mussels using cell culture, genetic engineering and genomic modification. Reclamation will also highlight other invasive mussel research activities. A news release will be issued; light media interest is expected. (06/17/2019)

In November, Reclamation plans to publish the Salt River Project Reservoir Operations Pilot Study, which identifies possible advancements to reservoir operations. The report will be placed on the WaterSMART website. The Salt River Project is in central Arizona. No news release will be issued; no media attention is anticipated. (07/15/2019)

On November 15, Reclamation intends to issue a notice of intent to prepare an environmental impact statement for the Eastern North Dakota Alternate Water Supply (ENDAWS) project. Reclamation held additional public scoping meetings in October to garner additional public comment. The draft notice of intent and associated materials were provided to the NEPA review team on October 29. (09/17/2019)

ONGOING ITEMS

On November 14, Alan Mikkelsen's Coalition of the Willing plans to meet in Medford, Oregon. Reclamation plans to meet with state and federal agencies, tribes, irrigators and other stakeholders to discuss water issues in the Klamath River watershed. No press release will be issued; no media interest is anticipated. (10/01/2019)

In mid-November, Reclamation plans to release a draft environmental impact statement (EIS) analyzing potential effects associated with extraordinary maintenance on the Truckee Canal in Lyon and Churchill Counties (Nevada). The draft EIS will be available for a 45-day public comment period. The proposed project will improve the structural integrity of the canal and reduce the risk of a canal breach. Public meetings will be held in December. A news release will be issued; anticipate moderate media interest. (09/23/2019)

U.S. Geological Survey

NEW ITEMS

In November, the USGS plans to announce a new report titled "Projected urban growth in the Southeastern USA puts small streams at risk" that states that anticipated increases in urban land development in the Southeast U.S. are projected to lead to loss of sensitive fish and invertebrate species along thousands of miles of small streams. The paper will be published in PLOS One and a news release is planned. (10/28/2019)

UPDATED ITEMS

In November, the USGS plans to announce a new study about the occurrence of microplastics in freshwater. For the study, researchers detected microplastics in all 96 water samples and nine sediment samples collected in the Milwaukee, WI area. The most common types of microplastic particles found were fibers, which were distributed throughout the water column regardless of density. Fragments, films, foams, and pellets/beads were also detected. A USGS news release is planned. (8/7/2019)

In December, the USGS will post a homepage feature story about the chytrid fungus *Bsal* (*Batrachochytrium salamandrivorans*), which is causing major mortality of salamanders in Europe and is closely related to the amphibian chytrid fungus *Bd* (*Batrachochytrium dendrobatidis*), which has devastated amphibian populations around the world. (8/7/2019)

ONGOING ITEMS

On November 12, the USGS will issue a news release for a new USGS study to be featured in an upcoming edition of Economic Geology that shows that iron waste rock and mill tailings contain rare earth elements. Heavy mining activity in the eastern Adirondack Highlands in northern New York state during the 1800s and 1900s resulted in piles of waste rock and mill tailings (the residuals of ore processing) in various areas throughout the region. This study finds that some of these waste and tailings piles contain rare earth elements which are critical for modern technology such as cell phones, supermagnets and computers, renewable energies, and advanced defense systems. The U.S. depends heavily on imports for rare earth mineral resources, so finding potential domestic sources has become increasingly important. (9/10/2019)

On November 12, the USGS plans to issue a media advisory announcing that, for about two weeks, an airplane operated under contract to the USGS will be making low-level flights over parts of the eastern Mojave Desert. This survey is part of the Earth MRI program and is designed to remotely study the eastern Mojave Desert to better understand the geology, hydrology and natural resources of the region. The aircraft will carry instruments that measure the earth's naturally occurring magnetic field and the new data will help geologists visualize and understand the rock layers below the surface. (10/22/2019)

On November 12-15, the Southeast Climate Adaptation Science Center will host a Regional Science Symposium in New Orleans, LA for researchers and natural and cultural resource managers in the southeastern U.S. The symposium is meant to support regional climate adaptation efforts, discuss and identify gaps and needs for actionable science, and provide a venue for researchers, managers, and others to share information about current activities, plans, and opportunities for collaboration. (10/18/2019)

On November 19, a public geology review meeting will be held in Anchorage, AK. The meeting is being held prior to the January 2020 release of an updated USGS assessment of technically recoverable oil and gas resources of the Central North Slope (located between the National Petroleum Reserve-Alaska and the Arctic National Wildlife Refuge). The purpose of the meeting, which will be hosted by the Alaska Geological Society, will be to present the geological framework on which the assessment will be based and to solicit feedback from the geological community regarding the geology and interpretations that represent the foundation of the assessment. An overview of the methodology will also be included. (10/22/2019)

On November 30, the USGS will issue its update for the National Seismic Hazard Model (NSHM). Between 2017-2018, USGS earthquake experts concluded their work to update the NSHM for the conterminous United States. The 2018 NSHM considers where and how often future earthquakes will occur and how strong the ground will shake from those earthquakes. Models such as these are considered and factored in to seismic codes for buildings, roads, bridges, railways; risk assessments by the Federal Emergency Management Agency (FEMA) and the insurance industry; as well as government, academic, and industry applications on seismic stability of dams, nuclear facilities, schools, hospitals, and other public policies. The USGS will issue a news release. (6/4/2019)

Upcoming USGS Publications

Title	Summary	Publication Outlet
<p>NEW <i>Malignant Melanoma of Brown Bullhead (Ameiurus nebulosus) in Lake Memphremagog, Vermont/Quebec</i></p>	<p>In 2012, brown bullhead with large, raised, black growths were first reported from multiple areas within the Vermont portion of Lake Memphremagog. Subsequent surveys conducted from 2014-2017 at two sites within the lake indicated a prevalence of 30% in adult brown bullhead 200 mm and above total length. The cause or risk factors associated with this cancer have not been identified. However, UV radiation, contaminant exposure, viruses or a combination of multiple factors may be involved.</p>	<p>Journal of Fish Diseases</p>
<p>NEW <i>Phenotypic plasticity or reproductive dead end? Primnoa pacifica (Cnidaria:Alcyonacea) in the southeastern Alaskan</i></p>	<p>Red tree corals (<i>Primnoa pacifica</i>) are abundant in the eastern Gulf of Alaska. This keystone species forms large thickets, creating habitat for many associated species, including economically valuable fishes and crabs, and so are important benthic suspension feeders in this region. This study examined reproductive ecologies from 8 sites. Though fecundity mostly showed no significant difference between sites, there was a trend of increasing number of eggs with depth.</p>	<p>Frontiers in Marine Science</p>
<p>NEW <i>Marine Isotope Stage 11 in the Arctic Ocean</i></p>	<p>The Arctic Ocean experienced warm sea-surface temperatures and seasonally sea-ice free conditions during interglacial Marine Isotope Stage 11. Peak warmth and minimal sea ice occurred during the middle to late part of the interglacial followed by increased land ice and ice shelves during the transition to glacial period MIS 10. The study is part of a larger international effort to understand the links between past climate change, Arctic Ocean sea ice, ice sheets and ice shelves.</p>	<p>Paleoceanography & Paleoclimatology (American Geophysical Union)</p>
<p>NEW <i>Components and Predictors of Biological Soil Crusts Vary at the Regional Versus Plant Community Scales</i></p>	<p>Although biological soil crusts occur globally in arid and semi-arid environments, the occurrence of biocrusts has not previously been</p>	<p>Frontiers in Ecology and Evolution</p>

related to individual plant communities at the regional scale of the western U.S. This study documents the occurrence of biocrusts in plant communities across the arid and semi-arid western U.S. using Assessment, Inventory, and Monitoring Strategy data from the BLM. This work provides a foundation to include biocrusts in science and management strategies.

NEW *Seasonal use of a non-natal marine basin by juvenile hatchery Chinook salmon*

In the Puget Sound estuaries and other coastal habitats have been dramatically altered by a variety of human disturbances leading to a decline in water quality and habitat productivity. They are of special concern for threatened Chinook salmon that have declined in abundance. This study describes the migration patterns and habitat use of juvenile, hatchery-reared Chinook salmon in south Puget Sound. The data may influence management decisions about critical habitat in Puget Sound.

Marine and Coastal Fisheries

NEW *Projected warming disrupts the synchrony of riparian seed release and snowmelt streamflow*

Across the western U.S., resource managers commonly seek to conserve and promote the regeneration of riparian forests dominated by cottonwood and willow trees. This study combined field observations with climate, hydrology, and phenology models to simulate future change in synchrony of seed release and snowmelt peaks in the South Platte River Basin, Colorado, for three Salicaceae species that dominate western USA riparian forests.

New Phytologist

NEW *Gaps and hotspots in the state of knowledge of pinyon-juniper communities*

Pinyon-juniper communities are common in the Southwest and are a major vegetation component of national parks and lands managed by the BLM. Pinyon-juniper communities are used for pine nut harvesting, firewood gathering, ceremonial plant materials, livestock and wildlife grazing, and recreation areas. This study reviews the state of knowledge of pinyon-juniper communities, including pinyon-juniper communities'

Forest Ecology and Management

response to disturbance, management actions, and climate change.

NEW *Variation in amphibian chytrid prevalence on boreal toads: tests of habitat, life stages, and temporal trends in southeast Alaska and northwest British Columbia*

Understanding variation in the pathogen that causes amphibian chytrid which caused population declines globally, is a priority for many land managers. However, there has been relatively little sampling of amphibian communities at high latitudes. This study used skin swabs collected during 2005–2017 from boreal toads in southeast Alaska and northwest British Columbia (Canada) to determine how Bd prevalence varied across life stages, habitat characteristics, local species richness, and time.

Diseases of Aquatic Organisms

NEW *A Probabilistic Assessment Methodology for Carbon Dioxide Enhanced Oil Recovery and Associated Carbon Dioxide Retention*

The U.S. Geological Survey has developed a methodology to assess oil resources that may be technically recoverable by using carbon dioxide enhanced oil recovery (CO₂-EOR) technologies. The use of CO₂-EOR methods could increase the U.S. recoverable hydrocarbon resource base and could sequester some of the injected carbon dioxide in reservoir pore space. The methodology has been tested on a play in the Permian Basin Province in Texas. Preliminary estimates of recoverable oil are comparable to those reported in the literature and obtained by reservoir decline curve analysis.

USGS Scientific Investigations Report

NEW *Interactive range-limit theory (iRLT): a theoretical extension for predicting range shifts*

Range shifting is predicted to be a common response to climate change. However, ecologists are still developing their understanding of what defines species ranges, and thus how they will change. This Northeast Climate Adaptation Science Center supported paper provides a new theory as to what defines species ranges, related to interactions between biotic (e.g., competition) and abiotic (e.g., temperature) factors.

Journal of Animal Ecology

NEW *Occupancy Patterns in a Reintroduced Fisher Population during Reestablishment*

From 2008-10, researchers translocated 90 fishers (listing status: proposed threatened) from British Columbia to Washington's Olympic Peninsula. Subsequent monitoring using motion-sensing cameras and hair (DNA)-snaring devices allowed researchers to assess population restoration success, evaluate modeling assumptions about suitable reintroduction areas in Washington State, and identify fisher habitat associations in the coastal Pacific Northwest.

Journal of Wildlife Management

NEW *Semi-automated process for enumeration of fishes from recreational-grade side-scan sonar imagery*

Hydroacoustics have been used to estimate abundance of bigheaded carps, however many management agencies are not staffed or funded well enough to use that technology. Researchers developed a new method as a first step to provide an efficient, cost-effective alternative so managers can be better informed about the success of their management actions using equipment they already have. The method may be useful for acquiring data to evaluate the success of exploratory invasive carp control research.

North American Journal of Fisheries Management

NEW *Alpine plant community diversity in species-area relations at fine scale*

This study assesses how different drivers of diversity in alpine vegetation operate at different scales. Understanding the multiple scales at which environmental processes vary and interact will provide a better basis for forecasting vegetation responses to a changing climate. These perspectives are also important for land managers as they interpret high-elevation vegetation changes during a warming trend in the Northern Rocky Mountains and decide on management actions, if any.

Arctic, Antarctic and Alpine Research

NEW *1200 years of Upper Missouri River streamflow reconstructed from tree ringst.*

The Missouri River system provides water resources that drive agriculture, industry, hydroelectric power generation, and ecosystems. The region is facing an array of water resource issues that are challenged by both severe floods

Quaternary Science Reviews

	<p>and droughts in the recent past. The main goals of this study were to develop the first network of streamflow reconstructions for the basin and develop applications of these extended streamflow records for water resource planning and management.</p>	
<p>NEW <i>Evaluating the mineral commodity supply risk of the U.S. manufacturing sector</i></p>	<p>In this analysis, we utilize a conventional risk-modeling framework to develop and apply a new methodology for assessing the supply risk to the U.S. manufacturing sector. The methodology is applied to 52 commodities for the decade spanning 2007-2016. The results indicate that a subset of 23 commodities, including cobalt, niobium, rare earth elements, and tungsten, pose the greatest supply risk. Importantly, this supply risk is dynamic, shifting with changes in global market conditions.</p>	<p>Science Advances</p>
<p>NEW <i>Relative contribution of climate and non-climate drivers in determining dynamic rates of boreal birds at the edge of their range</i></p>	<p>A National Climate Adaptation Science Center researcher and co-authors assessed the relative contribution of climate and non-climate drivers in determining colonization and extinction rates of boreal birds in the Adirondack Park in New York. Boreal birds appear most likely to colonize sites that have lower levels of precipitation and a high degree of connectivity, and they tend to persist in sites that are warmer in the breeding season and have low and less variable precipitation in the winter.</p>	<p>PLOS One</p>
<p><i>Estimating abiotic thresholds for sagebrush condition class in the Western U.S.</i></p>	<p>A paper authored by a USGS scientist, a USGS contract scientist, and two non-USGS affiliated scientists reports on the development of machine-learning algorithms that were used to estimate three classes of sagebrush condition and to identify the drivers that establish each of those classes. The paper's findings are unique and significant because, while environmental drivers have been associated with sagebrush conditions before, this paper</p>	<p>Rangeland Ecology & Management</p>

	<p>assigns relative values to the drivers.</p>	
<p><i>Exploring trends in wet-season drought indices and quantifying potential temperature impacts in dry regions</i></p>	<p>A paper authored by a USGS scientist was accepted by Environmental Research Letters for a special issue on precipitation extremes. The paper examines a new multi-source data set, looking at potential trends during wet-seasons. It also examines the accuracy of the data sets, and finds concerns with non-stationary systematic errors.</p>	<p>Environmental Research Letters</p>
<p><i>Sustaining Environmental Capital Initiative Summary Report</i></p>	<p>This report summarizes the activities and progress of the USGS Sustaining Environmental Capital Initiative (SECI) project since its inception in 2015. The project has relied on USGS science expertise to conduct eight case studies across a range of environment types and support development of tools to support partners' decision-making needs.</p>	<p>USGS Open-File Report</p>
<p><i>The transformative impact of genomics on sage-grouse conservation and management.</i></p>	<p>Molecular genetic methods have been used to address a wide variety of conservation and management issues for both Greater Sage-grouse and Gunnison Sage-grouse. This chapter to discusses the 20-year progression of molecular studies on Greater and Gunnison Sage-grouse, highlighting the expanded capabilities and advantages of genomic approaches and considering future research directions.</p>	<p>Population Genomics</p>
<p><i>Black oystercatcher (Haematopus bachmani) population size, use of marine reserve complexes, and spatial distribution in Oregon</i></p>	<p>The Black Oystercatcher is a large shorebird found along the west coast of North America that are considered a "species of high conservation concern" and may act as an indicator of intertidal ecosystem health. This study used N-mixture statistical models to estimate oystercatcher population size and probability of detection of breeding Black Oystercatchers in Oregon and adjacent to the Oregon's system of Marine Reserves (MRs) and Marine Protected Areas (MPAs).</p>	<p>Northwestern Naturalist</p>

<p><i>A hierarchical analysis of habitat area, connectivity, and quality on amphibian diversity across scales</i></p>	<p>This study developed a multi-region community occupancy model to analyze 13 years (2005-2017) of amphibian monitoring data within the National Capital Region, a network of U.S. National Parks.</p>	<p>Landscape Ecology</p>
<p><i>A statistical forecasting approach to metapopulation viability analysis</i></p>	<p>This study used 11 years of data on the federally-threatened Chiricahua leopard frog to extend application and biological realism of statistical metapopulation viability analysis by incorporating the effect of landscape structure on patch dynamics to support conservation of at-risk species.</p>	<p>Ecological Applications</p>
<p><i>Survival and Conflict Behavior of American Black Bears after Rehabilitation</i></p>	<p>Wildlife agencies face difficult situations when orphaned or injured American black bear cubs or yearlings are captured. One option is bear rehabilitation, defined here as care and feeding of young in a semi-natural environment with limited human contact, followed by release. The survival of bears released after rehabilitation is poorly documented. This study assessed behavior of bears released after rehabilitation into Great Smoky Mountains National Park or Cherokee National Forest.</p>	<p>Journal of Wildlife Management</p>
<p><i>Context-dependent effects of livestock grazing</i></p>	<p>Ecosystem responses to grazing challenges the ability of researchers or land managers to make sweeping generalizations about ecological consequences. This chapter discusses monitoring the impacts of grazing not only at the scale of immediate interest, but at finer and coarser resolutions to understand the mechanisms behind grazing effects, how they may be manifested at broader scales, and whether grazing disturbance is likely to promote or impede the achievement of management objectives.</p>	<p>Book Chapter</p>
<p><i>Social status, forest disturbance, and barred owls shape long-term trends in breeding dispersal distance of Northern Spotted Owls</i></p>	<p>This study examined breeding dispersal events from threatened Northern Spotted Owls monitored over 27 years to assess relative importance of individual (sex, experience), social (annual</p>	<p>The Condor: Ornithological Applications</p>

	<p>productivity, mate availability, territory tenure), and environmental (forest alteration, presence of competitor) sources of variation in breeding dispersal distance. Breeding dispersal distance related to barred owls presence in the study area and disturbance within the originating territory as also assessed.</p>	
<p><i>Mercury Source Changes and food Web Shifts Alter Contamination Signatures of Predatory Fish from Lake Michigan</i></p>	<p>Scientists used a novel combination of mercury, nitrogen, and carbon isotope analyses in archived lake trout tissues and sediment cores to understand temporal trends relative to trends in mercury sources from 1978 to 2012. Scientists determined that fish tissue concentrations were related to temporal changes in mercury sources and to changes in food web structure. This shift resulted in dietary changes of lake trout that presumably resulted in consumption of prey items higher in mercury content.</p>	<p>Proceedings of the National Academy of Sciences</p>
<p><i>Exploring trends in wet-season drought indices and quantifying potential temperature impacts in dry regions</i></p>	<p>On October 2nd a paper authored by a USGS scientist was accepted by Environmental Research Letters for a special issue on precipitation extremes. It should be published online by November 2019. The paper examines a new multi-source data set, looking at potential trends during wet-seasons. It also examines the accuracy of the data sets, and finds concerns with non-stationary systematic errors.</p>	<p>Environmental Research Letters</p>
<p><i>Seismic survey design and impacts to maternal polar bear dens</i></p>	<p>The Arctic Coastal Plain is an important maternal denning area for polar bears of the Southern Beaufort Sea subpopulation. Recent legislation to open the 1002 Area for hydrocarbon development has renewed interest in conducting winter seismic surveys in that portion of the Refuge. This paper assesses the potential effects of a range of survey strategies and the findings can inform mitigation strategies and permitting decisions by DOI management agencies.</p>	<p>Journal of Wildlife Management</p>

<p><i>Assessing Caribou Use of Habitat Near Energy Development in Arctic Alaska</i></p>	<p>Increasing demands for energy have generated interest in expanding oil and gas production on the North Slope, raising questions about the resilience of barren-ground caribou populations to new development. This study assessed whether caribou in the Central Arctic Herd of northern Alaska reduced their use of habitat near energy development. This herd has been exposed to oil development on its summer range for approximately 40 years.</p>	<p>Journal of Wildlife Management</p>
<p><i>The seasonal energetic landscape of an apex marine carnivore, the polar bear</i></p>	<p>The Southern Beaufort Sea subpopulation of polar bears has experienced increased sea ice retreat in recent decades. Although declines in sea ice are generally considered a challenge to energy balance in polar bears residing in some regions of the Arctic, little quantitative data exists concerning the seasonal energy expenditures of this apex marine carnivore. This study found energy expenditure was influenced by month, ocean depth, and habitat type (sea ice or land).</p>	<p>Ecology</p>
<p><i>The fate of Madagascar's rainforest habitat</i></p>	<p>A Northeast Climate Adaptation Science Center researchers and Madagascar conservation practitioners demonstrate that climate change and habitat loss threaten species survival in Madagascar. Ruffed lemurs, a representative species in the eastern rainforest, could lose 38-93% of habitat from climate change and deforestation by 2070; protecting areas from deforestation is necessary to protect Malagasy biodiversity.</p>	<p>Nature Climate Change</p>
<p><i>Dissolved organic matter in the deep TALDICE ice core: A nano-UPLC-nano-ESI-HRMS method</i></p>	<p>USGS scientists developed an analytical method to detect major molecular species in ice cores. Interglacial samples encompass a wide range of species, while the glacial samples contained less diverse species. This difference may be due to decreased temperatures during the glacial period inhibiting terrestrial vegetation growth and increasing</p>	<p>Science of The Total Environment</p>

the sea ice extent, thereby weakening the emission sources.

PaCTS 1.0: A Crowdsourced Reporting Standard for Paleoclimate Data

The Paleoclimate Community reporting Standard (PaCTS), is a crowdsourced reporting standard for paleoclimate data. PaCTS captures which information should be included when reporting paleoclimate data, with the goal of maximizing the reuse value of paleoclimate datasets. The paper discusses a transparent path towards implementing or revising its recommendations in the near future, using both bottom-up and top-down approaches.

Paleoceanography and Paleoclimatology

Lead exposure of red-shouldered hawks during the breeding season in the central Appalachians, USA

One of the most common pathways of lead exposure in birds is ingestion of contaminated food sources. Most studies of lead exposure of raptors focus on the winter, non-breeding season when they scavenge heavily. However, less is known about lead exposure of these species during the breeding season when their diets consist almost exclusively of live prey. This study illustrates possible pathways of lead exposure of raptors when they eat live prey.

Bulletin of Environmental Contamination & Toxicology

Whitebark pine in the national parks of the Pacific states: an assessment of population vulnerability

Whitebark pine, a foundation species of western subalpine environments, is threatened by a variety of stressors, including altered fire regimes, white pine blister rust, mountain pine beetle, and climate change. These threats have led USFWS to designate the tree as a candidate for listing under the Endangered Species Act in 2011. This publication provides baseline data for future assessments of whitebark pine population health and will inform management and listing decisions for whitebark pine.

Forests

Precision mapping of snail habitat provides a powerful indicator of human schistosomiasis transmission

While freshwater snail control has been identified as a strategy in preventing schistosomiasis transmission in Senegalese villages, identifying target locations for snail control is a challenge. Snail abundance or infection rates in a particular area often do not

PNAS

correlate with human infection burden. This study used intensive, randomized snail surveys to examine why snail abundance might not correlate with infection and to identify more effective predictors of disease transmission.

Contaminant Concentrations in Sediments, Aquatic Invertebrates, and Fish in Proximity to Rail Tracks Used for Coal Transport in the Pacific Northwest (U.S.A.): A Baseline Assessment

In preparation for increased coal transport by rail through the Columbia River Gorge National Scenic Area, the USGS has released a baseline assessment of coal-related contamination along active rail lines in the area. The assessment describes the current distributions, levels and spatial patterns of coal-related contaminants found in nearby habitats and organisms. If coal transport by rail increases in the future, this assessment will be available to evaluate changes in contaminant levels.

Archives of Environmental Contamination and Toxicology

Golden Eagle perch site use in the U.S. southern plains: reducing mortality risk uncertainty.

Electrocution on overhead electric systems is a primary cause of anthropogenic mortality for Golden Eagles in North America. Distribution poles supporting energized equipment are most often involved in electrocutions. This study assessed the frequency with which Golden Eagles perch on equipment poles to inform mitigation and management practices.

Journal of Raptor Research

Reconstruction of an early Permian, sub-lacustrine magmatic-hydrothermal system: Mt Carlton epithermal Au-Ag-Cu deposit, northeastern Australia

This publication reports a stable isotope study of the Mt Carlton deposit of gold, silver, and copper, which is located in northeastern Australia. This deposit is epithermal-type but is unusual in that it was formed by hydrothermal activity beneath a lake. The ores consist of structurally-lower gold-copper mineralization within breccia and structurally-higher silver-barite mineralization within volcano-sedimentary rocks.

Economic Geology

Use of subsistence-harvested whale carcasses by polar bears in the southern Beaufort Sea

As a consequence of decreasing sea ice coverage, monitoring efforts along the coast of northern Alaska indicate a higher proportion of polar bears of the southern Beaufort

Arctic

	<p>Sea subpopulation come onshore and feed at subsistence-harvested bowhead whale carcasses during the fall and early winter seasons, creating the potential for human-bear interactions. This study describes patterns of use (abundance and fidelity) of land-based remains of subsistence-harvested bowhead whales by polar bears.</p>	
<p><i>A shallow rift basin segmented in space and time: the southern San Luis Basin, Rio Grande rift, northern New Mexico, U.S.A</i></p>	<p>The manuscript presents 3D geophysical modeling of the southern San Luis Basin and implications of the results for basin evolution. The manuscript results from NCGMP-supported research, Cenozoic Landscape Evolution of the Southern Rocky Mountains, which studies the evolution of Rio Grande rift basins in New Mexico, Colorado, and southern Wyoming.</p>	<p>Rocky Mountain Geology</p>
<p><i>Winter climate change and the poleward range expansion of a tropical invasive tree (Brazilian pepper - <i>Shinus terebinthifolius</i>)</i></p>	<p>Winter climate change is expected to allow tropical species to expand poleward in response to a decrease in the intensity and duration of winter temperature extremes (i.e., freeze events). In the southeastern U.S., freezing temperatures control the northern range limits of many invasive non-native species. Researchers examined the influence of freezing temperatures and winter climate change on the northern range limits of an invasive non-native tree, <i>Schinus terebinthifolius</i> (Brazilian pepper).</p>	<p>Global Change Biology</p>
<p><i>Projected urban growth in the Southeastern USA puts small streams at risk</i></p>	<p>The study finds that current levels of urbanization in the Southeast, primarily in the Atlanta, Charlotte, Raleigh/Durham, and the Virginia suburbs of Washington, D.C., have already contributed to substantial losses of such species. The study findings and associated ecological models provide information and forecasts for cities and states that can guide strategies to lessen the adverse effects of current and projected urban development.</p>	<p>PLOS One</p>
<p><i>Pre-Fire Vegetation Drives Post-Fire Outcomes in Sagebrush</i></p>	<p>Researchers studied vegetation cover data from Landsat images and field surveys from 1979 to</p>	<p>Ecosphere</p>

***Ecosystems: Evidence from Field
and Remote Sensing Data***

2016 to investigate how historical changes to community composition influence contemporary responses of vegetation to fire in sagebrush ecosystems in the Great Basin. This study offers a strategy to integrate field plot data with remote sensing data to provide an insight into patterns and drivers of vegetation change to develop effective management and restoration strategies.

From: [Trott, Matthew](#)
To: [Melissa Beaumont](#); [Charisa Morris](#)
Subject: 1030 final weekly
Date: Friday, November 1, 2019 12:31:01 PM
Attachments: [FWS Weekly 103019 final.docx](#)

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FWS Weekly 103019

Week Ahead Schedule of Meetings, Hearings, and Travel

Rob Wallace: November 4-7 in the office; November 8 on personal travel

John Tanner: November 4-8 in the office

Aurelia Skipwith: November 4-7 in the office; November 8 on annual leave

Ryan Hambleton: November 4-7 in the office; November 8 on annual leave

Katie Mills: November 4-8 in the office

FWS Principal Deputy Director, Margaret Everson will attend the National Fish and Wildlife Foundation (NFWF) Board meeting in Washington, DC all day on November 4 and until 12 noon on November 5. She will be in the office on November 6. She will be in Minneapolis, MN, November 7 - 9 for meetings with Congressman Collin Peterson and Stakeholders on Easements.

FWS Deputy Director, Steve Guertin will be in the office November 4 - 7 and on leave on November 8.

FWS Deputy Director, Bryan Arroyo will in the office November 4 - 8.

Immediate Announcements and Actions For the Next Week (November 3-10)

U.S. Fish and Wildlife Service

Around November 5, FWS plans to release to the public the draft Programmatic Environmental Assessment (PEA) for the use of genetically engineered crops in refuge agriculture practices for natural resource management on national wildlife refuges in the Southeast. The draft PEA has gone through internal review and comment. All edits received to date have been addressed in the document. The next step in the development process for the draft document is public review and comment. Outreach includes a regional news release. (Updated 10/30/2019)

On or about November 6, FWS plans to submit to the *Federal Register* an announcement of the availability of comprehensively revised boundaries for Coastal Barrier Resources System (CBRS) units in Okaloosa and Walton counties, Florida, and Beaufort and Charleston counties, South Carolina. The notice will announce a 60-day public comment period. Outreach will include a news bulletin; letters to Congress, federal, state, and local officials, and NGOs; and a stakeholder outreach toolkit available to local officials. (Updated 10/30/2019)

On or before November 7, FWS will begin implementation of the National Bison Range final Comprehensive Conservation Plan. Outreach will include a regional news release and congressional and stakeholder notifications. (10/30/2019)

On November 8, FWS, U.S. Army Corps of Engineers, Kentucky Department of Fish and Wildlife Resources, and Tennessee Wildlife Resources Agency will host a ceremony at Barkley Lock and Dam in Grand Rivers, Kentucky, to announce the deployment of a bio-acoustic fish fence. The goal of the bio-acoustic fish fence is to reduce the use of the lock by Asian carp. Senator Mitch McConnell (R-KY) and Representative James Comer (R-KY-1) are confirmed to attend the event and are expected to announce efforts to secure additional federal funding (\$25 million in total) for Asian carp control. (10/23/2019)

8-30 Day Outlook (November 10-December 10)

U.S. Fish and Wildlife Service

NEW ITEMS

Around November 15, FWS plans to publish in the Federal Register a notice on rulemaking for cormorant management and one announcing plans to increase the annual maximum allowable take of double-crested cormorants through individual depredation permits. Outreach is planned. (10/30/2019)

Around November 29, FWS and NOAA Fisheries plan to submit to DOI and DOC a draft outline of the ESA consultation handbook for policy level review. (10/30/2019)

UPDATED ITEMS

By November 15, FWS will announce state and tribal capacity grants for responding to white-nose syndrome. Approximately \$1.2 million is expected to be awarded. FWS is waiting for all of the states to confirm acceptance of the grants before making a final announcement. Outreach to states is planned, but FWS is not planning a national news release. (Updated 10/30/2019)

Around November 30, FWS plans to publish in the Federal Register a proposed rule to revise and streamline FWS regulations for permitting of rights-of-way by aligning FWS processes more closely with those of other DOI bureaus. Outreach will include congressional notifications. (Updated 10/30/2019)

FWS plans to publish a proposed rule to allow the baiting of brown bears on Kenai NWR, which is permitted under Alaska state hunting regulations, along with other changes. This proposed rule would be available for a 60-day public comment period and is likely to be strongly opposed by those who believe that baiting of wildlife for hunting is unethical and those who oppose hunting generally (particularly of large predatory mammals). FWS plans to notify stakeholders and congressional offices directly by email and issue a news release to Alaska media announcing the proposed rule and public comment period. FWS is still addressing comments from the Department on the proposed Kenai rule. Once comments have been resolved, FWS will be able to provide a date for release. (Updated 10/30/2019)

ONGOING ITEMS

During the week of November 18, FWS plans to make available to the public the opportunity to submit a limited number of Convention on International Trade in Endangered Species (CITES) and all Migratory Birds permit applications online, including electronic payment of permit fees through the pay.gov website. A news release is planned. (Updated 10/23/2019)

On November 20, FWS will host a meeting of the Hunting and Shooting Sports Conservation Council. The notice in the *Federal Register* is pending. (10/23/2019)

By November 30, FWS will post a draft environmental assessment online for a 30-day public comment period for the possible issuance of a five bald eagle incidental take permit to the Pleasant Valley/Grand Meadow wind facility in Minnesota. The proposed permit allows for the take of six eagles over a five-year period. Stakeholders will be notified immediately of the availability of the assessment when it is posted online. If-asked talking points will be available. (10/23/2019)

By November 30, FWS will post a draft environmental assessment online for a 30-day public comment period for the possible issuance of a bald eagle incidental take permit to the Black Oak/Getty wind facility in Minnesota. The proposed permit allows for the take of 36 eagles (up to six every five years) over a 30-year period. Stakeholders will be notified immediately of the availability of the assessment when it is posted online. If-asked talking points will be available. (09/18/2019)

In November, FWS will hold an open press ceremony to announce the establishment of Green River NWR in Henderson, Kentucky. DOI Secretary Bernhardt and Senator McConnell (R-KY) are invited to participate. (Updated 10/16/2019)

In November, FWS, in cooperation with DOI SOL, intends to issue an updated legal memorandum to replace a 1994 legal interpretation regarding the Coastal Barrier Resources Act (CBRA), and how FWS engages in CBRA specific consultation with other agencies. Consultation under CBRA is unrelated to consultation required by the Endangered Species Act. (10/23/2019)

A proposed change to the implementing regulations for the Migratory Bird Treaty Act (MBTA) has been developed. The rule: 1) defines the scope of the MBTA as it applies to conduct resulting in the injury or death of protected migratory birds consistent with the Department Solicitor's Opinion M-37050 and 2) reduces permitting burdens by modifying existing permit exceptions and proposing new ones. FWS and SOL are responding to interagency comments. Responses to the comments will go back to OMB. The proposed rule can be published in the *Federal Register* after it clears OMB-OIRA and any comments received are resolved. (Updated 10/02/2019)

Endangered Species Act Actions through November 29:

Species	Action	Current Status	Target Date to FR (dates in bold are litigation deadline)	Outreach
Nashville crayfish	Proposed Delisting	Pending Exec-Sec clearance	As soon as it clears	Regional release
June sucker	Proposed Downlisting	Pending Exec-Sec clearance	As soon as it clears	Regional release
Colorado butterfly plant	Final Delisting	Pending Exec-Sec clearance	FR publication to be timed to delisting event	Regional release
Sierra Nevada red fox	Proposed Listing	Pending FWP clearance	As soon as it clears	Regional release
Hermes copper butterfly	Proposed Listing and Critical Habitat	Pending FWP clearance	As soon as it clears	Regional release
Yellow lance mussel	Proposed Critical Habitat	Pending FWP clearance	As soon as it clears	Regional release
Humpback chub	Proposed Downlisting	Pending FWP clearance	As soon as it clears	Regional release

Hawaiian goose (nene)	Final Downlisting with a 4(d) Rule	Pending FWP clearance	As soon as it clears	Regional release
Bradshaw's lomatum	Proposed Delisting	Pending FWP clearance	November 4	Regional release
California spotted owl	12-Month Finding	Pending FWP clearance	November 4	Regional release
Hawaiian hawk	Final Delisting	Pending FWP clearance	November 5	Regional release
Yellow-billed cuckoo	Revised Proposed Critical Habitat	Pending FWP clearance	November 5	Regional release
Western Glacier Stonefly and Meltwater Lednian Stonefly	Final Listing	Pending FWP clearance	November 15	Regional release
All	FY2017 Expenditures Report to Congress	Pending FWS Director clearance	As soon as it clears	National release
Yangtze sturgeon	Final Listing	Pending FWS Director clearance	As soon as it clears	National release

Chapin mesa milkvetch	Proposed Listing and Critical Habitat	Pending FWS Director clearance	As soon as it clears	Regional release
Eastern black rail	Final Listing with a 4(d) Rule	Pending FWS Director clearance	As soon as it clears	Regional release
Kanab ambersnail	Proposed Delisting	Pending FWS Director clearance	November 8	Regional release
Morro shoulderband snail	Proposed Downlisting	Pending FWS Director clearance	November 8	Regional release
Peppered chub	Proposed Listing and Critical Habitat	Pending FWS Director clearance	November 13	Regional release
Golden conure	Final Downlisting	Pending FWS Director clearance	November 18	National release
Wright's Marsh Thistle	Proposed Listing and Critical Habitat	Pending FWS Director clearance	November 20	Regional release
Bethany beach firefly and Gulf Coast solitary bee	Batched 90-day Findings	Pending FWS Director clearance	November 22	National release
Suwannee moccasinshell	Proposed Critical Habitat	Under Review With AES	November 20	Regional release

2 Sky Island Plants (beardless chinchweed, Bartram's stonecrop)	Proposed Listing and Critical Habitat	Under Review With AES	November 29	Regional release
Texas hornshell	Proposed Critical Habitat	Pending FWP clearance	As soon as it clears	Regional release
All	2016 Recovery Report to Congress	Pending FWP clearance	As soon as it clears	No release

31-60 Day Outlook (December 11-early January)

U.S. Fish and Wildlife Service

NEW ITEMS

Around December 15, FWS and NOAA Fisheries plan to submit to DOI and DOC for clearance, to submit to OMB, draft proposed revisions to the Endangered Species Act involving regulations governing exclusion of specific areas from critical habitat designation and creation of a definition of "habitat". (10/30/2019)

By December 30, FWS will announce the availability of a draft recovery plan for the rusty patched bumble bee, a species listed as endangered in 2017. FWS will seek public comment on the draft plan, and will issue a regional news release. (10/30/2019)

UPDATED ITEMS

None to report.

ONGOING ITEMS

By December 30, *Frontiers* journal will have published five FWS papers in its special monarch conservation edition, North American Monarch Butterfly Ecology and Conservation. (Updated 10/16/2019)

From: [Boulton, Caroline](#)
To: [Aaron Thiele](#); [Alan Mikkelsen](#); [Alex Hinson](#); [Alexander Sterhan](#); [Amanda Hall](#); [Amanda Kaster](#); [Andrea Travnicek](#); [Andrew Patterson](#); [Aubrey Bettencourt](#); [Aurelia Skipwith](#); [Bivan Patnaik](#); [Brandon Middleton](#); [Brenda Burman](#); [Cally Younger](#); [Cara Lee Macdonald](#); [Casey Hammond](#); [Casey Stemler](#); [Catherine Gulac](#); [Christian Palich](#); [Christopher Prandoni](#); [Daniel Jorjani](#); [Douglas Domenech](#); [Edward Keable](#); [Elinor Werner](#); [Elizabeth Appel](#); [Eva Cline](#); [George Triebsch](#); [Gregg Renkes](#); [Hannah Cooke](#); [Hubbel Relat](#); [James Cason](#); [James Reilly](#); [James Schindler](#); [Jamie Burley](#); [Jeffrey Small](#); [John Bockmier](#); [John Tahsuda](#); [John Tanner](#); [Judith Lavoie](#); [Justin Abernathy](#); [Karen Budd-Falen](#); [Katharine Macgregor](#); [Katherine White](#); [Kathleen Benedetto](#); [Katie Mills](#); [Kerry Rae](#); [Kiel Weaver](#); [Kimberly Edwards](#); [Kyle Scherer](#); [Lacey Smethers](#); [Lanny Erdos](#); [Leila Getto](#); [Lisa Pelstring](#); [Lori Mashburn](#); [Marc Marie](#); [Margaret Triebsch](#); [Mariagrazia Caminiti](#); [Mark Cruz](#); [Marshall Critchfield](#); [Matthew Dermody](#); [Matthew Flynn](#); [Maureen Foster](#); [Maximos Nikitas](#); [Melissa Beaumont](#); [Melissa Brown](#); [Michael Freeman](#); [Nicholas Davis](#); [Nicholas Goodwin](#); [Nikolao Pula](#); [Omero Martinez](#); [OS Thomas Baptiste](#); [Pamela Williams](#); [Paul \(Dan\) Smith](#); [Preston Heard](#); [Raquel Martinez-Niles](#); [Reggie Rogers](#); [Reid Dagul](#); [Richard Cardinale](#); [Richard Myers](#); [Rick May](#); [Ronald Klawitter](#); [Russell Newell](#); [Ryan Hambleton](#); [Ryan Nichols](#); [Samantha Hebert](#); [Sarah Jorgenson](#); [Sarah Spaulding](#); [Scott Angelle](#); [Scott Cameron](#); [Shandria Dixon](#); [Shelby Hagenauer](#); [Skyler Zunk](#); [Stephen Wackowski](#); [Susan Combs](#); [Tanya Joshua](#); [Tara Sweeney](#); [Taylor Playforth](#); [Timothy Petty](#); [Timothy Williams](#); [Todd Willens](#); [Tracy Goodluck](#); [Wendy Fink](#); [William Dove](#); [William King](#); [William Pendley](#); [Zachariah Gambill](#)
Subject: Weekly Report to the Secretary November 10-16
Date: Friday, November 8, 2019 4:58:07 PM
Attachments: [Weekly Report to the Secretary November 10-16.docx](#)

All,

Attached is the Weekly Report to the Secretary. Please let me know if you have any questions.

Best,
Caroline

--

Caroline Boulton
Special Assistant to the Secretary
Immediate Office of the Secretary
U.S. Department of the Interior
202.208.5403

**WEEKLY REPORT TO THE SECRETARY
DEPARTMENT OF THE INTERIOR
NOVEMBER 10-NOVEMBER 16, 2019**

OFFICE OF THE SECRETARY

Todd Willens will be in the office.
Samantha Hebert will be in the office.
Gregg Renkes will be in the office.
Chris Prandoni will be on travel all week.
Rick May will be in the office.
Lori Mashburn will be in the office.
Alan Mikkelsen will be on travel all week.
John Tahsuda will be on travel November 12-13 and in the office the rest of the week.
John Bockmier will be in the office.

OFFICE OF THE DEPUTY SECRETARY

Week Ahead Schedule of Meetings, Hearings, and Travel

Katharine MacGregor will be in the office.
James Cason will be in the office.
Kiel Weaver will be on leave November 15 and is in the office the rest of the week.

OFFICE OF THE EXEC SECRETARIAT AND REGULATORY AFFAIRS

Schedule of Meetings, Hearings, and Travel

Richard Cardinale will be on leave November 15 and in the office the rest of the week.
Justin Abernathy will be in the office.
Margaret Triebsch will be in the office.
Bivan Patnaik will be in the office.
Jamie Burley will be in the office.
Tony Irish will be in the office.
Preston Heard will be in the office.

Priority Final Rules

National Park Service (NPS) Final Rule, “Alaska; Hunting and Trapping in National Preserves” (RIN 1024-AE38) - The NPS is finalizing its regulations for sport hunting and trapping in national preserves in Alaska. This rule removes a regulatory provision issued by NPS in 2015 that prohibited certain sport hunting practices that are otherwise permitted by the State of Alaska. The Office of Management and Budget (OMB) concluded its Executive

Order (E.O.) 12866 interagency review for the rule on October 18, 2019. The final rule is currently in review by Senior Leadership.

Bureau of Ocean Energy Management (BOEM) Final Rule, “Air Quality Control, Reporting, and Compliance” (RIN 1010-AE02) - The BOEM proposes to amend its regulations implementing section 5(a)(8) of the Outer Continental Shelf Lands Act (OCSLA), which requires the Secretary of the Interior to promulgate regulations “for compliance with the national ambient air quality standards pursuant to the Clean Air Act (42 U.S.C. 7401 *et seq.*), to the extent that activities authorized under [the OCSLA] significantly affect the air quality of any State.” On June 27, 2019, July 2, 2019, and July 18, 2019, OMB provided the Department with interagency comments from the Environmental Protection Agency, the Executive Office of the President, and Small Business Administration, respectively on various parts of the final rule. On August 26, 2019, BOEM submitted draft responses to the interagency comments and revised final rule documents for Departmental review and approval.

Priority Proposed Rules

Fish and Wildlife Service (FWS) Proposed Rule, “Migratory Bird Permits; Regulations Governing Take of Migratory Birds,” (RIN 1018-BC76) - The FWS proposes two regulatory changes under the Migratory Bird Treaty Act (MBTA). The first change would adopt regulatory text that defines the scope of the MBTA as it applies to conduct resulting in the injury or death of migratory birds protected by the Act. This proposed regulatory change is consistent with the Solicitor’s Opinion (“M-Opinion”), which states that the MBTA’s prohibitions on pursuing, hunting, taking, capturing, killing, or attempting to do the same, apply only to affirmative actions that have the purpose of taking or killing of migratory birds, their nests, or their eggs. The second proposed regulatory change would amend the requirements relating to general exceptions to the permit requirements of the MBTA. The OMB initiated an E.O. 12866 interagency review process for the proposed regulatory changes on July 1, 2019. On July 26, 2019, The Department of Justice and the U.S. Trade Representative submitted comments on the proposed rule. In October 2019, FWS decided to split the proposed rule into two rules—the first rule will simplify codify the M-Opinion and the second rule will amend the general exceptions to the permit requirements of the MBTA. The FWS continues to prepare responses to interagency comments received from OMB as well as complete the two proposed rules.

BLM Proposed Rule, “Revisions to the Oil and Gas Site Security, Oil Measurement, and Gas Measurement Regulations” (RIN 1004-AE59) - The BLM proposes to amend its regulations for oil and gas site security and oil and gas measurement in order to reduce unnecessary regulatory burdens while still ensuring secure handling, accurate measurement, and accurate royalty payments for oil and natural gas produced from Federal and Indian leases. On August 14, 2019, OMB initiated the E.O. 12866 interagency review process, and on September 27, OMB provided the Department/BLM with interagency review comments. On October 15, 2019, OMB held a conference call with BLM and the Department to provide further details regarding a few of the interagency comments submitted to the BLM and the Department. On October 24, BLM submitted draft responses to interagency comments and revised proposed rule documents for Departmental review.

Interagency Reviews Under E.O. 12866

Final Rules

Department of Energy: Final Rule, “Critical Electric Infrastructure Information; New Administrative Procedures” (RIN 1901-AB44). Comments are due to OMB on November 15, 2019.

Interim Final Rules

Director of National Intelligence: Security Executive Agent Directive, “Use of Polygraph in Support of Personnel Security Determinations for Eligibility for Access to Classified Information” (RIN N/A). Comments are due to OMB on November 12, 2019.

U.S. Department of Agriculture: Interim Rule, “Regional Conservation Partnership Program (RCPP)” (RIN 0578-AA70). Comments are due to OMB on November 15, 2019; the Bureau of Indian Affairs provided editorial suggestions.

Proposed Rules

Department of Transportation: Proposed Rule, “Pipeline Safety: Gas Pipeline Regulatory Reform” (RIN 2137-AF36). Comments are due to OMB by November 8, 2019.

Environmental Protection Agency: Proposed Rule, “Financial Responsibility Requirements Under CERCLA Section 108(b) for Facilities in the Petroleum and Coal Products Manufacturing Industry” (RIN 2050-AH06). Comments are due to OMB on November 12, 2019.

Environmental Protection Agency: Proposed Rule, “Financial Responsibility Requirements Under CERCLA Section 108(b) for Facilities in the Chemical Manufacturing Industry” (RIN 2050-AH05). Comments are due to OMB on November 18, 2019.

Guidance Documents

U.S. Department of Agriculture: Guidance Document, “Forest Service Manual 2719: Special Uses Authorizations Involving Storage of Explosives and Magazine Security” (RIN N/A). Comments are due to OMB on November 13, 2019.

Department of Health and Human Services: Guidance Document, “Substance Abuse and Mental Health Services Administration Mandatory Guidelines for Federal Workplace Drug Testing Programs” (RIN N/A). Comments are due to OMB on November 21, 2019.

Secretarial Correspondence

The Secretarial Correspondence Unit (SCU) is processing packages on the following topics:

1. Federal agency obligations under Section 106 of the National Historic Preservation Act. The package is currently under review by the Chief of Staff (EST-00013216PH).

2. Gila River Indian Community Water Code. The Chief of Staff reviewed the package and directed its return to SOL for the development and inclusion of a communications plan. On November 5, 2019, SOL submitted the communications plan; the package is currently under review by the Chief of Staff (EST-00014194JA).
3. Letter to OMB regarding the Federal Lands Recreation Enhancement Act (FLREA) obligated fees. The package is currently under review by the Chief of Staff (EST-00014435JA).
4. Designation of 14 National Recreation Trails. The package is currently under review by the Acting Deputy Secretary (EST-00014021AMG).
5. Interagency Memorandum of Agreement for the Indian Employment, Training, and Related Services Demonstration Act of 1992 (P.L. 102-477). The package is currently under review by the Acting Deputy Secretary (EST-00014498SW).
6. Navajo Nation's Diné School Accountability Plan. The Acting Deputy Secretary reviewed the package and returned to the Bureau of Indian Education (BIE) with questions. BIE resubmitted the package to the SCU on Nov. 4, 2019, which is currently under review by the Acting Deputy Secretary (EST-00013326SW).
7. Response to the Outer Continental Shelf Governors Coalition. The package is under review by the Acting Deputy Secretary (EST00013663JA).
8. Letter regarding the fireworks display at Mt. Rushmore for the Fourth of July in 2020. The package is currently under review by the Acting Deputy Secretary (EST-00012986AMG).
9. Secretarial memoranda updating the procedures regarding the Department's review of documents prepared pursuant to NEPA. The memoranda are currently under review by SOL (EST-00013193PH and EST-00013551PH).
10. Letter regarding constituent interest in wild horses in the American west. The package is currently under review by the OES Director (EST-00014417JA).
11. The SCU is drafting a letter regarding the unveiling of Senator Ted Stevens' portrait at the U.S. Capitol. (EST-00014471JA).
12. Fifth Triennial Federal Lands Recreation Enhancement Act. The SCU is awaiting additional information from the Office of Congressional and Legislative Affairs and NPS (EST-00011033ARG).

Congressional Oversight Document Production

The DMU is processing the first production of documents in response to the August 19, 2019, request from Chairman Grijalva, House Committee on Natural Resources, for documents and information regarding the biological options for water deliveries from the Central Valley Project.

The DMU is processing the third production of documents in response to the February 26, 2019, request from Chairman Grijalva, House Committee on Natural Resources, for documents and information related to implementation of Bureau and Safety and Environmental Enforcement's (BSEE) regulations.

The DMU is processing the third production of documents in response to the March 13, 2019, request from Chairman Grijalva, House Committee on Natural Resources, for documents and information regarding the implementation of the Freedom of Information Act (FOIA).

Committee Management

Federal Advisory Committee Meetings:

Advisory Board for Exceptional Children is scheduled to meet on November 13-15, 2019, in Albuquerque, NM.

Hunting and Shooting Sports Conservation Council is scheduled to meet on November 20, 2019, in the Main Interior Building.

OFFICE OF COMMUNICATIONS

Nick Goodwin will be in the office all week.
Theresa Eisenman will be in the office all week.
Carol Danko will be in the office all week.
Alex Hinson's last day will be Tuesday.
Melissa Brown will be in the office all week.
Max Nikitas will be in the office all week.

In the Hopper [November is Native American Heritage Month]

- NPS 14 National Trail Designations
- NPS Carr Fire Report
- Infrastructure Op-ed - Washington Times (November)
- NHPA
- NPR-A IAP
- 1002 ROD
- OTR with Reporters and the Secretary [Being Scheduled]
- Employee Letter

Monday, November 11 [Veteran's Day]:

- Secretary Comms

- Veteran's Day Video [Social]
- Notable Comms:
 - **NPS:** Sequoia and Kings Canyon National Parks in partnership with The Colonel Charles Young Foundation will host a public event in Three Rivers, CA commemorating a California highway dedication and sign unveiling in honor of Col. Charles Young. Col. Young is recognized as the national park superintendent and the highest ranking Army officer during his time of service as a Buffalo Soldier. Speakers confirmed include Sequoia and Kings Canyon National Parks Superintendent Woody Smeck, Park Ranger Shelton Johnson, Former NPS Director Jon Jarvis, Charles Young Buffalo Soldiers National Monument Superintendent Joy Kinard, and Renotta Young from the family foundation. Local representatives of the California state legislature are also invited. There will be informational booths and activities for visitors prior to the ceremony, including Buffalo Soldier reenactments.
 - **NPS:** Vicksburg National Military Park, along with the State of Mississippi and the Friends of Vicksburg National Military Park and Campaign, will re-dedicate the Mississippi State Monument. The re-dedication of the 110-year old monument comes after a successful restoration led by the NPS' Historic Preservation Training Center that was funded through a donation from the State of Mississippi. The Governor, state legislators, and U.S. Senators will be invited. Regional interest is expected to be high.

Tuesday, November 12:

- Secretary Comms:
 - Secretary Bernhardt to attend Kuwait's Embassy in Washington annual gala dinner honoring Secretary Pompeo [Closed Press]
- DOI Comms:
 - **DOI/NPS:** AK Hunt Rule Roll Out (AK Regional)
- Notable Comms:
 - **BOR:** Commissioner Burman will be hosting the US Army Corps of Engineers senior leadership for a quarterly meeting on topics and initiatives of mutual interest and involvement. [Comms TBD]
 - **BLM NV:** Oil and gas lease sale offering 118 parcels covering 247,866 acres.

Wednesday, November 13:

- Secretary Comms:
 - Secretary Bernhardt to attend the Weyrich Lunch. [Remarks/Closed Press]
- Notable Comms:
 - **BOR:** Commissioner Burman will provide the keynote address to the 2nd Annual Southwest Energy Conference in Scottsdale, Arizona. She will be focusing on the role and value of Reclamation's hydropower to

the economy of the west and to the stability of the Western power grid. [Comms TBD]

- **BLM-AK:** State Director Chad Padgett plans to join federal and state interagency leaders at the Anchorage Alaska Public Lands Information Center (APLIC) for its \$1.6 million makeover ribbon-cutting ceremony. Three active (Anchorage, Fairbanks, and Juneau) and one currently inactive (Tok) APLICs were established by Section 1305 of the Alaska National Interest Lands Conservation Act and are supported administratively and financially through an interagency memorandum of understanding. Interagency members include the U.S. Fish & Wildlife Service, U.S. Geological Survey, National Park Service, U.S. Forest Service, and the Alaska Departments of Fish and Game; Natural Resources; Transportation and Public Facilities; and Commerce, Community and Economic Development. Local K-12 students will participate, and positive local media coverage is expected.

Thursday, November 14:

- DOI Comms
 - DOI Native Americans Heritage Month video release.
- Notable Comms:
 - **NPS:** Subaru, a National Park Foundation corporate sponsor, will launch its annual Share the Love Event cause marketing campaign to benefit NPF and other charities. Share the Love commercials will deploy in various broadcast and media channels, social media, and in movie theaters through January 2. NPF is working with the Office of Partnerships & Philanthropic Stewardship and the Office of Communications.
 - **BOEM:** Drs. William Brown and Rodney Cluck will represent BOEM and participate in the White House Ocean Science and Technology Summit. The Summit is focused on multi-sectoral investments and partnerships in ocean science and technology. Brown and Cluck sit on the OSTP Steering Committee, which is bringing together executive representatives from several federal agencies, private, public, academic and philanthropic sectors. The summit will take place at the White House Eisenhower Executive Office Building. OSTP has the lead for the event.

Friday, November 15:

- DOI Comms
 - DOI Native Americans Heritage Month video release.
- Notable Comms:
 - **BOR:** Commissioner Burman will be the keynote speaker at the Colorado River Energy Distributors Association Board Meeting in Tempe, AZ. [Comms TBD]

- **FWS:** FWS will send a proposed rule to the *Federal Register* seeking to make mandatory inclusion of a waterfowl hunting related accessory a permanent theme of the Duck Stamp Art Contest and to clarify the judging criteria. Outreach will include a national news release with Secretarial quote, targeted congressional and stakeholders' notifications.
- **BLM-MT/DK:** The Missoula Field Office (MFO) plans to complete the Middle Belmont Land Acquisition (MBLA) from The Nature Conservancy. MFO will acquire 7,268 acres for \$5,633,000 using Sportsman's Access funds from the Land and Water Conservation Fund. The MBLA implements part of the Belmont Land Acquisition Environmental Assessment. The Decision Record was signed Aug. 13. The lands are adjacent to BLM-managed lands within the Lower Blackfoot River-Belmont Creek area 25 miles northeast of Missoula. The acquisition would increase the amount of public lands available for recreational activities and maintain the working lands with active forestry, fire management, and grazing programs. The acquisition is not controversial and has strong local support. **[Pendley Quote of Support]**
- **BLM-AK:** Intends to publish a Notice of Availability (NOA) in the Federal Register for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP) draft environmental impact statement (EIS) to develop a new management strategy consistent with Secretarial Order 3352 that envisions clean and safe development in the NPR-A while avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth and prevent job creation. This plan will supersede the Feb. 21, 2013, NPR-A IAP/EIS Record of Decision and identify new management alternatives that include different combinations of land allocations, lease stipulations, and best management practices. BLM-AK is addressing Level 4 DOI Review Team comments from the Oct. 18 briefing. **[TENTATIVE/UNLIKELY]**
- **BLM-AK:** Plans to sign the Record of Decision (ROD) for the Coastal Plain Oil & Gas Leasing Program. The ROD authorizes a leasing program in the Coastal Plain of the Arctic National Wildlife Refuge in accordance with the 2017 Tax Cuts and Jobs Act. The first lease sale will offer at least 400,000 acres of high-potential hydrocarbon lands. **[TENTATIVE/UNLIKELY]**
- **NPS:** The ambassador and staff from the Embassy of Finland, along with representatives from up to 27 other European Union embassies, will volunteer to plant trees in Montrose Park, part of Rock Creek Park, in Washington, D.C. Volunteer efforts are being coordinated with the National Park Service, Casey Trees, and the Friends of Montrose Park. This tree planting is part of the Montrose Park cultural landscape restoration project. The Embassy of Finland is promoting this event to highlight Finland's presidency of the Council of the

European Union, to promote environmental stewardship, and to celebrate a century of diplomatic relations between Finland and the United States. International press is likely to attend.

OFFICE OF CONGRESSIONAL AND LEGISLATIVE AFFAIRS

Cole Rojewski will be in the office.

Aaron Thiele will be in the office.

Taylor Playforth will be in the office.

Amanda Hall will be in the office.

Hubbel Relat will be in the office.

1. **KATHARINE MACGREGOR, NOMINEE FOR DEPUTY SECRETARY OF THE INTERIOR:** On October 15, 2019, the White House announced the Nomination of Ms. MacGregor to be Deputy Secretary of the Department of the Interior. Senate Committee on Energy and Natural Resources held a hearing Tuesday, November 5. The Department is working with the Committee on questions for the record and to schedule a business meeting.
Timing: Ongoing until confirmation
Contact: Cole Rojewski
2. **SEQUOYAH SIMERMAYER, NOMINEE FOR CHAIRMAN OF THE NATIONAL INDIAN GAMING COMMISSION:** On June 25, 2019, the White House announced the Intent to Nominate Mr. Simermeyer to be Chairman of the National Indian Gaming Commission. Mr. Simermeyer was reported out of committee by voice vote. DOI is working with Senate leadership to schedule a vote on the confirmation.
Timing: Ongoing until confirmation
Contact: Cole Rojewski
3. **AURELIA SKIPWITH, NOMINEE FOR DIRECTOR OF THE FISH AND WILDLIFE SERVICE:** On July 17, 2019, the White House announced the Nomination of Ms. Skipwith to be Director of the Fish and Wildlife Service. EPW voted on her nomination September 25 and she passed with an 11-10 party line vote. DOI will work with Senate leadership to schedule a vote on the confirmation.
Timing: Ongoing until confirmation
Contact: Cole Rojewski
4. **LANNY ERDOS, NOMINEE FOR DIRECTOR OF THE OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT:** On October 31, 2019, the White House announced the nomination Mr. Lanny Erdos to serve as the Director of the Office of Surface Mining Reclamation and Enforcement (OSMRE). DOI will work with Senate Energy and Natural Resources on completing paperwork and scheduling a hearing.
Timing: Ongoing until confirmation

Contact: Cole Rojewski

5. UPCOMING SENATE ENERGY AND NATURAL RESOURCES HEARINGS:

The Department of the Interior will be participating in the following Senate Energy and Natural Resources hearings:

- **Full committee legislative hearing on “S. 2108 Small County PILT Parity Act; S. 430 A bill to extend the Secure Rural Schools and Community Self Determination Act of 2000; S. 1643 Forest Management for Stability Act.”.**
Witness TBD.
Timing: November 12, 2019 at 10:00 AM
Contact: Taylor Playforth

6. UPCOMING HOUSE NATURAL RESOURCES HEARINGS: The Department of the Interior will be participating in the following House Natural Resources hearings:

- **Subcommittee for Indigenous Peoples of the United States legislative hearing on “H.R. 4957 (Rep. Ruben Gallego), To amend the Indian Child Protection and Family Violence Prevention Act”.** Witness is Spike Bighorn, Acting Deputy Bureau Director, Office of Indian Services, BIA.
Timing: November 13, 2019 at 10:00 AM
Contact: Aaron Thiele
- **Subcommittee on Energy and Mineral Resources legislative hearing on “H.R. 4248 (Rep. Matt Cartwright), Surface Mining Control and REclamation Act Amendments of 2019.”** Statement for the Record will be submitted.
Timing: November 14, 2019 at 10:00 AM
Contact: Taylor Playforth
- **Subcommittee for Indigenous Peoples of the United States oversight hearing on: “Reviewing the Broken Promises Report: Examining the Chronic Federal Funding Shortfalls for Native Americans.”** Witness is Jason Friehege, Deputy Assistant Secretary, Management, Indian Affairs.
Timing: November 19, 2019 at 2:00pm
Contact: Aaron Thiele
- **Subcommittee on National Parks, Forests, and Public Lands legislation hearing on “H.R. 1702 (Rep. Steube R-FL-17), ‘Free Veterans from Fees Act’; H.R. 2317 (Rep. Norcross D-NJ-01), ‘Peter J. McGuire Labor Day Landmark Act’; H.R. 3094 (Rep. Soto D-FL-09), ‘To designate the National Pulse Memorial located at 1912 South Orange Avenue, Orlando, Florida, 32806, and for other purposes’; H.R. 3349 (Rep. Doggett D-TX-35), ‘Republic of Texas Legation Memorial Act’; H.R. 3465 (Rep. Napolitano D-CA-32), ‘Fallen Journalists Memorial Act of 2019’; H.R. (Rep. Norton D-DC), ‘Women Who Worked on the Home Front Commemorative Work Act.’** Witness is David Vela, Deputy Director, National Park Service.

Timing: December 4, 2019, 10:00am

Contact: Amanda Hall

OFFICE OF INTERGOVERNMENTAL AND EXTERNAL AFFAIRS

Tim Williams will be on leave November 12-13 and in the office the rest of the week.

Jeff Small will be in the office all week.

Marshall Critchfield will be in the office all week.

Sarah Spaulding will be in the office all week.

Lacey Smethers will be in the office all week.

Immediate Announcements and Actions (within the next 14 days)

OIEA is working with WH Liaison to plan an event highlighting the importance of the Federal Duck Stamp to conservation. Marshall Critchfield

The Hunting and Sport Shooting Conservation Council (HSSCC) is meeting on November 20th at MIB. OIEA will work with FWS DFO to ensure IOS Participation. Marshall Critchfield

Plans are being developed for a departmental eBikes plan rollout event in Florida for early December. Marshall Critchfield

OIEA is working with UT Governor's office regarding an issue with Flint Trail in Glen Canyon National Recreation Area. Tim Williams

OIEA is working with Communications on the Alaska Hunt-Fish Rule rollout. Jeff Small

OIEA is assisting PMB with the outreach plan for the John Dingell Act invasive species strategic plan implementation. Listening session calls planned for Nov. 4-19. Sarah Spaulding

OIEA is working with the Wyoming Governor's office to schedule a meeting with the Secretary. Jeff Small

OIEA is working with the La Paz County Supervisors in Arizona on an issue with a local USFWS Refuge. Jeff Small

OIEA worked with the Kansas Governor's office to schedule a meeting with the Secretary on November 14. Sarah Spaulding

SECRETARY'S INDIAN WATER RIGHTS OFFICE

Alan Mikkelsen will be on travel November 12-15.

Pam Williams will be in the office all week.
Tracy Goodluck will be on leave all week.

ONGOING ITEMS

SIWRO and OCL were contacted by SCIA staff on possible amendments to S. 1277, the Hualapai Water Rights Settlement Act of 2019. We reiterated the Administration's opposition to the bill but were informed that there is a push to move the legislation this congressional session.

Office of the Secretary (OS) Freedom of Information Act (FOIA)

Status of OS FOIA Requests

- New Requests: 32
- Closed Requests: 13
- Completed Requests: 4
- Open Requests: 1,862
- Requests in Backlog: 1,773

Litigation Matters - Awareness Review and Document Production Schedules

1:18-cv-01764/ OS-2018-00616 (Western Values Project): This is a court-ordered production for 500 pages processed per month. Records contain the keywords "Westmoreland," "Rosebud," and "Colstrip" in communications to certain Department political appointees. Records were sent for awareness review on November 5, 2019. The document production is due on November 15, 2019 [JA].

National Monuments FOIA Requests (multiple requesters and cases): These are court-ordered productions for at least 3,000 pages to be processed per month. Records relate to the Department's review of the national monuments. Records were sent for awareness review on November 6, 2019. The document production is due on November 15, 2019 [RM].

1:19-cv-0690/OS-2019-00103 & OS-2019-00253 & OS-2019-00255 & OS-2019-00256 & OS-2019-00257 (American Oversight): This is a joint status agreement production for 1,000 pages processed per month. Records concern David Bernhardt and his former client communications, travel/security costs, congressional communications, ethics waivers/authorizations, and staff communications. Records will be sent for awareness review on November 12, 2019. The document production is due on November 15, 2019 [JD].

1:19-cv-01685/OS-2019-00717 & OS-2019-00718 & OS-2019-00720 & OS-2019-00751 (Energy Policy Advocates): This is a court-ordered production for an unspecified number of pages processed per month. Records concern Julie Lillie e-mail communications and Congressional Committee Requests since March 1, 2019. Records will be sent for awareness review on November 12, 2019. The document production is due on November 15, 2019 [JD].

1:18-cv-2336/OS-2018-001368 (Western Values Project): This is a joint status agreement production for at least 500 pages to be processed per month. Records are related to Heather Swift's emails with certain keywords. Records will be sent for awareness review on November 12, 2019. The document production is due on November 15, 2019 [RM].

1:19-cv-02233/OS-2019-00322 (Wild Earth Guardians): This is a joint status agreement production for at least 500 pages to be processed per month. Records are related to the Department's revised FOIA regulations. Records will be sent for awareness review on November 12, 2019. The document production is due on November 15, 2019 [RM].

1:18-cv-00405/18-495, 18-497, 18-498, 18-499 (Wild Earth Guardians): This is a joint status agreement production for at least 500 pages to be processed per month. Records are related to Secretarial Order (S.O.) 3357, *Temporary Delegation of Authority to the Deputy Assistant Secretary for Fish Wildlife and Parks*, S.O. 3358, *Executive Committee for Expedited Permitting*, S.O. 3359, *Critical Mineral Independence and Security*, S.O. 3360, *Rescinding Authorities Inconsistent with Secretary's Order 3349*, "American Energy Independence". Records will be sent for awareness review on November 12, 2019. The document production is due on November 15, 2019 [RM].

2:18-cv-01387/18-01436 (Sea Shepherd): This is a joint status agreement production to complete review of prioritized documents. Records are related to the Pacific Marine Monuments. Records will be sent for awareness review on November 12, 2019. The document production is due on November 15, 2019 [RM].

OFFICE OF THE SOLICITOR **(Indicates Press/Comms Opportunities)**

Dan Jorjani will be in the office all week.
Greg Zerzan will be on travel November 12-15.
Kyle Scherer will be in the office all week.
Karen Budd-Falen will be in the office all week.
Jason Hill will be in the office all week.
Cally Younger will be in the office all week.
Brandon Middleton will be on travel November 14-15.

Litigation:

Endangered Species Act (ESA) Section 4 Litigation:

- Deadline Lawsuits—We have 18 pending lawsuits regarding 63 species (9 of which are currently stayed to allow time for FWS to complete the action). Of these lawsuits, 0 were filed in the past week. We received 1 new notice of intent to sue during the past week.
- Merits Lawsuits—We have 24 pending lawsuits challenging the merits of petition findings (6 cases), final listing/delisting/reclassification determinations (7 cases), final critical habitat designations (4 cases), the species status assessment process (1 case), 5-year reviews and recovery plans (2 cases), a rejection of a purported

petition (1 case), and 3 facial challenges to the revisions to the regulations at part 17 and 424 of 50 C.F.R. Of these lawsuits, 1 was filed in the past week. We received no new notices of intent to sue during the past week.

Northern California Power Association v. Reclamation (Fed.Cir., Nov. 6, 2019)

The Solicitor's Office just received a decision from the Court of Appeals for the Federal Circuit reversing a favorable decision from the Federal Court of Claims. We are still reviewing the decision, but the Court ruled that the proportionality requirements of the Central Valley Project Improvement Act are a limitation on the funds Reclamation can collect from power customers for payments into the Central Valley Project Restoration Fund.

Great Basin Resource Watch v. DOI (D. Nev.)

On October 31, 2019, plaintiffs filed a complaint challenging BLM's record of decision (ROD) approving Eureka Moly LLC's Mount Hope Project, including BLM's Final Supplemental Environmental Impact Statement (FSEIS) prepared for the Project after the case was remanded by the Ninth Circuit following litigation of the original FEIS with direction to do additional analysis of Federal reserved water rights and cumulative air quality impacts. The project involves a proposed molybdenum mine in Eureka County, Nevada. Plaintiffs allege that BLM failed to comply with the Federal Land Policy Management Act (FLPMA) and the National Environmental Policy Act (NEPA). If the United States was served on October 31, the United States' deadline to respond to the complaint is December 30, 2019.

Wyo-Ben, Inc. v. Bernhardt (D. Wyo.) - Wyo-Ben Mineral Patent Mandamus Case

On October 21, 2019, Wyo-Ben Inc. filed a mandamus action seeking to compel the Secretary to make a determination within 30 days regarding whether its patent application is grandfathered from the moratorium on mineral patent processing that has been in place since 1994. This patent application appears to be on the list of non-grandfathered patent applications. The AUSA's preliminary assessment is that the government's responsive brief is due on November 8.

NRDC v. Bernhardt Settlement (E.D. La.) - Gulf G&G Litigation

On October 31, the court approved an interim 30-day extension of the stay of proceedings in the case; unless extended further, the stay of proceedings will now expire on December 5. On Friday, November 1, SOL-DMR sent consolidated comments on the draft Fourth Amendment to the Settlement Agreement to DOJ. That draft proposes extending the stay of proceedings to August 19, 2020, or when Final Action is achieved plus 105 days (to hopefully account for the gap between a final incidental take regulation being published and the rule taking effect). DOJ expects to float the proposal to the Plaintiffs and Intervenor-Defendants this week. While the stipulated motion for interim 30-day extension in the companion Florida case against NOAA alone has not been granted by the court, DOJ has advised NOAA that it does not need to issue the Biological Opinion before the November 5 expiration date for the stay.

In re Cloud Peak Energy Inc. (Bankr. D. Del.) - Coal Bankruptcy

On May 10, 2019, Cloud Peak Energy Inc. and 27 of its affiliates (collectively “Debtors”) filed voluntary petitions for Chapter 11 reorganization and requested joint administration of the cases. The governmental bar date for filing Proofs of Claim is November 6, 2019. On November 1, 2019, the Solicitor’s Office was informed that Debtors’ Sequatchie Valley reclamation project is insufficiently bonded. DOJ was immediately informed, and the Solicitor’s Office continues to work with DOJ to address the issue.

League of Conservation Voters v. Trump (9th Cir.) - OCS Withdrawal
Federal Defendants’ opening appellate brief is due November 7.

In re Murray Energy Holdings Co., et al. (Bankr. S.D. Ohio) - Coal Bankruptcy
On October 29, 2019, Murray Energy Holdings Co. and 98 affiliated debtors (collectively, the “Debtors”) filed voluntary petitions for Chapter 11 reorganization and requested joint administration of the cases. Murray’s subsidiaries have 93 active surface mining permits in seven states, including four federal mines in Utah that have active operations, and one unmined federal lease in Illinois. BLM has also identified two oil and gas leases, one in Arkansas, the other in Louisiana. Two subsidiaries owe outstanding royalties that amount to nearly \$2 million combined. Some of Murray’s subsidiaries have significant water treatment liabilities in West Virginia and pumping obligations related to water levels on the Monongahela River between Pittsburgh and Fairmont, West Virginia. We are not aware of any immediate threat to the continued operation of those treatment facilities, but we have informed DOJ of the issue. We expect the company to file a reorganization plan by December 3.

Taylor Energy
Contractor Couvillion is finalizing its report regarding potential subsurface source control options for the MC20 site shortly. BSEE is evaluating opportunities for briefing management on the report and next steps. In Taylor’s litigation against the Coast Guard in the Eastern District of Louisiana, by order dated October 31, the court quashed Taylor’s efforts to pursue expansive merits discovery prior to the resolution of the pending jurisdictional challenges.

Friends of Alaska National Wildlife Refuges, Wilderness Society, et al. v. Bernhardt, et al. (D. Alaska)
On October 21, the United States filed its answer to the first amended complaint, in which plaintiffs seeks declaratory and injunctive relief to stop the Secretary’s most recent land exchange agreement with King Cove Corporation involving lands within the Izembek National Wildlife Refuge. Plaintiffs allege that the exchange is invalid because it does not further the purposes of the Alaska National Interest Lands Conservation Act (ANILCA), violates Title XI of ANILCA, violates NEPA failure, and because the Secretary failed to consult under the ESA. On October 31, King Cove Corporation filed a motion to intervene in support of the government. We have not yet received a copy of that motion. The administrative record is now due December 20.

Yurok Tribe, et al. v. Bureau of Reclamation and National Marine Fisheries Service (N.D. Cal.)

On October 18, Plaintiffs filed a motion for preliminary injunction in the above-mentioned case, which challenges the National Marine Fisheries Service's no-jeopardy and no adverse modification conclusions in its 2019 Biological Opinion, as well as the Bureau of Reclamation's reliance on said biological opinion. Plaintiffs allege Reclamation's reliance on the BiOp amounts to a failure to ensure 2019-2024 Klamath Project operations will comply with Section 7 of the ESA. Plaintiffs seek a preliminary injunction requiring Reclamation's return to operations under the 2013 Biological Opinion and additional flows required by the court under a previous injunction. On November 5, the court granted a proposed order stipulating to the following deadlines: (1) Responses to Plaintiffs' motion for preliminary injunction due by December 6, 2019; (2) Plaintiffs' reply brief due by January 22, 2020; (3) Hearing on motion for preliminary injunction set for February 5, 2020, in San Francisco, CA.

Non-Litigation

Next steps for Freedom of Information Act (FOIA) Program Improvement

As previously noted, the Department's effort to streamline its regulations to make FOIA processing at the Department more efficient is part of a much broader plan to improve the operations of the Department's FOIA offices. The newly-established Departmental FOIA Office (DFO) is now moving forward with other aspects of that plan. This includes working with the Department's FOIA community to establish fundamental policies and standard operating procedures; increasing the caliber and accountability of FOIA personnel through uniform performance measures, hiring controls, and effective training and oversight; developing metric-based staffing plans and leveraging human resources for FOIA processing; and enhancing the effective use of technology. To achieve these goals, the DFO is seeking expanded authority for the Deputy Chief FOIA Officer over bureau FOIA offices through a Secretary's Order that will circulate for signature in the weeks ahead, with expected issuance in early December. The DFO is also working with the FOIA office in the Office of Secretary to establish best practices and pilot many of the initiatives it intends to roll out Department-wide.

BLM Issues Significant Oil and Gas Leases

The Solicitor's Office continues to assist the BLM's New Mexico State Office in resolving its backlog of protested oil and gas lease sales. This week, the BLM issued leases from the outstanding December 2018 lease sale. This sale, which resulted in nearly \$1 billion in revenue, included nominated parcels from the Farmington Field Office, the Oklahoma Field Office, the Rio Puerco Field Office, and the Pecos District Office. The BLM issued responses to protests, revised impacts analyses (included as an environmental assessment (EA) Addendums), and revised Findings of No Significant Impacts (FONSI). Protestors raised issues involving leases near Chaco Canyon National Historic Park and increases to air emissions in the New Mexico portion of the Permian Basin already near nonattainment. The Solicitor's Office will continue its efforts to assist the BLM New Mexico in resolving its remaining past lease sales, while also providing a review of current and future quarterly lease sales with regard to NEPA and National Historic Preservation Act (NHPA) compliance.

Appraisal and Valuation Services Office (AVSO) Rulemaking on Linear Rights-of-Way

AVSO is developing a methodology that would determine fair market value for linear rights-of-way (ROWs) by reference to zone values published in the Bureau of Land Management's linear fee schedule and apply standard minimum fees and zone values to all ROWs. Our office has advised that AVSO's methodology is consistent with existing legal framework but will likely require a "legislative rule" under the Administrative Procedure Act (APA) given its general applicability and substantive effect on property valuation, though it may be possible to implement as a direct-final rule, which would take effect 75 days after publication if no adverse comment is received.

Guam National Wildlife Refuge and Brown Tree Snake Program Negotiations with Department of the Navy

On November 7, FWS and USGS personnel, supported by SOL-DGL, will meet with personnel from the Department of the Navy to continue ongoing negotiations regarding development of a Memorandum of Agreement between the Department of the Navy and Interior for the management of the Ritidian Unit of the Guam National Wildlife Refuge and operation of an overlapping surface danger zone. These collaborative meetings are to implement language included in the FY2015 National Defense Authorization Act establishing the surface danger zone that partially overlays the Guam National Wildlife Refuge as well as Brown Tree Snake Program facilities of the USGS.

ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS
(Indicates Press/Comms Opportunities)

Week Ahead Schedule of Meetings, Hearings, and Travel

Rob Wallace: November 12-15: in the office; out of the office on official travel the afternoon of November 14th and morning of November 15th.

John Tanner: November 12-14 in the office; out of the office on official travel the afternoon of November 14th and morning of November 15.

Aurelia Skipwith: November 12-15: in the office.

Ryan Hambleton: November 12-15: in the office.

Katie Mills: November 12-15: in the office.

David Vela: November 12-15: in the office.

Margaret Everson: November 12-15: out of the office on official travel.

Immediate Announcements and Actions For the Next Week

U.S. Fish and Wildlife Service

On or around November 15, FWS plans to publish in the *Federal Register* an advance notice of proposed rulemaking on the management of double-crested cormorants and intent to conduct an environmental review and a notice of intent to increase the annual maximum allowable take of double-crested cormorants through individual depredation permits. Outreach is planned. (10/30/2019)

On or around November 15, FWS will send a proposed rule to the *Federal Register* seeking to make mandatory inclusion of a waterfowl hunting related accessory a permanent theme of the Duck Stamp Art Contest and to clarify the judging criteria. Outreach will include a national news release with targeted congressional and stakeholders notifications. (11/06/2019)

In early November, FWS plans to announce in the *Federal Register* publication of a peer-reviewed scientific model that can help evaluate how various seismic survey designs and mitigation measures affect the potential impacts to maternal denning polar bears in the Coastal Plain of the Arctic National Wildlife Refuge. (10/30/2019)

National Park Service

On November 11, Vicksburg National Military Park, along with the State of Mississippi and the Friends of Vicksburg National Military Park and Campaign, will re-dedicate the Mississippi State Monument. The re-dedication of the 110-year old monument comes after a successful restoration led by the NPS Historic Preservation Training Center that was funded through a donation from the State of Mississippi. The Governor, state legislators, and U.S. Senators are invited. Regional interest is expected to be high. (11/06/2019)

On November 11, Hawai'i Volcanoes National Park will reopen a one-mile section of the Byron Ledge Trail connecting Devastation Trail to Kīlauea Iki Trail along the southeast rim of Kīlauea caldera. Earthquakes during the volcanic eruption last year damaged the trail, which has been closed since May 2018. (10/09/2019)

On or around November 11, the National Capital Area Director-Region 1 is expected to sign a Finding of No Significant Impact for the improvements to Buzzard Point Park near the Anacostia River, in Southwest DC. The project would provide residents and visitors with more open space, recreational opportunities, and new ways to connect with the Anacostia River. (10/23/2019)

On November 11, Sequoia and Kings Canyon National Parks, in partnership with the Colonel Charles Young Foundation, will host a sign unveiling to designate a California highway in honor of Colonel Charles Young, in Three Rivers, California. Colonel Young is recognized as a national park superintendent and the highest ranking Army officer during his time of service as a Buffalo Soldier. Speakers include Former NPS Director Jon Jarvis, park officials, and Renotta Young from the family foundation. (10/23/2019)

Between November 12 – November 30, it is anticipated that George Washington Memorial Parkway will close the right northbound lane near Spout Run from 9:30 am until 2:45 pm. The closure will allow a contractor to complete planned drainage culvert repairs. (11/06/2019)

On November 12, Channel Islands National Park expects work to begin on a construction project to replace the Anacapa Island crane. During construction, Anacapa Island will be

closed for both day and overnight use for at least a week each in November, December, and March. The project is expected to be completed by May 2020. (10/30/2019)

On or about November 12, the National Capital Area Director-Region 1 is expected to sign a Finding of No Significant Impact for the relocation of Chesapeake and Ohio Canal National Historical Park headquarters. The project would establish a new administrative building and visitor center in Williamsport, Maryland, in partnership with the Maryland Economic Development Corporation and Washington County. The Project has been delayed as the park awaits response from State Historic Preservation Office and consulting parties in order to complete Memorandum of Agreement and Section 106 documentation. (10/09/2019)

By November 13, Channel Islands National Park anticipates submitting comments to NOAA regarding its Notice of Intent to conduct a management plan revision process at Channel Islands National Marine Sanctuary. Channel Islands National Park is a strong partner with the Sanctuary. Public scoping meetings were held on October 22 and 23. (10/23/2019)

On November 13, Kennesaw Mountain National Battlefield will implement a new entrance fee program to support safety, maintenance, and visitor enjoyment. The new program will be cashless, utilizing recreation.gov for online pass sales. (10/23/2019)

[November 15 to November 18, George Washington Memorial Parkway will completely close Arlington Memorial Bridge. This closure was rescheduled due to delays finishing road grooving \(subcontractor's equipment failed\). Construction will be resequenced to prevent this delay from affecting the overall project schedule.](#) The closure is to prepare the bridge for the next phase of rehabilitation. After the full closure ends, the south side of the bridge will reopen and the north side will be closed. The project contractor will post signs to direct drivers, pedestrians, and bicyclists through the area. There may be other interruptions in traffic during the remainder of the rehabilitation project, which is still on track to end in early 2021. (Updated 11/06/2019)

On or about November 15, Buffalo National River and NPS Interior Regions 2, 3, and 5 intend to sign a Finding of No Significant Impact for the park's *Plant Gathering for Traditional Purposes Environmental Assessment (EA)*. The plan has been completed in accordance with the August 2016 NPS rule, *Gathering of Certain Plants or Plant Parts by Federally Recognized Indian Tribes for Traditional Purposes* (36 CFR 2.6). The park has prepared the EA in collaboration with the Cherokee Nation. (10/30/2019)

On November 15, National Mall and Memorial Parks will release the National Emergency Medical Services Memorial Site Selection Study for 30-day public review. Public Law 115-275 authorized the National Emergency Medical Service (EMS) Memorial Foundation to establish the memorial on Federal land in the District of Columbia. (10/30/2019)

By November 15, Death Valley National Park will open all campgrounds within the park for the fall and winter season. The opening of two of the four campgrounds will be delayed by a month due to a temporary staffing shortage, but they will be open by November 15 when

additional staff come on board. The park opened its largest campground (270+ sites) on time using existing staff on overtime. (10/23/2019)

On or about November 15, Lake Mead National Recreation Area will release the Willow Beach Road Realignment Environmental Assessment for public review and comment. The plan will analyze improvements to the road, which is badly deteriorated and prone to repeated flash flooding. (Updated 10/30/2019)

On or around November 15, the NPS in Region 11 will announce the selection of concessioners for 16 guided hunting contracts in Wrangell-St. Elias National Preserve. (10/09/2019)

On or around November 15, the NPS plans to complete its review of a sale and transfer request for the Oak Bottom Marina concession contract at Whiskeytown National Recreation Area to a new concessioner. Oak Bottom Marine, owned by Suntex Marinas LLC, has notified the NPS of its desire to sell their interests in this contract, which includes boat rentals, two marinas, fuel docks and a campground. (10/02/2019)

From mid-November 2019 through March 2020, the NPS will conduct the tenth year of lethal removal of white-tailed deer in Valley Forge National Historical Park. The current deer population density is estimated to be at the upper limit of target levels and lethal removal activities will continue until forest regeneration monitoring indicates the target level of deer should be adjusted. (11/06/2019)

8-30 Day Outlook

U.S. Fish and Wildlife Service

NEW ITEMS

Around November 22, FWS will distribute to staff the final concessions policy to help expand opportunities for private businesses to offer commercial recreational experiences on FWS-managed lands and waters. (11/06/2019)

On November 22, FWS will host a coordination meeting with stakeholders from Delaware, Pennsylvania, New Jersey, and New York regarding implementation of the Delaware River Basin Conservation Act. FWS wants to discuss next steps in implementing this successful basinwide program. (11/06/2019)

Through November 26, FWS will accept public comments on a draft compatibility determination, realignment of a utility right-of-way through Upper Mississippi River National Wildlife and Fish Refuge. The refuge has been notified by the National Wildlife Refuge Association, Audubon and Driftless Area Land Conservancy of their plans to sue if this draft plan were to take effect. (11/06/2019)

On or before November 29, FWS plans to publish a notice of availability in the *Federal Register* of a record of decision for the final environmental impact statement and habitat conservation plan (HCP) amendment for the Washington Department of Natural Resources (WDNR) 1997 State Trust Lands Habitat Conservation Plan (HCP). FWS is issuing an amended incidental take permit to WDNR to include a long-term conservation strategy for the federally threatened marbled murrelet. Targeted outreach is planned. This is potentially controversial. (11/06/2019)

Around December 1, FWS will provide updated memo and questionnaire/approval process to FWS regions regarding genetically engineered crops (GEC) use on FWS-managed lands. (11/06/2019)

UPDATED ITEMS

On November 22, FWS will hold an open press ceremony to announce the establishment of Green River NWR in Henderson, Kentucky. DOI Secretary Bernhardt and Senator McConnell (R-KY) plan to participate. (Updated 10/16/2019)

By November 30, FWS plans to release to the public the draft Programmatic Environmental Assessment (PEA) for the use of genetically engineered crops in refuge agriculture practices for natural resource management on national wildlife refuges in the Southeast. The draft PEA has gone through internal review and comment. All edits received to date have been addressed in the document. The next step in the development process for the draft document is public review and comment. Outreach includes a regional news release. (Updated 11/06/2019)

By November 30, FWS plans to submit to the *Federal Register* an announcement of the availability of comprehensively revised boundaries for Coastal Barrier Resources System (CBRS) units in Okaloosa and Walton counties, Florida, and Beaufort and Charleston counties, South Carolina. The notice will announce a 60-day public comment period. Outreach will include a news bulletin; letters to Congress, federal, state, and local officials, and NGOs; and a stakeholder outreach toolkit available to local officials. (Updated 11/06/2019)

ONGOING ITEMS

During the week of November 18, FWS plans to make available to the public the opportunity to submit a limited number of Convention on International Trade in Endangered Species (CITES) and all Migratory Birds permit applications online, including electronic payment of permit fees through the pay.gov website. A news release is planned. (Updated 10/23/2019)

Around November 29, FWS and NOAA Fisheries plan to submit to DOI and DOC a draft outline of the ESA consultation handbook for policy level review. (10/30/2019)

By November 30, FWS will post a draft environmental assessment online for a 30-day public comment period for the possible issuance of a bald eagle incidental take permit to the

Pleasant Valley/Grand Meadow wind facility in Minnesota. The proposed permit allows for the take of six eagles over a five-year period. Stakeholders will be notified immediately of the availability of the assessment when it is posted online. If-asked talking points will be available. (10/23/2019)

Around November 30, FWS plans to publish in the *Federal Register* a proposed rule to revise and streamline FWS regulations for permitting of rights-of-way by aligning FWS processes more closely with those of other DOI bureaus. Outreach will include congressional notifications. (Updated 10/30/2019)

In November, FWS, in cooperation with DOI SOL, intends to issue an updated legal memorandum to replace a 1994 legal interpretation regarding the Coastal Barrier Resources Act (CBRA) and how FWS engages in CBRA specific consultation with other agencies. Consultation under CBRA is unrelated to consultation required by the Endangered Species Act. (10/23/2019)

Around December 15, FWS and NOAA Fisheries plan to submit to DOI and DOC for clearance, to submit to OMB, draft proposed revisions to the Endangered Species Act involving regulations governing exclusion of specific areas from critical habitat designation and creation of a definition of "habitat". (10/30/2019)

FWS plans to publish a proposed rule to allow the baiting of brown bears on Kenai NWR, which is permitted under Alaska state hunting regulations, along with other changes. This proposed rule would be available for a 60-day public comment period and is likely to be strongly opposed by those who believe that baiting of wildlife for hunting is unethical and those who oppose hunting generally (particularly of large predatory mammals). FWS plans to notify stakeholders and congressional offices directly by email and issue a news release to Alaska media announcing the proposed rule and public comment period. FWS is still addressing comments from the Department on the proposed Kenai rule. Once comments have been resolved, FWS will be able to provide a date for release. (Updated 10/30/2019)

The FWS is proposing to adopt regulations that define the scope of the MBTA as it applies to conduct resulting in the injury or death of migratory birds protected by the Act. This proposed regulatory change is consistent with the Solicitor's Opinion ("M-Opinion"), which states that the MBTA's prohibitions on pursuing, hunting, taking, capturing, killing, or attempting to do the same, apply only to affirmative actions that have the purpose of taking or killing of migratory birds, their nests, or their eggs. Solicitors are currently resolving comments on the proposed rule from the Department of Justice, after which, the rule will enter surname for publication. An additional rule amending the general exceptions to the permit requirements of the MBTA will move forward at a later date. (Updated 10/02/2019)

Endangered Species Act Actions through December 6:

Species	Action	Current Status	Target Date to FR (dates in bold are litigation deadline)	Outreach
Nashville crayfish	Proposed Delisting	Pending Exec-Sec clearance	As soon as it clears	Regional Release
June sucker	Proposed Downlisting	Pending Exec-Sec clearance	As soon as it clears	Regional Release
Bradshaw's lomatium	Proposed Delisting	Pending Exec-Sec clearance	As soon as it clears	Regional Release
Sierra Nevada red fox	Proposed Listing	Pending FWP clearance	As soon as it clears	Regional release
Hermes copper butterfly	Proposed Listing and Critical Habitat	Pending FWP Clearance	As soon as it clears	Regional Release
Yellow lance mussel	Proposed Critical Habitat	Pending FWP clearance	As soon as it clears	Regional release
Humpback chub	Proposed Downlisting	Pending FWP clearance	As soon as it clears	Regional Release

Hawaiian goose (nene)	Final Downlisting	Pending FWP clearance	As soon as it clears	Regional Release
Hawaiian hawk	Final Delisting	Pending FWP clearance	As soon as it clears	Regional Release
Western Glacier Stonefly and Meltwater Lednian Stonefly	Final Listing	Pending FWP clearance	Nov 15	Regional Release
All	FY2017 Expenditures Report to Congress	Pending FWS Director clearance	As soon as it clears	National release
Yangtze sturgeon	Final Listing	Pending FWS Director Clearance	As soon as it clears	National Release
Chapin mesa milkvetch	Proposed Listing and Critical Habitat	Pending FWS Director Clearance	As soon as it clears	Regional Release
Eastern black rail	Final Listing with a 4(d) Rule	Pending FWS Director Clearance	As soon as it clears	Regional Release
Kanab ambersnail	Proposed Delisting	Pending FWS Director Clearance	As soon as it clears	Regional Release

Morro shoulderband snail	Proposed Downlisting	Pending FWS Director Clearance	As soon as it clears	Regional Release
Peppered chub	Proposed Listing and Critical Habitat	Pending FWS Director Clearance	November 13	Regional Release
Golden conure	Final Downlisting	Pending FWS Director Clearance	November 18	National Release
Wright's Marsh Thistle	Proposed Listing and Critical Habitat	Pending FWS Director Clearance	November 20	Regional Release
Bethany beach firefly and Gulf Coast solitary bee	Batched 90-day Findings	Pending FWS Director Clearance	November 22	National Release
Candy darter	Final Critical Habitat	Pending FWS Director Clearance	December 5	Regional release
Texas hornshell	Proposed Critical Habitat	Pending FWS clearance	As soon as it clears	Regional release
All	2016 Recovery Report to Congress	Pending FWS clearance	As soon as it clears	No Release
Suwannee moccasinshell	Proposed Critical Habitat	Under Review With AES	November 20	Regional Release

2 Sky Island Plants (beardless chinchweed, Bartram's stonecrop)	Proposed Listing and Critical Habitat	Under Review With AES	November 29	Regional Release
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National Park Service

NEW ITEMS

On November 18, George Washington Memorial Parkway will host a public meeting at Glen Echo Park to share the recommendations from the recently concluded *Glen Echo Park, Traffic and Pedestrian Safety Context Sensitive Solution Assessment*. This report includes improvements for vehicular access from Clara Barton Parkway to the park, and improvements to safety and accessibility for pedestrians and cyclists. (11/06/2019)

On or about November 18, Chesapeake and Ohio Canal National Historical Park will begin a project to re-roof lock houses 8, 16, 22, 24, 25, and the Abner Cloud House, as well as a project to remove a few structures in the park that are a safety hazard. Minimal impact to the public are expected for either project. (11/06/2019)

On November 19, Valley Forge National Historical Park will provide a tour to foreign students of the Iraq War College delegation at the request of the US Army War College. The purpose of this visit is to improve professional military education in Iraq as well as to capitalize on the use of the park as a classroom for military history. (11/06/2019)

On or around December 2, Klondike Gold Rush National Historical Park will announce the selection of lessees for the historic Hern Clipper, Red Front, and Lynch Kennedy buildings. (11/06/2019)

On December 3, George Washington Memorial Parkway will host a public meeting for a safety study of the southern section of the parkway. The study will develop recommendations to improve the safety of key intersections between the City of Alexandria and Mount Vernon. (11/06/2019)

UPDATED ITEMS

On or around November 18, Grand Canyon National Park will release a Telecommunications Plan/Environmental Assessment for 30-day public review. The plan evaluates alternatives to enhance cellular and internet service, two-way radio coverage, and data network capacity within developed areas of the park. (Updated 11/06/2019)

ONGOING ITEMS

On or about November 18, *Guidelines on Flood Adaptation for Rehabilitating Historic Buildings* will be issued. The Guidelines were developed by the NPS to provide guidance on adapting historic buildings to be more resilient to flooding risk in a manner that preserves their historic character. The Guidelines assist in applying the Secretary of the Interior's Standards for Rehabilitation. (10/30/2019)

On November 18, the comment period will close for St. Croix National Scenic Riverway's draft options to increase visitor safety, improve operations, and enhance the visitor experience at Osceola Landing in Minnesota. The design seeks to address motorized and non-motorized boat use, parking and wayfinding, day uses, natural resource protection, messaging, and interpretation. (10/23/2019)

On November 20, 21, and 23, Golden Gate National Recreation Area will host a series of events on Alcatraz Island to mark the 50th Anniversary of the 1969 Occupation of Alcatraz by the Indians of All Tribes. The occupation was a key event in the history of Alcatraz Island and the Native American civil rights movement. The park, in collaboration with Indians of All Tribes, is planning 19 months of events and programming. (10/23/2019)

(Close Hold) On or around November 21, Golden Gate National Recreation Area plans to announce the concession business opportunity to operate overnight hostel accommodation, food and beverage, and other visitor services at Fort Mason. (10/23/2019)

On November 28, Thanksgiving Day, the Statue of Liberty National Monument will be closed. This decision was made in consultation with park concession partners, who are fully supportive of the closure. Tickets are not available for purchase for that day. The park has traditionally been open on Thanksgiving day and closed on Christmas day. (10/30/2019)

After November 30, the NPS anticipates receiving a completed right-of-way application for the Alaska LNG pipeline Denali Alternative alignment and is currently working with the applicant. In the draft EIS, a minor route modification through Denali National Park and Preserve was analyzed as a possible Denali Alternative, and the Alaska Gasline Development Corporation informed FERC that they were adopting the Denali Alternative into the Mainline route. FERC expects to issue a ROD on March 6, 2020. (10/09/2019)

On December 2, the Pebble Mine Project preliminary final EIS for cooperating agency review is scheduled to be released for a 45-day review period. The final EIS for public review is scheduled for release in March 2020. Boundaries for Lake Clark National Park and Preserve and Katmai National Park and Preserve are located within a 45-mile radius of the proposed copper mine site, with some portions of NPS-managed land less than 15 miles from proposed project operations. The NPS is a cooperating agency on the DEIS with special expertise in subsistence, recreation, and aesthetics. (10/23/2019)

On December 5, the National Christmas Tree Lighting will take place on the Ellipse at President's Park (White House). The President, First Lady, the Secretary of the Interior, and the NPS Director have historically participated in the event. (10/23/2019)

On December 7, Pearl Harbor Remembrance Day, an event is scheduled to commemorate the 78th anniversary of the Japanese attack on Pearl Harbor. The Secretary of the Interior will provide remarks. This follows the successful reopening of the Memorial Dock on September 1, following a 15-month closure for repairs. (10/23/2019)

ASSISTANT SECRETARY FOR INDIAN AFFAIRS
(Indicates Press/Comms Opportunities)

Week Ahead Schedule of Meetings, Hearings, and Travel

On Travel:

AS-IA Sweeney: November 13-14
BIE Director Dearman: November 10-13

In the Office:

DAS-PED Cruz
DAS-M Freihage
BIA Director LaCounte
COS Myers

Immediate Announcements and Actions for the Next Week

Assistant Secretary for Indian Affairs

On November 12, AS-IA, DOI's Office of International Affairs, and the U.S. Department of State are planning a tribal listening session to discuss international repatriation with tribes at the Association of American Indian Affairs Repatriation Conference at Fort McDowell (Yavapai Nation) near Phoenix, AZ. The Department's response to GAO regarding legislative options on international repatriation will be the subject of the listening session.

On November 12-14, the Tribal - Interior Budget Council (TIBC) will meet in Washington, DC. The purpose of TIBC is to provide a forum for government to government discussions on all aspects of the Interior budget that impact tribes and allow for the support of tribes' self-determination, self-government, and treaty rights. The Office of Self Governance will attend the TIBC meeting and TIBC Budget Subcommittee meeting as a member.

On November 13, DAS-PED will speak on economic development topics at the meeting of the Native American Contractors Association in Washington, DC.

On November 13, the AS-IA has been invited by the House Natural Resources Committee, Subcommittee for Indigenous Peoples of the United States to testify on the proposed "*H.R. 4957, To amend the Indian Child Protection and Family Violence Prevention Act,*" sponsored by Rep. Ruben Gallego, (D-AZ). The AS-IA will be traveling during this time, and the witness will be Spike Bighorn, Acting Deputy Bureau Director, Office of Indian Services.

On November 14, the Office of Self Governance will participate in the DOI Tribal Liaisons Meeting.

The Department completed the review of the Osage County Oil and Gas Draft Environmental Impact Statement ("Osage DEIS"). The Osage DEIS provides a programmatic analysis of the potential impacts of future oil and gas leasing and development on the surface estate and subsurface mineral estate ("Osage Mineral Estate") in Osage County, Oklahoma. The purpose of the BIA's action is to promote leasing and development of the Osage Mineral Estate in the best interest of the Osage Nation, balancing resource conservation and the maximization of oil and gas production in the long-term. The Osage EIS will streamline the NEPA review process and expedite lease and permit processing. The Notice of Availability for the Osage DEIS will be published in the Federal Register on or about November 22, 2019.

The Department is issuing a proposed rule that would establish a consistent, predictable procedure for acknowledging groups in Alaska based, in large part, on the standards found in the current federal acknowledgement regulations codified in 25 C.F.R. Part 83 ("Part 83"), with minor modifications relevant to the Alaska IRA. Like the Part 83 regulations, this proposed rule focuses on organizing entities capable of establishing government-to-government relations with the United States. Unlike Part 83, however, this proposed rule does not require the petitioner to establish descent from a "historical Indian tribe." Rather, the petitioner must demonstrate a historical connection to an Alaska Native entity that could have satisfied the Alaska IRA in 1936. Since descent from a historical Indian tribe is not required, the proposed rule shifts the start date for satisfying the evidentiary standards from 1900 (as presently used under Part 83) to May 1, 1936 (the date of enactment of the Alaska IRA). The proposed rule applies only to groups in Alaska that were not recognized before 1936, and will not affect the status of tribes that are already federally recognized.

Pending Regulatory Actions

Title	Description	Status
Final Rule: Tribal Energy Resource Agreements (TERAs)	Reduces application requirements and adds an additional mechanism to streamline ability to obtain leases, rights-of-way, and business agreements on tribal land for energy development.	Pending SOL surname.
Final Rule: Future Publication of Updates to List of CFR Courts	Reduces rulemaking actions and increases transparency by removing list of CFR courts from the CFR and instead allows BIA to post updates to website.	Pending with AS-IA.
Interim Final Rule: Kewa Pueblo CFR Court	Adds Kewa Pueblo (FKA Santo Domingo Pueblo) to the list of CFR courts.	Pending Office of the Secretary approval.
Proposed Rule: Buy Indian Updates	Streamlines order of preference and clarifies deviation processes for Buy Indian set-asides.	Pending Office of the Secretary approval.

Proposed Rule: Procedures for Federal Acknowledgment of Tribes under Alaska IRA	Establishes the criteria and procedures for recognizing tribes under the Alaska IRA statute.	Pending SOL surname.
Final Rule: BIE Standards, Assessment, and Accountability System	Replaces the Adequate Yearly Progress (AYP) regulations to provide simplicity, certainty, clarity, and consistency for the 174 BIE-funded schools, the students served by those schools, the parents of those students, school administrators, tribes, and the Indian communities served by BIE-funded schools.	Pending SOL surname.
Final Rule: Education Contracts under Johnson-O'Malley	Implements the JOM Modernization Act to clarify the eligibility requirements for Indian students to receive the benefits of a JOM contract and the funding formula and process to ensure full participation of contracting parties.	In development.
Final Rule: Tribal Transportation Program Proposed Roads	Eliminates or revises the requirements for tribes to provide certain data to BIA in order to retain proposed roads on the National Tribal Transportation Facilities Inventory.	In development.
Consultation Draft: Administrative Appeals	Updates regulations governing administrative appeals from IA officials to reflect the current structure of IA and provide more description of the process.	Dear Tribal Leader letter is anticipated to announce the draft in November 2019.

Upcoming Federal Register Notices

Title	Description	Status
Sauk-Suiattle Indian Tribe Alcohol Liquor Control Ordinance	Publishes the tribe's first liquor control ordinance.	Pending ES-IA routing.
List of Non-BIA Self-Governance Programs for 2019	This notice publishes the list of programs that are eligible to be included in Funding Agreements negotiated with Self-Governance Tribes by DOI bureaus other than BIA and announces FY19 programmatic targets.	Pending Office of the Secretary approval.
List of Non-BIA Self-Governance Programs for 2020	This notice publishes the list of programs that are eligible to be included in Funding Agreements negotiated with Self-Governance tribes by DOI bureaus other than BIA and announces FY20 programmatic targets.	Pending SOL surname.
Notice of Deadline for FY 2020 or CY 2021 Tribal Self-Governance Program	This notice announces the deadline for tribes to submit completed applications to participate in the FY 2021 or CY 2021	Pending SOL surname.

	(depending on the applicable cycle) Tribal Self-Governance Program	
Indian Entities Recognized	This notice publishes the annual list of Federally recognized tribes as required by the List Act.	Pending Bureau surname.
Extension of Tribal-State Gaming Compact; Rosebud Sioux	This routine extension extends the expiration date of the compact between the Rosebud Sioux Tribe and South Dakota.	Pending SOL surname.
Land Acquisitions: Ramona Band of Cahuilla, California	The Assistant Secretary – Indian Affairs has made a final determination to acquire 81.78 acres, more or less, into trust for the Ramona Band of Cahuilla, California.	Pending SOL surname.
Land Acquisitions; Buena Vista Rancheria of Me-Wuk Indian of California	This notice advises the public that AS-IA has made a final determination to acquire 81 acres, more or less, into trust for the Buena Vista Rancheria of Me-Wuk Indians of California.	Pending SOL surname.
Land Acquisitions; Santa Ynez Band of Chumash Mission Indians of California	This notice advises the public that AS-IA has made a final determination to acquire 81 acres, more or less, into trust for the Santa Ynez Band of Chumash Mission Indians of California.	Pending SOL surname.
Land Acquisitions; Twenty-Nine Palms Band of Mission Indians	This notice announces that the Assistant Secretary – Indian Affairs has made a final determination to acquire 96.44 acres, more or less, into trust for the Twenty-Nine Palms Band of Mission Indians of California.	Pending with AS-IA.
Land Acquisitions; San Pasqual Band of Diegueno Mission Indians	This notice announces that the Assistant Secretary - Indian Affairs has made a final determination to acquire 29 acres, more or less, into trust for the San Pasqual Band of Diegueno Mission Indians, California.	Pending with AS-IA.
Land Acquisitions; Cayuga Nation of New York	This notice announces that the Assistant Secretary – Indian Affairs has made a final determination to acquire 113.96 acres, more or less, of land in trust in the Village of Union Springs and the Town of Springport, Cayuga County, New York, for the Cayuga Nation for gaming and other purposes	Pending ES-IA routing.
Shoshone-Bannock Tribes of the Fort Hall Reservation Alcohol Beverage Control Ordinance; Repeal and Replace	This notice publishes the Tribe’s new liquor control ordinance.	Pending ES-IA routing.
Tule River Indian Tribe of the Tule River Reservation;	This notice publishes the Tribe’s new liquor control ordinance.	Pending ES-IA routing.

Amended and Restated Liquor Ordinance		
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Bureau of Indian Affairs

On November 12, the BIA Office of Trust Services will conduct a Tracking, Accountability & Production System training and implementation session for the Eastern Oklahoma Lands Title & Records Office. This will provide a thorough record keeping process for the Lands, Title & Records Office staff, thus ensuring consistency not only throughout the region but throughout the country as well.

On November 13, the BIA Deputy Director for Field Operations will host the Regional Directors in Washington, D.C.. The meeting will cover topics such as anti-harassment training, recently hired Regional Directors and the Tribal Interior Budget Council meeting that is scheduled for the same week.

On November 13-15, the BIA Deputy Bureau Directors from the Office of Trust Services, Justice Services, Field Operations and Indian Services will meet with the Tribal Interior Budget Council in Washington, D.C.. The goal of the meeting is to provide a government-to-government forum and process for tribes and the Bureau of Indian Affairs to develop budgets that allow for the fulfillment of tribes' self-determination, self-governance, sovereignty, and treaty rights, as well as sufficient levels of funding to address the needs of tribes and their tribal citizens.

Bureau of Indian Education

On November 10-12, the BIE Director will be in Atlanta, GA, participating in the Council of Chief State School Officers (CCSSO) Annual Policy Forum. The Forum provides BIE an opportunity to meet with state education department executives to share best practices and ideas for improving BIE services to schools, particularly those schools located in the states with high Native populations.

On November 13, the BIE Director, the Associate Deputy Director for Division of Performance and Accountability, and the Acting Chief Academic Officer will attend a meeting at the Offices of Elementary and Secondary Education and Special Education Programs at the Department of Education (ED) in Washington, DC. The purpose of the meeting is to discuss the BIE's First Quarterly Report on the BIE's Corrective Action Plan (CAP) and to receive feedback on BIE's progress completing ED's CAP recommendations.

8-30 Day Outlook

Assistant Secretary for Indian Affairs

NEW ITEMS

Upcoming Travel:

AS-IA:

- November 20-22, Anchorage, AK, Resource Development Council
- December 1-4, Anchorage, AK, BIA Providers' Conference
- December 15-18, TBD, Missing and Murdered Women Event

DAS-PED:

- December 1-7, Anchorage, AK, BIA Providers' Conference

During the week of November 23, updates to Indian Affairs Manual chapters related to Safety and Occupational Health are expected to be finalized and put into place to reflect changes in law and address issues that have arisen since the last updates in 2004.

On December 1-4, the AS-IA will attend the BIA Providers Conference in Anchorage, AK. This annual event brings Alaska tribes and BIA program specialists together to discuss all aspects of BIA services.

The Hoopa Valley Tribe (CA); the Susanville Rancheria (CA); the Cabazon Band of Mission Indians (CA): the State of California submitted tribal-state gaming compacts entered into by the State and three tribes in California. The due date for approval or disapproval is Nov. 30, 2019.

The Rosebud Sioux Tribe and the State of South Dakota submitted an extension to January 19, 2020 of the existing Tribal-State class III gaming compact. The Tribe's existing compact expired on October 21, 2019. The due date is December 6, 2019.

UPDATED ITEMS

FOIA: The total Indian Affairs FOIA backlog is 215 requests, up from 213 last week.

	This Week	Last Week
- AS-IA	64	63
- BIE	42	47
- BIA	109	103

Bureau of Indian Affairs

NEW ITEMS

On December 5, the BIA Office of Trust Services will participate in the Department's Invasive Mussels Initiative conference call. The purpose of the call is to check-in on progress on implementing commitments made through the initiative, safeguarding the West from Invasive Species, actions to strengthen federal, state, and tribal coordination to address invasive mussels, as well as to discuss outreach and coordination opportunities with existing partners and networks.

On December 9-10, the Indian Energy Minerals Steering Committee (IEMSC) will meet in Washington, DC. The committee is made up of representatives from the Bureau of Land Management, The Bureau of Indian Affairs, The Office of the Special Trustee and the Office of Natural Resource Revenue. The group will discuss the streamlining of business processes to help tribes develop mineral estates.

On December 9, the BIA Office of Indian Services in partnership with the Department of Justice (DOJ) Tribal Access Program (TAP), will deploy a kiosk at the Northern Cheyenne Agency in Lame Deer, MT, that will allow the tribe to access and exchange data with national crime information databases for both civil and criminal purposes. Among other functions, the TAP kiosk provides the Social Services programs and the Tribal Foster Care Licensing programs the ability to conduct fingerprint based background checks in the vetting of foster parents in accordance with the Native American Children's Safety Act (Pub. Law 114-165).

ONGOING ITEMS

On November 26, the BIA Office of Trust Services will present on a webinar hosted by the Alaska Native Tribal Health Consortium regarding the Tribal Resilience Program. The webinar is part of a monthly on-line series of informational presentations held by the Alaska Native Tribal Health Consortium.

On December 3-5, the BIA will host the 29th annual BIA Providers Conference in Anchorage, AK. Deputy Bureau Directors from The Office of Indian Services, Trust Services & Field Operations will all have the opportunity to meet with Alaska tribes to discuss water resources, tribal elections, wildland fire, timber sales, and other Alaska-specific matters.

On December 3-5, the BIA Office of Trust Services will attend the Inter-Tribal Timber Council Quarterly Board Meeting in Portland, OR. Topics will be the upcoming 2020 fire season and the development of a BIA national timber team that will assist in implementing forestry projects in support of locations where there is a shortfall in staff.

UPDATED ITEMS

The Martinez 3 Fire began on October 14, 2019 and is 52 acres in size. It is now 100% contained, meaning that a dozer line has been completed around the fire, which can be expected to stop the fire's spread. The fire is 55% controlled, meaning it no longer threatens further spread or resource damage under foreseeable conditions. There are 3 levels of progression with any fire: contained, controlled, and out. Heavy equipment operators are dispersing and spreading 12-15 foot deep piles of smoldering mulch using hoses, sprinklers and water trucks. This complex and laborious work will take some time. The Martinez 3 fire remains a top priority for the Bureau of Indian Affairs, Pacific Region, and the Southern California Agency. No infrastructure or structures have been damaged. Area schools remain open after Riverside County health officials confirmed the smoke emanating from the fire is not hazardous. Fire management staff continues to work with the Coachella Valley Unified School District, Air Quality Management District, Environmental Protection Agency and other agencies to ensure student and community health is protected. Additionally, the

Environmental Protection Agency conducted air quality tests on October 22, 2019, and did not detect any hazardous chemicals.

Bureau of Indian Education

ONGOING ITEMS

On September 19, BIE staff met with the Hopi Tribal Council in Albuquerque, NM to discuss the Tribe's plan to transition their seven schools into a unified tribally controlled school system. During the meeting, the Council requested additional funding to support their transition plan and additional buildings/space to house their new transition team. The Hopi Tribal Council and the Director and DBD will have a follow-up meeting on December 11 in Albuquerque, NM to discuss their space analysis report conducted by BIA Division of Facilities Management and Construction (DFMC), their request for funding for a transition team, and plan for technical assistance for developing a transition period budget.

ASSISTANT SECRETARY INSULAR AND INTERNATIONAL AFFAIRS

Week Ahead Schedule of Meetings, Hearings, and Travel

Doug Domenech will be on official travel November 12-15.

Nik Pula will be on official travel November 12-15.

Sarah Jorgenson will be in the office.

Karen Senhadji will be out of the office on November 12 and in the rest of the week.

Liza Johnson will be in the office.

Immediate Announcements and Actions for the Next Week (November 10 - 16)

NSC Sub-PCC Meeting on the Pacific Campaign: The NSC recently received interagency feedback and status updates on the Pacific Campaign plan, and will hold a meeting this Friday, November 8, to begin a year-end assessment of the plan.

Meetings in USVI and Puerto Rico: AS Domenech will travel to USVI and Puerto Rico November 12-15 to meet with DOI's Hurricane Recovery Team, NPS/FWS staff, and to attend the fall meeting of the Conservation Trust of Puerto Rico.

NSC Sub-PCC Meeting on the FAS/COFA: Following the recent listening tours taking the Departments of Defense, Interior, and State to the Freely Associated States (FAS), the NSC is holding an interagency meeting on Friday, November 15, to provide a read-out of the FAS meetings and to discuss options for moving forward with the Compacts of Free Association.

MOU Signing Ceremony, Israel: On November 12, the U.S. Ambassador to Israel is scheduled to participate in an MOU signing ceremony at his office in Jerusalem with Israel's Nature and Parks Authority (INPA). The MOU, on cooperation and exchange on biodiversity

conservation, protected areas, and cultural and historical heritage, is intended to establish a vehicle for identifying and facilitating possible cooperative activities between the two countries. Secretary Zinke previously signed the MOU on behalf of the United States.

GAO Report on International Repatriation: In response to a GAO recommendation, INT led DOI's development of an assessment of legislative options to facilitate international repatriation of Native American cultural items. INT will seek tribal input on the draft assessment at a November 12 listening session on the margins of the American Association of Indian Affairs Annual Repatriation Conference. INT will participate in the listening session, along with representatives from the Bureau of Indian Affairs, the U.S. Department of State, and the U.S. Department of Justice.

Liquefied Natural Gas (LNG) Meetings, Vietnam: DOI-ITAP, alongside the Department of State, will participate in meetings with Government of Vietnam energy and industry ministry officials in Hanoi from November 13-15 to develop a plan to support the development of Vietnam's LNG sector. DOI-ITAP will provide technical expertise to Vietnam on LNG import terminal permitting, regulations, and distribution networks under the Energy Governance Capacity Initiative. This work is funded by the Department of State.

Wildlife Law Enforcement Officials Exchange: Through November 16, DOI's International Technical Assistance Program (ITAP) and the Fish & Wildlife Service will host wildlife officials from four African countries (Kenya, Namibia, Botswana, and Malawi) to share adaptive leadership practices among them and participants from state Fish & Game Wardens. Participants will attend a one-week orientation and training at NCTC, then shadow Fish & Game Wardens in Maine, Maryland, Missouri, Colorado, and California. This work is funded by the State Department.

Ambassador's Water Expert Program, Kyrgyzstan: DOI-ITAP is coordinating a two-week professional exchange through November 17 to Kyrgyzstan. A Bureau of Reclamation official will assess Lake Issyk-Kul - the country's largest body of water - for water quantity and quality issues and generate an understanding of what level of inflow diversion can be supported while sustaining the natural water level of the lake. The DOI-ITAP representative will meet with local and national government officials and scientists and conduct field research, and will present his findings and recommendations in a report to local stakeholders and the U.S. Embassy. This work is funded by the U.S. Department of State.

CITES and Protected Area Coordination, Oman: DOI-ITAP will work with partners in Oman through November 14 to prepare for CITES and protected areas management activities in early 2020. This work is funded by the U.S. Department of State.

Central America - Dominican Republic Free Trade Agreement (CAFTA-DR) Meeting: The State Department invited DOI-ITAP staff to present to regional Ministers of Commerce and Environment at the CAFTA-DR Environmental Affairs Council meeting November 12-14 in Miami, Florida. Staff will present on DOI's work to combat trafficking of wild flora and fauna in the region. DOI-ITAP staff also will meet with U.S. Southern Command to discuss the details of SOUTHCOM's commitment to support DOI work with the Central American

and Dominican Republic Wildlife Enforcement Network and explore future collaboration on combating wildlife trafficking. This work is funded by the U.S. Department of State.

Consultation Workshop in Belize: USAID/Guatemala has requested that Cynthia Perera participate in a consultation workshop November 13-19 to determine the current status and government priorities for the Belize portion of the Selva Maya. Selva Maya comprises the contiguous protected areas found along the borders shared between Guatemala, Belize, and Mexico, a recent high-priority area for USAID to counter wildlife trafficking and improve economic benefits and conservation efforts. This work is funded by USAID.

White House Summit on Partnerships in Ocean Science and Technology: The White House will host the Summit on Partnerships in Ocean Science and Technology from 9 a.m. - 5 p.m. on Thursday, November 14, 2019. The Summit will bring together over 100 leaders from academia, philanthropy, the private sector, and the Federal government to discuss American leadership in ocean science and technology. The Summit will provide an opportunity to strengthen and facilitate public-private partnerships to advance the economic, security and environmental interests of the United States. Summit discussions will provide opportunities for stakeholders to discuss ways to effectively leverage funding, technologies, resources, and expertise across agencies and sectors to augment knowledge and existing partnerships in the ocean S&T community. DOI's Bureau representatives and Sarah Jorgenson will attend.

Meeting with the U.S. All Islands Coral Reef Committee Executive Director: On November 14, the DOI Ocean, Great Lakes, and Coastal Program Coordinator will meet with the U.S. All Islands Coral Reef Committee Executive Director, the NOAA Coral Reef Conservation Program Director, and the Executive Secretariat of the U.S. Coral Reef Task Force (USCRTF). The meeting will cover planning for the Steering Committee meeting the following week, follow up on actions from the recent USCRTF meeting in Palau, planning for the next meeting in Washington DC, and cross-cutting coral reef-related issues raised by the state and territorial representatives.

8-30 Day Outlook

NEW ITEMS

U.S. – Australia High-Level Dialogue on Critical Minerals: At the request of the State Department, INT is participating in interagency planning discussions for a bilateral dialogue on critical minerals with Matthew Canavan, Minister for Resources and Northern Australia, on November 18 or 19. Commerce Secretary Wilbur Ross is expected to host the dialogue. INT will work with Water and Science staff to support ASWS Tim Petty's participation.

Australian Minister Meeting with Secretary Bernhardt: In addition to the dialogue being held by Secretary Ross, on Monday, November 18, Australian Minister for Resources and Northern Australia Canavan will meet with Secretary Bernhardt. The discussion will likely focus on the 2018 Letter of Intent between DOI and Geoscience Australia on critical minerals cooperation, and ongoing work between USGS and Geoscience Australia on this topic. AS Domenech and AS Petty will join this meeting.

Fish Passage Policy Meeting, Cambodia: DOI-ITAP will participate in the Mekong River Commission's (MRC) National Consultation Meeting on Fish Passage Policy in Pursat, Cambodia, on November 21. DOI's Senior Technical Advisor for the Smart Infrastructure for the Mekong project will present at the meeting and conduct site visits to fish passage locations to scope potential future support for additional fish passes. He will also meet with USAID and other partners in Bangkok, Thailand to present on the Regional Fish Passage Initiative. This work is funded by USAID.

UPDATED ITEMS

World Heritage and Historic Preservation Joint Workshop and Training on Guam: The Office of Insular Affairs and the National Park Service are collaborating to host a World Heritage and Historic Preservation training on Guam from December 2- 6. Guam Governor Lou Leon Guerrero will provide welcoming remarks as the host. AS Domenech will travel to Guam with Deputy Assistant Secretary of the Navy for Environment and Installations Karnig Ohannessian. Both Domenech and Ohannessian will address the gathering. Each island area is sending participants from the respective historic preservation offices or from the non-government sector, representing organizations that are working on World Heritage sites or have the potential to help historic preservation offices with World Heritage site nominations.

ONGOING ITEMS

NO CHANGE. Insular Areas Coordinating Group: OIA staff are putting together a meeting on November 20th with key federal entities who work on insular issues in advance of the annual Interagency Group on Insular Areas (IGIA) meeting in February 2020. This advance meeting will lay out all of the prominent issues that each agency is facing in regard to Insular Areas and is expected to include representatives from the Department of Commerce, Health and Human Services, the Department of Justice, and Treasury.

NO CHANGE. Office of Insular Affairs Funded Capacity Building - IGFOA Winter Conference 2019: The OIA-funded Winter Island Government Finance Officers' Association (IGFOA) meeting is scheduled to take place from December 10-12, 2019, in Maui, Hawaii. Participation is expected from the heads of finance for each insular government, as well as permanent staff members with a work-related focus on finance office performance measurements and audit improvement initiatives within each finance office.

NO CHANGE. Operation Christmas Air Drop: AS Domenech has been invited to participate in the annual Operation Christmas Air Drop, which takes place the second week of December from Guam's Andersen Air Force Base. Families, businesses, and non-governmental organizations on Guam collect and package Christmas presents for families who live in the smaller, remote islands of Micronesia. The U.S. Air Force conducts the airlift operation, called Operation Christmas Air Drop, a tradition that started in 1952 and serves as a training mission for the U.S. Air Force. It is the longest-running U.S. Department of Defense mission in full operation, and the longest-running humanitarian airlift in the world.

NO CHANGE. Joint Forensics Analysis of Vicuna Samples, Chile: During November 2019, DOI-ITAP is coordinating a three-week forensics joint analysis and publication of findings between the U.S. Fish and Wildlife Service's National Forensics lab, the Government of Chile, and the Universidad de Chile. A scientist from Chile and the FWS Lab team will analyze vicuna fiber samples provided by Chile and make the findings available for forensic and scientific use worldwide. This work is funded by Department of State.

NO CHANGE. Vegetation Monitoring and Mapping Project, Kenya: DOI-ITAP, in partnership with USGS, will be collecting the final field data for a mapping project November 21-December 6 with the Northern Rangelands Trust (NRT) to remotely detect changing rangeland vegetation conditions over large areas. The resulting mapping tool will assist with grazing management in community conservancies. This work is funded by USAID.

NO CHANGE. Arctic Security: INT and bureaus will provide input and support as necessary to an interagency update to existing U.S. Arctic security plans. This effort focuses primarily on national security issues outside of DOI's responsibilities, but INT will participate as appropriate.

AWARENESS

66th Pacific Island Health Officers Board Meeting: The 66th Pacific Island Health Officers Board Meeting will take place November 18-22 in Honolulu, HI, and will be attended by all health administrators from the Freely Associated States and U.S. Pacific Territories.

U.S.-FSM Joint Committee Meeting (JCM): The Federated States of Micronesia will host the annual DOD Joint Committee Meeting with the U.S. in Palikir, Pohnpei, November 18-20. It is expected that there will be high-level attendants from both governments, and the meeting continues to serve as a platform for the two countries to jointly discuss issues of importance and of common interest, specifically as it relates to security and defense matters as prescribed in Title III of the Amended Compact of Free Association.

NO CHANGE. Guatemala Technical Assistance: INT has been asked by staff from Sen. Inhofe's office to provide technical feedback on potential legislation and appropriations related to a high profile and threatened archeological site and conservation area in the Mayan Biosphere Reserve of Guatemala. ITAP has provided technical assistance to the region since 2006, with funding from the Department of State and USAID on subjects such as conservation, sustainable development and tourism, environmental law enforcement, and historic preservation. The Senate Appropriations Committee, led by Sen. Inhofe, are considering whether to direct funding to DOI to be administered by INT, which would fund ongoing technical assistance by INT and partners in academia for ten more years. Discussions are ongoing as to the amount of funding, and mechanisms to use, potentially including grants or cooperative agreements.

Legislation OIA is following:

-H.R. 4821: Covering Our FAS Allies Act (H.R.4821), a bipartisan bill to reinstate Medicaid eligibility for citizens of the Freely Associated States (FAS).

-H.R. 1365 (San Nicolas-Guam): To make technical corrections to the Guam World War II Loyalty Recognition Act.

-H.R. 560 (Kilili-CNMI): Grants CNMI-only permanent status to qualified long-term guest workers and foreign investors.

-H.R. 3631 (Soto-FL): The Territories Health Care Improvement Act passed the Energy and Commerce Committee on July 17 as part of a larger healthcare package (H.R. 2328). The legislation would increase the limit on Medicaid payments and the Federal Medical Assistance Percentage for the territories.

-H.R. 3482 (Radewagen-American Samoa): To amend the Immigration and Nationality Act to waive certain requirements for naturalization for American Samoan United States nationals to become United States citizens.

-H.R. 2916 (Gabbard-Hawaii)/S. 1222 (Schatz-Hawaii): Requires the Secretary of Veterans Affairs to carry out a pilot program to provide hospital care and medical services to veterans in the Freely Associated States and to conduct a feasibility study.

-H.R. 4264 (San Nicolas-Guam): Requires the Guam local government to pay tax refunds within 90 days of tax returns being filed.

-H. Res. 641 (Grijalva-AZ): Calls for equal treatment for Americans in the insular areas by rejecting Insular Cases that have allowed Congress to perpetuate what the resolution's authors call the unequal treatment of insular areas.

Upcoming International Agreements:

In Process: USGS Memorandum of Understanding with Saudi Arabia: USGS has been working on an MOU with Saudi Arabia to engage in technical and scientific cooperation on water resource sustainability. It is pending Circular 175 clearance by the Department of State.

In Process: USGS Memorandum of Understanding with Korea: USGS is the lead on this MOU aimed at technical and scientific cooperation on geosciences, particularly focused on earthquakes and seismic monitoring. It is pending DOI clearance to be submitted for Circular 175 clearance by the Department of State.

In Process: BOEM Memorandum of Understanding with Norway: BOEM is the lead on this MOU designed to facilitate cooperation on offshore energy development. Norway recently finished its review and BOEM will now coordinate with Norway to arrange signature.

In Process: DOI Memorandum of Understanding with Ireland: The Office of the Secretary is working on an initial draft MOU with Ireland to identify, facilitate, and strengthen cooperative bilateral activities specifically focused on matters related to the protection, management, conservation, and restoration of wild species and ecosystems as well as cultural and historical heritage, and in promoting safe and sustainable energy development.

Upcoming International Travel:

Jim Reilly is leading a delegation of ten USGS staff to Canberra, Australia October 31-November 14, for the Group on Earth Observations (GEO) Ministerial Summit.

A delegation of twenty two USGS staff will travel to Mexico for the 4th International Volcano Observatory Best Practices Workshop November 17-25.

Additional known international travel departing November 10-16 (travel funded by originating bureau/office unless otherwise indicated).

Date	Destination	Purpose	Employee	Bureau/Funder
11/10	Japan	Seismicity Modeling	Justin Rubinstein	USGS/Japan
11/10	Australia	Storm Surge Modeling	Li Erikson	USGS
11/10	Australia	Storm Surge Modeling	Curt Storlazzi	USGS
11/10	Australia	Wildlife Health	LeAnn White	USGS
11/10	Italy	Cultural Heritage Mgt	Matt Jacobs	NPS/NGO
11/10	Netherlands	Hydrologic Analysis	Joseph Hughes	USGS
11/11	Vietnam	Liquefied Natural Gas	Peter Fricke	INT/State
11/11	Vietnam	Counter Wildlife Trafficking	Fernando Gattorno	FWS/State
11/11	Sweden	Ungulate Wildlife Migration	Matthew Kaufman	USGS/Univ WY
11/11	Kenya	Wildlife Disease Prevention	Jonathan Sleeman	USGS/UNFAO
11/11	Denmark	Waterfowl Monitoring	Fred Johnson	USGS/Denmark
11/11	St. Lucia	Conservation Grants Mgt	Amanda Gonzalez	FWS
11/11	Costa Rica	Groundwater Mapping	Carmen Diaz	USGS/Costa Rica
11/12	Costa Rica	Groundwater Mapping	Wayne Belcher	USGS
11/12	China	Seismic Hazards Evaluation	Rufus Cathings	USGS
11/13	Jamaica	Deep Sea Minerals	James Hein	USGS/ISA & Brazil
11/14	Panama	Counter Wildlife Trafficking	Victoria Owens	USGS/State
11/15	Norway	Minerals Remote Sensing	Todd Hoefen	USGS
11/15	Norway	Minerals Remote Sensing	Raymond Kokaly	USGS
11/15	New Zealand	Riverine Flow and Transport	Jonathan Nelson	USGS
11/15	New Zealand	Riverine Flow and Transport	Paul Grams	USGS
11/16	India	Kimberley Process Meeting	Pete Chirico	USGS
11/16	Colombia	Volcanic Hazards Mitigation	Elizabeth Westby	USGS/USAID
11/16	Colombia	Volcanic Hazards Mitigation	Carolyn Driedger	USGS/USAID
11/16	UK	Geographic Naming Meeting	Jennifer Runyon	USGS
11/16	Belgium	Mineral Commodity Supply	Steve Textoris	USGS
11/16	Belgium	Mineral Commodity Supply	Nedal Nassar	USGS
11/16	Saudi Arabia	Emerging Ocean Technologies	Guillermo Awad	BOEM/Saudi Arabia

ASSISTANT SECRETARY FOR LAND AND MINERALS MANAGEMENT
(Indicates Press/Comms Opportunities)

Week Ahead Schedule of Meetings, Hearings, and Travel

Casey Hammond will be in the office all week.

Andrea Travnicek will be on annual leave all week.

Scott Angelle will be in the office all week, and on annual leave on Friday, November 15.

Lanny Erdos will be in the office all week.

William Perry Pendley will be in the office all week.

Walter Cruickshank will be in the office all week.

Exempt Federal Register Notices (Second Week Notice, or more)

Information Collection Renewal Notices: Agency Information Collection Activities; Free Use Application and Permit for Vegetative or Mineral Materials 30 day notice (1004-0001) (DTS 2850)

Agency Information Collection Activities; Geothermal Resource Leasing and Permitting; and Geothermal Resources Unit Agreements; Control Number 1004-0132 (DTS 2846)

Exempt Federal Register Notices (First Week Notice)

Information Collection Renewal Notices: Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Resource Management Planning; Control Number 1004-0212 (DTS 2835)

Immediate Announcements and Actions for the Next Week

Bureau of Land Management

Ongoing. BLM Resources and Planning is helping the Solicitor's Office review an Oct. 16 U.S. District Court for the District of Idaho preliminary injunction to suspend implementation of all six sets of 2019 Sage-Grouse amendments covering seven states. The BLM has requested state offices to provide information on impacts of the preliminary injunction to BLM, resource users, and the public for both 3- and 6-month timeframes. PR: NA (10/23/19)

Ongoing. The BLM anticipates publishing a proposed rule in the Federal Register for 43 CFR 3170s (onshore orders 3, 4, and 5) on oil measurement, gas measurement, and site security pending approval from OMB/OIRA. The proposed rule would revise three regulations the BLM uses to ensure proper handling of oil and gas production, which is essential for accurate measurement, proper reporting, and production accountability. Taken together, the proposed new rules would remove or modify unnecessarily complex and burdensome requirements, address logistical issues, and eliminate inconsistencies. This effort

will also streamline regulations on energy developers whose activities support reliable American energy and jobs. BLM received interagency comments Sep. 27. The rule was submitted Oct. 23 to Exec. Sec. for review, after which it will return to OMB. PR: BLM-WO (9/25/19) DTS 2487

Nov. 9-10. BLM-UT. Grand Staircase-Escalante National Monument, the BLM-AZ Arizona Strip Field Office, and California State University, Long Beach archaeologists and students plan to conduct a ground penetrating radar remote sensing study to test for the presence of subsurface archaeological site features with non-invasive methods; providing cultural resources managers the opportunity to expand knowledge of archaeological sites without disturbing site integrity. Archaeologists hope this collaborative study will continue in future years to capture additional site data and provide hands-on field experience to students. PR: NA (10/9/19)

Nov. 12. BLM-UT plans to publish the Manganese Road Recordable Disclaimer of Interest (RDI) Notice of Application and begin a 30-day public comment period for the approximately 9.88 miles of BLM-managed lands in Washington County. If approved, the RDI will disclaim U.S. interest in the public highway right-of-way as of the disclaimer date. PR: BLM-UT (10/23/19)

Nov. 12. BLM-UT. The Salt Lake Field Office plans to publish a Federal Register Notice to extend a 20-year withdrawal of 2,714.22 acres of public land from location and entry under the U.S. mining laws to protect aspects of the Central Utah Project (CUP). The existing withdrawal is located in the Uinta Wasatch Cache National Forest in Utah County, and will expire in Dec. CUP is administered through the Office of the Assistant Secretary for Water and Science. The project's Diamond Fork System consists of pipelines, tunnels, power plants, transmission lines, access roads, and other related structures that convey water from Strawberry Reservoir to the Wasatch Front. The Utah County Commission and the Governor's Office (via the Public Lands Policy Coordination Office) have expressed support for the withdrawal's extension. PR: BLM-UT (5/18/18) DTS L228

On or about Nov. 12. The BLM plans to issue Management Directed Geographic Reassignment (MDR) letters to each Washington-based employee whose position is being located to the West. Employees will have 30 days to decide whether to accept reassignment and an additional 90 days in which to report to their new duty station. Supervisors will work with employees on a case-by-case basis on reporting dates.

Nov. 13. BLM-AK State Director Chad Padgett plans to join federal and state interagency leaders at the Anchorage Alaska Public Lands Information Center (APLIC) for its \$1.6 million makeover ribbon-cutting ceremony. Three active (Anchorage, Fairbanks, and Juneau) and one currently inactive (Tok) APLICs were established by Section 1305 of the Alaska National Interest Lands Conservation Act and are supported administratively and financially through an interagency memorandum of understanding. Interagency members include the U.S. Fish & Wildlife Service, U.S. Geological Survey, National Park Service, U.S. Forest Service, and the Alaska Departments of Fish and Game; Natural Resources; Transportation and Public Facilities; and Commerce, Community and Economic Development. Local K-12

students will participate, and positive local media coverage is expected. PR: BLM-AK (10/16/19)

Nov. 14. BLM-ID. The Bruneau Field Office plans to issue a proposed grazing decision for the Dickshooter Cattle Company Use Area livestock permit renewal in the Big Springs Allotment. Adaptive management, range improvement projects, and flexibility in livestock grazing will be implemented to meet Idaho Standards for Rangeland Health and no reductions to permitted use will be included in the proposed decision. Extensive coordination with the livestock operator and the Owyhee County Commissioners has occurred in the development of the Environmental Assessment. PR: NA (10/16/19)

Nov. 14. BLM-WY. The Wind River/Bighorn Basin District Offices plans to meet with local congressional delegation staff to brief BLM topics in the Cody and Worland field office areas. Field representatives from Sen. Enzi's office, Sen. Barrasso's office and Congresswoman Cheney's office are scheduled to attend. The meeting is not open to the public and media interest is not expected. PR: NA (10/29/19)

By Nov. 15. BLM Resources and Planning intends to submit a report to Congress providing analysis related to proposed actions that can address wild horse and burro overpopulation and lower program costs. The analysis was required by Congress in its 2019 Appropriations Act and follows a similar report to Congress submitted in 2018. PR: NA (4/2/19)

By Nov. 15. Pending final ASLM approval, Directives will publish Manual Section 1105, Donations, Solicitation, and Fundraising (DTS 9078) and issue an Information Bulletin announcing the new policy (DTS 7385). The policy provides a national framework for conducting donation-related activities throughout the BLM and fulfills the BLM mandate to step down the DOI donations policy (Departmental Manual Part 373, Employee Responsibilities and Conduct; Chapter 6). The policy addresses key and timely BLM-specific policy gaps, clarifies ongoing donation-related issues, and improves the BLM's accountability, fostering needed consistency while limiting the BLM's exposure and donation-associated risk. ASLM surnamed the manual in DTS Nov. 1. PR: BLM-WO (9/11/19) DTS 9078 and 7385

By Nov. 15. BLM-AK plans to sign the Record of Decision (ROD) for the Coastal Plain Oil & Gas Leasing Program. The ROD authorizes a leasing program in the Coastal Plain of the Arctic National Wildlife Refuge in accordance with the 2017 Tax Cuts and Jobs Act. The first lease sale will offer at least 400,000 acres of high-potential hydrocarbon lands. PR: BLM-AK (9/25/19)

By Nov. 15. BLM-AK intends to publish a Notice of Availability (NOA) in the Federal Register for the National Petroleum Reserve in Alaska (NPR-A) Integrated Activity Plan (IAP) draft environmental impact statement (EIS) to develop a new management strategy consistent with Secretarial Order 3352 that envisions clean and safe development in the NPR-A while avoiding regulatory burdens that unnecessarily encumber energy production, constrain economic growth and prevent job creation. This plan will supersede the Feb. 21, 2013, NPR-A IAP/EIS Record of Decision and identify new management alternatives that include different combinations of land allocations, lease stipulations, and best management

practices. BLM-AK is addressing Level 4 DOI Review Team comments from the Oct. 18 briefing. PR: BLM-AK (9/11/19) DTS 2771

By Nov. 15. BLM-ES plans to acquire three connecting parcels of land totaling nearly 14 acres and appraised at \$1.4 million on the northeastern boundary of the Meadowood Special Recreation Management Area (SRMA). Congress appropriated \$2.4 million in Land Water Conservation Fund money for acquisitions at Meadowood SRMA during FY16 and an additional \$1.4 million during FY17. Acquisition of the parcels enriches multiple use recreation at the Meadowood SRMA, which is near several federal, state, and county conservation lands on the Mason Neck peninsula in northern Virginia. The acquisition is supported by Congressman Don Beyer (D-VA-08). PR: BLM-ES (7/24/19) DTS 2418

Nov. 15. BLM-CO. The Tres Rios Field Office expects to complete a Land Health Assessment for the approximately 22,000-acre Spring Creek Basin Herd Management Area (HMA) near Disappointment Valley. The assessment considers land health in the HMA (soil erosion, vegetation, water sources, etc.). There is no controversy and local groups support the activity. PR: NA (11/5/19)

Nov. 15. BLM-CO. The Royal Gorge Field Office plans to complete construction of The Bank Campground expansion project in Shelf Road Recreation Area north of Cañon City. This phase of the project adds 20 new developed campsites, a second group campsite, camp host site, and vault toilet. It completes the project that previously added two vault toilets and visitor parking for 20 additional vehicles. The campground expansion was funded through deferred maintenance funds, fee collection funds, and partner contribution. PR: BLM-CO (8/14/19)

Nov. 15. BLM-ID. The Owyhee Field Office (OFO) plans to issue final decisions for the Rockville Grazing Allotment, which is part of the Battle Creek litigation in U.S. District Court of Idaho. Proposed decisions and the Environmental Assessment (EA) were released on Aug. 20, 2018. OFO staff have met with relevant parties to address concerns. The final decisions would permit AUMs equal to the permittees' average actual use (1,625) for the first three years of the new permit. After three years and upon achievement of specific parameters toward meeting rangeland health standards, environmental conditions, and forage availability, the permittees would have the opportunity to increase AUMs up to the current permitted AUMs (2,288) on an annual basis. In addition, a total of 135 suspended AUMs would remain on the permits. BLM-ID briefed the BLM Director's Office on Nov. 7, 2018. Controversy is expected on all permit renewals, but will be no more than usual for Owyhee County. PR: NA (3/23/18)

Nov. 15. BLM-MT/DK. The Missoula Field Office (MFO) plans to complete the Middle Belmont Land Acquisition (MBLA) from The Nature Conservancy. MFO will acquire 7,268 acres for \$5,633,000 using Sportsman's Access funds from the Land and Water Conservation Fund. The MBLA implements part of the Belmont Land Acquisition Environmental Assessment. The Decision Record was signed Aug. 13. The lands are adjacent to BLM-managed lands within the Lower Blackfoot River-Belmont Creek area 25 miles northeast of Missoula. The acquisition would increase the amount of public lands available for recreational activities and maintain the working lands with active forestry, fire management,

and grazing programs. The acquisition is not controversial and has strong local support. PR: BLM-MT/DK (9/25/19)

Nov. 15. BLM-UT. The Salt Lake Field Office plans to begin a 15-day public scoping period for the Fivemile Pass OHV area “special area” designation proposal, which includes supplementary rules and recreation fees for improved infrastructure and maintenance. Scoping will assist staff in informing issues and alternatives for development of an Environmental Assessment. A business plan will be presented to the BLM-UT Resource Advisory Council in spring 2020. PR: BLM-UT (11/5/19)

Nov. 15. BLM-WY plans to publish the Wyoming Pipeline Corridor Initiative (WPCI) Environmental Impact Statement Notice of Intent (NOI). WPCI is a State of Wyoming proposal for amendments to nine Resource Management Plans across approximately 1,105 miles of pipeline corridor on BLM-managed lands. The DOI Review Team cleared the NOI package and final routing is in DTS. PR: BLM-WY (11/5/19)

Office of Surface Mining Reclamation and Enforcement

November 15. Dry Fork Mine Plan Modification: On October 18, 2019, OSMRE Region 7 Office submitted the recommendation on the mining plan modification approval to OSMRE Headquarters for the Dry Fork Mine. On October 29, 2019, the mine plan modification was surnamed by the OSMRE Principal Deputy Director and forwarded to ASLM for approval. The Dry Fork Mine, operated by Western Fuels-Wyoming Inc., is located approximately 4.5 miles northeast of Gillette, Wyoming. The proposed mining plan modification would remove 58.1 million tons of Federal coal and extend the life of the mine by approximately 9.7 years, from 2054 to 2064. (10/18/19)

Bureau of Ocean Energy Management

November 12. BOEM expects to hear back from the Office of the Director of National Intelligence regarding any national security concerns with the vessel proposed to be used for three pending permits to conduct seismic surveys in the Atlantic. If no significant concerns are identified, BOEM will seek clearance to issue the permits. (11/5/19)

November 12. BOEM expects to have a completed analysis from IHS Markit on HPHT fields. On July 30, BOEM received additional direction from ASLM on further analysis for HPHT fields. BOEM incorporated this request into the proposal from IHS Markit for specific analysis on HPHT fields in the GOM. This material will cover cost differentials, potential incentives, and discussion on needed rates of return. The final product will be delivered on November 12. (5/13/19)

November 13. On October 24, 2019, GAO announced a new engagement to review offshore pipeline safety and scheduled an entrance conference for November 13, 2019. BOEM and BSEE are in the scope of this review which will address: (1) the Bureau of Safety and Environmental Enforcement’s responsibilities regarding pipeline safety and design, (2) what is known about the condition of aging offshore pipelines, (3) the amount and sufficiency of

financial assurance for pipeline decommissioning, and (4) challenges related to the maintenance and decommissioning of aging pipeline infrastructure. (10/28/19)

November 13. Staff of Congressman Carbajal staff and DoD will provide a briefing on the Offshore Working Group's (OWG) efforts to identify potential areas for wind energy leasing on the California's Central Coast. A letter was sent to the Acting Deputy Secretary requesting participation at the November 13 meeting, which will also include DoD Assistant Secretary McMahon, and Congressmen Carbajal and Panetta. The OWG was formed as a result of the August 21 meeting between DoD, the State of CA, and members of Congress. The working group was tasked to report back to leadership involved in the August briefing before the end of the year. The group previously met on September 24 and on October 25 in Monterey, CA. (7/26/19)

November 13. BOEM will send a Note to Stakeholders announcing the first Gulf of Maine renewable energy task force meeting. The task force meeting will be held on December 12 in New Hampshire. (10/31/19)

November 13. BOEM will hold the first webinar as part of its West Coast Renewable Energy Science Exchange on floating offshore wind and the use of spatial data on the West Coast. The Science Exchange is a series of webinars about scientific research offshore California, Oregon, and Washington that will inform decisions about the planning, leasing, and development of ocean renewable energy. (10/31/19)

November 14. BOEM plans to meet with Oceana, state and local elected officials, business leaders, and conservation leaders on offshore drilling and Atlantic seismic surveys. (11/4/19)

November 14. BOEM plans to attend the 2019 White House Ocean Science and Technology Summit. The Summit brings together executives from the private, public, philanthropic and academic sectors to identify opportunities for scientific and technological partnerships. Areas of interest for 2019 include: Exploring the Ocean; Conserving Marine Resources; Sustaining Ocean Observations; Promoting Food Security; Advancing Ocean Energy; Characterizing Ocean Life; Leveraging Big Data. (10/8/19)

8-30 Day Outlook

Bureau of Land Management

NEW ITEMS

By Nov. 22. BLM-NV. The Southern Nevada District plans to begin a 30-day public comment period on a district-wide Environment Assessment (EA) to determine potential consequences associated with wild horse and burro management. The EA will seek to mitigate public safety concerns along major roadways near herd management area/herd area (HMA/HA) boundaries, decrease nuisance animal complaints on private lands, manage animals outside HMA/HA boundaries, and remove animals in an emergency. PR: BLM-NV (11/5/19)

By Nov. 22. BLM-NV. The Tonopah Field Office plans to begin the Reveille Herd Management Area Environment Assessment (EA) 30-day comment period. The proposed EA allows for wild horse gathers over 10 years to achieve and maintain appropriate management levels and include mare fertility control treatments. PR: BLM-NV (11/5/19)

Nov. 22. BLM-AK. The public comment period will end for the Environmental Assessment of ConocoPhillips Alaska, Inc.'s proposed 2019-2020 National Petroleum Reserve in Alaska (NPR-A) winter exploration program for activities from Dec. through May, depending on field conditions. The proposed project includes exploration drilling and testing at up to seven potential sites and is similar to NPR-A exploration programs completed in previous winter seasons. BLM-AK inspected the new well locations in July and Aug. PR: NA (11/5/19)

Nov. 28. BLM-WY & BLM-MT/DK. The Buffalo Field Office (BFO) and BLM-MT/DK Miles City Field Office (MCFO) plan to concurrently issue separate Supplemental Environmental Impact Statement (SEIS) Records of Decision and Resource Management Plan Amendments (RMPA) to the 2015 BFO RMP and 2015 MCFO RMP. The SEISs are in response to a U.S. District Court of Montana order directing the BLM to account for impacts from climate change and downstream combustion in considering reducing available federal coal by Nov. 29. The approved RMPAs adjust the coal development potential area based on up-to-date economic conditions and forecasts without affecting current or future coal leasing or production. PR: BLM-WY (11/5/19)

Early Dec. BLM-AZ plans to publish a Notice of Proposed Withdrawal Extension submitted by the U.S. Air Force and U.S. Navy for the extension and 2,366-acre contiguous public lands expansion of the 1,733,921-acre Barry M. Goldwater Range. The Air Force and Navy intend to prepare the Legislative Environmental Impact Statement with the BLM as a cooperating agency for the environmental analysis. PR: BLM-AZ (11/5/19)

Dec 1. BLM-CO. The Grand Junction Field Office (GJFO) plans to break ground on a new staging and event area north of Grand Junction. BLM-CO recently transferred land to the Grand Junction Municipal Airport for an expansion project; which in turn granted GJFO funds to help with the project. PR: BLM-CO (11/5/19)

Dec. 6. BLM-OR/WA. The Upper Willamette Field Office plans to release the revised Pedal Power Project Environmental Assessment (EA) and begin a 30-day comment period, per a District Court order in Civ. No. 6:19-cv-00247-MC. The project, about 8 miles southeast of Springfield, Ore., will remove 4 million board feet of timber on about 100 acres through the Pedal Power Timber Sale. Following the timber harvest, 8.5 miles of new hiking and mountain biking trails will be built to connect to existing trails at the Thurston Hills Natural Area. The court ordered that the BLM adequately disclose the likely increased fire hazard to the adjacent community. The BLM is doing so by presenting a new issue in detail within the revised EA, and by making the Fuels Specialist's report readily available to the public. PR: NA (11/5/19)

UPDATED ITEMS

Nov. 18-20. BLM-CO. The Royal Gorge Field Office plans to host three public meetings and two public webinars to solicit public comment on the Draft Resource Management Plan/ Environmental Impact Statement (RMP/EIS) for the Browns Canyon National Monument. The Notice of Availability published Oct. 4. The RMP/EIS, which is a BLM-led joint plan with the U.S. Forest Service, will include decisions on 21,604 acres of public lands designated as a National Monument in 2015. The RMP will replace the 1996 Royal Gorge RMP and amend the 1984 USFS Pike and San Isabel Forest Plan. Meetings were rescheduled from late Oct. due to inclement weather across central and eastern Colorado. PR: NA (10/2/19)

Nov. 21. BLM-AZ plans to publish the Shooting Sports Environmental Assessment (EA) Decision Record and begin the 30-day appeal period. The EA seeks to identify, plan, develop, and manage sites for recreational shooting sports. BLM-AZ is working with the Arizona Game and Fish Department and other partners. PR: BLM-AZ (4/23/19)

Nov. 22. BLM-AZ. The Phoenix District plans to sign the Decision Record for the Gila River Indian Community (GRIC) land conveyance. The action supports Sec. 4 of P.L. 115-350, GRIC Federal Rights-of-Way, Easements, and Boundary Clarification Act. GRIC has historical ties to the 3,380.69 acres, which include cultural resources and archaeological sites. The lands were designated as suitable for disposal in the 2012 Lower Sonoran approved Resource Management Plan. PR: BLM-AZ (10/2/19)

By Nov. 29. BLM State Offices will issue individual Instruction Memorandums on implementing Federal Land Policy and Management Act Section 512 for power line Rights-of-Way (ROW), as well as Secretarial Order 3372, Reducing Wildfire Risks on Department of the Interior Land through Active Management. The policy will outline agency requirements for managing authorized activities on public lands for vegetation management and operation and maintenance of power line ROWs. PR: BLM-WO (10/21/19)

Nov. 30. The National Wild Horse and Burro Program plans to solicit for additional Off-Range Pasture (ORP) facilities that can hold between 1,000-10,000 horses in Okla., Kan., and Neb. Two existing ORP contracts representing approximately 4,500 head are due to expire Dec. 31. The BLM can make an interim extension for up to six months while the new contracts are finalized. PR: BLM-WO (10/9/19)

Dec. 2. BLM-AZ plans to publish the Public Land Order on behalf of the Bureau of Reclamation to extend the Roosevelt Lake withdrawal. Under a withdrawal extension, the land would remain withdrawn from settlement, sale, or entry under federal general mining laws. The current withdrawal is due to expire Dec. 2. The Public Land Order extends the Dec. 1999 withdrawal of 9,175 acres for an additional 20 years, allowing for the continuation of recreational opportunities, and is needed to reserve those lands within the normal operating levels of the modified Theodore Roosevelt Dam. PR: BLM-AZ (4/15/19)

Dec. 6. BLM-CA anticipates publishing a Notice of Availability for the Final Supplemental Environmental Impact Statement (EIS) for the proposed expansion of the U.S. Gypsum Company Inc. gypsum mine and associated water lines in southwestern Imperial County. The Final Supplemental EIS provides a comprehensive analysis of the potential environmental

impacts of the proposed mine expansion and construction of three water lines on public lands. The \$110 million project would support 400 existing jobs and up to 140 new jobs over its life. BLM-CA submitted a pending Phase 5 DOI Review Team briefing request Oct. 29. PR: BLM-CA. (6/26/19)

ONGOING ITEMS

Nov. 18. BLM-MT/DK expects the 45-day public comment period on the Draft Supplemental Environmental Impact Statement (DSEIS) for the Keystone XL pipeline to end. The BLM is a cooperating agency for this NEPA document. The State Department expects to issue a Final SEIS in mid-December. While BLM's statutory authority is limited to federal lands, the BLM will rely on the Final SEIS to render a decision in response to TC Energy's application for a Mineral Leasing Act (MLA) right-of-way grant. The Draft SEIS considers impacts related to changes in the project since 2014 and incorporates updated information and new studies in response to a court ruling citing the 2014 analysis was deemed insufficient. The SEIS will also address the route alignment shift in Nebraska. PR: BLM-MT/DK (2/5/19)

Late Nov. BLM-NV. The Southern Nevada District has submitted the U.S. Air Force withdrawal application case file for the extension and proposed expansion of the Nevada Test and Training Range, and the BLM Findings and Recommendations for review and transmittal to the Secretary of the Interior for approval. PR: NA (10/29/19) DTS 19171

Late Nov. BLM-WY. The Pinedale Field Office plans to invite the public to review existing routes for the Northern Wyoming Range Travel Management Plan. The anticipated closing date for review and comment of the existing route inventory will be midnight Dec. 31. PR: BLM-WY (10/29/19)

Nov. 22. BLM-AZ plans to sign the Ten West Link Transmission Line Record of Decision based on the Final Environmental Impact Statement (EIS) that was released Sep. 13. In addition to the Final EIS, BLM-AZ prepared amendments to the Yuma Field Office Resource Management Plan and California Desert Conservation Area Plan. The 500-kilovolt transmission line would connect existing substations near Tonopah, Ariz. and Blythe, Calif., strengthening grid reliability and efficiency for millions of customers in both states. The Final EIS analyzed several alternatives, with BLM-AZ's preferred alternative being a 125.8-mile-long route mostly located within existing utility corridors or parallel to existing infrastructure. BLM-AZ briefed the NEPA Review Team Aug. 23. PR: BLM-AZ (6/26/19)

Nov. 22. BLM-AZ. The Arizona Strip District (ASD) plans to sign the Record of Decision for the Paria Canyon–Vermilion Cliffs Wilderness Environmental Assessment (EA) released Sep. 13. ASD held public meetings in St. George and Kanab, Utah, and Page, Ariz. regarding the EA. The EA analyzed the environmental impacts of a proposal to increase daily visitor limits from the current cap of 20 people to a maximum of 96 people per day in Coyote Buttes North, where the internationally popular geologic feature known as The Wave is located. The proposal seeks to increase recreational opportunities and visitor access, as outlined in Secretarial Orders 3347 and 3366, while preserving wilderness values. PR: BLM-AZ (4/30/19)

Nov. 22. BLM-CO. The Tres Rios Field Office plans to publish a notice in the Federal Register implementing annual seasonal wildlife closures Dec. 1 – April 15 (or April 30 if conditions warrant) in the Grandview and Animas City areas, and Dec. 1 – July 31 in the Perins Peak area to protect wintering deer, elk, nesting peregrine falcons, and other wildlife. PR: BLM-CO (10/23/19)

Nov. 22. BLM-UT. The Color Country District plans to publish a Notice of Intent to prepare an Environmental Impact Statement for the Northern Corridor, Washington County Habitat Conservation Plan and associated amendments in the St. George Field Office and Red Cliffs National Conservation Area Resource Management Plans. This is a joint project with U.S. Fish and Wildlife Service to consider a proposed transportation corridor north of St. George and renew the Washington County Habitat Conservation Plan and associated Incidental Take Permit. PR: BLM-UT (10/2/19)

By Nov. 29. The BLM is updating Manual 6310, *Conducting Wilderness Characteristics Inventory on BLM Lands*; and Manual 6320, *Considering Lands with Wilderness Characteristics in the BLM Land Use Planning Process*. The updates clarify certain policy direction including conducting inventories for lands with wilderness characteristics only as needed, that inventory and management are separate activities, and that there is no obligation to protect wilderness characteristics once the lands are inventoried. They also emphasize the importance of engaging cooperators, including states and counties, during the inventory and planning process to ensure public input. The revised manuals are under review with the Deputy Secretary's office. PR: NA (9/11/19) DTS 16518

By Nov. 30. BLM-NV. The Southern Nevada District plans to publish a Federal Register package to extend withdrawal Public Land Order (PLO) 7419 for another 20 years to Nellis Air Force Base (NAFB). Extension of the PLO is necessary to allow NAFB to provide safety buffers from potentially hazardous areas, protect populated areas, and comply with Department of Defense Directive No. 6055.09E regarding ammunition and explosive safety standards. PLO 7419 currently expires Dec. 8. PR: NA (10/23/19) DTS 249

Dec. 3-5. The BLM Preservation Board plans to hold its biannual meeting in Washington, D.C. The Advisory Council on Historic Preservation, the National Conference of State Historic Preservation Officers, and the National Association of Tribal Historic Preservation Officers are expected to attend. Topics include a proposal for a programmatic agreement on abandoned wells, the USDA Rural Development program's national programmatic agreement, retention of field staff, the National Cultural Resources Information Management System, and budget. PR: NA (10/29/19)

Dec. 6. BLM-NM plans to publish a Notice of Availability for the Final Carlsbad Resource Management Plan / Environmental Impact Statement. The RMP outlines long-term landscape-level plans and goals for public lands in Lea, Chaves, and Eddy Counties. The planning area includes about 2.1 million acres of federal land and 3 million acres of BLM-managed mineral estate. PR: BLM-NM (6/19/19)

Oil and Gas Lease Sale Updates

Sale Date	State	# of Parcel s	# of Acres	Date EA Released	Date of Sale Notice Posted	End of Protest Period
11/12/19	BLM-NV	118	247,866.61	7/18/19	9/27/19	10/14/19
<u>12/11/19</u>	BLM-AK	350	3.98 million	10/24/19	<u>11/5/19</u>	<u>12/5/19</u>
12/10- 11/19	BLM-WY	160	173,225	8/13/19	10/11/19	11/9/19
12/10/19	BLM-UT	24	13,422	8/29/19	10/24/19	11/25/19
12/17/19	BLM-NV	452	777,436.74	Elko 8/27; BMDO 9/5; Ely 8/8	<u>11/1/19</u>	11/17/19
12/18/19	BLM-MT/DK	20	18,879	8/15/19	10/29/19	11/28/19
12/19/19	BLM-CO	6	4,259	8/13/19	Deferral memo sent to BLM 10/18/19	TBD
2/6/20	BLM-NM	<u>72</u>	<u>17,668</u>	10/15/19	12/9/19	12/18/19

3/24/20	BLM-MT/DK	8	5,181	11/5/19	2/4/20	3/5/20
3/26/20	BLM-CO	39	39,256	<u>11/14/19</u>	<u>1/24/20</u>	<u>2/24/20</u>

LBA and LMA 6 Months Ahead Project Sales or Offers (Sales)

Sales Date	State	Ser. No. (LBA or LMA)	Tonnage	Acres	Decision Date (DR or ROD)	Date Published FR Sale Notice
NA	ND	NDM 110277 (LBA)	5,230,000	320	NA (DR)	NA
NA	ND	NDM 105513 (LBA)	11,210,000	630	2020 (DR)	2020
NA	ND	NDM 111186 (LBA)	14,400,000	880	2020/2021 (DR)	2020/2021
NA	ND	NDM 105513 (LBA)	11,210,000	630	NA (DR)	NA
NA	MT	MTM 80697 (LMA)	6,750,000	160	NA (DR)	NA
NA	UT	UTU 0126947 (LMA)	6,600,000	954.80	2/1/20 (DR)	NA

NA	UT	UTU 014218 (LMA)	2,300,000	637.84	2/1/20 (DR)	NA
NA	CO	COC 78825 (LBA)	9,540,000	2,462	9/30/19	<u>11/15/19</u>
NA	NM	OKNM 91190 (LMA#3)	1,822,500	270	NA (DR)	NA

NA: Not Available or Not Applicable

Wild Horse and Burro Gatherers

Gather Dates	State	HMA s	Gather Method	Horses*	Burros*	FC?***	Controversy Expected?
8/2 – TBD	BLM-NV	Pine Nut Mountains	Bait/Water Trap	383/485	-	-	No
8/7- TBD	BLM-NV	Antelope and Antelope Valley	Bait/Water Trap	946/1,250	-	Yes; 15 mares	No
10/14-12/31/19	BLM-AZ	Laughlin Ranch Golf Course	Bait/Water Trap	-	0/50	No	No
10/21- TBD	BLM-CA	Clark Mountain	Bait/Water trap	N/A	0/80	No	No

11/4-12/31/19	BLM-AZ	Bullhead City	Bait/Water Trap	-	0/50	No	No
11/5-11/19	BLM-ID	Challis	Helicopter	0/244	-	Yes: 40-50	Yes
11/13-23/19	BLM-NV	Seaman-White River	Helicopter	0/450	-	No	No
12/9-23/19	BLM-NV	Desatoya	Helicopter	0/450	-	Yes: 25	No
2/3-10/20	BLM-NV	Reveille	Helicopter	0/150	-	Yes: 25	No

* Gathered / Plan to Remove

** Fertility Control

Wild Horse and Burro Adoption Events

Adoption Date	State	Horses	Burros	Venue	From Corral / Facility
11/1-3/19	BLM-NV	100	40	TIP Challenge at Horseman's Park, Las Vegas	Palomino Valley and Ridgecrest
11/8-9/19	BLM-AZ	10	6	Florence WHB Training and Holding Facility	Florence WHB Training and Holding Facility

11/15-16/19	BLM-NM	55	10	Hardy Murphy Coliseum	Pauls Valley Off-range Corral, Okla.
11/15-16/19	BLM-ES	60	TBD	Jackson County Agric. Center, Marianna, Fla.	Ewing, Ill.
12/6-7/19	BLM-NM	65	0	Ector County Coliseum, Odessa, Tex.	Pauls Valley Off-range Corral, Okla

Bureau of Ocean Energy Management

UPDATED ITEMS

Late November. GAO posted its final report regarding factors affecting bonus bids on October 24. GAO’s report includes four recommendations, namely that BOEM should: (1) develop a plan for determining whether and how to develop a “progressive royalty structure” and how it can be achieved; (2) enlist an independent third-party to examine the appropriateness of the use of delayed valuations in BOEM’s model assumptions; (3) take steps to ensure that BOEM’s bid valuation process is not biased toward adjusting valuations downward, based on proximity to bids; and (4) implement a systematic process for comprehensively evaluating tract evaluations. BOEM is coordinating an internal response to the report with planned actions and target dates. The response will go through departmental surnaming in late November and is due to PFM by January 15, 2020. (10/25/19)

In December. BOEM’s briefing for the NEPA Review Team on the Record of Decision (ROD) for the Programmatic Gulf of Mexico G&G EIS was postponed. BOEM plans to sign the ROD and publish the Notice of Availability in the *Federal Register* in December. DOJ filed a stipulated motion for an interim extension of the stay out to December 5, 2019, while negotiations continue for a longer stay. The current stay expired on November 5, 2019. (9/20/19)

ONGOING

November 19. BOEM plans to post its price memo for shallow water-specific discount rate parameters on its website. The price memo was developed in support of BSEE’s special case royalty relief program. Posting on BOEM’s website will be coordinated with BSEE’s shallow water announcement. (8/23/2019)

In November. BOEM and BSEE plan to submit the Financial Assurance Proposed Rule to OIRA in November. The joint rule seeks to ensure that entities operating on the OCS comply

with financial and performance obligations arising from leases, right-of-use, and right-of-way grants. Additionally, BSEE added provisions to provide that it will order decommissioning from liable predecessors in reverse chronological order if current lessees fail to timely decommission the facilities on a lease or grant. The proposed rule is currently with Exec Sec. (8/27/18, DTS#2343)

In November. BOEM would like to formalize the MOU between DOI and Norway. Both the Department and Norway have cleared the MOU, which is intended to strengthen cooperation on both marine minerals and offshore energy. Norway has indicated it may be the Ambassador to the U.S. who would sign for Norway. DOI has not determined who will sign for it. (3/22/19)

In November. BOEM expects to finalize its rule to amend air quality regulations related to oil, gas, and sulfur operations on the OCS. On August 26, BOEM sent a red-lined draft of the rule with responses to comments to ASLM, SOL, Exec Sec, and the Acting Deputy Secretary for review. BOEM, in coordination with SOL, provided additional edits in response to comments from the Acting Deputy Secretary, who currently has the draft rule. (3/18/19, New DTS#2697)

In November. BOEM plans to submit comments in response to NOAA's Office for Coastal Management March 12, 2019 Federal Register Advanced Notice of Proposed Rulemaking (ANPR) for "Procedural Changes to the Coastal Zone Management Act Federal Consistency Process." In the ANPR, NOAA is seeking public comment on the changes that should be made to NOAA's Coastal Zone Management Act (CZMA) federal consistency regulations to make the federal consistency process more efficient across all stages of OCS leasing and development for oil and gas and renewable energy projects. The Acting Deputy Secretary requested edits to BOEM's original comments. The comments have been with SOL since October 7 and will be sent to the Acting Deputy Secretary for review. NOAA has indicated that they will not move forward on the Proposed Rulemaking without consultation with BOEM. (4/19/19, DTS# 2744)

In November. BOEM plans to submit a response to NMFS on its revised draft BiOp, received August 5, 2019. BOEM received a revised draft BiOp and a draft summary table discussion describing how NMFS addressed BOEM's September 2018 comments. BOEM and SOL have prepared an enhanced response to NMFS on the draft BiOp which is with the Acting Deputy Secretary for review. A briefing binder was provided to the Secretary's office on September 26 and BOEM is currently awaiting further instruction. (8/9/19)

In November. The State Department has requested input from BOEM on how proposed International Seabed Authority (ISA) financial/royalty models conform to our domestic oil and gas royalty system. This is part of a larger support effort that BOEM has been providing to the State Department on ISA-related matters. BOEM plans to provide the paper for ASLM review in mid-November. (10/15/19)

In November. BOEM expects to publish a Notice of Intent (NOI) to prepare an environmental assessment (EA) for leasing offshore the New York Bight. The NOI will be published concurrent with identification of the New York Bight WEAs. A briefing for the

ASLM was held October 9. (3/8/19, DTS #2514)

In December. With Secretary Pompeo's support, the State Department has developed an Eastern Mediterranean Energy Engagement Strategy, which envisions Israel, Cyprus, Greece, and the U.S. cooperating in the field of energy. Pursuant to the strategy, the State Department would like BOEM to lead a workshop in Athens, Greece to discuss environmental approaches to offshore oil and gas in December 2019 or early 2020. (10/22/19)

Bureau of Safety and Environmental Enforcement

Arctic Rule (AA01) –This is a joint BSEE BOEM rule and BSEE has been tasked as the lead agency by the ASLM for revisions to this rule. BSEE worked with the Department and the Office of the Solicitor to draft the reg text, the preamble, environmental assessment, information collection compliance statements, and initial regulatory analysis. The draft preamble, reg text, EA, decision memos and Powerpoint were delivered to the ASLM and Departmental leadership on September 20. The RIA was delivered on September 25. The Department is currently reviewing the proposed Arctic rule package and has provided preliminary comments and guidance to BSEE and BOEM. The bureaus are currently in the process of incorporating additional information into the preamble and drafting additional reg text options for the proposed rule's Subsea Isolation Device/Relief Rig requirement. The Department is currently reviewing the proposed Arctic rule package and has provided preliminary comments and guidance to BSEE and BOEM. The bureaus are currently in the process of incorporating additional information into the preamble and drafting additional reg text options for the proposed rule's Subsea Isolation Device/Relief Rig requirement. Hard copies of the first option (an option between equals, the use of a relief rig or the use of a subsea intervention device (SID)) and second option (one method with the use of the SID) of preamble and reg text were delivered on October 21 to the ASLM and Deputy Secretary. A crosswalk chart of both options comparing the changes in regulatory text were delivered to the ASLM and Deputy Secretary on October 22. On November 4, BSEE transmitted the preferred equal footing option to the rulemaking team.

Shallow Water Royalty Report: BSEE and BOEM are working to finalize the *Joint BSEE BOEM Report*, which will include the publication of BOEM's revised Discount Rate schedule, and the SOL opinion. BSEE and BOEM are seeking to schedule an announcement to release this report and the solutions to increase Shallow Water activity in a November 2019 presentation in Houma, Louisiana, and a potential second event on November 21 in Lafayette, LA. This presentation is designed to communicate to the public that this administration has 1) conducted the most robust research ever regarding the Shallow Water Province and 2) has developed a smart solution in response to the research. In addition, Shallow Water operators will be notified of this latest information and we would expect an uptick in royalty relief applications for the shallow water province, and consequently an uptick in drilling activity, production, and a reduction in stranding assets.

Office of Surface Mining Reclamation and Enforcement

NEW ITEMS:

December 3. West Antelope Mine Plan Modification - The OSMRE Region 7 Office began the scoping phase on the proposed West Antelope Mine Plan Modification environmental analysis requesting public comments. The 30-day scoping period will close on December 3, 2019. The West Antelope Mine, operated by Navajo Transitional Energy Company, and is located approximately 20 miles south of Wright, Wyoming. The proposed mining plan modification would remove 15.8 million tons of Federal coal and extend the life of the mine by approximately 0.5 years. (11/4/19)

UPDATED ITEMS

November. State Program Amendment (SPA) Processing. Two final rule notices are pending approval to publish in Exec Sec, TX-068 and AK-007. OSMRE will continue to assess the State Program Amendment process and consider modifying the current process, as appropriate. A second training opportunity will be provided to OSMRE staff in January 2020, on drafting and processing state program amendments via webinar. (11/1/19)

November 30. TDN Rulemaking: The preamble has been drafted and the team is currently reviewing. Our next steps will be to finalize the preamble and rule by the end of November. OSMRE has assembled a team to develop a rule to clarify the requirements of section 521 of the Surface Coal Mining and Reclamation Act of 1977 (SMCRA) (30 USC § 1271) and the regulations promulgated under sections 30 CFR 842.11 and 843.12. OSMRE has developed an action plan in order to achieve the goal of proposing a rule in late CY 2019 or early CY 2020. (10/3/19)

November 30. Section 7 Consultation: OSMRE has circulated the revised response to IMCC comments and revised BA to SOL and DOI management for final review. The expectation is to have the draft BA and comment response document review completed by the solicitors within the next week. Subsequent to addressing any additional solicitor comments the BA will be circulated with the Department for final review. It is anticipated that these documents will be provided to the IMCC and the Service for additional review by the end of November. The FWS/OSMRE team is also going through comments on the MOU to develop responses to the various concerns raised by the IMCC. Discussions with the Service on these issues are ongoing and will continue throughout the consultation process. (10/7/19)

November 15. Justice Group of Companies: An Office of Hearings and Appeals (OHA) status conference was held regarding the unabated Imminent Harm Cessation Order for Kentucky Fuel Corp's (KFC) Bevins Branch Mine in Pike County (part of the Justice Group companies). OSMRE informed the Administrative Law Judge that settlement discussions had broken down in that OSMRE considered KFC's numerous submissions of abatement measures as non-responsive. OSMRE pushed for a hearing. The OHA is going to issue an order acknowledging that the parties will attempt to meet in person soon (next couple of weeks), possibly requiring the company to submit a plan by November 15, requiring the parties to file a status report on November 26, and scheduling a call for December 3. The

finances and penalties associated with this matter are included in the affirmative litigation package under consideration by the DOJ. (10/11/19)

November 15. River Hurricane: United raised several questions regarding specifics and costs in the proposed plan (changes from the previous 2 submissions). The OSMRE Lexington Field Office (LFO) provided answers/clarifications to most of the questions and informed them that the remaining issues are open for discussion at the next meeting. The focus of the questions/clarifications all related to cost, i.e., why is chemical treatment included, why are they constructing extra ditches to seeps that will be taken care of once dewatering system in, etc., all of which added costs. The parties were unable to meet this week due to tight schedules but United informed LFO that, after reviewing answers, they were going to reach out to Contura to discuss proposal and then would get back to schedule the meeting. LFO responded to additional questions/clarifications received from parties to the Agreement. In what we interpret to be a positive sign, LFO was informed that the parties have been communicating with each other to discuss High Ridge's proposal for a dewatering system and that they would get back to LFO to schedule a meeting to discuss the proposed dewatering system. (11/4/2019)

Ongoing-Late November, Coyote Creek Pilot Project - ND: BLM and OSMRE discussed climate analysis needs with EA contractor and Coyote Creek Mine. The Coyote Creek Mine submitted the responsive data on November 1. Upon review of the data, the EA contractor will prepare a direct emissions inventory and address the climate analysis needs in the EA. A recent Departmental review determined the draft EA for the Coyote Creek Mine leasing and mining plan pilot project needs to be augmented with additional information regarding climate analysis and greenhouse gas emissions. The agencies and the EA contractor need to determine the amount of time needed to complete these revisions. At this time, an expected date to publish in the Federal Register a notice for the draft EA and unsigned FONSI for the Coyote Creek Mine leasing and mining plan pilot project is unknown. A 30-day public comment period will follow publication in the Federal Register. (10/31/19)

November 30, 2019. Pollyanna 8 Modification #3 - Oklahoma: BLM posted the draft EA and unsigned FONSI for public comment on November 1, 2019. HQ NEPA Lead and Field Solicitor have reviewed the draft and provided comments. BLM had received a request from the permittee of the Pollyanna 8 underground mine to modify its current lease (OKNM 91190) by adding 270 acres of federal coal. The comment period closes November 30. (10/31/19)

Ongoing-Late November: Caballo Mine West Lease Tract Mining Plan Decision Document - WY: OSMRE is preparing a mining plan decision document for the Caballo Mine West Lease Tract. The OSMRE Region 7 Office received a letter from the Wyoming State Historic Preservation Office confirming no historic properties will be affected.(10/31/19)

December. Ouro Mining - Arkansas: In December 2019, Ouro Mining, Inc. expects to submit their request for a compatibility determination for a longwall mine that would recover federal coal beneath the Ouachita National Forest and adjacent private coal from under private surface. Because Arkansas does not have a cooperative agreement under SMCRA,

OSMRE would be the permitting authority for the Federal lands included in this project. During an October 29, 2019, phone call with OSMRE Regional staff, Ouro staff, consultants, and its Executive Director, Ouro detailed their current progress on the compatibility determination request. Ouro expects to submit the request to OSMRE in December 2019, and schedule a site visit with OSMRE staff in early December. (10/31/19)

ONGOING ITEMS

Ongoing. Tennessee Primacy: OSMRE received Tennessee's application for a regulatory program development grant on September 26, 2019. Upon reviewing the grant application, OSMRE found the package was incomplete. OSMRE is currently working with Tennessee to obtain a completed application package. Tennessee provided final application clarifications on October 22, 2019. Completion of Regional review is anticipated by November 8, 2019. Tennessee will be working towards the "Program Submission," which is anticipated to be completed by the end of the 2020 calendar year. Once OSMRE receives a completed Program Submission, the Agency will work diligently to post it in the Federal Register. Once the Federal Register notice is published, OSMRE will have six months to approve the Tennessee Program. (10/11/19)

November. Narley Mine No. 3 - Alabama: The State of Alabama plans to approve the mine operator's permit revision as soon as the bond is posted. OSMRE has reviewed the permit revision application and worked with the State of Alabama to correct any outstanding issues. OSMRE regional staff will reinstate development of the EA when the State of Alabama approves the permit revision. (10/31/19)

November 27. Center for Biological Diversity v. U.S Fish and Wildlife Service: The government's response to a lawsuit filed September 4, 2019, by environmental groups against the U.S. Fish and Wildlife Service, OSMRE, and the Department is due November 27, 2019. The plaintiffs, the Centers for Biological Diversity, are challenging the continued reliance on the 1996 Biological Opinion. Among other things, plaintiffs request a declaratory judgment that the 1996 Biological Opinion is invalid and the 2018 crayfish guidance is unlawful. DOI plans to seek a stay of the litigation pending completion of a new Biological Opinion. (10/7/19)

ASSISTANT SECRETARY FOR POLICY, MANAGEMENT AND BUDGET (Indicates Press/Comms Opportunities)

Week Ahead Schedule of Meetings, Hearings, and Travel for the Upcoming Week

Susan Combs will be in the office.
Scott Cameron will be in the office.

Immediate Actions and Announcements for the Next Week

In an effort to assure that policies and procedures are up to date and are still needed, PMB is reviewing over 70 Department Manual Chapters. As of November 6, 2019, PMB has

developed reviewed, internally surnamed, prioritized and sent 38 DM chapters to the Office of the Executive Secretariat for processing and Departmental approval. 13 DMs are in agency review. (11/06/19)

<i>PMB Departmental Manual Chapter Updates - FY 2019</i>	
DM Part #	Departmental Manual Chapter # and Chapter Title
112 DM 30	Chapter 30 - Office of Restoration and Damage Assessment
207 DM 6	Chapter 6 - Natural Resource Damage Assessment and Restoration
207 DM 7	Chapter 7 - CERCLA Implementation
520 DM 1	Chapter 1 & 2 - Floodplain Management / Wetlands Protection
105 DM 1	Chapter 1 - Creation, Mission, and Goals
524 DM 1	Chapter 1 - Invasive Species Policy
505 DM 1	Chapter 1 - Grants Administration - Policy Development and Management
505 DM 2	Chapter 2 - Grants Administration - Procurement Contracts, Grant and Cooperative Agreements
505 DM 3	Chapter 3 - Grants Administration - Grants and Cooperative Agreements with State and Local Governments
505 DM 4	Chapter 4 - Grants Administration - Deposit of Publications Produced Under Grants
505 DM 5	Chapter 5 - Grants Administration - Grants Agreements with Education/Hospital/Non-Profit Groups
505 DM 6	Chapter 6 - Grants Administration - Infrastructure Privatization
205 DM 12	Chapter 12 - Financial Assistance
109 DM 4	Chapter 4 - Assistant Secretary - Policy, Management and Budget and CFO
446 DM 7	Chapter 7 - Evidence Handling and Storage
485 DM 10	Chapter 10 - Safety and Occupational Health Awards
485 DM 8	Chapter 8 - Employee Reports of Unsafe Conditions and Allegations of Reprisal
370 DM 312	Chapter 312 - Position Management
370 DM 511	Chapter 511 - Position Classification Under the Classification Act System
112 DM 34	Chapter 34 - Creation, Authorities, Mission, and Functions (New)
485 DM 16	Chapter 16 - Motor Vehicle Safety
485 DM 21	Chapter 21 - Radiation Safety for Ionizing and Non-Ionizing Radiation
485 DM 7	Chapter 7 - Accident/Incident Reporting and Investigations
485 DM 9	Chapter 9 - Occupational Safety and Health Councils, Committees, and Work Groups
112 DM 8	Chapter 8 - Office of Financial Management
307 DM 1	Chapter 1 - Management Improvement Team
602 DM 1	Chapter 1 - Office of Valuation Services
112 DM 15	Chapter 15: Office of Human Resources
105 DM 2	Chapter 2 - General organization of the Department
200 DM 1	Chapter 1 - Delegation of Authority
209 DM 2	Chapter 2 - Under Secretary
101 DM 3	Chapter 3 - Planning and approval for headquarters and first-level field offices
370 DM 302	Chapter 302 - Excepted Service
521 DM 1	Chapter 1 - Authorities and Policy (ORDA)
521 DM 2	Chapter 2 - Responsibilities (ORDA)
521 DM 3	Chapter 3 - Signatory Authority
112 DM 10	Chapter 10 - Interior Business Center
212 DM 10	Chapter 10 - Interior Business Center

Deputy Assistant Secretary – Budget, Finance, Grants, & Acquisition

The week of November 11, the Department will submit the monthly report to the Interior Appropriations Subcommittees on the allocation and obligation of Hurricane Supplemental funding in accordance with Section 20701 of Title VII of the Bipartisan Budget Act (P.L. 115-123). (10/31/19)

The current Continuing Resolution expires on November 21. OMB is reviewing potential CR anomalies in the event of a CR extended through December 20, February 29, or March 31. The House and Senate Appropriations Subcommittee staff are preparing for conference meetings on an FY 2020 Appropriation and continue to work to reach agreement on Subcommittee funding allocations to proceed to conference on the FY 2020 appropriations. (10/31/19)

Deputy Assistant Secretary – Policy & Environmental Management

A draft rule and communication plan has been prepared to comply with Secretarial Order 3369, "Promoting Open Science." The Order is intended to ensure that the Department makes decisions supported by the best available science and provides the American public with enough information to thoughtfully and substantively evaluate the scientific information, methodology, and analysis that the Department uses to inform its decisions. The draft proposed rule was shared informally with OIRA on November 1 and OMB requested a briefing in early November. (09/24/19)

The Office of Policy Analysis (PPA) is coordinating implementation of the invasive species provisions in the John Dingell Act (Public Law 116-9), in consultation with affected Bureaus. One of the provisions is to develop a DOI invasive species strategic plan and do so in coordination with States and in consultation with Tribes. Eight stakeholder listening sessions are being held from November 4 through November 19. (10/30/2019)

Office of the Chief Information Officer

Starting on November 12, the first wave of bureaus/offices (USBR, BOEM, BSEE, and ONRR) will be migrated from Google to Office 365. The CIO and team have held meetings with all Assistant Secretaries and Bureau leadership to discuss the migration and ensure that leadership and employees are equipped with training and resources needed for a successful migration. (11/04/19)

Deputy Assistant Secretary – Public Safety, Resource Protection, and Emergency Services

November 11 - 15, Director Mark Bathrick of OAS will travel to Federal Aviation Administration (FAA) Headquarters in Washington, D.C., to participate in the quarterly meeting of the Federal Unmanned Aircraft Systems (UAS) Executive Committee (ExCom). (10/02/2019)

November 13 - 14, Director Jeff Rupert of the Office of Wildland Fire (OWF) will travel to Emmitsburg, MD, to attend the U.S. Department of Homeland Security (DHS) Science and Technology Directorate (S&T) in collaboration with the U.S. Fire Administration (USFA) to brief the Federal Emergency Management Agency (FEMA) leadership and stakeholders across the nation on its Wildland Urban Interface (WUI) Fire Operational Requirements and Capability Analysis: Report of Findings. (10/30/19)

Deputy Assistant Secretary – Human Capital and Diversity

By November 12, 2019, employees with telework agreements under the now superseded 2012 telework policy must initiate a new telework agreement under the new 2019 policy using the automated agreement form. To date, approximately 10,000 telework agreements have been approved under the revised telework policy. (11/04/19)

DOI University (DOIU) will be sending a survey out to supervisors and new employees (hired within the past 12 months) to determine what needs there are for the new employee orientation course. Instruction planning and design has begun for the course, which will be initially launched at the end of 1st Quarter FY20. (11/04/19)

From November 4 through May 21, 2020, the DOI University (DOIU) is offering a series of 72 four-hour, in person sessions on Bystander Intervention and Intergenerational Sensitivity at DOIU Learning Centers in Washington, DC (plus Reston); Albuquerque, NM; and Denver, CO. This offering is in support of the DOI Culture Transformation initiative and is funded by OS, ensuring free tuition for participants. (10/28/19)

Office of Natural Resources Revenue

ONRR is coordinating with the Department's Office of Communications on a possible announcement that for the first time since the passage of the Gulf of Mexico Energy Security Act of 2006 (GOMESA), the collective cap on the distribution of revenues to the Land and Water Conservation Fund (LWCF) and the states and their eligible coastal political subdivisions (CPS) was reached. For FY 2019, disbursements to the LWCF from GOMESA revenues was capped at \$125 million. (11/04/19)

Deputy Assistant Secretary – Administrative Services

Improvements in the MIB cafeteria continued with getting the columns in the serving area painted, the small grab-and-go refrigerator repaired, improved signage erected, and wiring installed for the new sandwich ordering kiosk (to be installed Nov 11). All menu items calorie and content information is now available on-line at the Sodexo website. The new mobile ordering "Bite" App is still under development and will be available Nov 13. Preparations and marketing discussions were conducted for the MIB cafeteria grand re-opening scheduled for November 13 from 11:00am – 2:00pm. The DOIFCU and IDRA are invited to participate in the Grand Re-opening. (11/04/19)

Annual air monitoring of the MIB has been scheduled from November 6 - 20. Contractors will place air pumps throughout the building over this period to collect samples over an eight hour period during a standard working day. (11/04/19)

8-30 Day Outlook

Deputy Assistant Secretary – Public Safety, Resource Protection, and Emergency Services

NEW ITEMS

November 18 - 22, the Office of Law Enforcement and Security (OLES) Victim Assistance Program will conduct a "Victims' Rights and Services: Train the Trainer Program" in Phoenix, AZ. The conference agenda is finalized and budgeting for speakers and travel is pending. (10/30/2019)

November 19 - 20, Director (acting) John Juskie of the Office of Emergency Management (OEM) will lead a series of teleconferences with bureau leadership from DOI Region 9: Columbia-Pacific Northwest to discuss emergency preparedness and response initiatives in advance of the proposed National Level Exercise (NLE) 2022. (10/30/2019)

December 3 - 5, Director Jeff Rupert of the Office of Wildland Fire (OWF) will travel to Portland, OR, to participate in the Intertribal Timber Council (ITC) Board Meeting to

facilitate communication and collaborate to promote sound management of Indian forests. (10/24/19)

December 4, Director (acting) John Juskie of OEM will lead the quarterly Senior Executive Emergency Management Council (SE-EMC) meeting in MIB. The meeting agenda is not finalized, but will include a status update of all corrective actions stemming from the past two years of real world events and exercises. (10/30/2019)

Deputy Assistant Secretary – Budget, Finance, Grants, & Acquisition

NEW ITEMS

The Office of Budget issued FY 2022 guidance to Working Capital Fund service providers. Submits are due January 6, 2020. (10/31/19)

ONGOING ITEMS

The Office of Management and Budget continues to target the week of December 2 for Passback of their FY 2021 funding decisions. Once the Passback is received, agencies will have a limited number of days in which to submit appeals. OMB is reviewing FY 2019 Actual funding and FTE information submitted by agencies into the government-wide MAX budget system. This information will be included in the Appendix of the President's 2021 Budget. (10/31/19)

On April 24, the Office of Small and Disadvantaged Business Utilization (OSDBU) published the proposed rule Acquisition Regulations: Removal of Outdated References (84 FR 17131). The rule amends the Department of the Interior Acquisition Regulation (DIAR) to implement Section 15(k) of the Small Business Act and remove outdated references and/or obsolete information. The comment period ended on June 24 without any comments received. The final rule was uploaded in DTS on September 25 and is moving forward in departmental review. The goal is to have the rule to OMB in November. (10/30/19)

Deputy Assistant Secretary – Human Capital and Diversity

NEW ITEMS

By December 2, 2019, permanent, non-seasonal employees on GS, GM, and XE pay plans and their supervisors must establish FY20 paperless performance plans in DOI Talent. The implementation of DOI Talent's paperless performance management module increases efficiency and accountability by providing a one-stop shop platform for continual manager/employee engagement and dialogue on performance successes, areas for improvement, and learning resources to address performance gaps. To date, approximately 1,300 FY20 paperless performance plans have been established in DOI Talent. (11/04/19)

ONGOING ITEMS

On November 20, Scott Cameron and the Department's Labor Relations Program Manager will attend the quarterly Interagency Labor Relations Group meeting. During this meeting,

the Office of Personnel Management will likely report out on the recent court decision to vacate the previously enjoined provisions of President Trump's three civil service reform executive orders and approved model contract language for agency representatives to use in negotiations with labor organizations. (10/28/19)

Deputy Assistant Secretary – Policy & Environmental Management

ONGOING ITEMS

The Office of Policy Analysis is assisting Exec Sec with compiling, reviewing, and submitting information from the Bureaus on costs and cost savings related to deregulatory and non-regulatory actions for FY 2019 and FY 2020. This information is required under EO 13771 and has been submitted to OMB. (10/15/2019)

November 18-21, 2019, Jeff Morisette will attend the 3rd Environmental DNA Technical Exchange Workshop (3eDTEW) organized by the Government eDNA Working Group (GEDWG). Jeff's participation will facilitate NISC coordination with key members of the Federal eDNA scientist community to consider high level, whole-of-government consideration of how federal policy and planning can coordinate with and leverage the work of GEDWG and how policy and planning might help advance valuable eDNA initiatives. (St Petersburg, FL, open to the press; added 10/24/19)

Office of Natural Resources Revenue

ONGOING ITEMS

The Office of Natural Resources Revenue (ONRR) continues to work with the Solicitor's Office and others throughout the Department to address a March 2019 U.S. District Court decision vacating ONRR's 2017 repeal of its 2016 valuation rule, litigation filed in June 2019 challenging the 2016 valuation rule, and a Circuit Court appeal of a challenge to ONRR's 2016 civil penalties rule, as well as an August 13, 2019 U.S. District Court order enjoining reliance on Royalty Policy Committee recommendations, including 2018 recommendations for ONRR rulemaking. (9/11/2019)

Deputy Assistant Secretary – Administrative Services

ONGOING ITEMS

Interior Business Center (IBC) is supporting the BLM Washington DC HQ move by offering on-site support to impacted BLM employees. IBC performs Permanent Change of Station (PCS) counseling/coordination as well as PCS voucher processing on behalf of the BLM and will be available to assist employees regarding questions they may have on their PCS entitlements. (09/30/19)

PMB leadership continues to follow up with the top 5 R&D external IBC acquisition customers (DARPA, IARPA, SCO, SOCOM and DHS S&T) to move forward with the divestment of acquisition services for new requests from these external agencies. There are no plans to terminate existing contracts with the five agencies. These contracts will continue

to end at the natural expiration of their performance period. Draft Memorandum of Agreements (MOAs) have been reviewed and cleared by SOL. These MOAs outline a plan to ensure that new acquisition requirements are handled within the external customers' acquisitions servicing office. IBC sent the individual MOAs to the external agencies with the focus to have the MOAs signed. Three of five MOAs have been signed. (11/06/19)

ASSISTANT SECRETARY FOR WATER AND SCIENCE

Week Ahead Schedule of Meetings, Hearings, and Travel

Tim Petty will be in the office all week.

Commissioner Brenda Burman will be in the office November 12 and on official travel the rest of the week.

Jim Reilly will be on official travel all week.

Cindy Lodge will be on official travel all week.

Immediate Announcements and Actions For the Next Week

CUPCA

UPDATED ITEM

The Central Utah Water Conservancy District, Utah Reclamation Mitigation and Conservation Commission, and Interior's Central Utah Project Completion Act (CUPCA) Office, as Joint Lead Agencies (JLAs), are evaluating realignment of a portion of the South Fields Reach of the Spanish Fork – Santaquin Pipeline that is part of the Utah Lake Drainage Basin System (ULS) of the Central Utah Project. The Spanish Fork – Santaquin Pipeline was initially evaluated in an Environmental Impact Statement (ULS EIS) and Records of Decision completed in 2004/2005. On or around November 12, the JLAs are preparing to release a Draft Environmental Assessment to evaluate potential impacts associated with the realignment alternatives. Scoping activities have been initiated and comments received. A preferred alignment has been identified which crosses Brigham Young University Property. A memorandum of agreement has been prepared to establish a common roadway/pipeline corridor across this property. (10/30/19)

Bureau of Reclamation

On or about November 12, Reclamation intends to issue a notice of intent to prepare an environmental impact statement for the Eastern North Dakota Alternate Water Supply project. Public scoping meetings were held in October to garner additional public comment. The draft notice of intent and associated materials were provided to the NEPA review team on October 29 and cleared to proceed on November 2. (09/17/2019)

On November 12, Commissioner Burman will be hosting the U.S. Army Corps of Engineers senior leadership for a quarterly meeting on topics and initiatives of mutual interest and involvement. (11/04/2019)

On or about November 12, Reclamation plans to begin work on a salmon habitat project along the Sacramento River at Anderson River Park (Anderson, California). Phase one of a three-phase project is to excavate three side channels. The Yurok Tribe is doing the construction on phase one. No news release will be issued; light media interest is anticipated. (11/04/2019)

On or about November 12, Reclamation plans to release draft environmental assessments that analyze the proposed issuance of two-year interim renewal contracts (March 1, 2020 through February 28, 2022) for Westlands Water District, Santa Clara Valley Water District, and Cross Valley contractors (California). No news release will be issued; anticipate low media interest. (11/04/2019)

On or about November 12, Reclamation plans to sign a finding of no significant impact on the proposed water banking program between Arvin-Edison Water Storage District and Rosedale-Rio Bravo Water Storage District (California). No news release will be issued. No media interest is anticipated. (11/04/2019)

On or about November 12, Reclamation plans to post a finding of no significant impact on the Blacklock Restoration: Phragmites Control Study. As part of required wetland mitigation for listed species such as the Salt Marsh Harvest mouse, using Reclamation funding, California Department of Water Resources (DWR) acquired and restored the Blacklock Restoration site (California) to tidal wetlands in 2003. Common reed has out-competed other vegetation and is expanding at the site. Reclamation and DWR plan to assess the environmental impacts of a control method on a small scale within the tidal wetlands. (11/04/2019)

On November 13, Commissioner Burman will provide the keynote address to the 2nd Annual Southwest Energy Conference in Scottsdale, Arizona. She will be focusing on the role and value of Reclamation's hydropower to the economy of the West and to the stability of the western power grid. (11/04/2019)

On November 14, Alan Mikkelsen's Coalition of the Willing plans to meet in Medford, Oregon. Reclamation plans to meet with state and federal agencies, tribes, irrigators and other stakeholders to discuss water issues in the Klamath River watershed. No press release will be issued; no media interest is anticipated. (10/01/2019)

On November 15, Commissioner Burman will be the keynote speaker at the Colorado River Energy Distributors Association Board Meeting in Tempe, Arizona. (11/04/2019)

On or about November 15, Reclamation plans to sign a finding of no significant impact on the Orange Cove Irrigation District's proposed exchange of up to 10,000 acre-feet of its available Central Valley Project water supplies for a like amount of Kings River water (California). No news release will be issued. No media interest is anticipated. (11/04/2019)

On or about November 15, Reclamation plans to release a draft environmental assessment that analyzes the proposed issuance of an agreement to the San Luis & Delta-Mendota Water Authority for the conveyance of up to 150 cubic feet per second of stormwater flows from the Grassland Basin Drainers through the San Luis Drain (California). No news release will be issued. Moderate media interest is anticipated. (11/04/2019)

On or about November 15, Reclamation plans to release a draft environmental assessment that analyzes the proposed amendment of a previously approved 9-year water transfer program for Poso Creek Water Company, LLC. The amendment would allow Poso Creek Water Company, LLC to transfer and/or bank up to 100,000 acre-feet of available Central Valley Project water supplies per contract year over a 25-year period (California). No news release will be issued. No media interest is anticipated. (11/04/2019)

On or about November 15, Reclamation plans to initiate a 60-day public review process for Westlands Water District's (California) contract assignments that are being converted to repayment contracts under the Water Infrastructure Improvements for the Nation Act. A news release will be issued; medium media interest is expected. (11/04/2019)

U.S. Geological Survey

On November 12-15, the Southeast Climate Adaptation Science Center will host a Regional Science Symposium in New Orleans, LA for researchers and natural and cultural resource managers in the southeastern U.S. The symposium is meant to support regional climate adaptation efforts, discuss and identify gaps and needs for actionable science, and provide a venue for researchers, managers, and others to share information about current activities, plans, and opportunities for collaboration. (10/18/2019)

[On November 14](#), the USGS will issue a news release for a new USGS study to be featured in an upcoming edition of Economic Geology that shows that iron waste rock and mill tailings contain rare earth elements. Heavy mining activity in the eastern Adirondack Highlands in northern New York state during the 1800s and 1900s resulted in piles of waste rock and mill tailings (the residuals of ore processing) in various areas throughout the region. This study finds that some of these waste and tailings piles contain rare earth elements which are critical for modern technology such as cell phones, supermagnets and computers, renewable energies, and advanced defense systems. The U.S. depends heavily on imports for rare earth mineral resources, so finding potential domestic sources has become increasingly important. (9/10/2019)

8-30 Day Outlook

Bureau of Reclamation

UPDATED ITEMS

During the fall of 2019, Reclamation may intermittently close some recreation facilities and assets at Lake Berryessa and New Melones (California) due to precautionary fire safety

actions (power shutoff) by Pacific Gas & Electric. Facilities at Lake Berryessa were temporarily closed on October 29; the facilities were reopened October 31. (06/24/2019)

ONGOING ITEMS

On November 18 and 19, Reclamation has scheduled public negotiations with the Black Butte Project Division in Willows, California, and the Eastside Division and American River Division in Folsom, California, respectively, for the conversion of water service contracts and existing repayment contracts for prepayment of construction costs, as authorized under the Water Infrastructure Improvements for the Nation Act. News releases will be issued; low media interest is anticipated. (11/04/2019)

On November 19 or 20, Reclamation plans to schedule negotiations with the San Luis & Delta Mendota Water Authority (California) regarding the operation and maintenance of San Luis Reservoir, the Delta Mendota Canal, and associated facilities, which the authority operates and maintains on Reclamation's behalf. A news release will be issued: low media interest is anticipated. (10/28/2019)

On or about November 20, Reclamation plans to issue a notice of intent to prepare an environmental impact statement/environmental impact report on the proposed Friant-Kern Canal Middle Reach Capacity Correction Project (California). A news release will be issued; light media interest is possible. (11/06/2019)

On November 20, Reclamation plans to host a webinar on the Rust Busters Prize Competition. Participants will be given an overview of the competition, instructed on how to submit ideas, and given an opportunity to ask questions. No media interest is expected. (10/28/2019)

On November 22, Reclamation (lead agency) and the Bureau of Land Management plan to brief the Department of the Interior's National Environmental Policy Act Review Team on the draft Paradox Valley Unit environmental impact statement (EIS). The draft EIS evaluates alternatives to replace the Paradox Valley Unit deep injection well in Montrose County, Colorado. If approved, Reclamation intends to release a notice of availability on November 29, 2019, asking for public comment. A press release will be issued; anticipate local media interest. (11/04/2019)

In November, Reclamation plans to announce the funding opportunity for the 2020 Drought Response Program, Drought Contingency Planning, a part of the WaterSMART Program. A news release will be issued. Light media interest is expected. (10/28/2019)

In November, Reclamation plans to announce the selection of WaterSMART Water Marketing Strategy projects. Through this program, Reclamation aids states, tribes, and local governments conduct planning activities to develop water marketing strategies that establish or expand water markets or water marketing activities. A news release will be issued. Light media interest is expected. (10/28/2019)

In November, Reclamation plans to announce a cooperative agreement with Biomilab that will focus on a novel control method for invasive mussels using cell culture, genetic engineering and genomic modification. Reclamation will also highlight other invasive mussel research activities. A news release will be issued; light media interest is expected. (06/17/2019)

In November, Reclamation plans to publish the Salt River Project Reservoir Operations Pilot Study, which identifies possible advancements to reservoir operations. The report will be placed on the WaterSMART website. The Salt River Project is in central Arizona. No news release will be issued; no media attention is anticipated. (07/15/2019)

In December, Reclamation plans to release a draft environmental impact statement (EIS) analyzing potential effects associated with extraordinary maintenance on the Truckee Canal in Lyon and Churchill Counties (Nevada). The draft EIS will be available for a 45-day public comment period. The proposed project will improve the structural integrity of the canal and reduce the risk of a canal breach. Public meetings will be held in late January or February. A news release will be issued; anticipate moderate media interest. (09/23/2019)

In early December, Reclamation, Bureau of Land Management, North Coast Regional Water Quality Control Board and cooperating agency Shasta-Trinity National Forest plan to announce the availability of an updated environmental assessment and a signed finding of no significant impact for the proposed Dutch Creek channel rehabilitation project. The goal of the project is to increase salmon and steelhead habitat downstream of Lewiston Dam on the Trinity River near Redding, California. No news release will be issued; no media interest anticipated. (10/28/2019)

U.S. Geological Survey

NEW ITEMS

On November 18, USGS Director Jim Reilly and USGS leadership will meet with National Science Foundation leadership to discuss science issues of mutual interest. The meeting will be held at NSF headquarters in Alexandria, VA. (11/5/2019)

The USGS New Mexico Cooperative Fish and Wildlife Research Unit is starting a new project entitled “Habitat Suitability for Gila Chub Reintroduction in the Upper San Francisco River”. The goal of the project is to eventually restore endangered Gila chub populations and their associated native fish community by expanding the size and number of populations within Gila chub historical range. This project will provide the needed information on habitat suitability of native Southwest fishes to inform managers on the appropriate steps for restoration and recovery of rare and imperiled desert fishes. This project is funded by the Bureau of Reclamation. Other collaborators include the U.S. Forest Service, New Mexico Department of Game and Fish, and New Mexico State University. (11/4/19)

[In late November, the USGS will announce a new set of interactive online mappers and accompanying reports that will be released by the SPARROW modeling group. The mappers provide a cool user interface for determining streamflow and loads of suspended sediment](#)

and nutrients for streams across most of the US. There are 5 mappers, one for each of 5 US major regions. A technical announcement is planned. (11/5/2019)

In late November, the USGS will announce a new report about a subsurface trench that was excavated across the Teton fault in 2017 to study geologic evidence of large-magnitude (M~7) surface-rupturing earthquakes. Large earthquakes on the Teton fault pose a threat to Jackson Hole Valley as well as critical facilities such as the Bureau of Reclamation Jackson Lake Dam. This study yields the longest, most complete record of Teton fault earthquakes and a refined estimate of the fault's slip rate, or overall rate of earthquake activity. Results will be published in the Geological Society of America Bulletin and will help inform seismic hazard models of the region, such as the USGS National Seismic Hazard Model. A news release is planned. (10/9/2019)

On December 3-6, USGS scientists will meet with counterparts from the Geological Survey of Canada and Geoscience Australia in Ottawa, Canada, to explore opportunities for collaboration in the study of mineral potential mapping and selected mineral systems with the potential for hosting critical minerals. (11/5/2019)

UPDATED ITEMS

In late November, the USGS and USAID will announce a new data release about artisanal and small-scale surface mining locations (ASM) in Afghanistan. In addition to the locations of mining activities, the data contains information regarding the mineral commodity (or commodities) likely mined in each area, as well as a level of confidence for this information. The data was developed by USGS experts through combined analysis of very high-resolution satellite imagery, geologic data, mining reports, and field observation (where available). This data will serve as an invaluable tool for government policy-makers and other supporting agencies who require accurate and timely information regarding Afghanistan's informal and undocumented mineral resource production. A joint news release is planned. (9/30/2019)

In late November, the USGS plans to issue a media advisory announcing that, for about two weeks, an airplane operated under contract to the USGS will be making low-level flights over parts of the eastern Mojave Desert. This survey is part of the Earth MRI program and is designed to remotely study the eastern Mojave Desert to better understand the geology, hydrology and natural resources of the region. The aircraft will carry instruments that measure the earth's naturally occurring magnetic field and the new data will help geologists visualize and understand the rock layers below the surface. (10/22/2019)

In late November, the USGS plans to issue a Top Story highlighting the economic benefits of Landsat satellite imagery. A 2013 USGS Open-File Report, "Users, Uses, and Value of Landsat Satellite Imagery—Results from the 2012 Survey of Users," estimated that Landsat imagery provided users an annual benefit of \$2.19 billion in 2011, with U.S. users accounting for \$1.8 billion of those benefits. That study surveyed users in 2012 about Landsat imagery they retrieved in 2011. The current study updates these estimates, surveying users in 2018 about Landsat images they retrieved in 2017. It discusses changes in the value per scene in

2017 when compared to 2011 and analyzes the potential impact of charging fees for accessing data. (10/15/2019)

In late November, the USGS will issue a news release regarding a study that showed that conversion of agricultural land to wetlands and native prairie resulted in substantial positive changes in water flow, reduced flooding, and improved water quality in the Glacial Ridge Wildlife Refuge. This effort to restore 25,000 acres of land was the largest wetland and prairie restoration ever done in the United States. Findings of the new study can help managers focus restoration resources on other areas in the Prairie Pothole Region and beyond where the greatest water benefits are likely. (8/27/2019)

ONGOING ITEMS

On November 19, a public geology review meeting will be held in Anchorage, AK. The meeting is being held prior to the January 2020 release of an updated USGS assessment of technically recoverable oil and gas resources of the Central North Slope (located between the National Petroleum Reserve-Alaska and the Arctic National Wildlife Refuge). The purpose of the meeting, which will be hosted by the Alaska Geological Society, will be to present the geological framework on which the assessment will be based and to solicit feedback from the geological community regarding the geology and interpretations that represent the foundation of the assessment. An overview of the methodology will also be included. (10/22/2019)

On November 30, the USGS will issue its update for the National Seismic Hazard Model (NSHM). Between 2017-2018, USGS earthquake experts concluded their work to update the NSHM for the conterminous United States. The 2018 NSHM considers where and how often future earthquakes will occur and how strong the ground will shake from those earthquakes. Models such as these are considered and factored in to seismic codes for buildings, roads, bridges, railways; risk assessments by the Federal Emergency Management Agency (FEMA) and the insurance industry; as well as government, academic, and industry applications on seismic stability of dams, nuclear facilities, schools, hospitals, and other public policies. The USGS will issue a news release. (6/4/2019)

In November, the USGS plans to announce a new report titled “Projected urban growth in the Southeastern USA puts small streams at risk” that states that anticipated increases in urban land development in the Southeast U.S. are projected to lead to loss of sensitive fish and invertebrate species along thousands of miles of small streams. The paper will be published in *PLOS One* and a news release is planned. (10/28/2019)

In November, the USGS plans to announce a new study about the occurrence of microplastics in freshwater. For the study, researchers detected microplastics in all 96 water samples and nine sediment samples collected in the Milwaukee, WI area. The most common types of microplastic particles found were fibers, which were distributed throughout the water column regardless of density. Fragments, films, foams, and pellets/beads were also detected. A USGS news release is planned. (8/7/2019)

In December, the USGS will post a homepage feature story about the chytrid fungus Bsal (*Batrachochytrium salamandrivorans*), which is causing major mortality of salamanders in Europe and is closely related to the amphibian chytrid fungus Bd (*Batrachochytrium dendrobatidis*), which has devastated amphibian populations around the world. (8/7/2019)

Upcoming USGS Publications

Title	Summary	Publication Outlet	Anticipated Publication Date
<i>NEW</i> <i>Glacier Retreat in Glacier National Park, Montana</i>	The fact sheet discusses the decrease in number, area, and volume of glaciers in Montana’s Glacier National Park. The report discusses the impact of glacier melting, how scientists study glacier retreat, and the USGS Benchmark Glacier Project. The fact sheet includes the following sentence: "The decrease of its glaciers since the end of the Little Ice Age is due to both natural and human-caused climate change."	USGS Fact Sheet	11/14/2019
<i>NEW</i> <i>Climate teleconnections synchronize Picea glauca masting and fire disturbance: evidence for a fire-related form of environmental prediction:</i>	Synchronous pulses of seed masting and natural disturbance have positive feedbacks on the reproduction of masting species in disturbance-prone ecosystems. This study examines the synchrony between large forest fires and seed production events throughout white spruce habitat in North America (largely boreal forest).	Journal of Ecology	12/15/2019
<i>NEW</i> <i>Use of visual surveys and radiotelemetry reveals sources of detection bias for a cryptic snake at low densities</i>	Transect surveys are frequently used to estimate distribution and abundance of species across a landscape, yet a proportion of individuals present will be missed because they were either out of view and unavailable for detection or they were available but not detected because the surveyors missed them. This study examined potential biases of visual surveys used for the invasive brown treesnake on Guam using simultaneous visual surveys and radiotelemetry.	Ecosphere	12/15/2019

NEW *Co-occurrence of Chiricahua leopard frogs (*Lithobates chiricahuensis*) with sunfish (*Lepomis spp.*)*

In Arizona, some ponds contain nonnative predatory fish species that can impact the threatened Chiricahua leopard frog, but strategies to remove the fish are not feasible because they could also negatively affect cattle that use the ponds for water. These co-occurrences could provide valuable management information and could result in resource managers developing novel strategies. This study documents such a co-occurrence between the Chiricahua leopard frog and the nonnative sunfish.

Southwestern Naturalist

12/15/2019

NEW *Salmon Carcass Subsidies in Soil: Implications for Management of Marine Derived Nitrogen in Riparian Areas*

Pacific salmon transport large amounts of marine nutrients to freshwater and forest ecosystems when they migrate from the ocean, spawn, and die. This study used a 20-year salmon manipulation experiment in Bristol Bay, Alaska to evaluate how marine nitrogen isotopes in salmon make their way through soils and into riparian forest trees. The study provides a basis for analyses of mitigation programs that target salmon nutrient enhancement in areas where populations have declined.

Ecological Applications

12/1/2019

NEW *Heterogeneity in migration strategies of a long-distance migrant*

Migratory birds use numerous strategies to complete twice-annual movements between breeding and wintering sites, and characterizing these strategies can provide context for conservation and management. This study used location data from marked whooping cranes from 2010–2016 to characterize migration strategies in the U.S. Great Plains and Canadian Prairies and southern boreal region and to explore their migration strategy, including space use, timing, and migration performance.

The Condor: Ornithological Applications

12/1/2019

NEW *Could a freshwater fish be at the root of dystrophic crises in a coastal lagoon?*

This study describes a model which indicates that introduction of grass carp may have been responsible for a eutrophic crisis in an important Italian estuary downstream of where the grass carp were present. The study has implications for grass carp research in the U.S. because it is an example of a model that could be used if similar factors are relevant in the Great Lakes, then grass carp might be

Science of the Total Environment

12/1/2019

contributing to hazardous algal blooms in Lake Erie.

<p><i>NEW Paired Stated Preference Methods for Valuing Management of White Pine Blister Rust: Order Effects and Outcome Uncertainty</i></p>	<p>This study focuses on empirical comparison of two different nonmarket valuation methods in the context of understanding public values for managing the invasive forest disease white pine blister rust.</p>	<p>Journal of Forest Economics</p>	<p>11/15/2019</p>
<p><i>NEW Using bear rub data and spatial capture-recapture models to estimate trend in a brown bear population</i></p>	<p>In 2009 USGS researchers published the first population estimate for the Northern Continental Divide Ecosystem grizzly bear population in northwest Montana. Since then genetic samples were again collected in 2009, 2010, 2011, and 2012 to evaluate how the number of bears was changing. This paper estimates the trend of this population, which is currently listed as threatened, in northwest Montana.</p>	<p>Scientific Reports</p>	<p>11/15/2019</p>
<p><i>NEW Temporal variation in genetic structure within the threatened spectacled eider</i></p>	<p>Spectacled eiders were listed as threatened following a marked decline on the Yukon Kuskokwim Delta, Alaska. While this population is in recovery, not all segments exhibit growth. This study examined the genetic structure of the threatened spectacled eider across its breeding range nearly 20 years after the initial assessment to evaluate the influence of population recovery on genetic diversity.</p>	<p>Journal of Animal Ecology</p>	<p>11/15/2019</p>
<p><i>NEW Employing an Ecosystem Services Framework to Deliver Decision Ready Science</i></p>	<p>Public land managers have limited information to allow for the integration and balancing of multiple objectives in land management decisions including the social , economic , and environmental aspects. This analysis is based on a multi-partner project led by the USGS and the USFWS to provide land management decision support for the Great Dismal Swamp National Wildlife Refuge.</p>	<p>Advances in Ecological and Environmental Research</p>	<p>11/25/2019</p>
<p><i>NEW A Draft Decision Framework for the National Park Service (NPS) Interior</i></p>	<p>USGS scientists from the Northern Prairie Wildlife Research Center, the North Central Climate Adaptation Science Center, and the Patuxent Wildlife Research Center are co-</p>	<p>NPS Natural Resource Report</p>	<p>11/24/2019</p>

Region 5 (IR5) Bison Stewardship Strategy	authors to a report that describes a preliminary decision framework for the IR5 NPS Bison Stewardship Strategy, including the context, the fundamental objectives, and a range of alternative strategies developed working with NPS personnel, stakeholders, and outside experts with an interest in IR5 NPS bison stewardship.	
NEW Landsat Time Series Assessment of Invasive Annual Grasses Following Energy Development	USGS researchers determined if invasive annual grasses increased around wind energy developments after the construction phase. Their findings suggest that invasions around the energy developments occurred within the context of a larger regional invasion, and while the development did not necessarily initiate the invasion, annual grasses were more prevalent around the development areas.	Remote Sensing (MDPI) 10/30/2019
NEW Estimating abiotic thresholds for sagebrush condition class in the western U.S.	EROS teams used machine learning to define the temperature, elevation, and precipitation thresholds that most impact sagebrush ecosystems, mapped using remotely-sensed data in three stages of non-native invasion: Stable sagebrush, tipping point (cheatgrass invasion and degradation), and recovery.	Rangeland Ecology & Management 1/15/2020
NEW The use of indices to study extreme precipitation on sub-daily and daily timescales	A USGS scientist authored a paper discussing various indices used to estimate precipitation extremes, their advantages and disadvantages, and the different data sets available to estimate these indices.	Environmental Research Letters – special issue on precipitation extremes 12/2/2019
NEW Quantifying Human-Induced Temperature Impacts on the 2018 United States Four Corners Drought	A USGS scientist is author to a paper that examines how human-induced warming increased Four Corners' air temperatures by between +1.3 and +2°C, increasing vapor pressure deficits and reducing NDVI by ~16-30%. Without such warming, March Soil Water Equivalence would have been higher by ~20%.	Bulletin of the American Meteorological Society for a special issue on climate extremes 11/1/2019
Malignant Melanoma of Brown Bullhead (Ameiurus nebulosus) in Lake	In 2012, brown bullhead with large, raised, black growths were first reported from multiple areas within the Vermont portion of Lake Memphremagog. Subsequent surveys conducted from 2014-2017 at two sites within	Journal of Fish Diseases 11/12/2019

*Memphremagog,
Vermont/Quebec*

the lake indicated a prevalence of 30% in adult brown bullhead 200 mm and above total length. The cause or risk factors associated with this cancer have not been identified. However, UV radiation, contaminant exposure, viruses or a combination of multiple factors may be involved.

*Phenotypic plasticity
or reproductive dead
end? Primnoa
pacifica
(Cnidaria:Alcyonacea
) in the southeastern
Alaskan*

Red tree corals (*Primnoa pacifica*) are abundant in the eastern Gulf of Alaska. This keystone species forms large thickets, creating habitat for many associated species, including economically valuable fishes and crabs, and so are important benthic suspension feeders in this region. This study examined reproductive ecologies from 8 sites. Though fecundity mostly showed no significant difference between sites, there was a trend of increasing number of eggs with depth.

Frontiers in Marine
Science

11/16/2019

*Marine Isotope Stage
11 in the Arctic Ocean*

The Arctic Ocean experienced warm sea-surface temperatures and seasonally sea-ice free conditions during interglacial Marine Isotope Stage 11. Peak warmth and minimal sea ice occurred during the middle to late part of the interglacial followed by increased land ice and ice shelves during the transition to glacial period MIS 10. The study is part of a larger international effort to understand the links between past climate change, Arctic Ocean sea ice, ice sheets and ice shelves.

Paleoceanography &
Paleoclimatology
(American
Geophysical Union)

12/1/2019

*Components and
Predictors of
Biological Soil Crusts
Vary at the Regional
Versus Plant
Community Scales*

Although biological soil crusts occur globally in arid and semi-arid environments, the occurrence of biocrusts has not previously been related to individual plant communities at the regional scale of the western U.S. This study documents the occurrence of biocrusts in plant communities across the arid and semi-arid western U.S. using Assessment, Inventory, and Monitoring Strategy data from the BLM. This work provides a foundation to include biocrusts in science and management strategies.

Frontiers in Ecology
and Evolution

11/25/2019

*Seasonal use of a
non-natal marine
basin by juvenile*

In the Puget Sound estuaries and other coastal habitats have been dramatically altered by a variety of human disturbances leading to a decline in water quality and habitat

Marine and Coastal
Fisheries

11/20/2019

hatchery Chinook salmon

productivity. They are of special concern for threatened Chinook salmon that have declined in abundance. This study describes the migration patterns and habitat use of juvenile, hatchery-reared Chinook salmon in south Puget Sound. The data may influence management decisions about critical habitat in Puget Sound.

Gaps and hotspots in the state of knowledge of pinyon-juniper communities

Pinyon-juniper communities are common in the Southwest and are a major vegetation component of national parks and lands managed by the BLM. Pinyon-juniper communities are used for pine nut harvesting, firewood gathering, ceremonial plant materials, livestock and wildlife grazing, and recreation areas. This study reviews the state of knowledge of pinyon-juniper communities, including pinyon-juniper communities' response to disturbance, management actions, and climate change.

Forest Ecology and Management

11/15/2019

Variation in amphibian chytrid prevalence on boreal toads: tests of habitat, life stages, and temporal trends in southeast Alaska and northwest British Columbia

Understanding variation in the pathogen that causes amphibian chytrid which caused population declines globally, is a priority for many land managers. However, there has been relatively little sampling of amphibian communities at high latitudes. This study used skin swabs collected during 2005–2017 from boreal toads in southeast Alaska and northwest British Columbia (Canada) to determine how Bd prevalence varied across life stages, habitat characteristics, local species richness, and time.

Diseases of Aquatic Organisms

10/31/2019

A Probabilistic Assessment Methodology for Carbon Dioxide Enhanced Oil Recovery and Associated Carbon Dioxide Retention

The U.S. Geological Survey has developed a methodology to assess oil resources that may be technically recoverable by using carbon dioxide enhanced oil recovery (CO2-EOR) technologies. The use of CO2-EOR methods could increase the U.S. recoverable hydrocarbon resource base and could sequester some of the injected carbon dioxide in reservoir pore space. The methodology has been tested on a play in the Permian Basin Province in Texas. Preliminary estimates of recoverable oil are comparable to those reported in the literature and obtained by reservoir decline curve analysis.

USGS Scientific Investigations Report

11/18/2019

<i>Interactive range-limit theory (iRLT): a theoretical extension for predicting range shifts</i>	Range shifting is predicted to be a common response to climate change. However, ecologists are still developing their understanding of what defines species ranges, and thus how they will change. This Northeast Climate Adaptation Science Center supported paper provides a new theory as to what defines species ranges, related to interactions between biotic (e.g., competition) and abiotic (e.g., temperature) factors.	Journal of Animal Ecology	11/4/2019
<i>Occupancy Patterns in a Reintroduced Fisher Population during Reestablishment</i>	From 2008-10, researchers translocated 90 fishers (listing status: proposed threatened) from British Columbia to Washington's Olympic Peninsula. Subsequent monitoring using motion-sensing cameras and hair (DNA)-snaring devices allowed researchers to assess population restoration success, evaluate modeling assumptions about suitable reintroduction areas in Washington State, and identify fisher habitat associations in the coastal Pacific Northwest.	Journal of Wildlife Management	11/18/2019
<i>Semi-automated process for enumeration of fishes from recreational-grade side-scan sonar imagery</i>	Hydroacoustics have been used to estimate abundance of bigheaded carps, however many management agencies are not staffed or funded well enough to use that technology. Researchers developed a new method as a first step to provide an efficient, cost-effective alternative so managers can be better informed about the success of their management actions using equipment they already have. The method may be useful for acquiring data to evaluate the success of exploratory invasive carp control research.	North American Journal of Fisheries Management	11/15/2019
<i>Alpine plant community diversity in species-area relations at fine scale</i>	This study assesses how different drivers of diversity in alpine vegetation operate at different scales. Understanding the multiple scales at which environmental processes vary and interact will provide a better basis for forecasting vegetation responses to a changing climate. These perspectives are also important for land managers as they interpret high-elevation vegetation changes during a warming trend in the Northern Rocky Mountains and decide on management actions, if any.	Arctic, Antarctic and Alpine Research	11/15/2019

<p><i>Evaluating the mineral commodity supply risk of the U.S. manufacturing sector</i></p>	<p>In this analysis, we utilize a conventional risk-modeling framework to develop and apply a new methodology for assessing the supply risk to the U.S. manufacturing sector. The methodology is applied to 52 commodities for the decade spanning 2007-2016. The results indicate that a subset of 23 commodities, including cobalt, niobium, rare earth elements, and tungsten, pose the greatest supply risk. Importantly, this supply risk is dynamic, shifting with changes in global market conditions.</p>	<p>Science Advances</p>	<p>11/30/2019</p>
<p><i>Relative contribution of climate and non-climate drivers in determining dynamic rates of boreal birds at the edge of their range</i></p>	<p>A National Climate Adaptation Science Center researcher and co-authors assessed the relative contribution of climate and non-climate drivers in determining colonization and extinction rates of boreal birds in the Adirondack Park in New York. Boreal birds appear most likely to colonize sites that have lower levels of precipitation and a high degree of connectivity, and they tend to persist in sites that are warmer in the breeding season and have low and less variable precipitation in the winter.</p>	<p>PLOS One</p>	<p>10/24/2019</p>
<p><i>Estimating abiotic thresholds for sagebrush condition class in the Western U.S.</i></p>	<p>A paper authored by a USGS scientist, a USGS contract scientist, and two non-USGS affiliated scientists reports on the development of machine-learning algorithms that were used to estimate three classes of sagebrush condition and to identify the drivers that establish each of those classes. The paper's findings are unique and significant because, while environmental drivers have been associated with sagebrush conditions before, this paper assigns relative values to the drivers.</p>	<p>Rangeland Ecology & Management</p>	<p>12/2/2019</p>
<p><i>Exploring trends in wet-season drought indices and quantifying potential temperature impacts in dry regions</i></p>	<p>A paper authored by a USGS scientist was accepted by Environmental Research Letters for a special issue on precipitation extremes. The paper examines a new multi-source data set, looking at potential trends during wet-seasons. It also examines the accuracy of the data sets, and finds concerns with non-stationary systematic errors.</p>	<p>Environmental Research Letters</p>	<p>11/4/2019</p>

<i>Sustaining Environmental Capital Initiative Summary Report</i>	This report summarizes the activities and progress of the USGS Sustaining Environmental Capital Initiative (SECI) project since its inception in 2015. The project has relied on USGS science expertise to conduct eight case studies across a range of environment types and support development of tools to support partners' decision-making needs.	USGS Open-File Report	10/28/2019
<i>The transformative impact of genomics on sage-grouse conservation and management.</i>	Molecular genetic methods have been used to address a wide variety of conservation and management issues for both Greater Sage-grouse and Gunnison Sage-grouse. This chapter to discusses the 20-year progression of molecular studies on Greater and Gunnison Sage-grouse, highlighting the expanded capabilities and advantages of genomic approaches and considering future research directions.	Population Genomics	10/30/2019
<i>Black oystercatcher (Haematopus bachmani) population size, use of marine reserve complexes, and spatial distribution in Oregon</i>	The Black Oystercatcher is a large shorebird found along the west coast of North America that are considered a "species of high conservation concern" and may act as an indicator of intertidal ecosystem health. This study used N-mixture statistical models to estimate oystercatcher population size and probability of detection of breeding Black Oystercatchers in Oregon and adjacent to the Oregon's system of Marine Reserves (MRs) and Marine Protected Areas (MPAs).	Northwestern Naturalist	10/30/2019
<i>A hierarchical analysis of habitat area, connectivity, and quality on amphibian diversity across scales</i>	This study developed a multi-region community occupancy model to analyze 13 years (2005-2017) of amphibian monitoring data within the National Capital Region, a network of U.S. National Parks.	Landscape Ecology	10/30/2019
<i>A statistical forecasting approach to metapopulation viability analysis</i>	This study used 11 years of data on the federally-threatened Chiricahua leopard frog to extend application and biological realism of statistical metapopulation viability analysis by incorporating the effect of landscape structure on patch dynamics to support conservation of at-risk species.	Ecological Applications	10/30/2019

<p><i>Survival and Conflict Behavior of American Black Bears after Rehabilitation</i></p>	<p>Wildlife agencies face difficult situations when orphaned or injured American black bear cubs or yearlings are captured. One option is bear rehabilitation, defined here as care and feeding of young in a semi-natural environment with limited human contact, followed by release. The survival of bears released after rehabilitation is poorly documented. This study assessed behavior of bears released after rehabilitation into Great Smoky Mountains National Park or Cherokee National Forest.</p>	<p>Journal of Wildlife Management</p>	<p>10/30/2019</p>
<p><i>Context-dependent effects of livestock grazing</i></p>	<p>Ecosystem responses to grazing challenges the ability of researchers or land managers to make sweeping generalizations about ecological consequences. This chapter discusses monitoring the impacts of grazing not only at the scale of immediate interest, but at finer and coarser resolutions to understand the mechanisms behind grazing effects, how they may be manifested at broader scales, and whether grazing disturbance is likely to promote or impede the achievement of management objectives.</p>	<p>Book Chapter</p>	<p>11/13/2019</p>
<p><i>Social status, forest disturbance, and barred owls shape long-term trends in breeding dispersal distance of Northern Spotted Owls</i></p>	<p>This study examined breeding dispersal events from threatened Northern Spotted Owls monitored over 27 years to assess relative importance of individual (sex, experience), social (annual productivity, mate availability, territory tenure), and environmental (forest alteration, presence of competitor) sources of variation in breeding dispersal distance. Breeding dispersal distance related to barred owls presence in the study area and disturbance within the originating territory as also assessed.</p>	<p>The Condor: Ornithological Applications</p>	<p>11/13/2019</p>
<p><i>Mercury Source Changes and food Web Shifts Alter Contamination Signatures of Predatory Fish from Lake Michigan</i></p>	<p>Scientists used a novel combination of mercury, nitrogen, and carbon isotope analyses in archived lake trout tissues and sediment cores to understand temporal trends relative to trends in mercury sources from 1978 to 2012. Scientists determined that fish tissue concentrations were related to temporal changes in mercury sources and to changes in food web structure. This shift resulted in dietary changes of lake trout that presumably</p>	<p>Proceedings of the National Academy of Sciences</p>	<p>11/1/2019</p>

resulted in consumption of prey items higher in mercury content.

<i>Exploring trends in wet-season drought indices and quantifying potential temperature impacts in dry regions</i>	<p>On October 2nd a paper authored by a USGS scientist was accepted by Environmental Research Letters for a special issue on precipitation extremes. It should be published on line by November 2019. The paper examines a new multi-source data set, looking at potential trends during wet-seasons. It also examines the accuracy of the data sets, and finds concerns with non-stationary systematic errors.</p>	Environmental Research Letters	11/1/2019
<i>Seismic survey design and impacts to maternal polar bear dens</i>	<p>The Arctic Coastal Plain is an important maternal denning area for polar bears of the Southern Beaufort Sea subpopulation. Recent legislation to open the 1002 Area for hydrocarbon development has renewed interest in conducting winter seismic surveys in that portion of the Refuge. This paper assesses the potential effects of a range of survey strategies and the findings can inform mitigation strategies and permitting decisions by DOI management agencies.</p>	Journal of Wildlife Management	11/1/2019
<i>Assessing Caribou Use of Habitat Near Energy Development in Arctic Alaska</i>	<p>Increasing demands for energy have generated interest in expanding oil and gas production on the North Slope, raising questions about the resilience of barren-ground caribou populations to new development. This study assessed whether caribou in the Central Arctic Herd of northern Alaska reduced their use of habitat near energy development. This herd has been exposed to oil development on its summer range for approximately 40 years.</p>	Journal of Wildlife Management	11/15/2019
<i>The seasonal energetic landscape of an apex marine carnivore, the polar bear</i>	<p>The Southern Beaufort Sea subpopulation of polar bears has experienced increased sea ice retreat in recent decades. Although declines in sea ice are generally considered a challenge to energy balance in polar bears residing in some regions of the Arctic, little quantitative data exists concerning the seasonal energy expenditures of this apex marine carnivore. This study found energy expenditure was influenced by month, ocean depth, and habitat type (sea ice or land).</p>	Ecology	12/1/2019

<i>The fate of Madagascar's rainforest habitat</i>	A Northeast Climate Adaptation Science Center researchers and Madagascar conservation practitioners demonstrate that climate change and habitat loss threaten species survival in Madagascar. Ruffed lemurs, a representative species in the eastern rainforest, could lose 38-93% of habitat from climate change and deforestation by 2070; protecting areas from deforestation is necessary to protect Malagasy biodiversity.	Nature Climate Change	10/30/2019
<i>Dissolved organic matter in the deep TALDICE ice core: A nano-UPLC-nano-ESI-HRMS method</i>	USGS scientists developed an analytical method to detect major molecular species in ice cores. Interglacial samples encompass a wide range of species, while the glacial samples contained less diverse species. This difference may be due to decreased temperatures during the glacial period inhibiting terrestrial vegetation growth and increasing the sea ice extent, thereby weakening the emission sources.	Science of The Total Environment	11/1/2019
<i>PaCTS 1.0: A Crowdsourced Reporting Standard for Paleoclimate Data</i>	The Paleoclimate Community reporting Standard (PaCTS), is a crowdsourced reporting standard for paleoclimate data. PaCTS captures which information should be included when reporting paleoclimate data, with the goal of maximizing the reuse value of paleoclimate datasets. The paper discusses a transparent path towards implementing or revising its recommendations in the near future, using both bottom-up and top-down approaches.	Paleoceanography and Paleoclimatology	11/1/2019
<i>Lead exposure of red-shouldered hawks during the breeding season in the central Appalachians, USA</i>	One of the most common pathways of lead exposure in birds is ingestion of contaminated food sources. Most studies of lead exposure of raptors focus on the winter, non-breeding season when they scavenge heavily. However, less is known about lead exposure of these species during the breeding season when their diets consist almost exclusively of live prey. This study illustrates possible pathways of lead exposure of raptors when they eat live prey.	Bulletin of Environmental Contamination & Toxicology	10/27/2019
<i>Whitebark pine in the national parks of the</i>	Whitebark pine, a foundation species of western subalpine environments, is threatened	Forests	10/30/2019

Pacific states: an assessment of population vulnerability

by a variety of stressors, including altered fire regimes, white pine blister rust, mountain pine beetle, and climate change. These threats have led USFWS to designate the tree as a candidate for listing under the Endangered Species Act in 2011. This publication provides baseline data for future assessments of whitebark pine population health and will inform management and listing decisions for whitebark pine.

Precision mapping of snail habitat provides a powerful indicator of human schistosomiasis transmission

While freshwater snail control has been identified as a strategy in preventing schistosomiasis transmission in Senegalese villages, identifying target locations for snail control is a challenge. Snail abundance or infection rates in a particular area often do not correlate with human infection burden. This study used intensive, randomized snail surveys to examine why snail abundance might not correlate with infection and to identify more effective predictors of disease transmission.

PNAS

10/30/2019

Contaminant Concentrations in Sediments, Aquatic Invertebrates, and Fish in Proximity to Rail Tracks Used for Coal Transport in the Pacific Northwest (U.S.A.): A Baseline Assessment

In preparation for increased coal transport by rail through the Columbia River Gorge National Scenic Area, the USGS has released a baseline assessment of coal-related contamination along active rail lines in the area. The assessment describes the current distributions, levels and spatial patterns of coal-related contaminants found in nearby habitats and organisms. If coal transport by rail increases in the future, this assessment will be available to evaluate changes in contaminant levels.

Archives of Environmental Contamination and Toxicology

10/30/2019

Golden Eagle perch site use in the U.S. southern plains: reducing mortality risk uncertainty.

Electrocution on overhead electric systems is a primary cause of anthropogenic mortality for Golden Eagles in North America. Distribution poles supporting energized equipment are most often involved in electrocutions. This study assessed the frequency with which Golden Eagles perch on equipment poles to inform mitigation and management practices.

Journal of Raptor Research

10/30/2019

Reconstruction of an early Permian, sub-lacustrine magmatic-hydrothermal system:

This publication reports a stable isotope study of the Mt Carlton deposit of gold, silver, and copper, which is located in northeastern Australia. This deposit is epithermal-type but

Economic Geology

10/31/2019

<i>Mt Carlton epithermal Au-Ag-Cu deposit, northeastern Australia</i>	is unusual in that it was formed by hydrothermal activity beneath a lake. The ores consist of structurally-lower gold-copper mineralization within breccia and structurally-higher silver-barite mineralization within volcano-sedimentary rocks.	
<i>Use of subsistence-harvested whale carcasses by polar bears in the southern Beaufort Sea</i>	As a consequence of decreasing sea ice coverage, monitoring efforts along the coast of northern Alaska indicate a higher proportion of polar bears of the southern Beaufort Sea subpopulation come onshore and feed at subsistence-harvested bowhead whale carcasses during the fall and early winter seasons, creating the potential for human-bear interactions. This study describes patterns of use (abundance and fidelity) of land-based remains of subsistence-harvested bowhead whales by polar bears.	Arctic 11/1/2019
<i>A shallow rift basin segmented in space and time: the southern San Luis Basin, Rio Grande rift, northern New Mexico, U.S.A</i>	The manuscript presents 3D geophysical modeling of the southern San Luis Basin and implications of the results for basin evolution. The manuscript results from NCGMP-supported research, Cenozoic Landscape Evolution of the Southern Rocky Mountains, which studies the evolution of Rio Grande rift basins in New Mexico, Colorado, and southern Wyoming.	Rocky Mountain Geology 11/1/2019
<i>Winter climate change and the poleward range expansion of a tropical invasive tree (Brazilian pepper - <i>Schinus terebinthifolius</i>)</i>	Winter climate change is expected to allow tropical species to expand poleward in response to a decrease in the intensity and duration of winter temperature extremes (i.e., freeze events). In the southeastern U.S., freezing temperatures control the northern range limits of many invasive non-native species. Researchers examined the influence of freezing temperatures and winter climate change on the northern range limits of an invasive non-native tree, <i>Schinus terebinthifolius</i> (Brazilian pepper).	Global Change Biology 11/1/2019
<i>Projected urban growth in the Southeastern USA puts small streams at risk</i>	The study finds that current levels of urbanization in the Southeast, primarily in the Atlanta, Charlotte, Raleigh/Durham, and the Virginia suburbs of Washington, D.C., have already contributed to substantial losses of such species. The study findings and	PLOS One 10/30/2019

associated ecological models provide information and forecasts for cities and states that can guide strategies to lessen the adverse effects of current and projected urban development.

***Pre-Fire Vegetation
Drives Post-Fire
Outcomes in
Sagebrush
Ecosystems: Evidence
from Field and
Remote Sensing Data***

Researchers studied vegetation cover data from Landsat images and field surveys from 1979 to 2016 to investigate how historical changes to community composition influence contemporary responses of vegetation to fire in sagebrush ecosystems in the Great Basin. This study offers a strategy to integrate field plot data with remote sensing data to provide an insight into patterns and drivers of vegetation change to develop effective management and restoration strategies.

Ecosphere

10/30/2019

This sounds good/reasonable to me, do you want to run this by Linus to see if he has any recommendations?

Kathryn: is that true that we were "OK" with the use of the barrow area until the Solicitor's opinion?

Cynthia Bohn
Coastal Barrier Resources Act Specialist
Phone: 404-679-7122
Fax: 404-679-7081
cynthia_bohn@fws.gov

[Learn more about the Coastal Barrier Resources Act](#)

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

From: **McCorcle, Justin P CIV USARMY CESAW (USA)**
<Justin.P.Mccorcle@usace.army.mil>
Date: Mon, Jan 27, 2020 at 9:58 AM
Subject: [EXTERNAL] RE: CBRA Consultation Teleconference Path Forward
To: Bohn, Cynthia <cynthia_bohn@fws.gov>, Gasch, Eric K CIV USARMY CESAW (US) <Eric.K.Gasch@usace.army.mil>, Matthews, Kathryn H <kathryn_matthews@fws.gov>
Cc: Benjamin, Pete <pete_benjamin@fws.gov>, Wells, Emily N <emily_wells@fws.gov>, Niemi, Katie <katie_niemi@fws.gov>, Wright, Dana K <dana_wright@fws.gov>, Scerno, Deborah H CIV USARMY CESAD (US) <Deborah.H.Scerno@usace.army.mil>, Gatwood, Elden J CIV CESAW CESAD (US) <Elden.J.Gatwood@usace.army.mil>, Owens, Jennifer L CIV USARMY CESAW (USA) <Jennifer.L.Owens@usace.army.mil>, Pruitt, Carl E Jr CIV USARMY CESAW (USA) <Carl.E.Pruitt@usace.army.mil>, Conner, Kevin B CIV USARMY CESAW (USA) <Kevin.B.Conner@usace.army.mil>, Gager, Steven M CIV USARMY CESAW (USA) <Steven.M.Gager@usace.army.mil>, Medlock, James M (Jim) CIV USARMY CESAW (USA) <James.M.Medlock@usace.army.mil>

B5-ACP-DPP



Justin

Justin P. McCorcle
District Counsel
USACE, Wilmington District
69 Darlington Avenue, Wilmington NC 28403
Office: (910) 251-4699

From: [Wright, Dana K](#)
To: [Niemi, Katie](#)
Subject: Re: CBRA Consultation Teleconference Path Forward
Date: Friday, January 24, 2020 6:49:53 AM

Katie,

I have a couple edits to Eric's notes. Can you please look in the file on our network?

K:\CBRA\Consistency Consultations\Actual Consultations\North Carolina\Unit L09 Corps Dredging\2020 Consultation\CBRA Path Forward for the Carolina Beach BRER and the Wrightsville Beach Validation Study 23-Jan-2020.docx

Thanks,

From: Gasch, Eric K CIV USARMY CESAW (US) <Eric.K.Gasch@usace.army.mil>
Sent: Thursday, January 23, 2020 2:01 PM
To: Matthews, Kathryn H <kathryn_matthews@fws.gov>
Cc: Benjamin, Pete <pete_benjamin@fws.gov>; Wells, Emily N <emily_wells@fws.gov>; Bohn, Cynthia <cynthia_bohn@fws.gov>; Niemi, Katie <katie_niemi@fws.gov>; Wright, Dana K <dana_wright@fws.gov>; Scerno, Deborah H CIV USARMY CESAD (US) <Deborah.H.Scerno@usace.army.mil>; Gatwood, Elden J CIV CESAW CESAD (US) <Elden.J.Gatwood@usace.army.mil>; Owens, Jennifer L CIV USARMY CESAW (USA) <Jennifer.L.Owens@usace.army.mil>; McCorcle, Justin P CIV USARMY CESAW (US) <Justin.P.Mccorcle@usace.army.mil>; Pruitt, Carl E Jr CIV USARMY CESAW (USA) <Carl.E.Pruitt@usace.army.mil>; Conner, Kevin B CIV USARMY CESAW (USA) <Kevin.B.Conner@usace.army.mil>; Gager, Steven M CIV USARMY CESAW (USA) <Steven.M.Gager@usace.army.mil>; Medlock, James M (Jim) CIV USARMY CESAW (USA) <James.M.Medlock@usace.army.mil>
Subject: [EXTERNAL] CBRA Consultation Teleconference Path Forward

Kathy,

Attached is a memo outlining what was discussed in the January 21, 2020 teleconference. Please review and let me know if I have made any mistakes or have misinterpreted your guidance on how to best complete the Carolina Beach and Wrightsville beach CBRA consultations.

Thank you,

Eric

From: [Bohn, Cynthia](#)
To: [Scerno, Deborah H CIV USARMY CESAD \(US\)](#)
Cc: [Niemi, Katie](#)
Subject: Re: [EXTERNAL] SAD guidance (UNCLASSIFIED)
Date: Monday, January 13, 2020 12:57:10 PM
Importance: High

Thanks so much Debbie, I think this will be a great help to us as we work with Wilmington District on the Carolina Beach and Wilmington Beach projects as well as working through national guidance for the sand mining change in HQ. Take care and looking forward to more discussions. Cindy

Cynthia Bohn
Coastal Barrier Resources Act Specialist
Phone: 404-679-7122
Fax: 404-679-7081
cynthia_bohn@fws.gov

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On Mon, Jan 13, 2020 at 12:37 PM Scerno, Deborah H CIV USARMY CESAD (US) <Deborah.H.Scerno@usace.army.mil> wrote:

CLASSIFICATION: UNCLASSIFIED

Cindy,

This is the guidance that SAD provided to our districts.

Debby

Deborah Hesse Scerno
Sr. Environmental Planner
South Atlantic Division
US Army Corps of Engineers
Atlanta, GA 30303

Office - 404 562 5227
Cell - 404 702 1428

CLASSIFICATION: UNCLASSIFIED

as there are numerous Corps beach nourishment and sand mining projects that will be coming in the future. There is also strong support for maintaining a restriction on sand mining in CBRS units, a letter was sent to the Secretary and signed by 30 NGOs including Audubon, R Street Institute, and

Southern Environmental Law Center. [letter](https://www.rstreet.org/2019/12/05/letter-to-secretary-bernhardt-on-coastal-barrier-resources-act/)
<https://www.rstreet.org/2019/12/05/letter-to-secretary-bernhardt-on-coastal-barrier-resources-act/>

There is a current GAO audit that was ordered last month to examine Federal Agency's compliance with CBRA.

Thanks so much, I will be looking forward to hearing from you.

Cynthia Bohn

National Coastal Barrier Resources Act Specialist

Phone: 404-679-7122

Fax: 404-679-7081

cynthia_bohn@fws.gov

[Learn more about the Coastal Barrier Resources Act](#)

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From: **Gasch, Eric K CIV USARMY CESAW (US)**

<Eric.K.Gasch@usace.army.mil>

Date: Fri, Dec 20, 2019 at 10:00 AM

Subject: [EXTERNAL] Interagency CBRA Consultations for the Wrightsville Beach, NC, and the Carolina Beach, NC, Reports

To: cynthia_bohn@fws.gov <cynthia_bohn@fws.gov>, Kathy Matthews (kathryn_matthews@fws.gov) <kathryn_matthews@fws.gov>
Cc: Owens, Jennifer L CIV USARMY CESA W (USA) <Jennifer.L.Owens@usace.army.mil>, Gatwood, Elden J CIV CESA W CESAD (US) <Elden.J.Gatwood@usace.army.mil>, Medlock, James M (Jim) CIV USARMY CESA W (USA) <James.M.Medlock@usace.army.mil>, Glazener, Jason S CIV USARMY CESA W (USA) <Jason.S.Glazener@usace.army.mil>, McCorcle, Justin P CIV USARMY CESA W (US) <Justin.P.Mccorcle@usace.army.mil>, Pruitt, Carl E Jr CIV USARMY CESA W (USA) <Carl.E.Pruitt@usace.army.mil>

Ladies,

Attached are the interagency CBRA consultations for the Wrightsville Beach, NC, Coastal Storm Risk Management Validation Report and the Carolina Beach, NC, Beach Renourishment Evaluation Report.

If you have any comments or questions, please call, (910)251-4553 or email, eric.k.gasch@usace.army.mil at your earliest convenience.

After your review, I would be very interested in hearing when you thought CBRA consultation would be completed.

Thank you very much,

Eric Gasch
USACE Biologist
69 Darlington Ave
Wilmington, NC 28403
910-251-4553
Eric.K.Gasch@usace.army.mil

<Wrightsville Beach CBRA Inter-Agency Consultation Form - 19-Dec-2019.pdf>

<Carolina Beach CBRA Inter-Agency Consultation Form - 19-Dec-2019.pdf>

<20191030 Solicitor's Memo on sand mining.pdf>

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

From: **Gasch, Eric K CIV USARMY CESA W (US)** <Eric.K.Gasch@usace.army.mil>
Date: Fri, Dec 20, 2019 at 10:00 AM
Subject: [EXTERNAL] Interagency CBRA Consultations for the Wrightsville Beach, NC, and the Carolina Beach, NC, Reports
To: cynthia_bohn@fws.gov <cynthia_bohn@fws.gov>, Kathy Matthews (kathryn_matthews@fws.gov) <kathryn_matthews@fws.gov>
Cc: Owens, Jennifer L CIV USARMY CESA W (USA) <Jennifer.L.Owens@usace.army.mil>, Gatwood, Elden J CIV CESA W CESA D (US) <Elden.J.Gatwood@usace.army.mil>, Medlock, James M (Jim) CIV USARMY CESA W (USA) <James.M.Medlock@usace.army.mil>, Glazener, Jason S CIV USARMY CESA W (USA) <Jason.S.Glazener@usace.army.mil>, McCorcle, Justin P CIV USARMY CESA W (US) <Justin.P.Mccorcle@usace.army.mil>, Pruitt, Carl E Jr CIV USARMY CESA W (USA) <Carl.E.Pruitt@usace.army.mil>

Ladies,

Attached are the interagency CBRA consultations for the Wrightsville Beach, NC, Coastal Storm Risk Management Validation Report and the Carolina Beach, NC, Beach Renourishment Evaluation Report.

If you have any comments or questions, please call, (910)251-4553 or email, eric.k.gasch@usace.army.mil at your earliest convenience.

After your review, I would be very interested in hearing when you thought CBRA consultation would be completed.

Thank you very much,

Eric Gasch
USACE Biologist
69 Darlington Ave
Wilmington, NC 28403
910-251-4553
Eric.K.Gasch@usace.army.mil

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To: cynthia_bohn@fws.gov <cynthia_bohn@fws.gov>, Kathy Matthews (kathryn_matthews@fws.gov) <kathryn_matthews@fws.gov>
Cc: Owens, Jennifer L CIV USARMY CESA W (USA) <Jennifer.L.Owens@usace.army.mil>, Gatwood, Elden J CIV CESA W CESAD (US) <Elden.J.Gatwood@usace.army.mil>, Medlock, James M (Jim) CIV USARMY CESA W (USA) <James.M.Medlock@usace.army.mil>, Glazener, Jason S CIV USARMY CESA W (USA) <Jason.S.Glazener@usace.army.mil>, McCorcle, Justin P CIV USARMY CESA W (US) <Justin.P.Mccorcle@usace.army.mil>, Pruitt, Carl E Jr CIV USARMY CESA W (USA) <Carl.E.Pruitt@usace.army.mil>

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USFWS
1875 Century Blvd, Room 200
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Phone: 404-679-7122
Fax: 404-679-7081
cynthia_bohn@fws.gov

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

From: **Bohn, Cynthia** <cynthia_bohn@fws.gov>
Date: Tue, Dec 3, 2019 at 3:40 PM
Subject: Re: [EXTERNAL] RE: CBRA Coordination for the USACE
Wrightsville Beach Validation and Carolina Beach BRER Projects
To: Dove Odumosu, Karen A CIV USARMY CESAD (US)
<Karen.Dove.Odumosu@usace.army.mil>
Cc: Gasch, Eric K CIV USARMY CESAW (US)
<Eric.K.Gasch@usace.army.mil>, Owens, Jennifer L CIV USARMY CESAW
(USA) <Jennifer.L.Owens@usace.army.mil>, Gatwood, Elden J CIV CESAW
CESAD (US) <Elden.J.Gatwood@usace.army.mil>, Glazener, Jason S CIV
USARMY CESAW (USA) <Jason.S.Glazener@usace.army.mil>, Medlock,
James M (Jim) CIV USARMY CESAW (USA)
<James.M.Medlock@usace.army.mil>, Kathy Matthews
(kathryn_matthews@fws.gov) <kathryn_matthews@fws.gov>, Katie Niemi
<katie_niemi@fws.gov>, Martha BalisLarsen <martha_balislarsen@fws.gov>,
Dana Wright <dana_wright@fws.gov>, Scerno, Deborah H CIV USARMY
CESAD (US) <Deborah.H.Scerno@usace.army.mil>, Wilcox, Sue M CIV
USARMY USACE (US) <Sue.M.Wilcox@usace.army.mil>, Dove Odumosu,
Karen A CIV USARMY CESAD (US)
<Karen.Dove.Odumosu@usace.army.mil>, Michelle Eversen
<michelle_eversen@fws.gov>, Pete Benjamin <pete_benjamin@fws.gov>

Hi all: I was waiting to hear back on our guidance document, that is in development. Since it will need to go through our leadership; I don't think it will be out immediately. In the meantime, I am here to help with determinations if you need and I will coordinate with our Raleigh field office and the HQ folks.

Eric, I will be in the office tomorrow morning if you want to discuss. Our general guidance is the same as was in the Secretary's memo that you all received. I have pasted below the most specific decision making language. Again, please give me another call and we can talk through it. We may then want to have a more inclusive conference call.

Our interpretation does not alter the Service's (nor the action agency's) responsibility to consider on a case-by-case basis whether the proposed project is consistent with the purposes of the Act. See id. § 3505(a)(6). For example, the removal of the sand from within the System may not frustrate the "long-term conservation of these fish, wildlife, and other natural resources" associated with coastal barriers. Id. §3501(b). Thus, the Service should consider whether the sand could be removed without damage to the natural resources within the System. Likewise, the project should not encourage development of coastal barriers in a manner that could result in "threats to human life, health, and property." Id. § 3501(a)(4). In addition, the Service should review whether the proposed project meets the limitations of the exception. That is, in order for the project to meet the standards of the exception, the Service should consider whether any beach renourishment outside the system is intended to "mimic, enhance, or restore natural stabilization systems." Id. § 3505(a)(6XG).

Thanks so much,
Cindy

Cynthia Bohn
Regional Coastal Program Coordinator
Coastal Barrier Resources Act Regional Coordinator
USFWS
1875 Century Blvd, Room 200
Atlanta, GA 30345
Phone: 404-679-7122
Fax: 404-679-7081
cynthia_bohn@fws.gov

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On Tue, Dec 3, 2019 at 9:59 AM Dove Odumosu, Karen A CIV USARMY CESAD (US) <Karen.Dove.Odumosu@usace.army.mil> wrote:

Eric, did you get any response from Cindy? Thanks!

-Karen

-----Original Message-----

From: Gasch, Eric K CIV USARMY CESAW (US)
Sent: Tuesday, December 3, 2019 9:39 AM
To: Bohn, Cynthia <cynthia_bohn@fws.gov>
Cc: Owens, Jennifer L CIV USARMY CESAW (USA) <Jennifer.L.Owens@usace.army.mil>; Gatwood, Elden J CIV CESAW CESAD (US) <Elden.J.Gatwood@usace.army.mil>; Glazener, Jason S CIV USARMY CESAW (USA) <Jason.S.Glazener@usace.army.mil>; Medlock, James M (Jim) CIV USARMY CESAW (USA)

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<katie_niemi@fws.gov>; Martha BalisLarsen
<martha_balislarsen@fws.gov>; Dana Wright <dana_wright@fws.gov>;
Dove Odumosu, Karen A CIV USARMY CESAD (US)
<Karen.Dove.Odumosu@usace.army.mil>; Scerno, Deborah H CIV
USARMY CESAD (US) <Deborah.H.Scerno@usace.army.mil>
Subject: CBRA Coordination for the USACE Wrightsville Beach Validation
and Carolina Beach BRER Projects

Good Morning Cindy,

I hope your Thanksgiving holiday went well.

Do you have an update on how to complete the CBRA coordination for these two projects?

1. Wrightsville Beach Validation Study

and the

2. Carolina Beach BRER

My immediate concern is how this is going to affect timelines. Both projects are near completion, therefore the schedules are pretty tight (especially for the Carolina Beach BRER).

I hope to communicate with my vertical team what milestones may be impacted and adjust as needed.

Thank you again for your help,

Eric Gasch
USACE Biologist
69 Darlington Ave
Wilmington, NC 28403
910-251-4553
Eric.K.Gasch@usace.army.mil

-----Original Message-----

From: Bohn, Cynthia [mailto:cynthia_bohn@fws.gov]

Sent: Tuesday, November 19, 2019 3:08 PM

To: Gasch, Eric K CIV USARMY CESAW (US)

<Eric.K.Gasch@usace.army.mil>

Cc: Owens, Jennifer L CIV USARMY CESAW (USA)

<Jennifer.L.Owens@usace.army.mil>; Gatwood, Elden J CIV CESAW

CESAD (US) <Elden.J.Gatwood@usace.army.mil>; Glazener, Jason S CIV

USARMY CESAW (USA) <Jason.S.Glazener@usace.army.mil>; Medlock,

James M (Jim) CIV USARMY CESAW (USA)

<James.M.Medlock@usace.army.mil>; Kathy Matthews

(kathryn_matthews@fws.gov) <kathryn_matthews@fws.gov>; Katie Niemi <katie_niemi@fws.gov>; Martha BalisLarsen <martha_balislarsen@fws.gov>; Dana Wright <dana_wright@fws.gov>
Subject: [Non-DoD Source] Re: [EXTERNAL] CBRA Coordination for the USACE Wrightsville Beach and Carolina Beach Projects

Hi Eric, thanks for your email and call earlier today. I will give you a call tomorrow or later this week. We are still working with our folks to determine our process and guidance for agencies relative to the new sand mining opinion. Thanks for your patience, Cindy

Cynthia Bohn
Regional Coastal Program Coordinator
Coastal Barrier Resources Act Regional Coordinator USFWS
1875 Century Blvd, Room 200
Atlanta, GA 30345
Phone: 404-679-7122
Fax: 404-679-7081
cynthia_bohn@fws.gov <mailto:cynthia_bohn@fws.gov>

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On Tue, Nov 19, 2019 at 2:50 PM Gasch, Eric K CIV USARMY CESAW (US) <Eric.K.Gasch@usace.army.mil> <<mailto:Eric.K.Gasch@usace.army.mil>> > wrote:

Cindy,

I spoke with Kathy Matthews today regarding the Wrightsville Beach Validation and Carolina Beach BRER Projects. She stated I should call you to complete CBRA coordination for both projects.

The corps has been in close communication with the Raleigh Field Office since initiation and both projects have had 30-day public and agency reviews.

Also, on April 8, 2019, representatives of the District, Division and HQ for both the Corps and USFWS held a phone conference to talk about CBRA

issues for these projects.

What do we need to do to complete CBRA Coordination for the
Wrightsville Beach Validation and Carolina Beach BRER Projects?

Thank you very much,

Eric Gasch
USACE Biologist
69 Darlington Ave
Wilmington, NC 28403
910-251-4553
Eric.K.Gasch@usace.army.mil <mailto:Eric.K.Gasch@usace.army.mil>

From: [Bohn, Cynthia](#)
To: [Niemi, Katie](#)
Subject: Fwd: [Non-DoD Source] Re: [EXTERNAL] RE: CBRA Coordination for the USACE Wrightsville Beach Validation and Carolina Beach BRER Projects
Date: Tuesday, December 3, 2019 5:44:19 PM
Importance: High

FYI...

Cynthia Bohn
Regional Coastal Program Coordinator
Coastal Barrier Resources Act Regional Coordinator
USFWS
1875 Century Blvd, Room 200
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Phone: 404-679-7122
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From: **Dove Odumosu, Karen A CIV USARMY CESAD (US)**
<Karen.Dove.Odumosu@usace.army.mil>
Date: Tue, Dec 3, 2019 at 4:18 PM
Subject: RE: [Non-DoD Source] Re: [EXTERNAL] RE: CBRA Coordination for the USACE Wrightsville Beach Validation and Carolina Beach BRER Projects
To: Bohn, Cynthia <cynthia_bohn@fws.gov>, Gasch, Eric K CIV USARMY CESAW (US) <Eric.K.Gasch@usace.army.mil>
Cc: Dove Odumosu, Karen A CIV USARMY CESAD (US) <Karen.Dove.Odumosu@usace.army.mil>

Understand, Cindy, and appreciate your efforts so much on this!

-----Original Message-----

From: Bohn, Cynthia [mailto:cynthia_bohn@fws.gov]
Sent: Tuesday, December 3, 2019 4:04 PM
To: Dove Odumosu, Karen A CIV USARMY CESAD (US) <Karen.Dove.Odumosu@usace.army.mil>; Gasch, Eric K CIV USARMY CESAW (US) <Eric.K.Gasch@usace.army.mil>
Subject: Re: [Non-DoD Source] Re: [EXTERNAL] RE: CBRA Coordination for the USACE Wrightsville Beach Validation and Carolina Beach BRER Projects

Karen and Eric: so sorry to keep you all waiting and being hard to reach. We have lots of moving balls on this as you can imagine. Take care, cindy

Cynthia Bohn
Regional Coastal Program Coordinator
Coastal Barrier Resources Act Regional Coordinator USFWS
1875 Century Blvd, Room 200
Atlanta, GA 30345
Phone: 404-679-7122
Fax: 404-679-7081
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On Tue, Dec 3, 2019 at 4:01 PM Dove Odumosu, Karen A CIV USARMY CESAD (US) <Karen.Dove.Odumosu@usace.army.mil <mailto:Karen.Dove.Odumosu@usace.army.mil> > wrote:

Thanks, Cindy!

-----Original Message-----

From: Bohn, Cynthia [mailto:cynthia_bohn@fws.gov <mailto:cynthia_bohn@fws.gov>]
Sent: Tuesday, December 3, 2019 3:41 PM
To: Dove Odumosu, Karen A CIV USARMY CESAD (US) <Karen.Dove.Odumosu@usace.army.mil <mailto:Karen.Dove.Odumosu@usace.army.mil> >
Cc: Gasch, Eric K CIV USARMY CESAW (US) <Eric.K.Gasch@usace.army.mil <mailto:Eric.K.Gasch@usace.army.mil> >; Owens, Jennifer L CIV USARMY CESAW (USA) <Jennifer.L.Owens@usace.army.mil <mailto:Jennifer.L.Owens@usace.army.mil> >; Gatwood, Elden J CIV CESAW CESAD (US) <Elden.J.Gatwood@usace.army.mil <mailto:Elden.J.Gatwood@usace.army.mil> >; Glazener, Jason S CIV USARMY CESAW (USA) <Jason.S.Glazener@usace.army.mil <mailto:Jason.S.Glazener@usace.army.mil> >; Medlock, James M (Jim) CIV USARMY CESAW (USA) <James.M.Medlock@usace.army.mil <mailto:James.M.Medlock@usace.army.mil> >; Kathy Matthews (kathryn_matthews@fws.gov <mailto:kathryn_matthews@fws.gov>) <kathryn_matthews@fws.gov <mailto:kathryn_matthews@fws.gov> >; Katie Niemi <katie_niemi@fws.gov <mailto:katie_niemi@fws.gov> >; Martha BalisLarsen <martha_balislarsen@fws.gov <mailto:martha_balislarsen@fws.gov> >; Dana Wright <dana_wright@fws.gov <mailto:dana_wright@fws.gov> >; Scerno, Deborah H CIV USARMY CESAD (US) <Deborah.H.Scerno@usace.army.mil <mailto:Deborah.H.Scerno@usace.army.mil> >; Wilcox, Sue M CIV USARMY USACE (US) <Sue.M.Wilcox@usace.army.mil <mailto:Sue.M.Wilcox@usace.army.mil> >; Michelle

Eversen <michelle_eversen@fws.gov <mailto:michelle_eversen@fws.gov> >; Pete Benjamin <pete_benjamin@fws.gov <mailto:pete_benjamin@fws.gov> >

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Eric, I will be in the office tomorrow morning if you want to discuss. Our general guidance is the same as was in the Secretary's memo that you all received. I have pasted below the most specific decision making language. Again, please give me another call and we can talk through it. We may then want to have a more inclusive conference call.

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Thanks so much,
Cindy

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Eric, did you get any response from Cindy? Thanks!

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Gatwood, Elden J CIV CESA W CESAD (US) <Elden.J.Gatwood@usace.army.mil

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<<mailto:Elden.J.Gatwood@usace.army.mil>> > >; Glazener, Jason S CIV USARMY CESA W

(USA) <Jason.S.Glazener@usace.army.mil> <<mailto:Jason.S.Glazener@usace.army.mil>>

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>; Kathy Matthews (<kathryn_matthews@fws.gov> <mailto:kathryn_matthews@fws.gov>

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<mailto:dana_wright@fws.gov> > >; Dove Odumosu, Karen A CIV USARMY CESA W (US)

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<<mailto:Karen.Dove.Odumosu@usace.army.mil>>

<<mailto:Karen.Dove.Odumosu@usace.army.mil>> > >; Scerno, Deborah H CIV USARMY

CESA W (US) <Deborah.H.Scerno@usace.army.mil

<<mailto:Deborah.H.Scerno@usace.army.mil>> <<mailto:Deborah.H.Scerno@usace.army.mil>

<<mailto:Deborah.H.Scerno@usace.army.mil>> > >

Subject: CBRA Coordination for the USACE Wrightsville Beach Validation and Carolina Beach BRER Projects

Good Morning Cindy,

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USACE Biologist
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<mailto:Eric.K.Gasch@usace.army.mil> <mailto:Eric.K.Gasch@usace.army.mil> >

-----Original Message-----

From: Bohn, Cynthia [mailto:cynthia_bohn@fws.gov
<mailto:cynthia_bohn@fws.gov> <mailto:cynthia_bohn@fws.gov>
<mailto:cynthia_bohn@fws.gov> >]

Sent: Tuesday, November 19, 2019 3:08 PM

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Gatwood, Elden J CIV CESA W CESA D (US) <Elden.J.Gatwood@usace.army.mil
<mailto:Elden.J.Gatwood@usace.army.mil> <mailto:Elden.J.Gatwood@usace.army.mil
<mailto:Elden.J.Gatwood@usace.army.mil> > >; Glazener, Jason S CIV USARMY CESA W
(USA) <Jason.S.Glazener@usace.army.mil> <mailto:Jason.S.Glazener@usace.army.mil>
<mailto:Jason.S.Glazener@usace.army.mil> <mailto:Jason.S.Glazener@usace.army.mil> > >;
Medlock, James M (Jim) CIV USARMY CESA W (USA)
<James.M.Medlock@usace.army.mil> <mailto:James.M.Medlock@usace.army.mil>
<mailto:James.M.Medlock@usace.army.mil> <mailto:James.M.Medlock@usace.army.mil> >
>; Kathy Matthews (kathryn_matthews@fws.gov <mailto:kathryn_matthews@fws.gov>
<mailto:kathryn_matthews@fws.gov> <mailto:kathryn_matthews@fws.gov> >)
<kathryn_matthews@fws.gov> <mailto:kathryn_matthews@fws.gov>
<mailto:kathryn_matthews@fws.gov> <mailto:kathryn_matthews@fws.gov> > >; Katie Niemi
<katie_niemi@fws.gov> <mailto:katie_niemi@fws.gov> <mailto:katie_niemi@fws.gov>

<mailto:katie_niemi@fws.gov> > >; Martha BalisLarsen <martha_balislarsen@fws.gov>
<mailto:martha_balislarsen@fws.gov> <mailto:martha_balislarsen@fws.gov>
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<mailto:dana_wright@fws.gov> <mailto:dana_wright@fws.gov>
<mailto:dana_wright@fws.gov> > >

Subject: [Non-DoD Source] Re: [EXTERNAL] CBRA Coordination for the USACE
Wrightsville Beach and Carolina Beach Projects

Hi Eric, thanks for your email and call earlier today. I will give you a call tomorrow or later this week. We are still working with our folks to determine our process and guidance for agencies relative to the new sand mining opinion. Thanks for your patience, Cindy

Cynthia Bohn
Regional Coastal Program Coordinator
Coastal Barrier Resources Act Regional Coordinator USFWS
1875 Century Blvd, Room 200
Atlanta, GA 30345
Phone: 404-679-7122
Fax: 404-679-7081

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<mailto:cynthia_bohn@fws.gov> <mailto:cynthia_bohn@fws.gov> > >

Learn more about the Coastal Barrier Resources Act
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<Blockedhttp://Blockedwww.fws.gov/cbra> <Blockedhttp://Blockedwww.fws.gov/cbra
<Blockedhttp://www.fws.gov/cbra> > >

NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.

On Tue, Nov 19, 2019 at 2:50 PM Gasch, Eric K CIV USARMY CESAW (US)
<Eric.K.Gasch@usace.army.mil> <mailto:Eric.K.Gasch@usace.army.mil>
<mailto:Eric.K.Gasch@usace.army.mil> <mailto:Eric.K.Gasch@usace.army.mil> >
<mailto:Eric.K.Gasch@usace.army.mil> <mailto:Eric.K.Gasch@usace.army.mil>
<mailto:Eric.K.Gasch@usace.army.mil> <mailto:Eric.K.Gasch@usace.army.mil> > > wrote:

Cindy,

I spoke with Kathy Matthews today regarding the Wrightsville Beach Validation and Carolina Beach BRER Projects. She stated I should call you to complete CBRA coordination for both projects.

The corps has been in close communication with the Raleigh Field Office since initiation and both projects have had 30-day public and agency reviews.

Also, on April 8, 2019, representatives of the District, Division and HQ for both the Corps and USFWS held a phone conference to talk about CBRA issues for these projects.

What do we need to do to complete CBRA Coordination for the Wrightsville Beach Validation and Carolina Beach BRER Projects?

Thank you very much,

Eric Gasch
USACE Biologist
69 Darlington Ave
Wilmington, NC 28403
910-251-4553

Eric.K.Gasch@usace.army.mil <mailto:Eric.K.Gasch@usace.army.mil>

<mailto:Eric.K.Gasch@usace.army.mil <mailto:Eric.K.Gasch@usace.army.mil> >

<mailto:Eric.K.Gasch@usace.army.mil <mailto:Eric.K.Gasch@usace.army.mil>

<mailto:Eric.K.Gasch@usace.army.mil <mailto:Eric.K.Gasch@usace.army.mil> > >

From: [Niemi, Katie](#)
To: [BalisLarsen, Martha](#); [Shaughnessy, Michelle](#); [Phinney, Jonathan T](#); [Wright, Dana K](#)
Subject: Fwd: [EXTERNAL] CBRA Coordination for the USACE Wrightsville Beach and Carolina Beach Projects
Date: Wednesday, November 20, 2019 10:58:22 AM

FYI, the Corps Wilmington District is asking what they need to do to complete CBRA coordination for the Wrightsville Beach and Carolina Beach projects. Once we get answers to the questions we provided to SOL (hopefully by the end of this week), we'll need to coordinate with the regions to determine the path forward.

Katie

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

From: **Bohn, Cynthia** <cynthia_bohn@fws.gov>
Date: Tue, Nov 19, 2019 at 3:07 PM
Subject: Re: [EXTERNAL] CBRA Coordination for the USACE Wrightsville Beach and Carolina Beach Projects
To: Gasch, Eric K CIV USARMY CESAW (US) <Eric.K.Gasch@usace.army.mil>
Cc: Owens, Jennifer L CIV USARMY CESAW (USA) <Jennifer.L.Owens@usace.army.mil>, Gatwood, Elden J CIV CESAW CESAD (US) <Elden.J.Gatwood@usace.army.mil>, Glazener, Jason S CIV USARMY CESAW (USA) <Jason.S.Glazener@usace.army.mil>, Medlock, James M (Jim) CIV USARMY CESAW (USA) <James.M.Medlock@usace.army.mil>, Kathryn Matthews (kathryn_matthews@fws.gov) <kathryn_matthews@fws.gov>, Katie Niemi <katie_niemi@fws.gov>, Martha BalisLarsen <martha_balislarsen@fws.gov>, Dana Wright <dana_wright@fws.gov>

Hi Eric, thanks for your email and call earlier today. I will give you a call tomorrow or later this week. We are still working with our folks to determine our process and guidance for agencies relative to the new sand mining opinion. Thanks for your patience, Cindy

Cynthia Bohn
Regional Coastal Program Coordinator
Coastal Barrier Resources Act Regional Coordinator
USFWS
1875 Century Blvd, Room 200
Atlanta, GA 30345
Phone: 404-679-7122
Fax: 404-679-7081
cynthia_bohn@fws.gov

[Learn more about the Coastal Barrier Resources Act](#)

NOTE: This email correspondence and any attachments to and from this sender is subject to the Freedom of Information Act (FOIA) and may be disclosed to third parties.

On Tue, Nov 19, 2019 at 2:50 PM Gasch, Eric K CIV USARMY CESAW (US)

<Eric.K.Gasch@usace.army.mil> wrote:

Cindy,

I spoke with Kathy Matthews today regarding the Wrightsville Beach Validation and Carolina Beach BRER Projects. She stated I should call you to complete CBRA coordination for both projects.

The corps has been in close communication with the Raleigh Field Office since initiation and both projects have had 30-day public and agency reviews.

Also, on April 8, 2019, representatives of the District, Division and HQ for both the Corps and USFWS held a phone conference to talk about CBRA issues for these projects.

What do we need to do to complete CBRA Coordination for the Wrightsville Beach Validation and Carolina Beach BRER Projects?

Thank you very much,

Eric Gasch
USACE Biologist
69 Darlington Ave
Wilmington, NC 28403
910-251-4553
Eric.K.Gasch@usace.army.mil



Wright, Dana <dana_wright@fws.gov>

[EXTERNAL] Re: Delaware Beneficial Use of Dredged Material and CBRA Coordination

Clark, Trevor <trevor_clark@fws.gov>

Fri, May 11, 2018 at 9:18 AM

To: "Conlin, Barbara E CIV USARMY CENAP (US)" <Barbara.E.Conlin@usace.army.mil>

Cc: Chris Guy <chris_guy@fws.gov>, Cynthia Bohn <cynthia_bohn@fws.gov>, "Wright, Dana" <dana_wright@fws.gov>, "Sanderson, Scott A CIV USARMY CENAP (US)" <Scott.A.Sanderson@usace.army.mil>

Hi Barb,

The proposed beach nourishment plans/berm and dune structures at Pickering Beach, Kitts Hummock Beach, Bowers Beach, South Bowers Beach, Slaughter Beach, Prime Hook Beach, and Lewes Beach are all in compliance with the Coastal Barrier Resource Act (CBRA). However, the U.S. Fish and Wildlife Service reserves the right to revisit CBRA compliance for this project prior to project construction based on the potential for changes in land use and regulations.

On Thu, May 10, 2018 at 3:18 PM, Conlin, Barbara E CIV USARMY CENAP (US) <Barbara.E.Conlin@usace.army.mil> wrote:

Trevor and Chris,

As discussed earlier today by telephone, the Philadelphia District is currently finalizing the DE DMU study report. The Tentatively Selected Plan (see attachment) presented in the report was developed in coordination with your office and the USFWS' Northeast Regional CBRA Coordinator (Cindy) (see attached emails below). The beach berm dimensions were modified (reduced in length) to be in compliance with CBRA (avoid encroaching into system units), consistent with your recommendations:

1. Pickering Beach: CSRМ footprint design has been reduced to avoid encroachment on CBRA system unit at southern end with exception of the berm taper only.
2. Kitts Hummock Beach: two northern end properties are grandfathered, therefore CSRМ project footprint in front of the properties may encroach into CBRA unit.
3. North Bowers Beach: no CBRA system unit impacts.
4. South Bowers Beach: CSRМ footprint design has been reduced to avoid encroachment on CBRA system unit at southern end with exception of the berm taper only.
5. Slaughter Beach: CSRМ footprint design has been reduced to avoid encroachment on CBRA system unit at southern end with exception of the berm taper only.
6. Prime Hook: CSRМ footprint design has been reduced to avoid encroachment on CBRA system unit at southern end with exception of the berm taper only. At the northern end of Prime Hook Beach, the CSRМ design plan will tie into the existing Prime Hook National Wildlife Refuge project located within a CBRA system unit.
7. Lewes Beach: no CBRA system unit impacts.

For all CSRМ project locations cited above and based on our telephone conversations (Feb-May 2017), USFWS representatives concluded that berm tapers may enter CBRA system units as their function is not to provide coastal storm risk management for the structures located directly behind them but to tie into and support the CSRМ function of the berm and dune project ends that would occur outside of the system units.

Please reply to confirm that the proposed beach nourishment plans, as presented above, satisfactorily meet CBRA compliance.

Thank you,

Barb Conlin
Environmental Resources Branch
Philadelphia District USACE

-----Original Message-----

From: Bohn, Cynthia [mailto:cynthia_bohn@fws.gov]

Sent: Wednesday, May 10, 2017 10:04 AM

To: Chris Guy <chris_guy@fws.gov>
Cc: Kathryn Reshetiloff <Kathryn_Reshetiloff@fws.gov>; Julie Thompson <Julie_Thompson@fws.gov>; Genevieve LaRouche <genevieve_larouche@fws.gov>; Dana Wright <dana_wright@fws.gov>; Trevor Clark <Trevor_Clark@fws.gov>; Conlin, Barbara E CIV USARMY CENAP (US) <Barbara.E.Conlin@usace.army.mil>; Spencer Simon <spencer_simon@fws.gov>
Subject: [Non-DoD Source] Re: Delaware Beneficial Use of Dredged Material and CBRA Coordination

Chris, I concur. Thank you to you and your office and especially the Corps for your leadership in getting this articulated and part of the project. This will be a good example for us to follow in the future. Cindy

Cynthia Bohn
Southeast Region Coastal Program
Southeast and Northeast Region CBRA Coordinator USFWS Southeast Region
[1875 Century Blvd, Room 200](#)
Atlanta, GA 30345
Phone: 404-679-7122
Fax: 404-679-7081
cynthia_bohn@fws.gov <mailto:cynthia_bohn@fws.gov>

Learn more about the Coastal Barrier Resources Act <[Blockedhttp://www.fws.gov/cbra](http://www.fws.gov/cbra)>

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On Tue, May 9, 2017 at 2:24 PM, Chris Guy <chris_guy@fws.gov <mailto:chris_guy@fws.gov>> wrote:

For the weekly under coastal Resiliency. This is the first of its kind, Nationwide! I am very proud of the team who came together to make this happen!

Sent from my iPhone

Begin forwarded message:

From: "Conlin, Barbara E CIV USARMY CENAP (US)" <Barbara.E.Conlin@usace.army.mil> <<mailto:Barbara.E.Conlin@usace.army.mil>> >
Date: May 9, 2017 at 11:04:44 AM EDT
To: "Clark, Trevor" <trevor_clark@fws.gov <mailto:trevor_clark@fws.gov>>, Chris Guy <chris_guy@fws.gov <mailto:chris_guy@fws.gov>> >
Cc: "Sanderson, Scott A CIV USARMY CENAP (US)" <Scott.A.Sanderson@usace.army.mil <<mailto:Scott.A.Sanderson@usace.army.mil>>> >
Subject: RE: Delaware Beneficial Use of Dredged Material and CBRA Coordination

Hi Trevor and Chris,

The proposed Coastal Storm Risk Management (CSRM) project design has been modified to be in compliance with CBRA consistent with our coordination with your office and USFWS' Northeast Regional CBRA Coordinator. Based on our coordination, USACE requests your confirmation on the following proposed design considerations:

1. Pickering Beach: CSRM footprint design has been reduced to avoid encroachment on CBRA system unit at southern end with exception of the berm taper only.
2. Kitts Hummock Beach: two northern end properties are grandfathered, therefore CSRM project footprint in front of the properties may encroach into CBRA unit.

3. North Bowers Beach: no CBRA system unit impacts.
4. South Bowers Beach: CSRM footprint design has been reduced to avoid encroachment on CBRA system unit at southern end with exception of the berm taper only.
5. Slaughter Beach: CSRM footprint design has been reduced to avoid encroachment on CBRA system unit at southern end with exception of the berm taper only.
6. Prime Hook: CSRM footprint design has been reduced to avoid encroachment on CBRA system unit at southern end with exception of the berm taper only. At the northern end of Prime Hook Beach, the CSRM design plan will tie into the existing Prime Hook National Wildlife Refuge project located within a CBRA system unit (see attached email correspondence from Al Rizzo, refuge manager).
7. Lewes Beach: no CBRA system unit impacts.

For all CSRM project locations cited above, USACE assumes berm tapers may enter CBRA system units as their function is not to provide coastal storm risk management for the structures located directly behind them but to tie into and support the CSRM function of the berm and dune project ends that would occur outside of the system units.

If you have any questions, please don't hesitate to call or email me or Scott Sanderson (x6571).

Barb Conlin
Environmental Resources Branch
Philadelphia District
215.656.6557

-----Original Message-----

From: Conlin, Barbara E CIV USARMY CENAP (US)
Sent: Tuesday, April 25, 2017 12:06 PM
To: 'Clark, Trevor' <trevor_clark@fws.gov <mailto:trevor_clark@fws.gov> >
Cc: 'Chris Guy' <chris_guy@fws.gov <mailto:chris_guy@fws.gov> >; 'Genevieve LaRouche' <genevieve_larouche@fws.gov <mailto:genevieve_larouche@fws.gov> >; Sanderson, Scott A CIV USARMY CENAP (US) <Scott.A.Sanderson@usace.army.mil <mailto:Scott.A.Sanderson@usace.army.mil> >; 'Julie Thompson' <julie_thompson@fws.gov <mailto:julie_thompson@fws.gov> >; Falvey, Patrick T CIV USARMY CENAP (US) <Patrick.T.Falvey@usace.army.mil <mailto:Patrick.T.Falvey@usace.army.mil> >; Hampson, Robert W CIV USARMY CENAP (US) <Robert.W.Hampson@usace.army.mil <mailto:Robert.W.Hampson@usace.army.mil> >; 'Rizzo, Al' <al_rizzo@fws.gov <mailto:al_rizzo@fws.gov> >
Subject: Delaware Beneficial Use of Dredged Material for the Delaware River Project

Hi Trevor,

I just wanted to clarify that your Regional CBRA Coordination folks are on board with our proposed plan as outlined in my 24 April email citing the CBRA avoidance areas (north end of Kitts Hummock is acceptable); tapers are acceptable; and USFWS and USACE beach projects adjoining at the southern end of Prime Hook NWR in CBRA units.

Thanks,
Barb Conlin

-----Original Message-----

From: Conlin, Barbara E CIV USARMY CENAP (US)
Sent: Tuesday, April 25, 2017 11:59 AM
To: 'Clark, Trevor' <trevor_clark@fws.gov <mailto:trevor_clark@fws.gov> >
Cc: Chris Guy <chris_guy@fws.gov <mailto:chris_guy@fws.gov> >; Genevieve LaRouche <genevieve_larouche@fws.gov <mailto:genevieve_larouche@fws.gov> >; Sanderson, Scott A CIV USARMY CENAP (US) <Scott.A.Sanderson@usace.army.mil <mailto:Scott.A.Sanderson@usace.army.mil> >; Julie Thompson <julie_thompson@fws.gov <mailto:julie_thompson@fws.gov> >; Falvey, Patrick T CIV USARMY CENAP (US) <Patrick.T.Falvey@usace.army.mil <mailto:Patrick.T.Falvey@usace.army.mil> >; Hampson, Robert W CIV USARMY CENAP (US) <Robert.W.Hampson@usace.army.mil <mailto:Robert.W.Hampson@usace.army.mil> >; Rizzo, Al <al_rizzo@fws.gov <mailto:al_rizzo@fws.gov> >
Subject: RE: [Non-DoD Source] Re: Delaware Beneficial Use of Dredged Material for the Delaware River Project

Hi Trevor,

I wanted to confirm that this has been coordinated with Cindy Bohn or other within your Northeast Region CBRA Coordinator? This question is coming from our HQ USACE.

Thanks,
Barb Conlin

-----Original Message-----

From: Clark, Trevor [mailto:trevor_clark@fws.gov]

Sent: Monday, April 24, 2017 3:38 PM

To: Conlin, Barbara E CIV USARMY CENAP (US) <Barbara.E.Conlin@usace.army.mil
<mailto:Barbara.E.Conlin@usace.army.mil> >

Cc: Chris Guy <chris_guy@fws.gov <mailto:chris_guy@fws.gov> >; Genevieve LaRouche
<genevieve_larouche@fws.gov <mailto:genevieve_larouche@fws.gov> >; Sanderson, Scott A CIV USARMY CENAP
(US) <Scott.A.Sanderson@usace.army.mil <mailto:Scott.A.Sanderson@usace.army.mil> >; Julie Thompson
<julie_thompson@fws.gov <mailto:julie_thompson@fws.gov> >; Falvey, Patrick T CIV USARMY CENAP (US)
<Patrick.T.Falvey@usace.army.mil <mailto:Patrick.T.Falvey@usace.army.mil> >; Hampson, Robert W CIV USARMY
CENAP (US) <Robert.W.Hampson@usace.army.mil <mailto:Robert.W.Hampson@usace.army.mil> >; Rizzo, Al
<al_rizzo@fws.gov <mailto:al_rizzo@fws.gov> >

Subject: [Non-DoD Source] Re: Delaware Beneficial Use of Dredged Material for the Delaware River Project

Hi Barb,

At Kitts Hummock, it is okay to conduct beach nourishment in front of the one pre-CBRA building and the northernmost property where the building has been demolished. If a building is constructed on the northernmost property where the building has been demolished, we will have to reevaluate the Kitts Hummock portion of this project. Thanks Barb.

On Fri, Apr 21, 2017 at 6:42 AM, Conlin, Barbara E CIV USARMY CENAP (US)
<Barbara.E.Conlin@usace.army.mil <mailto:Barbara.E.Conlin@usace.army.mil> <mailto:Barbara.E.Conlin@usace
.army.mil <mailto:Barbara.E.Conlin@usace.army.mil> > > wrote:

Hi Trevor and Chris,

This email message responds to USFWS' 22 March and 14 April emails and our recent telephone conversation (4 April) with you and the USFWS' Northeast CBRA Regional Coordinator Cindy Bohn regarding the CBRA coordination we have been conducting for the Delaware DMU project.

Although USACE believes that the proposed plan to pump high quality sand on bay beaches to provide a natural stabilization system meets the three purposes of CBRA (i.e. minimizes the loss of human life, wasteful expenditure of federal revenues, and damage to fish and wildlife) USACE recognizes USFWS' concern regarding possible encouragement of development in coastal areas. Consequently, USACE will avoid CBRA system units as we continue to optimize our berm and dune design plans at the following locations you identified in your email:

- Southern end of Pickering Beach
- Northern end of Kitts Hummock Beach
- Southern end of Slaughter Beach
- Southern end of Prime Hook Beach

Regarding the northern end of Kitts Hummock Beach, USACE acknowledges USFWS' 14 April email that the dune and berm footprint may extend in front of the two northernmost properties at Kitts Hummock Beach located within the CBRA System Unit because these structures pre-date establishment of the CBRA System Unit. However, based on a recent discovery that the structure on the northernmost of the two aforementioned properties was recently demolished, it is USACE's understanding that USFWS is currently re-evaluating the position stated in the 14 April email to determine the total extent that the dune and berm footprint may extend into the CBRA System Unit.

Regarding the northern end of Prime Hook Beach that USFWS originally identified as an area to avoid a CBRA system unit, USFWS stated in our 4 April telephone conversation that there is value in the USACE beach and dune design tying into the existing USFWS Prime Hook National Refuge beachfill project; therefore, you indicated that the USACE dune and berm project may enter CBRA System Unit H00. Due to the fact that the Refuge's beachfill project was specifically designed to restore fish and wildlife habitat, the USACE beach berm and dune project will support this intended purpose of the Refuge's objectives as it will enter into the system unit approximately 850 feet and conjoin directly with the Refuge's beachfill project. A natural connection and transition between the USACE and Refuge projects will help bolster the overall success of the Refuge project.

Lastly, USACE appreciates USFWS' position that the berm tapers may encroach into the CBRA System Units at each of the beach locations in the recommended plan as their function is not to provide coastal storm risk management (CSRM) for the structures located directly behind them but to tie into and support the CSRM function of the berm and dune project ends that would occur outside of the System Units.

If you have any questions, please don't hesitate to contact me.

Barb Conlin
Marine Ecologist
U.S. Army Corps of Engineers
100 Penn Square East
Philadelphia, PA 19107
215.656.6557

-----Original Message-----

From: Clark, Trevor [mailto:trevor_clark@fws.gov <mailto:trevor_clark@fws.gov>]
Sent: Friday, April 14, 2017 9:13 AM
To: Conlin, Barbara E CIV USARMY CENAP (US) <Barbara.E.Conlin@usace.army.mil <mailto:Barbara.E.Conlin@usace.army.mil> <mailto:Barbara.E.Conlin@usace.army.mil> <mailto:Barbara.E.Conlin@usace.army.mil> > >; Sanderson, Scott A CIV USARMY CENAP (US) <Scott.A.Sanderson@usace.army.mil <mailto:Scott.A.Sanderson@usace.army.mil> <mailto:Scott.A.Sanderson@usace.army.mil <mailto:Scott.A.Sanderson@usace.army.mil> > >
Cc: Chris Guy <chris_guy@fws.gov <mailto:chris_guy@fws.gov> <mailto:chris_guy@fws.gov> >; Julie Thompson <julie_thompson@fws.gov <mailto:julie_thompson@fws.gov> <mailto:julie_thompson@fws.gov> >
Subject: [Non-DoD Source] Delaware Beneficial Use of Dredged Material for the Delaware River Project

Hi Barb and Scott,

The buildings at Kitts Hummock both pre-date the CBRS unit. It is okay to conduct beach nourishment in front of these two pre-CBRA buildings. However, this type of decision will always be on a case-by-case basis.

The Slaughter Beach and Pickering Beach segments of this proposed project should be pulled back to the greatest extent possible or document that the Corps is not providing these buildings with flood control and that the encroachment into the CBRS zone will only be done when it is necessary to stabilize the dunes on the adjacent area outside of the CBRS unit.

Thanks Barb and Scott.

Trevor Clark
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
Chesapeake Bay Ecological Services Field Office Endangered and Threatened Species Branch
177 Admiral Cochrane Drive
Annapolis, Maryland 21401
Telephone: (410) 573-4527 Fax: (410) 269-0832
Email: trevor_clark@fws.gov <mailto:trevor_clark@fws.gov> <mailto:trevor_clark@fws.gov> <mailto:trevor_clark@fws.gov> <mailto:trevor_clark@fws.gov> >

-----Original Message-----

From: Clark, Trevor [mailto:trevor_clark@fws.gov <mailto:trevor_clark@fws.gov>]
Sent: Wednesday, March 22, 2017 9:39 AM
To: Conlin, Barbara E CIV USARMY CENAP (US) <Barbara.E.Conlin@usace.army.mil <mailto:Barbara.E.Conlin@usace.army.mil> <mailto:Barbara.E.Conlin@usace.army.mil> <mailto:Barbara.E.Conlin@usace.army.mil> > >; Sanderson, Scott A CIV USARMY CENAP (US) <Scott.A.Sanderson@usace.army.mil <mailto:Scott.A.Sanderson@usace.army.mil> <mailto:Scott.A.Sanderson@usace.army.mil <mailto:Scott.A.Sanderson@usace.army.mil> > >
Cc: Genevieve LaRouche <genevieve_larouche@fws.gov <mailto:genevieve_larouche@fws.gov> <mailto:genevieve_larouche@fws.gov> <mailto:genevieve_larouche@fws.gov> > >; Chris Guy <chris_guy@fws.gov <mailto:chris_guy@fws.gov> <mailto:chris_guy@fws.gov> > >; Julie Thompson <julie_thompson@fws.gov <mailto:julie_thompson@fws.gov> <mailto:julie_thompson@fws.gov> > >
Subject: [EXTERNAL] Delaware Beneficial Use of Dredged Material for the Delaware River Project



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS

P.O. BOX 1890
WILMINGTON, NORTH CAROLINA 28402-1890



IN REPLY REFER TO

January 26, 1998

430

Planning and Environmental Branch

Mr. John M. Hefner, Field Supervisor
U.S. Fish and Wildlife Service
Raleigh Field Office
Post Office Box 33726
Raleigh, North Carolina 27636-3726

Dear Mr. Hefner:

Reference your January 9, 1998 letter of response, on the Environmental Assessment and Finding of No Significant Impact (EA/FONSI), Expansion of the Existing Borrow Area at Masonboro Inlet Near Wrightsville Beach, New Hanover County, North Carolina, dated December, 1997, and the District's meeting with Mr. Kevin Moody, of your staff, on January 21, 1998.

Your letter of January 9, 1998, stated that the U.S. Fish and Wildlife Service (Service) does not believe that the project is consistent with the Coastal Barrier Resources Act (CBRA).

The December, 1997 EA/FONSI addressed the expansion of an existing borrow area utilized in connection with mitigation for impacts caused by the Masonboro Inlet navigation project. Material from the borrow area is placed on both Masonboro Island and Wrightsville Beach as part of that mitigation process. Removal of accumulated sediments is also necessary to prevent eventual shoaling of the navigation channel. Additional material is taken from the borrow area for the Shore and Hurricane Wave Protection project at Wrightsville Beach, North Carolina.

The Wilmington District has been performing this work for many years. The Wrightsville Beach shore protection project was originally authorized by Congress in 1962; Congress authorized future Federal participation in the project in the Water Resources Development Act of 1986. The Masonboro Inlet navigation project was authorized by Congress in 1950, and the last portion of the construction phase of the project, the south jetty, was completed in 1980. In recent years, the District has placed material on Wrightsville Beach in 1986, 1991 and 1995, and on Masonboro Island in 1986 and 1995, in conjunction with these projects.

In October of 1995, the Wilmington District prepared and circulated an Environmental Assessment concerning the channel realignment and maintenance dredging portions of this project, clearly indicating that the Masonboro Inlet channel

would be maintained by periodic dredging, with the resulting material being placed on both Masonboro Island and Wrightsville Beach. The 1995 EA further stated that maintenance dredging could be done in conjunction with the Wrightsville Beach Shore and Hurricane Wave Protection project, with sand from the inlet being placed on Wrightsville Beach and/or Masonboro Island. The Service commented on that EA by letter dated January 19, 1996, and did not raise any CBRA objections to the project.

A Draft of the December, 1997 EA/FONSI was telefaxed to the Service on December 5, 1997. This document was prepared for the sole purpose of evaluating and coordinating a minor expansion of the previously existing borrow areas for the Masonboro Inlet/Wrightsville Beach project. The Service responded by e-mail on December 11, 1997, and, for the first time, raised CBRA concerns on the entire project. Because of statements made by the Service in a subsequent telephone conversation concerning this correspondence, the District did not have a clear understanding that the Service considered this project to be inconsistent with CBRA until we received your letter of January 9, 1998.

The Wilmington District is disappointed in the lack of timely notice of the Service's concerns on this project. The funds for this work have been obtained, the District has made commitments to local interests on this project, and we have advertised and received bids for the work. As you are aware, the District has a limited window of opportunity to complete this work, largely because of concerns for potential impacts to endangered species. The Service's failure to advise us of its position on this issue in a timely manner has placed the District in a difficult position. I hope that you will make every effort to ensure this situation does not arise again.

① 1995/96
Corresp.
② 1996 maps
issued late
1997
③ Work area no.
ed. w/out
12/97

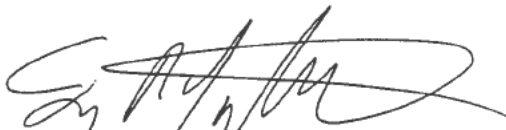
Based on our consultations, including your January 9, 1998, letter, the January 21, 1998, meeting with Mr. Moody, and subsequent telephone conversations with Mr. Moody and Ms. Margaret Fondry with the Service's Regional Office in Atlanta, the District understands that the Service has not taken a position on whether the portion of the project associated with maintenance of, and mitigation for, Masonboro Inlet is, in fact, a navigation project as defined in CBRA exception 16 U.S.C.A. Section 3505(a)(2). In addition, the Service's position is that the CBRA exception 3505(a)(6)(G) applies only to shoreline stabilization projects within the CBRA System. Finally, the Service believes that CBRA prohibits the movement of material from within the CBRA System to outside the CBRA System, regardless of whether either of the exemptions apply.

Pursuant to 16 U.S.C.A. 3505, the decision on whether the exceptions to the CBRA limitation of Federal expenditures applies to this project rests with the Wilmington District, after consultation with the Service. After consulting with your office, and giving careful consideration to the information you have provided, the Wilmington District has concluded it does not concur with the Service's position. The District has determined

that the navigation portions of the project, including the work on Masonboro Island and Wrightsville Beach to mitigate for impacts of the Masonboro Inlet navigation project, meet the exception established in 16 U.S.C.A. Section 3505(a)(2). In addition, we believe that the remainder of the project, the Shore and Hurricane Wave Protection project on Wrightsville Beach, meets the exception established in 16 U.S.C.A. Section 3505(a)(6)(G). In addition, we see no statutory basis for the Service's interpretation that the exceptions found at 3505(a)(2) and 3505(a)(6)(G) do not apply to the movement of material from within the CBRA System to areas outside the CBRA System. It is the District's intention to award the contract for this work.

My staff will be happy to discuss these issues with you on future projects.

Sincerely,



Terry R. Youngbluth
Colonel, U.S. Army
District Engineer

CF:

Mr. John N. Morris, Director
Division of Water Resources
North Carolina Department of Environment
and Natural Resources
Post Office Box 27687
Raleigh, North Carolina 27611-7687

Mr. Anthony Caudle, Town Manager
Town of Wrightsville Beach
Post Office Box 626
Wrightsville Beach, North Carolina 28480

Mr. John Taggart, Reserve Coordinator
N.C. National Estuarine Research Reserve
7205 Wrightsville Avenue
Wilmington, North Carolina 28403



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS

P.O. BOX 1890
WILMINGTON, NORTH CAROLINA 28402-1890



IN REPLY REFER TO

January 26, 1998

430

Planning and Environmental Branch

Mr. John M. Hefner, Field Supervisor
U.S. Fish and Wildlife Service
Raleigh Field Office
Post Office Box 33726
Raleigh, North Carolina 27636-3726

Dear Mr. Hefner:

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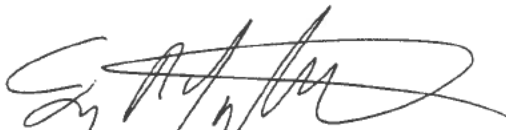
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Sincerely,



Terry R. Youngbluth
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Mr. John Taggart, Reserve Coordinator
N.C. National Estuarine Research Reserve
7205 Wrightsville Avenue
Wilmington, North Carolina 28403

MEMO

HA
working copy

January 21, 2000

TO: Kevin Moody, Biologist
FROM: Tracy Rice, Geologist
RE: Corps activities and CBRA in New Hanover County, NC

The Masonboro Inlet federal navigational project was authorized in 1950. The north jetty on Wrightsville Beach was constructed in the 1960s. Masonboro Island was created in 1952 with the artificial construction of Carolina Beach Inlet, which separated the island from the rest of Carolina Beach. The south jetty on Masonboro Island was completed in 1980. The Wrightsville Beach federal erosion control nourishment project was authorized in 1962 and re-authorized in 1986. Moore's Inlet at the northern end of Wrightsville Beach was artificially closed by the Corps in 1965, joining the island with Shell Island.

Available data indicate that the disposal of navigational dredge material from the Corps' maintained Masonboro Inlet channel has not been consistent over time, in volume or in the proportion disposed of on Wrightsville Beach versus Masonboro Island as the Corps claims in paragraph 5.16 on page 14 of their September 1999 Position Paper. Duke University's national beach nourishment database indicates the following ratios of disposal between the two islands over the last two decades for navigational projects:

Year	Percent placed on Wrightsville Beach	Percent placed on Masonboro Island
1980	100	0
1982	100	0
1983	100	0
1985	100	0
1986	45	55
1987	100	0
1989	100	0
1995	63	37

Thus Wrightsville Beach has received navigational dredge spoil eight times in the last two decades, while Masonboro Island has received spoil twice. According to these figures, Wrightsville Beach has averaged approximately 88.5% of the spoil, and Masonboro Island has received on average 11.5%. Navigational dredging at Masonboro Inlet began almost fifty years ago, yet placement of any material on Masonboro Island only began 14 years ago.

The Duke database also indicates that the 1986 project was approximately twelve times the average volume of the other projects listed above. The total volume of sediment placed on Wrightsville Beach is reported to be approximately 1.3 million cubic yards (mcy), while Masonboro Island has received 2.3 mcy in its two episodes of spoil disposal. Since 1965, the Duke database indicates that Wrightsville Beach has received an additional 7.7 mcy of material as an erosion control nourishment project.

Certain shoreline stabilization projects "that are designed to mimic, enhance, or restore a natural stabilization system" may be exempted according to the CBRA (16 U.S.C.A. Section 6(1)(6)(G)). It is my professional geologic opinion that nourishment projects do not restore, enhance or mimic natural shorelines in any way.

First, beaches are recognized to be buffers for barrier islands and upland areas during storm events, but are not a "stabilization system" in any literal sense of the term. "Stabilization" traditionally refers to either 'hard' stabilization such as jetties, groins, bulkheads, seawalls, revetments and breakwaters, or 'soft' stabilization such as nourishment projects. To my knowledge, no scientific or engineering literature exists that refers to a beach system as a "stabilization system" in and of itself. Beaches are open systems in a dynamic equilibrium with various waves, tide and wind forces; there is nothing stable about a dynamic system.

Second, nourishment or navigational dredging with beach disposal do not enhance the natural beach system. The only effective means to "enhance" a coastal system is to remove all human disturbances. Man cannot improve on natural processes and has repeatedly failed to do so for centuries. Historically, nourishment projects have been called "erosion control projects", which acknowledges man's attempt to control nature, not enhance it.

Restoration of a coastal system would also only be achieved through the reduction or elimination of all anthropogenic disturbances. Removal of artificial stressors such as sand management plans, inlet stabilization, sand bypassing, hard stabilization, bulldozing, etc., would allow the natural coastal system to restore its biological, chemical and geological processes to historic, baseline conditions.

Nourishment projects do not "restore" the beach since beaches do not disappear. Erosion only exists where an artificial structure (i.e., a building or road) has been superimposed on the coastal environment, allowing the measurement of the natural retreat of a beach during periods of rising sea level. Beaches and barrier islands migrate with changing sea levels, and beaches simply relocate in space as a part of that natural process. If buildings, roads or other hard structures are

placed in the way of this natural beach relocation, the beach may narrow and disappear. But given natural conditions with no human disturbance, beaches will not disappear through erosion. Evidence of this phenomenon is on every undeveloped island – they all still have beaches do they not? Their beaches have not disappeared due to uncontrolled erosion.

The only true way to restore a beach system is to remove or reduce all artificial interruptions to coastal biological, chemical and geological processes. Relocation of structures away from the beachfront, removing inlet stabilization structures such as jetties, groins and seawalls, and eliminating the navigational dredging of all inlets and waterways would allow the restoration of the coastal system protected by the CBRA.

Finally, nourishment or dredge disposal on beaches do not mimic, or copy, natural coastal processes. While engineering design traditionally made an effort to place this fill in an approximate replication of natural profiles, it has strayed from such hard and fast designs. Coastal engineering argues that a "profile of equilibrium" exists for every beach in the world, and that this profile can be defined geometrically by the equation $y = Ax^b$ where y is the distance offshore, x is the water depth, A is a constant based primarily on grain size, and b is a constant determined mathematically to be around $2/3$. Older nourishment projects based their design on this mathematical representation of beach profiles, and many modern mathematical models assume this representation to be true. Several scientists have disputed this, and field data indicate that this mathematical representation is not true along at the very least the East Coast of the U.S. for a variety of reasons¹.

Through practical experience, nourishment project designs include an "overfill ratio", which is defined in the Corps' *Shore Protection Manual*. This is the amount of extra sand or sediment that you must place on a beach fill in order to allow the beach to reach its own equilibrium with the introduced material over a period of months. The existence of this ratio and the common practice of overfilling has led to a less strict adherence to the fill being constructed in any "natural" profile. Most of the sediment is placed directly on the beach, and is expected to rapidly disappear as the rest of the "profile" is filled out according to plans and specs (generated by that mathematically derived profile of equilibrium). This is why most Corps projects now list an "initial" beach width and an "adjusted" beach width for fill project descriptions. Nature is allowed to form its own adjustments so that the fill will "mimic" the natural conditions in a tacit acknowledgment that engineering design has failed to do so.

There are additional ways in which these types of fill projects do not mimic coastal processes, though. The placement of fill on a beach temporarily reverses the direction that the beach is moving. During periods of rising sea level such as we are experiencing now, all of North Carolina's beaches except Sunset Beach are "eroding" or moving towards the mainland.

¹Relevant literature on the argument about the profile of equilibrium is available upon request.

Dumping sediment on the beach artificially "accretes" the beach, reversing natural trends. The rates of retreat are thus altered as well as more and more sediment is thrown in the path of advancing sea level. In these two critical ways, any beach fill project whether it be dredge disposal or nourishment completely contradicts natural processes instead of mimicking them.

The internal grain size, shape, sorting, and roundness; mineral composition and distributions; sediment stratigraphy; compaction; color; and ecological substrate of beach fill never mimics nature, either. All of these parameters are altered to varying degrees when sediment is artificially introduced to a coastal system. Due to the dynamic and complex nature of these natural parameters, it is virtually impossible to mimic or replicate the natural beach. For example, beach fill is pumped out as a slurry in most instances, completely preventing the replication of the inherent stratigraphy of a beach that has taken hundreds to thousands of years to form².

Regardless of whether sediments from CBRA zones can be used for projects outside of a CBRA zone, nourishment and dredge spoil in no way enhance, restore or mimic natural processes. At best they are purely mitigation for artificial disruptions to the coastal system such as jetties, artificial inlet openings and closures, and inlet stabilization programs.

There is no hard scientific evidence to prove one way or the other whether the nourishment projects at Wrightsville and Carolina Beaches have minimized recent hurricane damages. Several confounding issues prevent a clear-cut validity check to this claim. Hurricane Fran, for instance, only exposed Wrightsville Beach to one hour of maximum hurricane winds as opposed to over seven hours at Topsail Island, preventing a direct comparison between the two islands. On the other hand, wider and higher beaches and dune systems are commonly thought to provide better buffers for storms, but no scientific evidence exists to support that logical opinion. Moreover, both the Wrightsville and Carolina Beach projects were initially designated as "erosion control" projects and not "storm damage reduction" projects.

Another argument that the Corps makes in its position paper regards the longshore transport rates in this area. There is no definitive or easy way to measure longshore transport rates anywhere in the world. Traditionally these volumes and rates have been calculated by how much sediment has impounded against jetties. To my knowledge there is no consensus on the longshore transport rates in this area or any other in the state of North Carolina. If the net rate is to the south as the Corps claims, why has most of the material been dumped back to the north instead of to the starved southern beaches of Masonboro Island? These rates and volumes change on a daily basis with changing wave conditions, creating dynamic longshore transport rates and volumes instead of static ones.

The fields of coastal geology, ecology and engineering have advanced significantly in recent

²An expansion of each of these parameters and how fill projects do not mimic them could be available upon request.

decades, greatly expanding the scientific and engineering knowledge beyond that at the time these federal projects at Wrightsville Beach, Masonboro Island and Carolina Beach were authorized and constructed. New information allows previous NEPA documents or positions to be reviewed or updated as necessary. This new knowledge helps us better determine appropriate conservation measures for all coastal projects. Previous conservation and mitigation measures, or lack thereof, may now not be the best ways to protect fish and wildlife resources. The Corps has altered its *Shore Protection Manual* and other technical manuals as coastal engineering knowledge has evolved over the years, and so our knowledge of the impacts to fish and wildlife resources of beach fill projects must also be allowed to evolve.

From: [Chen, Linus](#)
To: [Floom, Kristen B](#)
Cc: [Niemi, Katie](#); [Tripp, Kimberly J](#); [Bohn, Cynthia](#); [Wright, Dana K](#)
Subject: Re: Feb 5 call on CBRA? attorney-client privileged
Date: Tuesday, February 4, 2020 12:30:46 PM

I can be available those times, assuming I get an extension on our FOIA brief that is due tomorrow.

On Tue, Feb 4, 2020 at 12:29 PM Floom, Kristen <kristen.floom@sol.doi.gov> wrote:

Katie:

I'm available tomorrow anytime between 9:00 and 1:00.

Thanks,
Kristen

On Tue, Feb 4, 2020 at 12:16 PM Niemi, Katie <katie_niemi@fws.gov> wrote:

Linus and Kristen,

We had a conference call with the Corps yesterday concerning two NC projects (Wrightsville Beach and Carolina Beach) for which they will utilize the 16 USC 3505(a)(6) (G) exemption. These are the first two projects the Service is reviewing following the October 2019 SOL memo. The Corps is looking to us for guidance on how the new legal interpretation will affect their consultations for these two projects. The Corps plans to submit an addendum to their consultations to us in the very near future (within the next 1-2 weeks). Can you please help provide some clarity on the following two issues.

B5-ACP-DPP

[REDACTED]

In order to provide some feedback to the Corps this week, could we move the the call we have scheduled for Feb 11 to tomorrow (Feb 5) in the morning?

Thanks!
Katie

From: Wright, Dana K <dana_wright@fws.gov>
Sent: Friday, January 31, 2020 11:02 AM
To: Chen, Linus Y <Linus.Chen@sol.doi.gov>; Floom, Kristen B <kristen.floom@sol.doi.gov>
Cc: Tripp, Kimberly J <kimberly_tripp@fws.gov>; Niemi, Katie <katie_niemi@fws.gov>; Bohn, Cynthia <cynthia_bohn@fws.gov>
Subject: Meeting request on CBRA - 16 U.S.C. 3504(a) - attorney-client privileged

Hi Linus and Kristen,

We are going to be starting a new project in February to create a CBRA consultation workflow in a new FWS online application called ECOSphere. It will be a project-based consultation system that has workflows for multiple FWS responsibilities such as Section 7, FWCA, NEPA, CBRA, etc. **B5-ACP-DPP**

[Redacted]

B5-ACP-DPP

[Redacted]

[Redacted]

Are you available for a meeting on Monday 2/10 or Tuesday 2/11 to discuss?

Thanks,

Dana Wright
Program Specialist
Ecological Services
U.S. Fish & Wildlife Service
5275 Leesburg Pike, MS: ES
Falls Church, VA 22041
703-358-2443 (office)
703-358-1800 (fax)

[Learn more about the Coastal Barrier Resources Act](#)

--

Kristen Floom
U.S. Dept. of the Interior, Office of the Solicitor
Division of Parks & Wildlife
1849 C Street, N.W.
Washington, DC 20240
202-208-3795

--

Linus Y. Chen, Attorney

Division Parks & Wildlife

(w) 202-208-5036

(f) 202-208-3877

From: [Bohn, Cynthia](#)
To: [Niemi, Katie](#)
Subject: Re: Feb 5 call on CBRA? attorney-client privileged
Date: Tuesday, February 4, 2020 1:11:04 PM

Great, thanks!

From: Niemi, Katie <katie_niemi@fws.gov>
Sent: Tuesday, February 4, 2020 1:03 PM
To: Bohn, Cynthia <cynthia_bohn@fws.gov>
Subject: Re: Feb 5 call on CBRA? attorney-client privileged

Agreed. I'll include them in the meeting invite.

From: Bohn, Cynthia <cynthia_bohn@fws.gov>
Sent: Tuesday, February 4, 2020 12:33 PM
To: Niemi, Katie <katie_niemi@fws.gov>
Subject: Re: Feb 5 call on CBRA? attorney-client privileged

Hi Katie, I would really like to have Kathy and Emily on the call just for questions about the project. The dredging in one of the channels did not start until 1995 and we disagreed. I am afraid without their knowledge we may not have the correct info. In addition, they are going to have to be the ones to respond to the Corps and I'd like them to have heard these conversations.

another question:

b5-DPP



From: Niemi, Katie <katie_niemi@fws.gov>
Sent: Tuesday, February 4, 2020 12:16 PM
To: Chen, Linus Y <Linus.Chen@sol.doi.gov>; Floom, Kristen B <kristen.floom@sol.doi.gov>
Cc: Tripp, Kimberly J <kimberly_tripp@fws.gov>; Bohn, Cynthia <cynthia_bohn@fws.gov>; Wright, Dana K <dana_wright@fws.gov>
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B5-ACP-DPP [Redacted]

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[Redacted]

B5-ACP-DPP

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Thanks,

Dana Wright
Program Specialist
Ecological Services
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5275 Leesburg Pike, MS: ES
Falls Church, VA 22041
703-358-2443 (office)
703-358-1800 (fax)

[Learn more about the Coastal Barrier Resources Act](#)

From: [Bohn, Cynthia](#)
To: [Niemi, Katie](#)
Cc: [Tripp, Kimberly J](#); [Wright, Dana K](#)
Subject: Re: [EXTERNAL] ASBPA's Gov't Affairs call next week?
Date: Wednesday, February 5, 2020 12:51:01 PM

I agree. Just wanted to let you know I hadn't forgotten and let me know when you want me to engage. The call will be on 2/20 and it came up on my calendar. c

From: Niemi, Katie <katie_niemi@fws.gov>
Sent: Wednesday, February 5, 2020 12:36 PM
To: Bohn, Cynthia <cynthia_bohn@fws.gov>
Cc: Tripp, Kimberly J <kimberly_tripp@fws.gov>; Wright, Dana K <dana_wright@fws.gov>
Subject: Re: [EXTERNAL] ASBPA's Gov't Affairs call next week?

Cindy,

You, Kim, Dana and I should discuss this. I think it's premature to have a discussion with ASBPA on our new interpretation of the sand mining/beach nourishment exception until we have something that's cleared through our leadership. Hopefully the Corps letter will serve that purpose, but that letter is still in the development phase.

Katie

From: Bohn, Cynthia <cynthia_bohn@fws.gov>
Sent: Wednesday, February 5, 2020 12:20 PM
To: Niemi, Katie <katie_niemi@fws.gov>
Subject: Fw: [EXTERNAL] ASBPA's Gov't Affairs call next week?

Katie, one of the things I was planning to do was to reach out to the ASBPA again and join their calls, as you recall they ask us to last year. I don't necessarily need to discuss Bernhardt's letter but I think we may be close now to being able to do that once you all have the Corps letter mailed. Let me know when you think it is OK for me to call Derek. thanks, c

From: Derek Brockbank <derek.brockbank@asbpa.org>
Sent: Thursday, November 14, 2019 4:26 PM
To: Bohn, Cynthia <cynthia_bohn@fws.gov>
Subject: [EXTERNAL] ASBPA's Gov't Affairs call next week?

Cindy –

How's it going? Hope all is well. I was wondering if you might be able to join ASBPA's Government Affairs call next Thursday at 2pm, to explain how the Service is responding to Sec. Bernhardt's letter on CBRA.

I know you won't be able to say what the new implementation guidance will say, or share opinions on what this means, but I was hoping you could explain:

- a) How FWS will be interpreting the Sec.6(g) until a full guidance is written; and
- b) What is the process and timing for developing a clear guidance – for example, is there likely to be a public comment period, if so, when?; when might we expect a final guidance to be issued.

Let me know if you (or someone at FWS?) might be able to join our call? Thanks.

Derek

Derek Brockbank

Executive Director,

American Shore and Beach Preservation Association (ASBPA)

202-827-4246 (office)

917-536-6878 (cell)

Derek.Brockbank@asbpa.org

www.asbpa.org

www.facebook.com/AmericanBeaches

www.twitter.com/asbpa

From: [Willey, Seth](#)
To: [Ardizzone, Chuck CA](#); [Bohn, Cynthia](#); [Hoth, David](#); [Gardiner, Dawn](#); [Stanley, Susan C](#); [Fasbender, Peter](#)
Cc: [Niemi, Katie](#); [Tripp, Kimberly J](#); [Forbus, Beth](#)
Subject: Re: GAO follow-up from entrance conference on CBRA
Date: Monday, February 10, 2020 11:02:03 AM

Adding Beth as I think it is her division. Any thoughts Beth?

Seth L. Willey
Deputy ARD, Ecological Services
Southwest Region, USFWS
Seth_Willey@fws.gov
Work: 505-248-6492
Cell: 505-697-7600

From: Ardizzone, Chuck CA <chuck_ardizzone@fws.gov>
Sent: Monday, February 10, 2020 7:45 AM
To: Bohn, Cynthia <cynthia_bohn@fws.gov>; Hoth, David <david_hoth@fws.gov>; Gardiner, Dawn <dawn_gardiner@fws.gov>; Stanley, Susan C <susan_stanley@fws.gov>; Fasbender, Peter <peter_fasbender@fws.gov>; Willey, Seth <seth_willey@fws.gov>
Cc: Niemi, Katie <katie_niemi@fws.gov>; Tripp, Kimberly J <kimberly_tripp@fws.gov>
Subject: Re: GAO follow-up from entrance conference on CBRA

Cindy,

(b) (6) . I added Seth Willey, our DARD to this string as well, hopefully Pete and he can determine who will be the Lead in the Regional Office.

Chuck Ardizzone
Project Leader
Texas Coastal Ecological Services
U.S. Fish & Wildlife Service
17629 El Camino Real, Ste 211
Houston, TX 77058
W: (281) 286-8282 Ext 26506
C: (713) 882-1912
F: (281) 488-5882

From: Bohn, Cynthia <cynthia_bohn@fws.gov>
Sent: Monday, February 10, 2020 08:36
To: Hoth, David <david_hoth@fws.gov>; Gardiner, Dawn <dawn_gardiner@fws.gov>; Stanley, Susan C <susan_stanley@fws.gov>; Ardizzone, Chuck CA <chuck_ardizzone@fws.gov>; Fasbender, Peter

<peter_fasbender@fws.gov>

Cc: Niemi, Katie <katie_niemi@fws.gov>; Tripp, Kimberly J <kimberly_tripp@fws.gov>

Subject: Re: GAO follow-up from entrance conference on CBRA

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. Pete, welcome to the world of CBRA please let me know if you would like to have an overview of the program to get you started.

Please let me know who the new contact is for CBRA within your Region as there are so I may reach out to them and make sure they have the latest guidance. As you know, we recently received a new Solicitor's memo on sand mining and we are currently working with the Southeast and Northeast coast on two projects that are directly involved. This will hopefully provide us with a way forward for addressing this issue. In addition, GAO is performing a government-wide audit of all agencies on how they are implementing and complying with CBRA.

Thanks so much and I look forward to hearing from you. Cindy Bohn

From: Niemi, Katie <katie_niemi@fws.gov>

Sent: Friday, February 7, 2020 10:53 AM

To: Hoth, David <david_hoth@fws.gov>; Ardizzone, Chuck CA <chuck_ardizzone@fws.gov>

Cc: Willey, Seth <seth_willey@fws.gov>; Bohn, Cynthia <cynthia_bohn@fws.gov>

Subject: Re: GAO follow-up from entrance conference on CBRA

Hi Folks,

(b) (6)

Katie

From: Hoth, David <david_hoth@fws.gov>

Sent: Friday, February 7, 2020 10:42 AM

To: Ardizzone, Chuck CA <chuck_ardizzone@fws.gov>; Niemi, Katie <katie_niemi@fws.gov>

Cc: Willey, Seth <seth_willey@fws.gov>; Bohn, Cynthia <cynthia_bohn@fws.gov>

Subject: Re: GAO follow-up from entrance conference on CBRA

Good Morning,

If I am not mistaken, I thought Cindy Bohn was the Regional contact regarding CBRA issues. However, I would be happy to assist however I can.

Thank you,

David Hoth

*Assistant Field Supervisor
U.S Fish and Wildlife Service
Texas Coastal Ecological Services Field Office
17629 El Camino Real, Suite 211
Houston, Texas 77058
O: (281) 212-1504
M: (281) 705-7436*

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Sent: Friday, February 7, 2020 9:12 AM
To: Niemi, Katie <katie_niemi@fws.gov>
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To: Valenta, Aaron <aaron_valenta@fws.gov>; Simon, Spencer <spencer_simon@fws.gov>; Krska, Robert <robert_krska@fws.gov>; Deloria, Christie <christie_deloria@fws.gov>; Ardizzone, Chuck CA <chuck_ardizzone@fws.gov>; Ricks, Stephen <stephen_ricks@fws.gov>; Trahan, Amy <amy_trahan@fws.gov>

Cc: Wright, Dana K <dana_wright@fws.gov>; Tripp, Kimberly J <kimberly_tripp@fws.gov>; Bohn, Cynthia <cynthia_bohn@fws.gov>

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Thanks!

Katie

Katie Niemi
Coastal Barriers Coordinator
U.S. Fish & Wildlife Service
Ecological Services, MS: ES
5275 Leesburg Pike
Falls Church, VA 22041-3803
Tel (703) 358-2071

From: Heacock, Scott <HeacockS@gao.gov>

Sent: Thursday, February 6, 2020 11:33 AM

To: Garrity, Katherine <katherine_garrity@fws.gov>

Cc: Njie, Sulayman (Saul) <NjieS@gao.gov>; Gaty, Stephen P <GatyS@gao.gov>; Niemi, Katie <katie_niemi@fws.gov>

Subject: [EXTERNAL] Follow up from Entrance Conference with FWS (code 103988)

Hi Kathy,

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- 1) Is it possible to get a copy of the sign in sheet from the meeting for those that were at the meeting?
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- 4) Who is the main point of contact at FWS for its mapping efforts on CBRA?

Thanks for your help on this.

Take care,

Scott

From: [Bohn, Cynthia](#)
To: [Niemi, Katie](#)
Subject: Re: GAO follow-up from entrance conference on CBRA
Date: Monday, February 10, 2020 11:19:52 AM

I sent everyone an email in December, I think. I was hoping to have a new POC for folks to replace me with; all the folks in the old R4 and 5 know. I was just waiting on R2 since they had a change in the ARD slot.

I will be happy to do it, but I don't want to "volunteer" to help and give folks the idea that I have been approved by their ARD to assist. I want it to be on a case by case basis. Don't you think? c

From: Niemi, Katie <katie_niemi@fws.gov>
Sent: Monday, February 10, 2020 11:14 AM
To: Bohn, Cynthia <cynthia_bohn@fws.gov>
Subject: Re: GAO follow-up from entrance conference on CBRA

Good email, thanks for sending Cindy. Do you want to share with all your FO contacts as well? Or send your FO POCs a similar email to let them know your new status? Thanks.

Katie

From: Bohn, Cynthia <cynthia_bohn@fws.gov>
Sent: Monday, February 10, 2020 9:36 AM
To: Hoth, David <david_hoth@fws.gov>; Gardiner, Dawn <dawn_gardiner@fws.gov>; Stanley, Susan C <susan_stanley@fws.gov>; Ardizzone, Chuck CA <chuck_ardizzone@fws.gov>; Fasbender, Peter <peter_fasbender@fws.gov>
Cc: Niemi, Katie <katie_niemi@fws.gov>; Tripp, Kimberly J <kimberly_tripp@fws.gov>
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Southeast and Northeast coast on two projects that are directly involved. This will hopefully provide us with a way forward for addressing this issue. In addition, GAO is performing a government-wide audit of all agencies on how they are implementing and complying with CBRA.

Thanks so much and I look forward to hearing from you. Cindy Bohn

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To: Hoth, David <david_hoth@fws.gov>; Ardizzone, Chuck CA <chuck_ardizzone@fws.gov>
Cc: Willey, Seth <seth_willey@fws.gov>; Bohn, Cynthia <cynthia_bohn@fws.gov>
Subject: Re: GAO follow-up from entrance conference on CBRA

Hi Folks,

(b) (6)
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Katie

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Sent: Friday, February 7, 2020 10:42 AM
To: Ardizzone, Chuck CA <chuck_ardizzone@fws.gov>; Niemi, Katie <katie_niemi@fws.gov>
Cc: Willey, Seth <seth_willey@fws.gov>; Bohn, Cynthia <cynthia_bohn@fws.gov>
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Good Morning,

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Thank you,

David Hoth

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U.S Fish and Wildlife Service

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U.S. Fish & Wildlife Service
Ecological Services, MS: ES
5275 Leesburg Pike
Falls Church, VA 22041-3803
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From: Heacock, Scott <HeacockS@gao.gov>
Sent: Thursday, February 6, 2020 11:33 AM
To: Garrity, Katherine <katherine_garrity@fws.gov>
Cc: Njie, Sulayman (Saul) <NjieS@gao.gov>; Gaty, Stephen P <GatyS@gao.gov>; Niemi, Katie <katie_niemi@fws.gov>
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Thanks for your help on this.

Take care,

Scott

From: [Shaughnessy, Michelle](#)
To: [Niemi, Katie](#); [Tripp, Kimberly J](#)
Cc: [Wright, Dana K](#); [Bohn, Cynthia](#)
Subject: Re: Communication with the regions on CBRA
Date: Tuesday, February 11, 2020 11:54:59 AM

How about if we get this on the ARD call agenda for next week? I'll need a little paragraph, or talking points of what you want me to relay.

Michelle Shaughnessy
Chief, Division of Restoration and Recovery
Ecological Services
US Fish and Wildlife Service Headquarters
5275 Leesburg Pike
Falls Church, VA 22041-3803

703-358-2171 (general)
703-358-2555 (direct)
703-801-1774 (cell)

From: Niemi, Katie <katie_niemi@fws.gov>
Sent: Friday, February 7, 2020 11:21 AM
To: Tripp, Kimberly J <kimberly_tripp@fws.gov>; Shaughnessy, Michelle <Michelle_Shaughnessy@fws.gov>
Cc: Wright, Dana K <dana_wright@fws.gov>; Bohn, Cynthia <cynthia_bohn@fws.gov>
Subject: Communication with the regions on CBRA

Michelle and Kim,

Please see the message below from David Hoth. I think we need to communicate Cindy's new role to the regions as they may not be aware that she is no longer serving as the CBRA Regional Coordinator for Regions 2, 4, and 5 (yes, Cindy was actually supporting most of the regions and FOs with CBRA on consultation matters). I think we also need to nudge each region towards identifying a new CBRA Coordinator (I think it's fine if it's a FO person who also has the role of regional CBRA Coordinator as one of their responsibilities). How about an email from Michelle to the ARDs to let them know of our re-org and new Branch and Division Chiefs, Cindy's new role, and ask them to identify a new CBRA Coordinator for their region? It could also be an opportunity to give them a heads up that GAO has an audit underway on CBRA and may be reaching out to them about consultations; that we are looking to work with them to develop internal guidance related to sand mining/beach nourishment projects; and that we're looking to work with them on the new CBRA consultations module in ECOS.

Katie

From: Niemi, Katie <katie_niemi@fws.gov>

Sent: Friday, February 7, 2020 10:53 AM

To: Hoth, David <david_hoth@fws.gov>; Ardizzone, Chuck CA <chuck_ardizzone@fws.gov>

Cc: Willey, Seth <seth_willey@fws.gov>; Bohn, Cynthia <cynthia_bohn@fws.gov>

Subject: Re: GAO follow-up from entrance conference on CBRA

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(b) (6)
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[Redacted]

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Thanks for your help on this.

Take care,

Scott

From: [Wright, Dana K](#)
To: [Kelly, Patricia](#)
Cc: [Bohn, Cynthia](#); [Niemi, Katie](#)
Subject: Re: Berms and CBRA
Date: Thursday, February 13, 2020 8:59:34 AM
Attachments: b5-DPP [REDACTED]

Hi Patty,

b5-DPP [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

b5-DPP [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Please let us know whether your office requires any further assistance.

Thanks,

Dana Wright
Program Specialist
Ecological Services
U.S. Fish & Wildlife Service
5275 Leesburg Pike, MS: ES
Falls Church, VA 22041
703-358-2443 (office)
703-358-1800 (fax)

[Learn more about the Coastal Barrier Resources Act](#)

From: Kelly, Patricia <patricia_kelly@fws.gov>

Sent: Wednesday, February 12, 2020 3:02 PM
To: Wright, Dana K <dana_wright@fws.gov>
Cc: Bohn, Cynthia <cynthia_bohn@fws.gov>
Subject: Re: Berms and CBRA

b5-DPP
[Redacted]

-Thanks for the other document. Patty.

From: Wright, Dana K <dana_wright@fws.gov>
Sent: Wednesday, February 12, 2020 1:29 PM
To: Kelly, Patricia <patricia_kelly@fws.gov>
Cc: Bohn, Cynthia <cynthia_bohn@fws.gov>
Subject: Re: Berms and CBRA

b5-DPP
[Redacted]

Dana Wright
Program Specialist
Ecological Services
U.S. Fish & Wildlife Service
5275 Leesburg Pike, MS: ES
Falls Church, VA 22041
703-358-2443 (office)
703-358-1800 (fax)

[Learn more about the Coastal Barrier Resources Act](#)

From: Kelly, Patricia <patricia_kelly@fws.gov>
Sent: Wednesday, February 12, 2020 2:26 PM
To: Wright, Dana K <dana_wright@fws.gov>
Cc: Bohn, Cynthia <cynthia_bohn@fws.gov>; Niemi, Katie <katie_niemi@fws.gov>
Subject: Re: Berms and CBRA

b5-DPP
[Redacted]

b5-DPP

From: Wright, Dana K <dana_wright@fws.gov>
Sent: Wednesday, February 12, 2020 1:23 PM
To: Kelly, Patricia <patricia_kelly@fws.gov>
Cc: Bohn, Cynthia <cynthia_bohn@fws.gov>; Niemi, Katie <katie_niemi@fws.gov>
Subject: Re: Berms and CBRA

Hi Patty,

Good question - I'll need to dig into it and find out, and maybe Cindy will know something I don't. I'll check in with her on Tuesday.

Are you dealing with a specific project or is this a general question?

Thanks,

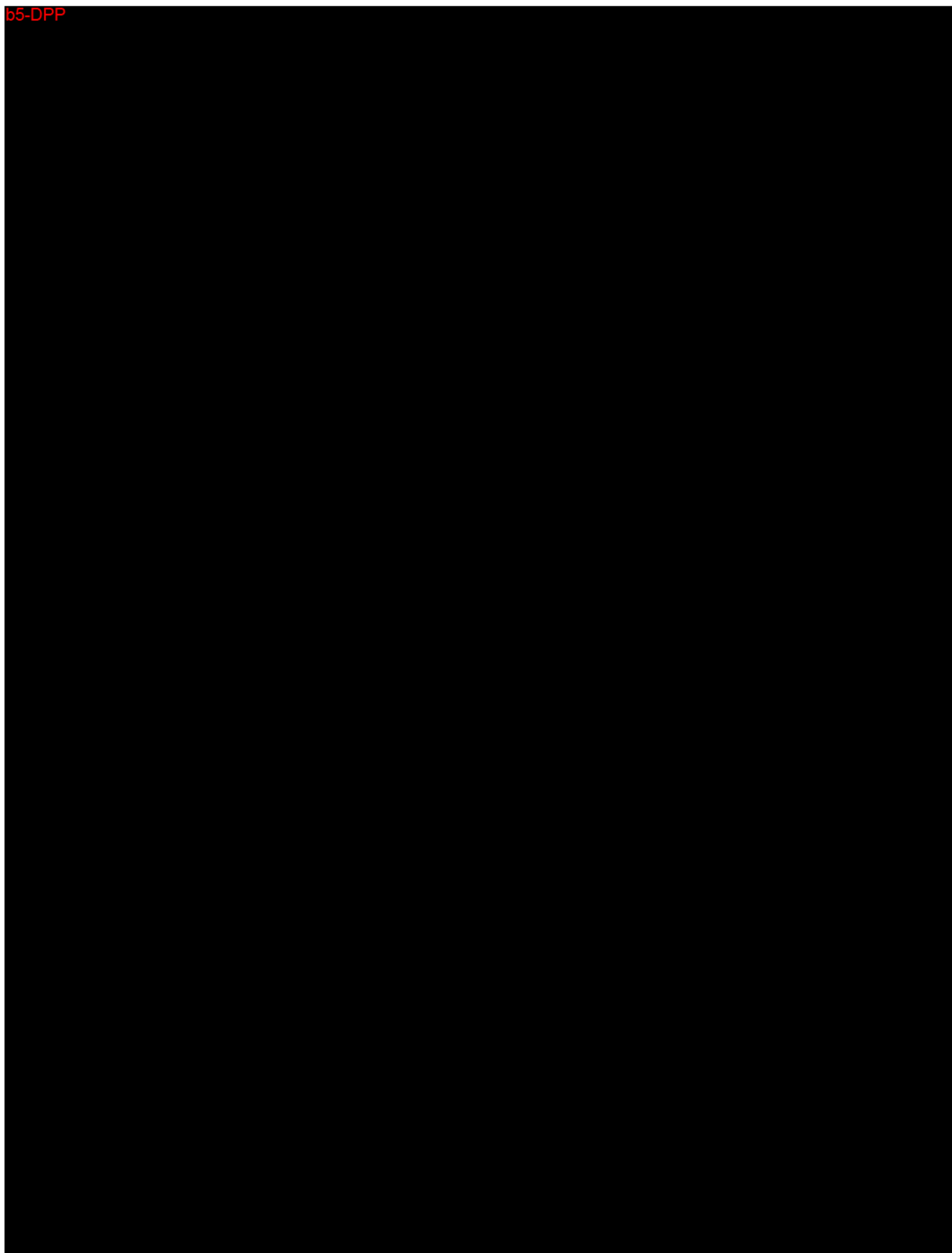
Dana Wright
Program Specialist
Ecological Services
U.S. Fish & Wildlife Service
5275 Leesburg Pike, MS: ES
Falls Church, VA 22041
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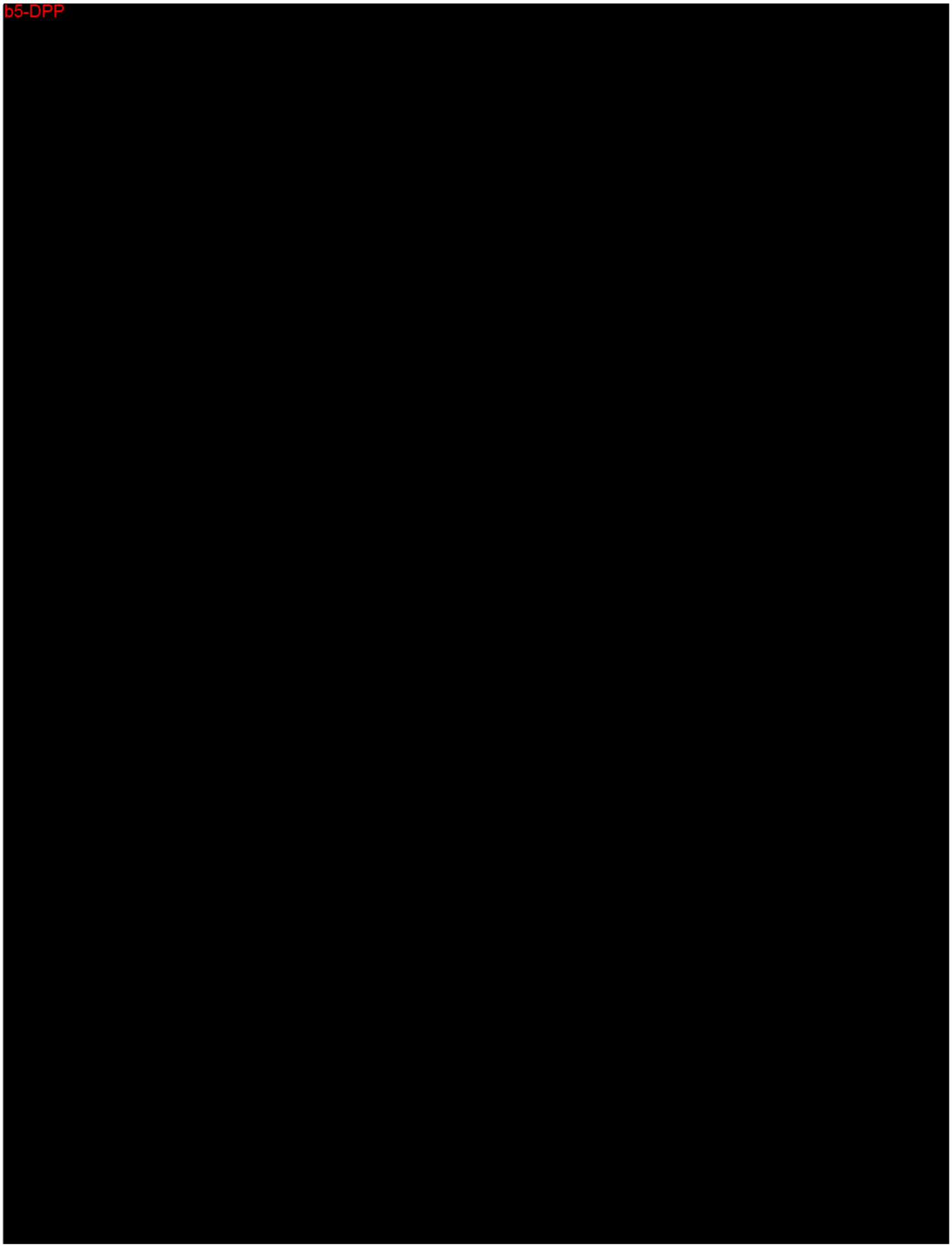
[Learn more about the Coastal Barrier Resources Act](#)

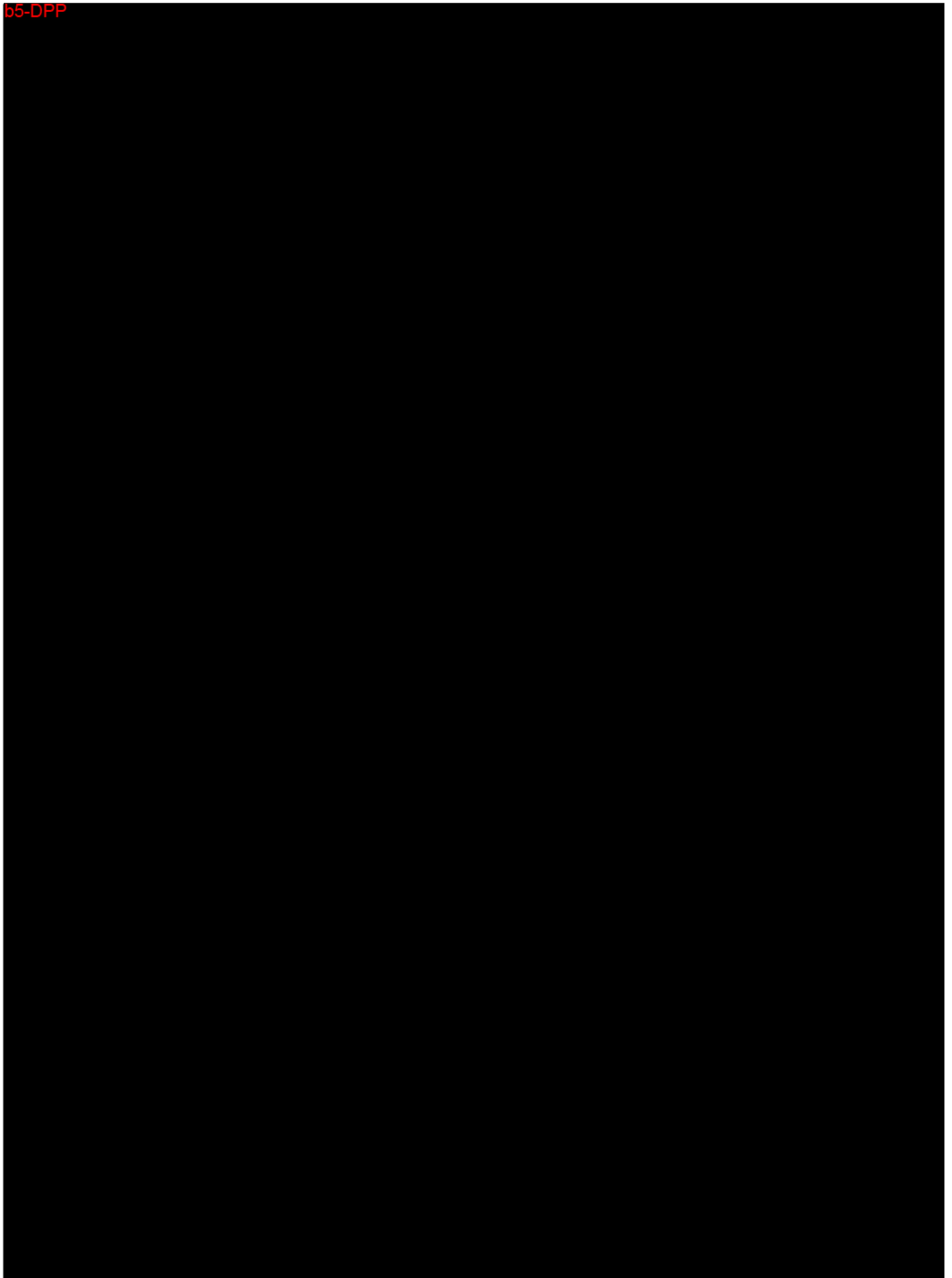
From: Kelly, Patricia <patricia_kelly@fws.gov>
Sent: Wednesday, February 12, 2020 2:20 PM
To: Wright, Dana K <dana_wright@fws.gov>
Cc: Bohn, Cynthia <cynthia_bohn@fws.gov>
Subject: Berms and CBRA

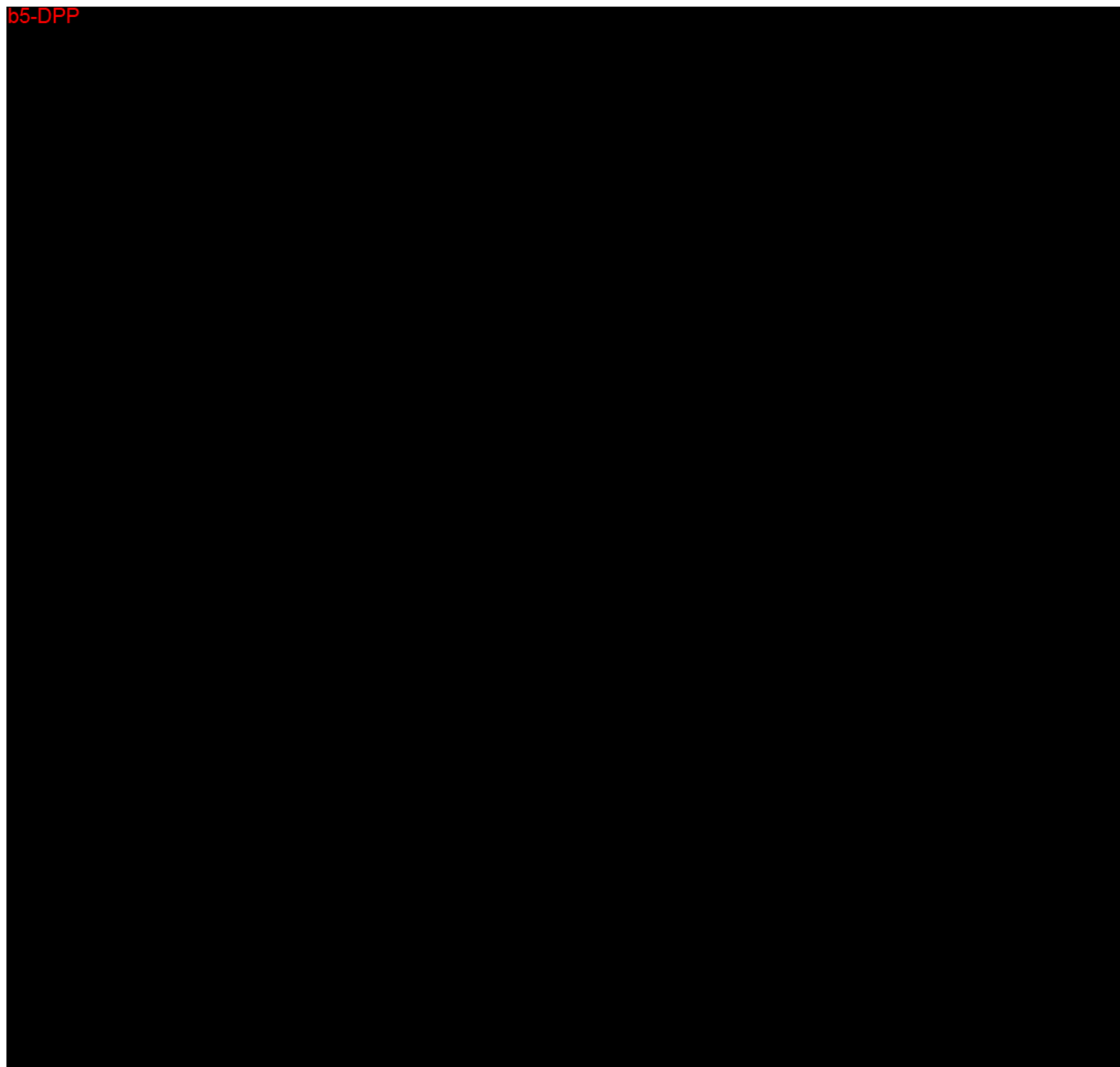
Hi Dana (and Cindy)-- Have you all written any updated guidance on BERM consistencies with CBRA since this attached 2000 Briefing Paper related to Emergency Berms? I'm wondering if new guidance may have come post-Hurricane Sandy efforts?

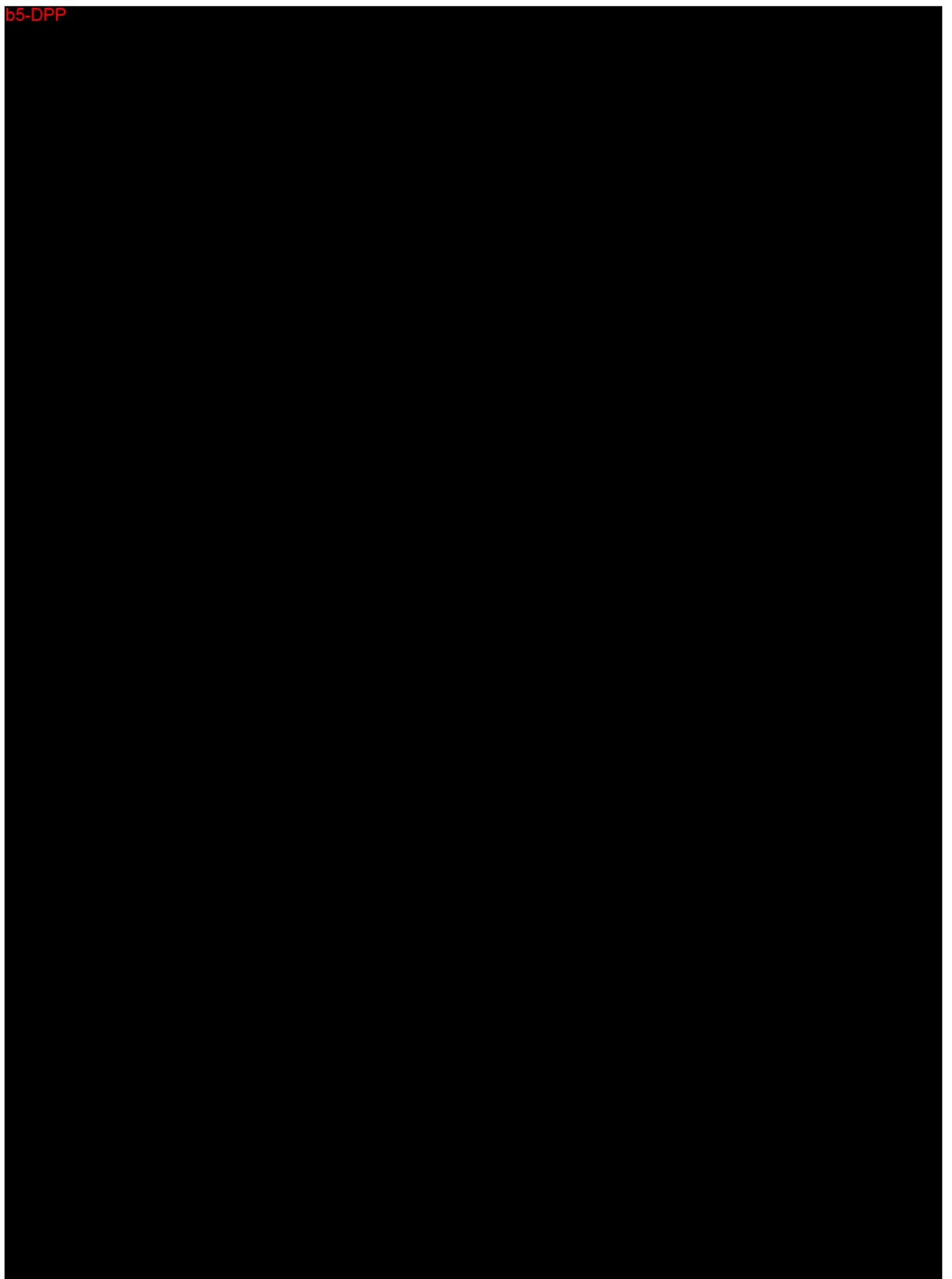
Thanks.

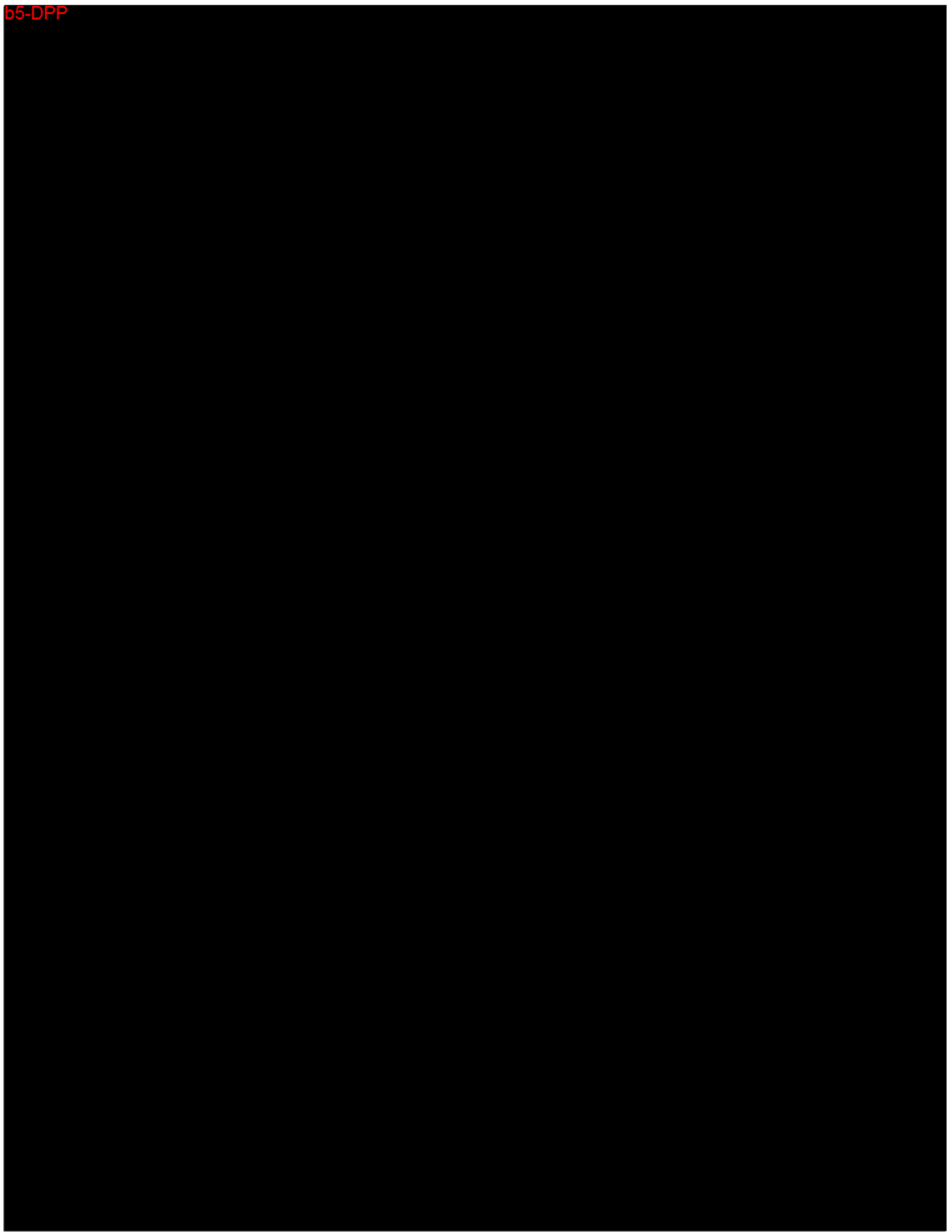


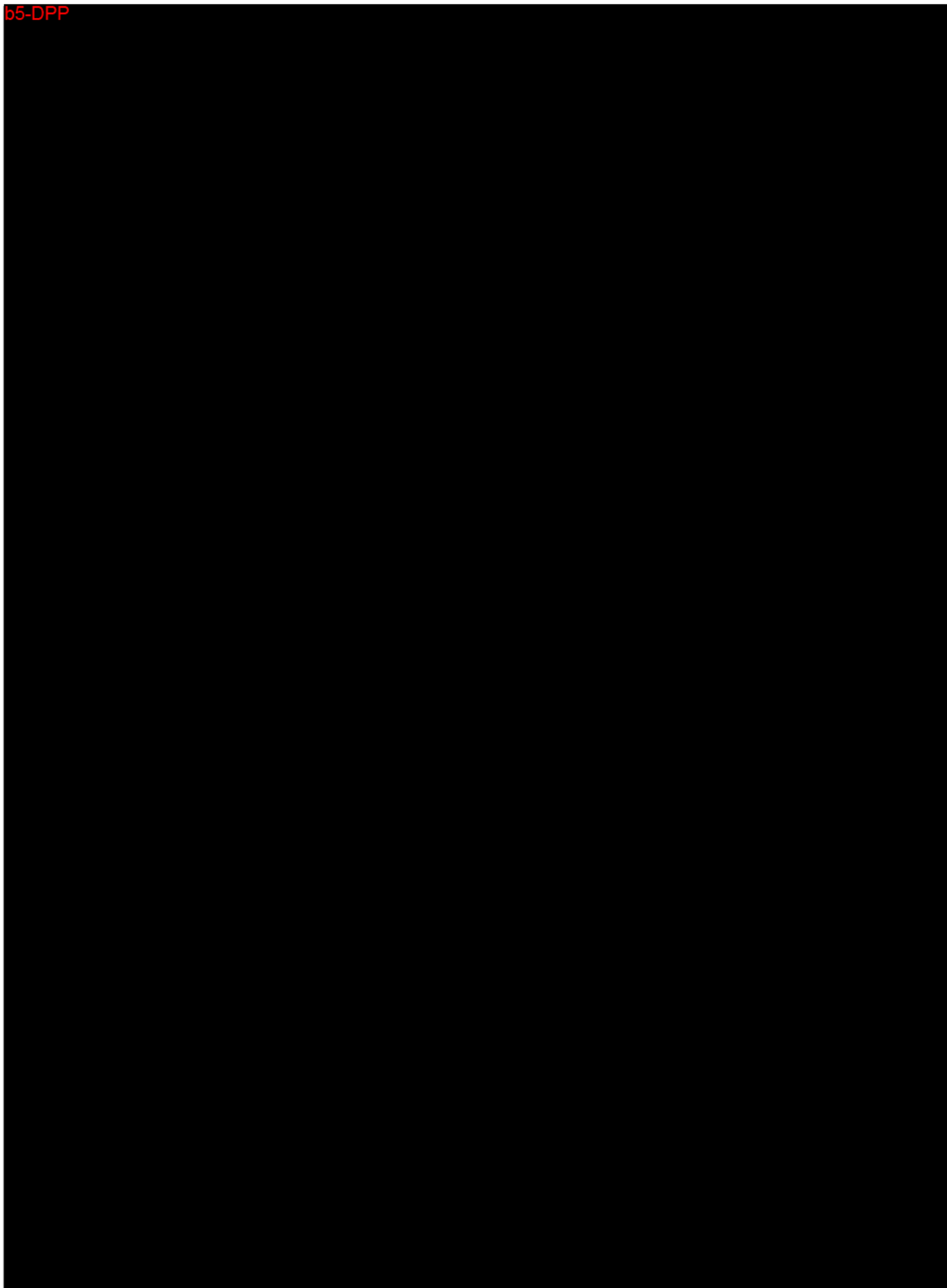


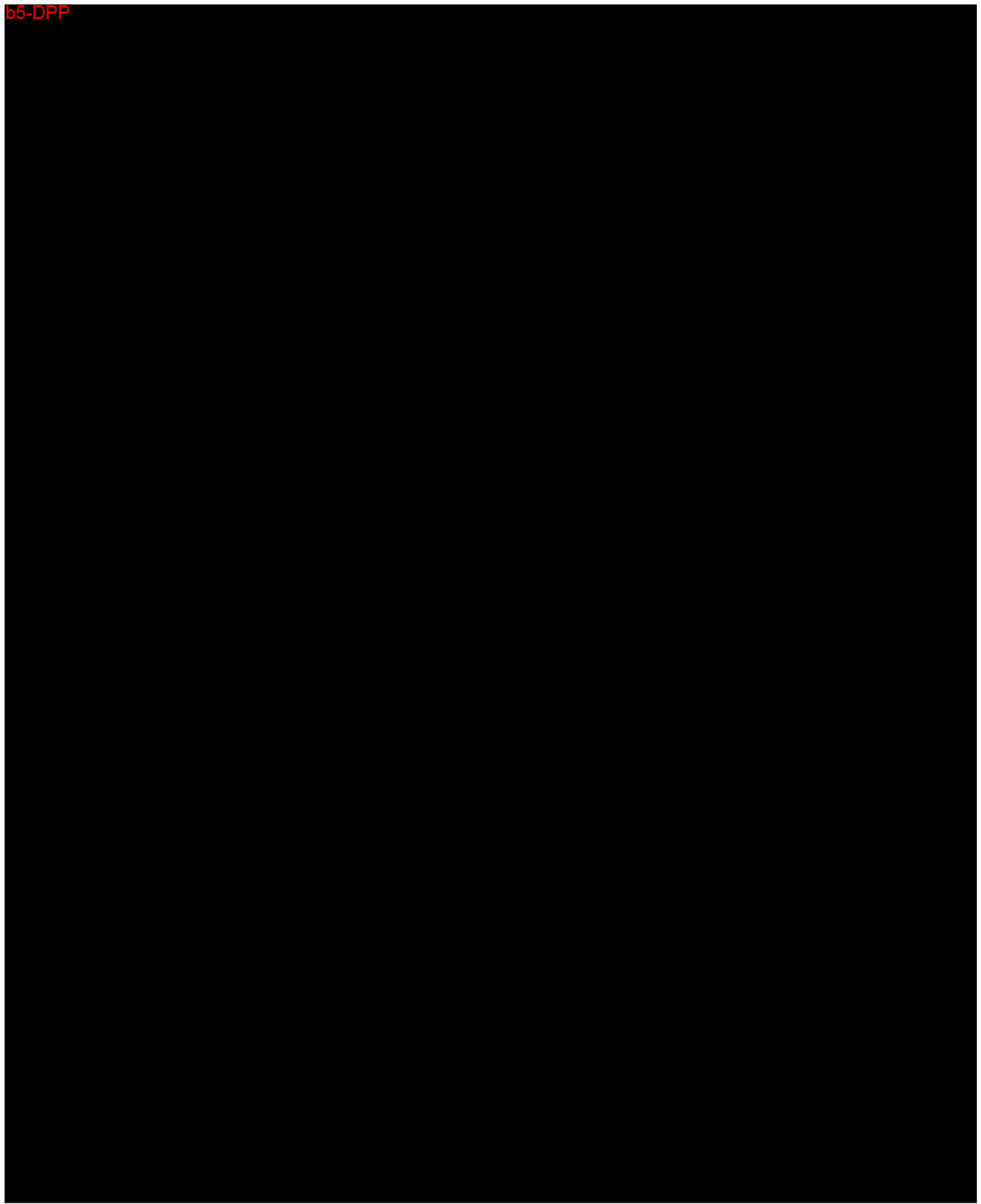






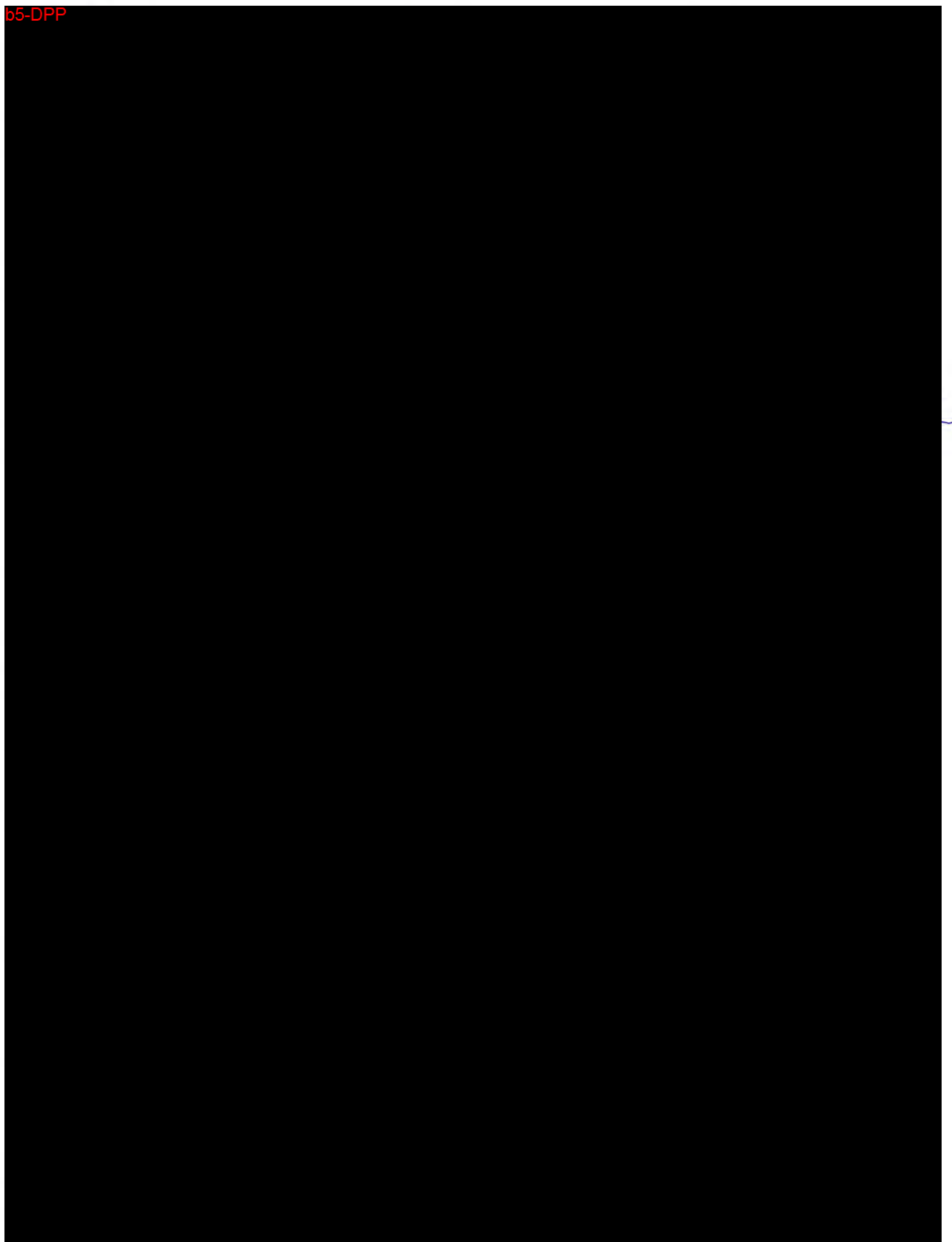




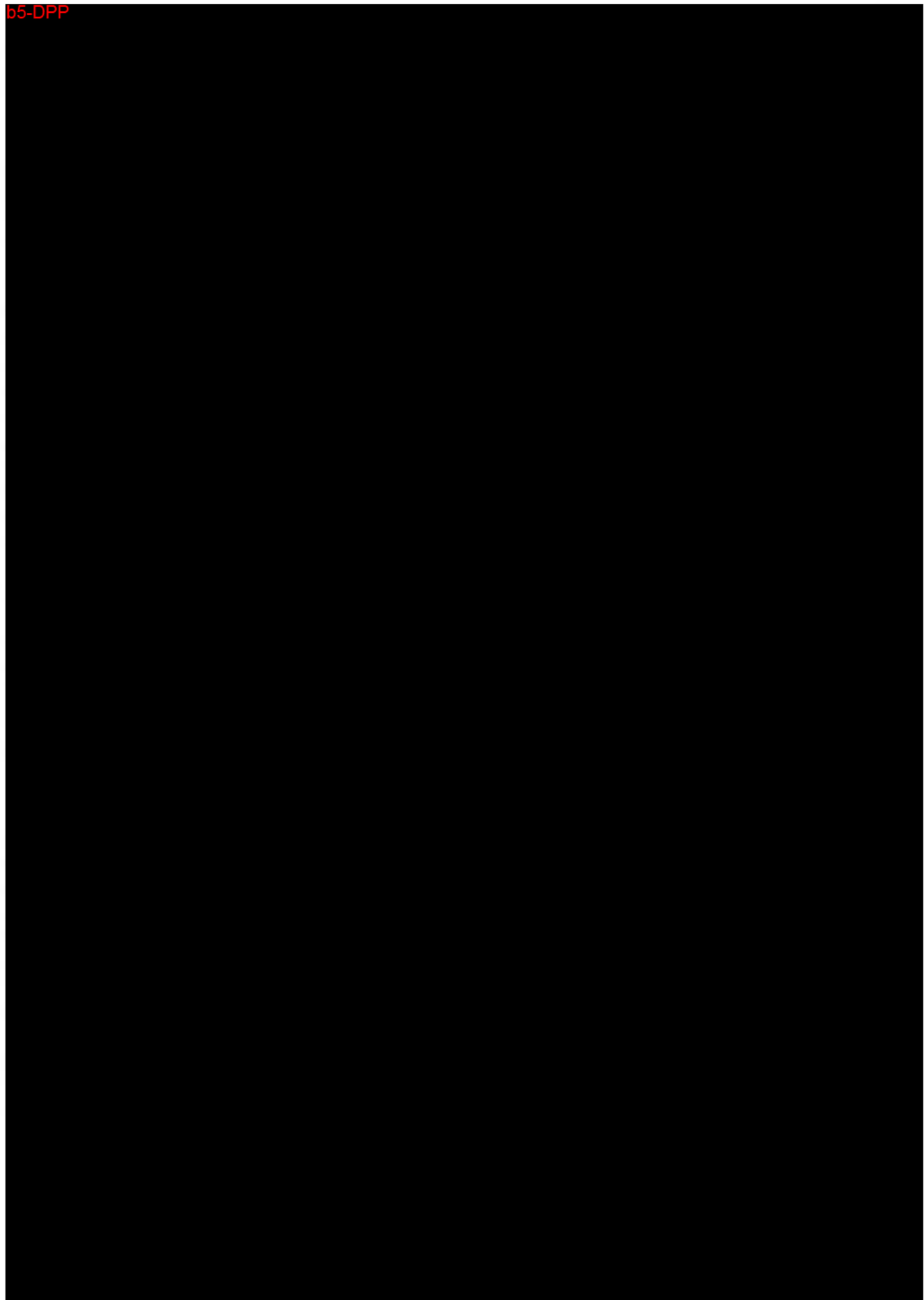


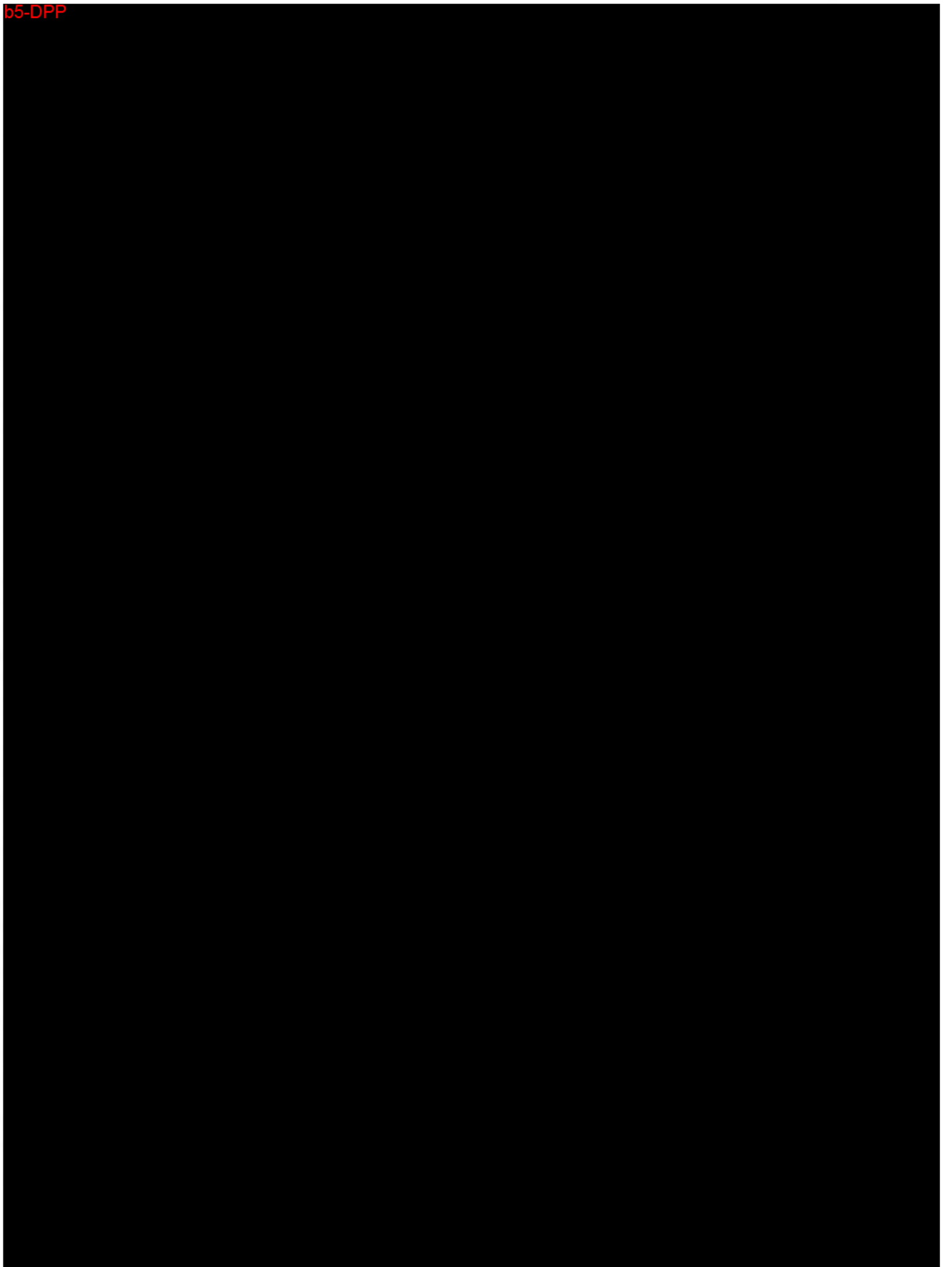
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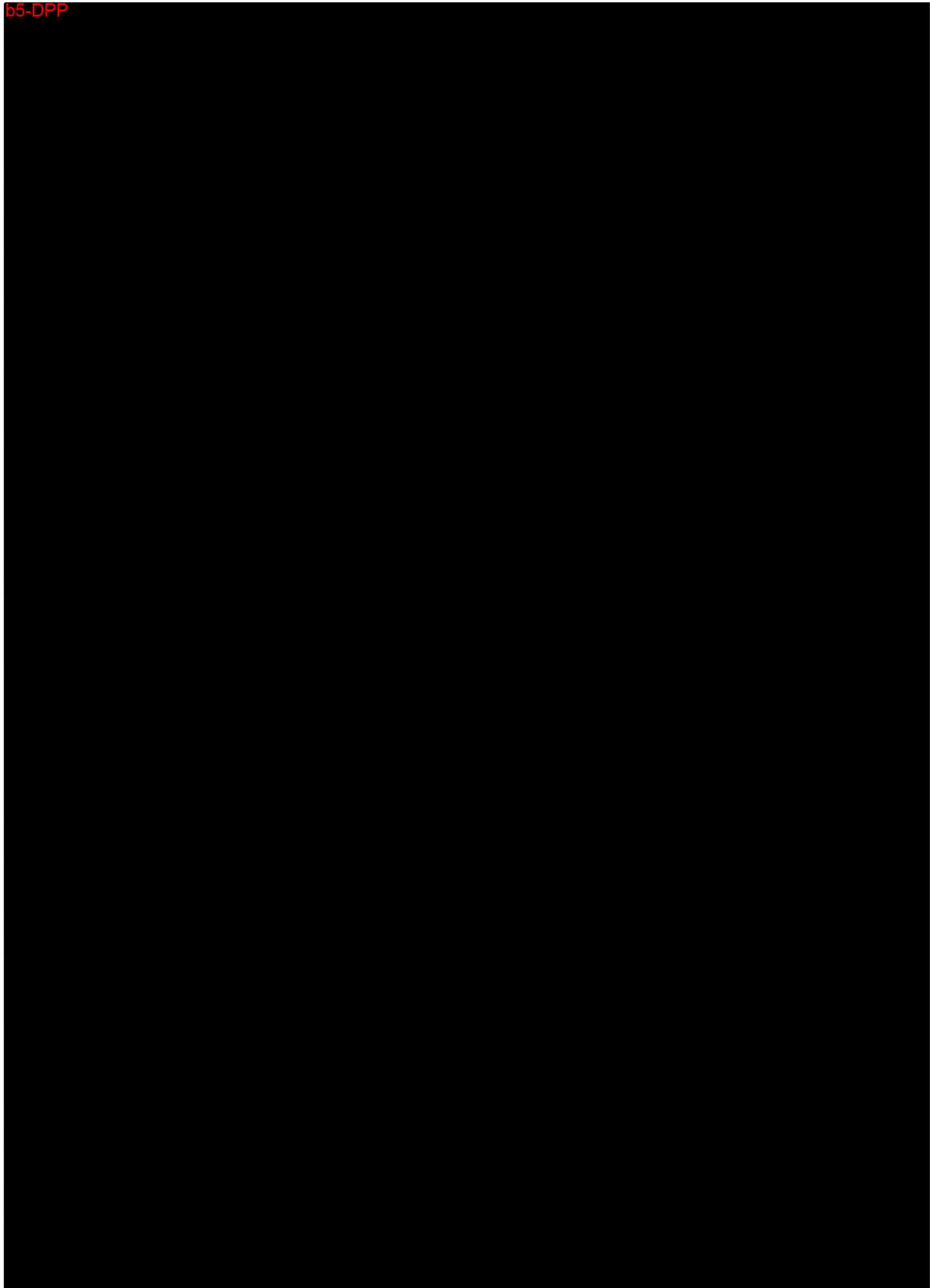


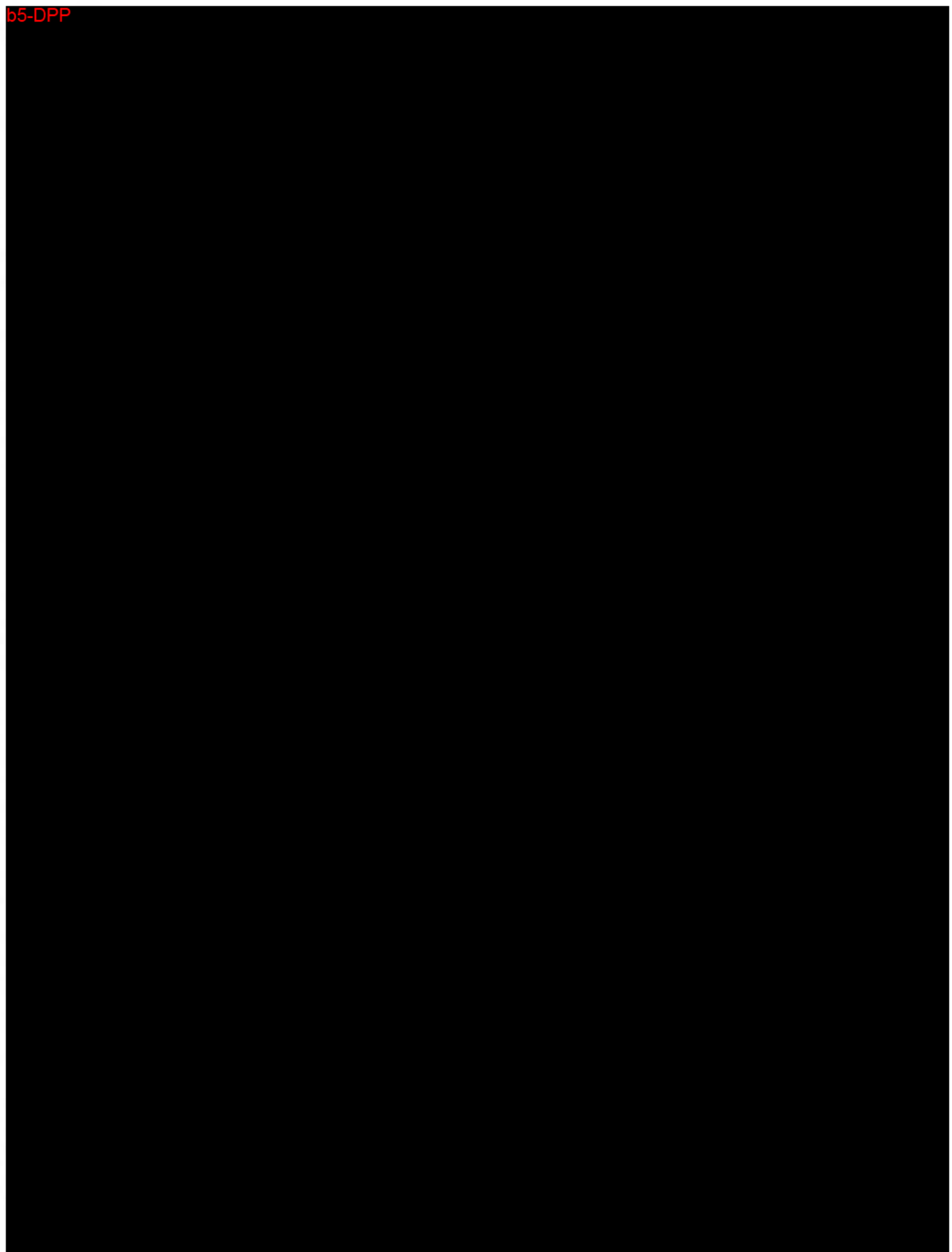


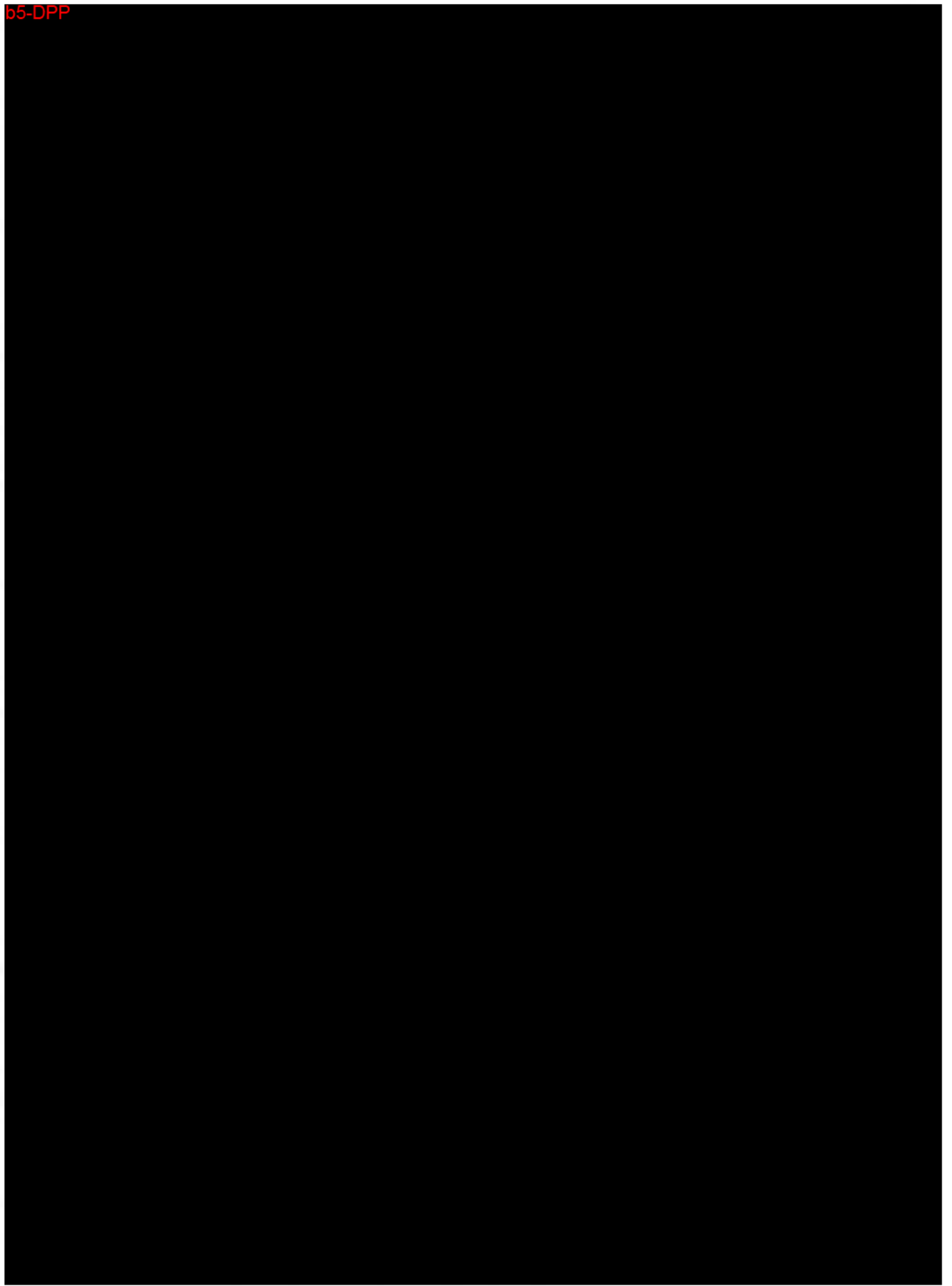
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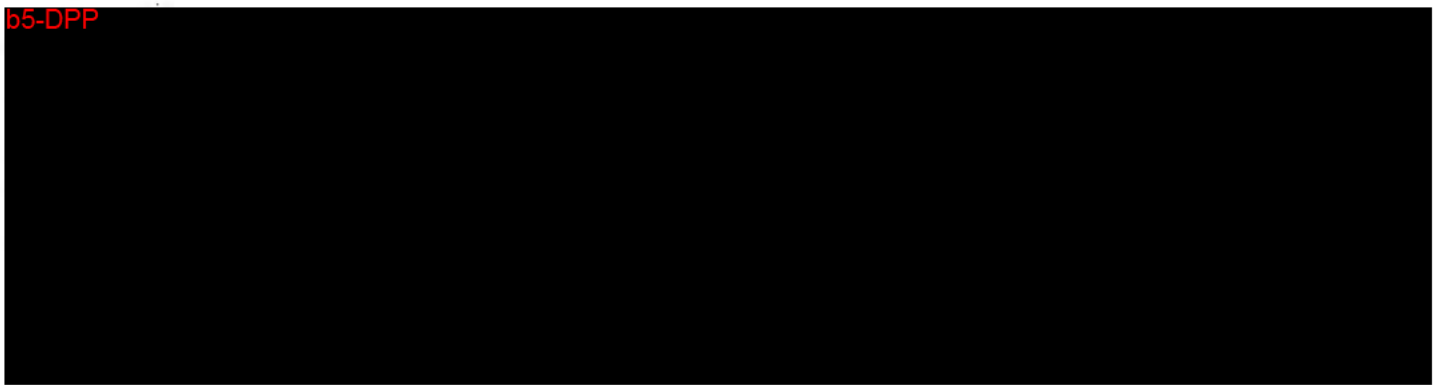












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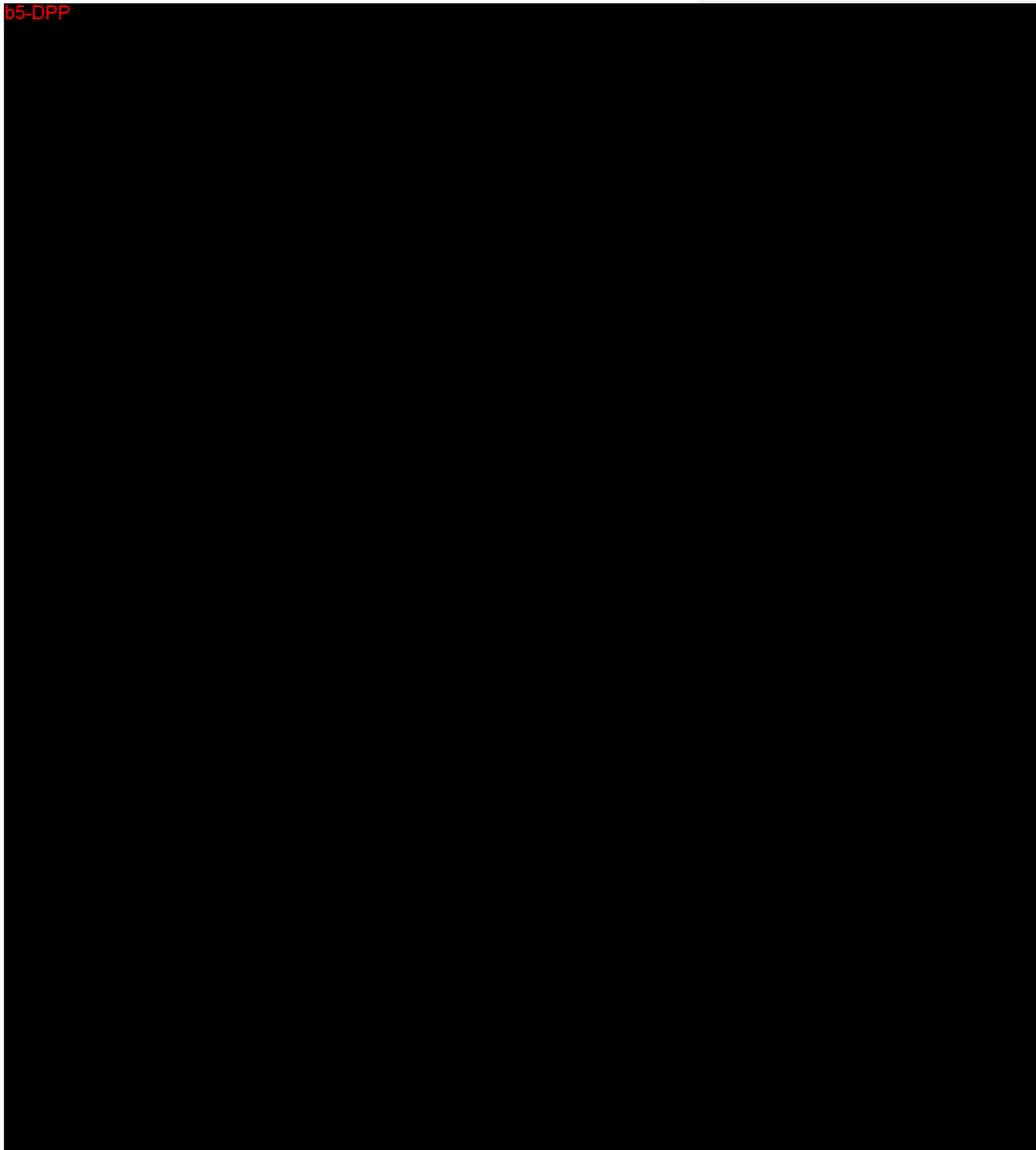


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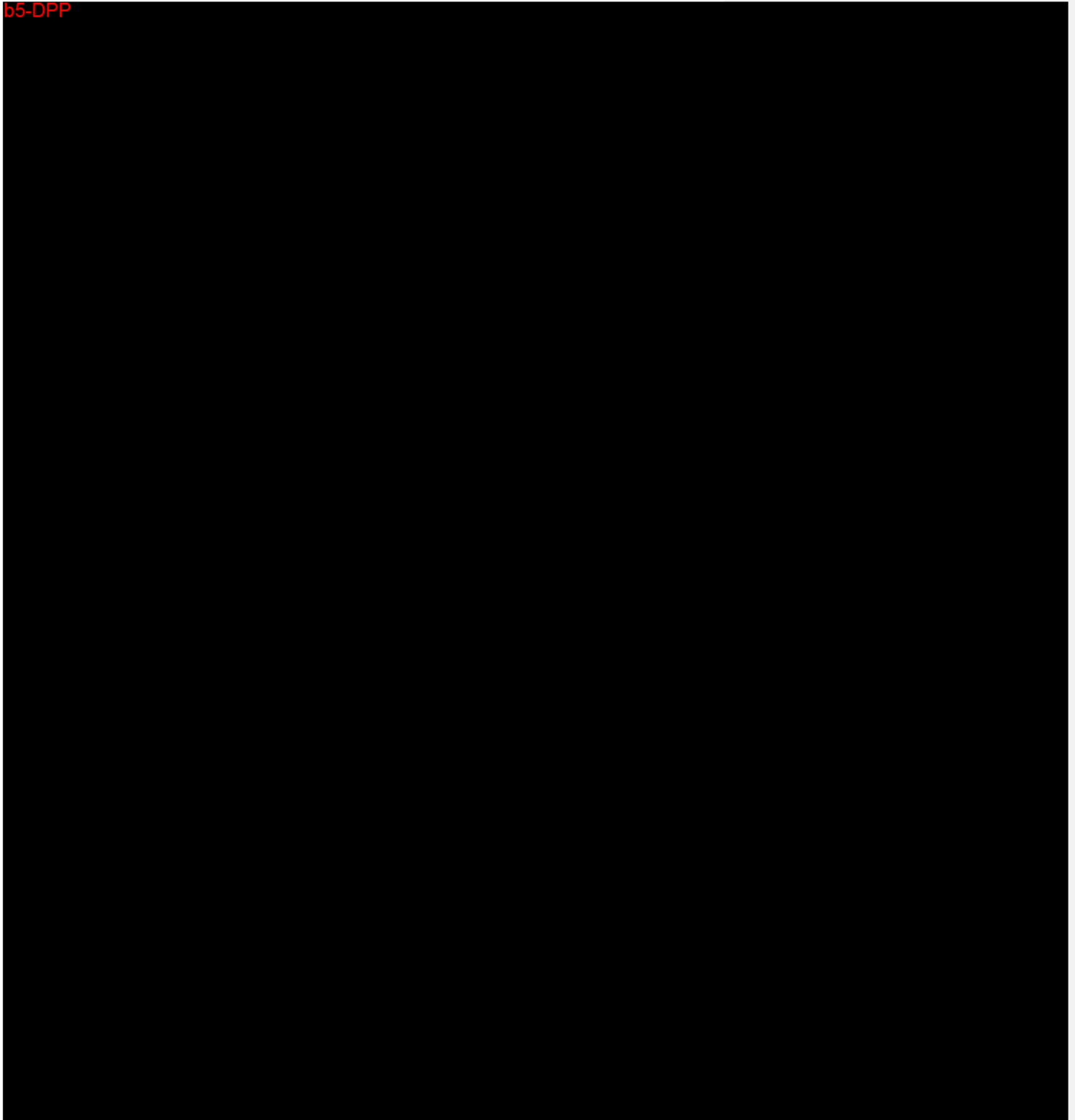
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Coastal Barrier Resources Act

Guidance for Federal Agencies on Dredging, Beach Nourishment and Shoreline Stabilization Projects

Overview

The Coastal Barrier Resources Act (CBRA) of 1982 and subsequent amendments (16 U.S.C. 3501 et seq.) established the John H. Chafee Coastal Barrier Resources System (CBRS), a defined set of geographic units along the Atlantic, Gulf of Mexico, Great Lakes, U.S. Virgin Islands, and Puerto Rico coasts. The CBRS units are depicted on a set of maps that is maintained by the U.S. Fish and Wildlife Service (Service).

CBRA restricts the use of Federal funds for dredging and flood control projects, including beach nourishment and shoreline stabilization. However, there are provisions within CBRA that allow for certain dredging, beach nourishment, and shoreline stabilization projects under limited circumstances (described under the “CBRA’s Exceptions” section below).

CBRA does not prohibit the expenditure of private, state, or local funds within the CBRS. Additionally, the law does not prevent Federal agencies from issuing permits or conducting environmental studies

Purposes of CBRA

The purposes of CBRA are “to minimize the loss of human life, wasteful expenditure of federal revenues, and the damage to fish, wildlife, and other natural resources associated with the coastal barriers...by restricting future federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers...and by [considering the means and measures by which the long-term conservation of these fish, wildlife, and other natural resources may be achieved.](#)” (16 U.S.C 3501(b)). The legislative history is clear that CBRA was intended to reduce Federal involvement in activities that are detrimental to the natural resources associated with coastal barrier ecosystems included within the CBRS, including most dredging and flood control projects.

“Intense development and human use of coastal barriers have also caused diminished productivity in these important natural resource areas. Disposing sewage effluents, dredging canals and channels, filling wetlands, leveling dunes, clearing vegetation, constructing hurricane and erosion control projects, stabilizing inlets, and other activities often spell trouble for the coastal barrier ecosystems that protect and often sustain natural resources of immense aesthetic and economic value.”...“The intent of the legislation is that all forms of direct Federal assistance for projects...be precluded.” - House Report 97-841 Part 1

Types of CBRS Units

The CBRS contains two types of units, “System Units” and “Otherwise Protected Areas” (OPAs). OPAs are denoted with a “P” at the end of the unit number (e.g., FL-64P). While the full suite of restrictions on Federal expenditures applies within System Units, the only Federal spending prohibition within OPAs is on Federal flood insurance. CBRA does

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[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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not prohibit any other type of Federal expenditures or financial assistance within OPAs.
Consultation with the Service is not required for proposed actions carried out within an OPA.

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[Redacted]

[Redacted]

[Redacted]

[Redacted]

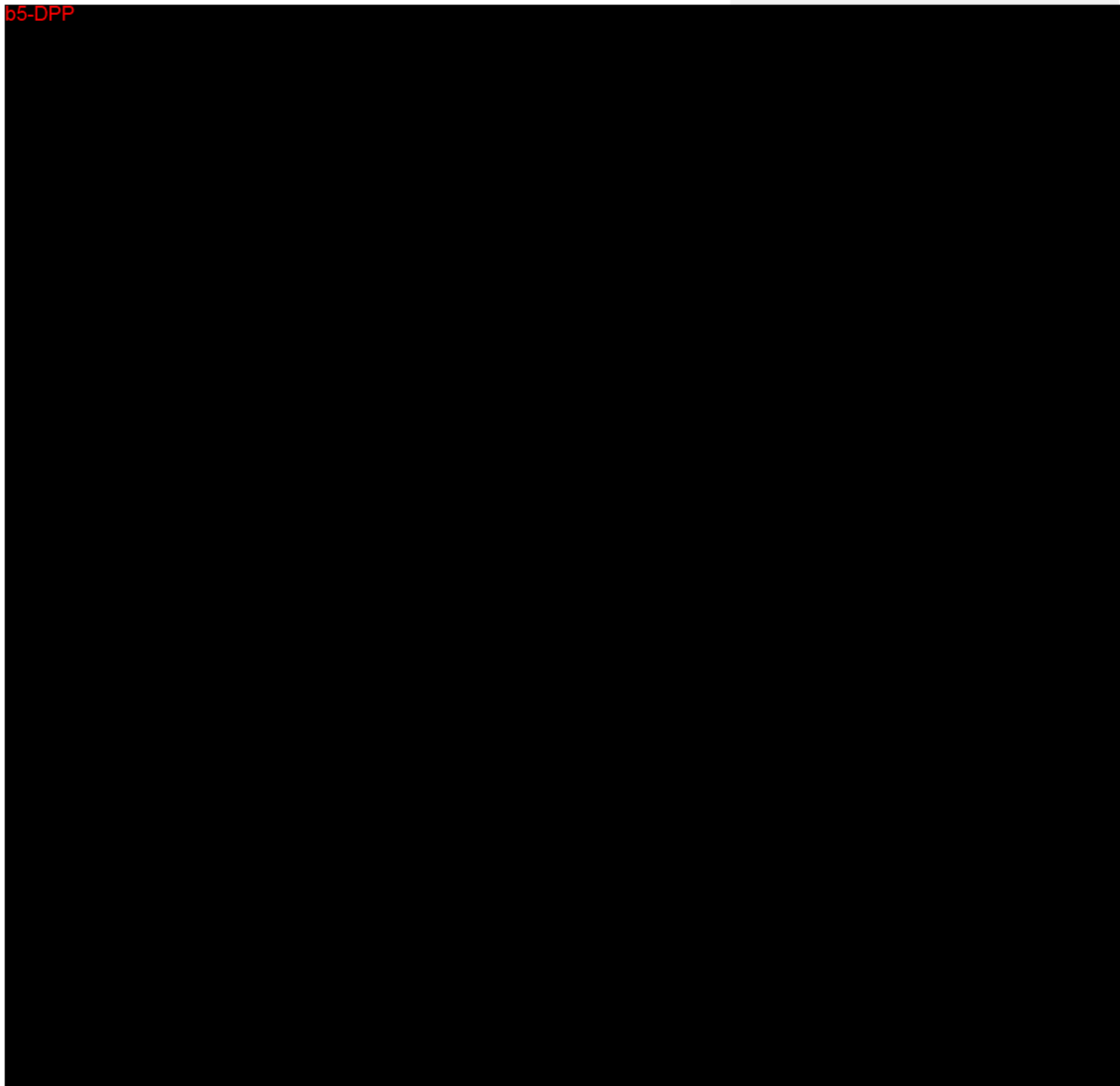
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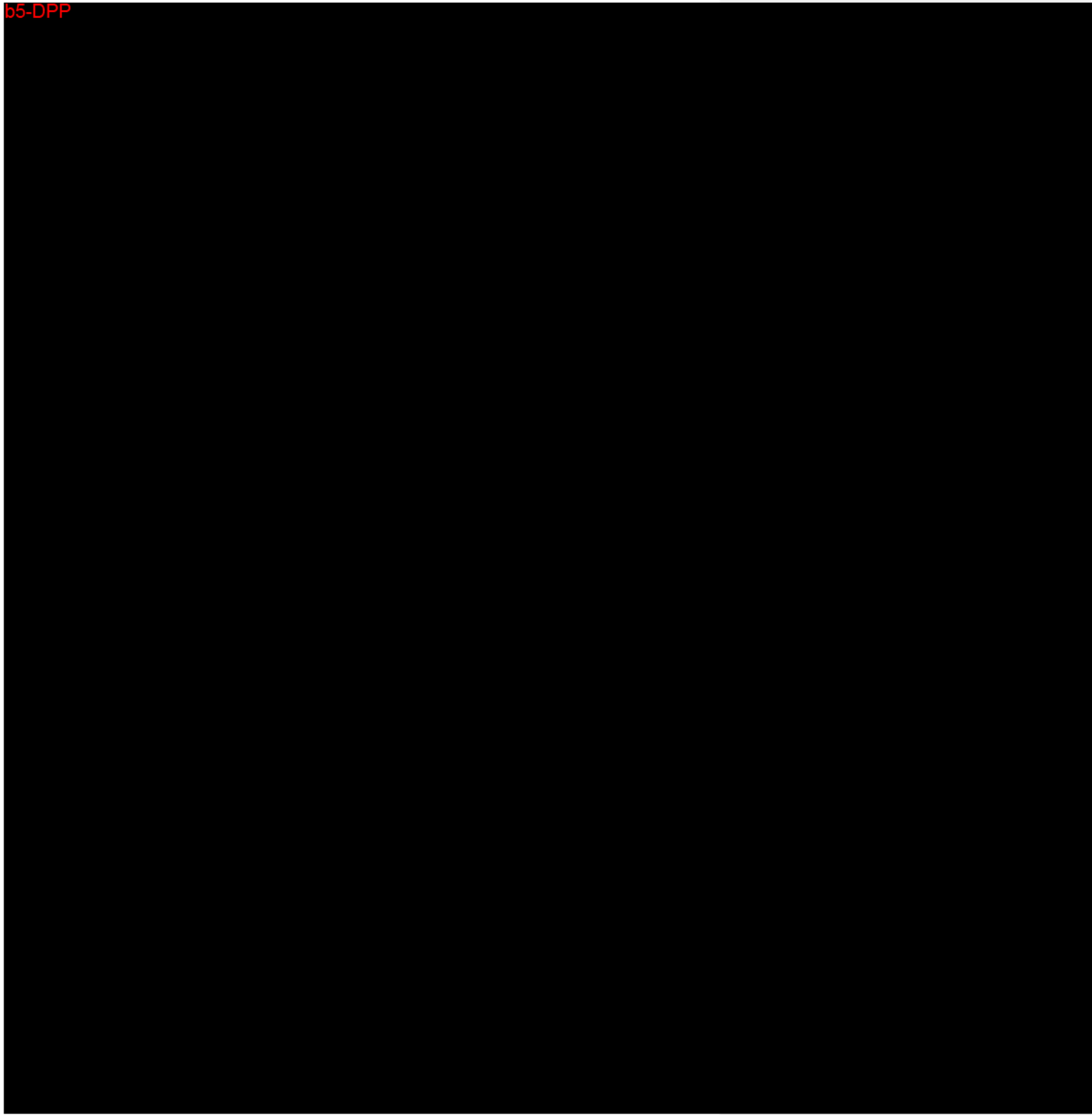
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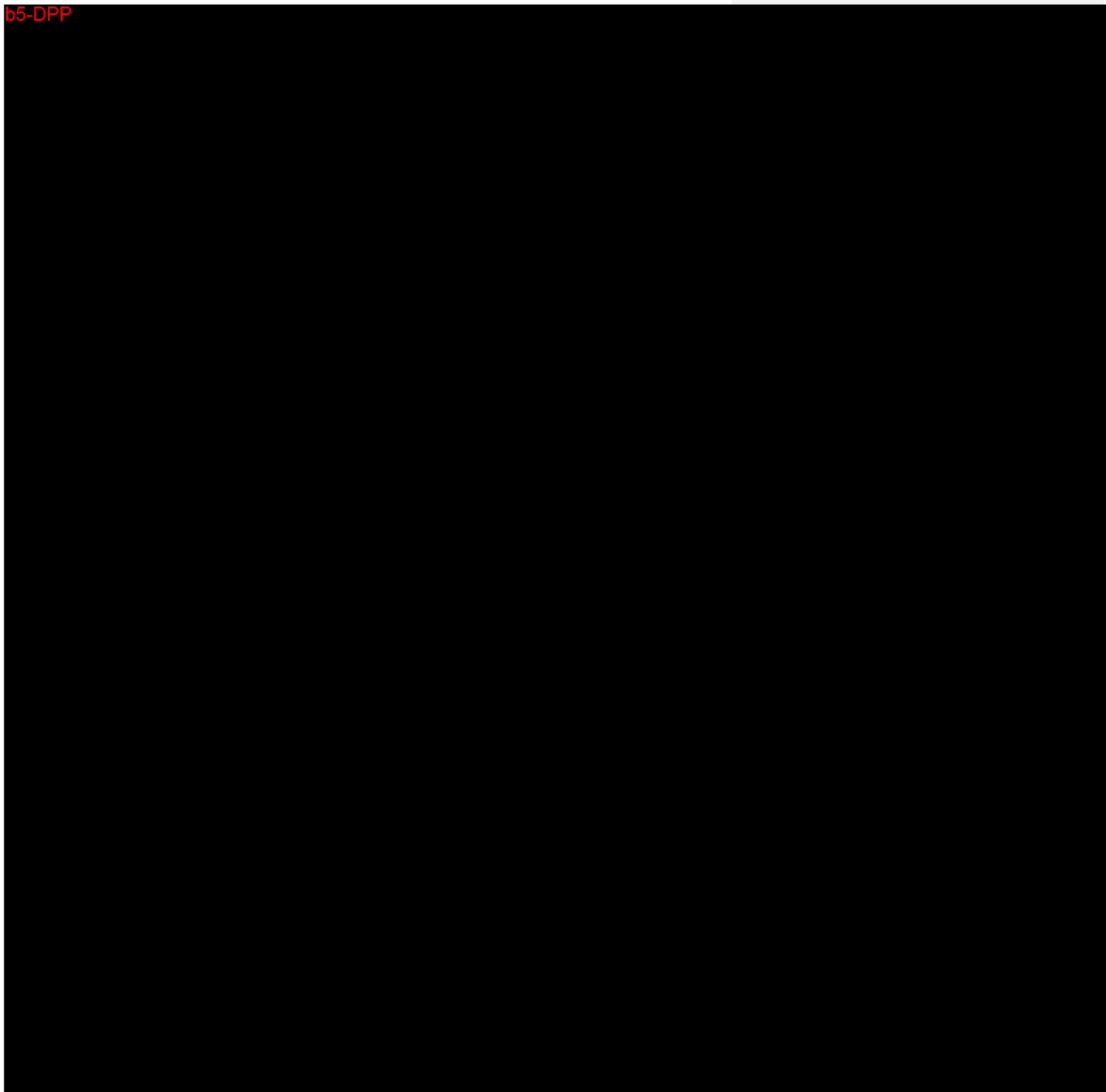
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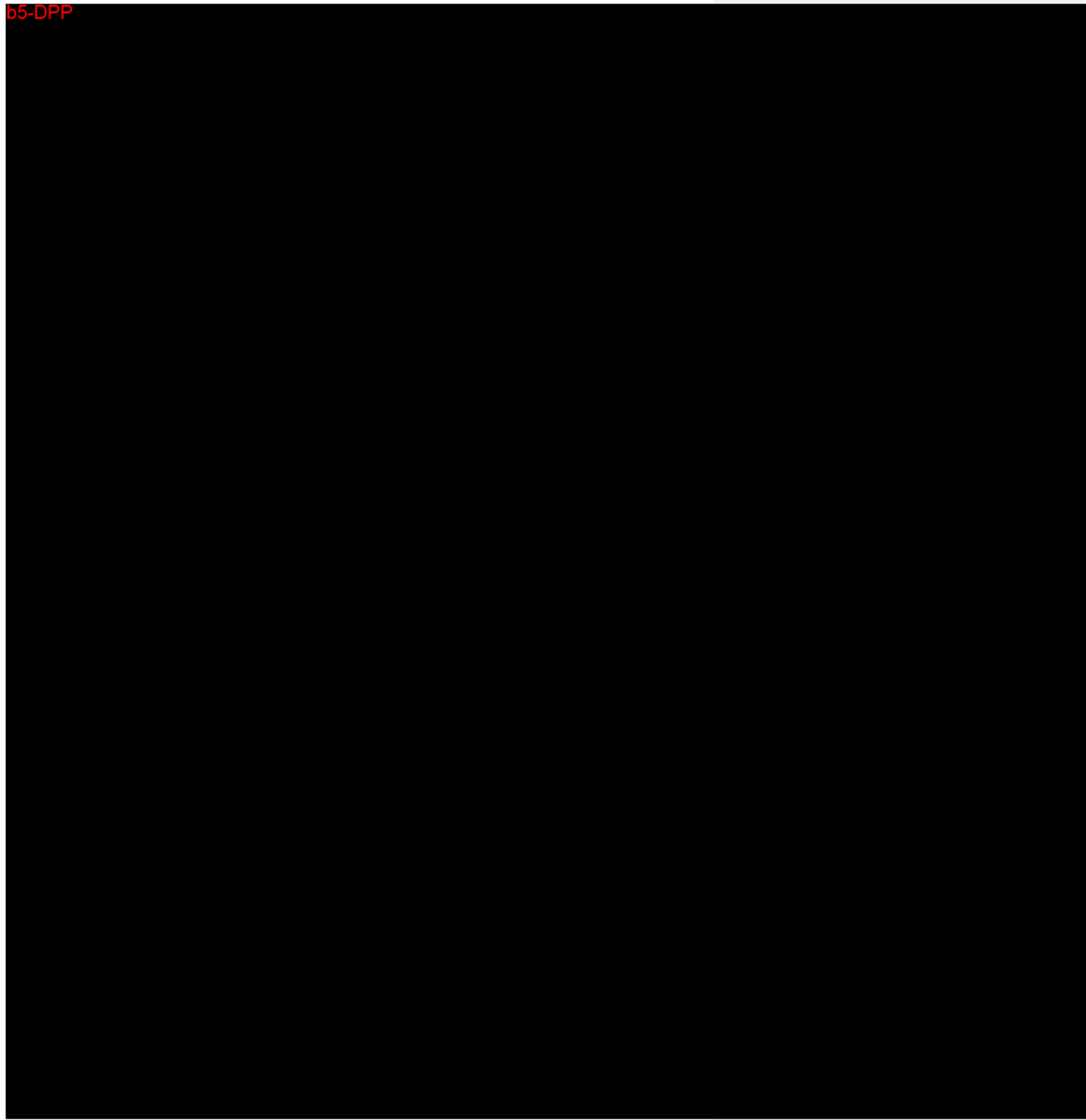
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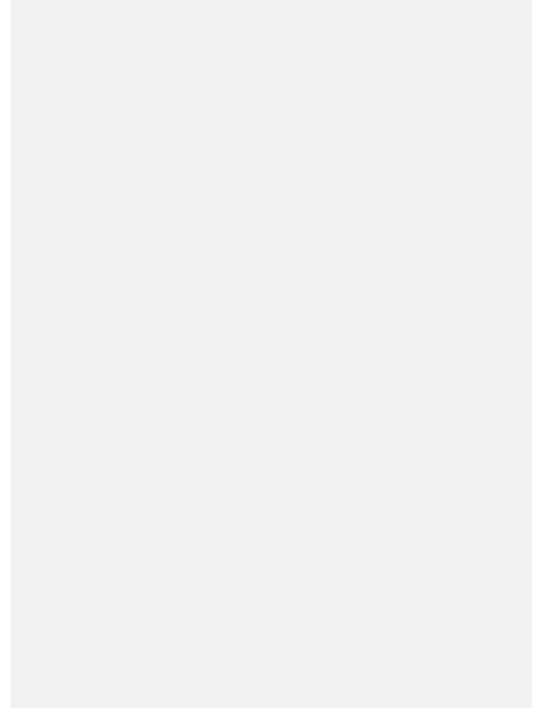


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From: [Wright, Dana K](#)
To: [Niemi, Katie](#)
Subject: Re: PLEASE REVIEW: CBRA talking points for ARD call next week
Date: Friday, February 14, 2020 11:21:51 AM

I think it's good - if it's too soon I'm sure they won't be shy about pushing back.

Dana Wright
Program Specialist
Ecological Services
U.S. Fish & Wildlife Service
5275 Leesburg Pike, MS: ES
Falls Church, VA 22041
703-358-2443 (office)
703-358-1800 (fax)

[Learn more about the Coastal Barrier Resources Act](#)

From: Niemi, Katie <katie_niemi@fws.gov>
Sent: Friday, February 14, 2020 11:20 AM
To: Wright, Dana K <dana_wright@fws.gov>
Subject: Re: PLEASE REVIEW: CBRA talking points for ARD call next week

I think the ARD call is next Friday (Feb 21). Is "end of February" too soon? Not a hard deadline but maybe that helps push the issue?

From: Wright, Dana K <dana_wright@fws.gov>
Sent: Friday, February 14, 2020 11:14 AM
To: Niemi, Katie <katie_niemi@fws.gov>
Subject: Re: PLEASE REVIEW: CBRA talking points for ARD call next week

These look good. I think identifying contacts for both things (guidance and coordinators) by the end of February is good.

Dana Wright
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5275 Leesburg Pike, MS: ES
Falls Church, VA 22041
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703-358-1800 (fax)

[Learn more about the Coastal Barrier Resources Act](#)

From: Niemi, Katie <katie_niemi@fws.gov>
Sent: Friday, February 14, 2020 10:58 AM
To: Wright, Dana K <dana_wright@fws.gov>
Subject: PLEASE REVIEW: CBRA talking points for ARD call next week

Dana,

Can you please take a look at talking points below. I don't want to include too much detail, probably not much time for CBRA so I'd like to just focus on the big needs from the ROs for Michelle to highlight. Take a look especially at highlighted stuff and let me know your thoughts. Thanks.

Kim,

Below are CBRA talking points for Michelle's ARD call next week. Can you make sure CBRA is on the agenda for that call and let me know if Michelle needs any additional information. We may want to talk about the funding issue in advance. Thanks!

Katie

CBRA Staffing Updates

- The Ecological Services HQ CBRA Program is now within the Division of Restoration and Recovery (Michelle Shaughnessey Chief) and Branch of Coastal and Marine Resources (Kim Tripp Chief). That re-org was made effective in January 2020.

- (b) (6)
 - (b) (6)
- Katie Niemi continues to serve as the National CBRA Coordinator. Our CBRA team in HQ is tasked with the mapping efforts, but is also here to help support the regions and field on CBRA policy and consistency issues so please feel free to reach out to Kim or Katie on any CBRA matters.

CBRA Hot Topics

- Congress continues to be very interested in CBRA. The Service and USGS received a request from Chairman Grijalva to evaluate the short- and long-term impacts of sand mining and beach nourishment within and adjacent to the CBRS. We are working with USGS to develop an IAA to conduct this assessment.
- GAO has recently initiated an audit of the CBRA Program. They have reached out to us as well as other federal agencies and are asking about our mapping efforts and CBRA consultations. They have requested points of contact from ES at the regional level who can answer questions about CBRA consultations.

The Secretary recently asked the SOL to revisit a long-standing interpretation of a CBRA exception for nonstructural shoreline stabilization projects. SOL issued a new memo in October 2019, stating that sand from within the CBRS may now be used to renourish beaches outside of the CBRS, provided that the federal funding agency consults with FWS and the project meets the requirements of the exception and is consistent with the purposes of CBRA.

- SOL has advised that we cannot share the new SOL memo outside of the agency. We have drafted a letter to the Corps Director of Civil Works to advise the Corps of this new interpretation and provide guidelines to help them develop sand mining/shoreline stabilization projects that are compliant with CBRA. The draft letter will be circulated to the regions for review in DTS.
- While we do not currently have internal or external guidance related to the new SOL interpretation, we are currently working with the NC field office and the Corps on two high profile projects (Carolina Beach and Wrightsville Beach) where the exception is being used. **b5-DPP**
[REDACTED]
- Our CBRA HQ team (along representatives from the NJ, NC and SC field offices) are working to develop a new CBRA workflow for ECOSphere (TAILS replacement). This will be good opportunity to help streamline the CBRA consultations process and ensure we are capturing all of the CBRA consultations in a central system.

CBRA Regional Coordinators

- With all of the interest in CBRA and Cindy Bohn no longer serving as the Regional CBRA Coordinator, it's important that we are in coordination with the regions, especially on the CBRA consultations side of the house.
- **Can you please identify/confirm the CBRA Coordinator(s) for your respective region. SHOULD WE ASK THEM TO IDENTIFY BY A CERTAIN DATE, END OF THE FEBRUARY?**
- The role of the regional coordinators includes: providing support the field offices in responding to requests for CBRA consultation from other federal agencies; answering questions from a variety of stakeholders concerning whether certain types of projects and activities are consistent with CBRA; and coordinating with HQ and the field offices on mapping issues, policy issues, guidance, and other issues related to CBRA. |
- **If asked about funding for CBRA consultations, you can mention that in recent years we've transferred some funds to Region 4 to cover consultations work Cindy did behalf of the regions.** **b5-DPP**
[REDACTED]

From: [Niemi, Katie](#)
To: [Tripp, Kimberly J](#)
Cc: [Wright, Dana K](#); [Bohn, Cynthia](#)
Subject: High Priority-talking points for ARD call next week
Date: Friday, February 14, 2020 12:07:58 PM

Kim,

Below are CBRA talking points for Michelle's ARD call next week. Can you make sure CBRA is on the agenda for that call and let me know if Michelle needs any additional information. The bold items are the issues we are seeking ARD action on. We may want to talk with Michelle and Martha about the funding issue before the call (see highlighted text below). Thanks!

Katie

CBRA Staffing Updates

- The Ecological Services HQ CBRA Program is now within the Division of Restoration and Recovery (Michelle Shaughnessy Chief) and Branch of Coastal and Marine Resources (Kim Tripp Chief). That re-org within ES HQ was made effective in January 2020.
- **(b) (6)**
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED] Katie Niemi continues to serve as the National CBRA Coordinator.
- Our CBRA team in HQ is tasked with the mapping efforts, but is also here to help support the regions and field on CBRA policy and consistency issues so please feel free to reach out to Kim or Katie on any CBRA matters.

CBRA Hot Topics

- Congress continues to be very interested in CBRA. The Service and USGS received a request from Chairman Grijalva to evaluate the short- and long-term impacts of sand mining and beach nourishment within and adjacent to the CBRS. We are working with USGS to develop an IAA to conduct this assessment.
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- The Secretary recently asked the SOL to revisit a long-standing interpretation of a CBRA exception for nonstructural shoreline stabilization projects. SOL issued a new memo in October 2019, stating that sand from within the CBRS may now be used to renourish beaches outside of the CBRS, provided that the federal funding agency consults with the Service and the project meets the requirements of the exception and is consistent with

the purposes of CBRA.

- SOL has advised that we cannot share the new SOL memo outside of the agency. We have drafted a letter to the Corps Director of Civil Works to advise the Corps of this new interpretation and provide guidelines to help them develop sand mining/shoreline stabilization projects that are compliant with CBRA. The draft letter will be circulated to the regions for review in DTS.
- While we do not currently have internal or external guidance related to the new SOL interpretation, we are currently working with the NC field office and the Corps on two high profile projects (Carolina Beach and Wrightsville Beach) where that exception is being used. b5-DPP

[REDACTED]

- Our CBRA HQ team (along representatives from the NJ, NC and SC field offices) are working to develop a new CBRA workflow for ECOSphere (TAILS replacement). This will be good opportunity to help streamline the CBRA consultations process and ensure we are capturing all of the CBRA consultations in a centralized system.

CBRA Regional Coordinators

- With all of the interest in CBRA and Cindy Bohn no longer serving as the Regional CBRA Coordinator, it's important that we are in coordination with the regions, especially on the CBRA consultations side of the house.
- **Can you please identify/confirm the CBRA Coordinator(s) for your respective region by the end of February.** This request is only for those regions with CBRA units (legacy Regions 2, 3, 4, and 5).
- The role of the regional coordinators includes: providing support the field offices in responding to requests for CBRA consultation from other federal agencies; answering questions from a variety of stakeholders concerning whether certain types of projects and activities are consistent with CBRA; and coordinating with HQ and the field offices on mapping projects, policy issues, guidance, tracking systems (e.g., ECOSphere, TAILS, IPAC), and other issues related to CBRA.
- If asked about funding for CBRA consultations, you can mention that in recent years we've transferred some CBRA funds to Region 4 to cover the consultation coordination work Cindy did behalf of the regions. I (Katie) think we should b5-DPP

[REDACTED]

From: [Niemi, Katie](#)
To: [Wright, Dana K](#); [Bohn, Cynthia](#)
Subject: Re: Wrightsville - Can we combine consultation for FEMA effort this fall?
Date: Monday, March 2, 2020 1:23:15 PM

I think it's fine to fold it in to the consultation we've been working on.

Katie

From: Wright, Dana K <dana_wright@fws.gov>
Sent: Monday, March 2, 2020 11:46 AM
To: Bohn, Cynthia <cynthia_bohn@fws.gov>
Cc: Niemi, Katie <katie_niemi@fws.gov>
Subject: Re: Wrightsville - Can we combine consultation for FEMA effort this fall?

I don't think it matters since it's the same funding agency and the same project, but copying Katie in case she thinks otherwise.

Dana Wright
Program Specialist
Ecological Services
U.S. Fish & Wildlife Service
5275 Leesburg Pike, MS: ES
Falls Church, VA 22041
703-358-2443 (office)
703-358-1800 (fax)

[Learn more about the Coastal Barrier Resources Act](#)

From: Bohn, Cynthia <cynthia_bohn@fws.gov>
Sent: Monday, March 2, 2020 11:45 AM
To: Wright, Dana K <dana_wright@fws.gov>
Subject: Fw: Wrightsville - Can we combine consultation for FEMA effort this fall?

Dana, I don't have a problem if they include it, but I am not sure. Do you have an opinion? c

From: Matthews, Kathryn H <kathryn_matthews@fws.gov>
Sent: Thursday, February 27, 2020 9:30 AM
To: Bohn, Cynthia <cynthia_bohn@fws.gov>; Wright, Dana K <dana_wright@fws.gov>; Niemi, Katie <katie_niemi@fws.gov>
Cc: Wells, Emily N <emily_wells@fws.gov>; Benjamin, Pete <pete_benjamin@fws.gov>
Subject: Re: Wrightsville - Can we combine consultation for FEMA effort this fall?

Eric realized that it is not FEMA funds, it is a different pot of Corps emergency funds. He didn't get an answer before he sent the revised addendum, so he did not add it to the addendum. Pete and I believe that it is ok to include it in this consultation, since the project description is the same, and the amount of sand removed over all in the next 15 years should be about the same (if done this fall - and barring another disaster, they will take less out next time or it will delay the next scheduled event). Let us know if you don't think that is the right call.

Kathy Matthews
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
551-F Pylon Drive
Raleigh, NC 27606
919-856-4520, x. 27

From: Bohn, Cynthia <cynthia_bohn@fws.gov>
Sent: Tuesday, February 25, 2020 11:54 AM
To: Matthews, Kathryn H <kathryn_matthews@fws.gov>; Wright, Dana K <dana_wright@fws.gov>; Niemi, Katie <katie_niemi@fws.gov>
Cc: Wells, Emily N <emily_wells@fws.gov>; Benjamin, Pete <pete_benjamin@fws.gov>
Subject: Re: Wrightsville - Can we combine consultation for FEMA effort this fall?

I would think we would need to do a separate consultation since it is a different agency. I think, of course, we should reference the Corp document and use as much as possible.

From: Matthews, Kathryn H <kathryn_matthews@fws.gov>
Sent: Tuesday, February 25, 2020 11:43 AM
To: Bohn, Cynthia <cynthia_bohn@fws.gov>; Wright, Dana K <dana_wright@fws.gov>; Niemi, Katie <katie_niemi@fws.gov>
Cc: Wells, Emily N <emily_wells@fws.gov>; Benjamin, Pete <pete_benjamin@fws.gov>
Subject: Wrightsville - Can we combine consultation for FEMA effort this fall?

Hi all, I just got off the phone with Eric Gasch. The Corps is meeting internally at 1 to re-do the addendum as much as they can. Hopefully, they will have a final revised version to us this afternoon.

Eric said that they have received FEMA funds to do emergency nourishment this fall on Wrightsville Beach (taking sand from Masonboro Inlet and placing on Wrightsville, just as if they were doing one of the events we are already consulting on here). Does the Corps need to do a separate consultation on that emergency effort, or can we fold it into this consultation? It will be just about identical to the work they are consulting on, and will

happen during the 15-year window. The main difference is that it is funded by FEMA and not officially an event under the CSRSM authority. Another issue is that it has only been 2 years since the last time the inlet was dredged, so they are blowing their 4-year dredge intervals. It would be 4 years from fall until the next time they dredge (barring another named storm). Let me know what you think. I'm not sure what we would gain from a separate consultation at this point.

Kathy Matthews
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
551-F Pylon Drive
Raleigh, NC 27606
919-856-4520, x. 27

From: [Niemi, Katie](#)
To: [Wright, Dana K](#)
Subject: Fw: CBRA exemption opinion
Date: Wednesday, March 25, 2020 11:59:35 AM

FYI

From: Niemi, Katie <katie_niemi@fws.gov>
Sent: Wednesday, March 25, 2020 11:59 AM
To: Floom, Kristen B <kristen.floom@sol.doi.gov>
Subject: Re: CBRA exemption opinion

Thanks Kristen for the update. The response letter to Rep. Huffman is in surname (DCN # 072054) and I'll give you a heads up when it's ready for SOL review.

Katie

From: Floom, Kristen B <kristen.floom@sol.doi.gov>
Sent: Wednesday, March 25, 2020 11:20 AM
To: Niemi, Katie <katie_niemi@fws.gov>
Subject: CBRA exemption opinion

Katie:

I hope you are doing well. I'm writing to give you an update on the CBRA issue we discussed last week. Linus and I spoke with Ben and Peg on Monday about the confidentiality of the October 2019 legal opinion. Peg looped in the Division of General Law because they have experience with the issue of releasing legal opinions. We are coordinating with them to get their input. I'll report back when I have more information.


Thanks,
Kristen

Kristen Byrnes Floom
U.S. Dept. of the Interior
Office of the Solicitor
Division of Parks and Wildlife
202-208-3795

From: [Niemi, Katie](#)
To: [Tripp, Kimberly J](#)
Cc: [Wright, Dana K](#)
Subject: Fw: [EXTERNAL] Topsail Beach Renourishment Project
Date: Friday, March 27, 2020 3:44:30 PM
Attachments: [image002.png](#)

Kim,

(b) (5)

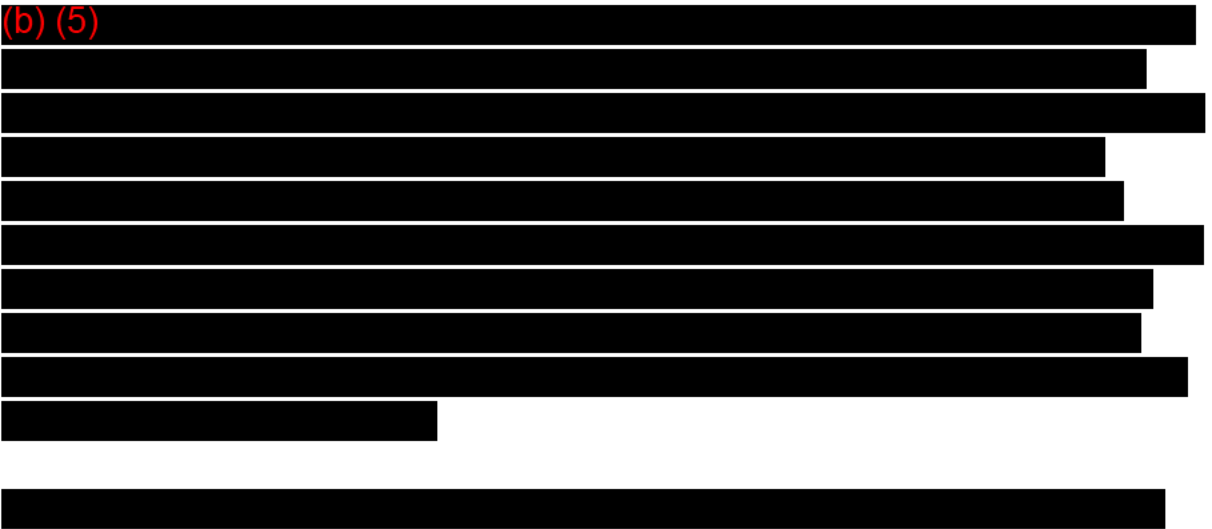


Thanks!
Katie

From: Matthews, Kathryn H <kathryn_matthews@fws.gov>
Sent: Friday, March 27, 2020 2:06 PM
To: Wright, Dana K <dana_wright@fws.gov>; Bohn, Cynthia <cynthia_bohn@fws.gov>; Niemi, Katie <katie_niemi@fws.gov>
Cc: Wells, Emily N <emily_wells@fws.gov>; Benjamin, Pete <pete_benjamin@fws.gov>; Kelly, Patricia <patricia_kelly@fws.gov>
Subject: Re: [EXTERNAL] Topsail Beach Renourishment Project

Thanks Katie,

(b) (5)



(b) (5)

Kathy Matthews
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
551-F Pylon Drive
Raleigh, NC 27606
919-856-4520, x. 27

From: Wright, Dana K <dana_wright@fws.gov>
Sent: Friday, March 27, 2020 1:51 PM
To: Matthews, Kathryn H <kathryn_matthews@fws.gov>; Bohn, Cynthia <cynthia_bohn@fws.gov>; Niemi, Katie <katie_niemi@fws.gov>
Cc: Wells, Emily N <emily_wells@fws.gov>; Benjamin, Pete <pete_benjamin@fws.gov>; Kelly, Patricia <patricia_kelly@fws.gov>
Subject: Re: [EXTERNAL] Topsail Beach Renourishment Project

(b) (5)

[REDACTED]

[REDACTED]

Thanks again. Have a good weekend,

Dana Wright
Program Specialist
Ecological Services
U.S. Fish & Wildlife Service
5275 Leesburg Pike, MS: ES
Falls Church, VA 22041
703-358-2443 (office)
703-358-1800 (fax)

[Learn more about the Coastal Barrier Resources Act](#)

From: Matthews, Kathryn H <kathryn_matthews@fws.gov>
Sent: Friday, March 27, 2020 7:35 AM
To: Bohn, Cynthia <cynthia_bohn@fws.gov>; Wright, Dana K <dana_wright@fws.gov>; Niemi, Katie <katie_niemi@fws.gov>
Cc: Wells, Emily N <emily_wells@fws.gov>; Benjamin, Pete <pete_benjamin@fws.gov>
Subject: Fw: [EXTERNAL] Topsail Beach Renourishment Project

FYI - please see below.

Kathy Matthews
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
551-F Pylon Drive
Raleigh, NC 27606
919-856-4520, x. 27

From: Matthews, Kathryn H <kathryn_matthews@fws.gov>
Sent: Friday, March 27, 2020 7:34 AM
To: Benjamin, Pete <pete_benjamin@fws.gov>
Cc: Wells, Emily N <emily_wells@fws.gov>
Subject: Fw: [EXTERNAL] Topsail Beach Renourishment Project

I provided FEMA with a copy of the Wilmington District CBRA letter this week. (b) (5)

[REDACTED]

[REDACTED] See below.

Kathy Matthews
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service

551-F Pylon Drive
Raleigh, NC 27606
919-856-4520, x. 27

From: Morris, Kristin <kristin.morris@fema.dhs.gov>
Sent: Thursday, March 26, 2020 4:05 PM
To: Matthews, Kathryn H <kathryn_matthews@fws.gov>; Ellis, John <john_ellis@fws.gov>
Cc: Klein, Chelsea <Chelsea.Klein@fema.dhs.gov>
Subject: [EXTERNAL] Topsail Beach Renourishment Project

Hello Kathy and John,

(b) (5)



Kristin Morris
Winterville Branch Lead
Environmental and Historic Preservation
DR-4393/4465-NC
kristin.morris@fema.dhs.gov
202-330-2388



FEMA



FEMA

From: [Tripp, Kimberly J](#)
To: [Niemi, Katie](#)
Subject: Re: Raleigh Office determination letter
Date: Friday, March 27, 2020 4:47:46 PM

you're welcome. Hopefully he'll send something.

Kim Tripp
Chief, Branch of Coastal and Marine Resources
Fish and Wildlife Service
Ecological Services, MS: ES
5275 Leesburg Pike
Falls Church, VA 22041-3803
Office- 703-358-2151
Cell- 571-389-2658

From: Niemi, Katie <katie_niemi@fws.gov>
Sent: Friday, March 27, 2020 4:07 PM
To: Tripp, Kimberly J <kimberly_tripp@fws.gov>
Subject: Re: Raleigh Office determination letter

Kim,
Your draft email for Gary looks great. I just highlighted a typo. I forwarded you the FO letter in a separate email. Thanks!

Katie

From: Tripp, Kimberly J <kimberly_tripp@fws.gov>
Sent: Friday, March 27, 2020 3:53 PM
To: Niemi, Katie <katie_niemi@fws.gov>
Subject: Raleigh Office determination letter

Hi Katie,

Do you have the final clean version of the Raleigh letter? Would you please send it as an attachment, so I can add it to the request to Gary. below is my draft

Hi Gary,

The national CBRA program is very impressed with the Raleigh ES Office's approach on a complex CBRA consistency determination addressing the U.S. Army Corps of

Engineers' Wrightsville Beach and Carolina Beach Coastal Storm Risk Management Projects. The Raleigh ES Office are the pioneers in utilizing the new Solicitor's interpretation of sand mining in the CBRS. They handled this complex and precedent setting scenario with great skill, benefiting the resource and contributing to additional data collection that will inform future determinations. Peter Benjamin and Kathryn Mathews forged a path worthy of others to follow. We thought it would be a worthwhile gesture if you'd consider sending a note of acknowledgement to Region IV, recognizing Peter Benjamin and Kathryn Mathews efforts.

The Raleigh ES office's determination letter outlines our best current understanding of use of the §3505(a)(6)(G) exemption and the implementation of the November 4, 2019 letter from Secretary Bernhardt and associated Solicitor's memo, allowing for the consideration of use of sand from within the CBRS to nourish beaches outside the CBRS. Realizing the resource conservation value of CBRA depends on the investment of our Field Offices in engaging with the respective action agency. The Raleigh ES Office took on a difficult, time consuming, and precedent setting effort. Through this consultation, the Raleigh Office documented the likely impacts to shorebirds and other at risk species, which **jis** a complementary rather than redundant analysis done in concert with Section 7 of the ESA. Further landscape level contributions were made when the Raleigh Office negotiated for additional analysis in determination of impacts of long term dredging within these coastal areas. Such data collection will contribute to a more robust understanding of such projects and inform development and refinement of BMPs. The Raleigh Office's investment in coordination and cooperation both internally and externally ensured a transparent and steady process in managing a highly political and complex task. Their results demonstrate that with dedication and skill "conservation without conflict" can be achieved.

Kim Tripp
Chief, Branch of Coastal and Marine Resources
Fish and Wildlife Service
Ecological Services, MS: ES
5275 Leesburg Pike
Falls Church, VA 22041-3803
Office- 703-358-2151
Cell- 571-389-2658

From: [Tripp, Kimberly J](#)
To: [Niemi, Katie](#); [Wright, Dana K](#)
Subject: Fw: Acknowledgement of the Raleigh ES Office CBRA Determination
Date: Friday, March 27, 2020 4:48:20 PM
Attachments: [20200310_ltr_FWS_Corps_CBRA_WB_CB.pdf](#)

fyi

Kim Tripp
Chief, Branch of Coastal and Marine Resources
Fish and Wildlife Service
Ecological Services, MS: ES
5275 Leesburg Pike
Falls Church, VA 22041-3803
Office- 703-358-2151
Cell- 571-389-2658

From: Tripp, Kimberly J <kimberly_tripp@fws.gov>
Sent: Friday, March 27, 2020 4:45 PM
To: Frazer, Gary D <gary_frazer@fws.gov>
Cc: Shultz, Gina <Gina_Shultz@fws.gov>; Shaughnessy, Michelle <Michelle_Shaughnessy@fws.gov>
Subject: Acknowledgement of the Raleigh ES Office CBRA Determination

Hi Gary,

The national CBRA program is very impressed with the Raleigh ES Office's approach on a complex CBRA consistency determination addressing the U.S. Army Corps of Engineers' **Wrightsville Beach and Carolina Beach Coastal Storm Risk Management Projects**. The Raleigh ES Office is a pioneer in utilizing the new Solicitor's interpretation of sand mining in the CBRS. They handled this complex and precedent setting scenario with great skill, benefiting the resource and contributing to additional data collection that will inform future determinations. Peter Benjamin and Kathryn Mathews forged a path worthy of others to follow. We thought it would be a worthwhile gesture if you'd consider sending a note of acknowledgement to Region IV, recognizing Peter Benjamin and Kathryn Mathews efforts.

The Raleigh ES office's determination letter outlines our best current understanding of use of the §3505(a)(6)(G) exemption and the implementation of the November 4, 2019 letter from Secretary Bernhardt and associated Solicitor's memo, allowing for the consideration of use of sand from within the CBRS to nourish beaches outside the CBRS. Realizing the resource conservation value of CBRA depends on the investment of our Field Offices in engaging with the respective action agency. The Raleigh ES Office took on a difficult, time consuming, and precedent setting effort. Through this consultation, the Raleigh Office documented the likely

impacts to shorebirds and other at risk species, which is a complementary analysis done in concert with Section 7 of the ESA. Furthermore, landscape level contributions were made when the Raleigh Office negotiated for additional analysis in determining the impacts of long term dredging within these coastal areas. Such data collection will contribute to a more robust understanding of such projects and inform development and refinement of future BMPs. The Raleigh Office's investment in coordination and cooperation both internally and externally ensured a transparent and steady process in managing a highly political and complex task. Their results demonstrate that with dedication and skill "conservation without conflict" can be achieved.

Attached is the letter of merit.

Thank you for your consideration.

Best,

Kim

Kim Tripp

Chief, Branch of Coastal and Marine Resources

Fish and Wildlife Service

Ecological Services, MS: ES

5275 Leesburg Pike

Falls Church, VA 22041-3803

Office- 703-358-2151

Cell- 571-389-2658



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Raleigh ES Field Office

Post Office Box 33726

Raleigh, North Carolina 27636-3726

March 10, 2020

Ms. Christine M. Brayman
Deputy District Engineer for Programs and
Project Management
U. S. Army Corps of Engineers
69 Darlington Avenue
Wilmington, North Carolina 28403-1343

Subject: Wrightsville Beach and Carolina Beach – Interagency CBRA Consultations
New Hanover County, NC

Dear Ms. Brayman:

This is in response to the email from the U.S. Army Corps of Engineers (Corps), dated December 20, 2019, requesting consultation under the Coastal Barrier Resource Act (CBRA) for the Corps' Wrightsville Beach and Carolina Beach Coastal Storm Risk Management Projects (CSRMs), New Hanover County, NC. The Corps indicated in the Template for Interagency CBRA Consultations that the projects meet the exception at 16 U.S.C. §3505(a)(6)(G), for nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore a natural stabilization system. The Corps further stated in the template that the use of the inlets in the Coastal Barrier Resources System (System) as the primary borrow sources is consistent with the three purposes of the CBRA. The Corps submitted two Addenda to the consultation request by email on February 18, 2020 and February 26, 2020, respectively, to provide additional support for its consistency determination.

These projects are authorized in the Water Resources Development Act (WRDA) of 1986. The Corps is currently seeking authorization in the 2020 WRDA for a 15-year extension through fiscal year 2036. The U.S. Fish and Wildlife Service (Service) previously reviewed the Draft Integrated Validation Study Reports (Draft Report) and Environmental Assessments (EA) for each of these 15-year extensions and provided comments in letters dated July 16, 2019. In letters dated April 6, 2018, and April 16, 2019, the Service concurred with the Corps' determination that the requirements of Section 7(a)(2) of the Endangered Species Act (ESA) have been met for the projects, respectively. The Service also agreed that a Coordination Act Report under the Fish and Wildlife Coordination Act (FWCA) was not required for continuation of the two CSRMs projects.

Purposes of CBRA and the Consultation Process

Since 1994, the Service has advised the Corps that the CBRA exception for “nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore a natural stabilization system”ⁱⁱⁱ could not be applied to sand mining *within* the System for beach nourishment projects that occur *outside* of the System. We have revisited our legal interpretation related to this CBRA exception and, in consultation with the Department of the Interior’s Office of the Solicitor, have determined that sand from *within* the System may be used to renourish beaches *outside* of the System, provided that the federal funding agency consults with the Service and the project meets the requirements of the exception and is consistent with the purposes of CBRA. This new interpretation was made effective on November 4, 2019.

On November 4, 2019, David Bernhardt, Secretary of the Interior, conveyed letters to the Hon. Jeff Van Drew, the Hon. David Rouzer, and the Hon. Garret Graves. The letters state that the Department’s Office of the Solicitor determined that the exemption in section 6 of CBRA for nonstructural shoreline stabilization projects (16 U.S.C. 3505(a)(6)(G)) is not limited to projects occurring within the system. The letters conclude that sand from units within the System may be used to renourish beaches located outside of the System, provided the project is consistent with the purposes of the CBRA, which are:

...to minimize the loss of human life, wasteful expenditure of federal revenues, and the damage to fish, wildlife, and other natural resources associated with the coastal barriers...by restricting future federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers...and by considering the means and measures by which the long-term conservation of these fish, wildlife, and other natural resources may be achieved.

While the revised legal interpretation does not *guarantee* that sand within the System may be used for beach replenishment outside the System, it does make such projects eligible for consideration by federal agencies through the CBRA consultation process. The Corps may submit consultation requests to the Service for projects that seek to mine sand from within the System for nonstructural shoreline stabilization outside of the System. Such projects would generally be considered under the exception for “nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore a natural stabilization system.” This exception also requires that the project be consistent with the purposes of CBRA.

The Service’s revised interpretation of the CBRA exception for nonstructural shoreline stabilization projects does not alter the federal funding agency’s responsibility to consider each project on a case-by-case basis through the consultation process. Additionally, any new commitment of federal funds associated with a project following the initial consultation (e.g.,

future beach renourishment) or change in the project design and/or scope is subject to CBRA's consultation requirement. Information about the consultation process is available at: <https://www.fws.gov/cbra/consultations.html>.

These comments are provided as technical assistance only; individual Federal agencies have the responsibility to independently ensure compliance with CBRA. Additionally, these comments do not constitute consultation for any project pursuant to Section 7 of the ESA or comments afforded by the FWCA; nor do they preclude comment on any forthcoming environmental documents pursuant to the National Environmental Policy Act (83 Stat. 852; 42 U.S.C. 4321 *et seq.*).

Project Description

The borrow areas for the Wrightsville Beach and Carolina Beach CSRMs are both located in Coastal Barrier Resource System (System) Unit L09. Sand is regularly dredged and removed from inlets on the north end and south end of the unit, and placed outside of the unit on Wrightsville Beach or Carolina Beach, respectively.

Masonboro Island, bounded on the north by Masonboro Inlet, and on the south by Carolina Beach Inlet, encompasses most of System Unit L09. Masonboro Island also encompasses all of piping plover critical habitat unit NC-13 and a large portion of piping plover critical habitat unit NC-14.

Wrightsville Beach CSR

The inlet borrow area (Masonboro Inlet) is within System Unit L09. According to the Draft Report/EA for this project, current engineering analysis of this borrow source indicates that there may not be a sufficient quantity of sand to provide borrow material for four additional planned renourishments through 2036. The Corps indicated that, due to the identified risk of the System Unit, and the forecasted sand deficiency, it has identified a new potential offshore borrow area located outside of a System. Additional investigations and technical analyses will be required to determine the quality and quantity of a potential offshore borrow source. The Service appreciates the Corps efforts to identify and develop an offshore borrow source for this project.

The construction of jetties at Masonboro Inlet, the creation of Carolina Beach Inlet, and local navigation improvements have impacted sediment transport and hydrology of the area around the island (Fear 2008, pp. 90-100). Those impacts are related to, but not the focus of this consultation. The Corps' reports state that presence of the northern Masonboro jetty has interrupted the natural littoral transport of sediments (Wrightsville Beach Draft Report, p. 60). Page 62 of the Wrightsville Beach Draft Report indicates that removing sand from the System

Unit, currently every four years, would temporarily reduce approximately 780,000 cubic yards (cy) of sand in the inlet that could potentially move downdrift to Masonboro Island. On a yearly basis, that amounts to an average of 195,000 cy of sand removed from the System Unit L-09 due to the Wrightsville Beach CSRM project. Approximately 145,000 cy returns to the unit each year, resulting in a net loss of sediment from the unit of approximately 50,000 cy per year.

As you know, the Corps and Service have worked together over the past few years to address concerns for impacts to breeding and migratory shorebirds in the System Unit. In particular, the south end of Wrightsville Beach is an important nesting area for American oystercatcher (*Haematopus palliatus*), willet (*Tringa semipalmata*), common tern (*Sterna hirundo*), least tern (*Sternula antillarum*), and black skimmer (*Rynchops niger*) (Addison and McIvor 2014, p. 8). The conservation needs of birds in North Carolina center mainly on habitat management, restoration, and protection, especially for habitats including coastal beach and estuarine habitats (NC Wildlife Action Plan 2015 p. 52). The state of North Carolina has identified several bird Species of Greatest Conservation Need (SGCN) in coastal beach and estuarine habitats, including piping plover, red knot, Wilson's plover, American oystercatcher, black skimmer, and least tern (NC Wildlife Action Plan 2015, pp. 53-56). In addition, all five species of sea turtles are listed as Reptile SGCN in coastal beach and estuarine habitats. Each of these shorebird and sea turtle species have been further identified by the state as a SGCN Conservation Priority and a Management Concern or Management Need (NC Wildlife Action Plan 2015, Appendix G).

Addison and McIvor (2014) observed 84 species of birds at Masonboro Inlet during 2010- 2014. Twenty-three of those species are of conservation concern (p. 9). In the southeastern U.S., the occurrence and numbers of shorebirds that use coastal habitats tends to be greater at inlet habitats than at other habitat types, including piping plovers and red knots. Piping plover and red knot (both listed as threatened under the ESA) have been observed within the System Unit in relatively small numbers (Addison and McIvor 2014, p. 9-19). Most piping plover observations in Masonboro Inlet were on the south end of Wrightsville Beach. Piping plover observations within the System Unit included three (3) banded individuals from the endangered Great Lakes population.

Carolina Beach CSRM

The inlet borrow area (Carolina Beach Inlet) is at the southern end of System Unit L09. The Corps' Draft Report (p. 60) indicates that continued removal of sand from the System Unit would cause continued erosion on south end of Masonboro Island, due to a lack of an inlet management plan that includes sand bypassing.

Carolina Beach Inlet is also located within piping plover critical habitat unit NC-14. In general, the dredging and mining of sediment from inlet complexes threatens the piping plover on its

wintering grounds through habitat loss and degradation. Dredging can significantly alter the natural coastal processes on inlet shorelines of nearby barrier islands (Otvos 2006, entire; Otvos and Carter 2008, p. 477; USACE 1984, p. 117). Sand removal or sediment starvation of shoals, sandbars, and adjacent shoreline habitat upsets the natural equilibrium and may reduce the system's ability to maintain a full suite of inlet habitats as sea level rise continues to accelerate.

Carolina Beach is also within designated terrestrial critical habitat for the Northern Recovery Unit of the Northwest Atlantic Ocean Loggerhead Turtle Distinct Population Segment (DPS) (critical habitat unit LOGG-T-NC-05).

The Corps' February 26, 2020 addendum states that approximately 270,000 cy of sediment per year is removed from the System Unit and placed on Carolina Beach. Approximately 65,000 cy of that material returns to the inlet, resulting in a net sediment loss of approximately 205,000 cy per year.

Proposed Impact Minimization Measures

The Corps has proposed several measures in the February 26, 2020 Addendum to the CBRA consultation template document. These measures are the same for the two projects:

1. The Corps commits to model and/or monitor inlet and shoreline responses within System Unit L-09, subject to project reauthorization.
2. The Masonboro Inlet sediment budget analysis of 2014 will be provided to the Service. The 2017 draft sediment budget analysis in the vicinity of Carolina Beach Inlet and adjacent beaches to the south will be finalized and provided to the Service.
3. The USACE, as a part of the upcoming (2020) Wrightsville Beach and Carolina Beach feasibility studies to extend Federal participation of periodic nourishment for a full 50 years, will investigate longer term sea level rise rates and climate change.
4. Monitoring of seabeach amaranth will continue when sand is placed on Masonboro Island, such as the planned 2020 placement on the southern part of this island.
5. The USACE will continue to actively investigate potential future opportunities to place sand onto Masonboro Island. Currently being evaluated are options to place sand on the northern portion of Masonboro Island by removing sand from Disposal Area 251, located at the intersection of the Atlantic Intracoastal Waterway and Shinn Creek/Masonboro inlet.
6. All obligations requiring expenditure of funds are subject to appropriation of funding to complete these activities.

In addition, for the Wrightsville Beach CSRSM project, the Corps has proposed the following additional measures:

1. The Town of Wrightsville Beach recently informed the Corps that their primary emergency access route through the central part of the spit has been modified to follow a more direct route to the western side of the spit, thereby minimizing disturbance to more central bird nesting areas.
2. Bypassing sand to Masonboro Island as a result of the impacts due to the construction of the Masonboro Inlet jetties began in 1986. The USACE vigorously pursues Operations and Maintenance funding to mechanically bypass sand from Masonboro Inlet to Masonboro Island in the same fiscal years that periodic nourishment of Wrightsville Beach is scheduled. The Corps commits to continue seeking funding for this activity through the Federal budgeting and appropriation process.

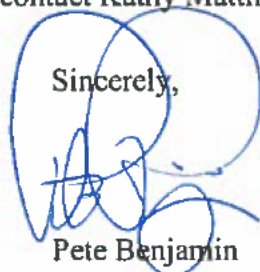
Service Determination

The Service has significant concerns regarding the long-term loss of 255,000 cy per year of sediment from the System Unit, although without more data, it is difficult to discern the specific loss caused or contributed by the two CSRMs projects. The Service believes that it will be important to investigate the various causes of sand loss as well as potential actions to restore sand to the System Unit.

The Service concurs that the projects meet the exception at 16 U.S.C. §3505(a)(6)(G), if the Corps adopts the measures listed above and in the February 26, 2020 Addendum. The Service also recommends that the Corps utilize the information from the modeling, monitoring, and sand budget investigations to explore a more holistic management of sand and resources in the coastal barrier system. For example, the work may inform efforts related to the South Atlantic Coastal Study (SACS) and others. The Corps' proposed measures may also assist the Service and U.S. Geological Survey (USGS) in completing an evaluation of the short-and long-term impacts of sand removal on areas in and adjacent to the System, as requested in a June 24, 2019 letter to the agencies from the Hon. Raul M. Grijalva, Chair of the House Committee on Natural Resources.

The Service also recommends continued coordination with the local sponsors and North Carolina National Estuarine Research Reserve to determine other potential actions considered beneficial to the coastal barrier system.

The Service looks forward to continued coordination with the Corps on this project. For questions or further coordination, please contact Kathy Matthews at (919) 856-4520, ext. 27.

Sincerely,

 Pete Benjamin
 Field Supervisor

References:

- Addison, L., and T. McIvor. 2014. Masonboro Inlet Bird Surveys, 2009-2014: Preliminary Summary of Results. Unpublished report from Audubon North Carolina, Wilmington, NC. 24 pp.
- Fear, J. 2008. A Comprehensive Site Profile for the North Carolina National Estuarine Research Reserve. August 2008. 167 pp.
- Grijalva, R.M. 2019. Letter from the Hon. Raul M. Grijalva to Margaret Everson and Jim Reilly, concerning the Coastal Barrier Resources Act. June 24, 2019. 2 pp.
- North Carolina Wildlife Resources Commission. 2015. 2015 Wildlife Action Plan. 1328 pp. Available online at: <https://www.ncwildlife.org/plan#6718619-2015-wildlife-action-plan-document-downloads>.
- Otvos, E. G. 2006. Discussion of Froede, C.R., Jr., 2006. The impact that Hurricane Ivan (September 16, 2004) made across Dauphin Island, Alabama. *Journal of Coastal Research*, 22(2), 562-573. *Journal of Coastal Research* 22(6):1585-1588.
- Otvos, E. G. and G. A. Carter. 2008. Hurricane degradation – barrier development cycles, northeastern Gulf of Mexico: Landform evolution and island chain history. *Journal of Coastal Research* 24(2):463-478.
- U.S. Army Corps of Engineers. 1984. Shore Protection Manual. Volume 1. Coastal Engineering Research Center, Waterways Experiment Station. 452 pp.

¹ 16 U.S.C. § 3505(a)(6)(G)

From: [Tripp, Kimberly J](#)
To: [Niemi, Katie](#); [Wright, Dana K](#)
Subject: Fwd: Acknowledgement of the Raleigh ES Office CBRA Determination
Date: Friday, March 27, 2020 6:44:17 PM

Sent from my iPhone

Begin forwarded message:

From: "Frazer, Gary D" <gary_frazer@fws.gov>
Date: March 27, 2020 at 5:02:55 PM EDT
To: "Tripp, Kimberly J" <kimberly_tripp@fws.gov>
Cc: "Shultz, Gina" <Gina_Shultz@fws.gov>, "Shaughnessy, Michelle" <Michelle_Shaughnessy@fws.gov>
Subject: Re: Acknowledgement of the Raleigh ES Office CBRA Determination

I will do so, with pleasure. Thanks for flagging it for me. -- GDF

*Gary Frazer
Assistant Director - Ecological Services
gary_frazer@fws.gov
Ph. (202) 208-4646
Cell (202) 253-4578*

From: Tripp, Kimberly J <kimberly_tripp@fws.gov>
Sent: Friday, March 27, 2020 4:45 PM
To: Frazer, Gary D <gary_frazer@fws.gov>
Cc: Shultz, Gina <Gina_Shultz@fws.gov>; Shaughnessy, Michelle <Michelle_Shaughnessy@fws.gov>
Subject: Acknowledgement of the Raleigh ES Office CBRA Determination

Hi Gary,

The national CBRA program is very impressed with the Raleigh ES Office's approach on a complex CBRA consistency determination addressing the U.S. Army Corps of Engineers' **Wrightsville Beach and Carolina Beach Coastal Storm Risk Management Projects**. The Raleigh ES Office is a pioneer in utilizing the new Solicitor's interpretation of sand mining in the CBRS. They handled this complex and precedent setting scenario with great skill, benefiting the resource and contributing to additional data collection that will inform future determinations.

Peter Benjamin and Kathryn Mathews forged a path worthy of others to follow. We thought it would be a worthwhile gesture if you'd consider sending a note of acknowledgement to Region IV, recognizing Peter Benjamin and Kathryn Mathews efforts.

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Attached is the letter of merit.

Thank you for your consideration.

Best,
Kim

Kim Tripp
Chief, Branch of Coastal and Marine Resources
Fish and Wildlife Service
Ecological Services, MS: ES
5275 Leesburg Pike
Falls Church, VA 22041-3803
Office- 703-358-2151
Cell- 571-389-2658

From: [Bohn, Cynthia](#)
To: [Toschik, Pamela C](#); [Simon, Spencer](#)
Cc: [Kelly, Patricia](#); [Niemi, Katie](#); [Valenta, Aaron](#)
Subject: Re: CBRA plans for your Regions
Date: Monday, March 30, 2020 12:14:25 PM

Thanks Spencer and Pam. We will keep Spencer as our lead contact for CBRA for R1. Do you all want to have Patti provide additional technical guidance to the Field Offices as needed and act as your Regional CBRA contact or keep it only to Spencer and the FO. There is a lot of new guidance and information coming on the sand mining issue. Totally up to you, as always.

Thanks, Cindy

From: Toschik, Pamela C <pamela_toschik@fws.gov>
Sent: Tuesday, March 24, 2020 10:32 PM
To: Simon, Spencer <spencer_simon@fws.gov>; Bohn, Cynthia <cynthia_bohn@fws.gov>; Valenta, Aaron <aaron_valenta@fws.gov>
Cc: Kelly, Patricia <patricia_kelly@fws.gov>; Niemi, Katie <katie_niemi@fws.gov>
Subject: RE: CBRA plans for your Regions

Thanks all, my understanding of our intention going forward is consistent with Spencer's.

Pamela Toschik (she, her)
Acting Assistant Regional Director - Ecological Services
North Atlantic-Appalachian Region
Dept of the Interior
U.S. Fish & Wildlife Service
Phone: (413) 253-8610

From: Simon, Spencer <spencer_simon@fws.gov>
Sent: Tuesday, March 24, 2020 11:39 AM
To: Bohn, Cynthia <cynthia_bohn@fws.gov>; Valenta, Aaron <aaron_valenta@fws.gov>
Cc: Kelly, Patricia <patricia_kelly@fws.gov>; Niemi, Katie <katie_niemi@fws.gov>; Toschik, Pamela C <pamela_toschik@fws.gov>
Subject: RE: CBRA plans for your Regions

Hi all,

Thanks for confirming Patti's role. I believe we will still be using the template because of higher priority work. One of the good things about the template is that it gives us the flexibility to work on a CBRA project if we believe it was worthy of our time because of controversy or if it had a high impact to the resource. I am copying Pam here in case she has other thoughts.

Thank you!

Spencer Simon
Deputy Assistant Regional Director - Ecological Services
U.S. Fish and Wildlife Service

300 Westgate Center Drive
Hadley, MA 01035

O: 413-253-8578

C: 413-313-6346

From: Bohn, Cynthia <cynthia_bohn@fws.gov>

Sent: Tuesday, March 24, 2020 10:31 AM

To: Simon, Spencer <spencer_simon@fws.gov>; Valenta, Aaron <aaron_valenta@fws.gov>

Cc: Kelly, Patricia <patricia_kelly@fws.gov>; Niemi, Katie <katie_niemi@fws.gov>

Subject: CBRA plans for your Regions

Hi guys!! Hope you both are doing well. I wanted to get started providing some guidance to Patti so I wanted to check in with you all first.

Spencer, I want to confirm that Patti will be handling the CBRA issues and be point of contact for you all.

And, for both of you, what process are you all planning to use in the field? You both have new ARDs since the last guidance document was sent out so I want to check where you are in your philosophy on doing CBRA, whether it is categorically checking the "due to" box, or responding in certain circumstances, or applying it fully as the Texas and Great Lakes regions are doing.

Also, please let me know any other advise or ideas you have for CBRA going forward. One thing I have always wanted to do is to provide some programmatic consultations for different internal Service programs (Coastal, NWR, PFW and National Coastal Grants being primary.)

Looking forward to hearing your thoughts. We can schedule a conference call if you like also. Take care and stay healthy, CB

From: [Tripp, Kimberly J](#)
To: [Bohn, Cynthia](#); [Wright, Dana K](#); [Niemi, Katie](#)
Subject: Re: Outline of Introductory Email to Regions
Date: Tuesday, March 31, 2020 1:01:45 PM

we're rescheduling till tomorrow for Katie

Kim Tripp
Chief, Branch of Coastal and Marine Resources
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Ecological Services, MS: ES
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From: Bohn, Cynthia <cynthia_bohn@fws.gov>
Sent: Tuesday, March 31, 2020 12:57 PM
To: Tripp, Kimberly J <kimberly_tripp@fws.gov>; Wright, Dana K <dana_wright@fws.gov>; Niemi, Katie <katie_niemi@fws.gov>
Subject: Re: Outline of Introductory Email to Regions

Thanks, am I to assume the call is still on?

From: Tripp, Kimberly J <kimberly_tripp@fws.gov>
Sent: Tuesday, March 31, 2020 12:26 PM
To: Wright, Dana K <dana_wright@fws.gov>; Niemi, Katie <katie_niemi@fws.gov>; Bohn, Cynthia <cynthia_bohn@fws.gov>
Subject: Outline of Introductory Email to Regions

A newly formed Branch of Coastal and Marine Resources

Building capacity at the Headquarters level, allowing for opportunities to develop guidance and tools and more routine and consistent communication to establish a Community of Practice across relevant Regions.

As there are staff changes at Headquarters, I understand there are also several personnel changes at the Region and field level. It seems to be an opportune time to review and refresh the CBRA roles and responsibilities across the Service, and what we foresee as anticipated workloads in light of the new solicitor's interpretation of sand mining in CBRA zones.

Established Roles and Responsibilities

xxxx

Added complexity with the new Solicitor's memo.

xxxx

Value of CBRA

How CBRA provides complementary conservation value at a landscape scale that bolsters the measures applied to species specific management actions.

Based on what typically is fielded by ES offices and Regions, we foresee the roles of coordinators to be:

x,y,z

Please consider whether you are the appropriate contact for this role, or whether someone else would be more appropriate.

I'd like to convene a call in April to debrief on the GAO communications and what we foresee happening in the coming months. I'd also like input on the types of support, tools, training that would be most advantageous to your personnel to be informed and equipped in managing the CBRA program.

GAO contacts,

Kim Tripp
Chief, Branch of Coastal and Marine Resources
Fish and Wildlife Service
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Falls Church, VA 22041-3803
Office- 703-358-2151
Cell- 571-389-2658

From: [Wright, Dana K](#)
To: [Caldwell, Mark](#); [Chaplin, Melissa](#); [McCoy, Thomas](#)
Cc: [Kelly, Patricia](#); [Niemi, Katie](#); [Bohn, Cynthia](#)
Subject: Re: [EXTERNAL] Folly Beach Study - Borrow Areas
Date: Wednesday, April 8, 2020 9:50:06 AM
Attachments: [20200402 DRAFT CBRA letter to USACE Director of Civil Works 071591.docx](#)
[20200310 ltr_FWS_Corps_CBRA_WB_CB.pdf](#)

Hi Mark,

b5-DPP [REDACTED] We'll need to discuss it here, and I'd be interested in the different version of the maps that they've produced to show where that 30' contour might lie. Can you please forward those when you have them?

Reading down through the emails I see a couple of things I wanted to flag for you. Under the revised interpretation of the CBRA exception at 16 USC 3505(a)(6)(G) that came out in October, we now must consider the whole project both inside and outside of the CBRS to determine whether it meets the exception. That means that any structural work being done as part of the project (such as the groin repair being contemplated) would disqualify it from consideration for that exception, which is specifically for "nonstructural shoreline stabilization projects designed to mimic, enhance, or restore a natural stabilization system." We've developed a draft letter to the Corps Director of Civil Works to explain our new interpretation and this is one of the issues addressed in the letter, which I have attached. Please do not share the letter outside of the Service at this time, it is still in surname. Hopefully it will give you some guidance on how the revised interpretation may affect the Folly Beach project.

Lastly, I note that they are assuming that the previous CBRA consultation for this area is still in effect. Each new federal expenditure requires a CBRA consultation, and new consultations are also required when there are changes in the project scope and/or design. My understanding is that the previous CBRA consultation for this project was partially justified by the fact that it was an emergency nourishment following Hurricane Matthew, so I would think a new consultation would be necessary here since there is no emergency now.

I'm adding Patty Kelly to this email - she is our new CBRA coordinator for the southeast **(b) (6)** [REDACTED]

[REDACTED] I suggest that we have a call to touch base on this later this week - how about Thursday at 1pm? The North Carolina field office just finished a new CBRA consultation for a Corps storm damage reduction project and we can share with you how that went (letter attached).

Thanks,

Dana Wright
Program Specialist

Ecological Services
U.S. Fish & Wildlife Service
5275 Leesburg Pike, MS: ES
Falls Church, VA 22041
703-358-2443 (office)
703-358-1800 (fax)

[Learn more about the Coastal Barrier Resources Act](#)

From: Caldwell, Mark <mark_caldwell@fws.gov>
Sent: Wednesday, April 8, 2020 7:21 AM
To: Shirey, Alan D CIV USARMY CESAC (US) <Alan.D.Shirey@usace.army.mil>; Chaplin, Melissa <melissa_chaplin@fws.gov>; McCoy, Thomas <thomas_mccoy@fws.gov>
Cc: Gasch, Eric K CIV USARMY CESAW (US) <Eric.K.Gasch@usace.army.mil>; Wright, Dana K <dana_wright@fws.gov>
Subject: RE: [EXTERNAL] Folly Beach Study - Borrow Areas

Alan,

b5-DPP



I am copying Dana Wright to get her thoughts on this.

Mark

Mark A. Caldwell
Deputy Field Supervisor
US Fish and Wildlife Service
South Atlantic-Gulf Region
South Carolina Ecological Services
176 Croghan Spur Road, Suite 200
Charleston, SC 29407
843-727-4707 ext 215
843-300-0426 (direct line)
843-300-0189 – facsimile

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From: Shirey, Alan D CIV USARMY CESAC (US) <Alan.D.Shirey@usace.army.mil>
Sent: Tuesday, April 7, 2020 1:28 PM
To: Chaplin, Melissa <melissa_chaplin@fws.gov>; McCoy, Thomas <thomas_mccoy@fws.gov>

Cc: Caldwell, Mark <mark_caldwell@fws.gov>; Gasch, Eric K CIV USARMY CESAW (US) <Eric.K.Gasch@usace.army.mil>
Subject: RE: [EXTERNAL] Folly Beach Study - Borrow Areas

Melissa,

Here is another map that shows the locations of the previous borrow areas (i.e., Borrow Areas A, B, C, & D). Note that the seaward extent of the CRBA Zone may not be correct (it shows some of Borrow Area B being in the Lighthouse Inlet CBRS – and that was never a consideration before). b5-DPP

[REDACTED]

b5-DPP
[REDACTED]

Let me know if you have any additional questions.

Thanks,
Alan.

Alan Shirey
Environmental Engineer
U.S. Army Corps of Engineers
Charleston District
69A Hagood Avenue
Charleston, SC 29403
Telework Phone: (843) 697-1637

From: Shirey, Alan D CIV USARMY CESAC (US)
Sent: Monday, April 6, 2020 3:50 PM
To: Chaplin, Melissa <melissa_chaplin@fws.gov>; McCoy, Thomas <thomas_mccoy@fws.gov>
Cc: Caldwell, Mark <mark_caldwell@fws.gov>; Gasch, Eric K CIV USARMY CESAW (US) <Eric.K.Gasch@usace.army.mil>

Subject: RE: [EXTERNAL] Folly Beach Study - Borrow Areas

Melissa,

They were near Borrow Area G (one of the potential borrow areas), but I've asked to get a map showing the previous borrow areas, and will send it when I get it.

Thanks,
Alan.

Alan Shirey

Environmental Engineer
U.S. Army Corps of Engineers
Charleston District
69A Hagood Avenue
Charleston, SC 29403
Telework Phone: (843) 697-1637

From: Chaplin, Melissa [mailto:melissa_chaplin@fws.gov]

Sent: Monday, April 6, 2020 2:53 PM

To: Shirey, Alan D CIV USARMY CESAC (US) <Alan.D.Shirey@usace.army.mil>; McCoy, Thomas <thomas_mccoy@fws.gov>

Cc: Caldwell, Mark <mark_caldwell@fws.gov>; Gasch, Eric K CIV USARMY CESAW (US) <Eric.K.Gasch@usace.army.mil>

Subject: [Non-DoD Source] Re: [EXTERNAL] Folly Beach Study - Borrow Areas

Hey Alan,

Where are the selected borrow areas in relation to the previously used borrow areas that had the cemented sands?

Melissa

Melissa K. Chaplin
Endangered Species Biologist
U.S. Fish & Wildlife Service
South Carolina Field Office
176 Croghan Spur Road, Suite 200
Charleston, SC 29407
(843) 727-4707 Main
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melissa_chaplin@fws.gov

Blockedwww.fws.gov/southeast/charleston

Work Schedule:

M-F 7:30 AM - 4 PM



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From: Shirey, Alan D CIV USARMY CESAC (US) <Alan.D.Shirey@usace.army.mil>

Sent: Monday, April 6, 2020 2:45 PM

To: McCoy, Thomas <thomas_mccoy@fws.gov>

Cc: Caldwell, Mark <mark_caldwell@fws.gov>; Chaplin, Melissa <melissa_chaplin@fws.gov>; Gasch, Eric K CIV USARMY CESAW (US) <Eric.K.Gasch@usace.army.mil>

Subject: [EXTERNAL] Folly Beach Study - Borrow Areas

Tom,

I've attached 2 maps. One shows all of the borrow areas that we evaluated and the other one shows the borrow areas that we plan to recommend for use. We actually collected samples from a much larger area, but then focused additional sampling on areas that showed promise, with the final result being the proposed borrow areas.

The expectation is that we would use the 3 selected borrow areas on somewhat of a rotational basis (e.g., use the Folly River borrow area for every other renourishment), or possibly use any 2 of them for the same renourishment (e.g., use Borrow Area F and the Folly River borrow area during the same renourishment cycle).

Use of the Folly River borrow area and Borrow Area K assume that the recent CBRA exemption remains in place and is considered to be valid for the Folly

Beach project. Do you need us to submit a formal request to use Folly River and Borrow Area K now (or in the near short term)?

Thanks,
Alan.

Alan Shirey

Environmental Engineer
U.S. Army Corps of Engineers
Charleston District
69A Hagood Avenue
Charleston, SC 29403
Telework Phone: (843) 697-1637

From: Shirey, Alan D CIV USARMY CESAC (US)
Sent: Monday, April 6, 2020 8:11 AM
To: McCoy, Thomas <thomas_mccoy@fws.gov>
Cc: Caldwell, Mark <mark_caldwell@fws.gov>; Chaplin, Melissa <melissa_chaplin@fws.gov>; Gasch, Eric K CIV USARMY CESAW (US) <Eric.K.Gasch@usace.army.mil>
Subject: RE: [EXTERNAL] Folly Beach Study

Thanks Tom. I'll send y'all some maps showing the borrow site locations.

Alan Shirey

Environmental Engineer
U.S. Army Corps of Engineers
Charleston District
69A Hagood Avenue
Charleston, SC 29403
Telework Phone: (843) 697-1637

From: McCoy, Thomas [mailto:thomas_mccoy@fws.gov]
Sent: Monday, April 6, 2020 8:01 AM
To: Shirey, Alan D CIV USARMY CESAC (US) <Alan.D.Shirey@usace.army.mil>
Cc: Caldwell, Mark <mark_caldwell@fws.gov>; Chaplin, Melissa <melissa_chaplin@fws.gov>
Subject: [Non-DoD Source] RE: [EXTERNAL] Folly Beach Study

Hi Alan,

We do not think you will need a Fish and Wildlife Coordination Act for this activity. However, we would like to review the three potential borrow sites and all of the necessary paperwork soon to allow us time for review before the activity starts. Thank you.

Thomas D. (Tom) McCoy, Field Supervisor for Ecological Services
Department of the Interior – U.S. Fish and Wildlife Service
South Atlantic-Gulf Region (Region 2)
South Carolina Ecological Services Field Office
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Visit our Web Page for more information about our office:
[BlockedBlockedhttps://www.fws.gov/southeast/charleston.](https://www.fws.gov/southeast/charleston)

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From: Shirey, Alan D CIV USARMY CESAC (US) <Alan.D.Shirey@usace.army.mil>
Sent: Monday, April 6, 2020 1:20 AM
To: Caldwell, Mark <mark_caldwell@fws.gov>; McCoy, Thomas <thomas_mccoy@fws.gov>
Cc: Gasch, Eric K CIV USARMY CESAW (US) <Eric.K.Gasch@usace.army.mil>
Subject: [EXTERNAL] Folly Beach Study

Tom & Mark,

Hope y'all are doing well. I assume y'all are teleworking, but maybe not (I am).

I haven't communicated anything lately on our Folly Beach study, but we are now close to determining what our recommended plan will be, so I wanted to give y'all an update, and ask a couple questions. I'm actually going to send the questions in separate e-mails, that way it will be easier to keep track of the answers.

It looks like the recommended plan will be basically a 'tweak' of the existing project (i.e., it will still be a beach nourishment project) with 3 potential borrow sites (one off the east end of the island, another being the Folly River, and the third one being several miles offshore of Stono Inlet). Given that, do y'all see the need for y'all to prepare a Fish and Wildlife Coordination Act Report?

Personally, I don't see the need for a report, but I will defer to y'all for the final say on that.

It is possible, that the recommended plan will include repairing some of the existing groins (some of which are barely functional). We do not know yet if that will be part of the recommended plan. If we do end up recommending repair of some of the groins, would that change your thought on the need for a Coordination Act Report?

Feel free to give me a call (843-697-1637) if you want to discuss.

Thanks,
Alan.

Alan Shirey

Environmental Engineer
U.S. Army Corps of Engineers
Charleston District
69A Hagood Avenue
Charleston, SC 29403
Telework Phone: (843) 697-1637

In Reply Refer To:
FWS/AES/DBTS/BGMTS/071591

Mr. Alvin Lee
Director of Civil Works
U.S. Army Corps of Engineers
441 G Street NW
Washington, D.C. 20314-1000

Dear Mr. Lee:

The Department of the Interior (Department) and the U.S. Fish and Wildlife Service (Service) have revisited an issue related to the interpretation of the Coastal Barrier Resources Act (CBRA) (16 U.S.C. § 3501 et seq.) that impacts U.S. Army Corps of Engineers (Corps) dredging and beach-nourishment projects. Since 1994, the Department and the Service have advised the Corps that the CBRA exception for “nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore a natural stabilization system”¹ could not be applied to sand mining *within* the John H. Chafee Coastal Barrier Resources System (CBRS) for beach-nourishment projects that occur *outside* of the CBRS. We have revisited our interpretation of this CBRA exception and, in consultation with the Department’s Office of the Solicitor, Division of Parks and Wildlife, have determined that sand from *within* the CBRS may be used to nourish beaches *outside* of the CBRS, provided that the federal funding agency consults with the Service and the project meets the requirements of the exception and is consistent with the purposes of CBRA. The Service began applying this interpretation on November 4, 2019.

CBRA prohibits most new federal expenditures and financial assistance within the CBRS, including projects to prevent the erosion of, or to otherwise stabilize, any inlet, shoreline, or inshore area.² Notwithstanding these prohibitions, federal agencies, after consultation with the Service, may make expenditures under one of CBRA’s exceptions.³ Each affected agency is independently responsible for complying with the law and certifying annually to the Secretary of the Interior that they are in compliance with CBRA.⁴ The law does not restrict the use of private, state, or local funds or limit the issuance of federal permits within the CBRS.

The beaches, inlets, and wetlands within and adjacent to the CBRS support a diversity of fish and wildlife that may be susceptible to the adverse impacts of dredging and shoreline-stabilization projects. This letter provides information about the consultation process, the need for monitoring and Best Management Practices (BMPs) for shoreline-stabilization projects, and considerations for developing CBRA-compliant projects under the exception at 16 U.S.C. § 3505(a)(6)(G).

CBRA Consultation Process for Nonstructural Shoreline-Stabilization Projects

While the revised legal interpretation does not *guarantee* that sand within the CBRS may be used for beach replenishment outside the CBRS, it does make such projects eligible for consideration by federal agencies through the CBRA consultation process. The Corps may submit consultation requests to the Service for projects that seek to mine sand from within the CBRS for nonstructural shoreline stabilization outside of the CBRS. Such projects would generally⁵ be considered under the exception for “nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore a natural stabilization system.”⁶ This exception also requires that the project be consistent with the purposes of CBRA, which are:

*to minimize the loss of human life, wasteful expenditure of federal revenues, and the damage to fish, wildlife, and other natural resources associated with the coastal barriers ... by restricting future federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers... and by considering the means and measures by which the long-term conservation of these fish, wildlife, and other natural resources may be achieved.*⁷

The Service's revised interpretation of the CBRA exception for nonstructural shoreline-stabilization projects does not alter the federal funding agency's responsibility to consider each project on a case-by-case basis through the consultation process. Additionally, any new commitment of federal funds associated with a project following the initial consultation (e.g., future beach renourishment) or change in the project design and/or scope is subject to CBRA's consultation requirement. Information about the consultation process is available at: <https://www.fws.gov/cbra/consultations.html>.

Our revised interpretation of the CBRA exception for nonstructural shoreline-stabilization projects gives federal agencies more flexibility to undertake projects that will protect coastal resources, even if those resources are located outside of the CBRS. Accordingly, our revised interpretation also requires consideration of the impacts of the project both within and outside of the CBRS. It is incumbent upon the funding agency to demonstrate that the project will minimize damage to fish, wildlife, and other natural resources and contribute to the long-term conservation of the coastal barrier resources.

Need for Monitoring and Best Management Practices for Nonstructural Shoreline-Stabilization Projects

Many Corps projects are authorized for long-term periods (e.g., more than 20 years) and include numerous planned dredging and renourishment cycles. There is minimal data capturing the long-term effects of such protracted operations. In such situations, conducting pre-and post-project data collection and monitoring throughout the duration of the project is essential to determine effects on the natural resources and the coastal barrier system (including physical, geologic, and biological parameters). By collecting data on the actual on-the-ground impacts of dredging and beach nourishment for specific projects, including the recovery of the borrow site, our agencies will be better suited to assess whether subsequent sand borrowing and/or nourishment is consistent with the purposes of CBRA (see #3 and 4 below). The U.S. Army Engineer Research and Development Center Environmental Laboratory has identified the need for BMPs for coastal engineering projects and pre- and post-project monitoring to assess whether the BMPs are benefiting targeted species as designed.⁸ The Service agrees that BMPs and monitoring are necessary to assess whether projects are contributing to the long-term conservation of natural resources, as forecasted.

Considerations for Developing CBRA-Compliant Shoreline-Stabilization Projects

When assessing whether a particular project meets an exception under 16 U.S.C. § 3505(a)(6)(G), the following factors should be considered:

- 1) **Do the sand mining and beach nourishment (both inside and outside of the CBRS) constitute “nonstructural” shoreline-stabilization activities as required by the exception?**
Disqualifying factors would be the construction, maintenance, or expansion of structural elements in the project (e.g., jetties, groins, seawalls, geotubes, and bulkheads) either inside or outside of the CBRS. However, the mere presence of pre-existing structures on the ground in a project area that are not being constructed, maintained, or expanded as part of the project at hand *does not* disqualify a project from being considered “nonstructural.”
- 2) **Can the sand mining and the beach nourishment be considered to “mimic, enhance, or restore a natural stabilization system” (both inside and outside of the CBRS)?**

Examples of issues to address through a consultation may include, but are not limited to:

- whether the sand will flow back to the borrow site over time through natural littoral drift, and if so, how long it is expected to take;
- whether dredging sand from an inlet or nearshore area will affect the shoreline laterally up and down the coast from the project, and to what extent;
- whether littoral drift will be impeded by existing hard structures such as groins and jetties;
- whether the project includes the removal of an extraordinary volume of sand from an inlet or nearshore area that may interfere with the natural function of the coastal barrier system;
- whether the project includes the construction of artificial dunes designed to prevent natural processes, such as overwash and erosion; and
- whether the sediment to be used in beach nourishment exhibits the appropriate characteristics (e.g., color and grain size) present in the natural stabilization system, thereby promoting the integrity of restored beaches for seabirds, shorebirds, sea turtles, and other flora and fauna.

3) Is the project consistent with the purposes of CBRA, including: minimizing the loss of human life, wasteful federal expenditures, and damage to fish and wildlife resources by restricting federal expenditures and financial assistance that have the effect of encouraging development of coastal barriers?⁹

Many species depend upon the perpetuation of natural dynamic coastal-formation processes. Dredging of inlets for sand may cause changes in the benthic community and seafloor geomorphology. Sand removal or sediment starvation of shoals, sandbars, and adjacent shoreline habitat upsets the natural equilibrium and may reduce the system's ability to maintain a full suite of inlet habitats as sea level continues to rise at an accelerating rate. Additionally, beach nourishment used to protect existing structures and communities may attract further development in vulnerable areas, thus requiring greater need for future sand replenishment,¹⁰ or more drastic stabilization measures.¹¹ Examples of issues to address through a consultation may include, but are not limited to:

- whether the dredging will result in the degradation or loss of coastal-dependent species and/or their habitat;
- whether the shoreline stabilization will result in the degradation or loss of coastal-dependent species and/or their habitat;
- whether the project may encourage development on coastal barriers, thus resulting in higher populations in hazard-prone areas; and
- whether the project is designed to protect structures that were constructed within the CBRS after designation.

4) Will the project contribute to the long-term conservation of the fish, wildlife, and other natural resources associated with coastal barriers?¹²

Shoreline-stabilization activities and residential growth along coastal areas may negatively impact coastal-dependent species, many of which are at-risk or federally protected, further exacerbating their vulnerability and endangerment. Furthermore, shoreline alteration may result in desired short-term stability, however, the long-term resiliency of the barrier system may be compromised.¹³ Examples of issues to address through a consultation may include, but are not limited to:

- whether appropriate pre- and post-project monitoring is in place to ensure that the project does not threaten the long-term conservation of the fish, wildlife, and other natural resources associated with coastal barriers; and

- whether the project incorporates reasonable and prudent conservation measures and BMPs to ensure the long-term conservation of the fish, wildlife, and other natural resources associated with coastal barriers.

We hope this information is helpful in your efforts to develop shoreline-stabilization projects that are compliant with CBRA. If you have any questions or concerns, please contact me at (202) 208-4646 or Ms. Michelle Shaughnessy, Chief, Division of Restoration and Recovery, at (703) 358-2171.

Sincerely,

Gary Frazer
Assistant Director for
Ecological Services

¹ 16 U.S.C. § 3505(a)(6)(G)

² *Id.* § 3504(a)(3)

³ *Id.* § 3505(a)

⁴ *Id.* § 3506(b)

⁵ CBRA's exception for the maintenance of pre-existing federal navigation channels (16 U.S.C. § 3505(a)(2)) also allows for the removal of sand from the CBRS. However, many coastal storm-damage-reduction projects require a greater volume of sand than can be obtained through maintenance dredging alone.

⁶ 16 U.S.C. § 3505(a)(6)(G)

⁷ *Id.* § 3501(b)

⁸ In June 2019, the U.S. Army Engineer Research and Development Center Environmental Laboratory published a technical note that highlights some of the habitat degradation associated with shoreline-stabilization and sand-mining activities, and identifies the need for "improved approaches to offset these negative impacts that will create better conditions for shoreline-dependent birds, sea turtles, and other sensitive or rare flora and fauna." The note states that BMPs need to be developed, tested, and verified locally, and then implemented widely. The note also states the need for pre- and post-project monitoring to assess whether the BMPs are benefiting targeted species as designed. Guilfoyle, M. P., J. F. Jung, R. A. Fischer, and D. D. Dickerson. 2019. Developing Best Management Practices for Coastal Engineering Projects that Benefit Atlantic Coast Shoreline-dependent Species. EMRRP Technical Notes Collection. ERDC/TN EMRRP-SI-38. Vicksburg, MS: U.S. Army Engineer Research and Development Center. <https://hdl.handle.net/11681/33203>.

⁹ 16 U.S.C. § 3501(b)

¹⁰ "In a comprehensive, parcel-scale analysis of all shorefront single-family homes in the state of Florida, we find that houses in nourishing zones are significantly larger and more numerous than in non-nourishing zones. The predominance of larger homes in nourishing zones suggests a positive feedback between nourishment and development that is compounding coastal risk in zones already characterized by high vulnerability." Armstrong, S. B., E. D. Lazarus, P. W. Limber, E. B. Goldstein, C. Thorpe, and R. C. Ballinger. 2016. Indications of a positive feedback between coastal development and beach nourishment, *Earth's Future*, 4, 626–635. <https://doi.org/10.1002/2016EF000425>.

¹¹ Pilkey, O.H. and K.L. Dixon. 1996. *The Corps and the shore*. Island Press; Washington, D.C.

¹² 16 U.S.C. § 3501(b)

¹³ A 2017 U.S. Geological Survey study found that: "The longer humans intervene in the coastal system by fixing the barrier in place laterally and vertically, the faster drowning occurs, even if natural barrier island morphodynamics are restored after human intervention. This suggests that coastal management techniques that

seek to maintain barrier positions and redistribute overwash deposits may result in more resilient coastlines initially but that increased vulnerability resulting from human alterations may not be reversible over longer time scales.” Miselis, J. L., & Lorenzo-Trueba, J. 2017. Natural and human-induced variability in barrier-island response to sea level rise. *Geophysical Research Letters*, 44, 11, 922–11, 931. <https://doi.org/10.1002/2017GL074811>.



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Raleigh ES Field Office

Post Office Box 33726

Raleigh, North Carolina 27636-3726

March 10, 2020

Ms. Christine M. Brayman
Deputy District Engineer for Programs and
Project Management
U. S. Army Corps of Engineers
69 Darlington Avenue
Wilmington, North Carolina 28403-1343

Subject: Wrightsville Beach and Carolina Beach – Interagency CBRA Consultations
New Hanover County, NC

Dear Ms. Brayman:

This is in response to the email from the U.S. Army Corps of Engineers (Corps), dated December 20, 2019, requesting consultation under the Coastal Barrier Resource Act (CBRA) for the Corps' Wrightsville Beach and Carolina Beach Coastal Storm Risk Management Projects (CSRMs), New Hanover County, NC. The Corps indicated in the Template for Interagency CBRA Consultations that the projects meet the exception at 16 U.S.C. §3505(a)(6)(G), for nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore a natural stabilization system. The Corps further stated in the template that the use of the inlets in the Coastal Barrier Resources System (System) as the primary borrow sources is consistent with the three purposes of the CBRA. The Corps submitted two Addenda to the consultation request by email on February 18, 2020 and February 26, 2020, respectively, to provide additional support for its consistency determination.

These projects are authorized in the Water Resources Development Act (WRDA) of 1986. The Corps is currently seeking authorization in the 2020 WRDA for a 15-year extension through fiscal year 2036. The U.S. Fish and Wildlife Service (Service) previously reviewed the Draft Integrated Validation Study Reports (Draft Report) and Environmental Assessments (EA) for each of these 15-year extensions and provided comments in letters dated July 16, 2019. In letters dated April 6, 2018, and April 16, 2019, the Service concurred with the Corps' determination that the requirements of Section 7(a)(2) of the Endangered Species Act (ESA) have been met for the projects, respectively. The Service also agreed that a Coordination Act Report under the Fish and Wildlife Coordination Act (FWCA) was not required for continuation of the two CSRMs projects.

Purposes of CBRA and the Consultation Process

Since 1994, the Service has advised the Corps that the CBRA exception for “nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore a natural stabilization system”ⁱⁱⁱ could not be applied to sand mining *within* the System for beach nourishment projects that occur *outside* of the System. We have revisited our legal interpretation related to this CBRA exception and, in consultation with the Department of the Interior’s Office of the Solicitor, have determined that sand from *within* the System may be used to renourish beaches *outside* of the System, provided that the federal funding agency consults with the Service and the project meets the requirements of the exception and is consistent with the purposes of CBRA. This new interpretation was made effective on November 4, 2019.

On November 4, 2019, David Bernhardt, Secretary of the Interior, conveyed letters to the Hon. Jeff Van Drew, the Hon. David Rouzer, and the Hon. Garret Graves. The letters state that the Department’s Office of the Solicitor determined that the exemption in section 6 of CBRA for nonstructural shoreline stabilization projects (16 U.S.C. 3505(a)(6)(G)) is not limited to projects occurring within the system. The letters conclude that sand from units within the System may be used to renourish beaches located outside of the System, provided the project is consistent with the purposes of the CBRA, which are:

...to minimize the loss of human life, wasteful expenditure of federal revenues, and the damage to fish, wildlife, and other natural resources associated with the coastal barriers...by restricting future federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers...and by considering the means and measures by which the long-term conservation of these fish, wildlife, and other natural resources may be achieved.

While the revised legal interpretation does not *guarantee* that sand within the System may be used for beach replenishment outside the System, it does make such projects eligible for consideration by federal agencies through the CBRA consultation process. The Corps may submit consultation requests to the Service for projects that seek to mine sand from within the System for nonstructural shoreline stabilization outside of the System. Such projects would generally be considered under the exception for “nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore a natural stabilization system.” This exception also requires that the project be consistent with the purposes of CBRA.

The Service’s revised interpretation of the CBRA exception for nonstructural shoreline stabilization projects does not alter the federal funding agency’s responsibility to consider each project on a case-by-case basis through the consultation process. Additionally, any new commitment of federal funds associated with a project following the initial consultation (e.g.,

future beach renourishment) or change in the project design and/or scope is subject to CBRA's consultation requirement. Information about the consultation process is available at: <https://www.fws.gov/cbra/consultations.html>.

These comments are provided as technical assistance only; individual Federal agencies have the responsibility to independently ensure compliance with CBRA. Additionally, these comments do not constitute consultation for any project pursuant to Section 7 of the ESA or comments afforded by the FWCA; nor do they preclude comment on any forthcoming environmental documents pursuant to the National Environmental Policy Act (83 Stat. 852; 42 U.S.C. 4321 *et seq.*).

Project Description

The borrow areas for the Wrightsville Beach and Carolina Beach CSRMs are both located in Coastal Barrier Resource System (System) Unit L09. Sand is regularly dredged and removed from inlets on the north end and south end of the unit, and placed outside of the unit on Wrightsville Beach or Carolina Beach, respectively.

Masonboro Island, bounded on the north by Masonboro Inlet, and on the south by Carolina Beach Inlet, encompasses most of System Unit L09. Masonboro Island also encompasses all of piping plover critical habitat unit NC-13 and a large portion of piping plover critical habitat unit NC-14.

Wrightsville Beach CSR

The inlet borrow area (Masonboro Inlet) is within System Unit L09. According to the Draft Report/EA for this project, current engineering analysis of this borrow source indicates that there may not be a sufficient quantity of sand to provide borrow material for four additional planned renourishments through 2036. The Corps indicated that, due to the identified risk of the System Unit, and the forecasted sand deficiency, it has identified a new potential offshore borrow area located outside of a System. Additional investigations and technical analyses will be required to determine the quality and quantity of a potential offshore borrow source. The Service appreciates the Corps efforts to identify and develop an offshore borrow source for this project.

The construction of jetties at Masonboro Inlet, the creation of Carolina Beach Inlet, and local navigation improvements have impacted sediment transport and hydrology of the area around the island (Fear 2008, pp. 90-100). Those impacts are related to, but not the focus of this consultation. The Corps' reports state that presence of the northern Masonboro jetty has interrupted the natural littoral transport of sediments (Wrightsville Beach Draft Report, p. 60). Page 62 of the Wrightsville Beach Draft Report indicates that removing sand from the System

Unit, currently every four years, would temporarily reduce approximately 780,000 cubic yards (cy) of sand in the inlet that could potentially move downdrift to Masonboro Island. On a yearly basis, that amounts to an average of 195,000 cy of sand removed from the System Unit L-09 due to the Wrightsville Beach CSR project. Approximately 145,000 cy returns to the unit each year, resulting in a net loss of sediment from the unit of approximately 50,000 cy per year.

As you know, the Corps and Service have worked together over the past few years to address concerns for impacts to breeding and migratory shorebirds in the System Unit. In particular, the south end of Wrightsville Beach is an important nesting area for American oystercatcher (*Haematopus palliatus*), willet (*Tringa semipalmata*), common tern (*Sterna hirundo*), least tern (*Sternula antillarum*), and black skimmer (*Rynchops niger*) (Addison and McIvor 2014, p. 8). The conservation needs of birds in North Carolina center mainly on habitat management, restoration, and protection, especially for habitats including coastal beach and estuarine habitats (NC Wildlife Action Plan 2015 p. 52). The state of North Carolina has identified several bird Species of Greatest Conservation Need (SGCN) in coastal beach and estuarine habitats, including piping plover, red knot, Wilson's plover, American oystercatcher, black skimmer, and least tern (NC Wildlife Action Plan 2015, pp. 53-56). In addition, all five species of sea turtles are listed as Reptile SGCN in coastal beach and estuarine habitats. Each of these shorebird and sea turtle species have been further identified by the state as a SGCN Conservation Priority and a Management Concern or Management Need (NC Wildlife Action Plan 2015, Appendix G).

Addison and McIvor (2014) observed 84 species of birds at Masonboro Inlet during 2010- 2014. Twenty-three of those species are of conservation concern (p. 9). In the southeastern U.S., the occurrence and numbers of shorebirds that use coastal habitats tends to be greater at inlet habitats than at other habitat types, including piping plovers and red knots. Piping plover and red knot (both listed as threatened under the ESA) have been observed within the System Unit in relatively small numbers (Addison and McIvor 2014, p. 9-19). Most piping plover observations in Masonboro Inlet were on the south end of Wrightsville Beach. Piping plover observations within the System Unit included three (3) banded individuals from the endangered Great Lakes population.

Carolina Beach CSR

The inlet borrow area (Carolina Beach Inlet) is at the southern end of System Unit L09. The Corps' Draft Report (p. 60) indicates that continued removal of sand from the System Unit would cause continued erosion on south end of Masonboro Island, due to a lack of an inlet management plan that includes sand bypassing.

Carolina Beach Inlet is also located within piping plover critical habitat unit NC-14. In general, the dredging and mining of sediment from inlet complexes threatens the piping plover on its

wintering grounds through habitat loss and degradation. Dredging can significantly alter the natural coastal processes on inlet shorelines of nearby barrier islands (Otvos 2006, entire; Otvos and Carter 2008, p. 477; USACE 1984, p. 117). Sand removal or sediment starvation of shoals, sandbars, and adjacent shoreline habitat upsets the natural equilibrium and may reduce the system's ability to maintain a full suite of inlet habitats as sea level rise continues to accelerate.

Carolina Beach is also within designated terrestrial critical habitat for the Northern Recovery Unit of the Northwest Atlantic Ocean Loggerhead Turtle Distinct Population Segment (DPS) (critical habitat unit LOGG-T-NC-05).

The Corps' February 26, 2020 addendum states that approximately 270,000 cy of sediment per year is removed from the System Unit and placed on Carolina Beach. Approximately 65,000 cy of that material returns to the inlet, resulting in a net sediment loss of approximately 205,000 cy per year.

Proposed Impact Minimization Measures

The Corps has proposed several measures in the February 26, 2020 Addendum to the CBRA consultation template document. These measures are the same for the two projects:

1. The Corps commits to model and/or monitor inlet and shoreline responses within System Unit L-09, subject to project reauthorization.
2. The Masonboro Inlet sediment budget analysis of 2014 will be provided to the Service. The 2017 draft sediment budget analysis in the vicinity of Carolina Beach Inlet and adjacent beaches to the south will be finalized and provided to the Service.
3. The USACE, as a part of the upcoming (2020) Wrightsville Beach and Carolina Beach feasibility studies to extend Federal participation of periodic nourishment for a full 50 years, will investigate longer term sea level rise rates and climate change.
4. Monitoring of seabeach amaranth will continue when sand is placed on Masonboro Island, such as the planned 2020 placement on the southern part of this island.
5. The USACE will continue to actively investigate potential future opportunities to place sand onto Masonboro Island. Currently being evaluated are options to place sand on the northern portion of Masonboro Island by removing sand from Disposal Area 251, located at the intersection of the Atlantic Intracoastal Waterway and Shinn Creek/Masonboro inlet.
6. All obligations requiring expenditure of funds are subject to appropriation of funding to complete these activities.

In addition, for the Wrightsville Beach CSRSM project, the Corps has proposed the following additional measures:

1. The Town of Wrightsville Beach recently informed the Corps that their primary emergency access route through the central part of the spit has been modified to follow a more direct route to the western side of the spit, thereby minimizing disturbance to more central bird nesting areas.
2. Bypassing sand to Masonboro Island as a result of the impacts due to the construction of the Masonboro Inlet jetties began in 1986. The USACE vigorously pursues Operations and Maintenance funding to mechanically bypass sand from Masonboro Inlet to Masonboro Island in the same fiscal years that periodic nourishment of Wrightsville Beach is scheduled. The Corps commits to continue seeking funding for this activity through the Federal budgeting and appropriation process.

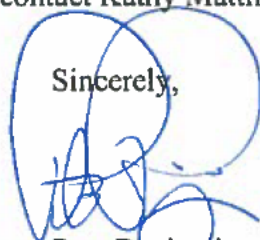
Service Determination

The Service has significant concerns regarding the long-term loss of 255,000 cy per year of sediment from the System Unit, although without more data, it is difficult to discern the specific loss caused or contributed by the two CSRMs projects. The Service believes that it will be important to investigate the various causes of sand loss as well as potential actions to restore sand to the System Unit.

The Service concurs that the projects meet the exception at 16 U.S.C. §3505(a)(6)(G), if the Corps adopts the measures listed above and in the February 26, 2020 Addendum. The Service also recommends that the Corps utilize the information from the modeling, monitoring, and sand budget investigations to explore a more holistic management of sand and resources in the coastal barrier system. For example, the work may inform efforts related to the South Atlantic Coastal Study (SACS) and others. The Corps' proposed measures may also assist the Service and U.S. Geological Survey (USGS) in completing an evaluation of the short-and long-term impacts of sand removal on areas in and adjacent to the System, as requested in a June 24, 2019 letter to the agencies from the Hon. Raul M. Grijalva, Chair of the House Committee on Natural Resources.

The Service also recommends continued coordination with the local sponsors and North Carolina National Estuarine Research Reserve to determine other potential actions considered beneficial to the coastal barrier system.

The Service looks forward to continued coordination with the Corps on this project. For questions or further coordination, please contact Kathy Matthews at (919) 856-4520, ext. 27.

Sincerely,

 Pete Benjamin
 Field Supervisor

References:

- Addison, L., and T. McIvor. 2014. Masonboro Inlet Bird Surveys, 2009-2014: Preliminary Summary of Results. Unpublished report from Audubon North Carolina, Wilmington, NC. 24 pp.
- Fear, J. 2008. A Comprehensive Site Profile for the North Carolina National Estuarine Research Reserve. August 2008. 167 pp.
- Grijalva, R.M. 2019. Letter from the Hon. Raul M. Grijalva to Margaret Everson and Jim Reilly, concerning the Coastal Barrier Resources Act. June 24, 2019. 2 pp.
- North Carolina Wildlife Resources Commission. 2015. 2015 Wildlife Action Plan. 1328 pp. Available online at: <https://www.ncwildlife.org/plan#6718619-2015-wildlife-action-plan-document-downloads>.
- Otvos, E. G. 2006. Discussion of Froede, C.R., Jr., 2006. The impact that Hurricane Ivan (September 16, 2004) made across Dauphin Island, Alabama. *Journal of Coastal Research*, 22(2), 562-573. *Journal of Coastal Research* 22(6):1585-1588.
- Otvos, E. G. and G. A. Carter. 2008. Hurricane degradation – barrier development cycles, northeastern Gulf of Mexico: Landform evolution and island chain history. *Journal of Coastal Research* 24(2):463-478.
- U.S. Army Corps of Engineers. 1984. Shore Protection Manual. Volume 1. Coastal Engineering Research Center, Waterways Experiment Station. 452 pp.

¹ 16 U.S.C. § 3505(a)(6)(G)

From: [Niemi, Katie](#)
To: [Tripp, Kimberly J](#)
Cc: [Wright, Dana K](#)
Subject: CBRA Program priorities for remainder of FY20
Date: Wednesday, April 8, 2020 12:28:51 PM
Attachments: [CBRA Program Priorities FY20 4.8.20.docx](#)

Kim,

Attached are the CBRA Program priorities for the remainder of FY20. Please let me know if you have any questions or concerns. Thanks!

Katie

From: [Niemi, Katie](#)
To: [Tripp, Kimberly J](#)
Cc: [Wright, Dana K](#)
Subject: Revised CBRA Program priorities for remainder of FY20
Date: Thursday, April 9, 2020 7:55:03 AM
Attachments: [CBRA Program Priorities FY20 4.9.20.docx](#)

Hi Kim,

Please use the attached list of program priorities instead of the one I sent yesterday. **b5-DPP**

[REDACTED]

Katie

From: Niemi, Katie
Sent: Wednesday, April 8, 2020 12:28 PM
To: Tripp, Kimberly J <kimberly_tripp@fws.gov>
Cc: Wright, Dana K <dana_wright@fws.gov>
Subject: CBRA Program priorities for remainder of FY20

Kim,

Attached are the CBRA Program priorities for the remainder of FY20. Please let me know if you have any questions or concerns. Thanks!

Katie

CBRA Program Priorities (April-September 2020)

Hurricane Sandy Remapping Project - The CBRA Program plans to prepare final recommended maps and unit summaries for all CBRS units included in the Hurricane Sandy Project (~430 units in nine states along the North Atlantic coast). The program will also work on summarizing ~200 public comments received and drafting responses to those comments; developing technical correction assessments for ~27 units within the project area; and preparing a report to Congress to accompany the revised maps and address statutory reporting requirements. This activity is a priority because one of the HQ CBRA Program's primary responsibilities is to maintain and update the maps and the Service received \$5 million of Hurricane Sandy Supplemental funding specifically for updating the maps in the northeast. The CBRA Program has communicated to Congress and other interested stakeholders that we anticipate the draft maps and related documents would be completed in 2021 (not including time required for Administration review and clearance of surname package).

81.5(c) & 81.6(j)



Letter to Corps and Public Fact Sheet for Shoreline Stabilization Projects - Numerous stakeholders (including the Corps, American Shore and Beach Preservation Association, the House Natural Resources Committee, and NGOs) have contacted the Service for information on how the Department's October 2019 revised legal interpretation on CBRA's exception for non-structural shoreline stabilization (16 U.S.C. § 3505(a)(6)(G)) will affect projects on the ground. The CBRA Program has prepared a draft letter to the Corps Director of Civil Works regarding the revised legal interpretation and considerations for developing CBRA-compliant projects. The CBRA Program has responded to questions from the Director on the draft letter. Once the letter is signed, the CBRA Program plans to prepare a public-facing fact sheet that is consistent with the information contained in the letter to the Corps. This activity is a priority because federal agencies and Service field offices are conducting CBRA consultations for non-structural shoreline stabilization projects and are in need of guidelines to help ensure projects are reviewed consistently under the Department's new legal interpretation.

USGS Sand Mining Study - The CBRA Program is working with USGS to prepare an Interagency Agreement to fulfill a June 2019 request from House Natural Resources Committee Chairman Grijalva that the two agencies evaluate the short- and long-term impacts of sand/sediment removal and nourishment on areas in and adjacent to the CBRS. Once the Interagency Agreement is signed, USGS will prepare a draft report with support from the CBRA Program. This activity is a priority because the study was requested by the Committee Chairman and it will also help support ongoing consultations that have the potential to be controversial and generate interest from Congress.

From: [Wright, Dana K](#)
To: [BalisLarsen, Martha](#)
Cc: [Niemi, Katie](#); [Shaughnessy, Michelle](#)
Subject: Re: Press Inquiry — DOI's reversal of FWS interpretation of sand within CBRS
Date: Thursday, January 9, 2020 6:53:03 AM
Attachments: [iconfinder_youtube-square-shadow-social-media_765073.png](#)

Hi Martha,

Yes, we're on it.

Thanks,

Dana Wright
Program Specialist
Ecological Services
U.S. Fish & Wildlife Service
5275 Leesburg Pike, MS: ES
Falls Church, VA 22041
703-358-2443 (office)
703-358-1800 (fax)

[Learn more about the Coastal Barrier Resources Act](#)

On Wed, Jan 8, 2020 at 6:25 PM BalisLarsen, Martha <martha_balislarsen@fws.gov> wrote:
Katie and Dana, can you pull the examples together that Gary is requesting that we provide Gavin? Thanks!

Martha

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

From: **Frazer, Gary** <gary_frazer@fws.gov>
Date: Wed, Jan 8, 2020 at 5:48 PM
Subject: Fwd: Press Inquiry — DOI's reversal of FWS interpretation of sand within CBRS
To: Shaughnessy, Michelle <michelle_shaughnessy@fws.gov>
Cc: Gina Shultz <Gina_Shultz@fws.gov>, Martha Balis Larsen <Martha_BalisLarsen@fws.gov>, Margaret Everson <margaret_e_everson@fws.gov>, Barbara Wainman <barbara_wainman@fws.gov>, Gavin Shire <gavin_shire@fws.gov>

Aurelia may give an interview with this publication, and we just briefed her on the complexities. Would you get Gavin 2 or 3 real world examples of how the requirements to satisfy the purposes of the Act and meet the standards for the nonstructural shoreline stabilization exemption may still limit the ability to use sand derived from CBRS units for federal beach nourishment/storm damage reduction projects, i.e., the project incorporates groins or jetties, the rebuilt dunes include geocores or are constructed to be higher and more stable than a natural system, the borrow site provides important habitat or may be destabilized, etc? Just borrow from the draft letter to the Corps.

The point is to emphasize that those other statutory requirement remain and to illustrate the

kinds of considerations that the Corps or any other federal construction or funding agency will have to consider in establishing CBRA compliance. -- GDF

Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646

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

From: **Martin Kodis** <martin_kodis@fws.gov>
Date: Wed, Jan 8, 2020 at 8:52 AM
Subject: Press Inquiry — DOI's reversal of FWS interpretation of sand within CBRS
To: <gary_frazer@fws.gov>
Cc: <barbara_wainman@fws.gov>, <gavin_shire@fws.gov>

Gary FYI. I don't think anyone has gotten back to Nick yet and imagine this will be discussed in the hallway this am.

Marty

Begin forwarded message:

From: Margaret Everson <margaret_e_everson@fws.gov>
Date: January 7, 2020 at 12:54:19 PM EST
To: Barbara Wainman <barbara_wainman@fws.gov>
Cc: Aurelia Skipwith
<aurelia_skipwibarbara_wainman@fws.govth@ios.doi.gov>

Subject: Fwd: [EXTERNAL] DOI's reversal of FWS interpretation of sand within CBRS

Let's discuss

Sent from my iPhone

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From: "Goodwin, Nicholas"
<nicholas_goodwin@ios.doi.gov>
Date: January 7, 2020 at 12:40:07 PM EST
To: Margaret Everson
<margaret_e_everson@fws.gov>, "Skipwith, Aurelia"
<aurelia_skipwith@ios.doi.gov>
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interpretation of sand within CBRS

Margaret and Aurelia,

Can either of you do this interview, highlighting the Secretary's and FWS' action + the benefits for the decision? Please let me know today, so we can coordinate with FWS comms.

Thanks,

Nick Goodwin
Communications Director
Office of the Secretary
U.S. Department of the Interior
#: (202) 412-2249



On Tue, Jan 7, 2020 at 12:34 PM Trista Talton

<tktalton@gmail.com> wrote:

Good afternoon,

I write for a North Carolina-based publication called *Coastal Review Online* and I'm working on a story about what changes can be expected following DOI's reversal of FWS's 1992 interpretation of where sand dredged within a CBRS may be placed. I'm requesting an interview with someone in DOI who may be able to address my questions, including:

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2. Does the reversal mean that beach towns will be allowed to apply for federal funding to pay for any portion of sand re-nourishment projects that use sand from CBRA zones?

My deadline is close of business Thursday, Jan. 9.

Thank you for your time.

Regards,

--

Trista Talton
Coastal Review Online
Cell: (910) 388-5580



From: [Niemi, Katie](#)
To: [BalisLarsen, Martha](#); [Shaughnessy, Michelle](#)
Cc: [Wright, Dana K](#)
Subject: Re: Press Inquiry — DOI's reversal of FWS interpretation of sand within CBRS
Date: Thursday, January 9, 2020 9:25:09 AM
Attachments: [20200109 Responses to Trista Talton CRO.docx](#)
[20200109 Information on CBRA Shoreline Stabilization Consultations.docx](#)
Importance: High

Martha and Michelle,

We have prepared two attachments to respond to the reporter's questions and provide Aurelia with some background on this issue. The attachments provide:

- 1) direct answers to the questions below from Trista Talton (using language from the draft Corps letter and our website), and
- 2) a two-page document that provides more robust background on the issue, information about the new North Carolina Corps projects consultations, and the examples that Gary requested ("real world examples of how the requirements to satisfy the purposes of the Act and meet the standards for the nonstructural shoreline stabilization exemption may still limit the ability to use sand derived from CBRS units for federal beach nourishment/storm damage reduction projects").

Can you please move these up the chain and give Catherine Phillips a heads up so the region is in the loop? The reporter's deadline is today. Please let us know if you need anything further.

Thanks!
Katie

Katie Niemi
Coastal Barriers Coordinator
U.S. Fish & Wildlife Service
Ecological Services, MS: ES
5275 Leesburg Pike
Falls Church, VA 22041-3803
Tel (703) 358-2071

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Thank you for your time.

Regards,

--

Trista Talton
Coastal Review Online
Cell: (910) 388-5580

1. Will beach nourishment sand sources now be allowed to be identified in CBRA zones?

Answer: Our revised interpretation of the Coastal Barrier Resources Act (CBRA) exception for nonstructural shoreline stabilization projects gives federal agencies more flexibility to undertake projects that will protect coastal resources, even if those resources are located outside of the Coastal Barrier Resources System (CBRS). Our revised interpretation allows for sand removal from Coastal CBRS units to replenish beaches located both within and outside the CBRS, so long as the proposed project is consistent with the purposes of the Act and meets the statutory exception for "nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore natural stabilization systems." FWS will assist federal agencies in evaluating such projects through the interagency consultation process. b5-DPP

2. Does the reversal mean that beach towns will be allowed to apply for federal funding to pay for any portion of sand re-nourishment projects that use sand from CBRA zones?

Answer: Beach towns may apply for federal funding to pay for projects that use sand mined from within the CBRS. However, our revised interpretation of the CBRA exception for nonstructural shoreline stabilization projects does not alter the federal funding agency's responsibility to consider each project on a case-by-case basis through the consultation process. Through the consultation process, FWS will consider whether the proposed project is consistent with the purposes of the Act and meets the statutory exception for "nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore natural stabilization systems."

Information on CBRA for Director’s Discussion with Reporter

Background:

- The Coastal Barrier Resources Act (CBRA) originally established the Coastal Barrier Resources System (CBRS) in 1982. The purpose of the law is to save taxpayer money and keep people out of harm’s way by removing the federal incentive to develop ecologically sensitive and storm-prone coastal areas. CBRA prohibits most new federal expenditures and financial assistance within the CBRS, but does not restrict the use of private, state, or local funds or limit the issuance of federal permits within the CBRS.
- CBRA restricts most new federal expenditures within the CBRS including projects to prevent the erosion of, or to otherwise stabilize, any inlet, shoreline, or inshore area (16 U.S.C. 3504(a)(3)). However, federal agencies, after consultation with FWS, may make expenditures within the CBRS for activities that meet one of CBRA’s exceptions (16 U.S.C. 3505). The Service does not have enforcement authority over CBRA; each affected agency is independently responsible for complying with the law.
- Since 1994, DOI and FWS have advised the U.S. Army Corps of Engineers (Corps) that the CBRA exception for “nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore a natural stabilization system” (16 U.S.C. 3505(a)(6)(G)) could not be applied to sand mining within the CBRS beach nourishment projects that occur outside of the CBRS.
- This interpretation affected several Corps shore-protection projects in areas along the Atlantic Coast (Stone Harbor, NJ; Topsail Beach, NC; Wrightsville Beach, NC; Carolina Beach, NC; and Folly Beach, SC), where communities and the Corps seek to use areas within the CBRS as borrow sites for beach-nourishment projects benefiting developed areas outside of the CBRS.
- SOL revisited this interpretation and issued a memo to FWS on October 30, 2019, stating that sand from within the CBRS may be used to renourish beaches outside of the CBRS, provided that the federal funding agency consults with FWS and the project meets the requirements of the exception and is consistent with the purposes of CBRA.
- On November 4, 2019, the Secretary issued letters to certain members of Congress to advise that DOI revisited its legal interpretation of a CBRA exception related to beach nourishment. This issue has been publicized in local media, [E & E](#), and the [New York Times](#).
- Several of the local media articles convey a false impression that federally-funded sand mining activities are now automatically allowed within the CBRS as a result of the new interpretation. **However, the October 30, 2019 SOL memo is clear that such projects are still subject to the consultation process and must meet the standards of the exception:**
 - Must be “non-structural”
 - Must be designed to “mimic, enhance, or restore a natural stabilization system”
 - Must be consistent with the purposes of CBRA. The purposes of CBRA are: “to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damage to fish, wildlife, and other natural resources associated with the coastal barriers...by restricting future Federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers...and by considering the means and measures by which the long-term conservation of these fish, wildlife, and other natural resources may be achieved” (16 U.S.C. 3501(b)).

SOL has stated that these requirements apply to the entire project, both inside and outside of the CBRS (this is a significant change from how projects have been evaluated in the past, when consultations considered only activities within the CBRS).

- DOI and FWS have received inquiries from the House Natural Resources Committee and other stakeholder groups seeking clarification on how the new interpretation will affect projects and the timeframe for FWS guidance on this matter. Ecological Services (ES) is in the process of preparing a letter to the Corps' Director of Civil Works regarding CBRA consultations under the new interpretation.
- There is strong support among NGOs for maintaining a restriction on sand mining in CBRS units (see letters sent to the Secretary signed by 30 NGOs including Audubon, R Street, NRDC, NWF, and the Southern Environmental Law Center: [first letter](#), [second letter](#)). Some of the concerns from these groups include: disruption of natural sand movement and sand supplies; impacts on benthic habitat, fisheries, and shorebird habitat; and adaptability of islands to sea-level rise. Conversely, there is strong support from communities, certain members of Congress, and the American Shore and Beach Preservation Association for mining sand from within the CBRS. Local communities seek federal funds for their storm damage reduction projects, and the Corps argues that it is preferable to mine sand from nearby inlets and channels within the CBRS (as opposed to offshore) due to sand quality and cost.

North Carolina Consultations and Examples of Issues to be Considered:

- On December 20, 2019, Region 2 (South Atlantic Gulf) received consultation requests from the Corps Wilmington District for projects in Carolina Beach and Wrightsville Beach, NC; the Corps requested a response by January 31, 2020 (though there is no statutory or regulatory time limit for CBRA consultations). North Carolina Congressional offices have requested that we give this issue immediate attention.
- HQ ES is working with Region 2 and the North Carolina ES Field Office on reviewing the two consultation requests. FWS will consider a number of factors, including:
 - Whether both the sand mining within the CBRS and beach nourishment outside of the CBRS constitute “non-structural” shoreline stabilization activities as required by the exception. An example of a disqualifying factor would be the use of structural elements in the project (e.g., jetties, groins, seawalls, geotubes, and bulkheads).
 - Whether both the sand mining within the CBRS and beach nourishment can be considered to “mimic, enhance, or restore a natural stabilization system.” For example, a project that includes the construction of artificially high, contiguous, densely-vegetated dunes that is designed to prevent natural processes, such as overwash and erosion, may not mimic a natural stabilization system.
 - Whether the project minimizes damage to fish and wildlife resources. Non-structural forms of shoreline stabilization (e.g., nourishing beaches, altering natural dunes to be artificially high and/or contiguous, planting dune-stabilizing vegetation) can result in degradation and/or loss of habitat for coastal-dependent species. Dredging of inlets for sand can also be detrimental, causing changes in the benthic community and seafloor geomorphology.

From: [Wright, Dana K](#)
To: [Shaughnessy, Michelle](#)
Cc: [Niemi, Katie](#); [BalisLarsen, Martha](#)
Subject: Re: Press Inquiry — DOI's reversal of FWS interpretation of sand within CBRS
Date: Thursday, January 9, 2020 9:42:57 AM
Attachments: [iconfinder youtube-square-shadow-social-media_765073.png](#)
[image.png](#)
[20191030 Memo from SOL to FWS.pdf](#)
Importance: High

b5-DPP

b5-DPP

Dana Wright
Program Specialist
Ecological Services
U.S. Fish & Wildlife Service
5275 Leesburg Pike, MS: ES
Falls Church, VA 22041
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703-358-1800 (fax)

[Learn more about the Coastal Barrier Resources Act](#)

On Thu, Jan 9, 2020 at 9:40 AM Michelle Shaughnessy <michelle_shaughnessy@fws.gov> wrote:

b5-DPP

Sorry only have iPad to comment, computer broken.

Michelle Shaughnessy
Headquarters Ecological Services
Chief, Division of Restoration and Recovery
(Direct) 703-358-2555

On Jan 9, 2020, at 9:25 AM, Niemi, Katie <katie_niemi@fws.gov> wrote:

Martha and Michelle,

We have prepared two attachments to respond to the reporter's questions and provide Aurelia with some background on this issue. The attachments provide:

- 1) direct answers to the questions below from Trista Talton (using language from the draft Corps letter and our website), and
- 2) a two-page document that provides more robust background on the issue, information about the new North Carolina Corps projects consultations, and the examples that Gary requested ("real world examples of how the requirements to satisfy the purposes of the Act and meet the standards for the nonstructural shoreline stabilization exemption may still limit the ability to use sand derived

from CBRS units for federal beach nourishment/storm damage reduction projects").

Can you please move these up the chain and give Catherine Phillips a heads up so the region is in the loop? The reporter's deadline is today. Please let us know if you need anything further.

Thanks!
Katie

Katie Niemi
Coastal Barriers Coordinator
U.S. Fish & Wildlife Service
Ecological Services, MS: ES
5275 Leesburg Pike
Falls Church, VA 22041-3803
Tel (703) 358-2071

On Wed, Jan 8, 2020 at 6:25 PM BalisLarsen, Martha
<martha_balislarsen@fws.gov> wrote:

Katie and Dana, can you pull the examples together that Gary is requesting that we provide Gavin? Thanks!

Martha

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

From: **Frazer, Gary** <gary_frazer@fws.gov>

Date: Wed, Jan 8, 2020 at 5:48 PM

Subject: Fwd: Press Inquiry — DOI's reversal of FWS interpretation of sand within CBRS

To: Shaughnessy, Michelle <michelle_shaughnessy@fws.gov>

Cc: Gina Shultz <Gina_Shultz@fws.gov>, Martha Balis Larsen <Martha_BalisLarsen@fws.gov>, Margaret Everson

<margaret_e_everson@fws.gov>, Barbara Wainman

<barbara_wainman@fws.gov>, Gavin Shire <gavin_shire@fws.gov>

Aurelia may give an interview with this publication, and we just briefed her on the complexities. Would you get Gavin 2 or 3 real world examples of how the requirements to satisfy the purposes of the Act and meet the standards for the nonstructural shoreline stabilization exemption may still limit the ability to use sand derived from CBRS units for federal beach nourishment/storm damage reduction projects, i.e., the project incorporates groins or jetties, the rebuilt dunes include geocores or are constructed to be higher and more stable than a natural system, the borrow site provides important habitat or may be destabilized, etc? Just borrow from the draft letter to the Corps.

The point is to emphasize that those other statutory requirement remain and to illustrate the kinds of considerations that the Corps or any other federal

construction or funding agency will have to consider in establishing CBRA compliance. -- GDF

Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646

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

From: **Martin Kodis** <martin_kodis@fws.gov>
Date: Wed, Jan 8, 2020 at 8:52 AM
Subject: Press Inquiry — DOI's reversal of FWS interpretation of sand within CBRS
To: <gary_frazer@fws.gov>
Cc: <barbara_wainman@fws.gov>, <gavin_shire@fws.gov>

Gary FYI. I don't think anyone has gotten back to Nick yet and imagine this will be discussed in the hallway this am.

Marty

Begin forwarded message:

From: Margaret Everson
<margaret_e_everson@fws.gov>
Date: January 7, 2020 at 12:54:19 PM EST
To: Barbara Wainman
<barbara_wainman@fws.gov>
Cc: Aurelia Skipwith
<aurelia_skipwibarbara_wainman@fws.govth@ios.doi.gov>
Subject: Fwd: [EXTERNAL] DOI's reversal of FWS interpretation of sand within CBRS

Let's discuss

Sent from my iPhone

Begin forwarded message:

From: "Goodwin, Nicholas"
<nicholas_goodwin@ios.doi.gov>
Date: January 7, 2020 at 12:40:07 PM
EST
To: Margaret Everson

<margaret_e_everson@fws.gov>,
"Skipwith, Aurelia"
<aurelia_skipwith@ios.doi.gov>
Cc: Interior Press
<interior_press@ios.doi.gov>
**Subject: Re: [EXTERNAL] DOI's
reversal of FWS interpretation of
sand within CBRS**

Margaret and Aurelia,

Can either of you do this interview,
highlighting the Secretary's and FWS'
action + the benefits for the
decision? Please let me know today,
so we can coordinate with FWS
comms.

Thanks,

Nick Goodwin
Communications Director
Office of the Secretary
U.S. Department of the Interior
#: (202) 412-2249



On Tue, Jan 7, 2020 at 12:34 PM Trista
Talton <tktalton@gmail.com> wrote:

Good afternoon,

I write for a North Carolina-based
publication called *Coastal Review
Online* and I'm working on a story
about what changes can be expected
following DOI's reversal of FWS's
1992 interpretation of where sand
dredged within a CBRS may be
placed. I'm requesting an interview
with someone in DOI who may be
able to address my questions,
including:

1. Will beach nourishment sand sources now be allowed to be identified in CBRA zones?
2. Does the reversal mean that beach towns will be allowed to apply for federal funding to pay for any portion of sand re-nourishment projects that use sand from CBRA zones?

My deadline is close of business
Thursday, Jan. 9.

Thank you for your time.

Regards,

--

Trista Talton
Coastal Review Online
Cell: (910) 388-5580

<20200109 Responses to Trista Talton CRO.docx>

<20200109 Information on CBRA Shoreline Stabilization Consultations.docx>



b5-DPP





United States Department of the Interior

OFFICE OF THE SOLICITOR
Washington, D.C. 20240

IN REPLY REFER TO:

To: Margaret Everson, Principal Deputy Director, U.S. Fish and Wildlife Service
From: Peg Romanik, Associate Solicitor, Division of Parks and Wildlife
Re: Coastal Barrier Resources Act
Date: October 30, 2019

Introduction

You have requested our opinion as to whether Section 6(a)(6)(G) of the Coastal Barrier Resources Act (“CBRA” or “Act”), 16 U.S.C. § 3505(a)(6)(G), permits Federal funding for utilizing sand removed from a Coastal Barrier Resources System (“System”) unit to renourish beaches located outside the System.

After considering the plain language of the Act, we conclude that the exemption in Section 6(a)(6)(G) is not limited to shoreline stabilization projects occurring within the System. Thus, sand from within a System unit may be used to renourish a beach that is located outside of the System. However, any such project must further the purposes of the Act. That is, the shoreline stabilization project must be consistent with the Act’s purposes of minimizing threats to human life and property and encouraging long-term conservation of natural resources associated with coastal barriers, and has to fit within the restrictions of the statutory exception for certain nonstructural projects.

Background

When it enacted the CBRA, Congress found that coastal barriers contain significant cultural and natural resources, including wildlife habitat and spawning areas, and function as natural storm protective buffers. *See* 16 U.S.C. § 3501(a). Congress further found that coastal barriers are generally unsuitable for development. *Id.* § 3501(a)(3). It enacted the CBRA to restrict Federal expenditures that encourage development of coastal barriers, thus minimizing the loss of human life and damage to natural resources within those areas. *Id.* § 3501(b). Section 5(a) of the Act prohibits most new Federal expenditures and financial assistance for activities occurring within the System. *Id.* § 3504(a). Section 6 of the Act sets forth exceptions to the prohibition, including “[n]onstructural projects for shoreline stabilization that are designed to

mimic, enhance, or restore natural stabilization systems,” if such projects are consistent with the purposes of the Act. *Id.* § 3505(a)(6)(G).

A 1994 legal memorandum from then Assistant Solicitor - Branch of Fish and Wildlife interpreting Section 6(a)(6)(G) concluded that the exemption for shoreline stabilization projects applies only to projects designed to stabilize the shoreline of a System unit, and not to projects to renourish beaches outside the System. The 1994 opinion “interpret[s] section 6(a)(6) to refer to projects designed to renourish solely a beach within the [System unit].” We understand that local communities and members of Congress have recently raised concerns about their inability to receive Federal funds for beach nourishment and have asked the Department to revisit this issue

Discussion

Section 6 of the Act sets forth certain exceptions to the limitations on Federal expenditures within the System. The introductory paragraph of the Section provides that a Federal agency, after consultation with the Secretary, “may make Federal expenditures or financial assistance available within the [System]” for certain enumerated activities. 16 U.S.C. § 3505(a). The phrase “within the [System]” must be read in conjunction with the immediately preceding phrase “Federal expenditures or financial assistance.” *See, e.g., Hays v. Sebelius*, 589 F.3d. 1279, 1281 (D.C. Cir. 2009) (applying the “Rule of the Last Antecedent,” which provides that “qualifying phrases are to be applied to the word or phrase immediately preceding and are not to be construed as extending to others more remote.”) (citation omitted). Thus, the phrase applies solely to where the Federal expenditures or financial assistance may be applied. In this case, that means Federal funds associated with removing sand from a unit within the System.

By contrast, Section 3505(a)(6) does not contain language specifying that excepted actions must occur “within the [System].” That section permits certain “actions or projects, but only if the making available of expenditures or assistance therefor is consistent with the purposes of this Act.” *Id.* § 3505(a)(6). Among those actions are “[n]onstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore natural stabilization systems.” *Id.* § 3505(a)(6)(G). The phrase “within the [System]” does not appear either in the introductory language to subsection 6 or in the subpart addressing shoreline stabilization projects. In sum, there is no express limitation on removing sediment from within the System and applying it to areas outside of the System for the purpose of shoreline stabilization.

The statutory language reflects that Congress did not intend to constrain the flexibility of agencies to accomplish the CBRA’s broader purposes of protecting coastal barrier resources by requiring beach renourishment to occur “solely” within the System. Other provisions in Section 3505(a) indicate that Congress envisioned that the excepted activities might occur outside of the System. For example, Section 3505(a)(2) allows for the dredging of existing Federal navigation channels within the System, and the disposal of the dredge materials does not have to occur within the System. The House and Senate Reports specify that the “disposal site need not ... be consistent with the purposes of the Act” as the dredge materials may contain contaminants, and

returning the contaminants to the system would not further the purposes of the CBRA.¹ Within Section 3505(a)(6), subparts (A) and (D) are similar in providing an exception for research for barrier resources, including fish and wildlife, which may require the study site to extend beyond the System to be most effective.

Alternatively, to the extent the statutory language could be viewed as ambiguous, our interpretation is reasonable and it furthers the purposes of the Act. There is no indication that Congress intended to conserve coastal barrier resources only within the System. Indeed, in calling for “coordinated action by Federal, State, and local governments,” Congress appears to have envisioned the protection of broad swaths of coastal land. *Id.* § 3501(a)(1)(5). Our interpretation of Section 6(a)(6)(G) gives Federal agencies more flexibility to permit or undertake shoreline stabilization projects that will protect coastal resources, even if those resources are located outside of the System. These resources, identified in the CBRA’s purpose, are “of significant value to society,”² providing over \$1 billion in 1980 dollars for commercial fisheries, and high recreational value for people participating in sport fishing and waterfowl and duck hunting.³

Our interpretation also allows for projects that indirectly benefit coastal barrier resources within the System. For example, the U.S. Army Corps of Engineers (“Corps”), could use sand from a unit within the System to renourish a beach that is adjacent to that unit, but outside of the System. Stabilizing the adjacent beach could have positive effects on habitat located within the unit. The interpretation of Section 6(a)(6)(G) in the 1994 memorandum would preclude this project despite its beneficial effect on coastal barriers within the System.

Our interpretation does not alter the Service’s (nor the action agency’s) responsibility to consider on a case-by-case basis whether the proposed project is consistent with the purposes of the Act. *See id.* § 3505(a)(6). For example, the removal of the sand from within the System may not frustrate the “long-term conservation of these fish, wildlife, and other natural resources” associated with coastal barriers. *Id.* §3501(b). Thus, the Service should consider whether the sand could be removed without damage⁴ to the natural resources within the System. Likewise, the project should not encourage development of coastal barriers in a manner that could result in “threats to human life, health, and property.” *Id.* § 3501(a)(4). In addition, the Service should review whether the proposed project meets the limitations of the exception. That is, in order for the project to meet the standards of the exception, the Service should consider whether any beach renourishment outside the system is intended to “mimic, enhance, or restore natural stabilization systems.” *Id.* § 3505(a)(6)(G).

¹ CBRA Senate Report (May 26, 1982) at 7, and CBRA House Report (September 21, 1982) at 16.

² CBRA House Report (September 21, 1982) at 8.

³ CBRA Senate Report (May 26, 1982) at 2, CBRA House Report (September 21, 1982) at 8.

⁴ We note that “damage” here would have to cause more than insignificant impact to the natural resources. That is, it would have to be damage that would frustrate the purposes of the Act in some meaningful manner.

Conclusion

We recognize that our interpretation is a change from the conclusion presented in the 1994 legal memorandum. As noted above, however, that memorandum contained no analysis. After reviewing the legislative history and reading the plain language of the Act, we conclude a more reasoned interpretation is that the exception for shoreline stabilization projects is not expressly limited to projects occurring wholly within the System. And, to the extent the statutory language could be considered ambiguous, it should be interpreted in a way that furthers Congress' stated purpose of protecting coastal barrier resources. Thus, we conclude that sand from units within the System may be used to renourish beaches located outside of the System assuming the project is in compliance with the Act. Specifically, the Service (and the action agency) must continue to review each proposed project to ensure that it meets the specific requirements of section 6(a)(6)(G) and is consistent with the purposes of the Act.

From: [Wright, Dana K](#)
To: [Shaughnessy, Michelle](#)
Cc: [Niemi, Katie](#); [BalisLarsen, Martha](#)
Subject: Re: Press Inquiry — DOI's reversal of FWS interpretation of sand within CBRS
Date: Thursday, January 9, 2020 9:56:33 AM
Attachments: [iconfinder youtube-square-shadow-social-media_765073.png](#)
[image.png](#)
[20200109 Responses to Trista Talton CRO V2.docx](#)
[20200109 Information on CBRA Shoreline Stabilization Consultations.docx](#)
Importance: High

Absolutely, here you go.

Thanks,

Dana Wright
Program Specialist
Ecological Services
U.S. Fish & Wildlife Service
5275 Leesburg Pike, MS: ES
Falls Church, VA 22041
703-358-2443 (office)
703-358-1800 (fax)

[Learn more about the Coastal Barrier Resources Act](#)

On Thu, Jan 9, 2020 at 9:55 AM Shaughnessy, Michelle <michelle_shaughnessy@fws.gov> wrote:

Can you respond with an email with both attachments that I then can forward to Chellby/Gina for review since she is acting for Gary today. Sorry computer issues.

On Thu, Jan 9, 2020 at 9:51 AM Wright, Dana <dana_wright@fws.gov> wrote:

We agree - an updated version is attached.

Dana Wright
Program Specialist
Ecological Services
U.S. Fish & Wildlife Service
5275 Leesburg Pike, MS: ES
Falls Church, VA 22041
703-358-2443 (office)
703-358-1800 (fax)

[Learn more about the Coastal Barrier Resources Act](#)

On Thu, Jan 9, 2020 at 9:48 AM Shaughnessy, Michelle <michelle_shaughnessy@fws.gov> wrote:

b5-DPP



On Thu, Jan 9, 2020 at 9:43 AM Wright, Dana <dana_wright@fws.gov> wrote:

b5-DPP

b5-DPP

Dana Wright
Program Specialist
Ecological Services
U.S. Fish & Wildlife Service
5275 Leesburg Pike, MS: ES
Falls Church, VA 22041
703-358-2443 (office)
703-358-1800 (fax)

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On Thu, Jan 9, 2020 at 9:40 AM Michelle Shaughnessy

<michelle_shaughnessy@fws.gov> wrote:

b5-DPP

Sorry only
have iPad to comment, computer broken.

Michelle Shaughnessy
Headquarters Ecological Services
Chief, Division of Restoration and Recovery
(Direct) 703-358-2555

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Can you please move these up the chain and give Catherine Phillips a heads up so the region is in the loop? The reporter's deadline is today. Please let us know if you need anything further.

Thanks!
Katie

Katie Niemi
Coastal Barriers Coordinator
U.S. Fish & Wildlife Service
Ecological Services, MS: ES
5275 Leesburg Pike
Falls Church, VA 22041-3803
Tel (703) 358-2071

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<martha_balislarsen@fws.gov> wrote:

Katie and Dana, can you pull the examples together that Gary is requesting that we provide Gavin? Thanks!

Martha

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Date: Wed, Jan 8, 2020 at 5:48 PM
Subject: Fwd: Press Inquiry — DOI's reversal of FWS interpretation of sand within CBRS
To: Shaughnessy, Michelle <michelle_shaughnessy@fws.gov>
Cc: Gina Shultz <Gina_Shultz@fws.gov>, Martha Balis Larsen <Martha_BalisLarsen@fws.gov>, Margaret Everson <margaret_e_everson@fws.gov>, Barbara Wainman <barbara_wainman@fws.gov>, Gavin Shire <gavin_shire@fws.gov>

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The point is to emphasize that those other statutory requirement remain and to illustrate the kinds of considerations that the Corps or any other federal construction or funding agency will have to consider in establishing CBRA compliance. -- GDF

Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service

(202) 208-4646

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

From: **Martin Kodis** <martin_kodis@fws.gov>
Date: Wed, Jan 8, 2020 at 8:52 AM
Subject: Press Inquiry — DOI's reversal of FWS interpretation of sand within CBRS
To: <gary_frazer@fws.gov>
Cc: <barbara_wainman@fws.gov>, <gavin_shire@fws.gov>

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Marty

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Date: January 7, 2020 at 12:54:19 PM EST
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Cc: Aurelia Skipwith
<aurelia_skipwithbarbara_wainman@fws.govth@ios.doi.gov>

Subject: Fwd: [EXTERNAL] DOI's reversal of FWS interpretation of sand within CBRS

Let's discuss

Sent from my iPhone

Begin forwarded message:

From: "Goodwin, Nicholas"
<nicholas_goodwin@ios.doi.gov>
Date: January 7, 2020 at 12:40:07 PM EST
To: Margaret Everson
<margaret_e_everson@fws.gov>, "Skipwith, Aurelia"
<aurelia_skipwith@ios.doi.gov>
Cc: Interior Press
<interior_press@ios.doi.gov>

**Subject: Re: [EXTERNAL]
DOI's reversal of FWS
interpretation of sand within
CBRS**

Margaret and Aurelia,

Can either of you do this interview, highlighting the Secretary's and FWS' action + the benefits for the decision? Please let me know today, so we can coordinate with FWS comms.

Thanks,

Nick Goodwin
Communications Director
Office of the Secretary
U.S. Department of the
Interior
#: (202) 412-2249



On Tue, Jan 7, 2020 at 12:34
PM Trista Talton
<tktalton@gmail.com> wrote:

Good afternoon,

I write for a North Carolina-based publication called *Coastal Review Online* and I'm working on a story about what changes can be expected following DOI's reversal of FWS's 1992 interpretation of where sand dredged within a CBRS may be placed. I'm requesting an interview with someone in DOI who may be

able to address my questions,
including:

1. Will beach nourishment sand sources now be allowed to be identified in CBRA zones?
2. Does the reversal mean that beach towns will be allowed to apply for federal funding to pay for any portion of sand re-nourishment projects that use sand from CBRA zones?

My deadline is close of
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Thank you for your time.

Regards,

--

Trista Talton
Coastal Review Online
Cell: (910) 388-5580

<20200109 Responses to Trista Talton CRO.docx>

<20200109 Information on CBRA Shoreline Stabilization
Consultations.docx>

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Michelle Shaughnessy
Chief, Division of Restoration and Recovery
Ecological Services
US Fish and Wildlife Service Headquarters
5275 Leesburg Pike
Falls Church, VA 22041-3803

703-358-2171 (general)
703-358-2555 (direct)
703-801-1774 (cell)

--

Michelle Shaughnessy
Chief, Division of Restoration and Recovery

Ecological Services
US Fish and Wildlife Service Headquarters
5275 Leesburg Pike
Falls Church, VA 22041-3803

703-358-2171 (general)

703-358-2555 (direct)

703-801-1774 (cell)



b5-DPP



1. Will beach nourishment sand sources now be allowed to be identified in CBRA zones?

Answer: Our revised interpretation of the Coastal Barrier Resources Act (CBRA) exception for nonstructural shoreline stabilization projects gives federal agencies more flexibility to undertake projects that will protect coastal resources, even if those resources are located outside of the Coastal Barrier Resources System (CBRS). Our revised interpretation allows for sand removal from Coastal CBRS units to replenish beaches located both within and outside the CBRS, so long as the proposed project is consistent with the purposes of the Act and meets the statutory exception for "nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore natural stabilization systems." FWS will assist federal agencies in evaluating such projects through the interagency consultation process. Factors that may restrict such projects include (but are not limited to) the use of structural measures (e.g., seawalls, bulkheads, jetties, and geotextile dune cores) and damage to fish and wildlife resources from the dredging and/or nourishment activities.

2. Does the reversal mean that beach towns will be allowed to apply for federal funding to pay for any portion of sand re-nourishment projects that use sand from CBRA zones?

Answer: Beach towns may apply for federal funding to pay for projects that use sand mined from within the CBRS. However, our revised interpretation of the CBRA exception for nonstructural shoreline stabilization projects does not alter the federal funding agency's responsibility to consider each project on a case-by-case basis through the consultation process. Through the consultation process, FWS will consider whether the proposed project is consistent with the purposes of the Act and meets the statutory exception for "nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore natural stabilization systems."

Information on CBRA for Director’s Discussion with Reporter

Background:

- The Coastal Barrier Resources Act (CBRA) originally established the Coastal Barrier Resources System (CBRS) in 1982. The purpose of the law is to save taxpayer money and keep people out of harm’s way by removing the federal incentive to develop ecologically sensitive and storm-prone coastal areas. CBRA prohibits most new federal expenditures and financial assistance within the CBRS, but does not restrict the use of private, state, or local funds or limit the issuance of federal permits within the CBRS.
- CBRA restricts most new federal expenditures within the CBRS including projects to prevent the erosion of, or to otherwise stabilize, any inlet, shoreline, or inshore area (16 U.S.C. 3504(a)(3)). However, federal agencies, after consultation with FWS, may make expenditures within the CBRS for activities that meet one of CBRA’s exceptions (16 U.S.C. 3505). The Service does not have enforcement authority over CBRA; each affected agency is independently responsible for complying with the law.
- Since 1994, DOI and FWS have advised the U.S. Army Corps of Engineers (Corps) that the CBRA exception for “nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore a natural stabilization system” (16 U.S.C. 3505(a)(6)(G)) could not be applied to sand mining within the CBRS beach nourishment projects that occur outside of the CBRS.
- This interpretation affected several Corps shore-protection projects in areas along the Atlantic Coast (Stone Harbor, NJ; Topsail Beach, NC; Wrightsville Beach, NC; Carolina Beach, NC; and Folly Beach, SC), where communities and the Corps seek to use areas within the CBRS as borrow sites for beach-nourishment projects benefiting developed areas outside of the CBRS.
- SOL revisited this interpretation and issued a memo to FWS on October 30, 2019, stating that sand from within the CBRS may be used to renourish beaches outside of the CBRS, provided that the federal funding agency consults with FWS and the project meets the requirements of the exception and is consistent with the purposes of CBRA.
- On November 4, 2019, the Secretary issued letters to certain members of Congress to advise that DOI revisited its legal interpretation of a CBRA exception related to beach nourishment. This issue has been publicized in local media, [E & E](#), and the [New York Times](#).
- Several of the local media articles convey a false impression that federally-funded sand mining activities are now automatically allowed within the CBRS as a result of the new interpretation. **However, the October 30, 2019 SOL memo is clear that such projects are still subject to the consultation process and must meet the standards of the exception:**
 - Must be “non-structural”
 - Must be designed to “mimic, enhance, or restore a natural stabilization system”
 - Must be consistent with the purposes of CBRA. The purposes of CBRA are: “to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damage to fish, wildlife, and other natural resources associated with the coastal barriers...by restricting future Federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers...and by considering the means and measures by which the long-term conservation of these fish, wildlife, and other natural resources may be achieved” (16 U.S.C. 3501(b)).

SOL has stated that these requirements apply to the entire project, both inside and outside of the CBRS (this is a significant change from how projects have been evaluated in the past, when consultations considered only activities within the CBRS).

- DOI and FWS have received inquiries from the House Natural Resources Committee and other stakeholder groups seeking clarification on how the new interpretation will affect projects and the timeframe for FWS guidance on this matter. Ecological Services (ES) is in the process of preparing a letter to the Corps' Director of Civil Works regarding CBRA consultations under the new interpretation.
- There is strong support among NGOs for maintaining a restriction on sand mining in CBRS units (see letters sent to the Secretary signed by 30 NGOs including Audubon, R Street, NRDC, NWF, and the Southern Environmental Law Center: [first letter](#), [second letter](#)). Some of the concerns from these groups include: disruption of natural sand movement and sand supplies; impacts on benthic habitat, fisheries, and shorebird habitat; and adaptability of islands to sea-level rise. Conversely, there is strong support from communities, certain members of Congress, and the American Shore and Beach Preservation Association for mining sand from within the CBRS. Local communities seek federal funds for their storm damage reduction projects, and the Corps argues that it is preferable to mine sand from nearby inlets and channels within the CBRS (as opposed to offshore) due to sand quality and cost.

North Carolina Consultations and Examples of Issues to be Considered:

- On December 20, 2019, Region 2 (South Atlantic Gulf) received consultation requests from the Corps Wilmington District for projects in Carolina Beach and Wrightsville Beach, NC; the Corps requested a response by January 31, 2020 (though there is no statutory or regulatory time limit for CBRA consultations). North Carolina Congressional offices have requested that we give this issue immediate attention.
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 - Whether the project minimizes damage to fish and wildlife resources. Non-structural forms of shoreline stabilization (e.g., nourishing beaches, altering natural dunes to be artificially high and/or contiguous, planting dune-stabilizing vegetation) can result in degradation and/or loss of habitat for coastal-dependent species. Dredging of inlets for sand can also be detrimental, causing changes in the benthic community and seafloor geomorphology.

From: [Shaughnessy, Michelle](#)
To: [Hires, Brian K](#)
Cc: [Niemi, Katie](#); [Wright, Dana K](#)
Subject: Fwd: Press Inquiry — DOI's reversal of FWS interpretation of sand within CBRS
Date: Thursday, January 9, 2020 1:22:36 PM
Attachments: [ATT00001.htm](#)
[image.png](#)
[iconfinder_youtube-square-shadow-social-media_765073.png](#)
[ATT00002.htm](#)
[20200109 Responses to Trista Talton CRO V2.docx](#)
[ATT00003.htm](#)
[20200109 Information on CBRA Shoreline Stabilization Consultations.docx](#)
[ATT00004.htm](#)
Importance: High

Brian - I just sent this over to Gina (acting for Gary) for her quick review but wanted to make sure you also had it.

Michelle Shaughnessy
Headquarters Ecological Services
Chief, Division of Restoration and Recovery
(Direct) 703-358-2555

Begin forwarded message:

From: "Wright, Dana" <dana_wright@fws.gov>
Date: January 9, 2020 at 9:56:33 AM EST
To: "Shaughnessy, Michelle" <michelle_shaughnessy@fws.gov>
Cc: "Niemi, Katie" <katie_niemi@fws.gov>, "BalisLarsen, Martha" <martha_balislarsen@fws.gov>
Subject: Re: Press Inquiry — DOI's reversal of FWS interpretation of sand within CBRS

Absolutely, here you go.

Thanks,

Dana Wright
Program Specialist
Ecological Services
U.S. Fish & Wildlife Service
5275 Leesburg Pike, MS: ES
Falls Church, VA 22041
703-358-2443 (office)
703-358-1800 (fax)

[Learn more about the Coastal Barrier Resources Act](#)

On Thu, Jan 9, 2020 at 9:55 AM Shaughnessy, Michelle
<michelle_shaughnessy@fws.gov> wrote:

| Can you respond with an email with both attachments that I then can forward to

Chellby/Gina for review since she is acting for Gary today. Sorry computer issues.

On Thu, Jan 9, 2020 at 9:51 AM Wright, Dana <dana_wright@fws.gov> wrote:
We agree - an updated version is attached.

Dana Wright
Program Specialist
Ecological Services
U.S. Fish & Wildlife Service
5275 Leesburg Pike, MS: ES
Falls Church, VA 22041
703-358-2443 (office)
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On Thu, Jan 9, 2020 at 9:48 AM Shaughnessy, Michelle
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b5-DPP

On Thu, Jan 9, 2020 at 9:43 AM Wright, Dana <dana_wright@fws.gov>
wrote:

b5-DPP

Dana Wright
Program Specialist
Ecological Services
U.S. Fish & Wildlife Service
5275 Leesburg Pike, MS: ES
Falls Church, VA 22041
703-358-2443 (office)
703-358-1800 (fax)

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On Thu, Jan 9, 2020 at 9:40 AM Michelle Shaughnessy <michelle_shaughnessy@fws.gov> wrote:

b5-DPP

Michelle Shaughnessy
Headquarters Ecological Services
Chief, Division of Restoration and Recovery
(Direct) 703-358-2555

On Jan 9, 2020, at 9:25 AM, Niemi, Katie <katie_niemi@fws.gov> wrote:

Martha and Michelle,

We have prepared two attachments to respond to the reporter's questions and provide Aurelia with some background on this issue. The attachments provide:

- 1) direct answers to the questions below from Trista Talton (using language from the draft Corps letter and our website), and
- 2) a two-page document that provides more robust background on the issue, information about the new North Carolina Corps projects consultations, and the examples that Gary requested ("real world examples of how the requirements to satisfy the purposes of the Act and meet the standards for the nonstructural shoreline stabilization exemption may still limit the ability to use sand derived from CBRS units for federal beach nourishment/storm damage reduction projects").

Can you please move these up the chain and give Catherine Phillips a heads up so the region is in the loop? The reporter's deadline is today.
Please let us know if you need anything further.

Thanks!
Katie

Katie Niemi
Coastal Barriers Coordinator
U.S. Fish & Wildlife Service
Ecological Services, MS: ES
5275 Leesburg Pike
Falls Church, VA 22041-3803
Tel (703) 358-2071

On Wed, Jan 8, 2020 at 6:25 PM BalisLarsen, Martha

<martha_balislarsen@fws.gov> wrote:

Katie and Dana, can you pull the examples together that Gary is requesting that we provide Gavin? Thanks!

Martha

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

From: **Frazer, Gary** <gary_frazer@fws.gov>

Date: Wed, Jan 8, 2020 at 5:48 PM

Subject: Fwd: Press Inquiry — DOI's reversal of FWS interpretation of sand within CBRS

To: Shaughnessy, Michelle <michelle_shaughnessy@fws.gov>

Cc: Gina Shultz <Gina_Shultz@fws.gov>, Martha Balis Larsen

<Martha_BalisLarsen@fws.gov>, Margaret Everson

<margaret_e_everson@fws.gov>, Barbara Wainman

<barbara_wainman@fws.gov>, Gavin Shire <gavin_shire@fws.gov>

Aurelia may give an interview with this publication, and we just briefed her on the complexities. Would you get Gavin 2 or 3 real world examples of how the requirements to satisfy the purposes of the Act and meet the standards for the nonstructural shoreline stabilization exemption may still limit the ability to use sand derived from CBRS units for federal beach nourishment/storm damage reduction projects, i.e., the project incorporates groins or jetties, the rebuilt dunes include geocores or are constructed to be higher and more stable than a natural system, the borrow site provides important habitat or may be destabilized, etc? Just borrow from the draft letter to the Corps.

The point is to emphasize that those other statutory requirement remain and to illustrate the kinds of considerations that the Corps or any other federal construction or funding agency will have to consider in establishing CBRA compliance. -- GDF

Gary Frazer

Assistant Director -- Ecological Services

U.S. Fish and Wildlife Service

(202) 208-4646

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

From: **Martin Kodis** <martin_kodis@fws.gov>

Date: Wed, Jan 8, 2020 at 8:52 AM

Subject: Press Inquiry — DOI's reversal of FWS interpretation of sand within CBRS

To: <gary_frazer@fws.gov>

Cc: <barbara_wainman@fws.gov>, <gavin_shire@fws.gov>

Gary FYI. I don't think anyone has gotten back to Nick yet and imagine this will be discussed in the hallway this am.

Marty

Begin forwarded message:

From: Margaret Everson
<margaret_e_everson@fws.gov>
Date: January 7, 2020 at 12:54:19 PM EST
To: Barbara Wainman <barbara_wainman@fws.gov>
Cc: Aurelia Skipwith
<aurelia_skipwithbarbara_wainman@fws.govth@ios.doi.gov>

Subject: Fwd: [EXTERNAL] DOI's reversal of FWS interpretation of sand within CBRS

Let's discuss

Sent from my iPhone

Begin forwarded message:

From: "Goodwin, Nicholas"
<nicholas_goodwin@ios.doi.gov>
Date: January 7, 2020 at 12:40:07 PM EST
To: Margaret Everson
<margaret_e_everson@fws.gov>, "Skipwith, Aurelia" <aurelia_skipwith@ios.doi.gov>
Cc: Interior Press
<interior_press@ios.doi.gov>
Subject: Re: [EXTERNAL] DOI's reversal of FWS interpretation of sand within CBRS

Margaret and Aurelia,

Can either of you do this interview, highlighting the Secretary's and FWS' action + the benefits for the decision? Please let me know today, so we can coordinate with FWS comms.

Thanks,

Nick Goodwin
Communications Director
Office of the Secretary
U.S. Department of the Interior
#: (202) 412-2249







On Tue, Jan 7, 2020 at 12:34 PM Trista Talton <tktalton@gmail.com> wrote:

Good afternoon,

I write for a North Carolina-based publication called *Coastal Review Online* and I'm working on a story about what changes can be expected following DOI's reversal of FWS's 1992 interpretation of where sand dredged within a CBRS may be placed. I'm requesting an interview with someone in DOI who may be able to address my questions, including:

1. Will beach nourishment sand sources now be allowed to be identified in CBRA zones?
2. Does the reversal mean that beach towns will be allowed to apply for federal funding to pay for any portion of sand re-nourishment projects that use sand from CBRA zones?

My deadline is close of business Thursday, Jan. 9.

Thank you for your time.

Regards,

--

Trista Talton
Coastal Review Online
Cell: (910) 388-5580

<20200109 Responses to Trista Talton CRO.docx>

<20200109 Information on CBRA Shoreline Stabilization Consultations.docx>

--

Michelle Shaughnessy
Chief, Division of Restoration and Recovery
Ecological Services
US Fish and Wildlife Service Headquarters
5275 Leesburg Pike
Falls Church, VA 22041-3803

703-358-2171 (general)
703-358-2555 (direct)

703-801-1774 (cell)

--

Michelle Shaughnessy
Chief, Division of Restoration and Recovery
Ecological Services
US Fish and Wildlife Service Headquarters
5275 Leesburg Pike
Falls Church, VA 22041-3803

703-358-2171 (general)
703-358-2555 (direct)
703-801-1774 (cell)

1. Will beach nourishment sand sources now be allowed to be identified in CBRA zones?

Answer: Our revised interpretation of the Coastal Barrier Resources Act (CBRA) exception for nonstructural shoreline stabilization projects gives federal agencies more flexibility to undertake projects that will protect coastal resources, even if those resources are located outside of the Coastal Barrier Resources System (CBRS). Our revised interpretation allows for sand removal from Coastal CBRS units to replenish beaches located both within and outside the CBRS, so long as the proposed project is consistent with the purposes of the Act and meets the statutory exception for "nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore natural stabilization systems." FWS will assist federal agencies in evaluating such projects through the interagency consultation process. Factors that may restrict such projects include (but are not limited to) the use of structural measures (e.g., seawalls, bulkheads, jetties, and geotextile dune cores) and damage to fish and wildlife resources from the dredging and/or nourishment activities.

2. Does the reversal mean that beach towns will be allowed to apply for federal funding to pay for any portion of sand re-nourishment projects that use sand from CBRA zones?

Answer: Beach towns may apply for federal funding to pay for projects that use sand mined from within the CBRS. However, our revised interpretation of the CBRA exception for nonstructural shoreline stabilization projects does not alter the federal funding agency's responsibility to consider each project on a case-by-case basis through the consultation process. Through the consultation process, FWS will consider whether the proposed project is consistent with the purposes of the Act and meets the statutory exception for "nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore natural stabilization systems."

Information on CBRA for Director’s Discussion with Reporter

Background:

- The Coastal Barrier Resources Act (CBRA) originally established the Coastal Barrier Resources System (CBRS) in 1982. The purpose of the law is to save taxpayer money and keep people out of harm’s way by removing the federal incentive to develop ecologically sensitive and storm-prone coastal areas. CBRA prohibits most new federal expenditures and financial assistance within the CBRS, but does not restrict the use of private, state, or local funds or limit the issuance of federal permits within the CBRS.
- CBRA restricts most new federal expenditures within the CBRS including projects to prevent the erosion of, or to otherwise stabilize, any inlet, shoreline, or inshore area (16 U.S.C. 3504(a)(3)). However, federal agencies, after consultation with FWS, may make expenditures within the CBRS for activities that meet one of CBRA’s exceptions (16 U.S.C. 3505). The Service does not have enforcement authority over CBRA; each affected agency is independently responsible for complying with the law.
- Since 1994, DOI and FWS have advised the U.S. Army Corps of Engineers (Corps) that the CBRA exception for “nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore a natural stabilization system” (16 U.S.C. 3505(a)(6)(G)) could not be applied to sand mining within the CBRS beach nourishment projects that occur outside of the CBRS.
- This interpretation affected several Corps shore-protection projects in areas along the Atlantic Coast (Stone Harbor, NJ; Topsail Beach, NC; Wrightsville Beach, NC; Carolina Beach, NC; and Folly Beach, SC), where communities and the Corps seek to use areas within the CBRS as borrow sites for beach-nourishment projects benefiting developed areas outside of the CBRS.
- SOL revisited this interpretation and issued a memo to FWS on October 30, 2019, stating that sand from within the CBRS may be used to renourish beaches outside of the CBRS, provided that the federal funding agency consults with FWS and the project meets the requirements of the exception and is consistent with the purposes of CBRA.
- On November 4, 2019, the Secretary issued letters to certain members of Congress to advise that DOI revisited its legal interpretation of a CBRA exception related to beach nourishment. This issue has been publicized in local media, [E & E](#), and the [New York Times](#).
- Several of the local media articles convey a false impression that federally-funded sand mining activities are now automatically allowed within the CBRS as a result of the new interpretation. **However, the October 30, 2019 SOL memo is clear that such projects are still subject to the consultation process and must meet the standards of the exception:**
 - Must be “non-structural”
 - Must be designed to “mimic, enhance, or restore a natural stabilization system”
 - Must be consistent with the purposes of CBRA. The purposes of CBRA are: “to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damage to fish, wildlife, and other natural resources associated with the coastal barriers...by restricting future Federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers...and by considering the means and measures by which the long-term conservation of these fish, wildlife, and other natural resources may be achieved” (16 U.S.C. 3501(b)).

SOL has stated that these requirements apply to the entire project, both inside and outside of the CBRS (this is a significant change from how projects have been evaluated in the past, when consultations considered only activities within the CBRS).

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North Carolina Consultations and Examples of Issues to be Considered:

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From: [Shaughnessy, Michelle](#)
To: [Hires, Brian K](#)
Cc: [Niemi, Katie](#); [Wright, Dana K](#)
Subject: Re: Press Inquiry — DOI's reversal of FWS interpretation of sand within CBRS
Date: Thursday, January 9, 2020 1:24:58 PM
Importance: High

Not sure that's what you needed?

Michelle Shaughnessy
Headquarters Ecological Services
Chief, Division of Restoration and Recovery
(Direct) 703-358-2555

On Jan 9, 2020, at 1:24 PM, Hires, Brian <brian_hires@fws.gov> wrote:

Thanks Michelle. Please let me know when you've gotten the green light on these items.

[Brian Hires](#)

[U.S. Fish and Wildlife Service](#) | [Office of Public Affairs](#) | Falls Church, VA
(Office) 703.358.2191 | (Cell) 703.346.9941

On Thu, Jan 9, 2020 at 1:22 PM Michelle Shaughnessy <michelle_shaughnessy@fws.gov> wrote:

Brian - I just sent this over to Gina (acting for Gary) for her quick review but wanted to make sure you also had it.

Michelle Shaughnessy
Headquarters Ecological Services
Chief, Division of Restoration and Recovery
(Direct) 703-358-2555

Begin forwarded message:

From: "Wright, Dana" <dana_wright@fws.gov>
Date: January 9, 2020 at 9:56:33 AM EST
To: "Shaughnessy, Michelle" <michelle_shaughnessy@fws.gov>
Cc: "Niemi, Katie" <katie_niemi@fws.gov>, "BalisLarsen, Martha" <martha_balislarsen@fws.gov>
Subject: **Re: Press Inquiry — DOI's reversal of FWS interpretation of sand within CBRS**

Absolutely, here you go.

Thanks,

Dana Wright
Program Specialist
Ecological Services
U.S. Fish & Wildlife Service
5275 Leesburg Pike, MS: ES
Falls Church, VA 22041

703-358-2443 (office)
703-358-1800 (fax)

[Learn more about the Coastal Barrier Resources Act](#)

On Thu, Jan 9, 2020 at 9:55 AM Shaughnessy, Michelle

<michelle_shaughnessy@fws.gov> wrote:

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We agree - an updated version is attached.

Dana Wright
Program Specialist
Ecological Services
U.S. Fish & Wildlife Service
5275 Leesburg Pike, MS: ES
Falls Church, VA 22041
703-358-2443 (office)
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On Thu, Jan 9, 2020 at 9:48 AM Shaughnessy, Michelle

<michelle_shaughnessy@fws.gov> wrote:

b5-DPP
[Redacted]

On Thu, Jan 9, 2020 at 9:43 AM Wright, Dana

<dana_wright@fws.gov> wrote:

b5-DPP
[Redacted]

Dana Wright
Program Specialist
Ecological Services
U.S. Fish & Wildlife Service
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703-358-1800 (fax)

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On Thu, Jan 9, 2020 at 9:40 AM Michelle Shaughnessy

<michelle_shaughnessy@fws.gov> wrote:

b5-DPP

Sorry only have iPad to comment, computer broken.

Michelle Shaughnessy
Headquarters Ecological Services
Chief, Division of Restoration and Recovery
(Direct) 703-358-2555

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Can you please move these up the chain and give Catherine Phillips a heads up so the region is in the loop? The reporter's deadline is today.
Please let us know if you need anything further.

Thanks!
Katie

Katie Niemi
Coastal Barriers Coordinator
U.S. Fish & Wildlife Service
Ecological Services, MS: ES
5275 Leesburg Pike
Falls Church, VA 22041-3803
Tel (703) 358-2071

On Wed, Jan 8, 2020 at 6:25 PM BalisLarsen, Martha <martha_balislarsen@fws.gov> wrote:

Katie and Dana, can you pull the examples together that Gary is requesting that we provide Gavin? Thanks!

Martha

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Date: Wed, Jan 8, 2020 at 5:48 PM
Subject: Fwd: Press Inquiry — DOI's reversal of FWS interpretation of sand within CBRS
To: Shaughnessy, Michelle
<michelle_shaughnessy@fws.gov>
Cc: Gina Shultz <Gina_Shultz@fws.gov>, Martha Balis Larsen <Martha_BalisLarsen@fws.gov>, Margaret Everson <margaret_e_everson@fws.gov>, Barbara Wainman <barbara_wainman@fws.gov>, Gavin Shire <gavin_shire@fws.gov>

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Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646

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

From: **Martin Kodis** <martin_kodis@fws.gov>
Date: Wed, Jan 8, 2020 at 8:52 AM
Subject: Press Inquiry — DOI's reversal of FWS interpretation of sand within CBRS
To: <gary_frazer@fws.gov>
Cc: <barbara_wainman@fws.gov>, <gavin_shire@fws.gov>

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Marty

Begin forwarded message:

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<margaret_e_everson@fws.gov>
Date: January 7, 2020 at
12:54:19 PM EST
To: Barbara Wainman
<barbara_wainman@fws.gov>
Cc: Aurelia Skipwith
<aurelia_skipwibarbara_wainman@fws.govth@ios.doi.gov>

Subject: Fwd:
**[EXTERNAL] DOI's
reversal of FWS
interpretation of sand
within CBRS**

Let's discuss

Sent from my iPhone

Begin forwarded message:

From:
"Goodwin,
Nicholas"
<nicholas_goodwin@ios.doi.gov>
Date: January
7, 2020 at
12:40:07 PM
EST
To: Margaret
Everson
<margaret_e_everson@fws.gov>,
"Skipwith,
Aurelia"
<aurelia_skipwith@ios.doi.gov>
Cc: Interior
Press
<interior_press@ios.doi.gov>
Subject: Re:
**[EXTERNAL]
DOI's reversal
of FWS
interpretation
of sand within
CBRS**

Margaret and
Aurelia,

Can either of
you do this
interview,
highlighting
the Secretary's
and FWS'
action +
the benefits
for the
decision?
Please let me
know today,
so we can
coordinate
with FWS
comms.

Thanks,

Nick
Goodwin
Communications
Director
Office of the
Secretary
U.S.
Department
of the Interior
#: (202) 412-
2249



On Tue, Jan 7,
2020 at 12:34
PM Trista
Talton
<tktalton@gmail.com>
wrote:

Good
afternoon,

I write for a
North
Carolina-

based
publication
called
*Coastal
Review
Online* and
I'm working
on a story
about what
changes can
be expected
following
DOI's
reversal of
FWS's 1992
interpretation
of where sand
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CBRS may
be placed. I'm
requesting an
interview
with someone
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may be able
to address my
questions,
including:

1. Will beach
nourishment
sand sources
now be
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towns will be
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sand re-
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use sand from
CBRA
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My deadline

is close of
business
Thursday,
Jan. 9.

Thank you
for your time.

Regards,

--
Trista Talton
*Coastal
Review
Online*
Cell: (910)
388-5580

<20200109 Responses to Trista Talton CRO.docx>

<20200109 Information on CBRA Shoreline
Stabilization Consultations.docx>

--
Michelle Shaughnessy
Chief, Division of Restoration and Recovery
Ecological Services
US Fish and Wildlife Service Headquarters
5275 Leesburg Pike
Falls Church, VA 22041-3803

703-358-2171 (general)
703-358-2555 (direct)
703-801-1774 (cell)

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5275 Leesburg Pike
Falls Church, VA 22041-3803

703-358-2171 (general)
703-358-2555 (direct)
703-801-1774 (cell)

From: [Hires, Brian K](#)
To: [Shaughnessy, Michelle](#)
Cc: [Niemi, Katie](#); [Wright, Dana K](#)
Subject: Re: Press Inquiry — DOI's reversal of FWS interpretation of sand within CBRS
Date: Thursday, January 9, 2020 1:30:45 PM
Importance: High

Thanks Michelle. Will share it out now, please let me know if Gina has any thoughts, suggestions or concerns regarding any of this.

[Brian Hires](#)

[U.S. Fish and Wildlife Service](#) | [Office of Public Affairs](#) | Falls Church, VA
(Office) 703.358.2191 | (Cell) 703.346.9941

On Thu, Jan 9, 2020 at 1:26 PM Michelle Shaughnessy <michelle_shaughnessy@fws.gov> wrote:

Brian - Gina is MIA right now so if this is what you were looking for move forward and I'll circle back with her when I find her.

Michelle Shaughnessy
Headquarters Ecological Services
Chief, Division of Restoration and Recovery
(Direct) 703-358-2555

On Jan 9, 2020, at 1:24 PM, Hires, Brian <brian_hires@fws.gov> wrote:

Thanks Michelle. Please let me know when you've gotten the green light on these items.

[Brian Hires](#)

[U.S. Fish and Wildlife Service](#) | [Office of Public Affairs](#) | Falls Church, VA
(Office) 703.358.2191 | (Cell) 703.346.9941

On Thu, Jan 9, 2020 at 1:22 PM Michelle Shaughnessy <michelle_shaughnessy@fws.gov> wrote:

Brian - I just sent this over to Gina (acting for Gary) for her quick review but wanted to make sure you also had it.

Michelle Shaughnessy
Headquarters Ecological Services
Chief, Division of Restoration and Recovery
(Direct) 703-358-2555

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From: "Wright, Dana" <dana_wright@fws.gov>
Date: January 9, 2020 at 9:56:33 AM EST
To: "Shaughnessy, Michelle" <michelle_shaughnessy@fws.gov>
Cc: "Niemi, Katie" <katie_niemi@fws.gov>, "BalisLarsen, Martha" <martha_balislarsen@fws.gov>
Subject: Re: Press Inquiry — DOI's reversal of FWS interpretation of sand within CBRS

Absolutely, here you go.

Thanks,

Dana Wright
Program Specialist
Ecological Services
U.S. Fish & Wildlife Service
5275 Leesburg Pike, MS: ES
Falls Church, VA 22041
703-358-2443 (office)
703-358-1800 (fax)

[Learn more about the Coastal Barrier Resources Act](#)

On Thu, Jan 9, 2020 at 9:55 AM Shaughnessy, Michelle
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Can you respond with an email with both attachments that I then can forward to Chellby/Gina for review since she is acting for Gary today. Sorry computer issues.

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We agree - an updated version is attached.

Dana Wright
Program Specialist
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On Thu, Jan 9, 2020 at 9:48 AM Shaughnessy, Michelle
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b5-DPP


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b5-DPP


Dana Wright
Program Specialist
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b5-DPP

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Michelle Shaughnessy
Headquarters Ecological Services
Chief, Division of Restoration and Recovery
(Direct) 703-358-2555

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Martha and Michelle,

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1) direct answers to the questions below from Trista Talton (using language from the draft Corps letter and our website), and
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Can you please move these up the chain and give Catherine Phillips a heads up so the region is in the loop? The reporter's deadline is today.
Please let us know if you need anything further.

Thanks!
Katie

Katie Niemi
Coastal Barriers Coordinator
U.S. Fish & Wildlife Service
Ecological Services, MS: ES
5275 Leesburg Pike
Falls Church, VA 22041-3803
Tel (703) 358-2071

On Wed, Jan 8, 2020 at 6:25 PM BalisLarsen, Martha
<martha_balislarsen@fws.gov> wrote:

Katie and Dana, can you pull the examples together that Gary is requesting that we provide Gavin? Thanks!

Martha

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From: **Frazer, Gary** <gary_frazer@fws.gov>
Date: Wed, Jan 8, 2020 at 5:48 PM
Subject: Fwd: Press Inquiry — DOI's reversal of FWS interpretation of sand within CBRS
To: Shaughnessy, Michelle
<michelle_shaughnessy@fws.gov>
Cc: Gina Shultz <Gina_Shultz@fws.gov>, Martha Balis Larsen <Martha_BalisLarsen@fws.gov>, Margaret Everson <margaret_e_everson@fws.gov>, Barbara Wainman <barbara_wainman@fws.gov>, Gavin Shire <gavin_shire@fws.gov>

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The point is to emphasize that those other statutory requirement remain and to illustrate the kinds of considerations that the Corps or any other federal construction or funding agency will have to consider in establishing CBRA compliance. -- GDF

*Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646*

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From: **Martin Kodis** <martin_kodis@fws.gov>
Date: Wed, Jan 8, 2020 at 8:52 AM
Subject: Press Inquiry — DOI's reversal of FWS interpretation of sand within CBRS
To: <gary_frazer@fws.gov>
Cc: <barbara_wainman@fws.gov>, <gavin_shire@fws.gov>

Gary FYI. I don't think anyone has gotten back to Nick yet and imagine this will be discussed in the hallway this am.

Marty

Begin forwarded message:

From: Margaret Everson
<margaret_e_everson@fws.gov>
Date: January 7, 2020 at
12:54:19 PM EST
To: Barbara Wainman
<barbara_wainman@fws.gov>
Cc: Aurelia Skipwith
<aurelia_skipwithbarbara_wainman@fws.govth@ios.doi.gov>

Subject: Fwd:
**[EXTERNAL] DOI's
reversal of FWS
interpretation of sand
within CBRS**

Let's discuss

Sent from my iPhone

Begin forwarded message:

From:
"Goodwin,
Nicholas"
<nicholas_goodwin@ios.doi.gov>
Date: January
7, 2020 at
12:40:07 PM
EST
To: Margaret
Everson
<margaret_e_everson@fws.gov>,
"Skipwith,
Aurelia"
<aurelia_skipwith@ios.doi.gov>
Cc: Interior
Press
<interior_press@ios.doi.gov>
Subject: Re:
[EXTERNAL]
**DOI's reversal
of FWS
interpretation
of sand within
CBRS**

Margaret and
Aurelia,

Can either of
you do this
interview,
highlighting
the Secretary's
and FWS'
action +
the benefits
for the
decision?
Please let me
know today,
so we can
coordinate
with FWS
comms.

Thanks,

Nick
Goodwin
Communications
Director
Office of the
Secretary
U.S.
Department
of the Interior
#: (202) 412-
2249



On Tue, Jan 7,
2020 at 12:34
PM Trista
Talton
<tktalton@gmail.com>
wrote:
| Good
| afternoon,

I write for a North Carolina-based publication called *Coastal Review Online* and I'm working on a story about what changes can be expected following DOI's reversal of FWS's 1992 interpretation of where sand dredged within a CBRS may be placed. I'm requesting an interview with someone in DOI who may be able to address my questions, including:

1. Will beach nourishment sand sources now be allowed to be identified in CBRA zones?
2. Does the reversal mean that beach towns will be allowed to apply for federal funding to pay for any portion of sand re-nourishment projects that use sand from CBRA

zones?

My deadline
is close of
business
Thursday,
Jan. 9.

Thank you
for your time.

Regards,

--

Trista Talton
*Coastal
Review
Online*
Cell: (910)
388-5580

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From: [Niemi, Katie](#)
To: [Shultz, Gina](#)
Cc: [Shaughnessy, Michelle](#); [Kilheffer, Chelby R](#); [Wright, Dana K](#); [BalisLarsen, Martha](#)
Subject: Re: Press Inquiry — DOI's reversal of FWS interpretation of sand within CBRS
Date: Thursday, January 9, 2020 4:03:25 PM
Importance: High

Thanks Gina. I'll let Brian and Gavin know.

Katie

On Thu, Jan 9, 2020 at 4:00 PM Shultz, Gina <Gina_Shultz@fws.gov> wrote:

They look good
Gina Shultz
Deputy Assistant Director, Ecological Services
U.S. Fish and Wildlife Service
MS: ES
5275 Leesburg Pike
Falls Church, VA 22041-3803
703-358-1985

On Thu, Jan 9, 2020 at 1:21 PM Michelle Shaughnessy <michelle_shaughnessy@fws.gov> wrote:

Gina - can you take a quick look at this and make sure you are ok with it so we can get it over to external affairs - Aurelia doing an interview shortly.

Michelle Shaughnessy
Headquarters Ecological Services
Chief, Division of Restoration and Recovery
(Direct) 703-358-2555

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Program Specialist
Ecological Services
U.S. Fish & Wildlife Service
5275 Leesburg Pike, MS: ES
Falls Church, VA 22041
703-358-2443 (office)
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[Learn more about the Coastal Barrier Resources Act](#)

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b5-DPP

[Redacted]

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b5-DPP

[Redacted]

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U.S. Fish & Wildlife Service
Ecological Services, MS: ES
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Tel (703) 358-2071

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Cc: Gina Shultz <Gina_Shultz@fws.gov>, Martha Balis Larsen <Martha_BalisLarsen@fws.gov>, Margaret Everson <margaret_e_everson@fws.gov>, Barbara Wainman <barbara_wainman@fws.gov>, Gavin Shire <gavin_shire@fws.gov>

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*Gary Frazer
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<aurelia_skipwithbarbara_wainman@fws.gov>
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"Skipwith, Aurelia"
<aurelia_skipwith@ios.doi.gov>
Cc: Interior Press
<interior_press@ios.doi.gov>
Subject: Re:
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highlighting the
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me know today, so
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Thanks,

Nick Goodwin
Communications
Director
Office of the
Secretary
U.S. Department of
the Interior
#: (202) 412-2249



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I write for a North
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Trista Talton
*Coastal Review
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Cell: (910) 388-5580

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From: [Shire, Gavin G](#)
To: [Niemi, Katie](#); [Shaughnessy, Michelle](#)
Cc: [Hires, Brian K](#)
Subject: Re: Press Inquiry — DOI's reversal of FWS interpretation of sand within CBRS
Date: Thursday, January 9, 2020 4:12:01 PM
Attachments: [CBRA Sand Mining Talking Points.docx](#)
Importance: High

Thanks, Katie and Michelle.

I am using the background materials unchanged, but have pulled text from the answers to the specific questions to turn them into discrete TPs. My concern is that the reporter may not ask the exact question in the same way in the interview itself, so I want Aurelia to be prepared to respond in the case that the questions are asked differently.

Attached.

G

Gavin Shire
Chief of Public Affairs
U.S. Fish and Wildlife Service
MS: EA
5275 Leesburg Pike
Falls Church, VA 22041-3803
703-358-2649 (o)
703-346-9123 (c)
gavin_shire@fws.gov

On Thu, Jan 9, 2020 at 4:05 PM Niemi, Katie <katie_niemi@fws.gov> wrote:
FYI, Gina is good with what we prepared for Aurelia's discussion with the reporter.

Katie

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Date: Thu, Jan 9, 2020 at 4:00 PM
Subject: Re: Press Inquiry — DOI's reversal of FWS interpretation of sand within CBRS
To: Michelle Shaughnessy <michelle_shaughnessy@fws.gov>
Cc: Chellby Kilheffer <chellby_kilheffer@fws.gov>, Katie Niemi <katie_niemi@fws.gov>, Dana Wright <dana_wright@fws.gov>, Martha BalisLarsen <martha_balislarsen@fws.gov>

They look good

Gina Shultz
Deputy Assistant Director, Ecological Services
U.S. Fish and Wildlife Service
MS: ES
5275 Leesburg Pike
Falls Church, VA 22041-3803
703-358-1985

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b5-DPP

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Katie Niemi
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U.S. Fish & Wildlife Service
Ecological Services, MS: ES
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Tel (703) 358-2071

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Cc: Gina Shultz <Gina_Shultz@fws.gov>, Martha Balis

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Everson <margaret_e_everson@fws.gov>, Barbara

Wainman <barbara_wainman@fws.gov>, Gavin Shire

<gavin_shire@fws.gov>

Aurelia may give an interview with this publication, and we just briefed her on the complexities. Would you get Gavin 2 or 3 real world examples of how the requirements to satisfy the purposes of the Act and meet the standards for the nonstructural shoreline stabilization exemption may still limit the ability to use sand derived from CBRS units for federal beach nourishment/storm damage reduction projects, i.e., the project incorporates groins or jetties, the rebuilt dunes include geocores or are constructed to be higher and more stable than a natural system, the borrow

site provides important habitat or may be destabilized, etc?
Just borrow from the draft letter to the Corps.

The point is to emphasize that those other statutory
requirement remain and to illustrate the kinds of
considerations that the Corps or any other federal
construction or funding agency will have to consider in
establishing CBRA compliance. -- GDF

Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646

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

From: **Martin Kodis** <martin_kodis@fws.gov>
Date: Wed, Jan 8, 2020 at 8:52 AM
Subject: Press Inquiry — DOI's reversal of FWS
interpretation of sand within CBRS
To: <gary_frazer@fws.gov>
Cc: <barbara_wainman@fws.gov>, <gavin_shire@fws.gov>

Gary FYI. I don't think anyone has gotten back to Nick yet
and imagine this will be discussed in the hallway this am.

Marty

Begin forwarded message:

From: Margaret Everson
<margaret_e_everson@fws.gov>
Date: January 7, 2020 at 12:54:19
PM EST
To: Barbara Wainman
<barbara_wainman@fws.gov>
Cc: Aurelia Skipwith
<aurelia_skipwibarbara_wainman@fws.govth@ios.doi.gov>

**Subject: Fwd: [EXTERNAL]
DOI's reversal of FWS
interpretation of sand within
CBRS**

Let's discuss

Sent from my iPhone

Begin forwarded message:

From: "Goodwin,
Nicholas"
<nicholas_goodwin@ios.doi.gov>
Date: January 7,
2020 at 12:40:07 PM
EST
To: Margaret
Everson
<margaret_e_everson@fws.gov>,
"Skipwith, Aurelia"
<aurelia_skipwith@ios.doi.gov>
Cc: Interior Press
<interior_press@ios.doi.gov>
Subject: Re:
[EXTERNAL]
**DOI's reversal of
FWS interpretation
of sand within
CBRS**

Margaret and
Aurelia,

Can either of you
do this interview,
highlighting the
Secretary's and
FWS' action +
the benefits for the
decision? Please let
me know today, so
we can coordinate
with FWS comms.

Thanks,

Nick Goodwin
Communications
Director
Office of the
Secretary
U.S. Department of
the Interior

#: (202) 412-2249



On Tue, Jan 7, 2020

at 12:34 PM Trista

Talton

<tktalton@gmail.com>

wrote:

Good afternoon,

I write for a North Carolina-based publication called *Coastal Review Online* and I'm working on a story about what changes can be expected following DOI's reversal of FWS's 1992 interpretation of where sand dredged within a CBRS may be placed. I'm requesting an interview with someone in DOI who may be able to address my questions, including:

1. Will beach nourishment sand sources now be allowed to be identified in CBRA zones?
2. Does the reversal mean that beach towns will be allowed to apply for federal funding to pay for any portion of sand re-nourishment projects that use sand from CBRA zones?

My deadline is
close of business
Thursday, Jan. 9.

Thank you for your
time.

Regards,

--

Trista Talton
*Coastal Review
Online*
Cell: (910) 388-
5580

<20200109 Responses to Trista Talton CRO.docx>

<20200109 Information on CBRA Shoreline Stabilization
Consultations.docx>

--

Michelle Shaughnessy
Chief, Division of Restoration and Recovery
Ecological Services
US Fish and Wildlife Service Headquarters
5275 Leesburg Pike
Falls Church, VA 22041-3803

703-358-2171 (general)
703-358-2555 (direct)
703-801-1774 (cell)

--

Michelle Shaughnessy
Chief, Division of Restoration and Recovery
Ecological Services
US Fish and Wildlife Service Headquarters
5275 Leesburg Pike
Falls Church, VA 22041-3803

703-358-2171 (general)
703-358-2555 (direct)
703-801-1774 (cell)

From: [Niemi, Katie](#)
To: [Tawes, Robert](#)
Subject: Fwd: Press Inquiry — DOI's reversal of FWS interpretation of sand within CBRS
Date: Thursday, January 9, 2020 4:51:06 PM
Attachments: [CBRA Sand Mining Talking Points.docx](#)

Hi Rob,

I got out of office response from Aaron so sharing this to make sure you're office is aware that Aurelia is doing this interview tomorrow. You may want to share with Catherine. Thanks!

Katie

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

From: **Niemi, Katie** <katie_niemi@fws.gov>
Date: Thu, Jan 9, 2020 at 4:40 PM
Subject: Press Inquiry — DOI's reversal of FWS interpretation of sand within CBRS
To: Bohn, Cynthia <cynthia_bohn@fws.gov>, Pete Benjamin <pete_benjamin@fws.gov>, Kathryn Matthews <kathryn_matthews@fws.gov>, Aaron Valenta <aaron_valenta@fws.gov>
Cc: Brian Hires <brian_hires@fws.gov>, Wright, Dana <dana_wright@fws.gov>, Jonathan Phinney <jonathan_phinney@fws.gov>, Michelle Shaughnessy <michelle_shaughnessy@fws.gov>

Hi Folks,

Just wanted to make sure you're aware that Aurelia is doing an interview tomorrow with a reporter from Coastal Review Online (North Carolina-based publication) on the new interpretation of the CBRA exception for sand mining/beach nourishment. Attached are the talking points we developed with External Affairs. Please let me know if you have any questions or concerns.

Katie

Katie Niemi
Coastal Barriers Coordinator
U.S. Fish & Wildlife Service
Ecological Services, MS: ES
5275 Leesburg Pike
Falls Church, VA 22041-3803
Tel (703) 358-2071

CBRA Sand Mining Talking Points

General CBRA Messages:

- The Fish and Wildlife Service is committed to implementing the Coastal Barrier Resources Act, according to its purposes of:
 - minimizing loss of human life
 - reducing wasteful expenditure of federal resources and
 - protecting the natural resources associated with coastal barriers
- We continue to update and modernize our implementation of the act through revised digital maps and where appropriate, revisions to our implementation of the statute.

Messages on the 2019 legal memo:

- Congress did not intend to constrain agencies in their ability to accomplish the act's overarching purpose of protecting coastal barrier resources. The act should be applied in a way that furthers this purpose.
- Our revised interpretation of gives federal agencies more flexibility to undertake projects that will protect coastal resources, even if those resources are located outside of the Coastal Barrier Resources System.
- This legal interpretation does not *guarantee* that sand within the Coastal Barrier Resources System may be used for beach replenishment outside the system, but it does make such projects eligible for consideration (including federal funding).
- Projects must further the purposes of the Act (see above three bullets).
- Project must be nonstructural, must be for the purposes of shoreline stabilization and must mimic, enhance or restore natural stabilization systems.
- Each project must be assessed on a case-by-case basis with the Service through the interagency consultation process.
- Factors that may restrict projects include (but are not limited to) the use of structural measures (e.g., seawalls, bulkheads, jetties, and geotextile dune cores) and damage to fish and wildlife resources from the dredging and/or nourishment activities.

Additional Background:

- The Coastal Barrier Resources Act (CBRA) originally established the Coastal Barrier Resources System (CBRS) in 1982. The purpose of the law is to save taxpayer money and keep people out of harm's way by removing the federal incentive to develop ecologically sensitive and storm-prone coastal areas. CBRA prohibits most new federal expenditures and financial assistance within the CBRS, but does not restrict the use of private, state, or local funds or limit the issuance of federal permits within the CBRS.
- CBRA restricts most new federal expenditures within the CBRS including projects to prevent the erosion of, or to otherwise stabilize, any inlet, shoreline, or inshore area (16 U.S.C. 3504(a)(3)).

- However, federal agencies, after consultation with FWS, may make expenditures within the CBRS for activities that meet one of CBRA’s exceptions (16 U.S.C. 3505). The Service does not have enforcement authority over CBRA; each affected agency is independently responsible for complying with the law.
- Since 1994, DOI and FWS have advised the U.S. Army Corps of Engineers (Corps) that the CBRA exception for “nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore a natural stabilization system” (16 U.S.C. 3505(a)(6)(G)) could not be applied to sand mining within the CBRS beach nourishment projects that occur outside of the CBRS.
- This interpretation affected several Corps shore-protection projects in areas along the Atlantic Coast (Stone Harbor, NJ; Topsail Beach, NC; Wrightsville Beach, NC; Carolina Beach, NC; and Folly Beach, SC), where communities and the Corps seek to use areas within the CBRS as borrow sites for beach-nourishment projects benefiting developed areas outside of the CBRS.
- SOL revisited this interpretation and issued a memo to FWS on October 30, 2019, stating that sand from within the CBRS may be used to renourish beaches outside of the CBRS, provided that the federal funding agency consults with FWS and the project meets the requirements of the exception and is consistent with the purposes of CBRA.
- On November 4, 2019, the Secretary issued letters to certain members of Congress to advise that DOI revisited its legal interpretation of a CBRA exception related to beach nourishment. This issue has been publicized in local media, E & E, and the New York Times.
- Several of the local media articles convey a false impression that federally-funded sand mining activities are now automatically allowed within the CBRS as a result of the new interpretation. **However, the October 30, 2019 SOL memo is clear that such projects are still subject to the consultation process and must meet the standards of the exception:**
 - Must be “non-structural”
 - Must be designed to “mimic, enhance, or restore a natural stabilization system”
 - Must be consistent with the purposes of CBRA. The purposes of CBRA are: “to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damage to fish, wildlife, and other natural resources associated with the coastal barriers...by restricting future Federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers...and by considering the means and measures by which the long-term conservation of these fish, wildlife, and other natural resources may be achieved” (16 U.S.C. 3501(b)).
- SOL has stated that these requirements apply to the entire project, both inside and outside of the CBRS (this is a significant change from how projects have been evaluated in the past, when consultations considered only activities within the CBRS).
- DOI and FWS have received inquiries from the House Natural Resources Committee and other stakeholder groups seeking clarification on how the new interpretation will affect projects and the timeframe for FWS guidance on this matter. Ecological Services (ES) is in the process of preparing a letter to the Corps’ Director of Civil Works regarding CBRA consultations under the new interpretation.

From: [Phinney, Jonathan T](#)
To: [Jesup, Benjamin C](#); [Chen, Linus Y](#)
Cc: [Niemi, Katie](#); [Wright, Dana K](#)
Subject: CBRA needs solicitors assistance on sand mining from within a CBRA unit for placement outside the unit
Date: Tuesday, May 15, 2018 10:01:35 AM
Attachments: [1994 Section 6 beach nourishment Solicitors Opinion \(2\).PDF](#)
[CBRA Consultation USACE Sand Borrow 6.2.1994.pdf](#)
[Sol Opinion exception 6\(a\)\(6\)\(G\) and USACE letter.pdf](#)
[Info Memo on Sand Mining in CBRS 11.27.17.docx](#)
Importance: High

Ben and Linus,

CBRA is getting a lot of inquires from the Corp (and others) on sand mining from within a CBRA unit for placement outside using federal funds.

The Program has relied on several FWS solicitor's opinions to the Corp from 1994 that support our position that federal funds can not be used for this activity (see attached. Also attached is a 2017 summary of the CBRA position for Greg Sheehan).

We would like to reconfirm this position with your office. May 23rd at 0930 looks open on all calendar for a call with your office. To expedite matters, I will add an invite that you are welcome to modify.

Thanks for the assistance.

--

Jonathan T. Phinney PhD
Chief, Branch of Geospatial Mapping
and Technical Services (CBRA, NWI)
USFWS Ecological Services
5275 Leesburg Pike Suite 2 C007
Falls Church, VA 22041
703-358-1832 (office)
-1800 (fax)
703-819-2570 (mobile)
jonathan_phinney@fws.gov
<http://www.fws.gov>

In Reply Refer To:
FWS/DHC/BCWR

Memorandum

To: Regional Director, Regions 2, 3, 4, and 5 *and 7.*

From: ~~Regional~~ Director

Subject: Interpretation of Section 6 of the Coastal Barrier Improvement Act of 1990

A recent consultation submitted to the Service from the U.S. Army Corps of Engineers pursuant to Section 6 of the Coastal Barrier Resources Act (Act) has required clarification from the Department of the Interior's Office of the Solicitor regarding Federally funded beach nourishment activities (Attachment). More specifically, the issue involves removing sand materials from within a unit of the Coastal Barrier Resources System (System) for placement outside of the unit for erosion control measures.

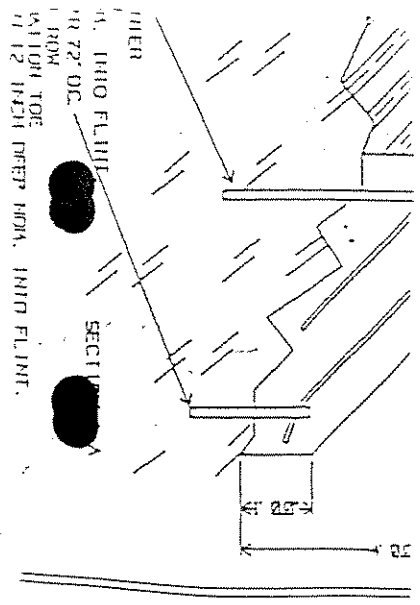
Section 6 of the Act sets forth several exceptions to the general prohibition in section 5 against Federal expenditures affecting the System. The exception in section 6(a)(6)(G) is for "Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore, natural stabilization systems" and that are also consistent with the purposes of the Act. The Department's Office of the Solicitor has carefully reviewed this issue and has advised us that section 6(a)(6)(G) applies only to projects for stabilizing the shoreline of a unit of the System; it does not apply to projects to stabilize shoreline outside the System regardless of whether the project might be consistent with the purposes of the Act. Therefore, any proposed Federal action designed to nourish beaches located outside the System using beach material taken from within the System does not meet the criteria for a section 6(a)(6)(G) exception.

If you have any questions regarding this matter please contact Linda Kelsey of my staff at (703) 358-2201.

RICHARD N. SMITH

Attachment

cc: 3012-MIB-FWS/Directorate Reading File
3012-MIB-FWS/CCU
3012-MIB-FWS/AEA Files
3024-MIB-FWS/AES Files
400-ARLSQ-FWS/DHC Files
412-ARLSQ-FWS/DHC/BCWR Files
FWS/DHC/BCWR/LKelsey:bg:06/20/94:(703)358-2201
Q:\DHC\KELSEY\SECT6.MEM





United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



ADDRESS ONLY THE DIRECTOR,
FISH AND WILDLIFE SERVICE

In Reply Refer To:
FWS/DHC/BCWR

JUN 02 1994

Major General Stanley G. Genega
Directorate of Civil Works
U.S. Army Corps of Engineers
20 Massachusetts Avenue, N.W.
Washington, D.C. 20314-1000

Dear General Genega:

It has come to my attention that some clarification is necessary on the issue of Federally funded beach nourishment activities in relation to the requirements of the Coastal Barrier Resources Act (Act). More specifically, the issue involves removing sand materials from within a unit of the Coastal Barrier Resources System (System) for placement outside of the unit for erosion control measures.

Section 6 of the Act sets forth several exceptions to the general prohibition in section 5 against Federal expenditures affecting the System. The exception in section 6(a)(6)(G) is for "Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore, natural stabilization systems" and that are also consistent with the purposes of the Act. The Department of the Interior's Office of the Solicitor has carefully reviewed this issue and has advised us that section 6(a)(6)(G) applies only to projects for stabilizing the shoreline of a unit of the System; it does not apply to projects to stabilize shoreline outside the System regardless of whether the project might be consistent with the purposes of the Act. Therefore, any Corps' proposed action designed to nourish beaches located outside the System using beach material taken from within the System does not meet the criteria for a section 6(a)(6)(G) exception. The Department's Office of the Solicitor has reviewed this issue and this specific correspondence and fully concurs with our position on this matter.

A specific example of where this issue has arisen is relative to the Corps of Engineers proposed action for the use of a sand borrow area (Borrow Area #3) within Unit N01, Little Tybee Island, of the Coastal Barrier Resources System for a beach nourishment project outside of Unit N01. The U.S. Fish and Wildlife Service's Atlanta Regional Director wrote to your agency on April 5, 1994, expressing support for the formal opinion provided to the Corps of Engineers on August 2, 1993, by our Brunswick Field Office regarding your consultation request under the Act. The Atlanta Regional Director also supports the comments provided to your agency on the Joint Public Notice, dated February 14, 1994, and the Draft Environmental Assessment for the Tybee Island, Georgia Beach Erosion Control Project

Section 934 Revaluation Report. This proposed action does not meet the criteria for a section 6(a)(6)(G) exception.

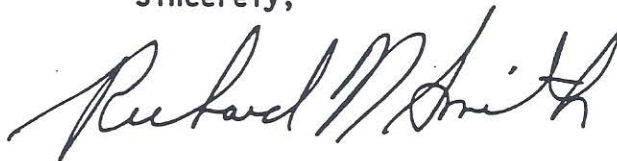
Moreover, the Service believes the proposed project would not be consistent with the purposes of the Act. These purposes are to minimize the loss of human life, wasteful expenditure of Federal revenues, and damage to fish, wildlife, and other natural resources associated with units of the Coastal Barrier Resources System. Use of this site would cause damage to the fish, wildlife, and other natural resources associated with Unit N01, Little Tybee Island.

Taking sand from Borrow Area #3 is likely to cause erosion to the beaches of Little Tybee Island. This area has been identified as important habitat for migratory birds and the federally protected loggerhead sea turtle and piping plover. In addition, the nearshore tidal portions of this site are important spawning, nursery and habitat areas for estuarine larvae, shellfish, and juvenile fish, including Georgia's number one sportfish, the spotted seatrout. Negative impacts to these species include increased turbidity, physical changes in tidal currents or channel locations that could affect migration of these organisms. Furthermore, Little Tybee Island has been designated as a Natural Heritage Preserve to protect the natural, historical, and cultural values for the benefit of the public.

Relative to the Little Tybee Island proposed project, I support the position of our Field and Regional Offices. I strongly recommend that the Corps find an alternative borrow site. The Service has previously stated that Borrow Areas #1 and #2, which are located outside the System and which the Corps identified as possible alternative sites, would be acceptable to the Service, provided adequate testing is done to ensure that these areas contain suitable beach material.

With respect to this issue in general, please clarify this issue for your Divisions and Districts. Thank you for your cooperation on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard M. Smith". The signature is fluid and cursive, with the first name "Richard" being the most prominent.

DeputyDIRECTOR

IDENTICAL LETTER SENT TO:
Colonel Wayne W. Boy, Savannah District

FWS.CW.0380

Memorandum

To: Ralph Morgenweck
Assistant Director, Fish and Wildlife Enhancement
Fish and Wildlife Service

From: Charles P. Raynor
Assistant Solicitor
Fish and Wildlife

Subject: Interpretation of Section 6(a)(6)(G) of the Coastal
Barrier Resources Act

Introduction

You have requested our opinion as to whether a project to renourish a beach outside the Coastal Barrier Resources System (System) utilizing sand removed from within a unit of the System can qualify for the shoreline stabilization projects exemption in section 6(a)(6)(G) of the Coastal Barrier Resources Act (Act), 16 U.S.C. 3505(a)(6)(G). We conclude this exemption applies only to projects designed to stabilize the shoreline of a System unit and therefore does not apply to projects to renourish beaches outside the System even if the other requirements of section 6(a)(6)(G) are met.

Background

Section 5(a) of the CBRA, 16 U.S.C. 3504(a), prohibits new Federal expenditures or financial assistance for activities within the System, unless the activities are covered by one of the exceptions listed in section 6. The shoreline stabilization projects exception in section 6(a)(6)(G) covers:

(6) Any of the following actions or projects, but only if the making available of expenditures or assistance therefor is consistent with the purposes of this Act:

. . . .

(G) Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore natural stabilization systems.

We understand Proposed beach renourishment projects within the CBRS that meet these standards and are consistent with the CBRA

purposes may receive Federal funding.

Discussion

The Corps proposes to dredge approximately 975,000 cubic yards of sand from within the Midway Inlet Unit for use in renourishing the beach on Pawley's Island, which is not within the CBRS. We interpret the language of section 6(a)(6) of the CBRA, however, as referring to nonstructural projects devoted to stabilizing the shoreline of a Unit of the CBRS by mimicking, enhancing, or restoring the natural stabilization systems of the Unit. In other words, beach renourishment projects must be aimed at renourishing the beach of the CBRA Unit in order to qualify for Federal funding under section 6(a)(6). In contrast, the Corps' Pawley's Island project is intended solely to accomplish the renourishment of a beach outside of the CBRS. We therefore conclude that Federal funding or financial assistance for such a project would violate section 5 of the CBRA. Our opinion would not differ if the project were designed instead to renourish beaches both within and without the CBRS, because we interpret section 6(a)(6) to refer to projects designed to renourish solely a beach within the CBRS.

Even if this project were intended to renourish the beach of the Midway Inlet Unit, we believe it still would not qualify for a Federal funding exception because it would be inconsistent with the CBRA purposes. As noted above, the CBRA purposes include minimizing damage to fish, wildlife, and other natural resources of coastal barriers. In this case, the proposed dredging would damage the productive natural systems of Midway Inlet in several ways. The dredging would result in the outright destruction of all benthic organisms encountered by the dredging cutterhead that would be used. In addition, the borrow area, which currently is shallow, would be converted to deeper, less productive open water. The deepening of this area would also cause sloughing and/or erosion of adjacent shallow areas and thereby reduce their habitat values.

The existing shallow water of the borrow area provides, in conjunction with adjacent beaches, habitat for a number of species of birds and turtles. These include Wilsons plovers and Least terns (classified as threatened by the State of South Carolina) that nest and feed in the existing habitat. The loggerhead turtle (Federally listed as threatened under the Endangered Species Act) utilizes these beaches for nesting and the shallow ridged shoals for feeding and nesting during its "internesting period" (the time interval between nesting emergencies).

Finally, recent studies by the Corps of Engineers of the effects of other renourishment projects on North Carolina beaches suggest that they result in a reduction in nearshore and surf fisheries caused by disturbances to intertidal communities from renourishment activities.

Conclusion

The renourishment project proposed by the Army Corps of Engineers, dredging of sand from within the Midway Inlet Unit in order to renourish a beach outside the Coastal Barrier Resources System, does not fall within the CBRA section 6(a)(6) Federal funding exception, which applies only to projects for renourishment of beaches within the CBRS. In addition, the project would lead to significant adverse impacts on the natural resources of the Midway Inlet Unit, although section 6(a)(6) projects must be consistent with the CBRA purpose of minimizing damage to the natural resources of coastal barriers. For each of these reasons, we conclude that Federal funding or financial assistance for this beach renourishment project would violate section 5 of the Coastal Barrier Resources System.

Please refer any questions to David Gayer (343-2172).

cc: Coastal Barriers Coordinator
J. G. Harvey Geitner, Charleston, S.C. Field Office, FWS



United States Department of the Interior

OFFICE OF THE SECRETARY
1849 C Street, N.W.
Washington, D.C. 20240

JUN 12 1995

Dr. John H. Zirschky
Acting Assistant Secretary (Civil Works)
Department of the Army
108 Army Pentagon
Washington, D.C. 20310-0108

Dear Dr. Zirschky:

Thank you for your letter of February 16, 1995, requesting review of the U.S. Fish and Wildlife Service (Service) interpretation of the statutory requirements of the Coastal Barrier Resources Act (Act) in relation to the issue of federally funded beach nourishment activities. You specifically request that we reverse the Service's interpretation of section 6(a)(6)(G) of the Act as it relates to the U.S. Army Corps of Engineers (Corps) Folly Beach, South Carolina, beach renourishment project and other similar projects. You note that the Service's interpretation should be rescinded for the following reasons: 1) Corps studies indicate impacts to coastal barrier Unit M07, Bird Key Complex, from the Folly Beach project are not appreciable and may be beneficial, 2) the Energy and Water Development Appropriation Act for 1992 authorized the use of Unit M07 as a borrow area by the Corps, 3) the Service previously determined that the use of Unit M07 as a borrow area was an allowable activity under section 6(a)(6)(G) of the Act, and 4) the Service's current statutory interpretation places unexpected financial burdens on both the Federal Government and the non-Federal cost-sharing sponsors of the Folly Beach project and other similar Corps projects.

Section 6 of the Act sets forth several exceptions to the general prohibition in section 5 against Federal expenditures affecting the Coastal Barrier Resources System (System). The exception in section 6(a)(6)(G) is for "Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore, natural stabilization systems" and that are also consistent with the purposes of the Act. We have conferred with the Department's Office of the Solicitor on this issue and, after careful consideration, determined that the current statutory interpretation is correct. Section 6(a)(6)(G) applies only to projects for stabilizing the shoreline of a unit of the System; it does not apply to projects to stabilize shoreline outside the System regardless of whether the project might be consistent with the purposes of the Act. Therefore, any Corps proposed action designed to nourish beaches located outside the System using beach material taken from within the System does not meet the criteria for a section 6(a)(6)(G) exception.

Relative to your point that the Folly Beach project would not be damaging to Unit M07 and may actually benefit the unit, the section 6 exception does not apply in this case regardless of whether the project may be non-detrimental or beneficial. The section 6 exception applies only to projects for stabilizing the shoreline of a unit of the System, not for projects outside the System. In fact, the Charleston Field Office recently reported that Bird Key, a highly important nesting site for colonial waterbirds, has actually undergone drastic erosion since the Folly Beach project began. Most, if not all of the nesting habitat, has been lost. Also, recent studies by the South Carolina Department of Natural Resources indicate that material accumulating in the project borrow area does not appear to be beach compatible material due to the high content of silt and clay material.

With regard to the 1992 Energy and Water Development Appropriations Act, Congress regularly enacts new legislation resulting in numerous federally funded activities. However, activities authorized by such newly enacted legislation must adhere to other statutory requirements unless the legislation specifically exempts the activities from existing statutory requirements.

You are correct in stating that the Corps previously received a Service determination that the Folly Beach project was an allowable activity under section 6(a)(6)(G). However, because of conflicting interpretations regarding section 6(a)(6)(G) in relation to beach renourishment activities within coastal barrier units, the Service requested an interpretation by the Department's Solicitor which resulted in the current statutory interpretation.

Finally, you note that the current statutory interpretation places unexpected financial burdens on both the Federal and non-Federal sponsors of the Folly Beach project. The purposes of the Act are to minimize the loss of human life, wasteful expenditure of Federal revenues, and damage to fish, wildlife, and other natural resources associated with units of the System. The Act does not restrict the use of private, State or local government funds for activities within the System. Therefore, implementation of the Act results in a savings of Federal dollars by placing the financial burden on those who chose to invest, live, or conduct development activities within the System, not the American taxpayer. The current statutory requirement only restricts the use of Federal funds for the purpose of removing sand from within the System. Furthermore, it is only the last 4,500 feet of the southwest portion of the total proposed borrow area for the Folly Beach project which is within Unit M07. The remaining unaffected borrow area is 7,170 feet long and 600 feet wide. Therefore, the project is not entirely prohibited and estimated future financial burdens may be inflated.

It is important to note that coastal barrier units include the fastland core of the coastal barrier itself, as well as associated aquatic habitat and the entire sand-sharing system, including the beach, shoreface, and offshore bars. The sand-sharing system of coastal barriers is defined by the 30-foot bathymetric contour. Congress approved this delineation criteria for units of the System in recognition of the important role the sand-sharing system plays in maintaining the dynamic, migratory nature of coastal barriers.

We hope this clarifies the Department's position on this issue. Thank you for your cooperation on this matter.

Sincerely,

/s/ George T. Frampton, Jr.

George T. Frampton, Jr.
Assistant Secretary for Fish
and Wildlife and Parks

cc: 6229-MIB-ES(1)
6013-MIB-PMO-Secretary's Files
6013-MIB-PMO-Secretary's Reading File (2)
6024-MIB-SOL
7456-MIB-PMB
3156-MIB-FW
6242-MIB-CL
6628-MIB-LM
3012-MIB-FWS-Directorate Reading File
3012-MIB-FWS-CCU
3024-MIB-FWS-AES
400-ARLSQ-FWS-DHC
400-ARLSQ-FWS-DHC-BHR

FWS/DHC/BHR:LKelsey:eob:358-2201:3/30/95 - Q:\DHC\kelsey\Zirschky.ltr
REVISED:AES:MNash:4/3/95

Information Memorandum for the Principal Deputy Director

Date: November 27, 2017

From: Gary Frazer, Assistant Director for Ecological Services

Telephone #: (202) 208-4646

Subject: Background information on the Service's national policy regarding sand mining within the Coastal Barrier Resources System (CBRS) for shoreline stabilization projects outside of the CBRS

I. Introduction

The CBRS was established by the Coastal Barrier Resources Act (CBRA) in 1982 and consists of geographic units along the Atlantic, Gulf of Mexico, Great Lakes, U.S. Virgin Islands, and Puerto Rico coasts that are delineated on a series of maps. Congress enacted CBRA to minimize the loss of human life, wasteful Federal expenditures, and damage to natural resources on coastal barriers by prohibiting most new Federal expenditures that promote development within the CBRS. CBRA does not prohibit development conducted with private, state, or local funds; rather, it restricts Federal subsidies that encourage development within these hazard-prone and ecologically sensitive areas.

CBRA's restrictions on new Federal expenditures and financial assistance within System Units of the CBRS include, but are not limited to: construction or purchase of roads, structures, facilities, and infrastructure, and most projects to prevent the erosion of or otherwise stabilize any inlet, shoreline, or inshore area (U.S.C. 3504). However, Federal agencies, after consultation with the U.S. Fish & Wildlife Service (Service), may make expenditures and financial assistance available for activities that meet one of the CBRA's exceptions (16 U.S.C. 3505). Any response from the Service is in the form of an opinion only. The responsibility for complying with the CBRA and the final decision regarding the expenditure of funds for a particular action or project rests with the Federal funding agency.

The Service has a long-standing national policy regarding sand mining within the CBRS for shoreline stabilization projects outside of the CBRS. The Service has applied this interpretation in its responses to requests for CBRA consultations from 1994 to the present (such requests generally come from the U.S. Army Corps of Engineers (Corps)). This policy has recently been the subject of inquiries from staff for both individual members of Congress and Congressional committees, who are hearing from local officials regarding the matter.

II. Background

The CBRA contains a set of exceptions that allow Federal agencies to make expenditures and financial assistance available within the CBRS for several different types of activities. The Corps has submitted consultation requests to the Service that propose that sand mining within the CBRS for a shoreline stabilization project located outside of the CBRS would meet the exception in the CBRA for "nonstructural projects designed to mimic, enhance, or restore a natural stabilization system" (16 U.S.C. 3505(a)(6)(G)). This exception also requires the project to be consistent with the purposes of the CBRA (i.e., to minimize: the loss of human life; wasteful expenditure of Federal revenues; and damage to fish, wildlife, and other natural resources associated with the coastal barriers by restricting Federal expenditures and financial assistance which have the effect of encouraging development within the CBRS).

In 1994, the Department of the Interior’s Solicitor’s Office advised the Service that the 16 U.S.C. 3505(a)(6)(G) exception applies only to projects for stabilizing the shoreline of a unit of the CBRS; it does not apply to projects to stabilize shorelines outside of the CBRS (regardless of whether the project might be consistent with the purposes of the CBRA). A subsequent review of this matter by the Assistant Secretary for Fish and Wildlife and Parks in 1995 reaffirmed this policy. See the attachments for related correspondence.

There is an exception under the CBRA that allows for dredging of Federal navigation channels (including disposal of dredge materials), but this exception is limited only to the dredging necessary for the maintenance of the channel. The legislative history of the CBRA states that “The use of disposal sites for dredge materials is not precluded by this legislation so long as they are related to, and necessary for, the maintenance of an existing project” (House Report 97-841 Part 1). Beneficial use of dredge spoils from such channel maintenance activities for beach nourishment is possible in certain circumstances, but dredging that exceeds what is necessary for true maintenance of the channels is not permitted with Federal funds.

The legislative history is clear that the CBRA was intended to reduce Federal involvement in activities that are detrimental to coastal barrier ecosystems included within the CBRS, including most dredging. House Report 97-841 Part 1 states: “Intense development and human use of coastal barriers have also caused diminished productivity in these important natural resource areas. Disposing sewage effluents, dredging canals and channels, filling wetlands, leveling dunes, clearing vegetation, constructing hurricane and erosion control projects, stabilizing inlets, and other activities often spell trouble for the coastal barrier ecosystems that protect and often sustain natural resources of immense aesthetic and economic value.”...“The intent of the legislation is that all forms of direct Federal assistance for projects...be precluded.”

III. Positions of Interested Parties

Service Position

The Service maintains its long-standing policy that mining sand from within the CBRS for shoreline stabilization projects located outside of the CBRS does not meet the 16 U.S.C. 3505(a)(6)(G) exception under the CBRA.

U.S. Army Corps of Engineers

The Corps continues to submit CBRA consultation requests to the Service that propose that the exception to the CBRA for “nonstructural projects designed to mimic, enhance, or restore a natural stabilization system” (16 U.S.C. 3505(a)(6)(G)) can be applied to sand mining within the CBRS for shoreline stabilization outside of the CBRS. Mining sand for beach nourishment projects within CBRS units is generally preferable to mining sand from offshore borrow sites because it is cheaper and can produce sand of the necessary quality (grain size, color, etc.). The most recent related requests include projects in Stone Harbor, New Jersey (Corps Philadelphia District) and Folly Beach, South Carolina (Corps Charleston District); however, there are no pending consultation requests related to this issue.

Congressional Interest

Service staff have recently had phone calls with Congressional staff (New Jersey and North Carolina member offices and the House of Representatives Transportation and Infrastructure Committee and Natural Resources Committee) concerning sand mining within the CBRS. Staffers have indicated that CBRA is becoming a road block to beach nourishment projects and that it forces communities to pay for projects themselves or drives up the costs to the Corps for sourcing beach-quality sand.

From: [Bohn, Cynthia](#)
To: [Wright, Dana K](#); [Niemi, Katie](#); [Ellis, John](#); [Benjamin, Pete](#); [Wells, Emily N](#); [Augspurger, Tom](#)
Cc: [Peters, Kristen E](#); [Valenta, Aaron](#)
Subject: Fwd: Burr and Tillis Letter- Sand Mining
Date: Thursday, March 21, 2019 10:17:40 AM
Attachments: [DEPARTMENT OF THE INTERIOR Mail - Re: Question about Corps project authorizations and appropriations and CBRA.pdf](#)

Hi folks: I am contacting you to see if you have any specific insights or additional information for the RD relative to this requested meeting.

This is what I know:

I received a call from one of the town officials from Carolina Beach last August, and we discussed the fact that the Corps' Carolina Beach Renourishment project that had been authorized 50 years ago had now expired and that they were going to need to reauthorize it. The sand source for the existing project was in a CBRS unit and they had been using it to nourish the beach outside the unit for 50 years. They were concerned that now they would have CBRA issues. After discussing this with HQ and ultimately the Corps Solicitor, they likely should have consulted with us each time there was an expenditure to the authorized project. (See email attached) I don't believe that they did, but the RANC FO would need to weigh in on that.

Nationally, the Corps, in general, is searching for sand and that the CBRS units are the "most practicable alternative" and cheaper than going off shore.

Also last December, our DOI solicitors and Fish and Wildlife Service Principal Deputy Director Margaret Everson, reaffirmed in a response to Representatives Jones, R-NC, and Rouzer, R-NC, and several other congressmen, that the DOI Solicitor's 1994 interpretation of the act relative to using sand from within the system to nourish outside the system was still our position. According to an article in Coastal Review, <https://www.coastalreview.org/2019/02/push-on-to-change-sand-rule-interpretation/>, Senators Tillis and (Richard) Burr (R-N.C.) will continue to work on possible legislative fixes.

Cynthia Bohn
Southeast Region Coastal Program Coordinator
Coastal Barrier Resources Act Coordinator (R5, R4, R2)
USFWS Southeast Region
1875 Century Blvd, Room 200
Atlanta, GA 30345
Phone: 404-679-7122
Fax: 404-679-7081
cynthia_bohn@fws.gov

[Learn more about the Coastal Barrier Resources Act](#)

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

From: **Valenta, Aaron** <aaron_valenta@fws.gov>

Date: Thu, Mar 21, 2019 at 8:58 AM

Subject: Burr and Tillis Letter- Sand Mining

To: Cynthia Bohn <cynthia_bohn@fws.gov>

Hey,

RD's office is setting up a meeting with COE to discuss, " Senators Burr and Tillis about the sand borrowing sites at Carolina and Wrightsville beach." Is this the CBRA issue we were dealing with last year?

Thanks,

Aaron Valenta

Chief, Division of Restoration and Recovery

U.S. Fish and Wildlife Service

1875 Century Boulevard

Atlanta, Georgia 30345

404/679-4144

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Bohn, Cynthia <cynthia_bohn@fws.gov>

Re: Question about Corps project authorizations and appropriations and CBRA

1 message

Wright, Dana <dana_wright@fws.gov>

Wed, Sep 5, 2018 at 6:12 AM

To: "Chen, Linus" <linus.chen@sol.doi.gov>

Cc: Cynthia Bohn <cynthia_bohn@fws.gov>, Katie Niemi <Katie_Niemi@fws.gov>

Thanks Linus.

Dana Wright
Program Specialist
Ecological Services
U.S. Fish & Wildlife Service
[5275 Leesburg Pike, MS: ES](#)
Falls Church, VA 22041
703-358-2443 (office)
703-358-1800 (fax)

[Learn more about the Coastal Barrier Resources Act](#)

On Tue, Sep 4, 2018 at 3:52 PM, Chen, Linus <linus.chen@sol.doi.gov> wrote:

I just spoke with someone at Div. General Law (Tony Irish), and on first impression, he agrees with your email on authorization vs appropriation. He's going to look in to it a little more, and is willing to have a conference call with you and I on this.

On Wed, Aug 29, 2018 at 12:20 PM Wright, Dana <dana_wright@fws.gov> wrote:

Hi Linus,

We had a question come up recently from a community official in North Carolina that is concerned about the fact that a specific Corps shore protection project has an authorization that is expiring soon. His concern was that a new authorization would trigger CBRA issues for the project.

16 U.S.C. 3504(b) indicates which federal expenditures and financial assistance are considered "new" under the CBRA, and therefore are required to be CBRA compliant. An expenditure is "new" if

"(1) in any case with respect to which specific appropriations are required, no money for construction or purchase purposes was appropriated before the date on which the relevant System unit or portion of the System unit was included within the System under this chapter or the Coastal Barrier Improvement Act of 1990; or

(2) no legally binding commitment for the expenditure or financial assistance was made before such date."

Cindy, Katie, and I have discussed this matter, and we do not see how the expiration of an authorization and the enactment of a new authorization would have any impact on the Corps' CBRA compliance requirements. It is our understanding that an authorization for a Corps project is not a legally binding commitment for an expenditure; there are many Corps projects that have not been funded by Congress and therefore have no contracts or agreements in place that obligate funds for their construction. Additionally, an authorization for the Corps to conduct a project is different from an appropriation. See this recent article on the gap between authorizations and appropriations for WRDA authorized projects: <https://www.rollcall.com/news/policy/flood-project-funding-high-dry>.

Our interpretation is that the trigger requiring the Corps to comply with CBRA for a given project is the date that the money was appropriated for the project, whether that was before or after the CBRS designation date, and whether the Corps had a legally binding commitment to carry out the project prior to the CBRS designation date. Below is a hypothetical example that applies our interpretation:

A Corps shore protection project (which requires beach renourishment on a periodic basis) is authorized in 1975, and funding for construction of the project is appropriated in 1981. The project area or a portion thereof is designated within the CBRS in 1982. This specific appropriation for the project does not require CBRA

consultation because it is not a "new" expenditure (as defined by 16 U.S.C. 3504(b)), even if the construction did not take place until after the 1982 CBRS designation. However, in 1994, Congress appropriates additional funds for renourishment of the project. Despite the fact that the authorization for the project predates CBRA, this new appropriation would trigger CBRA and the Corps would be required to consult with the Service. The project should only proceed with federal funds if it meets an exception to the CBRA.

Can you please provide your thoughts on this matter? Does your understanding of the role of Corps project authorizations and appropriations align with this interpretation? If the Corps constructs a project that is later designated within the CBRS, does the Corps have a legally binding commitment to continue to maintain that project?

Thanks,

Dana Wright
Program Specialist
Ecological Services
U.S. Fish & Wildlife Service
[5275 Leesburg Pike](#), MS: ES
Falls Church, VA 22041
703-358-2443 (office)
703-358-1800 (fax)

[Learn more about the Coastal Barrier Resources Act](#)

--

Linus Y. Chen, Attorney

Division Parks & Wildlife

(w) 202-208-5036

(f) 202-208-3877

From: [Wright, Dana K](#)
To: [Bohn, Cynthia](#)
Cc: [Niemi, Katie](#); [Ellis, John](#); [Benjamin, Pete](#); [Wells, Emily N](#); [Augsburger, Tom](#); [Peters, Kristen E](#); [Valenta, Aaron](#); [Pool, Taylor S](#); [Berg, Elizabeth A](#); [Phinney, Jonathan T](#)
Subject: Re: Burr and Tillis Letter- Sand Mining
Date: Thursday, March 21, 2019 10:58:03 AM
Attachments: [CBRA Info Memo on Shoreline Stabilization 10.30.18.docx](#)
[068399 Signed with Enclosures - Reps Rouzer and Jones.pdf](#)
[Topsail and CBRA IM - from Raleigh FO.docx](#)
[CBRA Briefing for DOI-FWP shoreline stabilization 10.31.18.pdf](#)
[Graves et al 068399 Incoming 6.20.18.PDF](#)
Importance: High

Hi Cindy,

You provided a nice summary and I agree with what you've written, particularly with respect to the fact that each federal expenditure (not each Congressional project authorization) is a trigger for CBRA consultation. I don't know exactly why the Corps is requesting this meeting; it could be any number of things from questions/concerns about our read of CBRA relating to shoreline stabilization, specific projects in the Wilmington District, or pressure that they may be feeling from communities to conduct projects within or affecting the CBRS.

HQ ES briefed the issues related to sand mining, shoreline stabilization, and CBRA up through the Director's office in November of 2017 and the Assistant Secretary's office in November 2018. I attached the most recent briefing materials that we used. I also attached an incoming letter and response letters (approved by the Department and signed by Margaret Everson) to/from Reps. Rouzer and Jones from 2018. Let me know if you'd like a powerpoint version of the presentation that you can edit.

For your convenience I've also attached a memo on Topsail and CBRA that we received from the FO in 2017, but please check with Pete and John before using that as it may be out of date.

In the event that mapping issues related to units in the vicinity of Topsail Island come up, you can confirm that HQ has completed comprehensive reviews of the mapping of those units in recent years. Our final recommended maps affecting Topsail Island and other nearby areas were adopted by Congress in 2014 (Units L07, L08, and L09) and 2018 (Units L05 and L06 among others), and we have no further plans to conduct any mapping in that area at this time.

I'm not sure whether the Senators or their staff will actually be at the meeting (will they?), but I'm copying our folks in CLA for their awareness on this recurring issue.

Thanks,

Dana Wright
Program Specialist
Ecological Services
U.S. Fish & Wildlife Service
5275 Leesburg Pike, MS: ES
Falls Church, VA 22041
703-358-2443 (office)
703-358-1800 (fax)

[Learn more about the Coastal Barrier Resources Act](#)

On Thu, Mar 21, 2019 at 10:17 AM Bohn, Cynthia <cynthia_bohn@fws.gov> wrote:

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This is what I know:

I received a call from one of the town officials from Carolina Beach last August, and we discussed the fact that the Corps' Carolina Beach Renourishment project that had been authorized 50 years ago had now expired and that they were going to need to reauthorize it. The sand source for the existing project was in a CBRS unit and they had been using it to nourish the beach outside the unit for 50 years. They were concerned that now they would have CBRA issues. After discussing this with HQ and ultimately the Corps Solicitor, they likely should have consulted with us each time there was an expenditure to the authorized project. (See email attached) I don't believe that they did, but the RANC FO would need to weigh in on that.

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From: **Valenta, Aaron** <aaron_valenta@fws.gov>
Date: Thu, Mar 21, 2019 at 8:58 AM
Subject: Burr and Tillis Letter- Sand Mining
To: Cynthia Bohn <cynthia_bohn@fws.gov>

Hey,

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Thanks,

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U.S. Fish and Wildlife Service
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Information Memorandum for the Principal Deputy Assistant Secretary - Water and Science Exercising the Authority of the Assistant Secretary for Fish and Wildlife and Parks

Date: October 30, 2018

From: Gary Frazer, Assistant Director for Ecological Services

Telephone #: (202) 208-4646

Subject: Coastal Barrier Resources Act restrictions and exceptions relating to shoreline stabilization projects

I. Introduction

The Coastal Barrier Resources System (CBRS) was established by the Coastal Barrier Resources Act (CBRA) in 1982 and consists of geographic units along the Atlantic, Gulf of Mexico, Great Lakes, U.S. Virgin Islands, and Puerto Rico coasts that are delineated on a series of maps. The purposes of CBRA are to minimize the loss of human life, wasteful federal expenditures, and damage to natural resources on coastal barriers by prohibiting most new federal expenditures that promote development within the CBRS. CBRA does not prohibit development conducted with private, state, or local funds; rather, it restricts federal subsidies that encourage development within these hazard-prone and ecologically sensitive areas.

CBRA's restrictions on new federal expenditures and financial assistance within System Units of the CBRS include, but are not limited to: construction or purchase of roads, structures, facilities, and infrastructure, and most projects to prevent the erosion of or otherwise stabilize any inlet, shoreline, or inshore area (16 U.S.C. 3504). However, federal agencies, after consultation with the U.S. Fish and Wildlife Service (Service), may make expenditures and financial assistance available within the CBRS for activities that meet one of CBRA's exceptions (16 U.S.C. 3505). Any response from the Service is in the form of an opinion only. The responsibility for complying with CBRA and the final decision regarding the expenditure of funds for a particular action or project rests with the federal funding agency.

From 1994 to the present, the Service has applied a consistent legal interpretation (based on a 1994 memorandum from the Branch of Fish and Wildlife of the Solicitor's Office) that CBRA prohibits most sand mining within the CBRS for shoreline stabilization projects outside of the CBRS. Since 2017, this policy (as well as shoreline stabilization and beach nourishment in general) has been the subject of inquiries from members of Congress and Congressional committees, who are hearing from local officials regarding this matter. In March and April of 2018 the Service responded to numerous questions from the Congressional Research Service regarding CBRA, with a focus on consultations, beach nourishment, and dredging.

The Service received a letter in June 2018 from seven members of Congress that asserts that the agency has taken an unreasonably narrow interpretation of CBRA's exceptions, specifically as they pertain to congressionally authorized shoreline stabilization and beach nourishment projects. The letter requested responses to several questions concerning the Service's

interpretation of CBRA and the agency's recommendations regarding legislative and administrative remedies. The incoming letter (DCN #068399), the Service's responses to the questions, and other supporting materials are attached.

II. Background

The legislative history is clear that CBRA was intended to reduce federal involvement in activities that are detrimental to coastal barrier ecosystems included within the CBRS, including most dredging and flood control projects. House Report 97-841 Part 1 states:

Intense development and human use of coastal barriers have also caused diminished productivity in these important natural resource areas. Disposing sewage effluents, dredging canals and channels, filling wetlands, leveling dunes, clearing vegetation, constructing hurricane and erosion control projects, stabilizing inlets, and other activities often spell trouble for the coastal barrier ecosystems that protect and often sustain natural resources of immense aesthetic and economic value The intent of the legislation is that all forms of direct Federal assistance for projects ... be precluded.

CBRA is a free-market approach to conservation. It does not ban shoreline stabilization and sand mining activities; they can still occur within the CBRS provided that the cost is covered by private, state, or local sources rather than the American taxpayer. As stated by President Reagan in his signing statement on CBRA, "The difficult task of balancing competing uses of resources is best performed by the market, free of Federal subsidies."

There are some exceptions under CBRA that allow for certain dredging, beach nourishment, and other shoreline stabilization activities within the CBRS. There is an exception that allows dredging of federal navigation channels (including the disposal of dredge materials); however this exception is limited to the dredging necessary for the maintenance of the channel (16 U.S.C. 3505(a)(3)). Beneficial use of dredge spoils from such channel maintenance activities for beach nourishment (both within and outside the CBRS) is possible in certain circumstances, but dredging that exceeds what is necessary for true maintenance of the channels is not permitted with federal funds.

There are also two other exceptions that specifically refer to shoreline stabilization activities, and they both require that the projects also be consistent with the three purposes of CBRA (the purposes are stated in the Introduction section). These exceptions include (1) "Projects for the study, management, protection, and enhancement of fish and wildlife resources and habitats, including acquisition of fish and wildlife habitats and related lands, stabilization projects for fish and wildlife habitats, and recreational projects" (16 U.S.C. 3505(a)(6)(A)) and (2) "Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore a natural stabilization system" (16 U.S.C. 3505(a)(6)(G)). There are other limited exceptions under which shoreline stabilization projects may fall (see the attachment for further details).

In 1994, the Branch of Fish and Wildlife of the Department of the Interior's Solicitor's Office advised the Service that CBRA exceptions apply only to projects that occur *within* the CBRS; they do not apply to projects that occur *outside* of the CBRS (regardless of whether the project

may be consistent with the purposes of CBRA). For example, sand mining within the CBRS generally cannot be done to support a “nonstructural project for shoreline stabilization” for a developed area *outside* of the CBRS under the exception at 16 U.S.C. 3505(a)(6)(G). The excepted activity itself (i.e., shoreline stabilization) must occur *within* the CBRS to meet the exception. A subsequent review of this matter by the Assistant Secretary for Fish and Wildlife and Parks and the Solicitor’s Office in 1995 reaffirmed this interpretation of CBRA. See the attachments for related correspondence.

III. Positions of Interested Parties

Service Position

The Service maintains that CBRA was generally intended to restrict the use of federal funds for erosion control and storm damage reduction projects. The Service also maintains its long-standing policy that mining sand from within the CBRS for shoreline stabilization projects located outside of the CBRS does not meet the 16 U.S.C. 3505(a)(6)(G) exception under CBRA. The Service, however, does not have any type of enforcement authority over federal expenditures in the CBRS; each agency affected by CBRA is independently responsible for complying with the law.

Congressional Interest

Certain members of Congress, as well as the House Natural Resources Committee and the House Transportation and Infrastructure Committee, have indicated that CBRA is becoming a road block to beach nourishment projects and that it forces communities to pay for projects themselves or drives up the costs to the U.S. Army Corps of Engineers (Corps) for sourcing beach-quality sand. These concerns have generally come from coastal districts with developed barriers within or adjacent to the CBRS.

Other External Interests

Finding and securing an adequate source of high quality sand for beach nourishment projects is becoming an increasing concern for certain communities (i.e., Topsail Beach, NC; Stone Harbor, NJ; and Folly Beach, SC) and the Corps. Beach quality sands are often available within the nearby inlets, channels, tidal creeks, and rivers, which may also be within CBRS units. Nearshore sand sources are generally preferable to offshore borrow sites because they often contain sand of the necessary quality (grain size, color, etc.) at a lower cost. Local communities have sought to remove areas from the CBRS and/or invoke an exception under CBRA so sand mining and beach nourishment projects can proceed with federal funds.

Conversely, several organizations (e.g., American Littoral Society, Association of State Floodplain Managers, National Audubon Society, and Natural Resources Defense Council) oppose sand mining in the CBRS. Some of the concerns from these groups include: disruption of natural sand movement and sand supplies; impacts on benthic habitat, fisheries, and shorebird habitat; and adaptability of islands to sea level rise.

Attachments



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



In Reply Refer To:
FWS/AES/DBTS/BGMTS/068399

DEC 21 2018

The Honorable David Rouzer
House of Representatives
Washington, D.C. 20515

Dear Representative Rouzer:

Thank you for your letter of June 20, 2018, to the U.S. Fish and Wildlife Service (Service) asking whether the 1994 Solicitor's opinion on certain provisions of the Coastal Barrier Resources Act (CBRA) continues to dictate Service policy, whether we consider this is an appropriate interpretation, and whether we will revisit this interpretation.

The U.S. Army Corps of Engineers (Corps) has sought to mine sand within the John H. Chafee Coastal Barrier Resource System (CBRS) for use in shoreline stabilization projects for developed areas located outside of the CBRS. The Corps has cited the section 6(a)(6)(G) exception for this activity in consultation letters to the Service. In 1994, the Department of the Interior's Solicitor's Office advised the Service that this exception applies only to projects designed to stabilize the shoreline of a unit within the CBRS; it does not apply to projects to renourish beaches outside of the CBRS, even if the other requirements of section 6(a)(6)(G) are met. A subsequent review of this matter by the Assistant Secretary for Fish and Wildlife and Parks in 1995 reaffirmed this interpretation of the law.

This interpretation of the statutory language has been the basis for the Service's interpretation and advice to other federal agencies for over 20 years. Congress subsequently reauthorized the CBRA twice without regard to this interpretation of the law. Accordingly, the Service currently has no plan to revisit this interpretation.

The Service supports CBRA and its objectives to minimize threats to human life and property, save taxpayer dollars, and conserve coastal barrier habitat through the law's non-regulatory approach of removing federal incentives to build in areas subject to hurricanes and erosion. We hope this information is helpful. If you have any additional questions concerning this matter, please contact the Service's Assistant Director for Ecological Services, Mr. Gary Frazer, at (202) 208-4646.

Sincerely,

Principal Deputy Director



United States Department of the Interior



FISH AND WILDLIFE SERVICE

Washington, D.C. 20240

In Reply Refer To:
FWS/AES/DBTS/BGMTS/068399

DEC 21 2018

The Honorable Walter B. Jones
House of Representatives
Washington, D.C. 20515

Dear Representative Jones:

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This interpretation of the statutory language has been the basis for the Service's interpretation and advice to other federal agencies for over 20 years. Congress subsequently reauthorized the CBRA twice without regard to this interpretation of the law. Accordingly, the Service currently has no plan to revisit this interpretation.

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Sincerely,

Principal Deputy Director

FWS.CW.0380

Memorandum

To: Ralph Morgenweck
Assistant Director, Fish and Wildlife Enhancement
Fish and Wildlife Service

From: Charles P. Raynor
Assistant Solicitor
Fish and Wildlife

Subject: Interpretation of Section 6(a)(6)(G) of the Coastal
Barrier Resources Act

Introduction

You have requested our opinion as to whether a project to renourish a beach outside the Coastal Barrier Resources System (System) utilizing sand removed from within a unit of the System can qualify for the shoreline stabilization projects exemption in section 6(a)(6)(G) of the Coastal Barrier Resources Act (Act), 16 U.S.C. 3505(a)(6)(G). We conclude this exemption applies only to projects designed to stabilize the shoreline of a System unit and therefore does not apply to projects to renourish beaches outside the System even if the other requirements of section 6(a)(6)(G) are met.

Background

Section 5(a) of the CBRA, 16 U.S.C. 3504(a), prohibits new Federal expenditures or financial assistance for activities within the System, unless the activities are covered by one of the exceptions listed in section 6. The shoreline stabilization projects exception in section 6(a)(6)(G) covers:

(6) Any of the following actions or projects, but only if the making available of expenditures or assistance therefor is consistent with the purposes of this Act:

. . . .

(G) Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore natural stabilization systems.

We understand Proposed beach renourishment projects within the CBRS that meet these standards and are consistent with the CBRA

purposes may receive Federal funding.

Discussion

The Corps proposes to dredge approximately 975,000 cubic yards of sand from within the Midway Inlet Unit for use in renourishing the beach on Pawley's Island, which is not within the CBRS. We interpret the language of section 6(a)(6) of the CBRA, however, as referring to nonstructural projects devoted to stabilizing the shoreline of a Unit of the CBRS by mimicking, enhancing, or restoring the natural stabilization systems of the Unit. In other words, beach renourishment projects must be aimed at renourishing the beach of the CBRA Unit in order to qualify for Federal funding under section 6(a)(6). In contrast, the Corps' Pawley's Island project is intended solely to accomplish the renourishment of a beach outside of the CBRS. We therefore conclude that Federal funding or financial assistance for such a project would violate section 5 of the CBRA. Our opinion would not differ if the project were designed instead to renourish beaches both within and without the CBRS, because we interpret section 6(a)(6) to refer to projects designed to renourish solely a beach within the CBRS.

Even if this project were intended to renourish the beach of the Midway Inlet Unit, we believe it still would not qualify for a Federal funding exception because it would be inconsistent with the CBRA purposes. As noted above, the CBRA purposes include minimizing damage to fish, wildlife, and other natural resources of coastal barriers. In this case, the proposed dredging would damage the productive natural systems of Midway Inlet in several ways. The dredging would result in the outright destruction of all benthic organisms encountered by the dredging cutterhead that would be used. In addition, the borrow area, which currently is shallow, would be converted to deeper, less productive open water. The deepening of this area would also cause sloughing and/or erosion of adjacent shallow areas and thereby reduce their habitat values.

The existing shallow water of the borrow area provides, in conjunction with adjacent beaches, habitat for a number of species of birds and turtles. These include Wilsons plovers and Least terns (classified as threatened by the State of South Carolina) that nest and feed in the existing habitat. The loggerhead turtle (Federally listed as threatened under the Endangered Species Act) utilizes these beaches for nesting and the shallow ridged shoals for feeding and nesting during its "internesting period" (the time interval between nesting emergencies).

Finally, recent studies by the Corps of Engineers of the effects of other renourishment projects on North Carolina beaches suggest that they result in a reduction in nearshore and surf fisheries caused by disturbances to intertidal communities from renourishment activities.

Conclusion

The renourishment project proposed by the Army Corps of Engineers, dredging of sand from within the Midway Inlet Unit in order to renourish a beach outside the Coastal Barrier Resources System, does not fall within the CBRA section 6(a)(6) Federal funding exception, which applies only to projects for renourishment of beaches within the CBRS. In addition, the project would lead to significant adverse impacts on the natural resources of the Midway Inlet Unit, although section 6(a)(6) projects must be consistent with the CBRA purpose of minimizing damage to the natural resources of coastal barriers. For each of these reasons, we conclude that Federal funding or financial assistance for this beach renourishment project would violate section 5 of the Coastal Barrier Resources System.

Please refer any questions to David Gayer (343-2172).

cc: Coastal Barriers Coordinator
J. G. Harvey Geitner, Charleston, S.C. Field Office, FWS



United States Department of the Interior

OFFICE OF THE SECRETARY
1849 C Street, N.W.
Washington, D.C. 20240

JUN 12 1995

Dr. John H. Zirschky
Acting Assistant Secretary (Civil Works)
Department of the Army
108 Army Pentagon
Washington, D.C. 20310-0108

Dear Dr. Zirschky:

Thank you for your letter of February 16, 1995, requesting review of the U.S. Fish and Wildlife Service (Service) interpretation of the statutory requirements of the Coastal Barrier Resources Act (Act) in relation to the issue of federally funded beach nourishment activities. You specifically request that we reverse the Service's interpretation of section 6(a)(6)(G) of the Act as it relates to the U.S. Army Corps of Engineers (Corps) Folly Beach, South Carolina, beach renourishment project and other similar projects. You note that the Service's interpretation should be rescinded for the following reasons: 1) Corps studies indicate impacts to coastal barrier Unit M07, Bird Key Complex, from the Folly Beach project are not appreciable and may be beneficial, 2) the Energy and Water Development Appropriation Act for 1992 authorized the use of Unit M07 as a borrow area by the Corps, 3) the Service previously determined that the use of Unit M07 as a borrow area was an allowable activity under section 6(a)(6)(G) of the Act, and 4) the Service's current statutory interpretation places unexpected financial burdens on both the Federal Government and the non-Federal cost-sharing sponsors of the Folly Beach project and other similar Corps projects.

Section 6 of the Act sets forth several exceptions to the general prohibition in section 5 against Federal expenditures affecting the Coastal Barrier Resources System (System). The exception in section 6(a)(6)(G) is for "Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore, natural stabilization systems" and that are also consistent with the purposes of the Act. We have conferred with the Department's Office of the Solicitor on this issue and, after careful consideration, determined that the current statutory interpretation is correct. Section 6(a)(6)(G) applies only to projects for stabilizing the shoreline of a unit of the System; it does not apply to projects to stabilize shoreline outside the System regardless of whether the project might be consistent with the purposes of the Act. Therefore, any Corps proposed action designed to nourish beaches located outside the System using beach material taken from within the System does not meet the criteria for a section 6(a)(6)(G) exception.

Relative to your point that the Folly Beach project would not be damaging to Unit M07 and may actually benefit the unit, the section 6 exception does not apply in this case regardless of whether the project may be non-detrimental or beneficial. The section 6 exception applies only to projects for stabilizing the shoreline of a unit of the System, not for projects outside the System. In fact, the Charleston Field Office recently reported that Bird Key, a highly important nesting site for colonial waterbirds, has actually undergone drastic erosion since the Folly Beach project began. Most, if not all of the nesting habitat, has been lost. Also, recent studies by the South Carolina Department of Natural Resources indicate that material accumulating in the project borrow area does not appear to be beach compatible material due to the high content of silt and clay material.

With regard to the 1992 Energy and Water Development Appropriations Act, Congress regularly enacts new legislation resulting in numerous federally funded activities. However, activities authorized by such newly enacted legislation must adhere to other statutory requirements unless the legislation specifically exempts the activities from existing statutory requirements.

You are correct in stating that the Corps previously received a Service determination that the Folly Beach project was an allowable activity under section 6(a)(6)(G). However, because of conflicting interpretations regarding section 6(a)(6)(G) in relation to beach renourishment activities within coastal barrier units, the Service requested an interpretation by the Department's Solicitor which resulted in the current statutory interpretation.

Finally, you note that the current statutory interpretation places unexpected financial burdens on both the Federal and non-Federal sponsors of the Folly Beach project. The purposes of the Act are to minimize the loss of human life, wasteful expenditure of Federal revenues, and damage to fish, wildlife, and other natural resources associated with units of the System. The Act does not restrict the use of private, State or local government funds for activities within the System. Therefore, implementation of the Act results in a savings of Federal dollars by placing the financial burden on those who chose to invest, live, or conduct development activities within the System, not the American taxpayer. The current statutory requirement only restricts the use of Federal funds for the purpose of removing sand from within the System. Furthermore, it is only the last 4,500 feet of the southwest portion of the total proposed borrow area for the Folly Beach project which is within Unit M07. The remaining unaffected borrow area is 7,170 feet long and 600 feet wide. Therefore, the project is not entirely prohibited and estimated future financial burdens may be inflated.

It is important to note that coastal barrier units include the fastland core of the coastal barrier itself, as well as associated aquatic habitat and the entire sand-sharing system, including the beach, shoreface, and offshore bars. The sand-sharing system of coastal barriers is defined by the 30-foot bathymetric contour. Congress approved this delineation criteria for units of the System in recognition of the important role the sand-sharing system plays in maintaining the dynamic, migratory nature of coastal barriers.

We hope this clarifies the Department's position on this issue. Thank you for your cooperation on this matter.

Sincerely,

/s/ George T. Frampton Jr.]

George T. Frampton, Jr.
Assistant Secretary for Fish
and Wildlife and Parks

cc: 6229-MIB-ES(1)
6013-MIB-PMO-Secretary's Files
6013-MIB-PMO-Secretary's Reading File (2)
6024-MIB-SOL
7456-MIB-PMB
3156-MIB-FW
6242-MIB-CL
6628-MIB-LM
3012-MIB-FWS-Directorate Reading File
3012-MIB-FWS-CCU
3024-MIB-FWS-AES
400-ARLSQ-FWS-DHC
400-ARLSQ-FWS-DHC-BHR

FWS/DHC/BHR:LKelsey:eob:358-2201:3/30/95 - Q:\DHC\kelsey\Zirschky.ltr
REVISED:AES:MNash:4/3/95

INFORMATION MEMORANDUM FOR THE DIRECTOR

DATE: November 16, 2017

FROM: Pete Benjamin, Field Supervisor, Eastern NC Ecological Services Field Office
919-856-4520, x. 11

SUBJECT: Topsail Island North Carolina – Sand Relocation and CBRA

I. STATEMENT OF PURPOSE

This IM is to inform the Director about historical and recent issues with sand relocation and the Coastal Barrier Resources Act (CBRA) on the north and south ends of Topsail Island, North Carolina, in preparation for a meeting with Senators Burr and Tillis, and Congressman Jones.

II. BACKGROUND

Topsail Island is an island in North Carolina, bounded by two inlets (New River Inlet to the north, New Topsail Inlet to the south). Coastal Barrier Resources System (CBRS) unit L07 is on the SW end of the island and includes Topsail Inlet. CBRS units L05 and L06 are on the NE end of the island and include portions of Camp LeJeune, New River Inlet, and much of the Town of North Topsail Beach (**Attachment 1**). The Service has worked with the U.S. Army Corps of Engineers (Corps) and the towns of North Topsail Beach, Surf City, and Topsail Beach since the early 1980s on beach nourishment and sand relocation projects. There are several federally-funded and locally-funded projects that have been planned or conducted over the past ~45 years on both ends of the island, including two unappropriated Coastal Storm Damage Reduction (CSDR) Projects proposed by the Corps' Civil Works Program. **See Attachment 2** for a list of projects involving sand placement on Topsail Island.

Planning for two CSDR COE projects was conducted in the 1980s and 1990s, with considerable involvement from the Service. During this time, the CBRA was enacted. The Corps decided to avoid conducting work for these two projects within the CBRS units. Therefore, although CBRA issues were discussed at multiple points during the planning process for these two CSDR projects, the planning documents do not include any consideration of the CBRS unit or associated issues. The Corps proposed several offshore borrow areas as sand sources for the two CSDR projects, and did not propose any sand dredging in the inlets or CBRS units. The Corps has indicated they would need to do additional work including a new NEPA analysis before they could utilize sand in the inlet system. They have also indicated this would take require additional funding and time.

Finding and securing an adequate source of beach-quality sand for the Topsail Island towns has recently become an issue. The Town of North Topsail Beach was authorized to utilize an offshore borrow area for a 2015 beach nourishment project. However, the sand placed on the beach from the borrow area included very large amounts of large rock and fossils, and remediation was required to remove the rock. Concerns remain that the offshore borrow areas may not contain suitable beach-quality sand. To our knowledge, the offshore borrow areas have

not been re-analyzed since the original analysis for the CSDR projects and the North Topsail Beach project.

III. DISCUSSION

Source of high quality sand is an issue. Local communities are considering beach quality sands available within the inlets, tidal creeks and rivers, and the adjacent AIWW. Many of these areas reside within one of the three CBRS units (L05, L06, L07).

The following planned projects that have not yet been completed on Topsail Island:

- North Topsail Beach truck-haul project: proposed for FEMA funding, will not relocate sand outside or between CBRS units. No CBRS involvement.

[The following projects are likely the ones that the Senators are most concerned about, along with general concerns for sand sources and future sand placement on all of the island's beaches].

- Two Corps' CSDR projects: These projects do not currently consider relocation of sand between or outside of a CBRS unit. If these projects are significantly modified, then the Corps' planning process will need to be revisited, and the Service will work with the Corps in that effort. The Service (HQ, R4, and Raleigh FO) discussed the potential CBRA issues with the Corps Civil Works Program in a April 29, 2016 conference call. If federal funds are proposed for the project, then the Service will work with the Corps.
- Topsail Beach's 30-year Beach and Inlet Management Plan: This plan does include proposals to relocate sand from within CBRS unit L07 to beachfront areas outside the unit. However, the project is currently proposed to be completed without federal funds.

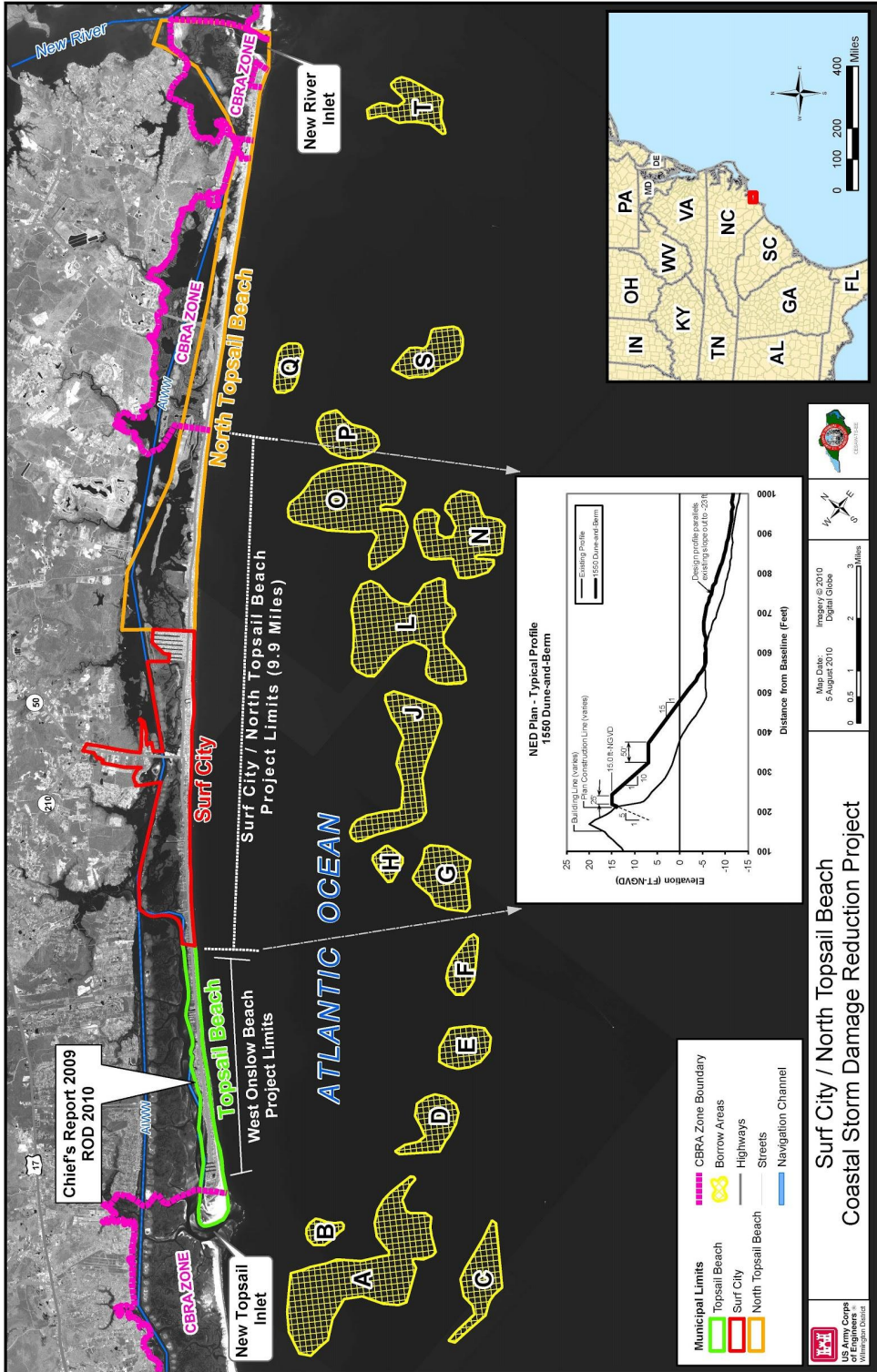
IV. NEXT STEPS

The Corps has not requested formal consultation under CBRA for sand placement projects on Topsail Island.

The Service will continue to work with the Corps and the towns of Topsail Beach, Surf City, and North Topsail Beach on their existing and future plans for dredging and beach sand placement.

V. ATTACHMENTS

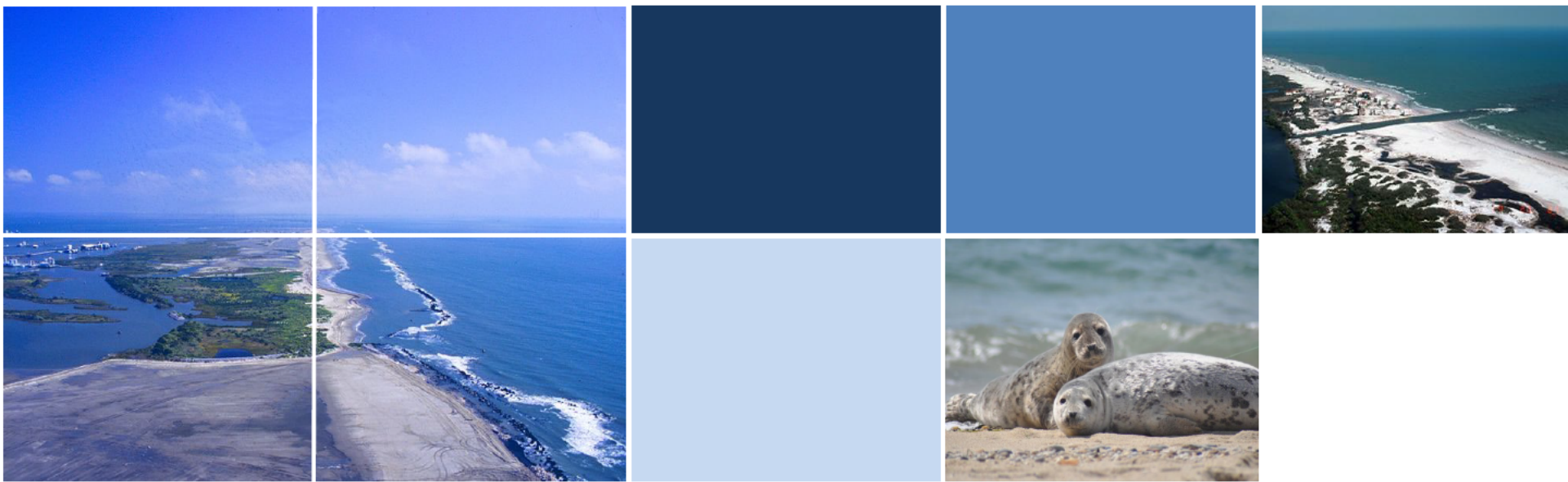
Attachment 1. Topsail Island. Figure from U.S. Army Corps of Engineers, Wilmington, NC.



Attachment 2. Completed and proposed sand placement or beach fill projects on Topsail Island within the last 50 years (list may not be comprehensive).

Project Proponent	Project Name	Location on Island	Status
Corps (federal) Initiated: 1970s	West Onslow Beach and New River Inlet (Topsail Beach) Coastal Storm Damage Reduction (CSDR) Project	Offshore borrow areas. Sand placement on Topsail Beach north (outside) of CBRS unit L07 and piping plover critical habitat.	Unappropriated. Planning began in the 1970's. Environmental Assessment (EA) issued July 2013 after review by the Service.
Corps (federal) Initiated: 1980s	Surf City and North Topsail Beach CSDR	Offshore borrow areas. Sand placement on Surf City and North Topsail beaches, mid- island south (outside) of CBRS unit L06.	Unappropriated. Planning began in the 1980s. EA issued July 2013 after review by the Service.
Corps (federal) Ongoing since mid-1900s or earlier	Federal Navigation Projects	Multiple Federal channels on North and South ends of island and the Atlantic Intracoastal Waterway (AIWW) (some in L05, L06, L07). Sand is side-cast or disposed on adjacent beach(es).	The projects have been ongoing for decades.
USMC (federal) Date: 2003	Camp LeJeune Beach Nourishment	Dredging of material from New River Inlet. Sand Placement on Onslow Beach (all within CBRS unit L05).	Completed. Authorized in 2003.
Onslow County (local) Date: 2015	Onslow County Navigation Project	Federal channels in New River, New River Inlet, Cedar Bush Cut and the AIWW. Sand placement on North Topsail Beach (CBRS unit L05 and L06).	Authorized, construction not started. Service's Biological Opinion (BO) issued 10/16/2015.
North Topsail Beach (local) Date: 2012/2015	North Topsail Beach Shoreline Protection Project – 5 Phases	Offshore borrow area and borrow area in New River Inlet (L05/L06). Sand placement on North Topsail Beach (L06).	Phases 1 and 5 completed. Service issued BO for Phase 5 04/27/2015.
North Topsail Beach (local) Date: 2014	North Topsail Beach Sandbag Revetment	1,500 lf sandbag revetment at north end of North Topsail Beach along New River Inlet (L06)	Completed. Service's BO issued 11/25/2014.

North Topsail Beach Proposed	North Topsail Truck Haul Project (FEMA-funded: Post-Hurricane Matthew)	Upland borrow source. Sand Placement in Phase 5 area of North Topsail Beach Shoreline Protection Project.	Have applied to Corps for permit. Service expects project should be covered under the 08/28/2017 NC Statewide Programmatic BO for sand placement.
Topsail Beach (local) Proposed	Shallow Draft Inlet project	Federal shallow-draft channel in New Topsail Inlet. Sand placement on Topsail Beach (L07).	Authorized, construction not started. Service's BO issued 02/26/2016.
Topsail Beach (local) Proposed	Topsail Beach 30-Year Beach and Inlet Management Plan	New Topsail Inlet, Topsail Creek, Banks Channel, AIWW (L07). Sand Placement on Topsail Beach.	Planning began in 2011. Service staff participate in scoping meetings and will continue to work with the Town.
Topsail Beach (local) Dates: 2011, 2012, 2015	Topsail Beach 2011 Nourishment	Topsail Creek, Connector Channel, and Banks Channel, AIWW (L07). Sand placement on Topsail Beach.	Completed in 2011. FEMA funded work in 2012 and 2015 to replace sand lost from named Hurricanes.



The Coastal Barrier Resources Act and Shoreline Stabilization

November 1, 2018



The Coastal Barrier Resources Act *“simply adopts the sensible approach that risk associated with new private development in these sensitive areas should be borne by the private sector, not underwritten by the American taxpayer.”*
President Reagan 1982 signing statement



Congressional Interest in CBRA and Shoreline Stabilization

In 2017, FWS began hearing from members of Congress, the House Transportation and Infrastructure and Natural Resources Committees, and the Congressional Research Service regarding shoreline stabilization and beach renourishment projects.

In June 2018, FWS received a letter from Reps. Dunn (FL-2), Graves (LA-6), Jones (NC-3), Lamborn (CO-5), LoBiondo (NJ-2), Rouzer (NC-7), and Weber (TX-14).

- states that FWS has taken an unreasonably narrow interpretation of the CBRA exceptions related to Congressionally authorized projects
- includes several questions to clarify FWS' interpretation of CBRA and seeks recommendations for legislative and administrative remedies

Congress of the United States
Washington, DC 20315

June 20, 2018

Mr. Greg Sheehan
Acting Director
U.S. Fish and Wildlife Service
Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Re: Interpretation of certain provisions of the Coastal Barrier Resources Act pertaining to environmental restoration

Dear Acting Director Sheehan:

Congress passed the Coastal Barrier Resources Act of 1982 (CBRA) to reduce taxpayer risk and preserve the Nation's coastal resources.¹ The CBRA exemplifies how prudent Federal spending can achieve conservation objectives. Section 5 of the CBRA contains broad prohibitions on federal funding within the Coastal Barrier Resources System (CBRS), but Congress provided exceptions to those funding prohibitions in Section 6 so that certain projects consistent with the purposes of the CBRA may proceed. We fully support the purposes of the CBRA, and that is why we are troubled by the U.S. Fish and Wildlife Service's (Service) unreasonably narrow interpretation of Section 6 exceptions, specifically as they pertain to Congressionally authorized shoreline stabilization and beach renourishment projects, which have similar purposes.

The U.S. Army Corps of Engineers' (USACE) shoreline stabilization and beach renourishment projects relocate dredged sand inshore, taking advantage of natural processes to rebuild coastal barriers and preserve natural resources. Such sand must be compatible with the sand where the dredged material is deposited. When possible, USACE utilizes sand from nearby areas, for reasons of sand compatibility, cost, and in many cases, ecological and geomorphological considerations. However, a 1994 solicitor's opinion that guides the Service's consideration of these projects states that "this [section 6(a)(6)(G)] exemption... does not apply to projects to renourish beaches outside the System even if the other requirements of section 6(a)(6)(C) are met (emphasis added)."² Under this interpretation, USACE often must seek competitive sand miles offshore, significantly increasing the cost to the taxpayer.

¹ S. Rep. No. 97-419, at 2.

² Interpretation of Section 6(a)(6)(G) of the Coastal Barrier Resources Act, Op. Assistant Solicitor U.S. Fish and Wildlife Service (1994).

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Purpose and Intent of CBRA

The Congress finds that (among other things) – *“certain actions and programs of the Federal Government have subsidized and permitted development on coastal barriers and the result has been the loss of barrier resources, threats to human life, health, and property, and the expenditure of millions of tax dollars each year”* (16 U.S.C. 3501(a)(4)).

“The Congress declares that it is the purpose of this chapter to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damage to fish, wildlife, and other natural resources...by restricting future Federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers...” (16 U.S.C. 3501(b)).



North Topsail Beach, North Carolina before Hurricane Florence. A portion of this area is within System Unit L06 of the CBRS.
(Credit: Walker Golder)

CBRA Prohibition on Shoreline Stabilization

CBRA specifically prohibits Federal expenditures for *“the carrying out of any project to prevent the erosion of, or to otherwise stabilize, any inlet, shoreline, or inshore area . . .”* (16 U.S.C. 3504(a)).

CBRA legislative history (House Report 97-841 Part 1) states:

“Intense development and human use of coastal barriers have also caused diminished productivity in these important natural resource areas. Disposing sewage effluents, dredging canals and channels, filling wetlands, leveling dunes, clearing vegetation, constructing hurricane and erosion control projects, stabilizing inlets, and other activities often spell trouble for the coastal barrier ecosystems that protect and often sustain natural resources of immense aesthetic and economic value.”

“The intent of the legislation is that all forms of direct Federal assistance for projects...be precluded.”



Beach nourishment on Tybee Island, Georgia (2008, U.S. Army Corps of Engineers)

CBRA Exceptions Relating to Dredging and Beach Nourishment

After consultation with FWS, Federal agencies may fund the following within the CBRS:

- Maintenance or improvements of existing Federal navigation channels and related structures, including disposal of dredge materials (16 U.S.C 3505(a)(2))
- Projects for the study, management, protection and enhancement of fish and wildlife resources, acquisition of fish and wildlife habitats, stabilization projects for fish and wildlife habitats, and recreational projects (16 U.S.C. 3505(a)(6)(A))
 - *must also be consistent with the purposes of CBRA*
- Nonstructural projects for shoreline stabilization to enhance or restore a natural stabilization system (16 U.S.C. 3505(a)(6)(G))
 - *examples include planting dune grass and beach nourishment*
 - *must also be consistent with the purposes of CBRA*

CBRA also includes other exceptions for certain emergency actions and other activities. The full set of exceptions is in 16 U.S.C. 3505. The purposes of CBRA are in 16 U.S.C. 3501(b).

FWS Policy on Sand Mining within the CBRS

Sand mining within the CBRS for nourishing beaches outside of the CBRS is generally prohibited.

In 1994, the DOI Solicitor's Office (Branch of Fish and Wildlife) advised FWS that the CBRA exception 6(a)(6)(G) for nonstructural projects applies only to projects for stabilizing the shoreline of a unit within the CBRS and does not apply to projects for stabilizing shorelines outside of the CBRS.

- In 1995, the Assistant Secretary and the Solicitor's Office reviewed this matter at the request of the Corps and reaffirmed this position.
- FWS has continued to implement this policy for 20+ years.

Private, state, or local funds may be used within the CBRS both to mine sand and nourish beaches.



*New Topsail Inlet, North Carolina within CBRS
Unit L07*

External Interest in Sand Mining within the CBRS

Certain local communities (i.e., Topsail Beach, NC; Stone Harbor, NJ; and Folly Beach, SC) and the Corps have raised concerns regarding the availability of sand for beach nourishment projects.

- Beach quality sands are often available within the nearby inlets, channels, shoals, tidal creeks, and rivers, which may also be within CBRS units.
- Nearshore sand sources are generally preferable to offshore borrow sites because they often contain sand of the necessary quality (grain size, color, etc.) at a lower cost.

Conversely, several organizations (e.g., American Littoral Society, Association of State Floodplain Managers, National Audubon Society, and Natural Resources Defense Council) oppose sand mining within the CBRS.

Concerns include:

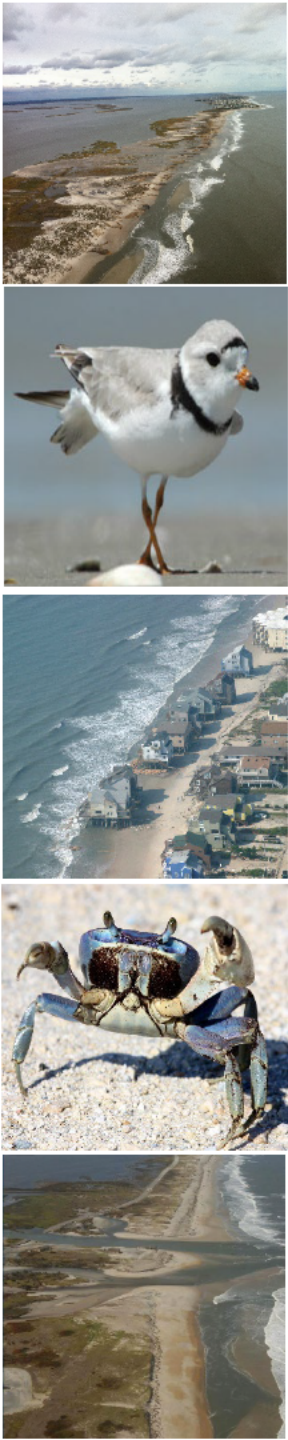
- Disruption of natural sand movement and sand supplies
- Impacts on benthic habitat, fisheries, and shorebird habitat
- Adaptability of islands to long-term erosion and sea level rise



*A Bogue Banks, NC beach re-nourishment project.
(Credit: Carteret County Shore Protection Office)*

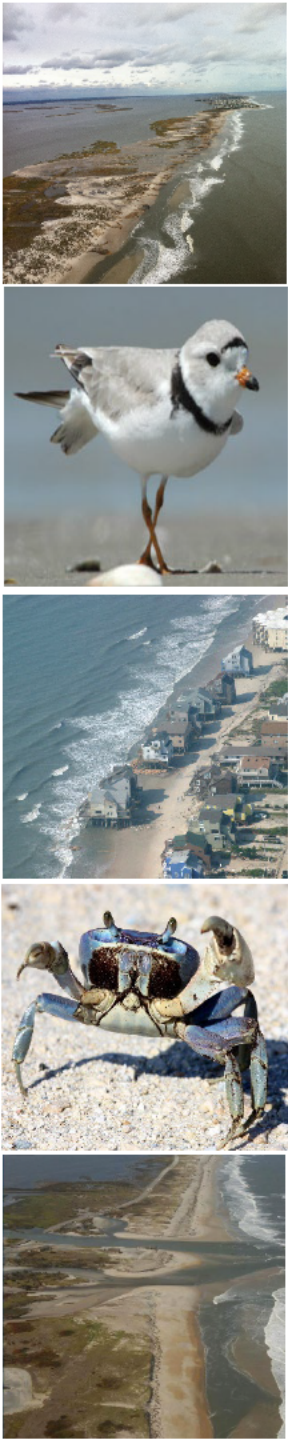
Summary of FWS Position

- CBRA was intended to reduce the Federal involvement in activities that are detrimental to coastal barrier ecosystems within the CBRS.
 - The construction of coastal storm damage reduction projects within the CBRS generally conflicts with the purposes and spirit of the CBRA.
 - Beach replenishment frequently leads to more development in greater density.
- Certain dredging and shoreline stabilization activities may be allowable under the CBRA, such as:
 - habitat restoration and recreation projects
 - certain emergency actions, including the removal of debris from waterways
 - planting of vegetation and sandfill for living shoreline projects, and
 - beneficial use of dredge materials associated with necessary channel maintenance.
- FWS maintains its long-standing legal interpretation regarding sand mining within the CBRS to nourish beaches outside the CBRS.
 - Congress has reauthorized CBRA twice since this issue was first addressed in 1994 without reflecting any concern regarding this issue.



Conclusion

- FWS does not have a position on legislative or administrative remedies regarding CBRA and shoreline stabilization.
- It is Congress's prerogative to consider legislative remedies.
 - CBRA's prohibitions and exceptions have not been amended since 1990.
- FWS has no veto authority under CBRA.
 - The Corps and other agencies may choose to disregard FWS' non-binding opinion.
- CBRA does not restrict the use of private, state, and local funds.
 - The Corps and other agencies may consider using non-Federal funds (above and beyond required cost share) for portions of a project within the CBRS.



Congress of the United States
Washington, DC 20515

June 20, 2018

Mr. Greg Sheehan
Acting Director
U.S. Fish and Wildlife Service
Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Re: Interpretation of certain provisions of the Coastal Barrier Resources Act pertaining to environmental restoration

Dear Acting Director Sheehan:

Congress passed the Coastal Barrier Resources Act of 1982 (CBRA) to reduce taxpayer risk and preserve the Nation's coastal resources.¹ The CBRA exemplifies how prudent Federal spending can achieve conservation objectives. Section 5 of the CBRA contains broad prohibitions on federal funding within the Coastal Barrier Resources System (CBRS), but Congress provided exceptions to these funding prohibitions in Section 6 so that certain projects consistent with the purposes of the CBRA may proceed. We fully support the purposes of the CBRA, and that is why we are troubled by the U.S. Fish and Wildlife Service's (Service) unreasonably narrow interpretation of Section 6 exceptions, specifically as they pertain to Congressionally authorized shoreline stabilization and beach renourishment projects, which have similar purposes.

The U.S. Army Corps of Engineers' (USACE) shoreline stabilization and beach renourishment projects relocate dredged sand inshore, taking advantage of natural processes to rebuild coastal barriers and preserve natural resources. Such sand must be compatible with the sand where the dredged material is deposited. When possible, USACE utilizes sand from nearby areas, for reasons of sand compatibility, cost, and in many cases, ecological and geomorphological considerations. However, a 1994 solicitor's opinion that guides the Service's consideration of these projects states that "this [section 6(a)(6)(G)] exemption... does not apply to projects to renourish beaches outside the System *even if the other requirements of section 6(a)(6)(G) are met* (emphasis added)."² Under this interpretation, USACE often must seek compatible sand miles offshore, significantly increasing the cost to the taxpayer.

¹ S. Rep. No. 97-419, at 2.

² Interpretation of Section 6(a)(6)(G) of the Coastal Barrier Resources Act, Op. Assistant Solicitor U.S. Fish and Wildlife Service (1994).

As such we request your response to the attached questions to clarify this interpretation and work together to rectify this departure from CBRA's original intent.

Thank you for your consideration.

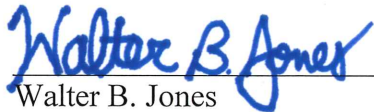
Respectfully,



Garret Graves
Member of Congress



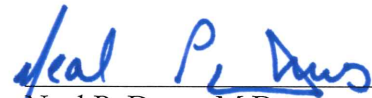
Doug Lamborn
Member of Congress



Walter B. Jones
Member of Congress



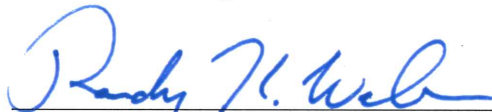
Frank A. LoBiondo
Member of Congress



Neal P. Dunn, M.D.
Member of Congress



David Rouzer
Member of Congress



Randy K. Weber
Member of Congress

Enclosures

QUESTIONS

1. Does the 1994 solicitor's opinion referenced in our letter continue to dictate U.S. Fish and Wildlife Service policy pertaining to Congressionally authorized beach renourishment projects that utilize dredged material from CBRS and deposit it outside the System?
2. The 1994 solicitor's opinion narrowly interpreted that the 6(a)(6)(G) exception "applies only to projects designed to stabilize the shoreline of a System unit". However, the language of section 6(a)(6)(G) ("Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore a natural stabilization system.") does not limit the exception's application only to projects within the System, as asserted in the solicitor's opinion. The opinion provides no explanation for the solicitor's narrow interpretation. Please explain the basis for the solicitor's narrow interpretation when the statutory language does not limit the exception in such a way.
3. Do you consider this solicitor's opinion to be an appropriate interpretation of section 6(a)(6)(G), and will the Service revisit this interpretation?
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 - (b) When the nourishment material is being taken from a portion of the System unit that is replenished by littoral flows?
 - (c) When the System unit is not sediment starved, and the removal action would not impact critical fish and wildlife habitat within the unit?
 - (d) When longshore transport would result in the sand moving back from the placement site into the System unit?
 - (e) When the System unit is now a factor in disruption of longshore transport and the sand would be placed in the sand starved area downdrift of the unit?

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 - (g) What other criteria or circumstances would you propose?
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From: [Niemi, Katie](#)
To: [Berg, Elizabeth A](#)
Cc: [Wright, Dana K](#); [BalisLarsen, Martha](#)
Subject: Sand Mining Practice Q&A
Date: Thursday, May 2, 2019 12:17:10 PM
Attachments: [Graves et al 068399 Incoming 6.20.18.PDF](#)
Importance: High

Hi Liz,

Rep. Graves is well aware of the SOL opinion (the legal "why"), and since this is a budget hearing he may be more likely to focus on the increased cost to projects. We propose a slight revision to the existing Q&A plus an additional Q&A. We used the incoming Graves letter (attached - see Q7) from June 2018 to inform the new question.

Please note these Q&As have not been vetted through ES leadership. I'm copying Martha in case she has any concerns/changes.

Question: The Corps of Engineers must often spend millions of dollars unnecessarily to find compatible sand miles offshore for shoreline stabilization and beach renourishment projects, when an appropriate resources exists nearby but is inaccessible due to the Service's narrow interpretation of the Coastal Barrier Resources Act (CBRA). Do you believe this is an appropriate interpretation of a law designed to minimize wasteful taxpayer investment?

Response: b5-DPP

[Redacted]

[Redacted]

[Redacted]

Question: Why can't the Corps use sand from within the Coastal Barrier Resources System (CBRS) to renourish a beach outside of the CBRS? Do you plan to revisit this interpretation of CBRA?

Response: b5-DPP

[Redacted]

[Redacted]

b5-DPP

On Thu, May 2, 2019 at 9:03 AM Berg, Elizabeth <elizabeth_berg@fws.gov> wrote:
Hi Katie and Dana,

We are preparing for Margaret's HNR Budget hearing scheduled for May 21 by putting together potential Q&As. We anticipate that Rep. Graves might ask a question related to sand mining, and I wanted to run it by you. Could you please take a look at the response and make any edits or add context you think would be appropriate?

Thank you,
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Question: Why can't we use sand from within the Coastal Barrier Resources System (CBRS) to renourish a beach outside of the CBRS?

Response: b5-DPP

--

Elizabeth Berg
Congressional and Legislative Affairs Knauss Fellow
U.S. Fish and Wildlife Service
Office: 703-358-2225
elizabeth_berg@fws.gov

Congress of the United States
Washington, DC 20515

June 20, 2018

Mr. Greg Sheehan
Acting Director
U.S. Fish and Wildlife Service
Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Re: Interpretation of certain provisions of the Coastal Barrier Resources Act pertaining to environmental restoration

Dear Acting Director Sheehan:

Congress passed the Coastal Barrier Resources Act of 1982 (CBRA) to reduce taxpayer risk and preserve the Nation's coastal resources.¹ The CBRA exemplifies how prudent Federal spending can achieve conservation objectives. Section 5 of the CBRA contains broad prohibitions on federal funding within the Coastal Barrier Resources System (CBRS), but Congress provided exceptions to these funding prohibitions in Section 6 so that certain projects consistent with the purposes of the CBRA may proceed. We fully support the purposes of the CBRA, and that is why we are troubled by the U.S. Fish and Wildlife Service's (Service) unreasonably narrow interpretation of Section 6 exceptions, specifically as they pertain to Congressionally authorized shoreline stabilization and beach renourishment projects, which have similar purposes.

The U.S. Army Corps of Engineers' (USACE) shoreline stabilization and beach renourishment projects relocate dredged sand inshore, taking advantage of natural processes to rebuild coastal barriers and preserve natural resources. Such sand must be compatible with the sand where the dredged material is deposited. When possible, USACE utilizes sand from nearby areas, for reasons of sand compatibility, cost, and in many cases, ecological and geomorphological considerations. However, a 1994 solicitor's opinion that guides the Service's consideration of these projects states that "this [section 6(a)(6)(G)] exemption... does not apply to projects to renourish beaches outside the System *even if the other requirements of section 6(a)(6)(G) are met* (emphasis added)."² Under this interpretation, USACE often must seek compatible sand miles offshore, significantly increasing the cost to the taxpayer.

¹ S. Rep. No. 97-419, at 2.

² Interpretation of Section 6(a)(6)(G) of the Coastal Barrier Resources Act, Op. Assistant Solicitor U.S. Fish and Wildlife Service (1994).

As such we request your response to the attached questions to clarify this interpretation and work together to rectify this departure from CBRA's original intent.

Thank you for your consideration.

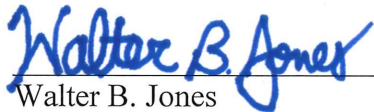
Respectfully,



Garret Graves
Member of Congress



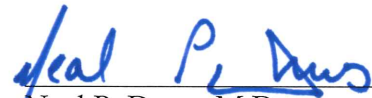
Doug Lamborn
Member of Congress



Walter B. Jones
Member of Congress



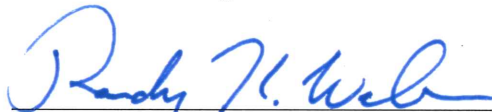
Frank A. LoBiondo
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Enclosures

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From: [Berg, Elizabeth A](#)
To: [Niemi, Katie](#)
Cc: [Wright, Dana K](#); [BalisLarsen, Martha](#)
Subject: Re: Sand Mining Practice Q&A
Date: Thursday, May 2, 2019 12:42:46 PM
Importance: High

Great, thank you for working on this.

On Thu, May 2, 2019 at 12:17 PM Niemi, Katie <katie_niemi@fws.gov> wrote:

Hi Liz,

Rep. Graves is well aware of the SOL opinion (the legal "why"), and since this is a budget hearing he may be more likely to focus on the increased cost to projects. We propose a slight revision to the existing Q&A plus an additional Q&A. We used the incoming Graves letter (attached - see Q7) from June 2018 to inform the new question.

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Question: The Corps of Engineers must often spend millions of dollars unnecessarily to find compatible sand miles offshore for shoreline stabilization and beach renourishment projects, when an appropriate resources exists nearby but is inaccessible due to the Service's narrow interpretation of the Coastal Barrier Resources Act (CBRA). Do you believe this is an appropriate interpretation of a law designed to minimize wasteful taxpayer investment?

Response: b5-DPP

Question: Why can't the Corps use sand from within the Coastal Barrier Resources System (CBRS) to renourish a beach outside of the CBRS? Do you plan to revisit this interpretation of CBRA?

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Response: b5-DPP

--

Elizabeth Berg
Congressional and Legislative Affairs Knauss Fellow
U.S. Fish and Wildlife Service
Office: 703-358-2225
elizabeth_berg@fws.gov

--

Elizabeth Berg
Congressional and Legislative Affairs Knauss Fellow
U.S. Fish and Wildlife Service
Office: 703-358-2225
elizabeth_berg@fws.gov

From: [Niemi, Katie](#)
To: [Kodis, Martin](#)
Subject: CBRA and sand mining
Date: Wednesday, May 15, 2019 9:47:04 AM
Attachments: [Graves et al 068399 Incoming 6.20.18.PDF](#)
[Talking Points on Hereford Inlet NJ-09 4.24.19.docx](#)

FYI. Here are a couple Q&As we sent forward earlier. Also attached are talking points on Hereford Inlet and sand mining.

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

From: Niemi, Katie <katie_niemi@fws.gov>
Date: Thu, May 2, 2019 at 12:17 PM
Subject: Sand Mining Practice Q&A
To: Elizabeth Berg <elizabeth_berg@fws.gov>
Cc: Wright, Dana <dana_wright@fws.gov>, BalisLarsen, Martha <martha_balislarsen@fws.gov>

Hi Liz,

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Response: b5-DPP [Redacted]

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Elizabeth Berg
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elizabeth_berg@fws.gov

Congress of the United States
Washington, DC 20515

June 20, 2018

Mr. Greg Sheehan
Acting Director
U.S. Fish and Wildlife Service
Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Re: Interpretation of certain provisions of the Coastal Barrier Resources Act pertaining to environmental restoration

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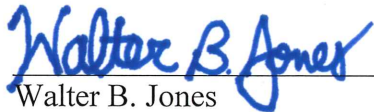
Respectfully,



Garret Graves
Member of Congress



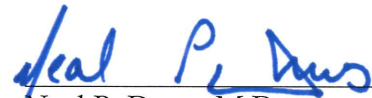
Doug Lamborn
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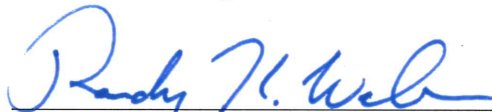
Frank A. LoBiondo
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CBRS Stone Harbor Unit NJ-09 (Hereford Inlet) Talking Points

CBRA Basics:

- CBRA is a map based law comprising 870 units that make up the Coastal Barrier Resources System (CBRS), which contains 3.5 million acres of barriers and associated wetlands along the Atlantic, Gulf of Mexico, and Great Lakes coasts, as well as Puerto Rico and the U.S. Virgin Islands.
- The three purposes of CBRA are to minimize: wasteful federal expenditures, loss of human life, and damage to natural resources. CBRA achieves these goals by restricting federal funding and financial assistance that may encourage development, such as flood insurance, disaster assistance, beach nourishment, and new road construction. CBRA does not restrict the use of private, state, or local funds within the CBRS or limit the issuance of federal permits.
- A recent study in the Journal of Coastal Research estimated CBRA saved the taxpayers \$9.5 billion from 1989-2013 (avoided coastal disaster expenditures by FEMA, DOT, EPA, and HUD).
- The Service is responsible for maintaining and updating the CBRS maps. With minor exceptions, only Congress can change the maps of the CBRS to add or remove lands.
- The Service receives numerous requests for changes to the maps from interested parties (generally property owners, local communities, and their members of Congress) that seek federal funding for specific areas. The Service conducts research, applies statutory criteria and objective mapping protocols, and prepares revised maps for Congressional consideration.
- CBRA has about a dozen exceptions, but consultation with the Service is required before a federal agency can obligate funding for an excepted activity. Any response provided by the Service is an opinion only. **The funding agency makes the final decision. The Service has no regulatory authority over CBRA.**

Hereford Inlet - Sand Mining Issues:

- **Hereford Inlet**, located along the Atlantic coast in Cape May County in southeastern New Jersey, **was first added to Unit NJ-09 of the CBRS in 1990**. The Service is currently remapping this area as part of a large project covering nine states in Region 5 using Hurricane Sandy supplemental funds.
- In 2016, the Corps requested a consultation from the Service's NJ Field Office for a project to dredge Hereford Inlet to obtain sand for use in nourishing beaches outside of the CBRS on Seven Mile Island to the northeast of the unit (Borough of Stone Harbor).
- In 2016, the Service found the project not allowable with federal funds under CBRA. Though CBRA contains an exception for shoreline stabilization to restore natural systems within the CBRS, **a 1994 DOI solicitor's opinion states that this exception does not allow for sand mining within the CBRS for the purposes of nourishing beaches outside of the CBRS.**

- The Corps previously assumed they could use the Hereford Inlet borrow site because they had received concurrence from the NJFO on a previous project within Unit NJ-09 in the late 1990's. However, the previous project was for environmental restoration within Unit NJ-09. The project proposed in 2016 sought to borrow sand from the CBRS for use in nourishing a developed shoreline outside of the CBRS for storm protection. **These projects are different fact patterns and therefore there has been no “reversal” in Service policy (as has been reported in the media).**
- In light of the Service's 2016 non-binding opinion, the Corps decided not to fund the dredging of Hereford Inlet. **The Corps subsequently entered into an MOA with the State of NJ to use state funds for the dredging within the CBRS, and the project was completed. This approach to use non-federal funding for portions of projects within the CBRS has been applied elsewhere and is currently proposed for a large storm damage reduction project in Texas.**
- In 2016, the nearby Borough of Avalon filed suit against the Corps and the Service for violation of the Administrative Procedures Act, alleging an arbitrary and capricious interpretation of CBRA. The NJ District Court dismissed the suit in 2017 due to mootness and lack of standing.
- In 2019, the Corps pulled out of a planned renourishment project for the Borough of Stone Harbor due to CBRA. Recent news reports state that without federal funds, the project is too expensive.
- Interested parties now seek to downgrade the unit to an Otherwise Protected Area (OPA). System Units carry CBRA's full suite of restrictions on federal expenditures, while OPAs (generally comprised of park lands at the time of designation) restrict only federal flood insurance. Reclassifying the borrow site to an OPA would allow the use of federal funds for dredging. **The borrow site does not qualify for reclassification to OPA according to the Service's objective mapping protocols and CBRA's statutory definition of “otherwise protected.”**

National Implications:

- The sand mining issue has come up in two other hot spots along the Atlantic Coast (southeastern NC and Folly Beach, SC), where local communities seek to use inlets within the CBRS as borrow sites for beach nourishment projects outside of the CBRS. The use of nearshore borrow sites is generally preferable to offshore borrow sites due to sand quality and cost.
- **Following recent Congressional inquiries, the Acting AS-FWP was briefed on this matter in November 2018 and declined to re-asses DOI's longstanding interpretation of CBRA.** A letter from the Service's Principal Deputy Director to seven members of Congress conveyed this position in December 2018.
- Numerous groups (e.g., Association of State Floodplain Managers, National Audubon Society, American Littoral Society) have submitted comments to the Service opposing the use of inlets within the CBRS as borrow sites due to impacts on these areas as natural storm buffers and habitat.

From: [Jesup, Benjamin C](#)
To: [Niemi, Katie](#)
Cc: [BalisLarsen, Martha](#); [Chen, Linus Y](#); [Wright, Dana K](#)
Subject: Re: CBRA sand mining rider on 2020 appropriations bill
Date: Monday, June 17, 2019 9:32:30 AM
Importance: High

We would need to do additional research and thinking, b5-ACP
[REDACTED]

Ben

On Mon, Jun 17, 2019 at 9:08 AM Niemi, Katie <katie_niemi@fws.gov> wrote:

Thanks Ben. I was wondering about that language. b5-ACP
[REDACTED]

[REDACTED] Ultimately the decision on whether to fund and proceed with activities within the CBRS rests with the funding agency, not us.

Katie

On Mon, Jun 17, 2019 at 8:57 AM Jesup, Benjamin <benjamin.jesup@sol.doi.gov> wrote:

Don't know if this will go anywhere, but I'm not sure any funds have ever gone to implementing this (or any other) legal opinion. Legal opinions are just that--opinions. Although FWS may make decisions consistent with, or even following the opinion, I doubt it spends funds to implement the opinion.

Ben

On Mon, Jun 17, 2019 at 8:35 AM Niemi, Katie <katie_niemi@fws.gov> wrote:
FYI - CBRA rider on the 2020 appropriations bill.

Amdt. 94 submitted by Rep. Jefferson Van Drew (D-NJ-4), Garret Graves (R-LA-6), and David Rouzer (R-NC-7) — Prohibits the use of funds to implement the 1994 Department of Interior Solicitor's opinion regarding sand borrowing in the Coastal Barrier Resources System.

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

From: **Gustavson, Angela** <angela_gustavson@fws.gov>
Date: Fri, Jun 14, 2019 at 4:07 PM
Subject: Congressional Affairs Update
To: Angela Gustavson <angela_gustavson@fws.gov>

Good afternoon,

The Congressional Affairs Update for this week is attached.

This week, the House Natural Resources Subcommittee on Water, Oceans, and Wildlife held a legislative hearing on three bills of interest to the Service and the Department provided a Statement for the Record.

Next week, the House is expected to begin consideration of an omnibus appropriations package for FY 2020 that would include funding for the Department of the Interior. A number of amendments were filed that are of interest to the Service.

Have a good weekend,

Angela

Angela Gustavson
Deputy Chief
Division of Congressional and Legislative Affairs
U.S. Fish and Wildlife Service
Office: 703-358-2253
Mobile: 202-909-5105
angela_gustavson@fws.gov

--

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

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

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From: [Niemi, Katie](#)
To: [BalisLarsen, Martha](#)
Cc: [Wright, Dana K](#); [Phinney, Jonathan T](#)
Subject: High Priority-please review sand mining IM
Date: Friday, July 26, 2019 3:27:09 PM
Attachments: [Attachment 3 - Letter from Attorney for NJ Communities.pdf](#)
[CBRA Info Memo on Sand Mining 07262019.docx](#)
[Attachment 1 - 1994 SOL Opinion and 1995 AS-FWP Letter.pdf](#)
[Attachment 2 - Graves et al Incoming Letter and Response Letter.PDF](#)

Martha,

Attached is the updated info memo on sand mining for Margaret. Please see email chain below for additional information. I will be on AL the week of July 29 so please let Dana know if you have any changes or concerns with the info memo. This memo mentions the new incoming letter from the attorney for the NJ municipalities. I sent you a separate email on that issue as we need to provide feedback to Eric on how to proceed with that response.

Thanks!
Katie

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

From: **Wright, Dana** <dana_wright@fws.gov>
Date: Thu, Jul 25, 2019 at 10:45 AM
Subject: Re: CBRA Memo
To: Katie Niemi <katie_niemi@fws.gov>, Jonathan Phinney <jonathan_phinney@fws.gov>

Katie,

Gary just called me about this. Apparently Margaret will be engaging with Karen Budd-Falen (Acting AS-FWP and also Deputy SOL for Parks and Wildlife) on this. He asked that we be sure to mention that this issue was reviewed and certified by the Assistant Secretary in the past and that Congress has twice reauthorized CBRA without regard to this issue. I asked whether we should keep it to two pages and he said not to worry about a page limit.

Jonathan, can you please seek clarification regarding which template to use? My understanding is that we are to use the one with the logos on it (attached), and this is also the version currently available on the ES Magnet site: <https://sites.google.com/a/fws.gov/hqesops/bptemplate>. I am going to prepare this as an IM to Margaret from Gary (not from Margaret to Karen Budd-Falen). Please let me know if you think otherwise.

Thanks,

Dana Wright
Program Specialist
Ecological Services
U.S. Fish & Wildlife Service
5275 Leesburg Pike, MS: ES
Falls Church, VA 22041
703-358-2443 (office)
703-358-1800 (fax)

[Learn more about the Coastal Barrier Resources Act](#)

On Thu, Jul 25, 2019 at 10:25 AM Frazer, Gary <gary_frazer@fws.gov> wrote:

Katie -- Would you dust off your briefing materials on the sand mining from within CBRS units issue and produce a briefing paper for Margaret by the end of next week? Thanks. -- GDF

Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646

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

From: **Beaumont, Melissa** <melissa_beaumont@fws.gov>
Date: Wed, Jul 24, 2019 at 7:31 PM
Subject: CBRA Memo
To: Gary Frazer <gary_frazer@fws.gov>
Cc: Charisa Morris <charisa_morris@fws.gov>, Gina Shultz <Gina_Shultz@fws.gov>

Hi Gary,

Margaret asked if we could put together a briefing paper on the CBRA issues recently raised by members of congress. I understand she still needs to chat with SOL for legal direction, but asked that we start putting together a memo on the background of the issue for her. Could we have something put together for her by the end of next week?

Thanks,
Melissa

--

Melissa Beaumont
Advisor, Office of the Director, U.S. Fish & Wildlife Service
U.S. Department of the Interior
Office: 202-208-4545
Desk: 202-208-4299



NEIL YOSKIN
PARTNER
NYoskin@cullenanddykman.com

July 12, 2019
Via Overnight Delivery

Eric Schrading, Supervisor
U.S. Fish & Wildlife Service
New Jersey Field Office
Atlantic Professional Park
Four East Jimmie Leeds Road; Ste.4
Galloway, NJ 08205

RE: Applicability of Coastal Barrier Resources Act to Unit NJ-09 /
Hereford Inlet Borrow Area
Cape May County, New Jersey

Dear Mr. Schrading:

This Firm represents the Boroughs of Avalon and Stone Harbor, and the City of North Wildwood, New Jersey (hereinafter collectively the "Municipalities"). The purpose of this letter is to ask that the U.S. Fish & Wildlife Service ("Service") reconsider its August 9, 2016 Determination that the Coastal Barrier Resources Act prohibits the use of the Hereford Inlet Borrow Area as part of the Federal Government's obligation to conduct periodic beach nourishment in each of the respective municipalities. If this determination stands, it will result in significant financial hardship to the municipalities, and may well jeopardize public safety by limiting their ability to maintain storm-resistant beaches.

For the reasons stated below, we believe that the use of the Hereford Inlet Borrow Area is entirely consistent with the legislative intent of the Coastal Barrier Resources Act (CBRA) and falls within the exception in Section 6(a)(6)(G) of the Act for non-structural shoreline stabilization projects that are designed to mimic, enhance or restore a natural stabilization system.

Background

It is our understanding that on or about July 26, 2019, the US Army Corps of Engineers (USACE) plans to solicit bids for the next phase of the periodic beach renourishment in Stone Harbor and Avalon, as authorized by Congress as part of the Townsends Inlet to Cape May Inlet, New Jersey Shore Protection Project.¹ We are advised that the Corps is proceeding with the understanding that the findings made in your August 9, 2016 letter are still in place. That letter determined that the proposed use of the Hereford Inlet Borrow Area does not fall within the exception under section 6(a)(6)(G) of the CBRA. As a consequence, the Corps' bid specifications are limited to the use of sand from the Townsends Inlet borrow area at the North end of Seven Mile Island.

We are further advised that the limited availability of sand from the Townsends Inlet Borrow Area, together with the distance from that borrow area to Stone Harbor, is such that the nourishment of Stone Harbor's beaches will not be included within the bid specifications. As a result, the inability to use the Hereford Inlet Borrow Area will raise the overall cost of the project, as sand must now be pumped from a more remote location. (The total cost of the most recent 2016 beach nourishment was increased by \$6 million as a result of the Service's determination that the CBRA precludes use of the Borrow Area.)

DISCUSSION

CBRA Applicability

As a preliminary matter, the municipalities fully support the legislative goals of the CBRA and recognize the importance of preserving Unit NJ-09 (Hereford Inlet) from development. Almost the entirety of New Jersey's 127 mile ocean shoreline is developed to some extent, and special attention must therefore be given to the areas at the extreme ends of barrier islands such as Hereford Inlet, as they are the most subject to erosion, migration and change. This is why, for example, the State of New Jersey and the Borough of Stone Harbor long ago determined that Stone Harbor Point should be preserved in its undeveloped state.

¹ North Wildwood's Beaches are not part of the Townsends Inlet to Cape May Inlet Project. Beach nourishment in North Wildwood is authorized under a different project that has not yet begun construction. However, the CBRA prohibition on the use of the Hereford Inlet Borrow Area will adversely affect that project.

The littoral transport patterns in and around Hereford Inlet that result in the beneficial impacts on Stone Harbor are best illustrated in the attached aerial photograph (“Hereford Inlet Sediment Distribution”, October 2017). The beneficial impacts themselves are documented in the attached report prepared by the Richard Stockton College of New Jersey entitled “*Changes Observed and Mapped in Hereford Inlet, Cape May County, NJ between March 1979 and April 2019*”. That Report documents the fact that these beach restoration activities have contributed enormously to the habitat values and functions of Stone Harbor Point. The Stockton Report also documents the fact that the Borrow Area, which is located well offshore, does not contribute to the habitat values and functions of Unit NJ-09, meaning that its continued use is fully consistent with the CBRA’s legislative purposes.

The following language from a September 15, 2016 e-mail from Erik Rourke of the USACE to Eric Schradling at the Service takes note of these site-specific conditions: “This situation [i.e. use of the Hereford Inlet Borrow Area] is uniquely different from past reviews by the USFWS in that the sand borrowed from the authorized borrow area within System Unit NJ-09 is **placed within the littoral system of the barrier inlet and will remain within the sediment budget of Unit NJ-09**, therefore nourishing and stabilizing the shoreline of Stone Harbor Point and recharging the borrow area” (emphasis added). We wish that the Service would give more weight to this observation.

CZMA Applicability

The CBRA is not the only statute that is relevant to the Service’s decision making. The Federal Coastal Zone Management Act (CZMA, 16 USC 1451 et seq.) states that the protection of the Nation’s coastal zones natural resources is of national importance. The Act recognizes the need to create a system of reconciling the competing interests in the preservation, protection and utilization of coastal resources. It is for that reason that Section 307 of the CZMA requires that Federal actions affecting the coastal environment be consistent to the maximum extent practicable with approved state coastal management programs.

New Jersey’s CZM program was one of the first such programs in the Country, having been approved by the Department of Commerce in 1978. New Jersey DEP has issued favorable federal consistency determinations each and every time that the USACE has engaged in periodic nourishment of Avalon and Stone Harbor’s beaches. It has done so in large part because of the positive impacts on the resource values and functions of Stone Harbor Point. We would hope that the Service recognizes the significance of these decisions and will act accordingly and consistent with the goals and purposes of the CZMA.

Other Programmatic Considerations

Shore protection projects are unique in that they involve continuing construction throughout the 50-year period for which they are authorized. When the Service approved the use of the Hereford Inlet Borrow Area in 1996, the letter of approval contained no limitation that would indicate that the approval was only for the project's initial construction phase. Moreover, shore protection projects are *construction* projects, not maintenance projects. Maintenance of a navigation channel for example, is paid out of the Corps' operation and maintenance account. However, periodic beach renourishment is paid for out of the Corps' construction account.

Had the Service said no to the Avalon/Stone Harbor component of the Townsends Inlet to Cape May Project in 1996, it might never have been built.² Having now been constructed, it should continue as authorized. Congress authorized the Project with the understanding that the Hereford Inlet Borrow Area was to be used for the periodic nourishment of nearby beaches, and in doing so relied upon the Service's determination that this was the case. That being the case, we believe that congressional authorization cannot be modified by an administrative action of the Service.

CONCLUSION

The actions of the Service in approving the 1996 beach restoration as habitat enhancement, while later prohibiting periodic nourishment once Stone Harbor Point was re-established, is unreasonable. Nothing has changed in the interim except that the areal extent of Stone Harbor Point has grown and its habitat values have been enhanced, due in large part to the nourishment of the beaches in Avalon and Stone Harbor. If the Service's more recent decision stands as is, then the continued viability of this area will be jeopardized.

The Municipalities are acutely aware of the fact that this has been a highly contested issue over the past several years, and that the Service may be concerned that allowing the use of the Hereford Inlet Borrow Area will serve to weaken the CBRA's protections. They do not share that concern. It is clear based on the factors outlined in this letter that the granting of an exception in this case furthers the policy goals of the CBRA and the CZMA, and represents a wise use of the region's and the nation's coastal resources. The sand that is removed from the

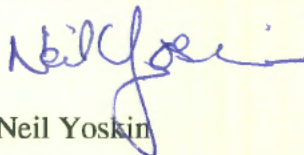
² The original project specifications for use of the Hereford Inlet Borrow Area w343 limited to the construction of Stone Harbor Point. Townsends Inlet was to be used for periodic nourishment. We are advised by the USACE that it was during the design phase of the initial construction that the use of the Borrow Area was expanded to include beach nourishment in Avalon and Stone Harbor. That action was taken with the understanding that the FWS had issued the 1996 CBRA exception allowing its use.

CULLENandDYKMANLLP

Eric Schradling
Page 5
July 12, 2019

Unit returns to the Unit, and does so within a short period of time. And while that sand may protect existing homes and infrastructure for a short period of time, it does nothing to facilitate or encourage new development. It is for all of these reasons that we urge you to reconsider your decision.

Sincerely,
CULLEN AND DYKMAN LLP



Neil Yoskin

NY/cl

Enclosures

cc:

Mayor and Council, Borough of Avalon *(via e-mail and overnight w/enclosures)*

Mayor and Council, City of North Wildwood *(via overnight w/enclosures)*

Mayor and Council, Borough of Stone Harbor *(via overnight w/enclosures)*

Eric J. Rourke, USACE, Philadelphia District *(via overnight w/enclosures)*

William Dixon, NJDEP *(via overnight w/enclosures)*

Christopher Constantino, NJDEP *(via overnight w/enclosures)*

Ginger Kopkash, NJDEP *(via overnight w/enclosures)*

Diane Dow, NJDEP *(via overnight w/enclosures)*



USFWS INFORMATION MEMORANDUM



DATE: July 26, 2019

TO: Margaret Everson, Principal Deputy Director, U. S. Fish and Wildlife Service Exercising the Authority of the Director of the U.S. Fish and Wildlife Service

FROM: Gary Frazer, Assistant Director for Ecological Services, U.S. Fish and Wildlife Service

SUBJECT: Background information on the Service's policy regarding sand mining within the Coastal Barrier Resources System (CBRS) for shoreline stabilization projects outside of the CBRS

I. STATEMENT OF ISSUE/KEY FACTS

The Coastal Barrier Resources Act (CBRA) originally established the Coastal Barrier Resources System (CBRS) in 1982. CBRA is a free-market approach to conservation that saves taxpayers money and keeps people out of harm's way by removing the federal incentive to develop ecologically sensitive and storm-prone coastal areas. CBRA prohibits most new federal expenditures and financial assistance within the CBRS. A recent study in the *Journal of Coastal Research* found that CBRA reduced federal coastal disaster expenditures by \$9.5 billion between 1989 and 2013.

The CBRS is currently comprised of 870 geographic units totaling 3.5 million acres, located along the Atlantic, Gulf of Mexico, Great Lakes, U.S. Virgin Islands, and Puerto Rico coasts. The CBRS is depicted on a set of maps that is maintained by the U.S. Fish and Wildlife Service (Service). Only Congress has the authority to modify the boundaries of the CBRS by adopting new maps through legislation (there are minor exceptions).

CBRA restricts new federal expenditures within the CBRS for most projects to prevent the erosion of or to otherwise stabilize any inlet, shoreline, or inshore area (16 U.S.C. 3504(a)(3)). However, federal agencies, after consultation with the Service, may make expenditures within the CBRS for activities that meet one of CBRA's exceptions (16 U.S.C. 3505). In consultations with other agencies since the mid-1990s, the Service has applied a consistent legal interpretation that most federally-funded sand mining within the CBRS for shoreline-stabilization projects outside of the CBRS is prohibited. This interpretation affects a limited number of U.S. Army Corps of Engineers (Corps) shore-protection projects in areas along the Atlantic Coast (Stone Harbor, NJ; Topsail Beach, NC; Wrightsville Beach, NC; Carolina Beach, NC; and Folly Beach, SC), where communities seek to use areas within the CBRS as borrow sites for beach-nourishment projects benefiting developed areas outside of the CBRS. The use of nearshore borrow sites is often preferable to offshore borrow sites due to sand quality and cost. The Service's long-standing policy has become controversial with local communities and their members of Congress in recent years due to difficulties in sourcing beach-quality sand while maintaining the positive project cost-benefit ratio necessary for the Corps to complete the project.

II. BACKGROUND AND FWS POSITION

CBRA's legislative history makes it clear that the law is intended to reduce federal involvement in activities that are detrimental to coastal barrier ecosystems within the CBRS, including most dredging and flood-control projects. House Report 97-841 Part 1 states:

Intense development and human use of coastal barriers have also caused diminished productivity in these important natural resource areas. Disposing sewage effluents, dredging canals and channels, filling wetlands, leveling dunes, clearing vegetation, constructing hurricane and erosion control projects, stabilizing inlets, and other activities often spell trouble for the coastal barrier ecosystems that protect and often sustain natural resources of immense aesthetic and economic value The intent of the legislation is that all forms of direct Federal assistance for projects ... be precluded.

CBRA does not ban shoreline stabilization or sand-mining activities; they can still occur within the CBRS provided that the cost is covered by private, state, or local sources. As stated in President Reagan’s 1982 signing statement, CBRA “will stop the flow of Federal dollars that have helped to encourage development that otherwise would not be economical. The difficult task of balancing competing uses of resources is best performed by the market, free of Federal subsidies.”

In 1994, the Solicitor’s Office Branch of Fish and Wildlife advised the Service that CBRA’s exceptions apply only to projects that occur within the CBRS; they do not apply to projects that occur outside of the CBRS (regardless of whether the project may be consistent with the purposes of CBRA). A subsequent review of this matter by the Assistant Secretary for Fish and Wildlife and Parks and the Solicitor’s Office in 1995 reaffirmed this interpretation of CBRA. See Attachment 1 for related correspondence. In recent years, the Corps has acted in accordance with the Service’s interpretation of CBRA and ceased utilizing borrow sites within the CBRS (despite its historic usage of some sites).

The Service received a letter in June 2018 from seven members of Congress asserting that the agency has taken an unreasonably narrow interpretation of CBRA’s exceptions as they pertain to congressionally authorized shoreline-stabilization projects. The Service’s December 2018 response letter stated that “this interpretation of the statutory language has been the basis for the Service’s interpretation and advice to other federal agencies for over 20 years. Congress subsequently reauthorized the CBRA twice [in 2000 and 2006] without regard to this interpretation of the law. Accordingly, the Service currently has no plans to revisit this interpretation.” See Attachment 2 for the incoming letter and the Service’s response.

The Service does not have enforcement authority over CBRA; each affected agency is independently responsible for complying with the law. CBRA does not prohibit private, state, or local funding. State and local funding (in excess of the mandatory 35% non-federal cost share required for most projects) has been used to cover costs within the CBRS in FL and NJ and is currently proposed for a multi-billion dollar storm-damage-reduction project in TX. The Service is supportive of this approach. However, given the escalating costs of beach nourishment and increasing exposure to hazards, local communities and others continue to seek a path forward to allow sand mining within the CBRS using federal funds.

III. POSITION OF AFFECTED PARTIES/PUBLIC LANDS AFFECTED

Certain affected local communities and the State of New Jersey disagree with the Service’s interpretation of CBRA and seek to invoke an exception or have the CBRS maps changed to allow sand mining for beach-nourishment projects to proceed with federal funds. Communities continue to reach out to their members of Congress regarding this matter.

The Corps’ Wilmington, NC District office recently released for public review two draft Evaluation Reports for projects with borrow sites in the CBRS. These projects are nearing the end of their congressional authorization and/or their spending caps. The draft reports note that continued use of the CBRS borrow sites would require a legislative exemption from CBRA in the projects’ final congressional authorizations.

Several organizations (e.g., American Littoral Society, Association of State Floodplain Managers, National Audubon Society, National Wildlife Federation, Natural Resources Defense Council, and R Street) oppose federally-funded sand mining within the CBRS. Some of the concerns from these groups include: disruption of natural sand movement and sand supplies; impacts on benthic habitat, fisheries, and shorebird habitat; and adaptability of islands to sea-level rise.

IV. STATUS UPDATE

An amendment offered by Representatives Van Drew (NJ-2), Graves (LA-6), and Rouzer (NC-7) on a DOI appropriations bill in June 2019 sought to restrict the use of funds “to implement the Department of the Interior Solicitor’s opinion (FWS.CW.0380) issued in 1994 interpreting the applicability of Section 6(a)(6)(G) of [CBRA].” This amendment was withdrawn, however there is still significant congressional interest. Due to the high level of interest in this matter, Chairman Grijalva of the House Natural Resources Committee recently requested that the U.S. Geological Survey (USGS), in conjunction with the Service, evaluate the short- and long-term impacts of sand/sediment removal on areas in and adjacent to the CBRS.

In July 2019, the Service’s New Jersey Ecological Services Field Office received a letter from an attorney for the Boroughs of Avalon and Stone Harbor and the City of North Wildwood, NJ, requesting that the Service reconsider its determination that CBRA prohibits using Hereford Inlet as a borrow area for periodic beach nourishment in each of the respective municipalities (see Attachment 3).

V. POTENTIAL ISSUES

In 2016, the Borough of Avalon, NJ filed suit against the Corps and the Service for violation of the Administrative Procedure Act, alleging an arbitrary and capricious interpretation of CBRA in a project consultation that resulted in federal funds being denied for sand mining within Hereford Inlet, NJ. The NJ District Court dismissed the suit in 2017 due to mootness and lack of standing. Media reports indicate that communities in NJ are considering pursuing additional litigation.

VI. TIMELINE/NEXT STEPS

There are currently no CBRA consultations involving this issue pending with the Service. The Service and USGS have initiated an assessment on the feasibility of Chairman Grijalva’s request for a study on sand/sediment removal in areas within and adjacent to the CBRS. A response letter is currently in clearance (DCN 070502). Additionally, the Service is preparing a response to the request from the NJ municipalities’ attorney concerning the CBRA issue affecting Hereford Inlet, NJ.

Prepared by: *Dana Wright, Program Specialist, Ecological Services*

FYI or **Requested by:** *Melissa Beaumont, Advisor, Office of the Director*

Prepared for a meeting:

Attachments

FWS.CW.0380

Memorandum

To: Ralph Morgenweck
Assistant Director, Fish and Wildlife Enhancement
Fish and Wildlife Service

From: Charles P. Raynor
Assistant Solicitor
Fish and Wildlife

Subject: Interpretation of Section 6(a)(6)(G) of the Coastal
Barrier Resources Act

Introduction

You have requested our opinion as to whether a project to renourish a beach outside the Coastal Barrier Resources System (System) utilizing sand removed from within a unit of the System can qualify for the shoreline stabilization projects exemption in section 6(a)(6)(G) of the Coastal Barrier Resources Act (Act), 16 U.S.C. 3505(a)(6)(G). We conclude this exemption applies only to projects designed to stabilize the shoreline of a System unit and therefore does not apply to projects to renourish beaches outside the System even if the other requirements of section 6(a)(6)(G) are met.

Background

Section 5(a) of the CBRA, 16 U.S.C. 3504(a), prohibits new Federal expenditures or financial assistance for activities within the System, unless the activities are covered by one of the exceptions listed in section 6. The shoreline stabilization projects exception in section 6(a)(6)(G) covers:

(6) Any of the following actions or projects, but only if the making available of expenditures or assistance therefor is consistent with the purposes of this Act:

.

(G) Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore natural stabilization systems.

We understand Proposed beach renourishment projects within the CBRS that meet these standards and are consistent with the CBRA

purposes may receive Federal funding.

Discussion

The Corps proposes to dredge approximately 975,000 cubic yards of sand from within the Midway Inlet Unit for use in renourishing the beach on Pawley's Island, which is not within the CBRS. We interpret the language of section 6(a)(6) of the CBRA, however, as referring to nonstructural projects devoted to stabilizing the shoreline of a Unit of the CBRS by mimicking, enhancing, or restoring the natural stabilization systems of the Unit. In other words, beach renourishment projects must be aimed at renourishing the beach of the CBRA Unit in order to qualify for Federal funding under section 6(a)(6). In contrast, the Corps' Pawley's Island project is intended solely to accomplish the renourishment of a beach outside of the CBRS. We therefore conclude that Federal funding or financial assistance for such a project would violate section 5 of the CBRA. Our opinion would not differ if the project were designed instead to renourish beaches both within and without the CBRS, because we interpret section 6(a)(6) to refer to projects designed to renourish solely a beach within the CBRS.

Even if this project were intended to renourish the beach of the Midway Inlet Unit, we believe it still would not qualify for a Federal funding exception because it would be inconsistent with the CBRA purposes. As noted above, the CBRA purposes include minimizing damage to fish, wildlife, and other natural resources of coastal barriers. In this case, the proposed dredging would damage the productive natural systems of Midway Inlet in several ways. The dredging would result in the outright destruction of all benthic organisms encountered by the dredging cutterhead that would be used. In addition, the borrow area, which currently is shallow, would be converted to deeper, less productive open water. The deepening of this area would also cause sloughing and/or erosion of adjacent shallow areas and thereby reduce their habitat values.

The existing shallow water of the borrow area provides, in conjunction with adjacent beaches, habitat for a number of species of birds and turtles. These include Wilsons plovers and Least terns (classified as threatened by the State of South Carolina) that nest and feed in the existing habitat. The loggerhead turtle (Federally listed as threatened under the Endangered Species Act) utilizes these beaches for nesting and the shallow ridged shoals for feeding and nesting during its "internesting period" (the time interval between nesting emergencies).

Finally, recent studies by the Corps of Engineers of the effects of other renourishment projects on North Carolina beaches suggest that they result in a reduction in nearshore and surf fisheries caused by disturbances to intertidal communities from renourishment activities.

Conclusion

The renourishment project proposed by the Army Corps of Engineers, dredging of sand from within the Midway Inlet Unit in order to renourish a beach outside the Coastal Barrier Resources System, does not fall within the CBRA section 6(a)(6) Federal funding exception, which applies only to projects for renourishment of beaches within the CBRS. In addition, the project would lead to significant adverse impacts on the natural resources of the Midway Inlet Unit, although section 6(a)(6) projects must be consistent with the CBRA purpose of minimizing damage to the natural resources of coastal barriers. For each of these reasons, we conclude that Federal funding or financial assistance for this beach renourishment project would violate section 5 of the Coastal Barrier Resources System.

Please refer any questions to David Gayer (343-2172).

cc: Coastal Barriers Coordinator
J. G. Harvey Geitner, Charleston, S.C. Field Office, FWS



United States Department of the Interior

OFFICE OF THE SECRETARY
1849 C Street, N.W.
Washington, D.C. 20240

JUN 12 1995

Dr. John H. Zirschky
Acting Assistant Secretary (Civil Works)
Department of the Army
108 Army Pentagon
Washington, D.C. 20310-0108

Dear Dr. Zirschky:

Thank you for your letter of February 16, 1995, requesting review of the U.S. Fish and Wildlife Service (Service) interpretation of the statutory requirements of the Coastal Barrier Resources Act (Act) in relation to the issue of federally funded beach nourishment activities. You specifically request that we reverse the Service's interpretation of section 6(a)(6)(G) of the Act as it relates to the U.S. Army Corps of Engineers (Corps) Folly Beach, South Carolina, beach renourishment project and other similar projects. You note that the Service's interpretation should be rescinded for the following reasons: 1) Corps studies indicate impacts to coastal barrier Unit M07, Bird Key Complex, from the Folly Beach project are not appreciable and may be beneficial, 2) the Energy and Water Development Appropriation Act for 1992 authorized the use of Unit M07 as a borrow area by the Corps, 3) the Service previously determined that the use of Unit M07 as a borrow area was an allowable activity under section 6(a)(6)(G) of the Act, and 4) the Service's current statutory interpretation places unexpected financial burdens on both the Federal Government and the non-Federal cost-sharing sponsors of the Folly Beach project and other similar Corps projects.

Section 6 of the Act sets forth several exceptions to the general prohibition in section 5 against Federal expenditures affecting the Coastal Barrier Resources System (System). The exception in section 6(a)(6)(G) is for "Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore, natural stabilization systems" and that are also consistent with the purposes of the Act. We have conferred with the Department's Office of the Solicitor on this issue and, after careful consideration, determined that the current statutory interpretation is correct. Section 6(a)(6)(G) applies only to projects for stabilizing the shoreline of a unit of the System; it does not apply to projects to stabilize shoreline outside the System regardless of whether the project might be consistent with the purposes of the Act. Therefore, any Corps proposed action designed to nourish beaches located outside the System using beach material taken from within the System does not meet the criteria for a section 6(a)(6)(G) exception.

Dr. John H. Zirschky

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Relative to your point that the Folly Beach project would not be damaging to Unit M07 and may actually benefit the unit, the section 6 exception does not apply in this case regardless of whether the project may be non-detrimental or beneficial. The section 6 exception applies only to projects for stabilizing the shoreline of a unit of the System, not for projects outside the System. In fact, the Charleston Field Office recently reported that Bird Key, a highly important nesting site for colonial waterbirds, has actually undergone drastic erosion since the Folly Beach project began. Most, if not all of the nesting habitat, has been lost. Also, recent studies by the South Carolina Department of Natural Resources indicate that material accumulating in the project borrow area does not appear to be beach compatible material due to the high content of silt and clay material.

With regard to the 1992 Energy and Water Development Appropriations Act, Congress regularly enacts new legislation resulting in numerous federally funded activities. However, activities authorized by such newly enacted legislation must adhere to other statutory requirements unless the legislation specifically exempts the activities from existing statutory requirements.

You are correct in stating that the Corps previously received a Service determination that the Folly Beach project was an allowable activity under section 6(a)(6)(G). However, because of conflicting interpretations regarding section 6(a)(6)(G) in relation to beach renourishment activities within coastal barrier units, the Service requested an interpretation by the Department's Solicitor which resulted in the current statutory interpretation.

Finally, you note that the current statutory interpretation places unexpected financial burdens on both the Federal and non-Federal sponsors of the Folly Beach project. The purposes of the Act are to minimize the loss of human life, wasteful expenditure of Federal revenues, and damage to fish, wildlife, and other natural resources associated with units of the System. The Act does not restrict the use of private, State or local government funds for activities within the System. Therefore, implementation of the Act results in a savings of Federal dollars by placing the financial burden on those who chose to invest, live, or conduct development activities within the System, not the American taxpayer. The current statutory requirement only restricts the use of Federal funds for the purpose of removing sand from within the System. Furthermore, it is only the last 4,500 feet of the southwest portion of the total proposed borrow area for the Folly Beach project which is within Unit M07. The remaining unaffected borrow area is 7,170 feet long and 600 feet wide. Therefore, the project is not entirely prohibited and estimated future financial burdens may be inflated.

Dr. John H. Zirschky

3

It is important to note that coastal barrier units include the fastland core of the coastal barrier itself, as well as associated aquatic habitat and the entire sand-sharing system, including the beach, shoreface, and offshore bars. The sand-sharing system of coastal barriers is defined by the 30-foot bathymetric contour. Congress approved this delineation criteria for units of the System in recognition of the important role the sand-sharing system plays in maintaining the dynamic, migratory nature of coastal barriers.

We hope this clarifies the Department's position on this issue. Thank you for your cooperation on this matter.

Sincerely,

/s/ George T. Frampton, Jr.

George T. Frampton, Jr.
Assistant Secretary for Fish
and Wildlife and Parks

cc: 6229-MIB-ES(1)
6013-MIB-PMO-Secretary's Files
6013-MIB-PMO-Secretary's Reading File (2)
6024-MIB-SOL
7456-MIB-PMB
3156-MIB-FW
6242-MIB-CL
6628-MIB-LM
3012-MIB-FWS-Directorate Reading File
3012-MIB-FWS-CCU
3024-MIB-FWS-AES
400-ARLSQ-FWS-DHC
400-ARLSQ-FWS-DHC-BHR

FWS/DHC/BHR:LKelsey:eob:358-2201:3/30/95 - Q:\DHC\kelsey\Zirschky.ltr
REVISED:AES:MNash:4/3/95

Congress of the United States
Washington, DC 20515

June 20, 2018

Mr. Greg Sheehan
Acting Director
U.S. Fish and Wildlife Service
Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Re: Interpretation of certain provisions of the Coastal Barrier Resources Act pertaining to environmental restoration

Dear Acting Director Sheehan:

Congress passed the Coastal Barrier Resources Act of 1982 (CBRA) to reduce taxpayer risk and preserve the Nation's coastal resources.¹ The CBRA exemplifies how prudent Federal spending can achieve conservation objectives. Section 5 of the CBRA contains broad prohibitions on federal funding within the Coastal Barrier Resources System (CBRS), but Congress provided exceptions to these funding prohibitions in Section 6 so that certain projects consistent with the purposes of the CBRA may proceed. We fully support the purposes of the CBRA, and that is why we are troubled by the U.S. Fish and Wildlife Service's (Service) unreasonably narrow interpretation of Section 6 exceptions, specifically as they pertain to Congressionally authorized shoreline stabilization and beach renourishment projects, which have similar purposes.

The U.S. Army Corps of Engineers' (USACE) shoreline stabilization and beach renourishment projects relocate dredged sand inshore, taking advantage of natural processes to rebuild coastal barriers and preserve natural resources. Such sand must be compatible with the sand where the dredged material is deposited. When possible, USACE utilizes sand from nearby areas, for reasons of sand compatibility, cost, and in many cases, ecological and geomorphological considerations. However, a 1994 solicitor's opinion that guides the Service's consideration of these projects states that "this [section 6(a)(6)(G)] exemption... does not apply to projects to renourish beaches outside the System *even if the other requirements of section 6(a)(6)(G) are met* (emphasis added)."² Under this interpretation, USACE often must seek compatible sand miles offshore, significantly increasing the cost to the taxpayer.

¹ S. Rep. No. 97-419, at 2.

² Interpretation of Section 6(a)(6)(G) of the Coastal Barrier Resources Act, Op. Assistant Solicitor U.S. Fish and Wildlife Service (1994).

As such we request your response to the attached questions to clarify this interpretation and work together to rectify this departure from CBRA's original intent.

Thank you for your consideration.

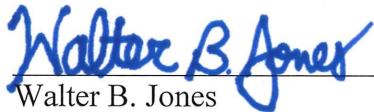
Respectfully,



Garret Graves
Member of Congress



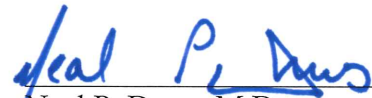
Doug Lamborn
Member of Congress



Walter B. Jones
Member of Congress



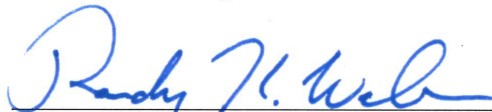
Frank A. LoBiondo
Member of Congress



Neal P. Dunn, M.D.
Member of Congress



David Rouzer
Member of Congress



Randy K. Weber
Member of Congress

Enclosures

QUESTIONS

1. Does the 1994 solicitor's opinion referenced in our letter continue to dictate U.S. Fish and Wildlife Service policy pertaining to Congressionally authorized beach renourishment projects that utilize dredged material from CBRS and deposit it outside the System?
2. The 1994 solicitor's opinion narrowly interpreted that the 6(a)(6)(G) exception "applies only to projects designed to stabilize the shoreline of a System unit". However, the language of section 6(a)(6)(G) ("Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore a natural stabilization system.") does not limit the exception's application only to projects within the System, as asserted in the solicitor's opinion. The opinion provides no explanation for the solicitor's narrow interpretation. Please explain the basis for the solicitor's narrow interpretation when the statutory language does not limit the exception in such a way.
3. Do you consider this solicitor's opinion to be an appropriate interpretation of section 6(a)(6)(G), and will the Service revisit this interpretation?
4. The 1994 solicitor's opinion interpreted that the 6(a)(6)(G) exception "applies only to projects designed to stabilize the shoreline of a System unit". In many circumstances, beach renourishment projects that extract sand from a CBRS unit for use outside of the unit provide environmental and Federal economic benefits, help preserve life and property, stabilize critical fish and wildlife habitat in the area or otherwise provide benefits to the unit. What are criteria or circumstances when it would be appropriate (notwithstanding your agency's current narrow interpretation of CBRA and its Section 6 exceptions) to allow for compatible sand to be taken from a CBRS unit for use outside of a unit for USACE shoreline stabilization and beach renourishment projects? For example, would it be appropriate:
 - (a) When no less environmentally damaging cost-effective alternatives to utilizing sand from within the System unit are available (e.g., when utilizing sand from within the System unit to provide coastal storm risk management to people and property is determined to be the most cost-effective solution after taking in to account the monetary and non-monetary benefits and costs)?
 - (b) When the nourishment material is being taken from a portion of the System unit that is replenished by littoral flows?
 - (c) When the System unit is not sediment starved, and the removal action would not impact critical fish and wildlife habitat within the unit?
 - (d) When longshore transport would result in the sand moving back from the placement site into the System unit?
 - (e) When the System unit is now a factor in disruption of longshore transport and the sand would be placed in the sand starved area downdrift of the unit?

- (f) When utilizing sand from within the System unit is consistent with regional sediment management best practices/plans?
 - (g) What other criteria or circumstances would you propose?
5. If you believe the 1994 solicitor's opinion is an appropriate interpretation of CBRA's section 6(a)(6)(G) exception, what legislative and administrative remedies do you recommend to allow these projects to move forward as directed by Congress?
 6. Do you consider shoreline stabilization and beach renourishment projects, the purposes of which include cost-effectively protecting lives and property and providing environmental and Federal economic benefits, to be consistent generally with the purposes and spirit of CBRA?
 7. As referenced in our letter, USACE must often spend millions of dollars unnecessarily to find compatible sand miles offshore for shoreline stabilization and beach renourishment projects, when the appropriate resource exists nearby but is inaccessible due to the Service's narrow interpretation of CBRA. Do you believe this is an appropriate interpretation of a law designed to minimize wasteful taxpayer investment?



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Washington, D.C. 20240



In Reply Refer To:
FWS/AES/DBTS/BGMTS/068399

DEC 21 2018

The Honorable Garret Graves
House of Representatives
Washington, D.C. 20515

Dear Representative Graves:

Thank you for your letter of June 20, 2018, to the U.S. Fish and Wildlife Service (Service) asking whether the 1994 Solicitor's opinion on certain provisions of the Coastal Barrier Resources Act (CBRA) continues to dictate Service policy, whether we consider this is an appropriate interpretation, and whether we will revisit this interpretation.

The U.S. Army Corps of Engineers (Corps) has sought to mine sand within the John H. Chafee Coastal Barrier Resource System (CBRS) for use in shoreline stabilization projects for developed areas located outside of the CBRS. The Corps has cited the section 6(a)(6)(G) exception for this activity in consultation letters to the Service. In 1994, the Department of the Interior's Solicitor's Office advised the Service that this exception applies only to projects designed to stabilize the shoreline of a unit within the CBRS; it does not apply to projects to renourish beaches outside of the CBRS, even if the other requirements of section 6(a)(6)(G) are met. A subsequent review of this matter by the Assistant Secretary for Fish and Wildlife and Parks in 1995 reaffirmed this interpretation of the law.

This interpretation of the statutory language has been the basis for the Service's interpretation and advice to other federal agencies for over 20 years. Congress subsequently reauthorized the CBRA twice without regard to this interpretation of the law. Accordingly, the Service currently has no plan to revisit this interpretation.

The Service supports CBRA and its objectives to minimize threats to human life and property, save taxpayer dollars, and conserve coastal barrier habitat through the law's non-regulatory approach of removing federal incentives to build in areas subject to hurricanes and erosion. We hope this information is helpful. If you have any additional questions concerning this matter, please contact the Service's Assistant Director for Ecological Services, Mr. Gary Frazer, at (202) 208-4646.

Sincerely,

Principal Deputy Director

From: [Wright, Dana K](#)
To: [BalisLarsen, Martha](#)
Cc: [Niemi, Katie](#); [Phinney, Jonathan T](#)
Subject: Re: High Priority-please review sand mining IM
Date: Tuesday, July 30, 2019 1:40:13 PM
Attachments: [Attachment 1 - 1994 SOL Opinion and 1995 AS-FWP Letter.pdf](#)
[Attachment 3 - Letter from Attorney for NJ Communities.pdf](#)
[CBRA Info Memo on Sand Mining 07302019.docx](#)
[Attachment 2 - Graves et al Incoming Letter and Response Letter.PDF](#)
Importance: High

Great, thanks. Yes, please go ahead and send the IM with the attachments on to Melissa. I've updated the date on the IM to today and reattached them here for your convenience since they are in two different emails.

Thanks,

Dana Wright
Program Specialist
Ecological Services
U.S. Fish & Wildlife Service
5275 Leesburg Pike, MS: ES
Falls Church, VA 22041
703-358-2443 (office)
703-358-1800 (fax)

[Learn more about the Coastal Barrier Resources Act](#)

On Tue, Jul 30, 2019 at 1:14 PM BalisLarsen, Martha <martha_balislarsen@fws.gov> wrote:

Dana, the IM looks good to me. Should I go ahead and send it with the attachments to Melissa?

Martha

On Mon, Jul 29, 2019 at 7:34 AM Wright, Dana <dana_wright@fws.gov> wrote:

Hi Martha,

Attached is an updated version of the memo that incorporates a suggestion from the FO to add reference to the pending Van Drew response letter.

Thanks,

Dana Wright
Program Specialist
Ecological Services
U.S. Fish & Wildlife Service
5275 Leesburg Pike, MS: ES
Falls Church, VA 22041

703-358-2443 (office)

703-358-1800 (fax)

[Learn more about the Coastal Barrier Resources Act](#)

On Fri, Jul 26, 2019 at 3:27 PM Niemi, Katie <katie_niemi@fws.gov> wrote:

Martha,

Attached is the updated info memo on sand mining for Margaret. Please see email chain below for additional information. I will be (b) (6) so please let Dana know if you have any changes or concerns with the info memo. This memo mentions the new incoming letter from the attorney for the NJ municipalities. I sent you a separate email on that issue as we need to provide feedback to Eric on how to proceed with that response.

Thanks!

Katie

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

From: **Wright, Dana** <dana_wright@fws.gov>

Date: Thu, Jul 25, 2019 at 10:45 AM

Subject: Re: CBRA Memo

To: Katie Niemi <katie_niemi@fws.gov>, Jonathan Phinney <jonathan_phinney@fws.gov>

Katie,

Gary just called me about this. Apparently Margaret will be engaging with Karen Budd-Falen (Acting AS-FWP and also Deputy SOL for Parks and Wildlife) on this. He asked that we be sure to mention that this issue was reviewed and certified by the Assistant Secretary in the past and that Congress has twice reauthorized CBRA without regard to this issue. I asked whether we should keep it to two pages and he said not to worry about a page limit.

Jonathan, can you please seek clarification regarding which template to use? My understanding is that we are to use the one with the logos on it (attached), and this is also the version currently available on the ES Magnet site: <https://sites.google.com/a/fws.gov/hqesops/bptemplate>. I am going to prepare this as an IM to Margaret from Gary (not from Margaret to Karen Budd-Falen). Please let me know if you think otherwise.

Thanks,

Dana Wright
Program Specialist
Ecological Services
U.S. Fish & Wildlife Service
5275 Leesburg Pike, MS: ES
Falls Church, VA 22041
703-358-2443 (office)
703-358-1800 (fax)

[Learn more about the Coastal Barrier Resources Act](#)

On Thu, Jul 25, 2019 at 10:25 AM Frazer, Gary <gary_frazer@fws.gov> wrote:

Katie -- Would you dust off your briefing materials on the sand mining from within CBRS units issue and produce a briefing paper for Margaret by the end of next week? Thanks. -- GDF

Gary Frazer
Assistant Director -- Ecological Services
U.S. Fish and Wildlife Service
(202) 208-4646

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

From: **Beaumont, Melissa** <melissa_beaumont@fws.gov>
Date: Wed, Jul 24, 2019 at 7:31 PM
Subject: CBRA Memo
To: Gary Frazer <gary_frazer@fws.gov>
Cc: Charisa Morris <charisa_morris@fws.gov>, Gina Shultz <Gina_Shultz@fws.gov>

Hi Gary,

Margaret asked if we could put together a briefing paper on the CBRA issues recently raised by members of congress. I understand she still needs to chat with SOL for legal direction, but asked that we start putting together a memo on the background of the issue for her. Could we have something put together for her by the end of next week?

Thanks,
Melissa

--

Melissa Beaumont
Advisor, Office of the Director, U.S. Fish & Wildlife Service
U.S. Department of the Interior
Office: 202-208-4545
Desk: 202-208-4299

FWS.CW.0380

Memorandum

To: Ralph Morgenweck
Assistant Director, Fish and Wildlife Enhancement
Fish and Wildlife Service

From: Charles P. Raynor
Assistant Solicitor
Fish and Wildlife

Subject: Interpretation of Section 6(a)(6)(G) of the Coastal
Barrier Resources Act

Introduction

You have requested our opinion as to whether a project to renourish a beach outside the Coastal Barrier Resources System (System) utilizing sand removed from within a unit of the System can qualify for the shoreline stabilization projects exemption in section 6(a)(6)(G) of the Coastal Barrier Resources Act (Act), 16 U.S.C. 3505(a)(6)(G). We conclude this exemption applies only to projects designed to stabilize the shoreline of a System unit and therefore does not apply to projects to renourish beaches outside the System even if the other requirements of section 6(a)(6)(G) are met.

Background

Section 5(a) of the CBRA, 16 U.S.C. 3504(a), prohibits new Federal expenditures or financial assistance for activities within the System, unless the activities are covered by one of the exceptions listed in section 6. The shoreline stabilization projects exception in section 6(a)(6)(G) covers:

(6) Any of the following actions or projects, but only if the making available of expenditures or assistance therefor is consistent with the purposes of this Act:

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(G) Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore natural stabilization systems.

We understand Proposed beach renourishment projects within the CBRS that meet these standards and are consistent with the CBRA

purposes may receive Federal funding.

Discussion

The Corps proposes to dredge approximately 975,000 cubic yards of sand from within the Midway Inlet Unit for use in renourishing the beach on Pawley's Island, which is not within the CBRS. We interpret the language of section 6(a)(6) of the CBRA, however, as referring to nonstructural projects devoted to stabilizing the shoreline of a Unit of the CBRS by mimicking, enhancing, or restoring the natural stabilization systems of the Unit. In other words, beach renourishment projects must be aimed at renourishing the beach of the CBRA Unit in order to qualify for Federal funding under section 6(a)(6). In contrast, the Corps' Pawley's Island project is intended solely to accomplish the renourishment of a beach outside of the CBRS. We therefore conclude that Federal funding or financial assistance for such a project would violate section 5 of the CBRA. Our opinion would not differ if the project were designed instead to renourish beaches both within and without the CBRS, because we interpret section 6(a)(6) to refer to projects designed to renourish solely a beach within the CBRS.

Even if this project were intended to renourish the beach of the Midway Inlet Unit, we believe it still would not qualify for a Federal funding exception because it would be inconsistent with the CBRA purposes. As noted above, the CBRA purposes include minimizing damage to fish, wildlife, and other natural resources of coastal barriers. In this case, the proposed dredging would damage the productive natural systems of Midway Inlet in several ways. The dredging would result in the outright destruction of all benthic organisms encountered by the dredging cutterhead that would be used. In addition, the borrow area, which currently is shallow, would be converted to deeper, less productive open water. The deepening of this area would also cause sloughing and/or erosion of adjacent shallow areas and thereby reduce their habitat values.

The existing shallow water of the borrow area provides, in conjunction with adjacent beaches, habitat for a number of species of birds and turtles. These include Wilsons plovers and Least terns (classified as threatened by the State of South Carolina) that nest and feed in the existing habitat. The loggerhead turtle (Federally listed as threatened under the Endangered Species Act) utilizes these beaches for nesting and the shallow ridged shoals for feeding and nesting during its "internesting period" (the time interval between nesting emergencies).

Finally, recent studies by the Corps of Engineers of the effects of other renourishment projects on North Carolina beaches suggest that they result in a reduction in nearshore and surf fisheries caused by disturbances to intertidal communities from renourishment activities.

Conclusion

The renourishment project proposed by the Army Corps of Engineers, dredging of sand from within the Midway Inlet Unit in order to renourish a beach outside the Coastal Barrier Resources System, does not fall within the CBRA section 6(a)(6) Federal funding exception, which applies only to projects for renourishment of beaches within the CBRS. In addition, the project would lead to significant adverse impacts on the natural resources of the Midway Inlet Unit, although section 6(a)(6) projects must be consistent with the CBRA purpose of minimizing damage to the natural resources of coastal barriers. For each of these reasons, we conclude that Federal funding or financial assistance for this beach renourishment project would violate section 5 of the Coastal Barrier Resources System.

Please refer any questions to David Gayer (343-2172).

cc: Coastal Barriers Coordinator
J. G. Harvey Geitner, Charleston, S.C. Field Office, FWS



United States Department of the Interior

OFFICE OF THE SECRETARY
1849 C Street, N.W.
Washington, D.C. 20240

JUN 12 1995

Dr. John H. Zirschky
Acting Assistant Secretary (Civil Works)
Department of the Army
108 Army Pentagon
Washington, D.C. 20310-0108

Dear Dr. Zirschky:

Thank you for your letter of February 16, 1995, requesting review of the U.S. Fish and Wildlife Service (Service) interpretation of the statutory requirements of the Coastal Barrier Resources Act (Act) in relation to the issue of federally funded beach nourishment activities. You specifically request that we reverse the Service's interpretation of section 6(a)(6)(G) of the Act as it relates to the U.S. Army Corps of Engineers (Corps) Folly Beach, South Carolina, beach renourishment project and other similar projects. You note that the Service's interpretation should be rescinded for the following reasons: 1) Corps studies indicate impacts to coastal barrier Unit M07, Bird Key Complex, from the Folly Beach project are not appreciable and may be beneficial, 2) the Energy and Water Development Appropriation Act for 1992 authorized the use of Unit M07 as a borrow area by the Corps, 3) the Service previously determined that the use of Unit M07 as a borrow area was an allowable activity under section 6(a)(6)(G) of the Act, and 4) the Service's current statutory interpretation places unexpected financial burdens on both the Federal Government and the non-Federal cost-sharing sponsors of the Folly Beach project and other similar Corps projects.

Section 6 of the Act sets forth several exceptions to the general prohibition in section 5 against Federal expenditures affecting the Coastal Barrier Resources System (System). The exception in section 6(a)(6)(G) is for "Nonstructural projects for shoreline stabilization that are designed to mimic, enhance, or restore, natural stabilization systems" and that are also consistent with the purposes of the Act. We have conferred with the Department's Office of the Solicitor on this issue and, after careful consideration, determined that the current statutory interpretation is correct. Section 6(a)(6)(G) applies only to projects for stabilizing the shoreline of a unit of the System; it does not apply to projects to stabilize shoreline outside the System regardless of whether the project might be consistent with the purposes of the Act. Therefore, any Corps proposed action designed to nourish beaches located outside the System using beach material taken from within the System does not meet the criteria for a section 6(a)(6)(G) exception.

Dr. John H. Zirschky

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Relative to your point that the Folly Beach project would not be damaging to Unit M07 and may actually benefit the unit, the section 6 exception does not apply in this case regardless of whether the project may be non-detrimental or beneficial. The section 6 exception applies only to projects for stabilizing the shoreline of a unit of the System, not for projects outside the System. In fact, the Charleston Field Office recently reported that Bird Key, a highly important nesting site for colonial waterbirds, has actually undergone drastic erosion since the Folly Beach project began. Most, if not all of the nesting habitat, has been lost. Also, recent studies by the South Carolina Department of Natural Resources indicate that material accumulating in the project borrow area does not appear to be beach compatible material due to the high content of silt and clay material.

With regard to the 1992 Energy and Water Development Appropriations Act, Congress regularly enacts new legislation resulting in numerous federally funded activities. However, activities authorized by such newly enacted legislation must adhere to other statutory requirements unless the legislation specifically exempts the activities from existing statutory requirements.

You are correct in stating that the Corps previously received a Service determination that the Folly Beach project was an allowable activity under section 6(a)(6)(G). However, because of conflicting interpretations regarding section 6(a)(6)(G) in relation to beach renourishment activities within coastal barrier units, the Service requested an interpretation by the Department's Solicitor which resulted in the current statutory interpretation.

Finally, you note that the current statutory interpretation places unexpected financial burdens on both the Federal and non-Federal sponsors of the Folly Beach project. The purposes of the Act are to minimize the loss of human life, wasteful expenditure of Federal revenues, and damage to fish, wildlife, and other natural resources associated with units of the System. The Act does not restrict the use of private, State or local government funds for activities within the System. Therefore, implementation of the Act results in a savings of Federal dollars by placing the financial burden on those who chose to invest, live, or conduct development activities within the System, not the American taxpayer. The current statutory requirement only restricts the use of Federal funds for the purpose of removing sand from within the System. Furthermore, it is only the last 4,500 feet of the southwest portion of the total proposed borrow area for the Folly Beach project which is within Unit M07. The remaining unaffected borrow area is 7,170 feet long and 600 feet wide. Therefore, the project is not entirely prohibited and estimated future financial burdens may be inflated.

Dr. John H. Zirschky

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It is important to note that coastal barrier units include the fastland core of the coastal barrier itself, as well as associated aquatic habitat and the entire sand-sharing system, including the beach, shoreface, and offshore bars. The sand-sharing system of coastal barriers is defined by the 30-foot bathymetric contour. Congress approved this delineation criteria for units of the System in recognition of the important role the sand-sharing system plays in maintaining the dynamic, migratory nature of coastal barriers.

We hope this clarifies the Department's position on this issue. Thank you for your cooperation on this matter.

Sincerely,

/s/ George T. Frampton, Jr.

George T. Frampton, Jr.
Assistant Secretary for Fish
and Wildlife and Parks

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REVISED:AES:MNash:4/3/95