

**From:** Goklany, Indur  
**To:** [Domenech, Douglas](mailto:Domenech.Douglas)  
**Subject:** Re: Humans and Islands Environments Conference  
**Date:** Thursday, October 26, 2017 10:09:48 AM

---

See you at 4:30 then.

On Thu, Oct 26, 2017 at 10:08 AM, Domenech, Douglas <[douglas\\_domenech@ios.doi.gov](mailto:douglas_domenech@ios.doi.gov)> wrote:

Yep that is it for today.

Doug Domenech  
Assistant Secretary Insular Areas  
US Department of the Interior

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From: **Reaser, Jamie** <[jamie\\_reaser@ios.doi.gov](mailto:jamie_reaser@ios.doi.gov)>

Date: Wed, Oct 25, 2017 at 5:27 PM

Subject: Humans and Islands Environments Conference

To: Douglas Domenech <[douglas\\_domenech@ios.doi.gov](mailto:douglas_domenech@ios.doi.gov)>, Nikolao Pula <[Nikolao\\_Pula@ios.doi.gov](mailto:Nikolao_Pula@ios.doi.gov)>, Tanya Joshua <[tanya\\_joshua@ios.doi.gov](mailto:tanya_joshua@ios.doi.gov)>, Basil Ottley <[Basil\\_Ottley@ios.doi.gov](mailto:Basil_Ottley@ios.doi.gov)>

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OIA Colleagues:

The following might be of interest...

Best,

Jamie

**Please share with your networks!**

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"We can do this...."

**From:** Domenech, Douglas  
**To:** [Goklany, Indur](#)  
**Subject:** Fwd: Humans and Islands Environments Conference  
**Date:** Thursday, October 26, 2017 9:39:29 AM

---

Come see me about this.

Doug Domenech  
Assistant Secretary Insular Areas  
US Department of the Interior

NOTE: *Every email I send or receive is subject to release under the Freedom of Information Act.*

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

**From:** **Reaser, Jamie** <[jamie\\_reaser@ios.doi.gov](mailto:jamie_reaser@ios.doi.gov)>  
**Date:** Wed, Oct 25, 2017 at 5:27 PM  
**Subject:** Humans and Islands Environments Conference  
**To:** Douglas Domenech <[douglas\\_domenech@ios.doi.gov](mailto:douglas_domenech@ios.doi.gov)>, Nikolao Pula <[Nikolao\\_Pula@ios.doi.gov](mailto:Nikolao_Pula@ios.doi.gov)>, Tanya Joshua <[tanya\\_joshua@ios.doi.gov](mailto:tanya_joshua@ios.doi.gov)>, Basil Ottley <[Basil\\_Ottley@ios.doi.gov](mailto:Basil_Ottley@ios.doi.gov)>  
**Cc:** "Burgos Rodriguez, Jhoset" <[jhoset\\_burgosrodriguez@ios.doi.gov](mailto:jhoset_burgosrodriguez@ios.doi.gov)>

OIA Colleagues:

The following might be of interest...

Best,

Jamie

**Please share with your networks!**

**7<sup>th</sup> International Conference on Environmental Future (7ICEF): Humans and Island Environments  
Honolulu, HI, April 16-20th, 2018**

**Call for abstracts**

Abstract submission for contributed talks and poster presentations for the 7ICEF is now open:

<http://manoa.hawaii.edu/7ICEF/>

<http://manoa.hawaii.edu/7ICEF/abstracts/>

Deadline for submissions is December, 1, 2017.

Islands are at the forefront of many of the environmental issues that the world is facing. Climate change is already impacting the livelihoods and wellbeing of islanders, and may soon threaten the very existence of some islands. Species extinctions have been mainly on islands, driven by invasive species, habitat loss and human exploitation, and climate change is predicted to have a greater role in extinctions through this century. The threats facing islands have spurred calls for greater action on climate change and islands nations played a key role in the 2015 Paris climate agreement. Many islands are also making big advances in protecting both terrestrial and marine biodiversity, and pushing for a more sustainable development route, with these efforts frequently being led by local island communities.

Organized by the Foundation for Environmental Conservation (FEC), East-West Center, and University of Hawai'i at Manoa, and the University of Hawai'i Sea Grant College Program the 7ICEF seeks to advance the global and multi-disciplinary conversation around environmental futures with a specific focus in 2018 on 'Humans and Island Environments'. The conference will be held from the 16 - 20 April 2018 in Honolulu, Hawai'i, at the East-West Center's Hawai'i Imin International Conference Center.

Conference Themes

1. What is the importance of islands to environmental conservation?
2. How have humans changed island ecosystems through history?
3. What are the future challenges for island ecology and evolution?
4. How can island conservation contribute to human wellbeing?
5. How are islands dealing with the challenge of balancing development with sustainability?
6. How can we incorporate the value of island environments into conservation?
7. How can indigenous and local knowledge (ILK) be used to improve island environmental futures?
8. How can we build island communities that are resilient to the impacts of climate change and environmental hazards?
9. What role can the humanities play in island conservation?
10. How does environmental governance on islands currently operate and what forms of governance produce the best outcomes?
11. How can we improve island conservation through integrated marine and terrestrial management?
12. What is the current state of knowledge of island extinctions and how can this be used to set baselines for restoration?
13. How well are island conservation issues addressed in international conventions and agreements?
14. What have we learnt about invasive species on islands and what are the best strategies for dealing with them in the future?
15. What is the role of environmental education on islands?
16. How is climate affecting patterns of island migration?
17. What are the links between human health and environmental conservation on islands?
18. How do island sovereignty and conservation relate to each other?

--

Jamie K. Reaser, PhD  
Executive Director  
National Invasive Species Council (NISC)  
US Department of the Interior  
Office of the Secretary  
[1849 C Street NW](#)  
[Washington, DC 20240](#)  
Phone: (1) 202.208.4113  
Email: [jamie\\_reaser@ios.doi.gov](mailto:jamie_reaser@ios.doi.gov)

Website: [invasivespecies.gov](http://invasivespecies.gov)

Facebook · [fb.com/USinvasivespecies.gov](https://fb.com/USinvasivespecies.gov)

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"We can do this...."





**From:** Pattison, Malka  
**To:** [Goklany, Indur](mailto:Goklany, Indur)  
**Subject:** Re: Potential speakers and topics  
**Date:** Wednesday, October 25, 2017 7:42:31 AM

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Thanks

On Wed, Oct 25, 2017 at 7:36 AM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:  
here it is.

On Thu, Aug 10, 2017 at 9:11 AM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:  
There are two papers by USGS scientists that are relevant to climate (and climate change), and which would be very appropriate for the monthly seminars.

1. McCabe, G.J., Wolock, D.M. and Austin, S.H. 2017. Variability of runoff-based **drought** conditions in the conterminous United States. *International Journal of Climatology* 37: 1014-1021.

2. Hirsch RM, Ryberg KR. Has the magnitude of **floods** across the USA changed with global CO2 levels?. *Hydrological Sciences Journal*. 2012 Jan 1;57(1):1-9.

Say hello to Bob for me.

--

Malka Pattison  
Program Analyst  
Office of Policy Analysis  
U.S. Department of the Interior  
1849 C St., NW  
Washington, DC 20240  
(202) 208-6800 (Phone)  
(202) 208- 4867 (Fax)

**From:** Goklany, Indur  
**To:** [Pattison, Malka](#)  
**Subject:** Re: Potential speakers and topics  
**Date:** Wednesday, October 25, 2017 7:36:53 AM

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Say hello to Bob for me.

**From:** Goklany, Indur  
**To:** [Nichols, Ryan](#)  
**Subject:** Re: CO2 effects on vegetation  
**Date:** Tuesday, October 17, 2017 4:46:11 PM

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Thanks.

Have you heard anything on the benefits of CO2 paper that Bill Werkheiser is (I hope) working on?

On Tue, Oct 17, 2017 at 4:26 PM, Nichols, Ryan <[ryan\\_nichols@ios.doi.gov](mailto:ryan_nichols@ios.doi.gov)> wrote:

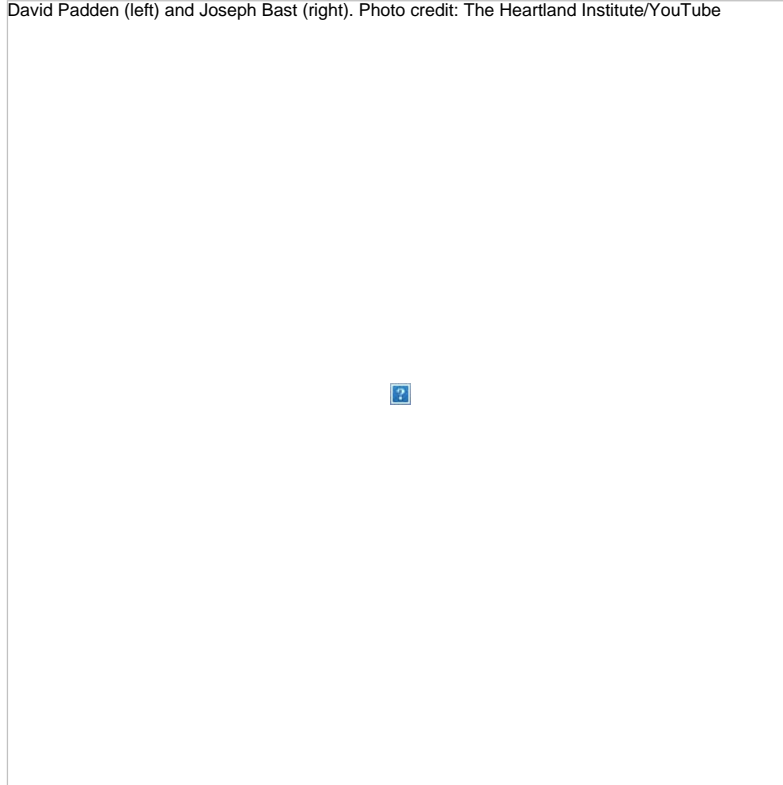
## SCIENCE

### Some groups want *more* CO2. Here's what that means

[Chelsea Harvey](#) and [Scott Waldman](#), E&E News reporters

Published: Tuesday, October 17, 2017

David Padden (left) and Joseph Bast (right). Photo credit: The Heartland Institute/YouTube



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Ryan Nichols  
Advisor  
Office of Assistant Secretary - Water & Science  
Department of the Interior

The Heartland Institute questions the credibility of climate science by pointing to the benefits of carbon dioxide. Founders David Padden (left) and Joseph Bast (right) are pictured. Heartland Institute/YouTube

A key argument used by climate skeptics to downplay the consequences of anthropogenic climate change is resurfacing: the idea that carbon dioxide emissions are a net positive for the planet's vegetation.

The line of reasoning is being used to push back on the underlying science of global warming. The Heartland Institute, which has sought to place climate contrarians on science advisory councils at U.S. EPA, even suggested that it might sue companies for not emitting *more* CO2. [Climatewire](#), Oct. 16).

The idea that carbon has benefits has been used before. As the argument goes, plants rely on carbon dioxide to survive, and if the atmosphere contains more of the gas it could stimulate plant growth. That's a good thing for humans, who rely on them for oxygen and food, they say.

Researchers are still trying to fully understand the effects of rising CO2 levels on plants around the world. But while CO2 may indeed be a boon for vegetation in some ways, climate scientists have repeatedly pointed out that other effects of climate change may outweigh these benefits.

#### An old argument resurfaced

Focusing on the benefits of increased atmospheric CO2 has long been a talking point among those who question the mainstream science of climate change. The Heartland plan, in particular, calls for funding to be directed to Craig Idso, who heads the Center for Carbon Dioxide and Global Change. He has long promoted the benefits of carbon dioxide. Idso's work has been supported by Heartland as well as energy companies.

Idso, who was a featured speaker at this year's Heartland conference in Washington, regularly calls CO2 the "elixir of life" and claims that the planet is headed toward explosive growth in plant life. His work frequently downplays the effect of carbon dioxide on the planet. He has claimed that increased crop yields sparked by rising CO2 levels could create an economic boost of \$10

trillion by 2050.

Idso did not return a request for comment.

Those talking points can also be found in Congress. Rep. Lamar Smith, the Texas Republican who chairs the House Science, Space and Technology Committee, argued in an essay for the Heritage Foundation that people should focus more on the benefits of rising temperatures. His piece, published in July, was named "Don't Believe the Hysteria Over Carbon Dioxide."

"While crops typically suffer from high heat and lack of rainfall, carbon enrichment helps produce more resilient food crops, such as maize, soybeans, wheat, and rice," Smith wrote. "In fact, atmospheric carbon dioxide is so important for plant health that greenhouses often use a carbon dioxide generator to increase production."

### The flaws in the argument

It's true that an increase in available carbon dioxide can be a boon for plants, which need it to make the food they turn into energy. In fact, recent [research](#) published in *Nature Climate Change* has suggested that rising CO2 levels have contributed to a global "greening" over the last few decades, or an increase in the leaves on trees and other plants, particularly in the rapidly warming Arctic.

But the idea that increasing CO2 will be a pure advantage for plants everywhere ignores the negative side effects that human-induced climate change may have on vegetation. In fact, research suggests that plants in some parts of the world — including some staple food crops for people — may actually come out the worse for it.

"There really is this fundamental tug of war between rising CO2 concentrations benefiting plants and then the effects of climate change harming plants," said William Anderegg, an expert on forests and climate change at the University of Utah.

The most obvious problem is that rising CO2 concentrations also lead to rising global temperatures — and this is not always a good thing for plants, particularly in regions that already have warm or dry climates. Plants tend to lose more water through their leaves in warmer temperatures, which can offset the benefits they enjoy from more carbon dioxide. And scientists believe that in many parts of the world, climate change will bring about an increase in extreme events, including drought, severe storms and wildfires — all of which can harm plant life.

In the last few years, multiple studies have found that rising CO2 levels — and particularly their climatic side effects — are not necessarily all good for plants, and particularly for agriculture.

Several long-term studies of grasslands, including [one](#) in California and [another](#) in Yellowstone National Park, suggest that the productivity of these ecosystems may suffer under the effects of climate change, such as increases in temperature or dryness, despite the advantages of higher CO2 levels.

Another 2016 [paper](#) in *Nature Communications*, focusing on agriculture in the United States, suggested that high temperatures may cause severe reductions in the production of certain major crops, including corn and soybeans. And the research indicated that higher CO2 concentrations would not be enough to significantly offset these losses.

Some research has also suggested that rising CO2 concentrations may even affect the nutritional value of crops, Anderegg pointed out, with potential health consequences for the humans who rely on them for food. A 2014 [paper](#) in *Nature* suggested that some beans and grains have lower concentrations of zinc and iron when they're grown under elevated CO2 concentrations.

And all of these climate-related factors aside, some scientists also believe that the advantages of rising carbon dioxide may not last forever — that, in fact, plants may eventually adjust to the higher concentrations, and the growth benefits will taper off over time.

Until that point, though, studies do indicate that more CO2 is still a boon for plants, all other factors being equal. And while plants may suffer under rising temperatures in some parts of the world, it's possible they may thrive in others (the greening in the world's northern region is an example). Scientists are now increasingly working to determine exactly how all these factors fit together and what the world's vegetation will look like in the future.

"It's still a major scientific research area to figure out when and where the CO2 effects versus the climate change effects will dominate," Anderegg said.

Of course, climate change will hardly affect the planet through its influence on vegetation alone. Even if plants do perform better in some places, the argument ignores myriad negative climate consequences caused by rising carbon emissions, from warming temperatures to severe weather events to rising sea levels.

But as far as plants are concerned, Anderegg also noted that while the science is still emerging, "on the whole, I think there's a general understanding that the impacts of climate change are materializing sooner and are more severe than they were a decade or two ago."

"The rosy optimistic scenarios where CO2 'wins' do exist, but there are also plenty of scenarios where drought and temperature and disturbances combined basically push global plants into accelerating climate change," he added.

**From:** Nichols, Ryan  
**To:** [Indur Goklany](#)  
**Subject:** CO2 effects on vegetation  
**Date:** Tuesday, October 17, 2017 4:26:39 PM

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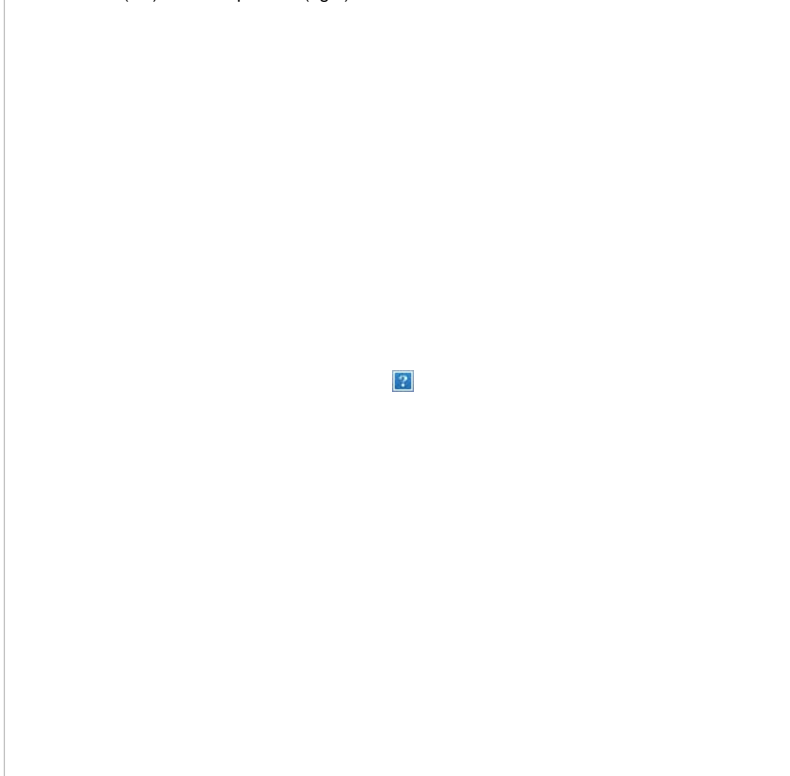
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**From:** Goklany, Indur  
**To:** [Vincent Devito](#)  
**Cc:** [Christopher Stolte](#); [Campbell, Joshua](#); [Landon Davis](#)  
**Subject:** Re: CEQ  
**Date:** Monday, October 16, 2017 8:14:28 AM

---

I know Kathleen. She is very good. Hope she gets confirmed.

On Fri, Oct 13, 2017 at 8:42 AM, Vincent Devito <[vincent\\_devito@ios.doi.gov](mailto:vincent_devito@ios.doi.gov)> wrote:

President Trump picked Kathleen Hartnett White, a former Texas regulator who thinks carbon dioxide has been unfairly vilified, to lead the White House Council on Environmental Quality.

If confirmed, she stands to be one of the most influential environmental officials in the Trump administration and could play a major role in setting climate change and infrastructure policy. The administration officially announced her nomination last night, although she's been considered the presumptive nominee for several months.

CEQ has long been charged with coordinating environmental policies across government agencies. Trump has tasked the agency with speeding up government environmental reviews of infrastructure projects, a major priority for the president that critics say will cause big problems and could shut the public out of the process ([E&E News PM](#), Sept. 14).

Hartnett White is director of the Armstrong Center for Energy & the Environment at the Texas Public Policy Foundation, a conservative think tank. She spent six years on the Texas Commission on Environmental Quality, including a stint as its chairwoman during the 2000s. She was appointed to the commission by former Texas Gov. Rick Perry (R), and she served as a member of Trump's economic advisory council during the presidential campaign.

Last November, she was thought to be in the running for EPA administrator after she met with Trump in New York. She lost out on that job to Scott Pruitt, but coal industry executives and members of conservative think tanks promoted her as their choice to lead CEQ ([Greenwire](#), Jan. 12).

Critics of the administration are sure to seize on Hartnett White's controversial views on climate change during the confirmation process — including her defense of carbon dioxide and fossil fuels.

"The truth is that our bodies, blood and bones are built of carbon! Carbon dioxide is a necessary nutrient for plant life, acting as the catalyst for the most essential energy conversion process on planet earth: photosynthesis," Hartnett White wrote last year in an [op-ed](#) in *The Hill* titled "Restrain the imperial EPA."

In June 2014, she authored a paper titled "Fossil Fuels: The Moral Case," in which she said fossil fuels like coal, oil and gas "have been a necessary condition of prosperous societies and of fundamental improvements in human well-being."



She said in a February interview that "it's likely" humans are contributing to global warming, but "I don't think we know the extent, and those scientists that have educated me, I find persuasive that it's not likely to be very much" ([Greenwire](#), Feb. 24).

Stephen Moore, a fellow at the Heritage Foundation who co-authored a book with Hartnett White titled "Fueling Freedom: Exposing the Mad War on Energy," has said in the past she'd be an excellent choice for CEQ.

"She's probably one of the world's primary authorities on energy and environment," he said, pointing to her tenure as a state regulator. "Texas grew their economy like crazy. They also reduced their pollution levels."

It's unclear how strong a player CEQ will become in the Trump administration. The agency was viewed as an influential force on environmental issues during the George W. Bush administration, but it took a backseat to other agencies and White House officials under President Obama.

Hartnett White is a Kansas native who's married to a fifth-generation cattle rancher in what she called "the most remote part of Texas on the Mexican border." She's a longtime breeder of Jack Russell terriers, and she told E&E News in a February interview, "My lifetime wish since I was a tiny child was to always have a puppy."

Separately, the president announced consultant Alex Beehler to be assistant secretary of the Army for energy, installations and environment. He has already held similar posts at the Pentagon.

*A version of this story also appears in [Climatewire](#).*

**From:** Campbell, Joshua  
**To:** [Vincent Devito](#)  
**Cc:** [Christopher Stolte](#); [Landon Davis](#); [Goklany, Indur](#)  
**Subject:** Re: CEQ  
**Date:** Friday, October 13, 2017 9:36:35 AM

---

That all sounds great! Would love for her to meet Dr. Goklany, who I see on this chain (and the rest of us too, frankly).

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**To:** [Christopher Stolte](#); [Campbell, Joshua](#); [Landon Davis](#); [Goklany, Indur](#)  
**Subject:** CEQ  
**Date:** Friday, October 13, 2017 8:42:36 AM

---

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Critics of the administration are sure to seize on Hartnett White's controversial views on climate change during the confirmation process — including her defense of carbon dioxide and fossil fuels.

"The truth is that our bodies, blood and bones are built of carbon! Carbon dioxide is a necessary nutrient for plant life, acting as the catalyst for the most essential energy conversion process on planet earth: photosynthesis," Hartnett White wrote last year in an [op-ed](#) in *The Hill* titled "Restrain the imperial EPA."

In June 2014, she authored a paper titled "Fossil Fuels: The Moral Case," in which she said fossil fuels like coal, oil and gas "have been a necessary condition of prosperous societies and of fundamental improvements in human well-being."

She said in a February interview that "it's likely" humans are contributing to global warming, but "I don't think we know the extent, and those scientists that have educated me, I find persuasive that it's not likely to be very much" ([Greenwire](#), Feb. 24).

Stephen Moore, a fellow at the Heritage Foundation who co-authored a book with Hartnett White titled "Fueling Freedom: Exposing the Mad War on Energy," has said in the past she'd be an excellent choice for CEQ.

"She's probably one of the world's primary authorities on energy and environment," he said, pointing to her tenure as a state regulator. "Texas grew their economy like crazy. They also reduced their pollution levels."

It's unclear how strong a player CEQ will become in the Trump administration. The agency was viewed as an influential force on environmental issues during the George W. Bush administration, but it took a backseat to other agencies and White House officials under President Obama.

Hartnett White is a Kansas native who's married to a fifth-generation cattle rancher in what she called "the most remote part of Texas on the Mexican border." She's a longtime breeder of Jack Russell terriers, and she told E&E News in a February interview, "My lifetime wish since I was a tiny child was to always have a puppy."

Separately, the president announced consultant Alex Beehler to be assistant secretary of the Army for energy, installations and environment. He has already held similar posts at the Pentagon.

*A version of this story also appears in Climatewire.*

**From:** Campbell, Joshua  
**To:** [Goklany, Indur](#)  
**Subject:** Re: From Energywire -- PIPELINES: FERC response to court's climate rebuke? 5 pages  
**Date:** Thursday, September 28, 2017 9:21:18 AM

---

Thanks, Dr. Goks! Hope to speak with you again soon!

On Thu, Sep 28, 2017 at 8:03 AM, indur\_goklany <[email\\_this@eenews.net](mailto:email_this@eenews.net)> wrote:

**This Energywire story was sent to you by:** [indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)

**Personal message:** FYI



AN E&E NEWS PUBLICATION

## PIPELINES

### FERC response to court's climate rebuke? 5 pages

Ellen M. Gilmer, E&E News reporter

*Published: Thursday, September 28, 2017*



Federal regulators wasted no time responding to a recent court order requiring closer consideration of the climate impacts of natural gas pipelines.

The Federal Energy Regulatory Commission yesterday released a five-page draft analysis tallying greenhouse gas emissions from the Sabal Trail pipeline and related projects in the Southeast. The agency says the analysis supports its decision to greenlight the pipelines — a conclusion likely to face pushback by environmentalists.

The draft supplemental environmental impact statement (SEIS) comes a month after federal judges in Washington, D.C., knocked FERC for refusing to quantify those emissions in its original review of the gas project ([Energywire](#), Aug. 23).

The U.S. Court of Appeals for the District of Columbia Circuit scrapped FERC's approval and ordered the agency to take a closer look at emissions from power plants that ultimately burn natural gas from the pipelines.

FERC's answer to the court's rebuke is succinct: **five pages** that lay out estimates of downstream emissions from the project, analysis of the magnitude of those emissions and an explanation of the agency's refusal to use the social cost of carbon metric favored by the Obama administration to estimate the cost of climate impacts.

According to FERC, Sabal Trail and the related pipelines could spur an additional 14.5 million metric tons of carbon dioxide equivalent per year. That estimate assumes power plants would operate at their permitted capacity 24 hours a day, 365 days a year.

The analysis also estimates known reductions in coal combustion resulting from the increase of available natural gas from the pipelines. FERC says the retirement of one coal-fired plant and another's switch from a combination of oil and natural gas to only natural gas cuts 6.14 million metric tons of emissions.

The net increase in emissions from the Southeast pipelines, therefore, is estimated at 8.36 million metric tons of CO<sub>2</sub> equivalent. If the project's total capacity were burned, it could emit 22.1 million metric tons.

FERC noted that the emissions would represent an increase of 3.7 to 9.7 percent — the latter being an "unlikely, upper bound" — in statewide greenhouse gas emissions in Florida, compared with 2014 data for the state.

On the whole, the agency concluded, operating the project "would not result in a significant impact on the environment."

FERC declined to go a step further in its analysis and project concrete impacts associated with climate change. The analysis says no "suitable method" exists to make such complex projections. It also shrugs off the social cost of carbon metric.

The agency argues that while the tool may be useful for regulatory decisions, it is imprecise and therefore "not appropriate for estimating a specific project's impacts or

informing our analysis under NEPA."

The draft is open for public comment until Nov. 20.

## **Is it enough?**

Environmental law experts are already debating whether FERC's new analysis is enough to meet the court's expectations under the National Environmental Policy Act.

Michael Burger, executive director of Columbia Law School's Sabin Center for Climate Change Law, said FERC's analysis is a step in the right direction.

"If nothing else, this information can help inform the agency, and the public, about the net increase in GHG emissions that will result from the project," he said.

"Will this be enough for the court?" he added. "I am not sure what else the court would be looking for. We will see."

He noted, however, that the agency may face pushback on its dismissal of the social cost of carbon. James Coleman, an energy law professor at Southern Methodist University, agreed, noting that FERC's failure to use the tool could be a "sticking point" for the court.

Alex Gilbert, co-founder of the energy research group SparkLibrary, said FERC's decision to sidestep the tool weakens its overall analysis.

"FERC's conclusion in the SEIS that the project won't have environmental impacts from GHGs merely reflects the fact that FERC has not quantified the damages, even though they have had a fair estimate of emissions," he said.

While the Trump administration has scrapped the social cost of carbon tool, Gilbert noted that courts will not accept an agency's resulting assumption that the cost of emissions is zero.

## **Next steps**

Attorneys for the Sierra Club, which filed the underlying lawsuit over Sabal Trail, have not said whether they plan to challenge the analysis once it's finalized later this year.

ClearView Energy Partners analyst Christi Tezak noted in a memo last night that FERC may take further action in the courtroom, too. The agency has until late next week to seek reconsideration of the D.C. Circuit's August decision. FERC could also ask the court to rethink its decision to vacate the project's permits — allowing pipeline operation to continue while the agency continues working on the supplemental analysis.

"In this case, current operations and construction projects could continue even if FERC elects not to appeal the substance of the decision," Tezak said.

Another option, she said, is for FERC to ask the D.C. Circuit to simply hold off for an extra 90 days on the issuance of the mandate in the case — a court document that



finalizes the court's decision and would require the pipelines to halt service.

Tezak noted that, broadly speaking, FERC's ability to draft the SEIS so quickly suggests that the D.C. Circuit's Sabal Trail decision won't create serious obstacles for future projects — especially because many other of the agency's analyses for pipeline proposals already include rough greenhouse gas emissions estimates.

"FERC's quick action also reinforces our view that the court's August 22 ruling does not imply a significant threat to other pipelines pending approval at FERC, given that their NEPA documents included downstream GHG calculations," she said.

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## **ABOUT ENERGYWIRE – THE TRANSFORMATION OF THE ENERGY SECTOR**

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Energywire is written and produced by the staff of E&E News. Energywire is designed to bring readers deep, broad and insightful coverage of the transformation of the energy sector. Energywire focuses on the business, environmental and political issues surrounding the rapidly expanding unconventional energy industry and the numerous factors -- from expanding natural gas use to renewables and more -- that are altering the traditional electric utility industry. Energywire publishes daily at 9:00 a.m.

E&E News



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Phone: 202-628-6500 Fax: 202-737-5299

[www.eenews.net](http://www.eenews.net)

**From:** Goklany, Indur  
**To:** [Brown, Michelle](#)  
**Subject:** Re: Climate Change Meeting Today  
**Date:** Monday, September 25, 2017 8:39:47 AM

---

Sure. Be happy to.

On Mon, Sep 25, 2017 at 8:37 AM, Brown, Michelle <[michelle\\_brown@ios.doi.gov](mailto:michelle_brown@ios.doi.gov)> wrote:

Good morning!

Andrea asks if you would meet in her office around 1215 to walk over??

**Michelle R. Brown**  
**Office of the Assistant Secretary,**  
**Water & Science**  
**Department of the Interior**  
**202-208-7187**

**From:** Brown, Michelle  
**To:** [Goklany, Indur](#)  
**Subject:** Climate Change Meeting Today  
**Date:** Monday, September 25, 2017 8:38:36 AM

---

Good morning!

Andrea asks if you would meet in her office around 1215 to walk over??

**Michelle R. Brown**  
**Office of the Assistant Secretary,**  
**Water & Science**  
**Department of the Interior**  
**202-208-7187**

**From:** Domenech, Douglas  
**To:** [Goklany, Indur](#); [Ryan, Nichols](#)  
**Subject:** FYI  
**Date:** Thursday, September 14, 2017 1:36:29 PM

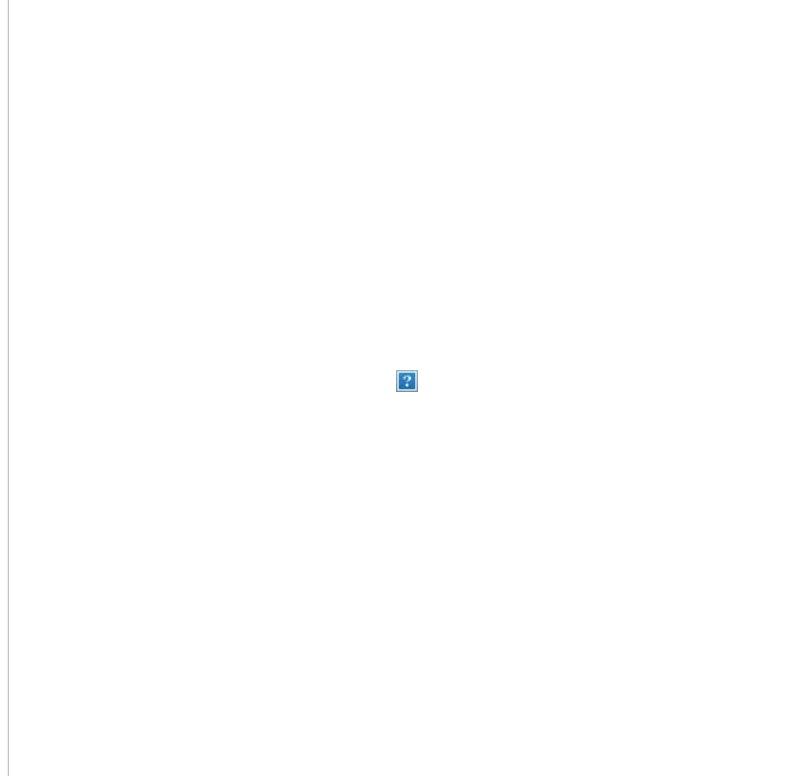
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**EPA**

## The skeptics who could snag science adviser slots

**Scott Waldman**, E&E News reporter  
*Published: Thursday, September 14, 2017*

Scott Pruitt



Doug Domenech  
Senior Advisor  
US Department of the Interior

*NOTE: Every email I send or receive is subject to release under the Freedom of Information Act.*

U.S. EPA Administrator Scott Pruitt's agency has identified several nominees for its Science Advisory Board who question climate science. Gage Skidmore/Flickr

Climate skeptics may soon join a key science advisory panel at U.S. EPA.

A number of people who reject the findings of mainstream climate science are being considered by the Trump administration for spots on EPA's Science Advisory Board, a voluntary but influential panel that reviews science used in environmental regulations.

At least one nominee hopes to use a position on the board to challenge the science undergirding many environmental regulations. One has said in a statement that the world must "abandon this suicidal Global Warming crusade." Another compared people concerned about climate change to "Aztecs who believed they could make rain by cutting out beating hearts."

EPA has submitted 132 **names** for public comment as possible members of the panel. About a dozen of them have made comments rejecting mainstream climate science. Many have connections to the fossil fuel industry or conservative think tanks, and some have received funding to attack the findings of mainstream scientists that humans are warming the globe at an unprecedented pace through the burning of fossil fuels.

The selection of any of those researchers would be the beginning of a very different advisory board that would bear the hallmark of the Trump administration's position on climate change, said Steve Milloy, an attorney and longtime EPA foe who worked on President Trump's transition team for the agency.

"Had some other Republican won the presidency and a swamp creature taken over the EPA, this would not be happening," he said, "but thank God for Scott Pruitt that he's got the courage to do his."

The Heartland Institute — a Chicago-based free-market think tank that pushes alternative climate science — nominated many of the current prospects.

Heartland Institute spokesman Jim Lakely said in an email: "We applaud any effort by Administrator Pruitt to bring qualified non-alarmist scientists onto the EPA's advisory boards. There is a vigorous debate over the causes and consequences of climate change, and it's vital that EPA acknowledge that fact and have a more balanced approach to the agency's rule-making."

The long list of nominees — identified by EPA staff members who oversee the advisory board — also includes mainstream climate scientists who have extensive experience working with the United Nations and EPA on climate change. Former top Obama EPA science official Paul Anastas made the list.

The deadline for public comment is set to expire Sept. 28. After that, EPA boss Pruitt will have final approval on the candidates. The board has 48 member slots, 15 of which expire at the end of the month. It's not clear how many positions will be filled.

The SAB, created in 1978, is tasked with "independent advice and peer review on the scientific and technical aspects of environmental issues to the EPA's Administrator." An EPA spokesman has said the agency wants industry to have a greater role than it has had previously in evaluating the science used by EPA to craft regulations.

Traditionally, most of the SAB members are from academia, though some have also come from industry and environmental groups.

The SAB is essential to the functioning of EPA because it is chartered by law to ensure the agency is using the best available science for regulations, said Peter Thorne, the board's current chairman and director of the Environmental Health Sciences Research Center at the University of Iowa. He said the SAB has a wide range of tasks that touch on almost every aspect of EPA's functioning. He said it's not just EPA that draws on its work — it's also state governments, nongovernmental organizations and private companies.

"The EPA Science Advisory Board needs to have people who are well-versed in the science that underlies the decisions that EPA makes, so if there are people who end up on the board who have views that are not grounded in solid science, then that is a problem," Thorne said.

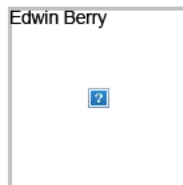
### Pruitt's prospects

Here are some of the skeptical nominees under consideration:

#### **Joseph D'Aleo, a certified consultant meteorologist and co-founder of the Weather Channel:**

He has run climate skeptic websites and has appeared as a speaker at Heartland conferences. D'Aleo said his priority on the board would be attacking the endangerment finding, the legally binding document that holds that carbon dioxide and other greenhouse gases harm human health and must be regulated by the executive branch. He said he wants to challenge the finding because it could otherwise be used later to build back Obama-era environmental regulations.

"We're going to push for reconsideration, start from scratch and put together the best science," he said. "If CO2 is not a serious pollutant, let's focus the attention of the EPA on other issues."



Edwin Berry. [edberry.com](http://edberry.com)

**Edwin Berry, a meteorologist and atmospheric scientist:** He has funded his own climate research and says human carbon dioxide emissions do not cause climate change. He has compared those who believe in human-caused climate change to "Aztecs who believed they could make rain by cutting out beating hearts and rolling decapitated heads down temple steps." On his Twitter account, he has called Islam "a death cult" and has encouraged motorists to drive into protesters.

Berry, who confirmed that he and a number of other skeptics were nominated by Heartland, said he wants to use his position on the board to show that humans barely contribute to atmospheric carbon dioxide levels, which he claimed are mostly driven by natural factors.

"Let's get over this whole thing about climate change being an important thing, because in fact we humans have a negligible impact on climate," he said. "And if we had the Paris Agreement and everything else, it wouldn't do any good anyway."

**Alan Carlin, a retired EPA employee who is affiliated with Heartland:** He fought the agency's crafting of the endangerment finding. Carlin, an economist, was at the center of a political firestorm under Obama after he produced a widely criticized 93-page report comprising cherry-picked scientific data and blog entries concluding that regulating carbon dioxide was "the worst mistake that EPA has ever made."

#### **Kevin Dayaratna, a statistician at the conservative Heritage Foundation:**

His report was cited by Trump as a reason to withdraw from the Paris climate accord. It claimed that the agreement could shrink U.S. gross domestic product by \$2.5 trillion within two decades (though Trump stated the impact as coming within a decade). The report was criticized by some as being misleading, because that amount is less than 1 percent of the aggregate GDP over that period and the report did not account for the cost of taking no climate change action. Dayaratna was invited to attend Trump's withdrawal announcement in June in the White House Rose Garden.



Kevin Dayaratna. Heritage Foundation

**Craig Idso, a senior fellow at the Heartland Institute:** He has researched the benefits of atmospheric carbon dioxide. His work has centered on highlighting how increased carbon dioxide will benefit plants.

**Paul Driessen, a senior policy adviser at the Committee for a Constructive Tomorrow, a**

**libertarian environmental think tank:** His organization handed out leaflets at a climate protest his year in Washington, D.C., that said, "CO2 is not the 'control knob' of the climate." He also co-founded Climate Exit, or "Clexit," which criticized the science behind the Paris climate agreement and holds that spiking levels of atmospheric carbon dioxide benefit the Earth. "The world must abandon this suicidal Global Warming crusade," the group stated in its founding statement. "Man does not and cannot control the climate."

**Gordon Fulks, a physicist and adviser to the Cascade Policy Institute, an Oregon-based libertarian think tank:** He has denied that net sea ice melt is occurring and that the Earth is warming. He has said those who express concern about climate change are like a "societal pathogen that virulently spreads misinformation in tiny packages like a virus."

**Anthony Lupo, another founding member of Clexit:** He has received support from the Heartland Institute and helped in the unsuccessful fight against the endangerment finding in court.

**Leighton Steward, a former energy company executive and a founder of groups that promote the rise of carbon dioxide as a benefit:** He has also encouraged the United States to drop out of the Paris climate accord and says that natural warming is raising the temperature of the Earth.

**David Legates, a professor of climatology at the University of Delaware:** He has denied that human-caused climate change could have catastrophic consequences and has co-authored climate research claiming polar bears are not harmed by human-caused climate change that was quietly funded, at least in part, by Koch Industries Inc.

### **Critics want to boot EPA 'cronies'**

Republican lawmakers and other conservatives have long wanted to revamp the board.

House Republicans have repeatedly tried to increase industry's role on the board, and this year they passed a perennial bill, the "Science Advisory Board Reform Act." Some conservative lawmakers have accused the board of being politically biased. Critics of the legislation say it's designed to make it harder for academics to serve on the board.

Pruitt seems determined to leave his mark on EPA's advisory boards.

In April, EPA dismissed about half of the 18 members of its Board of Scientific Counselors, just weeks after they had been told that they would be appointed to a second term — which is generally the practice. That board is largely tasked with technical and management reviews of EPA research programs. By contrast, the SAB has a more significant role: It was created by law and evaluates science that informs regulations, including those that affect the fossil fuel industry.

EPA did not respond to requests for comment for this story.

The Trump transition team at EPA recommended a complete reworking of all of its science advisory boards, and this is part of that process, Milloy said. He added that he expects the panel's composition will change even more as additional spots open and Pruitt can stamp it with his influence. And while think tanks have typically been excluded from the SAB, Milloy said, he expects that will now change.

Milloy accused the panels of being rubber stamps and said they should be "reconstituted" because they lean toward environmentalism and liberal politics.

"They're cronies of EPA, they fall in line, they do what EPA wants," he said. "It's extraordinarily rare that they dare to question the EPA and, if they do, then the EPA just ignores them. If they're not rubber stamps, then they're useless."

**From:** Goklany, Indur  
**To:** [Domenech, Douglas](mailto:Domenech.Douglas)  
**Subject:** Re: sorry ....I was on a conference call.  
**Date:** Monday, September 11, 2017 2:35:44 PM

---

I am sorry you missed it. I can tell you what happened whenever.

On Mon, Sep 11, 2017 at 2:32 PM, Domenech, Douglas <[douglas\\_domenech@ios.doi.gov](mailto:douglas_domenech@ios.doi.gov)> wrote:

Oh well too bad. I would have liked to have heard that discussion.

Doug Domenech  
Senior Advisor  
US Department of the Interior

*NOTE: Every email I send or receive is subject to release under the Freedom of Information Act.*

On Mon, Sep 11, 2017 at 2:30 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:

Yes. We had a mtg at 1:00 with Jim, Andrea and myself, in which Jim gave us direction on how to deal with the US Global Change Research Program and other climate change related matter that require inter-Departmental coordination. So in many ways, it made tomorrow's mtg moot.

On Mon, Sep 11, 2017 at 2:27 PM, Domenech, Douglas <[douglas\\_domenech@ios.doi.gov](mailto:douglas_domenech@ios.doi.gov)> wrote:

Saw that. Do you know why?

Doug Domenech  
Senior Advisor  
US Department of the Interior

*NOTE: Every email I send or receive is subject to release under the Freedom of Information Act.*

On Mon, Sep 11, 2017 at 2:26 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:

No problem. I was just going to let you know that tomorrow's mtg with Jim was canceled

On Mon, Sep 11, 2017 at 2:24 PM, Domenech, Douglas <[douglas\\_domenech@ios.doi.gov](mailto:douglas_domenech@ios.doi.gov)> wrote:

Doug Domenech  
Senior Advisor

US Department of the Interior

NOTE: *Every email I send or receive is subject to release under the Freedom of Information Act.*



**From:** Domenech, Douglas  
**To:** [Goklany, Indur](#)  
**Subject:** Re: sorry ....I was on a conference call.  
**Date:** Monday, September 11, 2017 2:33:31 PM

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Oh well too bad. I would have liked to have heard that discussion.

Doug Domenech  
Senior Advisor  
US Department of the Interior

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Senior Advisor  
US Department of the Interior

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**From:** Goklany, Indur  
**To:** [Domenech, Douglas](mailto:Domenech.Douglas)  
**Subject:** Re: sorry ....I was on a conference call.  
**Date:** Monday, September 11, 2017 2:31:14 PM

---

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No problem. I was just going to let you know that tomorrow's mtg with Jim was canceled

On Mon, Sep 11, 2017 at 2:24 PM, Domenech, Douglas  
<[douglas\\_domenech@ios.doi.gov](mailto:douglas_domenech@ios.doi.gov)> wrote:

Doug Domenech  
Senior Advisor  
US Department of the Interior

*NOTE: Every email I send or receive is subject to release under the Freedom of Information Act.*

**From:** Goklany, Indur  
**To:** [Mayne, Chloe](#)  
**Cc:** [Benjamin Simon](#); [Shawn Buckner](#)  
**Subject:** Re: Bios  
**Date:** Wednesday, August 30, 2017 10:47:45 AM

---

Goks is Senior Advisor in the Office of Policy Analysis. He has been with the Office since 1986. Prior to that he worked on a wide range of environmental and natural resource issues for the Environmental Protection Agency, the National Commission on Air Quality, the State of Michigan and various private sector consultants. His expertise includes climate change, energy issues, and technology transfer. He has a Ph.D., M.S. and Bachelor's degrees in Electrical Engineering.

On Wed, Aug 30, 2017 at 9:15 AM, Mayne, Chloe <[chloe\\_mayne@ios.doi.gov](mailto:chloe_mayne@ios.doi.gov)> wrote:  
Hi Goks & Randy-

Please see Shawn's email below. The bios are due by noon today.

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

**From:** **Shawn Buckner** <[shawn\\_buckner@ios.doi.gov](mailto:shawn_buckner@ios.doi.gov)>  
**Date:** Tue, Aug 29, 2017 at 12:05 PM  
**Subject:** Bios  
**To:** [os\\_ppa@ios.doi.gov](mailto:os_ppa@ios.doi.gov)  
**Cc:** Chloe Mayne <[chloe\\_mayne@ios.doi.gov](mailto:chloe_mayne@ios.doi.gov)>, [benjamin\\_simon@ios.doi.gov](mailto:benjamin_simon@ios.doi.gov)

Hi Team,

At the request of our leadership, please put together a short bio of your expertise and education.

Please provide by noon tomorrow and copy Chloe and Ben on the submission.

Thank you,  
Shawn

--

Chloe Mayne  
Policy Specialist  
Office of Policy Analysis  
U.S. Department of Interior  
1849 C Street NW  
Washington, DC 20240  
202-208-4981

**From:** Lang, Jeffrey  
**To:** [Goklany, Indur](mailto:Goklany, Indur)  
**Subject:** Re: Do have a climate change contact in OMB that we work with? Thanks  
**Date:** Tuesday, August 29, 2017 12:29:06 AM

---

Her email is:

[Martha.E.Balis-Larsen@omb.eop.gov](mailto:Martha.E.Balis-Larsen@omb.eop.gov)

That is the number we have for her on the contact sheet here, but you could also reach out to Nicole Buell at OMB -- her number is 395.2040

On Mon, Aug 28, 2017 at 11:23 AM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:  
Jeff -- I called the number you gave me (395-4408). Unfortunately, I got a recording from someone whose name I couldn't decipher -- sounded like "Americh..." or something -- which told me that she'd be away till the end of September but I should call Martha Balis-Lawson at 395-4408! It might be best if you could locate Martha's e-mail address. Thanks -- Goks

On Mon, Aug 21, 2017 at 11:05 AM, Lang, Jeffrey <[jeffrey\\_lang@ios.doi.gov](mailto:jeffrey_lang@ios.doi.gov)> wrote:  
I believe it is Martha Balis-Lawson.

Her number is 395-4408

On Thu, Aug 17, 2017 at 2:14 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:

|

--

Jeffrey Lang

**Department of the Interior**  
**Office of Budget**  
**Division of Budget and Program Review**  
Phone: 202.208.4480

--

Jeffrey Lang

**Department of the Interior**  
**Office of Budget**  
**Division of Budget and Program Review**  
Phone: 202.208.4480

**From:** Goklany, Indur  
**To:** [Lang, Jeffrey](mailto:Lang.Jeffrey)  
**Subject:** Re: Do have a climate change contact in OMB that we work with? Thanks  
**Date:** Monday, August 28, 2017 1:26:24 PM

---

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Her number is 395-4408

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|

--

Jeffrey Lang

**Department of the Interior**  
**Office of Budget**  
**Division of Budget and Program Review**  
Phone: 202.208.4480

**From:** Goklany, Indur  
**To:** [Martha.E.Balis-Larsen@omb.eop.gov](mailto:Martha.E.Balis-Larsen@omb.eop.gov)  
**Subject:** Fwd: Do have a climate change contact in OMB that we work with? Thanks  
**Date:** Monday, August 28, 2017 12:02:20 PM

---

Hello Martha,

I am working on climate change related issues for DOI, and would like to talk to you about the coordination between OMB and DOI on this. Could you call me at 202-208-4951. Thanks.

Indur Goklany

Sr. Advisor, Office of Policy Analysis

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

**From:** Lang, Jeffrey <[jeffrey\\_lang@ios.doi.gov](mailto:jeffrey_lang@ios.doi.gov)>

**Date:** Mon, Aug 28, 2017 at 11:25 AM

**Subject:** Re: Do have a climate change contact in OMB that we work with? Thanks

**To:** "Goklany, Indur" <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)>

Her email is:

[Martha.E.Balis-Larsen@omb.eop.gov](mailto:Martha.E.Balis-Larsen@omb.eop.gov)

That is the number we have for her on the contact sheet here, but you could also reach out to Nicole Buell at OMB -- her number is 395.2040

On Mon, Aug 28, 2017 at 11:23 AM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:

Jeff -- I called the number you gave me (395-4408). Unfortunately, I got a recording from someone whose name I couldn't decipher -- sounded like "Americh..." or something -- which told me that she'd be away till the end of September but I should call Martha Balis-Lawson at 395-4408! It might be best if you could locate Martha's e-mail address. Thanks -- Goks

On Mon, Aug 21, 2017 at 11:05 AM, Lang, Jeffrey <[jeffrey\\_lang@ios.doi.gov](mailto:jeffrey_lang@ios.doi.gov)> wrote:

I believe it is Martha Balis-Lawson.

Her number is 395-4408

On Thu, Aug 17, 2017 at 2:14 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:

|

--

Jeffrey Lang

**Department of the Interior**  
**Office of Budget**  
**Division of Budget and Program Review**  
Phone: 202.208.4480

--

Jeffrey Lang

**Department of the Interior**  
**Office of Budget**  
**Division of Budget and Program Review**  
Phone: 202.208.4480



**From:** Goklany, Indur  
**To:** [Lang, Jeffrey](mailto:Lang.Jeffrey)  
**Subject:** Re: Do have a climate change contact in OMB that we work with? Thanks  
**Date:** Monday, August 28, 2017 11:55:44 AM

---

Thanks

On Mon, Aug 28, 2017 at 11:25 AM, Lang, Jeffrey <[jeffrey\\_lang@ios.doi.gov](mailto:jeffrey_lang@ios.doi.gov)> wrote:  
Her email is:

[Martha.E.Balis-Larsen@omb.eop.gov](mailto:Martha.E.Balis-Larsen@omb.eop.gov)

That is the number we have for her on the contact sheet here, but you could also reach out to Nicole Buell at OMB -- her number is 395.2040

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On Mon, Aug 21, 2017 at 11:05 AM, Lang, Jeffrey <[jeffrey\\_lang@ios.doi.gov](mailto:jeffrey_lang@ios.doi.gov)> wrote:  
I believe it is Martha Balis-Lawson.

Her number is 395-4408

On Thu, Aug 17, 2017 at 2:14 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:

|

--

Jeffrey Lang

**Department of the Interior**  
**Office of Budget**  
**Division of Budget and Program Review**  
Phone: 202.208.4480

--

Jeffrey Lang

**Department of the Interior**  
**Office of Budget**  
**Division of Budget and Program Review**  
Phone: 202.208.4480

**From:** Goklany, Indur  
**To:** [Lang, Jeffrey](mailto:Lang.Jeffrey)  
**Subject:** Re: Do have a climate change contact in OMB that we work with? Thanks  
**Date:** Monday, August 28, 2017 8:22:21 AM

---

Thanks

On Mon, Aug 21, 2017 at 11:05 AM, Lang, Jeffrey <[jeffrey\\_lang@ios.doi.gov](mailto:jeffrey_lang@ios.doi.gov)> wrote:  
I believe it is Martha Balis-Lawson.

Her number is 395-4408

On Thu, Aug 17, 2017 at 2:14 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:

|

--

Jeffrey Lang

**Department of the Interior**  
**Office of Budget**  
**Division of Budget and Program Review**  
Phone: 202.208.4480

**From:** Goklany, Indur  
**To:** [jeffrey\\_lang@ios.doi.gov](mailto:jeffrey_lang@ios.doi.gov)  
**Subject:** I am out and will be back on Mon, August 28th. Re: Do have a climate change contact in OMB that we work with? Thanks  
**Date:** Monday, August 21, 2017 11:06:29 AM

---

Hello,

I'm sorry that I can't respond sooner.

If you are looking for annual reports or other details of DOI activities on [technology transfer](#) and/or [prizes](#), pl. visit their respective DOI web sites (links provided in the foregoing).

Thanks & regards,

Indur Goklany

**From:** Lang, Jeffrey  
**To:** [Goklany, Indur](#)  
**Subject:** Re: Do have a climate change contact in OMB that we work with? Thanks  
**Date:** Monday, August 21, 2017 11:06:23 AM

---

I believe it is Martha Balis-Lawson.

Her number is 395-4408

On Thu, Aug 17, 2017 at 2:14 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:

|

--

Jeffrey Lang

**Department of the Interior**  
**Office of Budget**  
**Division of Budget and Program Review**  
Phone: 202.208.4480

**From:** Goklany, Indur  
**To:** [Jeffrey Lang](#)  
**Subject:** Do have a climate change contact in OMB that we work with? Thanks  
**Date:** Thursday, August 17, 2017 2:15:23 PM

---

**From:** Goklany, Indur  
**To:** [Mayne, Chloe](mailto:Mayne,Chloe)  
**Subject:** Re: Subscriptions to scientific journals  
**Date:** Tuesday, August 15, 2017 1:03:01 PM

---

Thanks

On Tue, Aug 15, 2017 at 1:01 PM, Mayne, Chloe <[chloe\\_mayne@ios.doi.gov](mailto:chloe_mayne@ios.doi.gov)> wrote:  
Hi Goks-

You're Nature subscription had been renewed and you should soon be setup with a Nature Climate Change subscription. I called today and they are currently processing.

On Wed, Jul 26, 2017 at 2:14 PM, Mayne, Chloe <[chloe\\_mayne@ios.doi.gov](mailto:chloe_mayne@ios.doi.gov)> wrote:  
Can you send me the renewal offer you have for nature?

On Wed, Jul 26, 2017 at 2:11 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:  
Thanks a million!

On Wed, Jul 26, 2017 at 2:10 PM, Mayne, Chloe <[chloe\\_mayne@ios.doi.gov](mailto:chloe_mayne@ios.doi.gov)> wrote:  
Hi Goks-

The login for Science magazine is:

username: (b) (6), (b) (5)  
password: (b) (6), (b) (5)

I think you can login here: (b) (6), (b) (5)

I'll send you the info for the other subscriptions when I complete them.

On Thu, Jul 20, 2017 at 12:22 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:

Shawn,

As I was mentioning to you, I'd like to get annual subscriptions for three (not two) scientific journals that publish a lot of stuff on climate change and related topics, specifically:

- *Science* magazine. Annual subscription is currently being offered at a discount through July 31st for \$50. [Normally, \$125 for digital access only.]
- *Nature* magazine. I have a 1-year renewal offer for \$125. Normally it is \$199.
- *Nature Climate Change*. \$59 (1-year).

These costs are all for "personal," as opposed to institutional (library), subscriptions. It may be easier and more convenient for me to pay them, and then get reimbursed.

Thanks.  
Goks

--

Chloe Mayne  
Policy Specialist  
Office of Policy Analysis  
U.S. Department of Interior  
1849 C Street NW  
Washington, DC 20240  
202-208-4981

--

Chloe Mayne  
Policy Specialist  
Office of Policy Analysis  
U.S. Department of Interior  
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Washington, DC 20240  
202-208-4981

--

Chloe Mayne  
Policy Specialist  
Office of Policy Analysis  
U.S. Department of Interior  
1849 C Street NW  
Washington, DC 20240  
202-208-4981

**From:** Mayne, Chloe  
**To:** [Goklany, Indur](mailto:Goklany, Indur)  
**Subject:** Re: Subscriptions to scientific journals  
**Date:** Tuesday, August 15, 2017 1:02:43 PM

---

Hi Goks-

You're Nature subscription had been renewed and you should soon be setup with a Nature Climate Change subscription. I called today and they are currently processing.

On Wed, Jul 26, 2017 at 2:14 PM, Mayne, Chloe <[chloe\\_mayne@ios.doi.gov](mailto:chloe_mayne@ios.doi.gov)> wrote:  
Can you send me the renewal offer you have for nature?

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- *Science* magazine. Annual subscription is currently being offered at a discount through July 31st for \$50. [Normally, \$125 for digital access only.]
- *Nature* magazine. I have a 1-year renewal offer for \$125. Normally it is \$199.
- *Nature Climate Change*. \$59 (1-year).

These costs are all for "personal," as opposed to institutional (library), subscriptions. It may be easier and more convenient for me to pay them, and then get reimbursed.

Thanks.  
Goks



--

Chloe Mayne  
Policy Specialist  
Office of Policy Analysis  
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--

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--

Chloe Mayne  
Policy Specialist  
Office of Policy Analysis  
U.S. Department of Interior  
1849 C Street NW  
Washington, DC 20240  
202-208-4981

**From:** Goklany, Indur  
**To:** [Shawn Buckner](#)  
**Subject:** My activities  
**Date:** Monday, August 14, 2017 1:57:29 PM

---

I am currently focusing on matters related to climate change for the Associate Deputy Secretary (ASD). These include reviewing and providing feedback on various documents and reports, including DOI and non-DOI reports, departmental manual chapters, and the information contained on websites. Over the past few weeks, this has included working with USGS on a memorandum on Earth Climate History and reviewing a report jointly-funded by Reclamation on the Klamath River Basin. Ongoing activities include working with Reclamation and USGS on developing a write-upon the uncertainties associated with the Klamath report, and reviewing the US Global Change Research Program's draft Climate Science Special Report.

I am also working (less intensely) on matters related to technology transfer and prize competitions, specifically, shepherding annual reports through the Department.

**From:** Domenech, Douglas  
**To:** [Galsky, Linda](#)  
**Subject:** Here it is  
**Date:** Thursday, August 10, 2017 8:20:18 PM

---

**POLITICO** <[email@politicoemail.com](mailto:email@politicoemail.com)> [Unsubscribe](#)

1:10 PM (2 hours ago)

to me



2016 was the warmest year on the Earth's surface in nearly 150 years of measuring, scientists said today in an international report that also found the highest sea levels since 1993 and the highest carbon dioxide concentrations in about 800,000 years.

It was the third year in a row to set a new global temperature record.

The annual assessment coordinated by the U.S. National Oceanic and Atmospheric Administration is the first comprehensive climate report released under President Donald Trump, who has dismissed man-made climate change as a "hoax" and announced he's withdrawing from the Paris climate agreement.

Doug Domenech  
Senior Advisor  
US Department of the Interior

*NOTE: Every email I send or receive is subject to release under the Freedom of Information Act.*

**From:** Goktany Indur  
**To:** [Domenech, Douglas](#)  
**Subject:** Re: Here It Is  
**Date:** Thursday, August 10, 2017, 3:20:25 PM

---

Thanks

On Thu, Aug 10, 2017 at 3:18 PM, Domenech, Douglas <[douglas\\_domenech@ios.doi.gov](mailto:douglas_domenech@ios.doi.gov)> wrote:

POLITICO <[email@politicoemail.com](mailto:email@politicoemail.com)> [Unsubscribe](#)

1:10 PM (2 hours ago)

to me



2016 was the warmest year on the Earth's surface in nearly 150 years of measuring, scientists said today in an international report that also found the highest sea levels since 1993 and the highest carbon dioxide concentrations in about 800,000 years.

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The annual assessment coordinated by the U.S. National Oceanic and Atmospheric Administration is the first comprehensive climate report released under President Donald Trump, who has dismissed man-made climate change as a "hoax" and announced he's withdrawing from the Paris climate agreement.

Doug Domenech  
Senior Advisor  
US Department of the Interior

NOTE: Every email I send or receive is subject to release under the Freedom of Information Act.

**From:** Goklany, Indur  
**To:** [Pattison, Malka](#)  
**Subject:** Potential speakers and topics  
**Date:** Thursday, August 10, 2017 9:11:38 AM

---

There are two papers by USGS scientists that are relevant to climate (and climate change), and which would be very appropriate for the monthly seminars.

1. McCabe, G.J., Wolock, D.M. and Austin, S.H. 2017. Variability of runoff-based **drought** conditions in the conterminous United States. *International Journal of Climatology* 37: 1014-1021.

2. Hirsch RM, Ryberg KR. Has the magnitude of **floods** across the USA changed with global CO2 levels?. *Hydrological Sciences Journal*. 2012 Jan 1;57(1):1-9.

Say hello to Bob for me.

**From:** Mayne, Chloe  
**To:** [Goklany, Indur](mailto:Goklany, Indur)  
**Subject:** Re: Subscriptions to scientific journals  
**Date:** Wednesday, July 26, 2017 2:15:27 PM

---

Can you send me the renewal offer you have for nature?

On Wed, Jul 26, 2017 at 2:11 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:  
Thanks a million!

On Wed, Jul 26, 2017 at 2:10 PM, Mayne, Chloe <[chloe\\_mayne@ios.doi.gov](mailto:chloe_mayne@ios.doi.gov)> wrote:  
Hi Goks-

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username: (b) (6), (b) (5)  
password: (b) (6), (b) (5)

I think you can login here: (b) (6), (b) (5)

I'll send you the info for the other subscriptions when I complete them.

On Thu, Jul 20, 2017 at 12:22 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:  
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- *Nature* magazine. I have a 1-year renewal offer for \$125. Normally it is \$199.
- *Nature Climate Change*. \$59 (1-year).

These costs are all for "personal," as opposed to institutional (library), subscriptions. If may be easier and more convenient for me to pay them, and then get reimbursed.

Thanks.  
Goks

--  
Chloe Mayne  
Policy Specialist  
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U.S. Department of Interior  
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| | 202-208-4981

--

Chloe Mayne  
Policy Specialist  
Office of Policy Analysis  
U.S. Department of Interior  
1849 C Street NW  
Washington, DC 20240  
202-208-4981

**From:** Goklany, Indur  
**To:** [Mayne, Chloe](mailto:Mayne,Chloe)  
**Subject:** Re: Subscriptions to scientific journals  
**Date:** Wednesday, July 26, 2017 2:12:50 PM

---

Thanks a million!

On Wed, Jul 26, 2017 at 2:10 PM, Mayne, Chloe <[chloe\\_mayne@ios.doi.gov](mailto:chloe_mayne@ios.doi.gov)> wrote:

Hi Goks-

The login for Science magazine is:

username: (b) (6), (b) (5)

password: (b) (6), (b) (5)

I think you can login here: (b) (6), (b) (5)

I'll send you the info for the other subscriptions when I complete them.

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Thanks.

Goks

--

Chloe Mayne  
Policy Specialist  
Office of Policy Analysis  
U.S. Department of Interior  
1849 C Street NW  
Washington, DC 20240  
202-208-4981



**From:** Mayne, Chloe  
**To:** [Goklany, Indur](#)  
**Subject:** Re: Subscriptions to scientific journals  
**Date:** Wednesday, July 26, 2017 2:10:56 PM

---

Hi Goks-

The login for Science magazine is:

username: (b) (6), (b) (5)  
password: (b) (6), (b) (5)

I think you can login here: (b) (6), (b) (5)

I'll send you the info for the other subscriptions when I complete them.

On Thu, Jul 20, 2017 at 12:22 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:  
Shawn,

As I was mentioning to you, I'd like to get annual subscriptions for three (not two) scientific journals that publish a lot of stuff on climate change and related topics, specifically:

- *Science* magazine. Annual subscription is currently being offered at a discount through July 31st for \$50. [Normally, \$125 for digital access only.]
- *Nature* magazine. I have a 1-year renewal offer for \$125. Normally it is \$199.
- *Nature Climate Change*. \$59 (1-year).

These costs are all for "personal," as opposed to institutional (library), subscriptions. It may be easier and more convenient for me to pay them, and then get reimbursed.

Thanks.  
Goks

--

Chloe Mayne  
Policy Specialist  
Office of Policy Analysis  
U.S. Department of Interior  
1849 C Street NW  
Washington, DC 20240  
202-208-4981

**From:** Goklany, Indur  
**To:** [Shawn Buckner](#)  
**Cc:** [Chloe Mayne](#)  
**Subject:** Subscriptions to scientific journals  
**Date:** Thursday, July 20, 2017 12:22:28 PM

---

Shawn,

As I was mentioning to you, I'd like to get annual subscriptions for three (not two) scientific journals that publish a lot of stuff on climate change and related topics, specifically:

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- *Nature* magazine. I have a 1-year renewal offer for \$125. Normally it is \$199.
- *Nature Climate Change*. \$59 (1-year).

These costs are all for "personal," as opposed to institutional (library), subscriptions. It may be easier and more convenient for me to pay them, and then get reimbursed.

Thanks.  
Goks

**From:** Goklany, Indur  
**To:** [Gillick, Larry](mailto:larry_gillick@ios.doi.gov)  
**Cc:** [Ruffin, Lawrence](#); [Gulac, Catherine](#); [Matragrano Karen](#); [Andrew Havelly](#); [Dabolt Tod](#); [Sylvia Burns](#)  
**Subject:** Re: Climate change web pages -- would like help on putting it on the web  
**Date:** Thursday, June 29, 2017 4:40:48 PM

---

Larry -- If you look at the pages you'll see they are rather rudimentary. All they have is text. But I would like to get beyond that. Thanks -- Goks

On Thu, Jun 29, 2017 at 4:36 PM, Gillick, Larry <[larry\\_gillick@ios.doi.gov](mailto:larry_gillick@ios.doi.gov)> wrote:

I can't believe it slipped my mind that you're also the owner/editor of DOI.gov/techtransfer. My goof.

Larry

---

Larry Gillick  
Deputy Director of Digital Strategy  
Drupal PaaS Evangelist  
U.S. Department of the Interior  
202-208-5141 (o) / 202-573-0306 (c)

**Drupal Questions?**

<https://sites.google.com/a/ios.doi.gov/doi-gov-cms/>

On Thu, Jun 29, 2017 at 4:30 PM, Gillick, Larry <[larry\\_gillick@ios.doi.gov](mailto:larry_gillick@ios.doi.gov)> wrote:

Interesting question. I understand that OCIO uses the services of the former NBC/IBC team headed by Renu Chaudhry. PMB works with DeRon Johnson. We have zero additional support here.

But seriously, the system was designed to be used by a clerk-typist. It's in the neighborhood of Word 95 when it comes to ease-of-use -- even easier than CommonSpot. Am I mis-remembering, or weren't you a pretty good CommonSpot author?

Larry

---

Larry Gillick  
Deputy Director of Digital Strategy  
Drupal PaaS Evangelist  
U.S. Department of the Interior  
202-208-5141 (o) / 202-573-0306 (c)

**Drupal Questions?**

<https://sites.google.com/a/ios.doi.gov/doi-gov-cms/>

On Thu, Jun 29, 2017 at 3:57 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:

Actually, I would like someone who can take the information I have pulled together and enter it into a website, and do things that go beyond my capabilities given my rudimentary Drupal capabilities.

I would also like to consult with a webjock to figure out what the "architecture" of the site might look like.

Thanks Larry.

I can meet with the person on Monday, or after the 4th.

On Thu, Jun 29, 2017 at 2:21 PM, Gillick, Larry <[larry\\_gillick@ios.doi.gov](mailto:larry_gillick@ios.doi.gov)> wrote:  
Hi Larry,

Just to clarify, as Goks knows, we're pretty much a self-serve shop. We'll train folks in how to create their web content in our Drupal CMS, then set them free to manage their own content. This is especially important as we implement "freshness dating" in the next few months. Content "owners" need to be able to control their content.

That said, I'm happy to help Goks set what needs setting. I'll look forward to seeing him again.

Larry

---

Larry Gillick  
Deputy Director of Digital Strategy  
Drupal PaaS Evangelist  
U.S. Department of the Interior  
202-208-5141 (o) / 202-573-0306 (c)  
**Drupal Questions?**  
<https://sites.google.com/a/ios.doi.gov/doi-gov-cms/>

On Thu, Jun 29, 2017 at 2:16 PM, Ruffin, Lawrence <[lawrence\\_ruffin@ios.doi.gov](mailto:lawrence_ruffin@ios.doi.gov)> wrote:

Cathy and Indur,

I just spoke with Larry Gillick and he would be happy to assist you or help point you in the right direction if he is unable to.

Please let us know if we can be of any further assistance.

Larry Ruffin

Lawrence K. Ruffin, CISSP+CAP  
Chief Information Security Officer,  
Office of Information Assurance (OIA)  
Office of the Chief Information Officer (OCIO)  
US Department of the Interior  
1849 C Street, N.W., Room 7124K  
Washington DC 20240

Email: [lawrence\\_ruffin@ios.doi.gov](mailto:lawrence_ruffin@ios.doi.gov)  
Office phone: 202-208-5419  
Mobile phone: 703-887-7313

[www.DOI.gov/OCIO](http://www.DOI.gov/OCIO)

*Our mission is your mission*

On Thu, Jun 29, 2017 at 1:44 PM, Sylvia Burns <[sylvia\\_burns@ios.doi.gov](mailto:sylvia_burns@ios.doi.gov)> wrote:  
Cathy - I'm CC'ing some folks on my team so they see your email and can think about who we might have to help on this.

Larry - can you get back to Cathy with a recommendation? Thanks.

**Sylvia Burns, CIO**

Office of the Chief Information Officer

US Department of the Interior

[sylvia\\_burns@ios.doi.gov](mailto:sylvia_burns@ios.doi.gov)

Office: 202-208-6194

Fax: 202-501-2360

[www.doi.gov/ocio](http://www.doi.gov/ocio)

On Jun 29, 2017, at 1:31 PM, Gulac, Catherine <[catherine\\_gulac@ios.doi.gov](mailto:catherine_gulac@ios.doi.gov)> wrote:

Hi Sylvia,  
Do you have a web expert that can best help Indur Goklany (OS/PPA) since he has been tasked this project by Mr. Cason? Indur mentioned, possibly Thomas Baptiste?

Thanks!  
Cathy

\*Catherine Gulac\*  
U.S. Department of the Interior  
Office of the Deputy Secretary  
1849 C St, NW, MS-7328  
Washington, D.C. 20240  
202-208-6291 Office / 202-208-1739 Direct / 202-208-1873 Fax  
[Catherine\\_Gulac@ios.doi.gov](mailto:Catherine_Gulac@ios.doi.gov)

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

From: Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)>  
Date: Thu, Jun 29, 2017 at 1:22 PM  
Subject: Climate change web pages -- would like help on putting it on the web

To: James Cason <[james\\_cason@ios.doi.gov](mailto:james_cason@ios.doi.gov)>  
Cc: Douglas Domenech <[douglas\\_domenech@ios.doi.gov](mailto:douglas_domenech@ios.doi.gov)>, Catherine Gulac <[catherine\\_gulac@ios.doi.gov](mailto:catherine_gulac@ios.doi.gov)>

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<Worksheet for estimating land conserved through use of fossil fuels.docx>

<USGS climate history final.docx>

**From:** Gillick, Larry  
**To:** [Goklany, Indur](#)  
**Cc:** [Ruffin, Lawrence](#); [Gulac, Catherine](#); [Matragrano Karen](#); [Andrew Havelly](#); [Dabolt Tod](#); [Sylvia Burns](#)  
**Subject:** Re: Climate change web pages -- would like help on putting it on the web  
**Date:** Thursday, June 29, 2017 4:37:18 PM

---

I can't believe it slipped my mind that you're also the owner/editor of DOI.gov/techtransfer. My goof.

Larry

---

Larry Gillick  
Deputy Director of Digital Strategy  
Drupal PaaS Evangelist  
U.S. Department of the Interior  
202-208-5141 (o) / 202-573-0306 (c)  
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**Subject:** Re: Climate change web pages -- would like help on putting it on the web  
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Mobile phone: 703-887-7313

[www.DOI.gov/OCIO](http://www.DOI.gov/OCIO)

*Our mission is your mission*

On Thu, Jun 29, 2017 at 1:44 PM, Sylvia Burns <[sylvia\\_burns@ios.doi.gov](mailto:sylvia_burns@ios.doi.gov)> wrote:  
Cathy - I'm CC'ing some folks on my team so they see your email and can think about who we might have to help on this.

Larry - can you get back to Cathy with a recommendation? Thanks.

**Sylvia Burns, CIO**

Office of the Chief Information Officer

US Department of the Interior

[sylvia\\_burns@ios.doi.gov](mailto:sylvia_burns@ios.doi.gov)

Office: 202-208-6194

Fax: 202-501-2360

[www.doi.gov/ocio](http://www.doi.gov/ocio)

On Jun 29, 2017, at 1:31 PM, Gulac, Catherine <[catherine\\_gulac@ios.doi.gov](mailto:catherine_gulac@ios.doi.gov)> wrote:

Hi Sylvia,  
Do you have a web expert that can best help Indur Goklany (OS/PPA) since he has been tasked this project by Mr. Cason? Indur mentioned, possibly Thomas Baptiste?

Thanks!  
Cathy

\*Catherine Gulac\*  
U.S. Department of the Interior  
Office of the Deputy Secretary  
1849 C St, NW, MS-7328  
Washington, D.C. 20240  
202-208-6291 Office / 202-208-1739 Direct / 202-208-1873 Fax  
[Catherine\\_Gulac@ios.doi.gov](mailto:Catherine_Gulac@ios.doi.gov)

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

From: Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)>  
Date: Thu, Jun 29, 2017 at 1:22 PM  
Subject: Climate change web pages -- would like help on putting it on the web  
To: James Cason <[james\\_cason@ios.doi.gov](mailto:james_cason@ios.doi.gov)>  
Cc: Douglas Domenech <[douglas\\_domenech@ios.doi.gov](mailto:douglas_domenech@ios.doi.gov)>, Catherine Gulac

<  
[catherine\\_gulac@ios.doi.gov](mailto:catherine_gulac@ios.doi.gov)>

Per your request on the 16th, I have developed the climate change web pages but would like the help of a web-jock to implement (or modify) the pages. Is Thomas Baptiste the right person for me to contact?

I was hoping to show you what I have before (b) (6), but my time slot with you got postponed to next Friday. Regardless, I have attached the material that I have drafted for your information but it would be easier to follow if I walked you through it.

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- FAQs
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- USGS memo on climate history -- this also would be linked from the web pages

Because this material would be on the web, the pages and the FAQs can be modified whenever we want.

<CC - Web.docx>

<FAQs CC.docx>

<Worksheet for estimating land conserved through use of fossil fuels.docx>

<USGS climate history final.docx>



**From:** Ruffin, Lawrence  
**To:** [Indur Goklany](#); [Gulac, Catherine](#)  
**Cc:** [Matragrano Karen](#); [Andrew Havely](#); [Dabolt Tod](#); [Gillick, Larry](#); [Sylvia Burns](#)  
**Subject:** Re: Climate change web pages -- would like help on putting it on the web  
**Date:** Thursday, June 29, 2017 2:16:44 PM

---

Cathy and Indur,

I just spoke with Larry Gillick and he would be happy to assist you or help point you in the right direction if he is unable to.

Please let us know if we can be of any further assistance.

Larry Ruffin

Lawrence K. Ruffin, CISSP+CAP  
Chief Information Security Officer,  
Office of Information Assurance (OIA)  
Office of the Chief Information Officer (OCIO)  
US Department of the Interior  
1849 C Street, N.W., Room 7124K  
Washington DC 20240

Email: [lawrence\\_ruffin@ios.doi.gov](mailto:lawrence_ruffin@ios.doi.gov)  
Office phone: 202-208-5419  
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Thanks!

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[Catherine\\_Gulac@ios.doi.gov](mailto:Catherine_Gulac@ios.doi.gov)

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Date: Thu, Jun 29, 2017 at 1:22 PM

Subject: Climate change web pages -- would like help on putting it on the web

To: James Cason <[james\\_cason@ios.doi.gov](mailto:james_cason@ios.doi.gov)>

Cc: Douglas Domenech <[douglas\\_domenech@ios.doi.gov](mailto:douglas_domenech@ios.doi.gov)>, Catherine Gulac <[catherine\\_gulac@ios.doi.gov](mailto:catherine_gulac@ios.doi.gov)>

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<CC - Web.docx>

<FAQs CC.docx>

<Worksheet for estimating land conserved through use of fossil fuels.docx>

<USGS climate history final.docx>

**From:** Goklany, Indur  
**To:** [Abdelrahim, Sarah](mailto:Abdelrahim.Sarah)  
**Subject:** Re: Festivities for (b) (6)  
**Date:** Thursday, June 29, 2017 10:53:05 AM

---

Thanks!

On Thu, Jun 29, 2017 at 10:28 AM, Abdelrahim, Sarah <[sarah\\_abdelrahim@ios.doi.gov](mailto:sarah_abdelrahim@ios.doi.gov)> wrote:

Hi Goks,

So sorry - I realized you weren't on this email. I'll add you to the calendar invite as well.  
Sarah

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

**From:** **Abdelrahim, Sarah** <[sarah\\_abdelrahim@ios.doi.gov](mailto:sarah_abdelrahim@ios.doi.gov)>

**Date:** Wed, Jun 28, 2017 at 12:59 PM

**Subject:** Festivities for (b) (6)

**To:** Adam Stern <[adam\\_stern@ios.doi.gov](mailto:adam_stern@ios.doi.gov)>, Ann Miller <[ann\\_miller@ios.doi.gov](mailto:ann_miller@ios.doi.gov)>, Ann Tihansky <[tihansky@usgs.gov](mailto:tihansky@usgs.gov)>, Ann Tihansky <[ann\\_tihansky@ios.doi.gov](mailto:ann_tihansky@ios.doi.gov)>, Benjamin Simon <[benjamin\\_simon@ios.doi.gov](mailto:benjamin_simon@ios.doi.gov)>, Carlann Unger <[carlann\\_unger@ios.doi.gov](mailto:carlann_unger@ios.doi.gov)>, Chloe Mayne <[chloe\\_mayne@ios.doi.gov](mailto:chloe_mayne@ios.doi.gov)>, Christian Crowley <[christian\\_crowley@ios.doi.gov](mailto:christian_crowley@ios.doi.gov)>, Fabien Laurier <[fabien\\_laurier@ios.doi.gov](mailto:fabien_laurier@ios.doi.gov)>, Gina Digiantonio <[gina\\_digiantonio@ios.doi.gov](mailto:gina_digiantonio@ios.doi.gov)>, Hilary Smith <[hilary\\_smith@ios.doi.gov](mailto:hilary_smith@ios.doi.gov)>, Jonathan Steele <[jonathan\\_steele@ios.doi.gov](mailto:jonathan_steele@ios.doi.gov)>, Kristin Skrabis <[kristin\\_skrabis@ios.doi.gov](mailto:kristin_skrabis@ios.doi.gov)>, Liza Johnson <[liza\\_m\\_johnson@ios.doi.gov](mailto:liza_m_johnson@ios.doi.gov)>, Malka Pattison <[malka\\_pattison@ios.doi.gov](mailto:malka_pattison@ios.doi.gov)>, Noah Van Gilder <[noah\\_vangilder@ios.doi.gov](mailto:noah_vangilder@ios.doi.gov)>, Sarah Abdelrahim <[sarah\\_abdelrahim@ios.doi.gov](mailto:sarah_abdelrahim@ios.doi.gov)>, Sarah Cline <[sarah\\_cline@ios.doi.gov](mailto:sarah_cline@ios.doi.gov)>, Shawn Buckner <[shawn\\_buckner@ios.doi.gov](mailto:shawn_buckner@ios.doi.gov)>, Joel Clement <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)>

Hi everyone!

(b) (6) last day in the office is next Wednesday 7/5. To celebrate her time in PPA and wish her well, let's get together in the conference room at noon for some pizza! Until she's back in the office next week, it's a surprise.

If you would like to contribute anything (completely voluntary!) towards the pizza or a small gift from the Indian craft shop, please see me. There is also a card that has been circulating for everyone to sign.

Thanks,

Sarah

--

Sarah Abdelrahim  
Office of Policy Analysis  
U.S. Department of the Interior  
1849 C Street NW

Washington, D.C. 20240

202-208-4978

[Sarah\\_Abdelrahim@ios.doi.gov](mailto:Sarah_Abdelrahim@ios.doi.gov)

**From:** Abdelrahim, Sarah  
**To:** [Goklany, Indur](mailto:Goklany.Indur)  
**Subject:** Fwd: Festivities for (b) (6)  
**Date:** Thursday, June 29, 2017 10:28:33 AM

---

Hi Goks,  
So sorry - I realized you weren't on this email. I'll add you to the calendar invite as well.  
Sarah

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

**From:** **Abdelrahim, Sarah** <[sarah\\_abdelrahim@ios.doi.gov](mailto:sarah_abdelrahim@ios.doi.gov)>  
**Date:** Wed, Jun 28, 2017 at 12:59 PM  
**Subject:** Festivities for (b) (6)  
**To:** Adam Stern <[adam\\_stern@ios.doi.gov](mailto:adam_stern@ios.doi.gov)>, Ann Miller <[ann\\_miller@ios.doi.gov](mailto:ann_miller@ios.doi.gov)>, Ann Tihansky <[tihansky@usgs.gov](mailto:tihansky@usgs.gov)>, Ann Tihansky <[ann\\_tihansky@ios.doi.gov](mailto:ann_tihansky@ios.doi.gov)>, Benjamin Simon <[benjamin\\_simon@ios.doi.gov](mailto:benjamin_simon@ios.doi.gov)>, Carlann Unger <[carlann\\_unger@ios.doi.gov](mailto:carlann_unger@ios.doi.gov)>, Chloe Mayne <[chloe\\_mayne@ios.doi.gov](mailto:chloe_mayne@ios.doi.gov)>, Christian Crowley <[christian\\_crowley@ios.doi.gov](mailto:christian_crowley@ios.doi.gov)>, Fabien Laurier <[fabien\\_laurier@ios.doi.gov](mailto:fabien_laurier@ios.doi.gov)>, Gina Digiantonio <[gina\\_digiantonio@ios.doi.gov](mailto:gina_digiantonio@ios.doi.gov)>, Hilary Smith <[hilary\\_smith@ios.doi.gov](mailto:hilary_smith@ios.doi.gov)>, Jonathan Steele <[jonathan\\_steele@ios.doi.gov](mailto:jonathan_steele@ios.doi.gov)>, Kristin Skrabis <[kristin\\_skrabis@ios.doi.gov](mailto:kristin_skrabis@ios.doi.gov)>, Liza Johnson <[liza\\_m\\_johnson@ios.doi.gov](mailto:liza_m_johnson@ios.doi.gov)>, Malka Pattison <[malka\\_pattison@ios.doi.gov](mailto:malka_pattison@ios.doi.gov)>, Noah Van Gilder <[noah\\_vangilder@ios.doi.gov](mailto:noah_vangilder@ios.doi.gov)>, Sarah Abdelrahim <[sarah\\_abdelrahim@ios.doi.gov](mailto:sarah_abdelrahim@ios.doi.gov)>, Sarah Cline <[sarah\\_cline@ios.doi.gov](mailto:sarah_cline@ios.doi.gov)>, Shawn Buckner <[shawn\\_buckner@ios.doi.gov](mailto:shawn_buckner@ios.doi.gov)>, Joel Clement <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)>

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Thanks,

Sarah

--

Sarah Abdelrahim  
Office of Policy Analysis  
U.S. Department of the Interior  
1849 C Street NW  
Washington, D.C. 20240

202-208-4978  
[Sarah\\_Abdelrahim@ios.doi.gov](mailto:Sarah_Abdelrahim@ios.doi.gov)



**From:** Goklany, Indur  
**To:** [Gareth Rees](#)  
**Cc:** [Catherine Gulac](#)  
**Subject:** Would like a brief mtg with Jim Cason and, if possible, Doug Domenech...  
**Date:** Wednesday, June 14, 2017 9:55:31 AM

---

..on climate change some time this week. Half an hour should be ample. Thanks -- Goks



**From:** Sivarajan, Vanitha  
**To:** [Adam Stern](#); [Ann Miller](#); [Ann Tihansky](#); [Ann Tihansky](#); [Benjamin Simon](#); [Chloe Mayne](#); [Christian Crowley](#); [Fabien Laurier](#); [Genevieve Brune](#); [Gina Digiantonio](#); [Hilary Smith](#); [Indur Gokjany](#); [Jamie Reaser](#); [Jason Kirkey](#); [Jhoset Burgos Rodriguez](#); [Joel Clement](#); [Jonathan Steele](#); [Kelsey Brantley](#); [Kristin Skrabis](#); [Liza Johnson](#); [Malka Pattison](#); [Noah Van Gilder](#); [Randal Bowman](#); [Raychelle Daniel](#); [Robert Boyd](#); [Sarah Abdelrahim](#); [Sarah Cline](#); [Sarah Veatch](#); [Shawn Buckner](#); [Stanley Burgiel](#)  
**Subject:** Re: June meeting  
**Date:** Friday, June 02, 2017 11:10:18 AM

---

Good morning! The last friendly reminder for (b) (6) surprise party on Monday:

- This is a surprise. (b) (6) ) will be joining us!
- Ben will bring (b) (6) to the South Penthouse at 11:30am.
- **Please bring yourselves and your food dishes up to the South Penthouse at 11:10am for setup.** If possible use the backstairs of the hallway and be on the quieter side as not to raise suspicion.
- Bring your own dishes/cup/silverware if possible.
- Bring a dish or drink for the potluck--sign up on the Google Sheet: [https://docs.google.com/a/doi.gov/spreadsheets/d/1VNw78\\_rhyABDAp78oP2WbtjFtDImsVfjxqtpru\\_h6vA/edit?usp=sharing](https://docs.google.com/a/doi.gov/spreadsheets/d/1VNw78_rhyABDAp78oP2WbtjFtDImsVfjxqtpru_h6vA/edit?usp=sharing)
- Adam will be collecting optional contributions to buy an Anthropologie gift card from all of us--**please see him if you'd like to participate by the end of the day today.**

Thanks,  
Vanitha

On Tue, May 30, 2017 at 11:56 AM, Sivarajan, Vanitha <[vanitha\\_sivarajan@ios.doi.gov](mailto:vanitha_sivarajan@ios.doi.gov)> wrote:

Hi all,

Our surprise party for (b) (6) is coming up quickly on Monday!

A friendly reminder for the following:

- Bring a dish or drink for the potluck--sign up on the Google Sheet: [https://docs.google.com/a/doi.gov/spreadsheets/d/1VNw78\\_rhyABDAp78oP2WbtjFtDImsVfjxqtpru\\_h6vA/edit?usp=sharing](https://docs.google.com/a/doi.gov/spreadsheets/d/1VNw78_rhyABDAp78oP2WbtjFtDImsVfjxqtpru_h6vA/edit?usp=sharing)
- Dress up in island-type garb. Raychelle and Christian have extra sarongs for folks (including (b) (6))
- Adam will be collecting optional contributions to buy an Anthropologie gift card from all of us--**please see him if you'd like to participate by Friday 6/2.**

Thanks,  
Vanitha

On Thu, May 18, 2017 at 1:01 PM, Sivarajan, Vanitha <[vanitha\\_sivarajan@ios.doi.gov](mailto:vanitha_sivarajan@ios.doi.gov)> wrote:

Hi everyone,

Here are some further details on (b) (6) wedding celebration surprise.

This is a surprise lunch potluck in a Southeast Asian theme since (b) (6) wanted to go there for their honeymoon and it didn't work out. So we are bringing Indonesia, Malaysia, Laos, Cambodia, Vietnam, Thailand, etc. to her! Think thai iced teas, vietnamese iced coffees, spring rolls, noodle stir-fries, dumplings, etc.

Christian has kindly reserved the South Penthouse and rooftop for 6/5/17 from 11:30-1pm. Ben and team will surreptitiously get her up there on that day.

Optional stuff:

- Bring a dish or drink--optional and no need to stick to theme if you don't want to. :)  
Sign up on the Google Sheet: [https://docs.google.com/a/doi.gov/spreadsheets/d/1VNw78\\_rhyABDAp78oP2WbtjFtDlmsVfjxqtpru\\_h6vA/edit?usp=sharing](https://docs.google.com/a/doi.gov/spreadsheets/d/1VNw78_rhyABDAp78oP2WbtjFtDlmsVfjxqtpru_h6vA/edit?usp=sharing)
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- There is an informal "planning team" let me know if you have ideas or would like to join. Some of us will bring decorations--if you'd like to look at some ideas look at the 2nd tab in the spreadsheet.

Cheers,  
Vanitha

--

Vanitha Sivarajan  
Office of Policy Analysis  
U.S. Department of the Interior  
1849 C St NW RM 3521  
Washington, DC 20240  
202-219-1136  
[vanitha\\_sivarajan@ios.doi.gov](mailto:vanitha_sivarajan@ios.doi.gov)

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202-219-1136

[vanitha\\_sivarajan@ios.doi.gov](mailto:vanitha_sivarajan@ios.doi.gov)

**From:** Sivarajan, Vanitha  
**To:** [Adam Stern](#); [Ann Miller](#); [Ann Tihansky](#); [Ann Tihansky](#); [Benjamin Simon](#); [Chloe Mayne](#); [Christian Crowley](#); [Fabien Laurier](#); [Genevieve Brune](#); [Gina Digiantonio](#); [Hilary Smith](#); [Indur Goklany](#); [Jamie Reaser](#); [Jason Kirkey](#); [Jhoset Burgos Rodriguez](#); [Joel Clement](#); [Jonathan Steele](#); [Kelsey Brantley](#); [Kristin Skrabis](#); [Liza Johnson](#); [Malka Pattison](#); [Noah Van Gilder](#); [Randal Bowman](#); [Raychelle Daniel](#); [Robert Boyd](#); [Sarah Abdelrahim](#); [Sarah Cline](#); [Sarah Veatch](#); [Shawn Buckner](#); [Stanley Burgiel](#)  
**Subject:** Re: June meeting  
**Date:** Tuesday, May 30, 2017 12:02:34 PM

---

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Vanitha**

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202-219-1136  
[vanitha\\_sivarajan@ios.doi.gov](mailto:vanitha_sivarajan@ios.doi.gov)

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U.S. Department of the Interior  
1849 C St NW RM 3521  
Washington, DC 20240  
202-219-1136  
[vanitha\\_sivarajan@ios.doi.gov](mailto:vanitha_sivarajan@ios.doi.gov)

**From:** Clement, Joel  
**To:** [Goklany, Indur](#)  
**Cc:** [Gulac, Catherine](#); [Amy Holley](#)  
**Subject:** Re: Indur Goklany Detail  
**Date:** Tuesday, May 23, 2017 5:50:38 PM

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Goks we know your title here at PPA. We need your title for this detail. I assume Advisor to the Deputy Secretary or something, but will await word from upstairs.

Amy, Chloe will also need your organizational code for the paperwork, but we'll use ASPMB for now. She will back-date it to May 1, which is when I understand Goks left PPA and started working directly for Jim Cason.

Thanks.

Joel

---

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Joel Clement - Director, Office of Policy Analysis, U.S. Department of the Interior 202.208.3295

On Tue, May 23, 2017 at 5:33 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:  
My title is Senior Advisor, PPA. Thanks

On Tue, May 23, 2017 at 1:33 PM, Gulac, Catherine <[catherine\\_gulac@ios.doi.gov](mailto:catherine_gulac@ios.doi.gov)> wrote:  
Hi Amy,

Mr. Cason gave his verbal approval for Indur Goklany's detail to the Office of the Deputy Secretary.

He said that Goks will be working with him, but Mr. Cason wants you on paper as the supervisor.

Joel's office also needs Goks' title for entry in FPPS.

Thanks.

Cathy

Catherine Gulac  
U.S. Department of the Interior  
Office of the Deputy Secretary  
1849 C St, NW, MS-7328  
Washington, D.C. 20240  
202-208-6291 Office / 202-208-1739 Direct / 202-208-1873 Fax  
[Catherine.Gulac@ios.doi.gov](mailto:Catherine.Gulac@ios.doi.gov)

**From:** Goklany, Indur  
**To:** [Gulac, Catherine](#)  
**Cc:** [Amy Holley](#); [Joel Clement](#)  
**Subject:** Re: Indur Goklany Detail  
**Date:** Tuesday, May 23, 2017 5:34:23 PM

---

My title is Senior Advisor, PPA. Thanks

On Tue, May 23, 2017 at 1:33 PM, Gulac, Catherine <[catherine\\_gulac@ios.doi.gov](mailto:catherine_gulac@ios.doi.gov)> wrote:

Hi Amy,

Mr. Cason gave his verbal approval for Indur Goklany's detail to the Office of the Deputy Secretary.

He said that Goks will be working with him, but Mr. Cason wants you on paper as the supervisor.

Joel's office also needs Goks' title for entry in FPPS.

Thanks.  
Cathy

Catherine Gulac  
U.S. Department of the Interior  
Office of the Deputy Secretary  
1849 C St, NW, MS-7328  
Washington, D.C. 20240  
202-208-6291 Office / 202-208-1739 Direct / 202-208-1873 Fax  
[Catherine\\_Gulac@ios.doi.gov](mailto:Catherine_Gulac@ios.doi.gov)

**From:** Gulac, Catherine  
**To:** [Amy Holley](#)  
**Cc:** [Joel Clement](#); [Indur Goklany](#)  
**Subject:** Indur Goklany Detail  
**Date:** Tuesday, May 23, 2017 1:33:19 PM

---

Hi Amy,

Mr. Cason gave his verbal approval for Indur Goklany's detail to the Office of the Deputy Secretary.

He said that Goks will be working with him, but Mr. Cason wants you on paper as the supervisor.

Joel's office also needs Goks' title for entry in FPPS.

Thanks.  
Cathy

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202-208-6291 Office / 202-208-1739 Direct / 202-208-1873 Fax  
[Catherine\\_Gulac@ios.doi.gov](mailto:Catherine_Gulac@ios.doi.gov)



**From:** Johnson, Liza  
**To:** [Malka Pattison](#); [Joel Clement](#); [Benjamin Simon](#); [Carlann Unger](#); [Bowman, Randal](#); [Jonathan Steele](#); [Chloe Mayne](#); [Daniel, Raychelle](#); [Skrabis, Kristin](#); [Tihansky, Ann](#); [Tihansky, Ann](#); [Buckner, Shawn](#); [Sarah Cline](#); [Smith, Hilary](#); [Jhoset Burgos Rodriguez](#); [Ann Miller](#); [Liza Johnson](#); [Indur Goklany](#); [Adam Stern](#); [Christian Crowley](#); [Noah Van Gilder](#); [Vanitha Sivarajan](#); [Abdelrahim, Sarah](#)  
**Subject:** Re: Graduation/Wedding card for (b) (6)  
**Date:** Tuesday, May 23, 2017 10:42:17 AM

---

Thank you all! I have given (b) (6) the card and your contributions. The newly graduated ocean rock star leaves today at ~1pm for a flight back to Iowa to get married!

ps - There are some celebratory cupcakes in the hallway: key lime and mint chocolate. Help yourself!

On Tue, May 16, 2017 at 2:57 PM, Johnson, Liza <[liza\\_m\\_johnson@ios.doi.gov](mailto:liza_m_johnson@ios.doi.gov)> wrote:

Dear PPA,

I'm sending around a card for our Knauss Fellow Extraordinaire, (b) (6) to celebrate her upcoming graduation (May 20) and wedding (May 27). That's right, she is managing plans for 2 major life events, all while keeping us on track for Oceans Month!

(b) (6) opted not to have an office celebration, so the card and gift will be the surprise! Please keep it quiet until I deliver the card next week.

This is completely optional, but if you'd like to contribute to a gift for (b) (6) please feel free to swing by my office by Monday, 5/22 and contribute at whatever level you feel comfortable.

Best,  
Liza

--

Liza M. Johnson  
Ocean, Coasts, and Great Lakes Coordinator  
U.S. Department of the Interior  
Office of the Secretary, Policy Analysis  
1849 C St. NW, MS-3530-MIB  
Washington, DC 20240  
phone: 202-208-1378  
[Liza\\_M\\_Johnson@ios.doi.gov](mailto:Liza_M_Johnson@ios.doi.gov)

--

Liza M. Johnson  
Ocean, Coasts, and Great Lakes Coordinator

U.S. Department of the Interior  
Office of the Secretary, Policy Analysis  
1849 C St. NW, MS-3530-MIB  
Washington, DC 20240  
phone: 202-208-1378  
[Liza\\_M\\_Johnson@ios.doi.gov](mailto:Liza_M_Johnson@ios.doi.gov)

**From:** Goklany, Indur  
**To:** [James Cason](#)  
**Subject:** Re: USGS paper on climate change  
**Date:** Friday, May 19, 2017 5:08:45 PM

---

Looks like it will be next week for the USGS paper. I got a new draft this afternoon. I will keep working with them until we finalize.

Thanks for your patience.  
Goks.

On Fri, May 19, 2017 at 8:26 AM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:  
Jim,

Just an advance notice that we might not be able to get the paper to you by the end of the day. I was supposed to get a new version from them yesterday, but haven't yet received it. Unless they incorporate all my comments, there may be some additional discussion that may entail a delay.

BTW, I estimate that there are over 100,000 pages on the web on DOI servers (including bureaus) that refer to climate change! I am preparing a summary overview of climate change activities gleaned from examining web presence, the Strategic Plan, the Departmental Manual and Secretarial Orders. I hope to have it ready next week, with some suggestions on how to deal with them to ensure they reflect the Administration and Secretary's priorities.

Regards,  
Goks

**From:** Goklany, Indur  
**To:** [James Cason](#)  
**Subject:** USGS paper on climate change  
**Date:** Friday, May 19, 2017 8:26:56 AM

---

Jim,

Just an advance notice that we might not be able to get the paper to you by the end of the day. I was supposed to get a new version from them yesterday, but haven't yet received it. Unless they incorporate all my comments, there may be some additional discussion that may entail a delay.

BTW, I estimate that there are over 100,000 pages on the web on DOI servers (including bureaus) that refer to climate change! I am preparing a summary overview of climate change activities gleaned from examining web presence, the Strategic Plan, the Departmental Manual and Secretarial Orders. I hope to have it ready next week, with some suggestions on how to deal with them to ensure they reflect the Administration and Secretary's priorities.

Regards,  
Goks

**From:** Sivarajan, Vanitha  
**To:** [Adam Stern](#); [Ann Miller](#); [Ann Tihansky](#); [Ann Tihansky](#); [Benjamin Simon](#); [Chloe Mayne](#); [Christian Crowley](#); [Fabien Laurier](#); [Genevieve Brune](#); [Gina Digiantonio](#); [Hilary Smith](#); [Indur Goklany](#); [Jamie Reaser](#); [Jason Kirkey](#); [Jhoset Burgos Rodriguez](#); [Joel Clement](#); [Jonathan Steele](#); [Kelsey Brantley](#); [Kristin Skrabis](#); [Liza Johnson](#); [Malka Pattison](#); [Noah Van Gilder](#); [Randal Bowman](#); [Raychelle Daniel](#); [Robert Boyd](#); [Sarah Abdelrahim](#); [Sarah Cline](#); [Sarah Veatch](#); [Shawn Buckner](#); [Stanley Burgiel](#)  
**Subject:** June meeting  
**Date:** Thursday, May 18, 2017 1:01:57 PM

---

Hi everyone,

Here are some further details on (b) (6) wedding celebration surprise.

This is a surprise lunch potluck in a Southeast Asian theme since (b) (6) wanted to go there for their honeymoon and it didn't work out. So we are bringing Indonesia, Malaysia, Laos, Cambodia, Vietnam, Thailand, etc. to her! Think thai iced teas, vietnamese iced coffees, spring rolls, noodle stir-fries, dumplings, etc.

Christian has kindly reserved the South Penthouse and rooftop for 6/5/17 from 11:30-1pm. Ben and team will surreptitiously get her up there on that day.

Optional stuff:

- Bring a dish or drink--optional and no need to stick to theme if you don't want to. :)  
Sign up on the Google Sheet: [https://docs.google.com/a/doi.gov/spreadsheets/d/1VNw78\\_rhyABDAp78oP2WbtjFtDImsVfjxqtpru\\_h6vA/edit?usp=sharing](https://docs.google.com/a/doi.gov/spreadsheets/d/1VNw78_rhyABDAp78oP2WbtjFtDImsVfjxqtpru_h6vA/edit?usp=sharing)
- Dress up in island-type garb. Raychelle and Christian have extra sarongs for folks (including (b) (6))
- Adam will be collecting optional contributions to buy an Anthropologie gift card from all of us--**please see him if you'd like to participate by Friday 6/2.**
- There is an informal "planning team" let me know if you have ideas or would like to join. Some of us will bring decorations--if you'd like to look at some ideas look at the 2nd tab in the spreadsheet.

Cheers,  
Vanitha

--

Vanitha Sivarajan  
Office of Policy Analysis  
U.S. Department of the Interior  
1849 C St NW RM 3521  
Washington, DC 20240  
202-219-1136  
[vanitha\\_sivarajan@ios.doi.gov](mailto:vanitha_sivarajan@ios.doi.gov)

**From:** Clement, Joel  
**To:** [Mayne, Chloe](#)  
**Cc:** [OS PPA](#); [Indur Goklany](#); [Randal Bowman](#)  
**Subject:** Re: Building Updates 5/17  
**Date:** Wednesday, May 17, 2017 1:13:23 PM

---

Worth noting in Chloe's update is that we are not merely moving out of South Interior for a renovation, we are giving it back to GSA.

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---  
Joel Clement - Director, Office of Policy Analysis, U.S. Department of the Interior 202.208.3295

On Wed, May 17, 2017 at 11:27 AM, Mayne, Chloe <[chloe\\_mayne@ios.doi.gov](mailto:chloe_mayne@ios.doi.gov)> wrote:

Hey PPA-

Here are the building updates from 5/17.

1. Modernization

- Auditorium will be open June 1st
- Library will open in June 1st.
- 5160 (Secretary's conference room) will open end of May.

2. Office Moves

- Last NPS moves this weekend.
- Once this is completed, some other offices will move or condense

3. Giving up SIB (south interior building)

- Lease ends October 1st, everybody will be out Sept 1st.
- OSMRE/ BIA have option to move to MIB. About 170 people.
- Also losing SIB parking lot.

4. Carpooling Board/ Electronic Form

- Something that may be coming in the future to help people find carpooling options.

5. Health and Safety Fair (lots of free stuff!)

- June 6th - 8th & 13th- 15th

6. Summer BBQ in Basement Courtyard

- June 7th
- Can buy tickets in advance from cashiers in the cafeteria

7. 4th of July

- There will be an event on the roof. No information yet, but most likely will be a raffle.

8. New Parking Decals

- People who already have parking spaces will receive new decals 1st week of June.

--

Chloe Mayne

Policy Specialist

Office of Policy Analysis

U.S. Department of Interior

1849 C Street NW

Washington, DC 20240

202-208-4981

**From:** Johnson, Liza  
**To:** [Malka Pattison](#); [Joel Clement](#); [Benjamin Simon](#); [Carlann Unger](#); [Bowman, Randal](#); [Jonathan Steele](#); [Chloe Mayne](#); [Daniel, Raychelle](#); [Skrabis, Kristin](#); [Tihansky, Ann](#); [Tihansky, Ann](#); [Buckner, Shawn](#); [Sarah Cline](#); [Smith, Hilary](#); [Jhoset Burgos Rodriguez](#); [ann\\_miller@ios.doi.gov](mailto:ann_miller@ios.doi.gov); [Liza Johnson](#); [Indur Goklany](#); [Adam Stern](#); [Christian Crowley](#); [Noah Van Gilder](#); [Vanitha Sivarajan](#); [Abdelrahim, Sarah](#)  
**Subject:** Graduation/Wedding card for (b) (6)  
**Date:** Tuesday, May 16, 2017 2:58:35 PM

---

Dear PPA,

I'm sending around a card for our Knauss Fellow Extraordinaire, (b) (6) to celebrate her upcoming graduation (May 20) and wedding (May 27). That's right, she is managing plans for 2 major life events, all while keeping us on track for Oceans Month!

(b) (6) opted not to have an office celebration, so the card and gift will be the surprise! Please keep it quiet until I deliver the card next week.

This is completely optional, but if you'd like to contribute to a gift for (b) (6) please feel free to swing by my office by Monday, 5/22 and contribute at whatever level you feel comfortable.

Best,  
Liza

--

Liza M. Johnson  
Ocean, Coasts, and Great Lakes Coordinator  
U.S. Department of the Interior  
Office of the Secretary, Policy Analysis  
1849 C St. NW, MS-3530-MIB  
Washington, DC 20240  
phone: 202-208-1378  
[Liza\\_M\\_Johnson@ios.doi.gov](mailto:Liza_M_Johnson@ios.doi.gov)

**From:** Goklany, Indur  
**To:** [Rees, Gareth](mailto:Rees_Gareth)  
**Cc:** [Catherine Gulac](mailto:Catherine.Gulac)  
**Subject:** Re: Could I get about 15 minutes on Mr. Cason's calendar?  
**Date:** Tuesday, May 16, 2017 1:48:39 PM

---

Sure. Thanks.

On Tue, May 16, 2017 at 1:45 PM, Rees, Gareth <[gareth\\_rees@ios.doi.gov](mailto:gareth_rees@ios.doi.gov)> wrote:  
Can you do 3:30?

On Tue, May 16, 2017 at 10:27 AM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:  
Topic -- Climate change and BIA.

Thanks

--

**Gareth C. Rees**

**Office to the Deputy Secretary**

**U.S. Department of the Interior**

**Tel: 202-208-6291**

**Fax: 202-208-1873**

**Cell: 202-957-8299**



**From:** Rees, Gareth  
**To:** [Goklany, Indur](#)  
**Cc:** [Catherine Gulac](#)  
**Subject:** Re: Could I get about 15 minutes on Mr. Cason's calendar?  
**Date:** Tuesday, May 16, 2017 1:45:42 PM

---

Can you do 3:30?

On Tue, May 16, 2017 at 10:27 AM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:  
Topic -- Climate change and BIA.

Thanks

--

**Gareth C. Rees**

**Office to the Deputy Secretary**

**U.S. Department of the Interior**

**Tel: 202-208-6291**

**Fax: 202-208-1873**

**Cell: 202-957-8299**

**From:** Goklany, Indur  
**To:** [Gulac, Catherine](mailto:Catherine.Gulac@ios.doi.gov)  
**Subject:** Re: Could I get about 15 minutes on Mr. Cason's calendar?  
**Date:** Tuesday, May 16, 2017 1:03:01 PM

---

Congratulations!

On Tue, May 16, 2017 at 12:40 PM, Gulac, Catherine <[catherine\\_gulac@ios.doi.gov](mailto:catherine_gulac@ios.doi.gov)> wrote:

Hi Goks,

Gareth should be getting in touch with you. You may have to call him or email him. Since Mr. Cason has been confirmed as Associate Deputy Secretary, I will be his administrative assistant starting next week.

Cathy

Catherine Gulac  
U.S. Department of the Interior  
Office of the Deputy Secretary  
1849 C St, NW, MS-7328  
Washington, D.C. 20240  
202-208-6291 Office / 202-208-1739 Direct / 202-208-1873 Fax  
[Catherine.Gulac@ios.doi.gov](mailto:Catherine.Gulac@ios.doi.gov)

On Tue, May 16, 2017 at 10:27 AM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:

Topic -- Climate change and BIA.

Thanks

**From:** Goklany, Indur  
**To:** [Gareth Rees](#)  
**Cc:** [Catherine Gulac](#)  
**Subject:** Could I get about 15 minutes on Mr. Cason's calendar?  
**Date:** Tuesday, May 16, 2017 10:28:24 AM

---

Topic -- Climate change and BIA.

Thanks

**From:** Goklany, Indur  
**To:** [Cason, James](mailto:Cason, James)  
**Subject:** Re: BIA Links  
**Date:** Monday, May 15, 2017 1:29:29 PM

---

Jim,

Could I meet with you for a few minutes on these? I have suggestion that might help. Thanks.

Goks

On Sun, May 14, 2017 at 2:37 PM, Cason, James <[james\\_cason@ios.doi.gov](mailto:james_cason@ios.doi.gov)> wrote:  
Indur. please follow-up on this data.

On Mon, May 8, 2017 at 4:47 PM, Baptiste, Thomas <[thomas\\_baptiste@ios.doi.gov](mailto:thomas_baptiste@ios.doi.gov)> wrote:  
Dear Jim Cason:

Here are the links that I mentioned a few minutes ago at the meeting in your office..

[Climate Change, Tribal Climate Resilience Program](#)

[National Adaptation Form Conference](#) (linked from the BIA website as above)

Climate Change Tribal Student Photo Contest (2017)

[Student Resources](#)

[Educator Resources](#)

[BIA Regional Contacts](#) (regarding Climate Change)

[Tribal Climate Resource Regions](#)

[Awards from 2016](#)

[Accompanying press release](#)

Sincerely,

Thomas Baptiste  
DOI Office Line: 202/208-2570

**From:** Goklany, Indur  
**To:** [Cason, James](#)  
**Cc:** [Domenech, Douglas](#); [Thomas Baptiste](#)  
**Subject:** Re: BIA Links  
**Date:** Monday, May 15, 2017 8:17:52 AM

---

OK. Will do.

On Sun, May 14, 2017 at 2:37 PM, Cason, James <[james\\_cason@ios.doi.gov](mailto:james_cason@ios.doi.gov)> wrote:  
Indur. please follow-up on this data.

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[Tribal Climate Resource Regions](#)

[Awards from 2016](#)

[Accompanying press release](#)

Sincerely,

Thomas Baptiste  
DOI Office Line: 202/208-2570

**From:** Cason, James  
**To:** [Goklany, Indur](#); [Domenech, Douglas](#); [Thomas Baptiste](#)  
**Subject:** Re: BIA Links  
**Date:** Sunday, May 14, 2017 2:38:04 PM

---

Indur. please follow-up on this data.

On Mon, May 8, 2017 at 4:47 PM, Baptiste, Thomas <[thomas\\_baptiste@ios.doi.gov](mailto:thomas_baptiste@ios.doi.gov)> wrote:

Dear Jim Cason:

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[Awards from 2016](#)

[Accompanying press release](#)

Sincerely,

Thomas Baptiste

DOI Office Line: 202/208-2570

**From:** Scott Cameron  
**To:** [Domenech, Douglas](#)  
**Cc:** [Goklany, Indur](#); [James Cason](#)  
**Subject:** Re: To me the question is...  
**Date:** Wednesday, May 10, 2017 12:14:43 PM

---

They probably are relying on the percentages but the more basic point is we need to watch for inflammatory adverbs and adjectives in their press releases.

Thanks,  
Scott  
Scott J. Cameron  
Special Assistant  
Water and Science  
Department of the Interior

Phone: 202 208 0969  
Cell service 202 706 9031

Sent from my iPhone

On May 10, 2017, at 12:05 PM, Domenech, Douglas <[douglas\\_domenech@ios.doi.gov](mailto:douglas_domenech@ios.doi.gov)> wrote:

...what evidence does USGS have that "The warming climate has dramatically reduced the size of 39 glaciers in Montana since 1966."

This is a perfect example of them going beyond their wheelhouse.

**Glaciers Rapidly Shrinking and Disappearing: 50 Years of Glacier Change in Montana**

The warming climate has dramatically reduced the size of 39 glaciers in Montana since 1966, some by as much as 85 percent, according to data released by the U.S. Geological Survey and Portland State University. On average, the glaciers have reduced by 39 percent and only 26 glaciers are now larger than 25 acres, which is used as a guideline for deciding if bodies of ice are large enough to be considered glaciers.

The data include scientific information for the 37 named glaciers in Glacier National Park and two glaciers on U.S. Forest Service land. The retreat of glaciers is significant in Montana because of the impact shrinking glaciers can have on tourism, as well as being a visual indicator of mountain ecosystem change in the northern Rocky Mountains.

"The park-wide loss of ice can have ecological effects on aquatic species by changing stream water volume,

water temperature and run-off timing in the higher elevations of the park,” said lead USGS scientist Dr. Daniel Fagre.

Scientists used digital maps from aerial photography and satellites to measure the perimeters of the glaciers in late summer when seasonal snow has melted to reveal the extent of the glacial ice. The areas measured are from 1966, 1998, 2005 and 2015/2016, marking approximately 50 years of change in glacier area.

Site visits to glaciers were also made over several years to investigate portions that were covered by rock debris that are difficult to see with digital imagery. The mapped measurements of glaciers complement ground surveys of glaciers using GPS along with repeat photography that involves re-photographing historic photos of glaciers taken early last century when there were an estimated 150 glaciers larger than 25 acres in Glacier National Park.

“Tracking these small alpine glaciers has been instrumental in describing climate change effects on Glacier National Park to park management and the public,” said Lisa McKeon, USGS scientist who has been documenting glacier change since 1997.

This information is part of a larger, ongoing USGS glacier study of glaciers in Montana, Alaska and Washington to document mass balance measurements that estimate whether the total amount of ice is increasing or decreasing at a particular glacier. This information helps scientists understand the impact of large scale climate patterns on glaciers in distinctly different mountain environments.

The data for Glacier National Park's named glaciers are available at the USGS ScienceBase [website](#). Additional information about the glacier research can be found at the USGS Northern Rocky Mountain Science Center [website](#) and the USGS Benchmark Glacier program [website](#).

#### **About the Glaciers in Glacier National Park**

[Glacier National Park](#) has 37 named glaciers and they are one of the reasons people come to Glacier each year. Last year, 2.9 million visitors came to the park.

Doug Domenech  
Senior Advisor  
US Department of the Interior





**From:** Domenech, Douglas  
**To:** [Scott Cameron](#); [Goklany, Indur](#); [James Cason](#)  
**Subject:** To me the question is...  
**Date:** Wednesday, May 10, 2017 12:05:34 PM

---

...what evidence does USGS have that "The warming climate has dramatically reduced the size of 39 glaciers in Montana since 1966."

This is a perfect example of them going beyond their wheelhouse.

### **Glaciers Rapidly Shrinking and Disappearing: 50 Years of Glacier Change in Montana**

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Doug Domenech  
Senior Advisor  
US Department of the Interior

**From:** Goklany, Indur  
**To:** [Clement, Joel](#)  
**Cc:** [OS\\_PPA](#)  
**Subject:** Re: New website!  
**Date:** Friday, May 05, 2017 12:03:17 PM

---

Great work!

On Fri, May 5, 2017 at 11:24 AM, Clement, Joel <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)> wrote:

Hey gang, Adam and Chloe have published the new website, it's out there in the world - go check it out!

<https://www.doi.gov/ppa>

They are still tweaking a few things but it really looks great, much better presentation of the office, more professional. Thanks Adam and Chloe for a great job on this!

Joel

-----  
-----

Joel Clement - Director, Office of Policy Analysis, U.S. Department of the Interior 202.208.3295

**From:** Goklany, Indur  
**To:** [Glomb, Steve](#)  
**Cc:** [Joel Clement](#); [Shawn Buckner](#)  
**Subject:** Re: parking changes  
**Date:** Thursday, May 04, 2017 11:01:18 AM

---

Thanks.

On Thu, May 4, 2017 at 10:39 AM, Glomb, Steve <[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)> wrote:

FYI - Just got a note from PMB parking people this morning with the following decision for PPA:

PPA

Request to change Indur Goklany from Category C to B is allowed - as this would be within their allocation. They have now exhausted their allocation.

I will note however, that any changes from one category to another, may place that person in jeopardy in the Open Season happens.

Good for now, but no promises for when they do a parking pass application open season later this year.

Steve

**From:** Glomb, Steve  
**To:** [Joel Clement](#); [Shawn Buckner](#); [Indur Goklany](#)  
**Subject:** parking changes  
**Date:** Thursday, May 04, 2017 10:39:43 AM

---

FYI - Just got a note from PMB parking people this morning with the following decision for PPA:

PPA

Request to change Indur Goklany from Category C to B is allowed - as this would be within their allocation. They have now exhausted their allocation.

I will note however, that any changes from one category to another, may place that person in jeopardy in the Open Season happens.

Good for now, but no promises for when they do a parking pass application open season later this year.

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**From:** Goklany, Indur  
**To:** [Clement, Joel](mailto:Clement,Joel)  
**Cc:** [Shawn Buckner](mailto:Shawn.Buckner)  
**Subject:** Re: Requirement for Participating in Doggy Day on Friday, May 5  
**Date:** Wednesday, May 03, 2017 1:59:40 PM

---

Great!

On Wed, May 3, 2017 at 1:53 PM, Clement, Joel <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)> wrote:  
Cool, looking forward to meeting her. Sounds like Ann also has a pooch coming.

-----  
-----

Joel Clement - Director, Office of Policy Analysis, U.S. Department of the Interior 202.208.3295

On Wed, May 3, 2017 at 12:27 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:  
I'm planning on bringing my dog.

On Wed, May 3, 2017 at 12:18 PM, Clement, Joel <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)> wrote:  
Let me or Shawn know if any of you will be bringing dogos, thanks!

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

**From:** **Announcement, OFAS** <[ofas\\_announcement@ios.doi.gov](mailto:ofas_announcement@ios.doi.gov)>  
**Date:** Wed, May 3, 2017 at 7:40 AM  
**Subject:** Requirement for Participating in Doggy Day on Friday, May 5  
**To:** DOI\_MIBSIB <[doi\\_mibsib@doi.gov](mailto:doi_mibsib@doi.gov)>, ONRR DC Area <[onrrdcarea@onrr.gov](mailto:onrrdcarea@onrr.gov)>

**To:** All Main and South Interior Building Employees


**From:** Joe Nassar, Director, Office of Facilities and Administrative Services

**Subject:** Requirement for Participating in Doggy Day on Friday, May 5

Our first Doggy Day in the MIB and the SIB will be on Friday, May 5. We have completed the application process for those who are participating and they have received a written approval. If you did not apply to participate on May 5 and/or did not receive approval, please do not bring a dog to work on May 5. The security guards will not permit employees to bring dogs into the facilities unless they have prior written approval. Your next opportunity to participate will be on September 1, 2017.

Thanks for your understanding and support to make the first Doggy Day a success.

**(NOTE TO SUPERVISORS:** Please ensure that all employees without e-mail access receive a paper copy of this distribution.)



Visit [doi.gov/employees](https://doi.gov/employees) for employee news, resources and events.



**From:** Clement, Joel  
**To:** [Goklany, Indur](#)  
**Cc:** [Shawn Buckner](#)  
**Subject:** Re: Requirement for Participating in Doggy Day on Friday, May 5  
**Date:** Wednesday, May 03, 2017 1:54:43 PM

---

Cool, looking forward to meeting her. Sounds like Ann also has a pooch coming.

---

---

Joel Clement - Director, Office of Policy Analysis, U.S. Department of the Interior 202.208.3295

On Wed, May 3, 2017 at 12:27 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:  
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**From:** Goklany, Indur  
**To:** [Clement, Joel](mailto:Clement.Joel)  
**Cc:** [Shawn Buckner](mailto:Shawn.Buckner)  
**Subject:** Re: Requirement for Participating in Doggy Day on Friday, May 5  
**Date:** Wednesday, May 03, 2017 12:27:38 PM

---

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On Wed, May 3, 2017 at 12:18 PM, Clement, Joel <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)> wrote:

Let me or Shawn know if any of you will be bringing dogos, thanks!

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**From:** Google Forms  
**To:** [indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)  
**Subject:** Doggy Days At Interior Pilot  
**Date:** Wednesday, April 19, 2017 12:15:23 PM

---



Thanks for filling out [Doggy Days At Interior Pilot](#)

Here's what we got from you:

## Doggy Days At Interior Pilot

For two test days this year, Friday, May 5th and Friday, September 1st, the Main Interior Building and South Interior Building will be dog friendly. Please fully complete the below application for the U.S. Department of the Interior to assess your dog's eligibility to participate

Your email address ([indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)) was recorded when you submitted this form.

Captionless Image

**Your Name (First, Last): \***

Goklany, Indur

**Your Phone Number: \***

202-208-4951

**Your Building And Room Number**

MIB, Rm 3511

**Are You A Federal Employee? \***

Yes

No

**What Bureau / Office Do You work In? \***

PMB

**Name Of Immediate Supervisor: \***

Joel Clement

## Dog Profile

**Dog's Name: \***

Zora

**Breed: \***

Standard Poodle

**Age: \***

9 yrs

**Weight (lbs):**

65 lbs

**Spayed/Neutered? \***

Yes

No

**How Long Have You Owned Your Dog? \***

9 yrs -- since she was weened

**Does Your Dog Receive Monthly Medication For Flea / Tick Prevention? \***

Yes

No

Other:

**Does Your Dog Have Any Food Allergies Or Restrictions? \***

Yes

No

**If "Yes" What Allergies / Restrictions?**

**Is your Dog On Any Medications? \***

Yes

No

**If "Yes" Explain:**

**Does Your Dog Have Any Past Or Current Health Issues? \***

Yes

No

**If "Yes" Explain:**

**Is Your Dog Current With DDHP, Rabies, Parvo And Bordetella Vaccinations?  
(Proof Of Vaccinations May Be Required To Participate In Event) \***

Yes

No

**Is Your Dog Housebroken? \***

Yes

No

**Has Your Dog Ever Bitten Or Displayed Aggressive Tendencies Toward A Person  
Or Animal That Resulted In An Injury? \***

Yes

No

**Has Your Pet Received Any Obedience Training? \***

Yes

No

**Does Your Pet Respond Well To Verbal Commands? \***

Yes

No



**Is Your Dog Acclimated To Crowded Settings With Humans? \***

Yes

No

**Is Your Dog Acclimated To Crowded Settings With Other Pets? \***

Yes

No

**If You Answered "No" Regarding Acclimation To Humans Or Other Pets Please Explain:**

**Is Your Dog Hyperactive? \***

Yes

No

**If "Yes" Be Specific:**

**Does Your Dog Exhibit Chewing/Gnawing Behaviors (Wires, Furniture, Books, Trash, Etc.)? \***

Yes

No

**If "Yes" Explain:**

**In What Situations Is Your Pet Prone To Bark?**

When she is inside our home and someone walks up to the house

---

## Owner Consent Agreement

I, the above mentioned Dog Owner (“Owner”), hereby acknowledge and consent that my voluntary participation in the “Doggy Days at Interior Pilot” event (the “Event”) at the Stewart Lee Udall Department of the Interior Building (MIB) and South Interior Building (SIB) Located at 1849 C Street NW, Washington DC 20240 on Friday May 5th and Friday September 1st 2017 may result in atypical workplace circumstances and that may result in property damage and/or personal injury, including to me and/or my above mentioned dog (“Dog”). I hereby acknowledge that submitting this Application does not entitle me to participate with my Dog at the Event, and that my participation is contingent upon review of my Application and eligibility, and approval by the Pet Director. Approval by the Pet Director is conditioned upon my consent to abide by specific rules associated with the Event, and my acknowledgement of personal and financial responsibility for my Dog. I further acknowledge that taking a Dog to work may expose me to risks and danger inherent in a canine-oriented event (e.g. dog bites, fights or altercations, falls, contact with participants at the Event) and that such participation may fall outside of coverage for workers’ compensation under the Federal Employee Compensation Act. I hereby represent and confirm that the Dog is in good health and current on all vaccinations, including Rabies, DHLP, Parvo, and Bordatella, and that the Dog is not the subject of a quarantine order, a pending adjudication or administrative hearing; that the Dog has never bitten any person or dog to a degree that required medical treatment or resulted in formal complaint or legal action; and that the Dog has never been declared a dangerous, potentially dangerous or vicious or potentially vicious dog. I acknowledge that DOI reserves the right to exclude or remove from the MIB/SIB premises any Owner or Dog from that is not in compliance with eligibility or Event rules. In the event of such removal, I consent to be personally responsible for the securing of my dog at another location and that administrative or sick leave will not be available for any lost time associated with such removal. I further agree that by submitting this application, I grant irrevocable and royalty-free license and otherwise authorize DOI or any covering news media outlet to depict, in perpetuity, my and my Dog’s likeness, images, name, words, voice, and biographical information (“Images”) in photographic or other works appearing in any and all media for purposes of promoting, advertising, or marketing current or future events related to “Doggy Days at Interior”.

**I Have Read The Owner Responsibility Statement And Agree To The Terms Stated**

\*

Accept Owner Responsibility

Reject

[Create your own Google Form](#)

**From:** Cason, James  
**To:** [Goklany, Indur](#)  
**Cc:** [Douglas Domenech](#)  
**Subject:** Re: Energy and Climate Change Task Force and Council  
**Date:** Friday, April 14, 2017 3:50:14 PM

---

Indur, Thanks for the info.

On Fri, Apr 14, 2017 at 9:10 AM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:

Attached are

- Secretarial Order No. 3285, Amendment 1, on Renewable Energy Development, effective 2/22/10 -- see bottom of page 1
- Departmental Manual chapter 1, Climate Change Policy, within Part 523, Climate Change Adaptation, effective 12/20/12 -- see page 4

**From:** Sivarajan, Vanitha  
**To:** [Malka Pattison](#); [Laurier, Fabien](#); [Joel Clement](#); [Benjamin Simon](#); [Carlann Unger](#); [Bowman, Randal](#); [Jonathan Steele](#); [Chloe Mayne](#); [Daniel, Raychelle](#); [Jamie Reaser](#); [Skrabis, Kristin](#); [Tihansky, Ann](#); [Tihansky, Ann](#); [Buckner, Shawn](#); [Sarah Cline](#); [Digiantonio, Gina](#); [Rebecca Behrens](#); [Smith, Hilary](#); [Jhoset Burgos Rodriguez](#); [Ann Miller](#); [Liza Johnson](#); [Indur Goklany](#); [Adam Stern](#); [Christian Crowley](#); [Noah Van Gilder](#); [Jason Kirkey](#); [Kelsey Brantley](#); [Genevieve Brune](#); [Robert Boyd](#); [Burgiel, Stanley](#); [Sarah Veatch](#)  
**Subject:** Re: Surprise donut party for (b) (6)  
**Date:** Tuesday, April 11, 2017 12:22:22 PM

---

Hi all,

If you can, please convene in the conference room around 3:50pm to set up. (b) (6) thinks she's in that room meeting with Jonathan, Raychelle and I at 4pm, so we're aiming to have Jonathan and Sarah walk in together at 4pm.

The idea is we'll already be gathered by then and yell surprise as she walks in. :)

Thanks,  
Vanitha

On Mon, Apr 10, 2017 at 3:29 PM, Sivarajan, Vanitha <[vanitha\\_sivarajan@ios.doi.gov](mailto:vanitha_sivarajan@ios.doi.gov)> wrote:

Hi all,

Thank you to those that have contributed so far to (b) (6) gift. If you'd still like to pitch in and haven't yet, please come by anytime before 12:30pm tomorrow at which time I'll purchase an e-gift card. If you won't be in the office or can't find me, just drop me a note and I'll be happy to spot you until we can meet up.

Also a friendly reminder to bring in donuts tomorrow if you wish!

See you tomorrow,  
Vanitha

On Wed, Apr 5, 2017 at 5:39 PM, Sivarajan, Vanitha <[vanitha\\_sivarajan@ios.doi.gov](mailto:vanitha_sivarajan@ios.doi.gov)> wrote:

Hi PPA and friends,

(b) (6) is getting married next week! To celebrate, we are planning a surprise party with the theme of one of her favorite foods--DONUTS.

So, it is completely optional, but if you'd like to participate, please bring any kind of donuts you wish for the donut potluck party.

We will be getting her and (b) (6) a gift which is still in the works (something cat themed of course). Also completely optional, but if you'd like to pitch in to the gift, feel free to swing by my office and contribute at whatever level you feel comfortable.

This is a surprise, so please don't mention anything to her!

thanks,  
Vanitha

--

Vanitha Sivarajan  
Office of Policy Analysis  
U.S. Department of the Interior  
1849 C St NW RM 3521  
Washington, DC 20240  
202-219-1136  
[vanitha\\_sivarajan@ios.doi.gov](mailto:vanitha_sivarajan@ios.doi.gov)

--

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Office of Policy Analysis  
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202-219-1136  
[vanitha\\_sivarajan@ios.doi.gov](mailto:vanitha_sivarajan@ios.doi.gov)

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1849 C St NW RM 3521  
Washington, DC 20240  
202-219-1136  
[vanitha\\_sivarajan@ios.doi.gov](mailto:vanitha_sivarajan@ios.doi.gov)

**From:** Sivarajan, Vanitha  
**To:** [Malka Pattison](#); [Laurier, Fabien](#); [Joel Clement](#); [Benjamin Simon](#); [Carlann Unger](#); [Bowman, Randal](#); [Jonathan Steele](#); [Chloe Mayne](#); [Daniel, Raychelle](#); [Jamie Reaser](#); [Skrabis, Kristin](#); [Tihansky, Ann](#); [Tihansky, Ann](#); [Buckner, Shawn](#); [Sarah Cline](#); [Digiantonio, Gina](#); [Rebecca Behrens](#); [Smith, Hilary](#); [Jhoset Burgos Rodriguez](#); [Ann Miller](#); [Liza Johnson](#); [Indur Goklany](#); [Adam Stern](#); [Christian Crowley](#); [Noah Van Gilder](#); [Jason Kirkey](#); [Kelsey Brantley](#); [Genevieve Brune](#); [Robert Boyd](#); [Burgiel, Stanley](#); [Sarah Veatch](#)  
**Subject:** Re: Surprise donut party for (b) (6)  
**Date:** Monday, April 10, 2017 3:30:31 PM

---

Hi all,

Thank you to those that have contributed so far to (b) (6) gift. If you'd still like to pitch in and haven't yet, please come by anytime before 12:30pm tomorrow at which time I'll purchase an e-gift card. If you won't be in the office or can't find me, just drop me a note and I'll be happy to spot you until we can meet up.

Also a friendly reminder to bring in donuts tomorrow if you wish!

See you tomorrow,  
Vanitha

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We will be getting her and (b) (6) a gift which is still in the works (something cat themed of course). Also completely optional, but if you'd like to pitch in to the gift, feel free to swing by my office and contribute at whatever level you feel comfortable.

This is a surprise, so please don't mention anything to her!

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[vanitha\\_sivarajan@ios.doi.gov](mailto:vanitha_sivarajan@ios.doi.gov)

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Washington, DC 20240  
202-219-1136  
[vanitha\\_sivarajan@ios.doi.gov](mailto:vanitha_sivarajan@ios.doi.gov)



**From:** Clement, Joel  
**To:** [Goklany, Indur](#)  
**Cc:** [Shawn Buckner](#)  
**Subject:** Re: Detail description for Goks  
**Date:** Monday, April 10, 2017 11:28:51 AM

---

In the future you can register your dissatisfaction with me or Shawn, your supervisor. As you know, it was not at all necessary, or appropriate, to do so to the acting Assistant Secretary. I will let you know what I learn from Melinda today.

---

---

Joel Clement - Director, Office of Policy Analysis, U.S. Department of the Interior 202.208.3295

On Mon, Apr 10, 2017 at 9:43 AM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:

Joel,

I don't want to get into an argument, but I believe that in fact it would have been unprofessional of me to let discussions on a detail for which I had been tagged to go on without letting folks know that I needed to think through whether I was eager for that assignment. I was concerned that a lot of effort might have been wasted if discussions had gotten further.

I do think that your response to Melinda et al. was good in that it clarified that if the detailee wasn't me in would/could be someone else from our office.

Goks

On Mon, Apr 10, 2017 at 9:35 AM, Clement, Joel <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)> wrote:

It sounds like you are no longer satisfied with this proposed detail assignment, Goks. As you and I discussed, the intent of my email to Melinda was to glean more information about the potential assignment to her office. Cc'ing you was a courtesy. It was highly inappropriate, as I'm sure you must know, to express your dissatisfaction to the acting Assistant Secretary in a reply to all. I understand you have some new opportunities on the horizon, but I still expect professional behavior.

Joel

---

Joel Clement - Director, Office of Policy Analysis, U.S. Department of the Interior 202.208.3295

On Mon, Apr 10, 2017 at 8:20 AM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:

Hello Melinda,

I would like some time to think through whether I want this particular detail. So it might be best to keep this on hold for a few days. Thanks.

Best regards,  
Goks

On Fri, Apr 7, 2017 at 5:04 PM, Melinda Loftin <[melinda.loftin@sol.doi.gov](mailto:melinda.loftin@sol.doi.gov)> wrote:  
Thanks Joel, I will discuss this with Dave on Monday and get back to you.

Sent from my iPhone

On Apr 7, 2017, at 3:05 PM, Clement, Joel <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)> wrote:

Melinda, Steve, and Amy, see attached for a quick sketch of the detail assignment we discussed and let me know if it's accurate based on your understanding of what Jim Cason was asking for. Once we're good with this doc we can get things started with paperwork and it's off to the races!

Thanks,

Joel

-----  
-----  
Joel Clement - Director, Office of Policy Analysis, U.S. Department of  
the Interior 202.208.3295

<Goklany Detail Assignment.docx>

**From:** Goklany, Indur  
**To:** [Douglas Domenech](mailto:douglas_domenech@ios.doi.gov)  
**Cc:** [Daniel Jorjani](mailto:daniel_jorjani@ios.doi.gov); [James Cason](mailto:james_cason@ios.doi.gov)  
**Subject:** Re: Detail description for Goks  
**Date:** Monday, April 10, 2017 10:09:12 AM

---

Thanks very much. I had already told them I needed to think about it so they didn't get too far too fast on it.

On Mon, Apr 10, 2017 at 10:06 AM, Douglas Domenech <[douglas\\_domenech@ios.doi.gov](mailto:douglas_domenech@ios.doi.gov)> wrote:

I spoke to Melinda and told her to slow walk action moving you to Ethics.

Sent from my iPhone

On Apr 10, 2017, at 8:58 AM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:

The theory is an SES-er can do anything. But I'd rather not!

On Mon, Apr 10, 2017 at 8:50 AM, Daniel Jorjani <[daniel\\_jorjani@ios.doi.gov](mailto:daniel_jorjani@ios.doi.gov)> wrote:

Agreed.

Sent from my iPhone

On Apr 10, 2017, at 8:49 AM, Domenech, Douglas <[douglas\\_domenech@ios.doi.gov](mailto:douglas_domenech@ios.doi.gov)> wrote:

That seems like an odd fit for Goks.

Doug Domenech  
Senior Advisor  
US Department of the Interior

On Mon, Apr 10, 2017 at 8:11 AM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:

My office is thinking of detailing me to the Ethics Office, but I would rather work on climate (change)-related matters, as had been suggested. Could that be arranged?

I had mentioned your interest to Joel, the Director of this office, just before going home last Friday, that there was some thought that I would be working for "upstairs" on climate change but he apparently felt he had to be responsive to the Ethics Office also.

Best regards,  
Goks

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

From: **Melinda Loftin** <[melinda.loftin@sol.doi.gov](mailto:melinda.loftin@sol.doi.gov)>  
Date: Fri, Apr 7, 2017 at 5:04 PM  
Subject: Re: Detail description for Goks  
To: "Clement, Joel" <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)>  
Cc: Steve Glomb <[Steve\\_Glomb@ios.doi.gov](mailto:Steve_Glomb@ios.doi.gov)>, Amy Holley  
<[Amy\\_Holley@ios.doi.gov](mailto:Amy_Holley@ios.doi.gov)>, "Indur M. Goklany"  
<[Indur\\_Goklany@ios.doi.gov](mailto:Indur_Goklany@ios.doi.gov)>

Thanks Joel, I will discuss this with Dave on Monday and get back to you.

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Joel

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Joel Clement - Director, Office of Policy  
Analysis, U.S. Department of the  
Interior 202.208.3295

<Goklany Detail Assignment.docx>

**From:** Goklany, Indur  
**To:** [Clement, Joel](#)  
**Cc:** [Shawn Buckner](#)  
**Subject:** Re: Detail description for Goks  
**Date:** Monday, April 10, 2017 9:44:09 AM

---

Joel,

I don't want to get into an argument, but I believe that in fact it would have been unprofessional of me to let discussions on a detail for which I had been tagged to go on without letting folks know that I needed to think through whether I was eager for that assignment. I was concerned that a lot of effort might have been wasted if discussions had gotten further.

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Goks

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Sent from my iPhone

On Apr 7, 2017, at 3:05 PM, Clement, Joel <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)> wrote:

Melinda, Steve, and Amy, see attached for a quick sketch of the detail assignment we discussed and let me know if it's accurate based on your understanding of what Jim Cason was asking for. Once we're good with this doc we can get things started with paperwork and it's off to the races!

Thanks,

Joel

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-----

Joel Clement - Director, Office of Policy Analysis, U.S. Department of the Interior 202.208.3295

<Goklany Detail Assignment.docx>

**From:** Clement, Joel  
**To:** [Goklany, Indur](#)  
**Cc:** [Shawn Buckner](#)  
**Subject:** Re: Detail description for Goks  
**Date:** Monday, April 10, 2017 9:36:05 AM

---

It sounds like you are no longer satisfied with this proposed detail assignment, Goks. As you and I discussed, the intent of my email to Melinda was to glean more information about the potential assignment to her office. Cc'ing you was a courtesy. It was highly inappropriate, as I'm sure you must know, to express your dissatisfaction to the acting Assistant Secretary in a reply to all. I understand you have some new opportunities on the horizon, but I still expect professional behavior.

Joel

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---

Joel Clement - Director, Office of Policy Analysis, U.S. Department of the Interior 202.208.3295

On Mon, Apr 10, 2017 at 8:20 AM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:  
Hello Melinda,

I would like some time to think through whether I want this particular detail. So it might be best to keep this on hold for a few days. Thanks.

Best regards,  
Goks

On Fri, Apr 7, 2017 at 5:04 PM, Melinda Loftin <[melinda.loftin@sol.doi.gov](mailto:melinda.loftin@sol.doi.gov)> wrote:  
Thanks Joel, I will discuss this with Dave on Monday and get back to you.

Sent from my iPhone

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Joel

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-----

Joel Clement - Director, Office of Policy Analysis, U.S. Department of the Interior 202.208.3295

<Goklany Detail Assignment.docx>



**From:** Goklany, Indur  
**To:** [Daniel Jorjani](mailto:Daniel.Jorjani@ios.doi.gov)  
**Cc:** [Domenech, Douglas](mailto:Domenech.Douglas@ios.doi.gov); [James Cason](mailto:James.Cason@ios.doi.gov)  
**Subject:** Re: Detail description for Goks  
**Date:** Monday, April 10, 2017 8:58:10 AM

---

The theory is an SES-er can do anything. But I'd rather not!

On Mon, Apr 10, 2017 at 8:50 AM, Daniel Jorjani <[daniel\\_jorjani@ios.doi.gov](mailto:daniel_jorjani@ios.doi.gov)> wrote:  
Agreed.

Sent from my iPhone

On Apr 10, 2017, at 8:49 AM, Domenech, Douglas <[douglas\\_domenech@ios.doi.gov](mailto:douglas_domenech@ios.doi.gov)> wrote:

That seems like an odd fit for Goks.

Doug Domenech  
Senior Advisor  
US Department of the Interior

On Mon, Apr 10, 2017 at 8:11 AM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:

My office is thinking of detailing me to the Ethics Office, but I would rather work on climate (change)-related matters, as had been suggested. Could that be arranged?

I had mentioned your interest to Joel, the Director of this office, just before going home last Friday, that there was some thought that I would be working for "upstairs" on climate change but he apparently felt he had to be responsive to the Ethics Office also.

Best regards,  
Goks

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

**From:** **Melinda Loftin** <[melinda.loftin@sol.doi.gov](mailto:melinda.loftin@sol.doi.gov)>  
**Date:** Fri, Apr 7, 2017 at 5:04 PM  
**Subject:** Re: Detail description for Goks  
**To:** "Clement, Joel" <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)>  
**Cc:** Steve Glomb <[Steve\\_Glomb@ios.doi.gov](mailto:Steve_Glomb@ios.doi.gov)>, Amy Holley <[Amy\\_Holley@ios.doi.gov](mailto:Amy_Holley@ios.doi.gov)>, "Indur M. Goklany" <[Indur\\_Goklany@ios.doi.gov](mailto:Indur_Goklany@ios.doi.gov)>

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Joel

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Joel Clement - Director, Office of Policy Analysis, U.S.  
Department of the Interior 202.208.3295

<Goklany Detail Assignment.docx>

**From:** Clement, Joel  
**To:** [Goklany, Indur](#)  
**Cc:** [Melinda Loftin](#); [Steve Glomb](#); [Amy Holley](#); [Shawn Buckner](#)  
**Subject:** Re: Detail description for Goks  
**Date:** Monday, April 10, 2017 8:51:47 AM

---

Thanks Melinda. You can disregard Indur's note. If he is unable to perform the detail we will find someone that can.

Joel

---

---  
Joel Clement - Director, Office of Policy Analysis, U.S. Department of the Interior 202.208.3295

On Mon, Apr 10, 2017 at 8:20 AM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:  
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Joel Clement - Director, Office of Policy Analysis, U.S. Department of the Interior 202.208.3295

<Goklany Detail Assignment.docx>

**From:** Daniel Jorjani  
**To:** [Domenech, Douglas](mailto:Domenech.Douglas)  
**Cc:** [Goklany, Indur](mailto:Goklany.Indur); [James Cason](mailto:James.Cason)  
**Subject:** Re: Detail description for Goks  
**Date:** Monday, April 10, 2017 8:50:26 AM

---

Agreed.

Sent from my iPhone

On Apr 10, 2017, at 8:49 AM, Domenech, Douglas <[douglas\\_domenech@ios.doi.gov](mailto:douglas_domenech@ios.doi.gov)> wrote:

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Doug Domenech  
Senior Advisor  
US Department of the Interior

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**From:** **Melinda Loftin** <[melinda.loftin@sol.doi.gov](mailto:melinda.loftin@sol.doi.gov)>  
**Date:** Fri, Apr 7, 2017 at 5:04 PM  
**Subject:** Re: Detail description for Goks  
**To:** "Clement, Joel" <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)>  
**Cc:** Steve Glomb <[Steve\\_Glomb@ios.doi.gov](mailto:Steve_Glomb@ios.doi.gov)>, Amy Holley <[Amy\\_Holley@ios.doi.gov](mailto:Amy_Holley@ios.doi.gov)>, "Indur M. Goklany" <[Indur\\_Goklany@ios.doi.gov](mailto:Indur_Goklany@ios.doi.gov)>

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Joel Clement - Director, Office of Policy Analysis, U.S.  
Department of the Interior 202.208.3295

<Goklany Detail Assignment.docx>

**From:** Domenech, Douglas  
**To:** [Goklany, Indur](#)  
**Cc:** [Daniel Jorjani](#); [James Cason](#)  
**Subject:** Re: Detail description for Goks  
**Date:** Monday, April 10, 2017 8:49:22 AM

---

That seems like an odd fit for Goks.

Doug Domenech  
Senior Advisor  
US Department of the Interior

On Mon, Apr 10, 2017 at 8:11 AM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:

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Goks

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**From:** **Melinda Loftin** <[melinda.loftin@sol.doi.gov](mailto:melinda.loftin@sol.doi.gov)>  
**Date:** Fri, Apr 7, 2017 at 5:04 PM  
**Subject:** Re: Detail description for Goks  
**To:** "Clement, Joel" <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)>  
**Cc:** Steve Glomb <[Steve\\_Glomb@ios.doi.gov](mailto:Steve_Glomb@ios.doi.gov)>, Amy Holley <[Amy\\_Holley@ios.doi.gov](mailto:Amy_Holley@ios.doi.gov)>, "Indur M. Goklany" <[Indur\\_Goklany@ios.doi.gov](mailto:Indur_Goklany@ios.doi.gov)>

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Joel Clement - Director, Office of Policy Analysis, U.S. Department of the  
Interior 202.208.3295

<Goklany Detail Assignment.docx>

**From:** Goklany, Indur  
**To:** [Melinda Loftin](#)  
**Cc:** [Clement, Joel](#); [Steve Glomb](#); [Amy Holley](#)  
**Subject:** Re: Detail description for Goks  
**Date:** Monday, April 10, 2017 8:21:22 AM

---

Hello Melinda,

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Joel

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Joel Clement - Director, Office of Policy Analysis, U.S. Department of the Interior 202.208.3295

<Goklany Detail Assignment.docx>



**From:** Goklany, Indur  
**To:** [Douglas Domenech](#); [Daniel Jorjani](#)  
**Cc:** [James Cason](#)  
**Subject:** Fwd: Detail description for Goks  
**Date:** Monday, April 10, 2017 8:12:16 AM

---

My office is thinking of detailing me to the Ethics Office, but I would rather work on climate (change)-related matters, as had been suggested. Could that be arranged?

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Best regards,  
Goks

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**From:** **Melinda Loftin** <[melinda.loftin@sol.doi.gov](mailto:melinda.loftin@sol.doi.gov)>  
**Date:** Fri, Apr 7, 2017 at 5:04 PM  
**Subject:** Re: Detail description for Goks  
**To:** "Clement, Joel" <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)>  
**Cc:** Steve Glomb <[Steve\\_Glomb@ios.doi.gov](mailto:Steve_Glomb@ios.doi.gov)>, Amy Holley <[Amy\\_Holley@ios.doi.gov](mailto:Amy_Holley@ios.doi.gov)>, "Indur M. Goklany" <[Indur\\_Goklany@ios.doi.gov](mailto:Indur_Goklany@ios.doi.gov)>

Thanks Joel, I will discuss this with Dave on Monday and get back to you.

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Joel Clement - Director, Office of Policy Analysis, U.S. Department of the Interior 202.208.3295

<Goklany Detail Assignment.docx>

**From:** Melinda Loftin  
**To:** [Clement, Joel](#)  
**Cc:** [Steve Glomb](#); [Amy Holley](#); [Indur M. Goklany](#)  
**Subject:** Re: Detail description for Goks  
**Date:** Friday, April 07, 2017 5:04:40 PM

---

Thanks Joel, I will discuss this with Dave on Monday and get back to you.

Sent from my iPhone

On Apr 7, 2017, at 3:05 PM, Clement, Joel <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)> wrote:

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Joel Clement - Director, Office of Policy Analysis, U.S. Department of the Interior 202.208.3295

<Goklany Detail Assignment.docx>

**From:** Glomb, Steve  
**To:** [Clement, Joel](#)  
**Cc:** [Amy Holley](#); [Indur M. Goklany](#)  
**Subject:** Re: Detail description for Goks  
**Date:** Friday, April 07, 2017 5:04:26 PM

---

Joel -

Those look like the right questions. I'm wondering if you could bolster the write-up by quoting some of the Secretary's language from his town hall meeting on his first full day here. I remember he talked about ethics being a high priority and he kept saying he wants the Dept. to be number one in everything we do. Couldn't hurt to sprinkle some of those words in this if you can find them.

Steve

On Fri, Apr 7, 2017 at 3:05 PM, Clement, Joel <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)> wrote:  
Melinda, Steve, and Amy, see attached for a quick sketch of the detail assignment we discussed and let me know if it's accurate based on your understanding of what Jim Cason was asking for. Once we're good with this doc we can get things started with paperwork and it's off to the races!

Thanks,

Joel

-----  
-----

Joel Clement - Director, Office of Policy Analysis, U.S. Department of the Interior 202.208.3295

**From:** Roberta Richardson  
**To:** [Spano, Julie](#)  
**Cc:** [Ikeshia Boyd](#); [Indur Goklany](#); [Joel Clement](#)  
**Subject:** Re: Indur Goklany Parking Application  
**Date:** Friday, April 07, 2017 3:30:35 PM

---

Thanks. We will see if we have the pass.

Ikeshia please check and let me know.

Sent from my iPhone

On Apr 7, 2017, at 3:13 PM, Spano, Julie <[julie\\_spano@ios.doi.gov](mailto:julie_spano@ios.doi.gov)> wrote:

Attached is the parking application for Indur Goklany from PPA and is listed under B category. He will be assuming the parking allocation for (b) (6) (PPA) who has left and gone to the State Department. He currently has a pass for Federal Reserve that was listed as a carpool. The carpool is now defunct hence him taking over the allocation that (b) (6) held.

I've copied Indur Goklany and his supervisor, Joel Clement for their information. Mr. Goklany will take instruction from you Roberta as to how you want to handle the pass issue.

I don't know if (b) (6) turned in her pass, sorry...

Thanks, Julie

--

***Julie L. Spano***

Director, Business and Administrative Division  
Office of the Assistant Secretary for Policy, Management and Budget  
U.S. Department of the Interior  
1849 C Street, N.W., Room 5022  
Washington, D.C. 20240  
work: (202) 208-7624  
fax: (202) 219-0241  
cell: (202) 568-9364

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<Indur Gokany - ppa.pdf>

**From:** Goklany, Indur  
**To:** [Spano, Julie](mailto:Spano, Julie)  
**Cc:** [Roberta Richardson](#); [Ikeshia Boyd](#); [Joel Clement](#)  
**Subject:** Re: Indur Goklany Parking Application  
**Date:** Friday, April 07, 2017 3:15:51 PM

---

Thanks.

On Fri, Apr 7, 2017 at 3:13 PM, Spano, Julie <[julie\\_spano@ios.doi.gov](mailto:julie_spano@ios.doi.gov)> wrote:

Attached is the parking application for Indur Goklany from PPA and is listed under B category. He will be assuming the parking allocation for (b) (6) (PPA) who has left and gone to the State Department. He currently has a pass for Federal Reserve that was listed as a carpool. The carpool is now defunct hence him taking over the allocation that (b) (6) held.

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I don't know if (b) (6) turned in her pass, sorry...

Thanks, Julie

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**From:** Goklany, Indur  
**To:** [Clement, Joel](mailto:Joel.Clement@ios.doi.gov)  
**Cc:** [Glomb, Steve](mailto:Steve.Glomb@ios.doi.gov); [Shawn Buckner](mailto:Shawn.Buckner@ios.doi.gov); [Spano, Julie](mailto:Julie.Spano@ios.doi.gov)  
**Subject:** Re: Parking Application  
**Date:** Friday, April 07, 2017 12:19:07 PM

---

Thanks. I'll fill it out and give to Joel/Shawn for their signature.

On Fri, Apr 7, 2017 at 10:47 AM, Clement, Joel <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)> wrote:

Ok thanks Steve will do

-----  
-----

Joel Clement - Director, Office of Policy Analysis, U.S. Department of the Interior 202.208.3295

On Fri, Apr 7, 2017 at 10:28 AM, Glomb, Steve <[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)> wrote:

Thanks Julie.

Joel and Goks - See Julie's response below. Form is attached at the bottom of the email string. Descriptions of categories are on the instruction page. You would both have to sign. Please copy me on the email back to Julie so I know that this is taken care of.

Joel - I think (b) (6) spot has already been removed. I assume the spot we're talking about would be the spot that (b) (6) no longer needs and that you think Goks has the greatest need in PPA to take that allocated spot.

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

**From:** Spano, Julie <[julie\\_spano@ios.doi.gov](mailto:julie_spano@ios.doi.gov)>  
**Date:** Fri, Apr 7, 2017 at 10:10 AM  
**Subject:** Re: Parking Application  
**To:** "Glomb, Steve" <[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)>

Steve,

They would need to fill out the same parking application, which both the employee and supervisor sign. If a email can be sent to me with the application notating the employee that no longer needs said space, I can forward that to the Parking Office. This way we also have a record of the action being taken.

Thanks! Julie

On Fri, Apr 7, 2017 at 9:48 AM, Glomb, Steve <[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)> wrote:

Julie -

If someone new is taking over a "B" parking permit that is no longer needed by another person in the same office, do they fill out this same parking application or is there a different form? Anything else needed? I assume a supervisor needs to sign.

Thanks for your help.

Steve

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

From: **Spano, Julie** <[julie\\_spano@ios.doi.gov](mailto:julie_spano@ios.doi.gov)>

Date: Tue, Apr 4, 2017 at 6:44 AM

Subject: Parking Application

To: Steve Glomb <[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)>

Steve,

I'm attaching the parking application for those that are listed under carpool and under your jurisdiction. These carpoolers will need to resubmit their applications by Friday, to the Parking Office and a copy to myself and you for our records. Each carpool will be verified by OFAS as to whether it is a valid carpool or not. If not, they will more than likely lose their parking pass.

(b) (6)

Waiver Parking will also be removed at some point as these are spaces given over and above the parking allocation for a particular office;

(b) (6) - PIA - Federal Reserve  
(b) (6) - PIA - Federal Reserve

Thanks, Julie

--

***Julie L. Spano***

Director, Business and Administrative Division  
Office of the Assistant Secretary for Policy, Management and Budget  
U.S. Department of the Interior  
1849 C Street, N.W., Room 5022  
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***Julie L. Spano***

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**From:** Clement, Joel  
**To:** [Glomb, Steve](#); [Shawn Buckner](#)  
**Cc:** [Indur Goklany](#); [Spano, Julie](#)  
**Subject:** Re: Parking Application  
**Date:** Friday, April 07, 2017 10:48:36 AM

---

Ok thanks Steve will do

---

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Joel Clement - Director, Office of Policy Analysis, U.S. Department of the Interior 202.208.3295

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**Date:** Fri, Apr 7, 2017 at 10:10 AM  
**Subject:** Re: Parking Application  
**To:** "Glomb, Steve" <[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)>

Steve,

They would need to fill out the same parking application, which both the employee and supervisor sign. If a email can be sent to me with the application notating the employee that no longer needs said space, I can forward that to the Parking Office. This way we also have a record of the action being taken.

Thanks! Julie

On Fri, Apr 7, 2017 at 9:48 AM, Glomb, Steve <[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)> wrote:

Julie -

If someone new is taking over a "B" parking permit that is no longer needed by another person in the same office, do they fill out this same parking application or is there a different form? Anything else needed? I assume a supervisor needs to sign.

Thanks for your help.

Steve

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

From: **Spano, Julie** <[julie\\_spano@ios.doi.gov](mailto:julie_spano@ios.doi.gov)>

Date: Tue, Apr 4, 2017 at 6:44 AM

Subject: Parking Application

To: Steve Glomb <[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)>

Steve,

I'm attaching the parking application for those that are listed under carpool and under your jurisdiction. These carpoolers will need to resubmit their applications by Friday, to the Parking Office and a copy to myself and you for our records. Each carpool will be verified by OFAS as to whether it is a valid carpool or not. If not, they will more than likely lose their parking pass.

**(b) (6)**

Waiver Parking will also be removed at some point as these are spaces given over and above the parking allocation for a particular office;

**(b) (6)** - PIA - Federal Reserve  
IA - Federal Reserve

Thanks, Julie

--

***Julie L. Spano***

Director, Business and Administrative Division  
Office of the Assistant Secretary for Policy, Management and Budget  
U.S. Department of the Interior  
1849 C Street, N.W., Room 5022  
Washington, D.C. 20240  
work: (202) 208-7624  
fax: (202) 219-0241  
cell: (202) 568-9364

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--

***Julie L. Spano***

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**From:** Sivarajan, Vanitha  
**To:** [Malka Pattison](#); [Laurier, Fabien](#); [Joel Clement](#); [Benjamin Simon](#); [Carlann Unger](#); [Bowman, Randal](#); [Jonathan Steele](#); [Chloe Mayne](#); [Daniel, Raychelle](#); [Jamie Reaser](#); [Skrabis, Kristin](#); [Tihansky, Ann](#); [Tihansky, Ann](#); [Buckner, Shawn](#); [Sarah Cline](#); [Digiantonio, Gina](#); [Rebecca Behrens](#); [Smith, Hilary](#); [Jhoset Burgos Rodriguez](#); [ann\\_miller@ios.doi.gov](mailto:ann_miller@ios.doi.gov); [Liza Johnson](#); [Indur Goklany](#); [Adam Stern](#); [Christian Crowley](#); [Noah Van Gilder](#); [Jason Kirkey](#); [Kelsey Brantley](#); [Genevieve Brune](#); [Robert Boyd](#); [Burgiel, Stanley](#); [Sarah Veatch](#)  
**Subject:** Surprise donut party fo (b) (6)  
**Date:** Wednesday, April 05, 2017 5:40:30 PM

---

Hi PPA and friends,

(b) (6) is getting married next week! To celebrate, we are planning a surprise party with the theme of one of her favorite foods--DONUTS.

So, it is completely optional, but if you'd like to participate, please bring any kind of donuts you wish for the donut potluck party.

We will be getting her and (b) (6) a gift which is still in the works (something cat themed of course). Also completely optional, but if you'd like to pitch in to the gift, feel free to swing by my office and contribute at whatever level you feel comfortable.

This is a surprise, so please don't mention anything to her!

thanks,  
Vanitha

--

Vanitha Sivarajan  
Office of Policy Analysis  
U.S. Department of the Interior  
1849 C St NW RM 3521  
Washington, DC 20240  
202-219-1136  
[vanitha\\_sivarajan@ios.doi.gov](mailto:vanitha_sivarajan@ios.doi.gov)

**From:** Goklany, Indur  
**To:** [Glomb, Steve](mailto:Glomb, Steve)  
**Cc:** [Clement, Joel](mailto:Clement, Joel)  
**Subject:** Re: Parking Application  
**Date:** Wednesday, April 05, 2017 4:02:07 PM

---

Thanks Steve and Joel. Of course, it goes without saying that I'd like to be able to get a pass, so am happy to be classified in another category.

On Wed, Apr 5, 2017 at 3:36 PM, Glomb, Steve <[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)> wrote:  
Julie is gone for the day. I will try to catch her tomorrow to see if she's the right person or if it's someone else.

On Wed, Apr 5, 2017 at 3:33 PM, Clement, Joel <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)> wrote:  
Steve, can he talk with Julie about the other categories or is there someone else he should go to?

-----  
-----

Joel Clement - Director, Office of Policy Analysis, U.S. Department of the Interior 202.208.3295

On Wed, Apr 5, 2017 at 3:30 PM, Glomb, Steve <[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)> wrote:  
Joel - When we discussed parking passes you mentioned that Goks is no longer in a carpool

Goks - If you are still in a carpool, please fill out the attached parking application and send it to Julie Spano and the parking office. If not, it looks like you may soon be losing your parking pass unless you can get one in some other category.

Steve

----- Forwarded message -----  
**From:** Spano, Julie <[julie\\_spano@ios.doi.gov](mailto:julie_spano@ios.doi.gov)>  
**Date:** Tue, Apr 4, 2017 at 6:44 AM  
**Subject:** Parking Application  
**To:** Steve Glomb <[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)>

Steve,

I'm attaching the parking application for those that are listed under carpool and under your jurisdiction. **These carpools will need to resubmit their applications by Friday, to the Parking Office and a copy to myself and you for our records.** Each carpool will be verified by OFAS as to whether it is a valid carpool or not. If not, they will more than likely lose their parking pass.

**(b) (6)**

Waiver Parking will also be removed at some point as these are spaces given over and above the parking allocation for a particular office;

(b) (6) - PIA - Federal Reserve  
(b) (6) PIA - Federal Reserve

Thanks, Julie

--

***Julie L. Spano***

Director, Business and Administrative Division  
Office of the Assistant Secretary for Policy, Management and Budget  
U.S. Department of the Interior  
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Washington, D.C. 20240  
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**From:** Glomb, Steve  
**To:** [Clement, Joel](mailto:Clement,Joel)  
**Cc:** [Indur Goklany](mailto:Indur.Goklany)  
**Subject:** Re: Parking Application  
**Date:** Wednesday, April 05, 2017 3:36:13 PM

---

Julie is gone for the day. I will try to catch her tomorrow to see if she's the right person or if it's someone else.

On Wed, Apr 5, 2017 at 3:33 PM, Clement, Joel <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)> wrote:  
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-----  
-----

Joel Clement - Director, Office of Policy Analysis, U.S. Department of the Interior 202.208.3295

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Steve

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

**From:** Spano, Julie <[julie\\_spano@ios.doi.gov](mailto:julie_spano@ios.doi.gov)>  
**Date:** Tue, Apr 4, 2017 at 6:44 AM  
**Subject:** Parking Application  
**To:** Steve Glomb <[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)>

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(b) (6) PIA - Federal Reserve

Thanks, Julie

--

***Julie L. Spano***

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**From:** Clement, Joel  
**To:** [Glomb, Steve](#)  
**Cc:** [Indur Goklany](#)  
**Subject:** Re: Parking Application  
**Date:** Wednesday, April 05, 2017 3:34:30 PM

---

Steve, can he talk with Julie about the other categories or is there someone else he should go to?

-----  
---  
Joel Clement - Director, Office of Policy Analysis, U.S. Department of the Interior 202.208.3295

On Wed, Apr 5, 2017 at 3:30 PM, Glomb, Steve <[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)> wrote:

Joel - When we discussed parking passes you mentioned that Goks is no longer in a carpool

Goks - If you are still in a carpool, please fill out the attached parking application and send it to Julie Spano and the parking office. If not, it looks like you may soon be losing your parking pass unless you can get one in some other category.

Steve

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

**From:** Spano, Julie <[julie\\_spano@ios.doi.gov](mailto:julie_spano@ios.doi.gov)>  
**Date:** Tue, Apr 4, 2017 at 6:44 AM  
**Subject:** Parking Application  
**To:** Steve Glomb <[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)>

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**(b) (6)**

- PIA - Federal Reserve  
PIA - Federal Reserve

Thanks, Julie

--

***Julie L. Spano***

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**From:** Buckner, Shawn  
**To:** [Clement, Joel](#); [Chloe Mayne](#)  
**Cc:** [Indur M. Goklany](#)  
**Subject:** Re: DTS Assignment--Annual Report on Technology Transfer FY 2016 Activities / Annual Report on Prize Competitions FY 2016 Activities  
**Date:** Monday, April 03, 2017 5:49:25 PM

---

Adding Chloe.

On Mon, Apr 3, 2017 at 5:41 PM, Clement, Joel <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)> wrote:

Why are we seeing this again?

-----

Joel Clement - Director, Office of Policy Analysis, U.S. Department of the Interior 202.208.3295

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

From: <[DTS@fws.gov](mailto:DTS@fws.gov)>

Date: Fri, Mar 31, 2017 at 7:24 AM

Subject: DTS Assignment--Annual Report on Technology Transfer FY 2016 Activities / Annual Report on Prize Competitions FY 2016 Activities

To: [chloe\\_mayne@ios.doi.gov](mailto:chloe_mayne@ios.doi.gov), [joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov), [shawn\\_buckner@ios.doi.gov](mailto:shawn_buckner@ios.doi.gov)

Hello and welcome to the DTS automated email alert!

Your office (DPIA-PPA) has a task assigned.

Please log in to the Data Tracking System at the following URL Address:

<https://dts.fws.gov/dts/preLogin.do?officeId=4041> and review Document Control Number (DCN)\*\* PMB0003874.

To move the document to the next office in the routing process, enter your surname information for your office's task and save the record.

Document Subject: Annual Report on Technology Transfer FY 2016 Activities / Annual Report on Prize Competitions FY 2016 Activities

Action Required: 3-Surname

Assigned By Office: PMB Correspondence User: Kashieka Minor

\*\*Thank you\*\*.

--

Shawn M. Buckner  
Office of Policy Analysis  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240

(202) 208-3664

**From:** Clement, Joel  
**To:** [Shawn Buckner](#); [Indur M. Goklany](#)  
**Subject:** Fwd: DTS Assignment--Annual Report on Technology Transfer FY 2016 Activities / Annual Report on Prize Competitions FY 2016 Activities  
**Date:** Monday, April 03, 2017 5:42:44 PM

---

Why are we seeing this again?

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---  
Joel Clement - Director, Office of Policy Analysis, U.S. Department of the Interior 202.208.3295

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

From: <[DTS@fws.gov](mailto:DTS@fws.gov)>  
Date: Fri, Mar 31, 2017 at 7:24 AM  
Subject: DTS Assignment--Annual Report on Technology Transfer FY 2016 Activities / Annual Report on Prize Competitions FY 2016 Activities  
To: [chloe\\_mayne@ios.doi.gov](mailto:chloe_mayne@ios.doi.gov), [joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov), [shawn\\_buckner@ios.doi.gov](mailto:shawn_buckner@ios.doi.gov)

Hello and welcome to the DTS automated email alert!

Your office (DPIA-PPA) has a task assigned.

Please log in to the Data Tracking System at the following URL Address:  
<https://dts.fws.gov/dts/preLogin.do?officeId=4041> and review Document Control Number (DCN)\*\* PMB0003874.

To move the document to the next office in the routing process, enter your surname information for your office's task and save the record.

Document Subject: Annual Report on Technology Transfer FY 2016 Activities / Annual Report on Prize Competitions FY 2016 Activities  
Action Required: 3-Surname  
Assigned By Office: PMB Correspondence User: Kashieka Minor

\*\*Thank you\*\*.

**From:** Stern, Adam  
**To:** [Goklany, Indur](mailto:Goklany_Indur)  
**Cc:** [Shawn Buckner](mailto:Shawn.Buckner); [Joel Clement](mailto:Joel.Clement); [Vanitha Sivarajan](mailto:Vanitha.Sivarajan)  
**Subject:** Re: PPA staff directory on the web is somewhat out of date...  
**Date:** Monday, April 03, 2017 5:21:29 PM

---

Just FYI, staff directory is updated now!

On Thu, Mar 9, 2017 at 8:54 AM, Stern, Adam <[adam\\_stern@ios.doi.gov](mailto:adam_stern@ios.doi.gov)> wrote:

DOI.gov is currently having some issues and we have been told to hold off on any edits for now. Once I get the clear I will make the changes.

On Wed, Mar 8, 2017 at 1:46 PM, Stern, Adam <[adam\\_stern@ios.doi.gov](mailto:adam_stern@ios.doi.gov)> wrote:

Thank you, Goks. I will update it.

On Wed, Mar 8, 2017 at 1:44 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:

... Just noticed

--

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Adam Stern - Economist, Office of Policy Analysis, U.S. Department of the Interior, 202-208-4488

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---

Adam Stern - Economist, Office of Policy Analysis, U.S. Department of the Interior, 202-208-4488

--

---

Adam Stern - Economist, Office of Policy Analysis, U.S. Department of the Interior, 202-208-4488

**From:** Goklany, Indur  
**To:** [Joel Clement](mailto:Joel.Clement)  
**Subject:** Re: Secretary Visit to the Office of Policy Analysis (Change in Plans)  
**Date:** Wednesday, March 29, 2017 8:04:00 AM

---

(b) (6)

On Tue, Mar 28, 2017 at 6:20 PM, Joel Clement <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)> wrote:  
Sorry gang, (b) (6). They assured me we are still on the list for very soon.

Sent from my Verizon Wireless 4G LTE smartphone

----- Original message -----

**From:** "Simon, Benjamin" <[benjamin\\_simon@ios.doi.gov](mailto:benjamin_simon@ios.doi.gov)>  
**Date:** 03/28/2017 6:17 PM (GMT-05:00)  
**To:** OS\_PPA <[os\\_ppa@ios.doi.gov](mailto:os_ppa@ios.doi.gov)>  
**Cc:** "Buckner, Shawn" <[shawn\\_buckner@ios.doi.gov](mailto:shawn_buckner@ios.doi.gov)>  
**Subject:** Re: Secretary Visit to the Office of Policy Analysis (Change in Plans)

Hi Everyone,

(b) (6). Our meeting with the Secretary will be rescheduled.

Ben

On Tue, Mar 28, 2017 at 5:52 PM, Bowman, Randal <[randal\\_bowman@ios.doi.gov](mailto:randal_bowman@ios.doi.gov)> wrote:

The new Executive Order on energy and climate is attached. On a quick reading, it addresses a number of questions folks were preparing to ask the Secretary - suggest everyone review it before the meeting

On Mon, Mar 27, 2017 at 12:25 PM, Buckner, Shawn <[shawn\\_buckner@ios.doi.gov](mailto:shawn_buckner@ios.doi.gov)> wrote:

Hi Team,

We just received an update on the meeting with the Secretary. It has been moved to Wednesday at 2pm. Sorry for the change in plans.

Thank you,  
Shawn

On Fri, Mar 24, 2017 at 2:03 PM, Buckner, Shawn <[shawn\\_buckner@ios.doi.gov](mailto:shawn_buckner@ios.doi.gov)> wrote:

Hi Team,

The Secretary is going to be stopping by on Tuesday at 2pm to meet the PPA staff. Please be in the office Tuesday for the meeting.



Let me know if you have any questions.

Thank you,  
Shawn

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

From: **Yakhour, Wadi** <[wadi\\_yakhour@ios.doi.gov](mailto:wadi_yakhour@ios.doi.gov)>

Date: Fri, Mar 24, 2017 at 12:22 PM

Subject: Secretary Visit to the Office of Policy Analysis

To: Joel Clement <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)>

Cc: Shawn Buckner <[shawn\\_buckner@ios.doi.gov](mailto:shawn_buckner@ios.doi.gov)>, Russell Roddy  
<[russell\\_rodny@ios.doi.gov](mailto:russell_rodny@ios.doi.gov)>, Caroline Boulton <[caroline\\_boulton@ios.doi.gov](mailto:caroline_boulton@ios.doi.gov)>

Gentlemen,

Hope your Friday is going smoothly! After speaking with Shawn, I'm writing to confirm that the Secretary will be visiting the Office of Policy Analysis on Tuesday, March 28th, from 2:00-3:00 pm. If you could please gather your staff in your conference room (rm. 3512), the Secretary will arrive, make his introductions, and take questions. This will also be a good time for your staff to introduce themselves to him.

For the last 20-30 minutes of the scheduled hour, it would also be a good opportunity for the leadership to have a one-on-one with the Secretary.

Please let me know if you have any questions. Shawn, it was great meeting you today! I hope you all have a fantastic weekend.

Regards,

Wadi (Wuh-dee-uh) Yakhour  
DOI Office of the Secretary  
Scheduling and Advance  
O - (202) 208-5359  
C - (202) 706-9041  
Rm. 6013

--

Shawn M. Buckner  
Office of Policy Analysis  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240  
(202) 208-3664

--

Shawn M. Buckner  
Office of Policy Analysis  
U.S. Department of the Interior  
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(202) 208-3664

--

Benjamin Simon, Ph.D., Chief DOI Economist  
Office of Policy Analysis  
U.S. Department of the Interior  
1849 C St. NW  
Washington DC  
202 208 4916  
[benjamin\\_simon@ios.doi.gov](mailto:benjamin_simon@ios.doi.gov)

**From:** Goklany, Indur  
**To:** [Luciano, Lorraine](mailto:Luciano.Lorraine)  
**Subject:** Re: Ethics Determination Request  
**Date:** Tuesday, March 28, 2017 8:05:14 AM

---

Thanks

On Mon, Mar 27, 2017 at 4:03 PM, Luciano, Lorraine <[lorraine.luciano@sol.doi.gov](mailto:lorraine.luciano@sol.doi.gov)> wrote:

Indur,

So long as you are going in your personal capacity, the host may reimburse you for your parking.

**Best regards,  
Rainee**

Lorraine "Rainee" A. Luciano  
Attorney-Advisor  
Departmental Ethics Office  
U.S. Department of the Interior  
Main Interior Building, Room 5323

(202) 208-4110

Mail:

Departmental Ethics Office  
Office of the Solicitor  
Department of the Interior  
Mail Stop 5323  
1849 C Street NW  
Washington, DC 20240

E-mail the Departmental Ethics Office at [DOI\\_Ethics@sol.doi.gov](mailto:DOI_Ethics@sol.doi.gov) or visit us online at [www.doi.gov/ethics](http://www.doi.gov/ethics)

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copies.

On Mon, Mar 27, 2017 at 3:36 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:  
Hello Rainee,

Quick question: can I be reimbursed for parking?

Thanks.  
Indur

On Fri, Mar 3, 2017 at 2:31 PM, Luciano, Lorraine <[lorraine.luciano@sol.doi.gov](mailto:lorraine.luciano@sol.doi.gov)> wrote:  
Indur,

Based upon the information you have provided there are no impediments to you speaking in your personal capacity, especially if you are not receiving any compensation (honorarium). You may accept food and other items the participants are receiving, like training materials, a mug, etc.

Now the main items you must do and beware of:

- 1) You must make a disclaimer that: Disclaimer of Non-Endorsement - The views and opinions expressed in this presentation are my opinions alone and do not constitute an endorsement or recommendation by the Department of the Interior or the U.S. Government.
- 2) While it is permissible for the person who introduces you or your info to be in conference material you must ensure your title or position is one of several biographical details to identify you, and that it is not given more prominence than other significant biographical details.
- 3) DO NOT LET them introduce you via your official title or position with DOI.

If you have any additional questions or your situation changes, please contact me.

**Best regards,**  
**Rainee**

Lorraine "Rainee" A. Luciano  
Attorney-Advisor  
Departmental Ethics Office  
U.S. Department of the Interior  
Main Interior Building, Room 5323

(202) 208-4110

Mail:  
Departmental Ethics Office

Office of the Solicitor  
Department of the Interior  
Mail Stop 5323  
1849 C Street NW  
Washington, DC 20240

E-mail the Departmental Ethics Office at [DOI\\_Ethics@sol.doi.gov](mailto:DOI_Ethics@sol.doi.gov) or visit us online at [www.doi.gov/ethics](http://www.doi.gov/ethics)

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On Thu, Mar 2, 2017 at 4:16 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:  
That was fast. Thanks!

I have a Ph.D. in Electrical Engineering, and worked on climate change matters for over 20 years until about 2009. I have written a number of publications, including, among other things, a book that deals with [human prosperity and well being](#) (which, to my surprise, I just found out has its own Wikipedia entry!) and another that addresses the [precautionary principle](#), which is something they want me to touch on in the panel.

No, I would not touch on or allude to any DOI policies.

On Thu, Mar 2, 2017 at 3:55 PM, Luciano, Lorraine <[lorraine.luciano@sol.doi.gov](mailto:lorraine.luciano@sol.doi.gov)> wrote:

Greetings Indur,

I, too, am not sure we have met but nice to meet you over email. I will be happy to review this activity for you in your personal capacity. Can you give me information on your education background? I do not mean to be rude but why would this organization want you to participate? Also, will you be discussing in DOI policy?

Let's start there and I can craft some advice by next week.

**Best regards,  
Rainee**

Lorraine "Rainee" A. Luciano  
Attorney-Advisor  
Departmental Ethics Office  
U.S. Department of the Interior  
Main Interior Building, Room 5323

(202) 208-4110

Mail:

Departmental Ethics Office  
Office of the Solicitor  
Department of the Interior  
Mail Stop 5323  
1849 C Street NW  
Washington, DC 20240

E-mail the Departmental Ethics Office at [DOI\\_Ethics@sol.doi.gov](mailto:DOI_Ethics@sol.doi.gov) or visit us online at [www.doi.gov/ethics](http://www.doi.gov/ethics)

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On Thu, Mar 2, 2017 at 3:05 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:

Hello Lorraine,

I am not sure whether we have met. I work as a Senior Advisor in the Office of Policy Analysis, and have been invited to participate in my personal capacity in two panel discussions at the 12th International Conference on Climate Change on March 23-24, 2017, in Washington, DC, hosted by the Heartland Institute, a free market think tank based in Arlington Heights, IL. See the attached letter.

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I have also advised Joel Clement, Director, Office of Policy Analysis, of the invitation, and he suggested I contact you.

I would appreciate an Ethics determination from your office, keeping in mind that the event is only three weeks away and I should provide the organizers sufficient time to make alternate arrangements, if necessary.

Thanks.

Sincerely,  
Indur Goklany  
Sr. Advisor, Office of Policy Analysis

**From:** Luciano, Lorraine  
**To:** [Goklany, Indur](#)  
**Subject:** Re: Ethics Determination Request  
**Date:** Monday, March 27, 2017 4:03:51 PM

---

Indur,

So long as you are going in your personal capacity, the host may reimburse you for your parking.

**Best regards,  
Rainee**

Lorraine "Rainee" A. Luciano  
Attorney-Advisor  
Departmental Ethics Office  
U.S. Department of the Interior  
Main Interior Building, Room 5323

(202) 208-4110

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On Mon, Mar 27, 2017 at 3:36 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:



Hello Rainee,

Quick question: can I be reimbursed for parking?

Thanks.

Indur

On Fri, Mar 3, 2017 at 2:31 PM, Luciano, Lorraine <[lorraine.luciano@sol.doi.gov](mailto:lorraine.luciano@sol.doi.gov)> wrote:

Indur,

Based upon the information you have provided there are no impediments to you speaking in your personal capacity, especially if you are not receiving any compensation (honorarium). You may accept food and other items the participants are receiving, like training materials, a mug, etc.

Now the main items you must do and beware of:

- 1) You must make a disclaimer that: Disclaimer of Non-Endorsement - The views and opinions expressed in this presentation are my opinions alone and do not constitute an endorsement or recommendation by the Department of the Interior or the U.S. Government.
- 2) While it is permissible for the person who introduces you or your info to be in conference material you must ensure your title or position is one of several biographical details to identify you, and that it is not given more prominence than other significant biographical details.
- 3) DO NOT LET them introduce you via your official title or position with DOI.

If you have any additional questions or your situation changes, please contact me.

**Best regards,  
Rainee**

Lorraine "Rainee" A. Luciano  
Attorney-Advisor  
Departmental Ethics Office  
U.S. Department of the Interior  
Main Interior Building, Room 5323

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On Thu, Mar 2, 2017 at 4:16 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:  
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Rainee**

Lorraine "Rainee" A. Luciano  
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Departmental Ethics Office

U.S. Department of the Interior  
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Hello Lorraine,

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I would appreciate an Ethics determination from your office, keeping in mind that the event is only three weeks away and I should provide the organizers sufficient time to make alternate arrangements, if necessary.

Thanks.

Sincerely,  
Indur Goklany  
Sr. Advisor, Office of Policy Analysis

**From:** Goklany, Indur  
**To:** [Luciano, Lorraine](#)  
**Subject:** Re: Ethics Determination Request  
**Date:** Monday, March 27, 2017 3:37:10 PM

---

Hello Raine,

Quick question: can I be reimbursed for parking?

Thanks.  
Indur

On Fri, Mar 3, 2017 at 2:31 PM, Luciano, Lorraine <[lorraine.luciano@sol.doi.gov](mailto:lorraine.luciano@sol.doi.gov)> wrote:

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- 3) DO NOT LET them introduce you via your official title or position with DOI.

If you have any additional questions or your situation changes, please contact me.

**Best regards,  
Raine**

Lorraine "Raine" A. Luciano  
Attorney-Advisor  
Departmental Ethics Office  
U.S. Department of the Interior  
Main Interior Building, Room 5323

(202) 208-4110

Mail:

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Thanks.

Sincerely,  
Indur Goklany  
Sr. Advisor, Office of Policy Analysis



**From:** Goklany, Indur  
**To:** [Mayne, Chloe](mailto:Mayne.Chloe)  
**Subject:** Re: Contacts  
**Date:** Monday, March 13, 2017 9:22:27 AM

---

Olivia Barton Ferriter  
Deputy Assistant Secretary  
Budget, Finance, Performance, and Acquisition [BM/WF]

On Mon, Mar 13, 2017 at 9:12 AM, Mayne, Chloe <[chloe\\_mayne@ios.doi.gov](mailto:chloe_mayne@ios.doi.gov)> wrote:

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

**From:** **Gulac, Catherine** <[catherine\\_gulac@ios.doi.gov](mailto:catherine_gulac@ios.doi.gov)>  
**Date:** Fri, Mar 10, 2017 at 3:58 PM  
**Subject:** Contacts  
**To:** "Mayne, Chloe" <[chloe\\_mayne@ios.doi.gov](mailto:chloe_mayne@ios.doi.gov)>  
**Cc:** Joel Clement <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)>, Shawn Buckner <[shawn\\_buckner@ios.doi.gov](mailto:shawn_buckner@ios.doi.gov)>

FOUO

Sorry, been busy and just got to this now. Is this what you want?

Acting Deputy Secretary - James Cason

Acting Solicitor - Edward T. Keable

Acting Assistant Secretary - Indian Affairs - Michael Black

Acting Director Bureau of Indian Affairs - Weldon "Bruce" Loudermilk

Acting Director - BLM - Kristin Bail

Acting Director - BOEM - Walter Crukshank

Acting Assistant Secretary - Water and Science - Kerry Rae

Acting Commissioner - BOR - David Murillo

Acting Director - BSEE - Margaret Schneider

Acting Assistant Secretary for Fish and Wildlife and Parks - Maureen Foster

Acting Director - FWS - Jim Kurth

Acting Director - NPS - Michael Reynolds

Assistant Secretary - Insular Affairs - Nik Pula

Chairman - National Indian Gaming Commission (NIGC) - Jnodev Chaudhuri

Acting Special Trustee for American Indians - OST - Deb DuMontier

Acting Director - Office of Surface Mining - Glenda Owens

Acting Assistant Secretary - PMB and Chief Financial Officer - Amy Holley

Acting Director - U.S. Geological Survey - Bill Werkheiser

Have a great weekend!

Cathy

Catherine Gulac  
U.S. Department of the Interior  
Office of the Deputy Secretary  
1849 C St, NW, MS-7328  
Washington, D.C. 20240  
202-208-6291 Office / 202-208-1739 Direct / 202-208-1873 Fax  
[Catherine\\_Gulac@ios.doi.gov](mailto:Catherine_Gulac@ios.doi.gov)

--

Chloe Mayne  
Policy Specialist  
Office of Policy Analysis  
U.S. Department of Interior  
1849 C Street NW  
Washington, DC 20240  
202-208-4981

**From:** Mayne, Chloe  
**To:** [Indur Goklany](mailto:Indur.Goklany)  
**Subject:** Fwd: Contacts  
**Date:** Monday, March 13, 2017 9:13:02 AM

---

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

**From:** **Gulac, Catherine** <[catherine\\_gulac@ios.doi.gov](mailto:catherine_gulac@ios.doi.gov)>  
**Date:** Fri, Mar 10, 2017 at 3:58 PM  
**Subject:** Contacts  
**To:** "Mayne, Chloe" <[chloe\\_mayne@ios.doi.gov](mailto:chloe_mayne@ios.doi.gov)>  
**Cc:** Joel Clement <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)>, Shawn Buckner <[shawn\\_buckner@ios.doi.gov](mailto:shawn_buckner@ios.doi.gov)>

FOUO

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Acting Solicitor - Edward T. Keable

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Acting Director Bureau of Indian Affairs - Weldon "Bruce" Loudermilk

Acting Director - BLM - Kristin Bail

Acting Director - BOEM - Walter Crukshank

Acting Assistant Secretary - Water and Science - Kerry Rae

Acting Commissioner - BOR - David Murillo

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Chairman - National Indian Gaming Commission (NIGC) - Jnodev Chaudhuri

Acting Special Trustee for American Indians - OST - Deb DuMontier

Acting Director - Office of Surface Mining - Glenda Owens

Acting Assistant Secretary - PMB and Chief Financial Officer - Amy Holley

Acting Director - U.S. Geological Survey - Bill Werkheiser

Have a great weekend!

Cathy

Catherine Gulac  
U.S. Department of the Interior  
Office of the Deputy Secretary  
1849 C St, NW, MS-7328  
Washington, D.C. 20240  
202-208-6291 Office / 202-208-1739 Direct / 202-208-1873 Fax  
[Catherine\\_Gulac@ios.doi.gov](mailto:Catherine_Gulac@ios.doi.gov)

--

Chloe Mayne  
Policy Specialist  
Office of Policy Analysis  
U.S. Department of Interior  
1849 C Street NW  
Washington, DC 20240  
202-208-4981

**From:** Stern, Adam  
**To:** [Goklany, Indur](#)  
**Cc:** [Shawn Buckner](#); [Joel Clement](#)  
**Subject:** Re: PPA staff directory on the web is somewhat out of date...  
**Date:** Thursday, March 09, 2017 8:54:34 AM

---

DOI.gov is currently having some issues and we have been told to hold off on any edits for now. Once I get the clear I will make the changes.

On Wed, Mar 8, 2017 at 1:46 PM, Stern, Adam <[adam\\_stern@ios.doi.gov](mailto:adam_stern@ios.doi.gov)> wrote:

Thank you, Goks. I will update it.

On Wed, Mar 8, 2017 at 1:44 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:

| ... Just noticed

--

---

Adam Stern - Economist, Office of Policy Analysis, U.S. Department of the Interior, 202-208-4488

--

---

Adam Stern - Economist, Office of Policy Analysis, U.S. Department of the Interior, 202-208-4488

**From:** Soave, Caroline (Carrie)  
**To:** [Goklany, Indur](mailto:Goklany, Indur)  
**Subject:** Re: Action Required - Bios by COB February 13  
**Date:** Wednesday, March 08, 2017 2:09:04 PM

---

Thank you!

On Wed, Mar 8, 2017 at 1:39 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:

**Indur Goklany (“Goks”)**

Goks is Senior Advisor, Office of Policy Analysis. He has served the Office of Policy Analysis in various capacities since 1986, ranging from analyst to Assistant Director, Programs, and Science & Technology Policy. His expertise includes risk analysis, climate change, sustainable development, adaptive management, ecosystem services, and various energy related issues, and has several publications in these areas. Prior to joining the Department, he led the development of the interim policy on emissions trading at EPA, managed the Technical Assessment Division of the National Commission on Air Quality, developed and led the air permitting group in EPA’s Chicago office, and managed the State Implementation Planning program for various air pollutants. He has also worked in state government (in Michigan). Goks has Ph.D., M.S. and Bachelor’s degrees in Electrical Engineering.

On Wed, Mar 8, 2017 at 12:53 PM, Pletcher, Mary <[mary\\_pletcher@ios.doi.gov](mailto:mary_pletcher@ios.doi.gov)> wrote:

If you are receiving this, Carrie Soave (cc'd) did not receive your bio. Can you please send ASAP?

Thanks,  
Mary

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

**From:** **Pletcher, Mary** <[mary\\_pletcher@ios.doi.gov](mailto:mary_pletcher@ios.doi.gov)>  
**Date:** Thu, Feb 9, 2017 at 5:11 PM  
**Subject:** Action Required - Bios by COB February 13  
**To:**  
**Cc:** "Caroline (Carrie) Soave" <[caroline\\_soave@ios.doi.gov](mailto:caroline_soave@ios.doi.gov)>, Jonathan Mack <[jonathan\\_mack@ios.doi.gov](mailto:jonathan_mack@ios.doi.gov)>, Michelle Oxyer <[michelle\\_oxyer@ios.doi.gov](mailto:michelle_oxyer@ios.doi.gov)>, Sarah Walters <[sarah\\_walters@ios.doi.gov](mailto:sarah_walters@ios.doi.gov)>, Amy Holley <[amy\\_holley@ios.doi.gov](mailto:amy_holley@ios.doi.gov)>, Kerry Rae <[kerry\\_rae@ios.doi.gov](mailto:kerry_rae@ios.doi.gov)>, Maureen Foster <[maureen\\_foster@ios.doi.gov](mailto:maureen_foster@ios.doi.gov)>, Richard Cardinale <[richard\\_cardinale@ios.doi.gov](mailto:richard_cardinale@ios.doi.gov)>

Dear Senior Executives,

As a way for the new political leadership to get to know the career SES, we will be compiling the bios for all SES. While many of your bios are posted on your respective bureau pages, we want to make sure we use the latest version. Please send your bio to Carrie Soave ([caroline\\_soave@ios.doi.gov](mailto:caroline_soave@ios.doi.gov)) by close of business on Monday (2/13/17).

If you have any questions, please let me know.

**Best,  
Mary**

--

Mary Pletcher  
Department of the Interior  
Deputy Assistant Secretary for Human Capital and Diversity  
Chief Human Capital Officer  
(202) 208-4505

--

Mary Pletcher  
Department of the Interior  
Deputy Assistant Secretary for Human Capital and Diversity  
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Mary Pletcher  
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(202) 208-4505

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Mary Pletcher  
Department of the Interior  
Deputy Assistant Secretary for Human Capital and Diversity  
Chief Human Capital Officer  
(202) 208-4505

I

--

**Carrie Soave**

HR Specialist, Executive Resources Division

Office of Human Capital

Department of the Interior

Phone: 202-513-0874

Fax: 202-208-5285



**From:** Stern, Adam  
**To:** [Goklany, Indur](#)  
**Cc:** [Shawn Buckner](#); [Joel Clement](#)  
**Subject:** Re: PPA staff directory on the web is somewhat out of date...  
**Date:** Wednesday, March 08, 2017 1:46:42 PM

---

Thank you, Goks. I will update it.

On Wed, Mar 8, 2017 at 1:44 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:  
| ... Just noticed

--

---

Adam Stern - Economist, Office of Policy Analysis, U.S. Department of the Interior, 202-208-4488

**From:** Clement, Joel  
**To:** [indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)  
**Subject:** Out of Office reply Re: PPA staff directory on the web is somewhat out of date...  
**Date:** Wednesday, March 08, 2017 1:45:30 PM

---

I'm out of the office on travel until Monday, March 13. For assistance with program matters please contact Deputy Director Shawn Buckner, [shawn\\_buckner@ios.doi.gov](mailto:shawn_buckner@ios.doi.gov). For program and administrative matters please contact Chloe Mayne, [chloe\\_mayne@ios.doi.gov](mailto:chloe_mayne@ios.doi.gov).

--

-----  
-----  
Joel Clement - Director, Office of Policy Analysis, U.S. Department of the Interior 202.208.3295

**From:** Goklany, Indur  
**To:** [Shawn Buckner](#); [Stern, Adam](#)  
**Cc:** [Joel Clement](#)  
**Subject:** PPA staff directory on the web is somewhat out of date...  
**Date:** Wednesday, March 08, 2017 1:45:24 PM

---

... Just noticed

**From:** Goklany, Indur  
**To:** [Pletcher, Mary](#); [Caroline \(Carrie\) Soave](#)  
**Subject:** Re: Action Required - Bios by COB February 13  
**Date:** Wednesday, March 08, 2017 1:40:07 PM

---

## Indur Goklany (“Goks”)

Goks is Senior Advisor, Office of Policy Analysis. He has served the Office of Policy Analysis in various capacities since 1986, ranging from analyst to Assistant Director, Programs, and Science & Technology Policy. His expertise includes risk analysis, climate change, sustainable development, adaptive management, ecosystem services, and various energy related issues, and has several publications in these areas. Prior to joining the Department, he led the development of the interim policy on emissions trading at EPA, managed the Technical Assessment Division of the National Commission on Air Quality, developed and led the air permitting group in EPA’s Chicago office, and managed the State Implementation Planning program for various air pollutants. He has also worked in state government (in Michigan). Goks has Ph.D., M.S. and Bachelor’s degrees in Electrical Engineering.

On Wed, Mar 8, 2017 at 12:53 PM, Pletcher, Mary <[mary\\_pletcher@ios.doi.gov](mailto:mary_pletcher@ios.doi.gov)> wrote:

If you are receiving this, Carrie Soave (cc'd) did not receive your bio. Can you please send ASAP?

Thanks,  
Mary

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

**From:** Pletcher, Mary <[mary\\_pletcher@ios.doi.gov](mailto:mary_pletcher@ios.doi.gov)>  
**Date:** Thu, Feb 9, 2017 at 5:11 PM  
**Subject:** Action Required - Bios by COB February 13  
**To:**  
**Cc:** "Caroline (Carrie) Soave" <[caroline\\_soave@ios.doi.gov](mailto:caroline_soave@ios.doi.gov)>, Jonathan Mack <[jonathan\\_mack@ios.doi.gov](mailto:jonathan_mack@ios.doi.gov)>, Michelle Oxyer <[michelle\\_oxyer@ios.doi.gov](mailto:michelle_oxyer@ios.doi.gov)>, Sarah Walters <[sarah\\_walters@ios.doi.gov](mailto:sarah_walters@ios.doi.gov)>, Amy Holley <[amy\\_holley@ios.doi.gov](mailto:amy_holley@ios.doi.gov)>, Kerry Rae <[kerry\\_rae@ios.doi.gov](mailto:kerry_rae@ios.doi.gov)>, Maureen Foster <[maureen\\_foster@ios.doi.gov](mailto:maureen_foster@ios.doi.gov)>, Richard Cardinale <[richard\\_cardinale@ios.doi.gov](mailto:richard_cardinale@ios.doi.gov)>

Dear Senior Executives,

As a way for the new political leadership to get to know the career SES, we will be compiling the bios for all SES. While many of your bios are posted on your respective bureau pages, we want to make sure we use the latest version. Please send your bio to Carrie Soave ([caroline\\_soave@ios.doi.gov](mailto:caroline_soave@ios.doi.gov)) by close of business on Monday (2/13/17).

If you have any questions, please let me know.

Best,  
Mary

--

Mary Pletcher  
Department of the Interior  
Deputy Assistant Secretary for Human Capital and Diversity  
Chief Human Capital Officer  
(202) 208-4505

--

Mary Pletcher  
Department of the Interior  
Deputy Assistant Secretary for Human Capital and Diversity  
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--

Mary Pletcher  
Department of the Interior  
Deputy Assistant Secretary for Human Capital and Diversity  
Chief Human Capital Officer  
(202) 208-4505

**From:** Goklany, Indur  
**To:** [Luciano, Lorraine](#)  
**Subject:** Re: Ethics Determination Request  
**Date:** Tuesday, March 07, 2017 9:51:49 AM

---

Thank you Lorraine, especially for the very rapid turnaround!

It has been my practice for such events, which I will adhere to this time as well, to never allude to my title at the Department or the Department that I work for.

Best regards,  
Indur (AKA Goks)

On Fri, Mar 3, 2017 at 2:31 PM, Luciano, Lorraine <[lorraine.luciano@sol.doi.gov](mailto:lorraine.luciano@sol.doi.gov)> wrote:

Indur,

Based upon the information you have provided there are no impediments to you speaking in your personal capacity, especially if you are not receiving any compensation (honorarium). You may accept food and other items the participants are receiving, like training materials, a mug, etc.

Now the main items you must do and beware of:

- 1) You must make a disclaimer that: Disclaimer of Non-Endorsement - The views and opinions expressed in this presentation are my opinions alone and do not constitute an endorsement or recommendation by the Department of the Interior or the U.S. Government.
- 2) While it is permissible for the person who introduces you or your info to be in conference material you must ensure your title or position is one of several biographical details to identify you, and that it is not given more prominence than other significant biographical details.
- 3) DO NOT LET them introduce you via your official title or position with DOI.

If you have any additional questions or your situation changes, please contact me.

**Best regards,**  
**Rainee**

Lorraine "Rainee" A. Luciano  
Attorney-Advisor  
Departmental Ethics Office  
U.S. Department of the Interior  
Main Interior Building, Room 5323

(202) 208-4110

Mail:

Departmental Ethics Office  
Office of the Solicitor  
Department of the Interior  
Mail Stop 5323  
1849 C Street NW  
Washington, DC 20240

E-mail the Departmental Ethics Office at [DOI\\_Ethics@sol.doi.gov](mailto:DOI_Ethics@sol.doi.gov) or visit us online at [www.doi.gov/ethics](http://www.doi.gov/ethics)

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On Thu, Mar 2, 2017 at 4:16 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:  
That was fast. Thanks!

I have a Ph.D. in Electrical Engineering, and worked on climate change matters for over 20 years until about 2009. I have written a number of publications, including, among other things, a book that deals with [human prosperity and well being](#) (which, to my surprise, I just found out has its own Wikipedia entry!) and another that addresses the [precautionary principle](#), which is something they want me to touch on in the panel.

No, I would not touch on or allude to any DOI policies.

On Thu, Mar 2, 2017 at 3:55 PM, Luciano, Lorraine <[lorraine.luciano@sol.doi.gov](mailto:lorraine.luciano@sol.doi.gov)> wrote:

Greetings Indur,

I, too, am not sure we have met but nice to meet you over email. I will be happy to review this activity for you in your personal capacity. Can you give me information on your education background? I do not mean to be rude but why would this organization want you to participate? Also, will you be discussing in DOI policy?

Let's start there and I can craft some advice by next week.

**Best regards,**

## Rainee

Lorraine "Rainee" A. Luciano  
Attorney-Advisor  
Departmental Ethics Office  
U.S. Department of the Interior  
Main Interior Building, Room 5323

(202) 208-4110

### Mail:

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Office of the Solicitor  
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On Thu, Mar 2, 2017 at 3:05 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:  
Hello Lorraine,

I am not sure whether we have met. I work as a Senior Advisor in the Office of Policy Analysis, and have been invited to participate in my personal capacity in two panel discussions at the 12th International Conference on Climate Change on March 23-24, 2017, in Washington, DC, hosted by the Heartland Institute, a free market think tank based in Arlington Heights, IL. See the attached letter.

I want to check whether I can participate in these panel discussions without falling afoul of Ethics laws, rules and regulations. I wouldn't be accepting an honorarium or any other compensation, and would be taking leave to participate and prepare for the panels. I don't currently work within the Office of Policy Analysis on any climate



change related issues, and have not done so for some years.

I have also advised Joel Clement, Director, Office of Policy Analysis, of the invitation, and he suggested I contact you.

I would appreciate an Ethics determination from your office, keeping in mind that the event is only three weeks away and I should provide the organizers sufficient time to make alternate arrangements, if necessary.

Thanks.

Sincerely,  
Indur Goklany  
Sr. Advisor, Office of Policy Analysis

**From:** Luciano, Lorraine  
**To:** [Goklany, Indur](#)  
**Subject:** Re: Ethics Determination Request  
**Date:** Friday, March 03, 2017 2:32:18 PM

---

Indur,

Based upon the information you have provided there are no impediments to you speaking in your personal capacity, especially if you are not receiving any compensation (honorarium). You may accept food and other items the participants are receiving, like training materials, a mug, etc.

Now the main items you must do and beware of:

- 1) You must make a disclaimer that: Disclaimer of Non-Endorsement - The views and opinions expressed in this presentation are my opinions alone and do not constitute an endorsement or recommendation by the Department of the Interior or the U.S. Government.
- 2) While it is permissible for the person who introduces you or your info to be in conference material you must ensure your title or position is one of several biographical details to identify you, and that it is not given more prominence than other significant biographical details.
- 3) DO NOT LET them introduce you via your official title or position with DOI.

If you have any additional questions or your situation changes, please contact me.

**Best regards,  
Rainee**

Lorraine "Rainee" A. Luciano  
Attorney-Advisor  
Departmental Ethics Office  
U.S. Department of the Interior  
Main Interior Building, Room 5323

(202) 208-4110

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Department of the Interior  
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That was fast. Thanks!

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No, I would not touch on or allude to any DOI policies.

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**Best regards,  
Rainee**

Lorraine "Rainee" A. Luciano  
Attorney-Advisor  
Departmental Ethics Office  
U.S. Department of the Interior  
Main Interior Building, Room 5323

(202) 208-4110

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Thanks.

Sincerely,

Indur Goklany  
Sr. Advisor, Office of Policy Analysis

**From:** Goklany, Indur  
**To:** [Luciano, Lorraine](#)  
**Subject:** Re: Ethics Determination Request  
**Date:** Thursday, March 02, 2017 4:16:59 PM

---

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**Best regards,  
Raine**

Lorraine "Raine" A. Luciano  
Attorney-Advisor  
Departmental Ethics Office  
U.S. Department of the Interior  
Main Interior Building, Room 5323

(202) 208-4110

Mail:  
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Thanks.

Sincerely,  
Indur Goklany  
Sr. Advisor, Office of Policy Analysis

**From:** Luciano, Lorraine  
**To:** [Goklany, Indur](#)  
**Subject:** Re: Ethics Determination Request  
**Date:** Thursday, March 02, 2017 3:55:51 PM

---

Greetings Indur,

I, too, am not sure we have met but nice to meet you over email. I will be happy to review this activity for you in your personal capacity. Can you give me information on your education background? I do not mean to be rude but why would this organization want you to participate? Also, will you be discussing in DOI policy?

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**Best regards,  
Raine**

Lorraine "Raine" A. Luciano  
Attorney-Advisor  
Departmental Ethics Office  
U.S. Department of the Interior  
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Thanks.

Sincerely,

Indur Goklany

Sr. Advisor, Office of Policy Analysis

**From:** Goklany, Indur  
**To:** [Lawyer, Mark](mailto:Lawyer_Mark)  
**Subject:** Re: Regulatory Contacts Meeting Tuesday, February 28  
**Date:** Tuesday, February 28, 2017 10:34:24 AM

---

I got through finally but the line was not clear and there was too much echo. Do you have a few bullet points summarizing the highlights of the call that you could share?

I would really appreciate that. Thanks.  
Goks

On Mon, Feb 27, 2017 at 12:50 PM, Lawyer, Mark <[mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)> wrote:  
Yes.

Toll Free Number: (b) (5)  
Passcode: (b) (5)

On Mon, Feb 27, 2017 at 12:09 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:  
Mark,

Could I join this mtg by phone? If so, do you have a phone number I could use? Thanks.

Goks (202-208-4951)

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

**From:** **Buckner, Shawn** <[shawn\\_buckner@ios.doi.gov](mailto:shawn_buckner@ios.doi.gov)>  
**Date:** Mon, Feb 27, 2017 at 12:01 PM  
**Subject:** Fwd: Regulatory Contacts Meeting Tuesday, February 28  
**To:** "Goklany, Indur" <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)>  
**Cc:** Joel Clement <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)>, Benjamin Simon <[benjamin\\_simon@ios.doi.gov](mailto:benjamin_simon@ios.doi.gov)>

Hi Goks,

Please attend this meeting.

Shawn

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

**From:** **Lawyer, Mark** <[mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)>  
**Date:** Mon, Feb 27, 2017 at 10:50 AM  
**Subject:** Regulatory Contacts Meeting Tuesday, February 28  
**To:** Regulatory Contacts <[regulatory\\_contacts@ios.doi.gov](mailto:regulatory_contacts@ios.doi.gov)>

I have attached an agenda for our regulatory contacts meeting tomorrow.

Date: Tuesday, February 28

Time: 10:00 a.m.  
Place: Room 1352 MIB

--

Mark Lawyer

Deputy Director - Policy and Regulatory Affairs  
Executive Secretariat and Regulatory Affairs  
Office of the Secretary  
Department of the Interior

Email: [mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)

Voice: (202) 208-5257

Fax: (202) 219-2100

--

Shawn M. Buckner  
Office of Policy Analysis  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240  
(202) 208-3664

--

Mark Lawyer

Deputy Director - Policy and Regulatory Affairs  
Executive Secretariat and Regulatory Affairs  
Office of the Secretary  
Department of the Interior

Email: [mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)

Voice: (202) 208-5257

Fax: (202) 219-2100

**From:** Goklany, Indur  
**To:** [Lawyer\\_Mark](mailto:Lawyer_Mark)  
**Subject:** Re: Regulatory Contacts Meeting Tuesday, February 28  
**Date:** Tuesday, February 28, 2017 10:01:41 AM

---

Mark -- The PW seems to be invalid! Could you send me the correct one. Thx -- Goks

On Mon, Feb 27, 2017 at 12:50 PM, Lawyer, Mark <[mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)> wrote:  
Yes.

Toll Free Number: (b) (5)  
Passcode: (b) (5)

On Mon, Feb 27, 2017 at 12:09 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:  
Mark,

Could I join this mtg by phone? If so, do you have a phone number I could use? Thanks.

Goks (202-208-4951)

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

**From:** **Buckner, Shawn** <[shawn\\_buckner@ios.doi.gov](mailto:shawn_buckner@ios.doi.gov)>  
**Date:** Mon, Feb 27, 2017 at 12:01 PM  
**Subject:** Fwd: Regulatory Contacts Meeting Tuesday, February 28  
**To:** "Goklany, Indur" <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)>  
**Cc:** Joel Clement <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)>, Benjamin Simon <[benjamin\\_simon@ios.doi.gov](mailto:benjamin_simon@ios.doi.gov)>

Hi Goks,

Please attend this meeting.

Shawn

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

**From:** **Lawyer, Mark** <[mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)>  
**Date:** Mon, Feb 27, 2017 at 10:50 AM  
**Subject:** Regulatory Contacts Meeting Tuesday, February 28  
**To:** Regulatory Contacts <[regulatory\\_contacts@ios.doi.gov](mailto:regulatory_contacts@ios.doi.gov)>

I have attached an agenda for our regulatory contacts meeting tomorrow.

Date: Tuesday, February 28  
Time: 10:00 a.m.  
Place: Room 1352 MIB

--

Mark Lawyer

Deputy Director - Policy and Regulatory Affairs  
Executive Secretariat and Regulatory Affairs  
Office of the Secretary  
Department of the Interior

Email: [mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)

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--

Shawn M. Buckner  
Office of Policy Analysis  
U.S. Department of the Interior  
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--

Mark Lawyer

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Executive Secretariat and Regulatory Affairs  
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Department of the Interior

Email: [mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)

Voice: (202) 208-5257

Fax: (202) 219-2100

**From:** Francois, George  
**To:** [Federal Librarians Discussion List](#)  
**Cc:** [Jennifer Klang](#); [Mary Lynch](#); [Shyamalika Ghoshal](#); [Mageski, Emily K](#); [Gignac, Kathleen](#)  
**Subject:** DOI Library Training Session - "The GREENR Database: Introduction and New Features" - Thursday, March 9th, 2:00 pm ET  
**Date:** Tuesday, February 28, 2017 8:46:28 AM

---

Hi Everyone -

I just wanted to send an e-mail to invite you and your staffs to the Department of the Interior Library on Thursday, March 9th from 2:00 to 3:15 pm for a training session entitled "The GREENR Database: Introduction and New Features" part of our series of free training sessions at the DOI Library.

Gale/Cengage's GREENR database, available at DOI workstations through the Library's website, focuses on the study of sustainability and the environment. Both interactive and current, GREENR allows users to navigate issue, organization and country portals. This resource provides news, background information, video, unique commentaries, primary source documents and statistics in highly accessible, visually appealing research areas, covering relevant categories including energy systems, healthcare, food, climate change, population, and economic development. It also offers interactive maps and contextual multimedia, customizable journals and news, and refereed case studies. A Gale/Cengage trainer (joining us via webinar) will take attendees on a tour of the GREENR database, detailing the resources that are available and how to best retrieve the relevant information that one might need.

All that are interested are invited. Please note that the temporary DOI Library is located in Room 2262 of the Stewart Lee Udall Department of the Interior Building. The Stewart Lee Udall Department of the Interior Building is located at 1849 C Street, NW in Washington, DC. Space for the program in the Library is limited so please go to the following link to register:

(b) (5)

We do prefer that you attend in person here at the DOI Library if you can. However, please note that this class is also being offered as a simultaneous online webinar for those that can't attend in person. Please indicate on the online registration form if you wish to obtain information about webinar access to this program.

You may contact the Library by phone at (202) 208-5815 or by e-mail at [library@ios.doi.gov](mailto:library@ios.doi.gov) for more information about this program or if you have trouble registering using the link above. For more information about the DOI Library, its resources, and its services, please visit our website at <http://www.doi.gov/library>.

We hope that you can attend either in person or virtually on March 9th!

George

George Francois  
Director - U.S. Dept. of the Interior Library  
Office of the Secretary - Office of Facilities and Administrative Services (OFAS)  
1849 C Street, NW, Room 2262, MS 1151  
Washington, DC 20240  
E-Mail: [George.Franchois@ios.doi.gov](mailto:George.Franchois@ios.doi.gov)  
Phone: (202) 208-3796  
Fax: (202) 208-6773  
Library URL: <http://www.doi.gov/library>  
OFAS URL: <http://www.doi.gov/ofas>

**From:** Goklany, Indur  
**To:** [Buckner, Shawn](#)  
**Cc:** [Joel Clement](#); [Benjamin Simon](#)  
**Subject:** Re: Regulatory Contacts Meeting Tuesday, February 28  
**Date:** Monday, February 27, 2017 3:25:35 PM

---

I'll phone in. Thanks.

On Mon, Feb 27, 2017 at 12:01 PM, Buckner, Shawn <[shawn\\_buckner@ios.doi.gov](mailto:shawn_buckner@ios.doi.gov)> wrote:

Hi Goks,

Please attend this meeting.

Shawn

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

**From:** **Lawyer, Mark** <[mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)>  
**Date:** Mon, Feb 27, 2017 at 10:50 AM  
**Subject:** Regulatory Contacts Meeting Tuesday, February 28  
**To:** Regulatory Contacts <[regulatory\\_contacts@ios.doi.gov](mailto:regulatory_contacts@ios.doi.gov)>

I have attached an agenda for our regulatory contacts meeting tomorrow.

**Date:** Tuesday, February 28  
**Time:** 10:00 a.m.  
**Place:** Room 1352 MIB

--

Mark Lawyer

Deputy Director - Policy and Regulatory Affairs  
Executive Secretariat and Regulatory Affairs  
Office of the Secretary  
Department of the Interior

Email: [mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)  
Voice: (202) 208-5257

Fax: (202) 219-2100

--

Shawn M. Buckner  
Office of Policy Analysis  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240  
(202) 208-3664

**From:** Goklany, Indur  
**To:** [Joel Clement](#); [Shawn Buckner](#)  
**Cc:** [Chloe Mayne](#)  
**Subject:** I'll be telecommuting the next couple of days, at least  
**Date:** Monday, February 27, 2017 3:24:59 PM

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**From:** Goklany, Indur  
**To:** [Lawyer\\_Mark](mailto:Lawyer_Mark)  
**Subject:** Re: Regulatory Contacts Meeting Tuesday, February 28  
**Date:** Monday, February 27, 2017 12:51:46 PM

---

Thanks.

On Mon, Feb 27, 2017 at 12:50 PM, Lawyer, Mark <[mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)> wrote:  
Yes.

Toll Free Number: (b) (5)  
Passcode: (b) (5)

On Mon, Feb 27, 2017 at 12:09 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:  
Mark,

Could I join this mtg by phone? If so, do you have a phone number I could use? Thanks.

Goks (202-208-4951)

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

**From:** **Buckner, Shawn** <[shawn\\_buckner@ios.doi.gov](mailto:shawn_buckner@ios.doi.gov)>  
**Date:** Mon, Feb 27, 2017 at 12:01 PM  
**Subject:** Fwd: Regulatory Contacts Meeting Tuesday, February 28  
**To:** "Goklany, Indur" <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)>  
**Cc:** Joel Clement <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)>, Benjamin Simon <[benjamin\\_simon@ios.doi.gov](mailto:benjamin_simon@ios.doi.gov)>

Hi Goks,

Please attend this meeting.

Shawn

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

**From:** **Lawyer, Mark** <[mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)>  
**Date:** Mon, Feb 27, 2017 at 10:50 AM  
**Subject:** Regulatory Contacts Meeting Tuesday, February 28  
**To:** Regulatory Contacts <[regulatory\\_contacts@ios.doi.gov](mailto:regulatory_contacts@ios.doi.gov)>

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Date: Tuesday, February 28  
Time: 10:00 a.m.  
Place: Room 1352 MIB

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Mark Lawyer

Deputy Director - Policy and Regulatory Affairs  
Executive Secretariat and Regulatory Affairs  
Office of the Secretary  
Department of the Interior

Email: [mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)

Voice: (202) 208-5257

Fax: (202) 219-2100

--

Shawn M. Buckner  
Office of Policy Analysis  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240  
(202) 208-3664

--

Mark Lawyer

Deputy Director - Policy and Regulatory Affairs  
Executive Secretariat and Regulatory Affairs  
Office of the Secretary  
Department of the Interior

Email: [mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)

Voice: (202) 208-5257

Fax: (202) 219-2100

**From:** Lawyer, Mark  
**To:** [Goklany, Indur](#)  
**Subject:** Re: Regulatory Contacts Meeting Tuesday, February 28  
**Date:** Monday, February 27, 2017 12:51:02 PM

---

Yes.

Toll Free Number: (b) (5)  
Passcode: (b) (5)

On Mon, Feb 27, 2017 at 12:09 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:  
Mark,

Could I join this mtg by phone? If so, do you have a phone number I could use? Thanks.

Goks (202-208-4951)

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

**From:** **Buckner, Shawn** <[shawn\\_buckner@ios.doi.gov](mailto:shawn_buckner@ios.doi.gov)>  
**Date:** Mon, Feb 27, 2017 at 12:01 PM  
**Subject:** Fwd: Regulatory Contacts Meeting Tuesday, February 28  
**To:** "Goklany, Indur" <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)>  
**Cc:** Joel Clement <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)>, Benjamin Simon <[benjamin\\_simon@ios.doi.gov](mailto:benjamin_simon@ios.doi.gov)>

Hi Goks,

Please attend this meeting.

Shawn

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

**From:** **Lawyer, Mark** <[mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)>  
**Date:** Mon, Feb 27, 2017 at 10:50 AM  
**Subject:** Regulatory Contacts Meeting Tuesday, February 28  
**To:** Regulatory Contacts <[regulatory\\_contacts@ios.doi.gov](mailto:regulatory_contacts@ios.doi.gov)>

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Date: Tuesday, February 28  
Time: 10:00 a.m.  
Place: Room 1352 MIB

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Mark Lawyer

Deputy Director - Policy and Regulatory Affairs

Executive Secretariat and Regulatory Affairs  
Office of the Secretary  
Department of the Interior

Email: [mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)

Voice: (202) 208-5257

Fax: (202) 219-2100

--

Shawn M. Buckner  
Office of Policy Analysis  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240  
(202) 208-3664

--

Mark Lawyer

Deputy Director - Policy and Regulatory Affairs  
Executive Secretariat and Regulatory Affairs  
Office of the Secretary  
Department of the Interior

Email: [mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)

Voice: (202) 208-5257

Fax: (202) 219-2100

**From:** Goklany, Indur  
**To:** [Shawn Buckner](#); [Joel Clement](#)  
**Cc:** [Chloe Mayne](#)  
**Subject:** I'll be showing up late this morning...  
**Date:** Monday, February 27, 2017 7:34:24 AM

---

... (b) (6) . Till then I'll be working from here. My phone #  
here, in case you need it, is (b) (6) . Thanks.

Hope the move went well Friday.

**From:** Clement, Joel  
**To:** [Goklany, Indur](#)  
**Cc:** [Shawn Buckner](#)  
**Subject:** Re: Reassigning charges on Labor Report Query  
**Date:** Friday, February 17, 2017 3:07:48 PM

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Great, thanks for chasing this down, Goks.

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Joel Clement - Director, Office of Policy Analysis, U.S. Department of the Interior 202.208.3295

On Fri, Feb 17, 2017 at 12:56 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:  
Joel,

Per our earlier conversation, based on the discrepancies identified in the Labor Report Query which I receive periodically and have been following up on since Tiera's departure, I tracked down the charges that would be billed to us related to (b) (6) retirement. The cumulative charges would exceed \$55,000, about 60% due to lump sum for annual leave and 40% for "restored annual leave."

I will let the Denver Financial folks know that they should be assigned to our account, which is the way it is supposed to be (per the POB's Kim Prendergast).

Thanks.

Goks

**From:** Goklany, Indur  
**To:** [Stanley Burgiel](#)  
**Cc:** [Jamie Reaser](#); [Hilary Smith](#); [Joel Clement](#)  
**Subject:** FYI  
**Date:** Friday, February 17, 2017 1:59:15 PM

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[U.S. panel gives yellow light to human embryo editing | Science | AAAS](#)  
[www.sciencemag.org/news/2017/.../us-panel-gives-yellow-light-human-embryo-editi...](http://www.sciencemag.org/news/2017/.../us-panel-gives-yellow-light-human-embryo-editi...) ▼

3 days ago But new DNA editing tools, such as **CRISPR**, that make genome ... The controversy led to the 2015 NAS summit, where organizers concluded ..

**From:** Goklany, Indur  
**To:** [Joel Clement](#)  
**Cc:** [Shawn Buckner](#)  
**Subject:** Reassigning charges on Labor Report Query  
**Date:** Friday, February 17, 2017 12:56:47 PM

---

Joel,

Per our earlier conversation, based on the discrepancies identified in the Labor Report Query which I receive periodically and have been following up on since Tiera's departure, I tracked down the charges that would be billed to us related to (b) (6) retirement. The cumulative charges would exceed \$55,000, about 60% due to lump sum for annual leave and 40% for "restored annual leave."

I will let the Denver Financial folks know that they should be assigned to our account, which is the way it is supposed to be (per the POB's Kim Prendergast).

Thanks.

Goks



**From:** Goklany, Indur  
**To:** [Joel Clement](#); [Shawn Buckner](#); [Benjamin Simon](#)  
**Subject:** Fwd: Follow On Guidance on the Executive Order "Reducing Regulation and Controlling Regulatory Costs"  
**Date:** Friday, February 03, 2017 2:48:51 PM

---

fyi

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

**From:** **Lawyer, Mark** <[mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)>

**Date:** Fri, Feb 3, 2017 at 2:05 PM

**Subject:** Fwd: Follow On Guidance on the Executive Order "Reducing Regulation and Controlling Regulatory Costs"

**To:** Anissa Craghead <[anissa\\_craghead@fws.gov](mailto:anissa_craghead@fws.gov)>, "Apgar, Megan" <[Megan\\_Apgar@ios.doi.gov](mailto:Megan_Apgar@ios.doi.gov)>, "Appel, Elizabeth" <[Elizabeth.Appel@bia.gov](mailto:Elizabeth.Appel@bia.gov)>, Ashley Fry <[ashley.fry@bia.gov](mailto:ashley.fry@bia.gov)>, "Begay, Amanda" <[amanda.begay@bia.gov](mailto:amanda.begay@bia.gov)>, Benjamin Simon <[benjamin\\_simon@ios.doi.gov](mailto:benjamin_simon@ios.doi.gov)>, "Bremner, Faith" <[fbremner@blm.gov](mailto:fbremner@blm.gov)>, "Calhoun, John" <[john\\_calhoun@nps.gov](mailto:john_calhoun@nps.gov)>, Daniel Lind <[daniel.lind@bsee.gov](mailto:daniel.lind@bsee.gov)>, Deanna Meyer-Pietruszka <[deanna.meyer-pietruszka@boem.gov](mailto:deanna.meyer-pietruszka@boem.gov)>, "Epstein, Joshua" <[joshua\\_epstein@oha.doi.gov](mailto:joshua_epstein@oha.doi.gov)>, Ian Senio <[Ian\\_Senio@blm.gov](mailto:Ian_Senio@blm.gov)>, Indur Goklany <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)>, Jennifer Stevenson <[jennifer\\_stevenson@ios.doi.gov](mailto:jennifer_stevenson@ios.doi.gov)>, Jill Nagode <[JNagode@usbr.gov](mailto:JNagode@usbr.gov)>, Kelly Odom <[kelly.odom@bsee.gov](mailto:kelly.odom@bsee.gov)>, Kerry Rodgers <[kerry\\_rodgers@ios.doi.gov](mailto:kerry_rodgers@ios.doi.gov)>, Lakeisha Harrison <[lakeisha.harrison@bsee.gov](mailto:lakeisha.harrison@bsee.gov)>, Loren Thompson <[loren.thompson@boem.gov](mailto:loren.thompson@boem.gov)>, Mark Lawyer <[mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)>, Matt Williams <[matt.williams@onrr.gov](mailto:matt.williams@onrr.gov)>, Michelle Fishburne <[mfishburne@osmre.gov](mailto:mfishburne@osmre.gov)>, "nathan. good" <[nathan.good@bsee.gov](mailto:nathan.good@bsee.gov)>, "North, Arthur" <[AJ\\_North@nps.gov](mailto:AJ_North@nps.gov)>, Rachel Lukens <[rachel\\_lukens@oha.doi.gov](mailto:rachel_lukens@oha.doi.gov)>, Russ\_Wilson <[Russ\\_Wilson@nps.gov](mailto:Russ_Wilson@nps.gov)>, Sara Prigan <[sara\\_prigan@fws.gov](mailto:sara_prigan@fws.gov)>, Shelly Wills <[shelly.wills@boem.gov](mailto:shelly.wills@boem.gov)>, Susan Wilkinson <[susan\\_wilkinson@fws.gov](mailto:susan_wilkinson@fws.gov)>, Tina Campbell <[tina\\_campbell@fws.gov](mailto:tina_campbell@fws.gov)>, "Trelease, John" <[jtrelease@osmre.gov](mailto:jtrelease@osmre.gov)>

FYI, just received this from OIRA.

The guidance is now on the White House website. Here is the link:

<https://www.whitehouse.gov/the-press-office/2017/02/03/interim-guidance-implementing-section-2-executive-order-january-30-2017>

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Mark Lawyer

Deputy Director - Policy and Regulatory Affairs  
Executive Secretariat and Regulatory Affairs  
Office of the Secretary  
Department of the Interior

Email: [mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)

Voice: (202) 208-5257

Fax: (202) 219-2100

**From:** Goklany, Indur  
**To:** [Douglas Domenech](#)  
**Subject:** You"d be doing the new Secretary a favor if ...  
**Date:** Monday, January 30, 2017 8:33:10 AM

---

... the current "Our Priorities" page visible on the [DOI home page](#) were removed before he is confirmed. That way there would be no controversy if it is taken down after he arrives. If there are any questions, I would offer the following rationale:

We are expecting to have a new Secretary soon. We fully expect that he or she, and the new management team will have a new or rearranged set of priorities different from the last Administration's, which will reflect the President Trump's agenda. Therefore, in preparation for the new Secretary and his or her team, the current Priorities page is being taken down.

You may also want to have a note sent to all employees stating the above so that there is no element of surprise (or fake surprise), and also adding that it is expected that employees and bureaus will continue implementing the laws that pertain to their duties.

I actually think that removing the Priorities page is better and more efficient than just modifying certain pages because climate change is not the only questionable priority on the current Priorities page.

Regards,  
Goks (202-208-4951)

On Fri, Jan 27, 2017 at 3:52 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:

Doug,

Attached is a draft of the revisions I would make. These revisions would be technically and scientifically more accurate than what's currently on it, and also provide context, which the current one doesn't.

The original page is at: <https://www.doi.gov/climate>. It can also be accessed from the DOI home page via "Our Priorities" and then by clicking "Climate Change" under "America's Great Outdoors".

To see the draft without any mark-up, on WORD, go to the "Review" tab and select "No Markup" (to the right of the "Track Changes" box). To see what changes I would make and some comments I have as to why I would make them, select "All Markup".

I'll be leaving the office shortly, but can talk on Monday (or whenever).

Best regards,  
Goks, 202-2084951

**From:** Steele, Jonathan  
**To:** [Clement, Joel](mailto:Joel.Clement@ios.doi.gov)  
**Cc:** [Benjamin M. Simon](mailto:Benjamin.M.Simon@ios.doi.gov); [Shawn Buckner](mailto:Shawn.Buckner@ios.doi.gov); [Liza Johnson](mailto:Liza.Johnson@ios.doi.gov); [Hilary Smith](mailto:Hilary.Smith@ios.doi.gov); [Indur M. Goklany](mailto:Indur.M.Goklany@ios.doi.gov)  
**Subject:** Re: Information Request to OES and Compliance with January 20 WH Memo re: Regulatory Freeze Pending Review  
**Date:** Tuesday, January 24, 2017 8:50:15 AM

---

Nothing on climate.

On Mon, Jan 23, 2017 at 11:54 AM, Clement, Joel <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)> wrote:

Let me know, thanks!

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

**From:** **Glomb, Steve** <[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)>  
**Date:** Mon, Jan 23, 2017 at 11:34 AM  
**Subject:** Fwd: Information Request to OES and Compliance with January 20 WH Memo re: Regulatory Freeze Pending Review  
**To:** Joel Clement <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)>, Michaela Noble <[michaela\\_noble@ios.doi.gov](mailto:michaela_noble@ios.doi.gov)>, Karen Senhadji <[karen\\_senhadji@ios.doi.gov](mailto:karen_senhadji@ios.doi.gov)>, Jamie Reaser <[jamie\\_reaser@ios.doi.gov](mailto:jamie_reaser@ios.doi.gov)>, Kaiini Kaloi <[kaiini\\_kaloi@ios.doi.gov](mailto:kaiini_kaloi@ios.doi.gov)>, Stanton Enomoto <[stanton\\_enomoto@ios.doi.gov](mailto:stanton_enomoto@ios.doi.gov)>, Shawn Buckner <[shawn\\_buckner@ios.doi.gov](mailto:shawn_buckner@ios.doi.gov)>, Mary Josie Blanchard <[maryjosie\\_blanchard@ios.doi.gov](mailto:maryjosie_blanchard@ios.doi.gov)>, David Downes <[david\\_downes@ios.doi.gov](mailto:david_downes@ios.doi.gov)>, Barbara Pitkin <[barbara\\_pitkin@ios.doi.gov](mailto:barbara_pitkin@ios.doi.gov)>  
**Cc:** Mark Huston <[mark\\_huston@ios.doi.gov](mailto:mark_huston@ios.doi.gov)>

Do any of your offices have anything that has been sent to the Federal Register that has not been published? I saw nothing from DAS-PIA on the attached list, but need to double check. If your office does have something pending at FR, we have been directed to withdraw it pending review by the new administration.

Thanks for checking on this..

**Steve**  
202-208-4863  
[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)

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

**From:** **Holley, Amy** <[amy\\_holley@ios.doi.gov](mailto:amy_holley@ios.doi.gov)>  
**Date:** Mon, Jan 23, 2017 at 11:26 AM  
**Subject:** Fwd: Information Request to OES and Compliance with January 20 WH Memo re: Regulatory Freeze Pending Review  
**To:** Olivia Ferriter <[Olivia\\_Ferriter@ios.doi.gov](mailto:Olivia_Ferriter@ios.doi.gov)>, Harry Humbert <[harry\\_humbert@ios.doi.gov](mailto:harry_humbert@ios.doi.gov)>, Mary Pletcher <[Mary\\_Pletcher@ios.doi.gov](mailto:Mary_Pletcher@ios.doi.gov)>, Elena Gonzalez <[maria\\_gonzalez@ios.doi.gov](mailto:maria_gonzalez@ios.doi.gov)>, Steve Glomb <[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)>, Greg Gould <[greg.gould@onrr.gov](mailto:greg.gould@onrr.gov)>

All:

Please see below and attached. Let me know if you have questions--or anything to add.

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

From: **Lillie, Juliette** <[juliette\\_lillie@ios.doi.gov](mailto:juliette_lillie@ios.doi.gov)>

Date: Sun, Jan 22, 2017 at 5:59 PM

Subject: Information Request to OES and Compliance with January 20 WH Memo re: Regulatory Freeze Pending Review

To: Kevin Haugrud <[jack.haugrud@sol.doi.gov](mailto:jack.haugrud@sol.doi.gov)>, Edward Keable <[edward.keable@sol.doi.gov](mailto:edward.keable@sol.doi.gov)>, Amy Holley <[amy\\_holley@ios.doi.gov](mailto:amy_holley@ios.doi.gov)>, Richard Cardinale <[Richard\\_Cardinale@ios.doi.gov](mailto:Richard_Cardinale@ios.doi.gov)>, Kerry Rae <[kerry\\_rae@ios.doi.gov](mailto:kerry_rae@ios.doi.gov)>, Maureen Foster <[maureen\\_foster@ios.doi.gov](mailto:maureen_foster@ios.doi.gov)>, Michael Black <[Mike.Black@bia.gov](mailto:Mike.Black@bia.gov)>, David Murillo <[dmurillo@usbr.gov](mailto:dmurillo@usbr.gov)>, Kristin Bail <[kbail@blm.gov](mailto:kbail@blm.gov)>, Deb Dumontier <[debra\\_dumontier@ost.doi.gov](mailto:debra_dumontier@ost.doi.gov)>

Cc: Mark Lawyer <[mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)>, Juliette Lillie <[juliette\\_lillie@ios.doi.gov](mailto:juliette_lillie@ios.doi.gov)>

Good evening: On behalf of Jack, I am sending this memo describing DOI's actions to comply with the Administration's current request regarding regulations at the Federal Register. The memo from Chief of Staff Priebus is a separate attachment to this email entitled Attachment A-White House Regulatory Memo 1-20-1017. By 10:30 a.m. tomorrow, Monday, January 23, we are asking you to review the regulations listed in the attached memo from Jack for accuracy and to let OES (me) know if any of your regulation actions satisfy the named exceptions in the WH memo.

Thank you,  
Julie

Juliette Lillie  
Director Executive Secretariat and Regulatory Affairs  
Department of the Interior  
1849 C St. NW  
Washington DC 20240

Email: [juliette\\_lillie@ios.doi.gov](mailto:juliette_lillie@ios.doi.gov)  
Ph: 202-219-7724

--

Jonathan Steele  
Office of Policy Analysis  
U.S. Department of the Interior  
202-208-4839  
[Jonathan\\_Steele@ios.doi.gov](mailto:Jonathan_Steele@ios.doi.gov)

**From:** Johnson, Liza  
**To:** [Smith, Hilary](mailto:Smith.Hilary)  
**Cc:** [Simon, Benjamin](mailto:Simon.Benjamin); [Clement, Joel](mailto:Clement.Joel); [Shawn Buckner](mailto:Shawn.Buckner); [Jonathan Steele](mailto:Jonathan.Steele); [Indur M. Goklany](mailto:Indur.M.Goklany)  
**Subject:** Re: Information Request to OES and Compliance with January 20 WH Memo re: Regulatory Freeze Pending Review  
**Date:** Tuesday, January 24, 2017 7:53:51 AM

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None from Oceans.

On Mon, Jan 23, 2017 at 5:03 PM, Smith, Hilary <[hilary\\_smith@ios.doi.gov](mailto:hilary_smith@ios.doi.gov)> wrote:  
Nothing here either.

On Mon, Jan 23, 2017 at 4:56 PM, Simon, Benjamin <[benjamin\\_simon@ios.doi.gov](mailto:benjamin_simon@ios.doi.gov)> wrote:

We do not have anything that I know of.

Ben

On Mon, Jan 23, 2017 at 11:54 AM, Clement, Joel <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)> wrote:  
Let me know, thanks!

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

**From:** **Glomb, Steve** <[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)>  
**Date:** Mon, Jan 23, 2017 at 11:34 AM  
**Subject:** Fwd: Information Request to OES and Compliance with January 20 WH Memo re: Regulatory Freeze Pending Review  
**To:** Joel Clement <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)>, Michaela Noble <[michaela\\_noble@ios.doi.gov](mailto:michaela_noble@ios.doi.gov)>, Karen Senhadji <[karen\\_senhadji@ios.doi.gov](mailto:karen_senhadji@ios.doi.gov)>, Jamie Reaser <[jamie\\_reaser@ios.doi.gov](mailto:jamie_reaser@ios.doi.gov)>, Kaiini Kaloi <[kaiini\\_kaloi@ios.doi.gov](mailto:kaiini_kaloi@ios.doi.gov)>, Stanton Enomoto <[stanton\\_enomoto@ios.doi.gov](mailto:stanton_enomoto@ios.doi.gov)>, Shawn Buckner <[shawn\\_buckner@ios.doi.gov](mailto:shawn_buckner@ios.doi.gov)>, Mary Josie Blanchard <[maryjosie\\_blanchard@ios.doi.gov](mailto:maryjosie_blanchard@ios.doi.gov)>, David Downes <[david\\_downes@ios.doi.gov](mailto:david_downes@ios.doi.gov)>, Barbara Pitkin <[barbara\\_pitkin@ios.doi.gov](mailto:barbara_pitkin@ios.doi.gov)>  
**Cc:** Mark Huston <[mark\\_huston@ios.doi.gov](mailto:mark_huston@ios.doi.gov)>

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Thanks for checking on this..

**Steve**  
202-208-4863  
[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)

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**Date:** Mon, Jan 23, 2017 at 11:26 AM  
**Subject:** Fwd: Information Request to OES and Compliance with January 20 WH Memo

re: Regulatory Freeze Pending Review

To: Olivia Ferriter <[Olivia\\_Ferriter@ios.doi.gov](mailto:Olivia_Ferriter@ios.doi.gov)>, Harry Humbert <[harry\\_humbert@ios.doi.gov](mailto:harry_humbert@ios.doi.gov)>, Mary Pletcher <[Mary\\_Pletcher@ios.doi.gov](mailto:Mary_Pletcher@ios.doi.gov)>, Elena Gonzalez <[maria\\_gonzalez@ios.doi.gov](mailto:maria_gonzalez@ios.doi.gov)>, Steve Glomb <[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)>, Greg Gould <[greg.gould@onrr.gov](mailto:greg.gould@onrr.gov)>

All:

Please see below and attached. Let me know if you have questions--or anything to add.

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

From: **Lillie, Juliette** <[juliette\\_lillie@ios.doi.gov](mailto:juliette_lillie@ios.doi.gov)>

Date: Sun, Jan 22, 2017 at 5:59 PM

Subject: Information Request to OES and Compliance with January 20 WH Memo re: Regulatory Freeze Pending Review

To: Kevin Haugrud <[jack.haugrud@sol.doi.gov](mailto:jack.haugrud@sol.doi.gov)>, Edward Keable <[edward.keable@sol.doi.gov](mailto:edward.keable@sol.doi.gov)>, Amy Holley <[amy\\_holley@ios.doi.gov](mailto:amy_holley@ios.doi.gov)>, Richard Cardinale <[Richard\\_Cardinale@ios.doi.gov](mailto:Richard_Cardinale@ios.doi.gov)>, Kerry Rae <[kerry\\_rae@ios.doi.gov](mailto:kerry_rae@ios.doi.gov)>, Maureen Foster <[maureen\\_foster@ios.doi.gov](mailto:maureen_foster@ios.doi.gov)>, Michael Black <[Mike.Black@bia.gov](mailto:Mike.Black@bia.gov)>, David Murillo <[dmurillo@usbr.gov](mailto:dmurillo@usbr.gov)>, Kristin Bail <[kbail@blm.gov](mailto:kbail@blm.gov)>, Deb Dumontier <[debra\\_dumontier@ost.doi.gov](mailto:debra_dumontier@ost.doi.gov)>

Cc: Mark Lawyer <[mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)>, Juliette Lillie <[juliette\\_lillie@ios.doi.gov](mailto:juliette_lillie@ios.doi.gov)>

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Thank you,  
Julie

Juliette Lillie  
Director Executive Secretariat and Regulatory Affairs  
Department of the Interior  
1849 C St. NW  
Washington DC 20240

Email: [juliette\\_lillie@ios.doi.gov](mailto:juliette_lillie@ios.doi.gov)  
Ph: 202-219-7724

--

Benjamin Simon, Ph.D., Chief DOI Economist  
Office of Policy Analysis  
U.S. Department of the Interior  
1849 C St. NW  
Washington DC  
202 208 4916  
[benjamin\\_simon@ios.doi.gov](mailto:benjamin_simon@ios.doi.gov)

--

Hilary Smith  
Invasive Species Coordinator  
U.S. Department of the Interior  
Office of Policy Analysis, 3522 MIB, MS-3530  
1849 C Street, N.W.  
Washington, DC 20240

Office: 202.208.4103  
Cell: 202.763 3118  
Fax: 202.208.4118  
[Hilary\\_Smith@ios.doi.gov](mailto:Hilary_Smith@ios.doi.gov)

--

Liza M. Johnson  
Ocean, Coasts, and Great Lakes Coordinator  
U.S. Department of the Interior  
Office of the Secretary, Policy Analysis  
1849 C St. NW, MS-3530-MIB  
Washington, DC 20240  
phone: 202-208-1378  
[Liza\\_M\\_Johnson@ios.doi.gov](mailto:Liza_M_Johnson@ios.doi.gov)



**From:** Smith, Hilary  
**To:** [Simon, Benjamin](mailto:Simon.Benjamin)  
**Cc:** [Clement, Joel](mailto:Clement.Joel); [Shawn Buckner](mailto:Shawn.Buckner); [Liza Johnson](mailto:Liza.Johnson); [Jonathan Steele](mailto:Jonathan.Steele); [Indur M. Goklany](mailto:Indur.M.Goklany)  
**Subject:** Re: Information Request to OES and Compliance with January 20 WH Memo re: Regulatory Freeze Pending Review  
**Date:** Monday, January 23, 2017 5:03:39 PM

---

Nothing here either.

On Mon, Jan 23, 2017 at 4:56 PM, Simon, Benjamin <[benjamin\\_simon@ios.doi.gov](mailto:benjamin_simon@ios.doi.gov)> wrote:  
We do not have anything that I know of.

Ben

On Mon, Jan 23, 2017 at 11:54 AM, Clement, Joel <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)> wrote:  
Let me know, thanks!

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

**From:** **Glomb, Steve** <[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)>  
**Date:** Mon, Jan 23, 2017 at 11:34 AM  
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**Cc:** Mark Huston <[mark\\_huston@ios.doi.gov](mailto:mark_huston@ios.doi.gov)>

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Thanks for checking on this..

Steve  
202-208-4863  
[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)

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Greg Gould <[greg.gould@onrr.gov](mailto:greg.gould@onrr.gov)>

All:

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Subject: Information Request to OES and Compliance with January 20 WH Memo re: Regulatory Freeze Pending Review

To: Kevin Haugrud <[jack.haugrud@sol.doi.gov](mailto:jack.haugrud@sol.doi.gov)>, Edward Keable <[edward.keable@sol.doi.gov](mailto:edward.keable@sol.doi.gov)>, Amy Holley <[amy\\_holley@ios.doi.gov](mailto:amy_holley@ios.doi.gov)>, Richard Cardinale <[Richard\\_Cardinale@ios.doi.gov](mailto:Richard_Cardinale@ios.doi.gov)>, Kerry Rae <[kerry\\_rae@ios.doi.gov](mailto:kerry_rae@ios.doi.gov)>, Maureen Foster <[maureen\\_foster@ios.doi.gov](mailto:maureen_foster@ios.doi.gov)>, Michael Black <[Mike.Black@bia.gov](mailto:Mike.Black@bia.gov)>, David Murillo <[dmurillo@usbr.gov](mailto:dmurillo@usbr.gov)>, Kristin Bail <[kbail@blm.gov](mailto:kbail@blm.gov)>, Deb Dumontier <[debra\\_dumontier@ost.doi.gov](mailto:debra_dumontier@ost.doi.gov)>

Cc: Mark Lawyer <[mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)>, Juliette Lillie <[juliette\\_lillie@ios.doi.gov](mailto:juliette_lillie@ios.doi.gov)>

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Thank you,  
Julie

Juliette Lillie  
Director Executive Secretariat and Regulatory Affairs  
Department of the Interior  
1849 C St. NW  
Washington DC 20240

Email: [juliette\\_lillie@ios.doi.gov](mailto:juliette_lillie@ios.doi.gov)  
Ph: 202-219-7724

--  
Benjamin Simon, Ph.D., Chief DOI Economist

Office of Policy Analysis  
U.S. Department of the Interior  
1849 C St. NW  
Washington DC  
202 208 4916  
[benjamin\\_simon@ios.doi.gov](mailto:benjamin_simon@ios.doi.gov)

--

Hilary Smith  
Invasive Species Coordinator  
U.S. Department of the Interior  
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1849 C Street, N.W.  
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Office: 202.208.4103  
Cell: 202.763.3118  
Fax: 202.208.4118  
[Hilary\\_Smith@ios.doi.gov](mailto:Hilary_Smith@ios.doi.gov)

**From:** Simon, Benjamin  
**To:** [Clement, Joel](mailto:Clement.Joel)  
**Cc:** [Shawn Buckner](mailto:Shawn.Buckner); [Liza Johnson](mailto:Liza.Johnson); [Hilary Smith](mailto:Hilary.Smith); [Jonathan Steele](mailto:Jonathan.Steele); [Indur M. Goklany](mailto:Indur.M.Goklany)  
**Subject:** Re: Information Request to OES and Compliance with January 20 WH Memo re: Regulatory Freeze Pending Review  
**Date:** Monday, January 23, 2017 4:56:39 PM

---

We do not have anything that I know of.

Ben

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[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)

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**From:** **Holley, Amy** <[amy\\_holley@ios.doi.gov](mailto:amy_holley@ios.doi.gov)>  
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**To:** Olivia Ferriter <[Olivia\\_Ferriter@ios.doi.gov](mailto:Olivia_Ferriter@ios.doi.gov)>, Harry Humbert <[harry\\_humbert@ios.doi.gov](mailto:harry_humbert@ios.doi.gov)>, Mary Pletcher <[Mary\\_Pletcher@ios.doi.gov](mailto:Mary_Pletcher@ios.doi.gov)>, Elena Gonzalez <[maria\\_gonzalez@ios.doi.gov](mailto:maria_gonzalez@ios.doi.gov)>, Steve Glomb <[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)>, Greg Gould <[greg.gould@onrr.gov](mailto:greg.gould@onrr.gov)>

All:

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Department of the Interior  
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Washington DC 20240

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Ph: 202-219-7724

--

Benjamin Simon, Ph.D., Chief DOI Economist  
Office of Policy Analysis  
U.S. Department of the Interior  
1849 C St. NW  
Washington DC  
202 208 4916

[benjamin\\_simon@ios.doi.gov](mailto:benjamin_simon@ios.doi.gov)

**From:** Clement, Joel  
**To:** [Benjamin M. Simon](#); [Liza Johnson](#); [Jonathan Steele](#); [Hilary Smith](#); [Indur M. Goklany](#); [Shawn Buckner](#)  
**Subject:** Fwd: FYI DOI Career Actings (from DOI website)  
**Date:** Monday, January 23, 2017 1:29:04 PM

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Question answered.

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

**From:** **Senhadji, Karen** <[karen\\_senhadji@ios.doi.gov](mailto:karen_senhadji@ios.doi.gov)>  
**Date:** Mon, Jan 23, 2017 at 1:24 PM  
**Subject:** FYI DOI Career Actings (from DOI website)  
**To:** Steve Glomb <[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)>, Mark Huston <[mark\\_huston@ios.doi.gov](mailto:mark_huston@ios.doi.gov)>, Michaela Noble <[michaela\\_noble@ios.doi.gov](mailto:michaela_noble@ios.doi.gov)>, "Blanchard, Mary Josie" <[maryjosie\\_blanchard@ios.doi.gov](mailto:maryjosie_blanchard@ios.doi.gov)>, Joel Clement <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)>, Shawn Buckner <[shawn\\_buckner@ios.doi.gov](mailto:shawn_buckner@ios.doi.gov)>, Kimo Kaloi <[Kaiini\\_Kaloi@ios.doi.gov](mailto:Kaiini_Kaloi@ios.doi.gov)>, David Downes <[David\\_Downes@ios.doi.gov](mailto:David_Downes@ios.doi.gov)>, Barbara Pitkin <[barbara\\_pitkin@ios.doi.gov](mailto:barbara_pitkin@ios.doi.gov)>

<https://www.doi.gov/whoweare/keyofficials/>

\*\*\*\*\*  
Karen Senhadji  
Director, Office of International Affairs  
Office of the Secretary  
U.S. Department of the Interior  
[karen\\_senhadji@ios.doi.gov](mailto:karen_senhadji@ios.doi.gov)  
Office 202-208-5479 , Cell 202-510-0651  
\*\*\*\*\*

**From:** Goklany, Indur  
**To:** [Shawn Buckner](#); [Joel Clement](#); [Benjamin Simon](#)  
**Subject:** Trump freezes federal hiring from The Washington Post  
**Date:** Monday, January 23, 2017 12:34:45 PM

---

In case you haven't seen this: [http://wapo.st/2jJOk3V?tid=ss\\_mail](http://wapo.st/2jJOk3V?tid=ss_mail)



**From:** Goklany, Indur  
**To:** [Stern, Adam](#)  
**Cc:** [Clement, Joel](#); [Shawn Buckner](#); [Noah Van Gilder](#); [Vanitha Sivarajan](#); [Ann Tihansky](#)  
**Subject:** Re: New Draft - PPA Vision, Mission, Goals and Values  
**Date:** Monday, January 09, 2017 9:57:21 AM

---

Based on a quick scan, this looks like a very good draft! I may have wordsmithing suggestions once I focus on this (after getting out from under my in-box).

On Mon, Jan 9, 2017 at 8:28 AM, Stern, Adam <[adam\\_stern@ios.doi.gov](mailto:adam_stern@ios.doi.gov)> wrote:

Hi Joel and Shawn,

Here is an updated version of the PPA Vision, Mission, Goals and Values. Our changes are relatively minor. We propose two versions of the "vision;" one internal and one external. Let us know if you have any comments or edits. Thank you!

Best,

Adam

--

---

Adam Stern - Economist, Office of Policy Analysis, U.S. Department of the Interior, 202-208-4488

**From:** Goklany, Indur  
**To:** [824-mht-304.0.38143.0.0.22596.9.2134089@potomac1050.mktomail.com](mailto:824-mht-304.0.38143.0.0.22596.9.2134089@potomac1050.mktomail.com)  
**Subject:** I am out and will be back on Monday, January 9th. Re: The California Gathering That Hatched the Plan to Prosecute Skeptics of Climate Change  
**Date:** Thursday, December 29, 2016 5:53:41 AM

---

Hello,

I'm sorry that I can't respond sooner.

If you are looking for annual reports or other details of DOI activities on [technology transfer](#) and/or [prizes](#), pl. visit their respective DOI web sites (links provided in the foregoing).

Thanks & regards,

Indur Goklany

**From:** Daniel, Raychelle  
**To:** [Christian Crowley](#)  
**Cc:** [Indur Goklany: OS\\_PPA](#)  
**Subject:** Re: Table of Contents (draft) for a PPA "briefing" for new employees and to be mapped (later) onto our website  
**Date:** Thursday, December 22, 2016 2:41:27 PM

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Some of those items they covered fairly well in the training you have to attend for the Department and they even followed up individually on some items (eg ethics). And agree links make sense for some items. Some items they did not talk about much in the initial welcome session. And one of these was travel. And even some of the documentation that I found on the DOI site was not very helpful. There are a couple more items I will highlight from my experience in the word doc...

On Thu, Dec 22, 2016 at 2:28 PM, Christian Crowley <[christian\\_crowley@ios.doi.gov](mailto:christian_crowley@ios.doi.gov)> wrote:

Hear, hear – providing a link will be very helpful for many of the items that I put on the list.

**From:** Goklany, Indur [mailto:[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)]  
**Sent:** Thursday, December 22, 2016 2:25 PM  
**To:** Christian Crowley  
**Cc:** OS\_PPA  
**Subject:** Re: Table of Contents (draft) for a PPA "briefing" for new employees and to be mapped (later) onto our website

Thanks Christian. Your comments were very useful, although I haven't yet visited the Google doc site. One thing we should keep in mind is that we don't have to create everything from scratch. If there is a link to some website that explains how to do certain things, we should just provide those links, but we should also take care that we don't have to include "how tos" for every conceivable question/problem. If we only did the truly FAQs, that should be sufficient for now..

Regards,

Gokds

On Thu, Dec 22, 2016 at 2:16 PM, Crowley, Christian <[christian\\_crowley@ios.doi.gov](mailto:christian_crowley@ios.doi.gov)> wrote:

Greetings,

I've created a Google doc from the ToC that Goks sent around. It could also become a sort of living document, or PPA-wiki. I've added some ideas that I had while looking it over. I'm sure we could brainstorm

many more items to include as we go along. Please feel free to edit and add items as they occur to you.

(b) (5)

Bye for now,

Christian

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On Fri, Dec 16, 2016 at 9:50 AM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:

Hello all,

Attached is a Table of Contents for an Onboarding document from about a month ago. It was conceived as a paper document, with the understanding that it would/could/should be adapted for the web or possibly a Google doc for PPA-denizens.

Because of its vintage, Not all points that surfaced during our retreat are necessarily captured.

For practical purposes, since I won't be at work for much of the next three weeks and I expect to be wrapping a final draft of the Tech Transfer and Prize reports once I get back, I don't need comments till after, say, Friday, January 13th.

Thanks much.

Goks

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

From: **Goklany, Indur** <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)>

Date: Tue, Oct 18, 2016 at 10:41 AM

Subject: Table of Contents (draft) for a PPA "briefing" for new employees and to be mapped

(later) onto our website

To: Shawn Buckner <[shawn\\_buckner@ios.doi.gov](mailto:shawn_buckner@ios.doi.gov)>

See attached. Current draft is envisioned as a briefing document.

--

Raychelle Aluaq Daniel  
Tribal Climate Change Policy Analyst  
Office of Policy Analysis  
U.S. Department of the Interior  
1849 C Street NW  
Washington, D.C. 20240

202-208-2951

[raychelle\\_daniel@ios.doi.gov](mailto:raychelle_daniel@ios.doi.gov)

**From:** Clement, Joel  
**To:** [Goklany, Indur](#)  
**Subject:** Re: send me a digital version also, k? thanks  
**Date:** Thursday, December 22, 2016 12:46:13 PM

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thanks!

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Joel Clement - Director, Office of Policy Analysis, U.S. Department of the Interior 202.208.3295

On Thu, Dec 22, 2016 at 10:50 AM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:  
Here is the Tech Transfer DM chapter. I have also included the guidance memo for prize [challenges.as](#) well as three attachments that are referenced in the memo -- just in case. All this material is accessible via the [tech transfer](#) and [prize challenge](#) websites.

On Thu, Dec 22, 2016 at 10:16 AM, Clement, Joel <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)> wrote:

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Joel Clement - Director, Office of Policy Analysis, U.S. Department of the Interior 202.208.3295

**From:** Clement, Joel  
**To:** [Indur M. Goklany](#)  
**Subject:** send me a digital version also, k? thanks  
**Date:** Thursday, December 22, 2016 10:17:46 AM

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Joel Clement - Director, Office of Policy Analysis, U.S. Department of the  
Interior 202.208.3295

**From:** Buckner, Shawn  
**To:** [Goklany, Indur](#)  
**Cc:** [Joel Clement](#)  
**Subject:** Re: Working from home today  
**Date:** Friday, December 16, 2016 9:39:01 AM

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Goks,

That is fine to circulate.

Thank you!

On Fri, Dec 16, 2016 at 6:47 AM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:  
Shawn -- I'll be working from home today. I have some writing to do. Also, if it is OK with you, I am planning to distribute the draft Table of Contents for an Onboarding briefing. Are you Ok with that? BTW, a great retreat. Thanks -- Goks

--

Shawn M. Buckner  
Office of Policy Analysis  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240  
(202) 208-3664



**From:** Goklany, Indur  
**To:** [Shawn Buckner](#)  
**Cc:** [Joel Clement](#)  
**Subject:** Working from home today  
**Date:** Friday, December 16, 2016 6:47:58 AM

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Shawn -- I'll be working from home today. I have some writing to do. Also, if it is OK with you, I am planning to distribute the draft Table of Contents for an Onboarding briefing. Are you Ok with that? BTW, a great retreat. Thanks -- Goks

**From:** Clement, Joel  
**To:** [indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)  
**Subject:** Out of Office reply Re: Regulatory Contacts meeting, Tuesday, November 22, 10:00am  
**Date:** Tuesday, November 22, 2016 3:14:30 PM

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I'm out of the office on travel until Monday, November 28th. I'm checking email when possible, but for immediate assistance with program matters please contact Deputy Director Shawn Buckner, [shawn\\_buckner@ios.doi.gov](mailto:shawn_buckner@ios.doi.gov), For administrative matters please contact Angela Millhouse, [angela\\_millhouse@ios.doi.gov](mailto:angela_millhouse@ios.doi.gov).

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Joel Clement - Director, Office of Policy Analysis, U.S. Department of the Interior 202.208.3295

**From:** Goklany, Indur  
**To:** [Buckner, Shawn](#)  
**Cc:** [Benjamin Simon](#); [Joel Clement](#)  
**Subject:** Re: Regulatory Contacts meeting, Tuesday, November 22, 10:00am  
**Date:** Tuesday, November 22, 2016 3:14:26 PM

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### Regulatory Contacts Meeting, 11/22/2016

The meeting was brief. It only addressed matters in general. Following bullet points are in the order they were discussed/raised.

- Priority matters are apparently going OK through to the Federal Register, with some going through last week.
- Bureaus should let Mark Lawyer know if something new is going to come through to the Federal Register.
- NPS may have to get inauguration-related notices out.
- Couple of days of work may be lost due to the inauguration.
- Transition team hasn't yet shown up in the building. Expect that may wait till next week.
- Julie Lillie (JL) will attempt to find out from new team what briefing materials they may want.
- If approached by any transition team member, please inform Ed Keable.
- Transition team members are not Government employees. Should not be provided with info that is not public knowledge.
- JL plans to sit down with Chiefs of Staff in January to find out what needs to be gotten done.
- OIRA has a priority system for rules which may bump some down the line. [I believe this was in the context of existing rush to get matters through, rather than post-transition.]
- Executive Secretariat needs to know from bureaus if anything important is coming down the line.
- December Regulatory Contacts meeting would probably be canceled.
- OIRA is beta-testing an OIRA mobile map. Any volunteers?

On Fri, Nov 18, 2016 at 3:32 PM, Buckner, Shawn <[shawn\\_buckner@ios.doi.gov](mailto:shawn_buckner@ios.doi.gov)> wrote:  
| Hi Goks,

Please attend this meeting and capture notes.

Thank you,  
Shawn

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

From: **Lawyer, Mark** <[mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)>

Date: Fri, Nov 18, 2016 at 3:23 PM

Subject: Regulatory Contacts meeting, Tuesday, November 22, 10:00am

To: Regulatory Contacts <[regulatory\\_contacts@ios.doi.gov](mailto:regulatory_contacts@ios.doi.gov)>

This is a reminder that our Regulatory Contacts meeting is this coming Tuesday at 10:00 am in room 1352 MIB. I have attached an agenda. If you have any questions or have items you would like to add to the agenda, please contact me.

See you Tuesday!

--

Mark Lawyer

Deputy Director - Policy and Regulatory Affairs  
Executive Secretariat and Regulatory Affairs  
Office of the Secretary  
Department of the Interior

Email: [mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)

Voice: (202) 208-5257

Fax: (202) 219-2100

--

Shawn M. Buckner  
Office of Policy Analysis  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240  
(202) 208-3664

**From:** Goklany, Indur  
**To:** [Joel Clement](#)  
**Subject:** Re: FY 2016 performance appraisal  
**Date:** Wednesday, November 09, 2016 3:55:30 PM

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Reminder: Since this has to be moved upstairs by COB tomorrow, I'm available anytime tomorrow.

On Tue, Nov 8, 2016 at 11:23 AM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:  
Draft is attached. It used last year's version as the basic template.

We can meet at your convenience on this.

**From:** Goklany, Indur  
**To:** [Douglas Domenech](#)  
**Subject:** New experimental study -- "ocean acidification" provides ecological benefits  
**Date:** Tuesday, September 26, 2017 11:00:29 AM  
**Attachments:** [image.png](#)

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The new study shows that copepods -- organisms (e.g., plankton) at the lower portion of the marine food chain -- increases under acidification. This means the ocean can support more marine life.

*CO2Science* has a brief summary, reproduced below.

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**Title of paper:** Influence of ocean acidification on plankton community structure during a winter-to-summer succession: An imaging approach indicated that copepods can benefit from elevated CO<sub>2</sub> via indirect food web effects.

**Authors:** Taucher, J., Haunost, M., Boxhammer, T., Bach, L.T., Algueró-Muñiz, M. and Riebesell, U. 2017.

**Journal:** *PLoS One* (2017) **12**: e0169737, doi:10.1371/journal.pone.0169737.

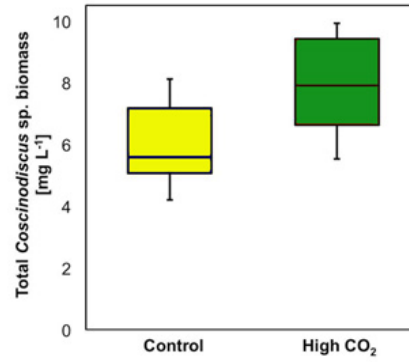
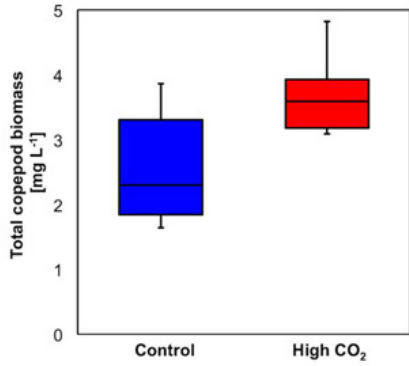
Writing as background for their important new study, Taucher *et al.* (2017) state that "plankton communities form the base of the pelagic food web and provide many important ecosystem services such as productivity, sustenance of fish stocks, or carbon uptake." However, they note that it remains "one of the major challenges in biological oceanography to find general rules that explain and predict the trophic structure and biogeochemical functioning of marine ecosystems and how underlying ecological processes are affected by environmental drivers, particularly in the context of ongoing climate change and ocean acidification." Thus, it became their objective to investigate the impact of ocean acidification on plankton community structure and biogeochemical cycling during a long-term *in situ* study.

To accomplish their desires they used an imaging-based approach to obtain size distribution and taxonomic composition data of a natural plankton community housed in ten pelagic mesocosms (50 m<sup>3</sup>) deployed in the Gullmar Fjord of Sweden under natural or reduced seawater pH (simulate "ocean acidification," corresponding to ~760  $\mu$ atm pCO<sub>2</sub>). The experiment ran for 113 days, covering the transition from winter to summer conditions, beginning in January of 2013. And what did their experiment reveal?

Simulated ocean acidification had a stimulatory effect on the biomass and size structure of the entire plankton community, from picoplankton to mesozooplankton. Notably, there were large biomass increases for copepods and diatoms, which increased by 40 and 30 percent, respectively (see figure below). In explaining this observation, it was the belief of the authors that elevated CO<sub>2</sub> had an initial *direct* stimulatory effect on the phytoplankton productivity that *indirectly* "propagated up the food web and ultimately became visible as elevated biomass of copepods," though it is also quite possible that elevated CO<sub>2</sub> directly stimulated the growth of the higher trophic organisms up the food chain as well.

With respect to the implications of their work, Taucher *et al.* write that "since copepods serve as a major food source for a variety of commercially important fish

species, such CO<sub>2</sub>-driven trophic cascades could have important implications for ecosystem structure and fish stock dynamics in temperate and arctic regions." And based upon the results of their study, we would add that all indications are that those implications are of a highly positive nature.



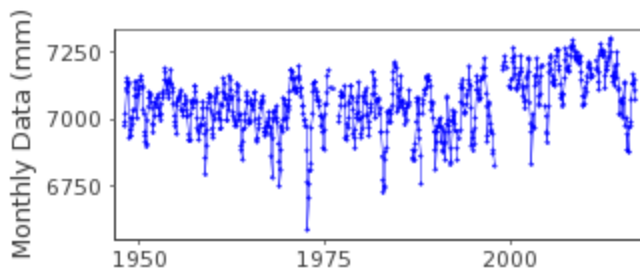
**From:** Goklany, Indur  
**To:** [Douglas Domenech](#)  
**Subject:** Sea level rise in Guam: FYI  
**Date:** Monday, August 14, 2017 9:38:18 AM  
**Attachments:** [image.png](#)  
[image.png](#)

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Last week the New York Times had an article, [North Korea Aside, Guam Faces Another Threat: Climate Change](#).

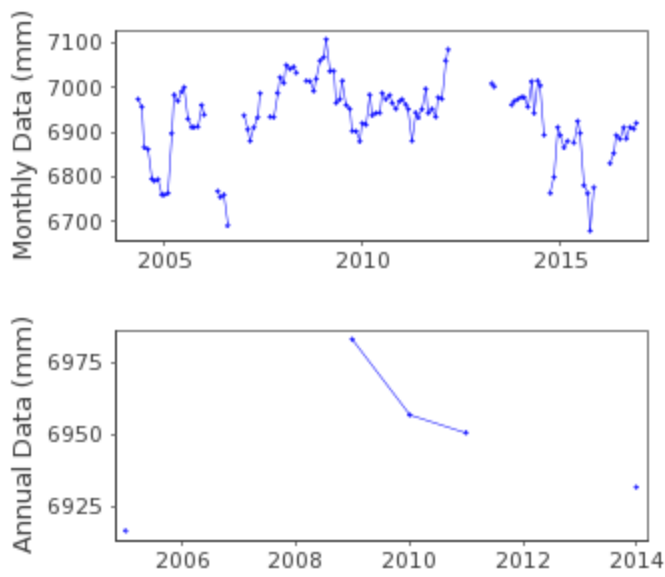
Tide gauge data, however, doesn't show any **acceleration** in sea level rise due to man-made global warming or whatever.

Tide gauge data from Apra Harbour, Guam, from 1948-2016, shows it's rising at the rate of 6.6 inches per century but the correlation with time is not great (r-squared is less than 0.2):



Data from Pago Bay, Guam, from 2005 to 2014, shows sea level rising at the rate of 5.4 inches per century, but the correlation with time is virtually non-existent (r-squared is 0.03).





[Note the two disconnected dots on the bottom figure.]

There is also a very good article -- titled [Guam Threatened?](#) -- on the topography of Guam and what that implies regarding sea level rise on [Watts Up With That](#).

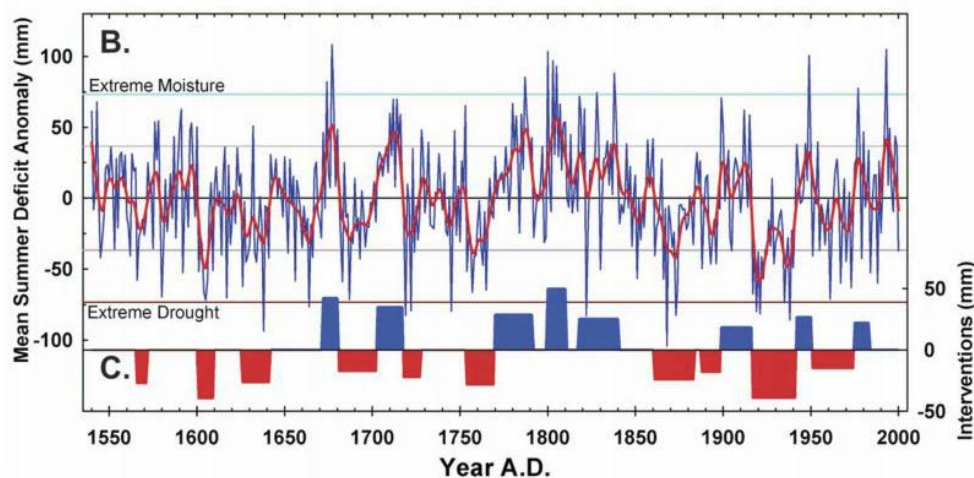
**From:** Goklany, Indur  
**To:** [Scott Cameron](#)  
**Cc:** [Domenech, Douglas](#); [James Cason](#)  
**Subject:** Re: To me the question is...  
**Date:** Wednesday, May 10, 2017 1:05:56 PM

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I think some context would be useful. We don't know whether or to what extent glacier shrinkage is due to warming and what fraction of that is human-induced as opposed to natural variations in precipitation. This area is prone to prolonged periods of drought and excess precipitation which can cause glaciers to expand or shrink.

Much of the glacier vanishing since 1916 probably could be attributed to an extended drought from 1917-1941 in the GNP area (which predates what is normally attributed to “global warming” and which can be seen -- kind of -- in the following figure) :

“As typified by the period from the 1920s to 1940s, extremely dry conditions in Glacier NP often coincide with severe droughts throughout the Pacific Northwest and Canadian Rockies. The most intense drought in our long-term Glacier NP reconstruction (1917–41) was accompanied by strong drying in Waterton NP and Banff NP (Figure 5). This was also the most intense dry event in the past 300 yr for much of Washington, Idaho, and Montana (Cook et al. 1999; Watson and Luckman 2004a).” [\[1\]](#)



**Figure 4.** The summer drought reconstruction for Glacier NP. (a) Comparison of the observed and reconstructed MSD records for the 1900–2000 calibration period. (b) Mean centered reconstructed MSD (blue line) smoothed with a 10-yr cubic spline (thick red line) and spanning A.D. 1540–2000. Gray lines represent  $\pm 1\sigma$ , and light blue and dark red lines represent  $\pm 2\sigma$ , respectively, from the long-term mean. (c) Decadal-scale drought regimes exhibiting the significant step changes in the mean (event intensity) identified by the intervention model.

NOTE: Red bars indicate drought periods and blue bars, wet ones.

I could also make the argument that it's not clear that tourism would necessarily suffer since touring season may expand, and hiking may replace glacier-viewing, but that might be a secondary effect.

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[1] Pederson, Gregory T., Stephen T. Gray, Daniel B. Fagre, and Lisa J. Graumlich. "Long-duration drought variability and impacts on ecosystem services: a case study from Glacier National Park, Montana." *Earth Interactions* 10, no. 4 (2006): 1-28.

On Wed, May 10, 2017 at 12:14 PM, Scott Cameron <[scott\\_cameron@ios.doi.gov](mailto:scott_cameron@ios.doi.gov)> wrote:  
They probably are relying on the percentages but the more basic point is we need to watch for inflammatory adverbs and adjectives in their press releases.

Thanks,  
Scott  
Scott J. Cameron  
Special Assistant  
Water and Science  
Department of the Interior

Phone: 202 208 0969  
Cell service 202 706 9031

Sent from my iPhone

On May 10, 2017, at 12:05 PM, Domenech, Douglas <[douglas\\_domenech@ios.doi.gov](mailto:douglas_domenech@ios.doi.gov)> wrote:

...what evidence does USGS have that "The warming climate has dramatically reduced the size of 39 glaciers in Montana since 1966."

This is a perfect example of them going beyond their wheelhouse.

**Glaciers Rapidly Shrinking and Disappearing: 50 Years of Glacier Change in Montana**

The warming climate has dramatically reduced the size of 39 glaciers in Montana since 1966, some by as much as 85 percent, according to data released by the U.S. Geological Survey and Portland State University. On average, the glaciers have reduced by 39 percent and only 26 glaciers are now larger than 25 acres, which is used as a guideline for deciding if bodies of ice are large enough to be considered glaciers.

The data include scientific information for the 37 named glaciers in Glacier National Park and two glaciers on U.S. Forest Service land. The retreat of glaciers is significant in Montana because of the impact shrinking glaciers can have on tourism, as well as being a visual indicator of mountain ecosystem change in the northern Rocky Mountains.

“The park-wide loss of ice can have ecological effects on aquatic species by changing stream water volume, water temperature and run-off timing in the higher elevations of the park,” said lead USGS scientist Dr. Daniel Fagre.

Scientists used digital maps from aerial photography and satellites to measure the perimeters of the glaciers in late summer when seasonal snow has melted to reveal the extent of the glacial ice. The areas measured are from 1966, 1998, 2005 and 2015/2016, marking approximately 50 years of change in glacier area.

Site visits to glaciers were also made over several years to investigate portions that were covered by rock debris that are difficult to see with digital imagery. The mapped measurements of glaciers complement ground surveys of glaciers using GPS along with repeat photography that involves re-photographing historic photos of glaciers taken early last century when there were an estimated 150 glaciers larger than 25 acres in Glacier National Park.

“Tracking these small alpine glaciers has been instrumental in describing climate change effects on Glacier National Park to park management and the public,” said Lisa McKeon, USGS scientist who has been documenting glacier change since 1997.

This information is part of a larger, ongoing USGS glacier study of glaciers in Montana, Alaska and Washington to document mass balance measurements that estimate whether the total amount of ice is increasing or decreasing at a particular glacier. This information helps scientists understand the impact of large scale climate patterns on glaciers in distinctly different mountain environments.

The data for Glacier National Park’s named glaciers are available at the USGS ScienceBase [website](#). Additional information about the glacier research can be found at the USGS Northern Rocky Mountain Science Center [website](#) and the USGS Benchmark Glacier program [website](#).

### **About the Glaciers in Glacier National Park**

[Glacier National Park](#) has 37 named glaciers and they are one of the reasons people come to Glacier each year. Last year, 2.9 million visitors came to the park.

Doug Domenech  
Senior Advisor  
US Department of the Interior

**From:** Gulac, Catherine  
**To:** [Joel Clement](#); [Benjamin Simon](#); [Indur Goklany](#); [Christian Crowley](#)  
**Subject:** Fwd: NEWSFLASH: ConcurGov Training  
**Date:** Wednesday, December 28, 2016 11:29:49 AM  
**Attachments:** [CGE.png](#)

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FYI

Catherine Gulac  
U.S. Department of the Interior  
Office of the Deputy Secretary  
1849 C St, NW, MS-7328  
Washington, D.C. 20240  
202-208-6291 Office / 202-208-1739 Direct / 202-208-1873 Fax  
[Catherine\\_Gulac@ios.doi.gov](mailto:Catherine_Gulac@ios.doi.gov)

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

**From:** **Wilson, DeAnne** <[deanne\\_r\\_wilson@ibc.doi.gov](mailto:deanne_r_wilson@ibc.doi.gov)>  
**Date:** Wed, Dec 28, 2016 at 11:03 AM  
**Subject:** NEWSFLASH: ConcurGov Training  
**To:** Aaron Fankhauser <[aaron\\_fankhauser@ibc.doi.gov](mailto:aaron_fankhauser@ibc.doi.gov)>, Abigail\_D\_Miller <[Abigail\\_D\\_Miller@ios.doi.gov](mailto:Abigail_D_Miller@ios.doi.gov)>, "Davies, Amy" <[Amy\\_Davies@ios.doi.gov](mailto:Amy_Davies@ios.doi.gov)>, Annette Taylor <[annette\\_taylor@ios.doi.gov](mailto:annette_taylor@ios.doi.gov)>, Amy Holley <[Amy\\_Holley@ios.doi.gov](mailto:Amy_Holley@ios.doi.gov)>, "Millhouse, Angela" <[angela\\_millhouse@ios.doi.gov](mailto:angela_millhouse@ios.doi.gov)>, April\_D\_Gonzalez <[April\\_D\\_Gonzalez@ios.doi.gov](mailto:April_D_Gonzalez@ios.doi.gov)>, "Childress, Audrey" <[Audrey\\_Childress@ios.doi.gov](mailto:Audrey_Childress@ios.doi.gov)>, Amanda Cross <[amanda.cross@onrr.gov](mailto:amanda.cross@onrr.gov)>, Audrey\_Haskins <[Audrey\\_Haskins@ios.doi.gov](mailto:Audrey_Haskins@ios.doi.gov)>, Barbara A Martin <[barbara\\_a\\_martin@ibc.doi.gov](mailto:barbara_a_martin@ibc.doi.gov)>, Bernadette Griffin <[bernadette\\_griffin@oha.doi.gov](mailto:bernadette_griffin@oha.doi.gov)>, Brenda\_Browne <[Brenda\\_Browne@ios.doi.gov](mailto:Brenda_Browne@ios.doi.gov)>, C\_Michelle\_Jones <[c\\_michelle\\_jones@ibc.doi.gov](mailto:c_michelle_jones@ibc.doi.gov)>, Carol LeaderCharge <[carol\\_leadercharge@ios.doi.gov](mailto:carol_leadercharge@ios.doi.gov)>, Catherine\_Callaway <[Catherine\\_Callaway@ios.doi.gov](mailto:Catherine_Callaway@ios.doi.gov)>, Catherine\_Gulac <[Catherine\\_Gulac@ios.doi.gov](mailto:Catherine_Gulac@ios.doi.gov)>, Charles Franklin <[charles\\_franklin@ios.doi.gov](mailto:charles_franklin@ios.doi.gov)>, Colleen\_Castle <[Colleen\\_Castle@ios.doi.gov](mailto:Colleen_Castle@ios.doi.gov)>, Dajuana Blackmon <[Dajuana\\_Fisher@ios.doi.gov](mailto:Dajuana_Fisher@ios.doi.gov)>, Debbie\_Cousins <[Debbie\\_Cousins@ios.doi.gov](mailto:Debbie_Cousins@ios.doi.gov)>, "Lujan, Delayna" <[Delayna\\_Lujan@ios.doi.gov](mailto:Delayna_Lujan@ios.doi.gov)>, Denise R Bailey <[denise\\_bailey@ios.doi.gov](mailto:denise_bailey@ios.doi.gov)>, Diana Ziegler <[diana\\_ziegler@ios.doi.gov](mailto:diana_ziegler@ios.doi.gov)>, Donna Riley <[donna\\_riley@ios.doi.gov](mailto:donna_riley@ios.doi.gov)>, Eileen\_Zahara <[Eileen\\_Zahara@ios.doi.gov](mailto:Eileen_Zahara@ios.doi.gov)>, Elisha\_Pippen <[Elisha\\_Pippen@ios.doi.gov](mailto:Elisha_Pippen@ios.doi.gov)>, "Coburn, Elizabeth L" <[Elizabeth\\_Coburn@ios.doi.gov](mailto:Elizabeth_Coburn@ios.doi.gov)>, Erin Horsburgh <[erin\\_horsburgh@ios.doi.gov](mailto:erin_horsburgh@ios.doi.gov)>, Fay Graves <[fay\\_k\\_graves@ibc.doi.gov](mailto:fay_k_graves@ibc.doi.gov)>, Frances chickie Schroeder <[franceschickie\\_schro@ios.doi.gov](mailto:franceschickie_schro@ios.doi.gov)>, Freida\_Williams <[Freida\\_Williams@ios.doi.gov](mailto:Freida_Williams@ios.doi.gov)>, Gareth\_Rees <[Gareth\\_Rees@ios.doi.gov](mailto:Gareth_Rees@ios.doi.gov)>, Gisella\_Ojeda-dodds <[Gisella\\_Ojeda-dodds@ios.doi.gov](mailto:Gisella_Ojeda-dodds@ios.doi.gov)>, Glenn Wagner <[glenn\\_wagner@ost.doi.gov](mailto:glenn_wagner@ost.doi.gov)>, Grace Cochon <[Grace\\_Cochon@ios.doi.gov](mailto:Grace_Cochon@ios.doi.gov)>, Gregory Myers <[gregory\\_myers@ios.doi.gov](mailto:gregory_myers@ios.doi.gov)>, Heather\_Sabarese <[Heather\\_Sabarese@nigc.gov](mailto:Heather_Sabarese@nigc.gov)>, Jaclyn\_Corona <[Jaclyn\\_Corona@ios.doi.gov](mailto:Jaclyn_Corona@ios.doi.gov)>, "Jason.Earwood" <[Jason.Earwood@sol.doi.gov](mailto:Jason.Earwood@sol.doi.gov)>, Jean\_Maybee <[Jean\\_Maybee@ios.doi.gov](mailto:Jean_Maybee@ios.doi.gov)>, Jean Parrish <[jean\\_parrish@ios.doi.gov](mailto:jean_parrish@ios.doi.gov)>, Jean Washam <[Jean\\_Washam@ios.doi.gov](mailto:Jean_Washam@ios.doi.gov)>, "Angel Mendoza, Jeannette" <[jeannette.angel.mendoza@onrr.gov](mailto:jeannette.angel.mendoza@onrr.gov)>, Jeffrey Brayfield <[jeffrey\\_brayfield@ios.doi.gov](mailto:jeffrey_brayfield@ios.doi.gov)>, "Hunter, Jeffrey" <[jeffrey\\_hunter@ios.doi.gov](mailto:jeffrey_hunter@ios.doi.gov)>, Jermaine Smith <[jermaine.smith@sol.doi.gov](mailto:jermaine.smith@sol.doi.gov)>, "Jessica.Massung" <[Jessica.Massung@bia.gov](mailto:Jessica.Massung@bia.gov)>, "Efner, Jodi" <[jodi\\_efner@ios.doi.gov](mailto:jodi_efner@ios.doi.gov)>, Jolene Davis <[jolene\\_m\\_davis@ibc.doi.gov](mailto:jolene_m_davis@ibc.doi.gov)>, Katherine Addiss <[Katherine\\_Addiss@ios.doi.gov](mailto:Katherine_Addiss@ios.doi.gov)>, Katherine Rupp <[Katherine\\_Rupp@ios.doi.gov](mailto:Katherine_Rupp@ios.doi.gov)>, Kathleen O'Leary <[kathleen\\_oleary@ios.doi.gov](mailto:kathleen_oleary@ios.doi.gov)>, Kristy Bibb <[kristy\\_bibb@ios.doi.gov](mailto:kristy_bibb@ios.doi.gov)>, Kelsey\_Brantley <[Kelsey\\_Brantley@ios.doi.gov](mailto:Kelsey_Brantley@ios.doi.gov)>, Kiani

Morris <[kmorris@achp.gov](mailto:kmorris@achp.gov)>, Kristina Pargas <[kristina\\_pargas@ost.doi.gov](mailto:kristina_pargas@ost.doi.gov)>, Kristine Claiborne <[kristine\\_1\\_claiborne@ibc.doi.gov](mailto:kristine_1_claiborne@ibc.doi.gov)>, "Monson, Lesia" <[Lesia\\_Monson@ios.doi.gov](mailto:Lesia_Monson@ios.doi.gov)>, Leon Harris <[Leon\\_Harris@oha.doi.gov](mailto:Leon_Harris@oha.doi.gov)>, Linda\_McPheeters <[Linda\\_McPheeters@ios.doi.gov](mailto:Linda_McPheeters@ios.doi.gov)>, "Duggan, Lisa" <[Lisa\\_Duggan@ios.doi.gov](mailto:Lisa_Duggan@ios.doi.gov)>, Lisa\_Young <[Lisa\\_Young@ios.doi.gov](mailto:Lisa_Young@ios.doi.gov)>, Lonalee Picardo <[lonalee\\_picardo@ibc.doi.gov](mailto:lonalee_picardo@ibc.doi.gov)>, Lori Rice <[lori\\_j\\_rice@ios.doi.gov](mailto:lori_j_rice@ios.doi.gov)>, Luciana\_P\_Adams <[luciana\\_adams@ios.doi.gov](mailto:luciana_adams@ios.doi.gov)>, "Peters, Malika" <[malika\\_peters@ibc.doi.gov](mailto:malika_peters@ibc.doi.gov)>, Marcia Saddler <[marcia\\_saddler@ios.doi.gov](mailto:marcia_saddler@ios.doi.gov)>, "Mariagrazia.Caminiti" <[Mariagrazia.Caminiti@sol.doi.gov](mailto:Mariagrazia.Caminiti@sol.doi.gov)>, "Thomas, Marian" <[Marian\\_Thomas@ios.doi.gov](mailto:Marian_Thomas@ios.doi.gov)>, Markee\_Connors <[Markee\\_Connors@ios.doi.gov](mailto:Markee_Connors@ios.doi.gov)>, Matthew Costello <[Matthew\\_Costello@ios.doi.gov](mailto:Matthew_Costello@ios.doi.gov)>, Maureen\_Woods-spahr <[maureen\\_woods@ios.doi.gov](mailto:maureen_woods@ios.doi.gov)>, Michael Anderson <[michael\\_anderson@ios.doi.gov](mailto:michael_anderson@ios.doi.gov)>, "Brown, Michelle" <[michelle\\_brown@ios.doi.gov](mailto:michelle_brown@ios.doi.gov)>, Michele\_Hill <[Michele\\_Hill@ios.doi.gov](mailto:Michele_Hill@ios.doi.gov)>, Michelle\_Dalton <[Michelle\\_Dalton@ios.doi.gov](mailto:Michelle_Dalton@ios.doi.gov)>, Michelle Doutrich <[michelle\\_m\\_doutrich@ibc.doi.gov](mailto:michelle_m_doutrich@ibc.doi.gov)>, Norma Mullins <[norma\\_mullins@ibc.doi.gov](mailto:norma_mullins@ibc.doi.gov)>, Omero Martinez <[omero\\_martinez@ios.doi.gov](mailto:omero_martinez@ios.doi.gov)>, Odette Williams <[owilliams@achp.gov](mailto:owilliams@achp.gov)>, Philip Johnson <[philip\\_johnson@ios.doi.gov](mailto:philip_johnson@ios.doi.gov)>, Patricia Buel <[Patricia\\_Buel@ios.doi.gov](mailto:Patricia_Buel@ios.doi.gov)>, "Gabel, Peter" <[peter\\_gabel@ios.doi.gov](mailto:peter_gabel@ios.doi.gov)>, Raksha Patel <[rpatel@cfa.gov](mailto:rpatel@cfa.gov)>, Rasheedah\_Morgan <[Rasheedah\\_Morgan@ios.doi.gov](mailto:Rasheedah_Morgan@ios.doi.gov)>, Ratana Warito <[ratana.warito@bia.gov](mailto:ratana.warito@bia.gov)>, Rita\_Homa <[Rita\\_Homa@nigc.gov](mailto:Rita_Homa@nigc.gov)>, Robert\_Smith <[Robert\\_Smith@ios.doi.gov](mailto:Robert_Smith@ios.doi.gov)>, Ronnie\_Horne <[Ronnie\\_Horne@ios.doi.gov](mailto:Ronnie_Horne@ios.doi.gov)>, Sandra\_K\_Tomsan <[sandra\\_tomsan@ios.doi.gov](mailto:sandra_tomsan@ios.doi.gov)>, Shae\_Locke <[Shae\\_Locke@ios.doi.gov](mailto:Shae_Locke@ios.doi.gov)>, Shandria Dixon <[shandria\\_dixon@ios.doi.gov](mailto:shandria_dixon@ios.doi.gov)>, Shirley\_Lewis <[Shirley\\_Lewis@ios.doi.gov](mailto:Shirley_Lewis@ios.doi.gov)>, Stephanie Helsley <[stephanie\\_helsley@ibc.doi.gov](mailto:stephanie_helsley@ibc.doi.gov)>, Steven Hunt <[steven\\_hunt@ibc.doi.gov](mailto:steven_hunt@ibc.doi.gov)>, "Lang, Susan" <[susan\\_lang@ios.doi.gov](mailto:susan_lang@ios.doi.gov)>, Sylvia\_Holton <[Sylvia\\_Holton@ios.doi.gov](mailto:Sylvia_Holton@ios.doi.gov)>, Tamera\_Bassford <[Tamera\\_Bassford@ios.doi.gov](mailto:Tamera_Bassford@ios.doi.gov)>, Tawanna Davis <[Tawanna\\_Davis@oha.doi.gov](mailto:Tawanna_Davis@oha.doi.gov)>, "Terrie.Wills" <[Terrie.Wills@sol.doi.gov](mailto:Terrie.Wills@sol.doi.gov)>, Terzinda\_Vinson <[Terzinda\\_Vinson@ios.doi.gov](mailto:Terzinda_Vinson@ios.doi.gov)>, Theodore Aymami <[theodore\\_a\\_aymami@ibc.doi.gov](mailto:theodore_a_aymami@ibc.doi.gov)>, Timothy\_Nigborowicz <[Timothy\\_Nigborowicz@ios.doi.gov](mailto:Timothy_Nigborowicz@ios.doi.gov)>, Tina Hall <[Tina\\_Hall@ios.doi.gov](mailto:Tina_Hall@ios.doi.gov)>, Tracey Hartley <[Tracey\\_Hartley@ios.doi.gov](mailto:Tracey_Hartley@ios.doi.gov)>, Tracie\_Lassiter <[Tracie\\_Lassiter@ios.doi.gov](mailto:Tracie_Lassiter@ios.doi.gov)>, Tracy Baetz <[tracy\\_baetz@ios.doi.gov](mailto:tracy_baetz@ios.doi.gov)>, Travel\_HelpDesk\_HelpDesk <[Travel\\_Helpdesk@ios.doi.gov](mailto:Travel_Helpdesk@ios.doi.gov)>, Valerie Smith <[valerie\\_v\\_smith@ios.doi.gov](mailto:valerie_v_smith@ios.doi.gov)>, Victoria Park <[victoria\\_park@ios.doi.gov](mailto:victoria_park@ios.doi.gov)>, Vijaya Ramphal-lane <[Vijaya\\_Ramphal-lane@ios.doi.gov](mailto:Vijaya_Ramphal-lane@ios.doi.gov)>, Wendy Kennedy <[wendy\\_kennedy@ios.doi.gov](mailto:wendy_kennedy@ios.doi.gov)>, "Apgar, William" <[William\\_Apgar@ibc.doi.gov](mailto:William_Apgar@ibc.doi.gov)>  
Cc: Doug B Pokorney <[doug\\_b\\_pokorney@ibc.doi.gov](mailto:doug_b_pokorney@ibc.doi.gov)>, "Matson, Landy" <[landy\\_v\\_matson@ibc.doi.gov](mailto:landy_v_matson@ibc.doi.gov)>, "Henderson, Doreen" <[doreen\\_d\\_henderson@ibc.doi.gov](mailto:doreen_d_henderson@ibc.doi.gov)>, Van Peyton <[van\\_r\\_peyton@ibc.doi.gov](mailto:van_r_peyton@ibc.doi.gov)>, "Baker, Eric" <[eric\\_j\\_baker@ibc.doi.gov](mailto:eric_j_baker@ibc.doi.gov)>, Roberta Millen <[roberta\\_m\\_millen@ibc.doi.gov](mailto:roberta_m_millen@ibc.doi.gov)>

Good Day all,

Our office has received the following information in regards to ConcurGov Training from the OS, Business Integration Office (BIO).

Please be sure to share this information with your travel user community, accordingly.



## Government Edition



Business Integration Office

Concur is providing some free training that DOI users can take advantage of. PFM is also working on an announcement of this training as part of the #TrainingTuesday emails. **Please note that these are not DOI specific training offerings.**

Please use the registration links below to sign up for classes.

The [Registration Link](#) is now open for the four scheduled sessions in January, along with their topics:

- January 5<sup>th</sup> 2pm ET: Booking and Modifying Reservations
- January 12<sup>th</sup> 2pm ET: Expenses (Authorization, Voucher and Local Voucher)
  - **Note, DOI does not process Local Vouchers through ConcurGov**
- January 19<sup>th</sup> 2pm ET: Accounting (Static and Dynamic)
  - **Note, DOI does not utilize Static or Dynamic accounting.**
- January 26<sup>th</sup> 2pm ET: Booking Policy Violations, Document Validations and Audits (out-of-policy notifications)

Have a wonderful holiday weekend!

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**DOI ConcurGov Travel Team**

FBMS Business Integration Office (BIO)

--

Regards,  
DeAnne Wilson  
System Accountant

Financial Management Directorate  
Interior Business Center  
303-969-5819 (Office) 303-969-7115 (Fax)  
[DeAnne\\_R\\_Wilson@ibc.doi.gov](mailto:DeAnne_R_Wilson@ibc.doi.gov)



US Department of the Interior  
Office of the Secretary  
[www.doi.gov/ibc](http://www.doi.gov/ibc)

*Your Focus: Your Mission*  
*Our Focus: You*

**From:** Pattison, Malka  
**To:** [Goklany, Indur](mailto:Goklany, Indur)  
**Subject:** Re: DOI PPA Team Building Retreat photo  
**Date:** Friday, December 16, 2016 5:08:49 PM

---

Hi Goks:

(b) (6)

Malka

On Fri, Dec 16, 2016 at 12:42 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:

Sorry you weren't there. (b) (6)

On Fri, Dec 16, 2016 at 11:51 AM, Pattison, Malka <[malka\\_pattison@ios.doi.gov](mailto:malka_pattison@ios.doi.gov)> wrote:

Nice picture. You all look great on what looks like a warm, sunny day. Sorry to have missed it.

(b) (6)

Thanks,  
Malka

On Fri, Dec 16, 2016 at 11:43 AM, Clement, Joel <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)> wrote:

In case you all want to replace your computer wallpaper:

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

From: **Garfinkel, Robert** <[robert\\_garfinkel@fws.gov](mailto:robert_garfinkel@fws.gov)>

Date: Wed, Dec 14, 2016 at 11:22 AM

Subject: DOI PPA Team Building Retreat photo

To: [Joel\\_clement@ios.doi.gov](mailto:Joel_clement@ios.doi.gov)

Good morning Joel-

Attached is the class photo from this morning.

If you see anything that needs adjusting, let me know, and I'll correct it before I send this off to get printed. They should be ready before 5pm tomorrow. Prints are \$2 each, just so you know.



DOI PPA Team Building Retreat  
December 14 – 15, 2016



Thanks,  
Rob

--

Rob Garfinkel  
US Fish & Wildlife Service Contractor  
National Conservation Training Center  
Audio/Video Systems Customer Service Representative and Photography/Graphics Specialist  
698 Conservation Way  
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--

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--

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(202) 208- 4867 (Fax)

**From:** Crowley, Christian  
**To:** [Goklany, Indur](#)  
**Cc:** [Pattison, Malka](#); [Clement, Joel](#); OS PPA  
**Subject:** Re: DOI PPA Team Building Retreat photo  
**Date:** Friday, December 16, 2016 12:52:53 PM

---

Hi Malka,

We got to take that photo about 50 feet from the tree where a big pileated woodpecker was working on lunch. We invoked you many times over the two days. I think you would have particularly enjoyed our night around the campfire, talking about everyone's first car (or snowmobile), and first rock concert.

Have a great weekend, (b) (6) !  
Christian

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On Fri, Dec 16, 2016 at 12:42 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:

Sorry you weren't there. (b) (6)

On Fri, Dec 16, 2016 at 11:51 AM, Pattison, Malka <[malka\\_pattison@ios.doi.gov](mailto:malka_pattison@ios.doi.gov)> wrote:

Nice picture. You all look great on what looks like a warm, sunny day. Sorry to have missed it.

(b) (6)

Thanks,  
Malka

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In case you all want to replace your computer wallpaper:

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

From: **Garfinkel, Robert** <[robert\\_garfinkel@fws.gov](mailto:robert_garfinkel@fws.gov)>

Date: Wed, Dec 14, 2016 at 11:22 AM

Subject: DOI PPA Team Building Retreat photo

To: [Joel\\_clement@ios.doi.gov](mailto:Joel_clement@ios.doi.gov)

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DOI PPA Team Building Retreat  
December 14 – 15, 2016



Thanks,  
Rob

--

Rob Garfinkel  
US Fish & Wildlife Service Contractor  
National Conservation Training Center  
Audio/Video Systems Customer Service Representative and Photography/Graphics Specialist  
698 Conservation Way  
Shepherdstown, WV 25443  
<http://nctc.fws.gov/>

--

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**From:** Goklany, Indur  
**To:** [Pattison, Malka](#)  
**Cc:** [Clement, Joel](#); [OS PPA](#)  
**Subject:** Re: DOI PPA Team Building Retreat photo  
**Date:** Friday, December 16, 2016 12:42:42 PM

---

Sorry you weren't there. (b) (6)

On Fri, Dec 16, 2016 at 11:51 AM, Pattison, Malka <[malka\\_pattison@ios.doi.gov](mailto:malka_pattison@ios.doi.gov)> wrote:  
Nice picture. You all look great on what looks like a warm, sunny day. Sorry to have missed it.

(b) (6)

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Malka

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

**From:** **Garfinkel, Robert** <[robert\\_garfinkel@fws.gov](mailto:robert_garfinkel@fws.gov)>  
**Date:** Wed, Dec 14, 2016 at 11:22 AM  
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DOI PPA Team Building Retreat  
December 14 – 15, 2016



Thanks,  
Rob

--

Rob Garfinkel  
US Fish & Wildlife Service Contractor  
National Conservation Training Center  
Audio/Video Systems Customer Service Representative and Photography/Graphics Specialist  
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<http://nctc.fws.gov/>

--

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| (202) 208- 4867 (Fax)

**From:** Boyd, DeMinche  
**To:** [Goklany, Indur](#); [DO Property OFAS](#)  
**Subject:** Inventory for 6 cost Centers  
**Date:** Wednesday, November 09, 2016 1:42:15 PM  
**Attachments:** [DS6140000 INVENTORY.xlsx](#)  
[DS61240000 INVENTORY.xlsx](#)  
[DS61200000 INVENTORY.xlsx](#)

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Mr. Goklany,

I have attached the inventories for 3 of 6 cost Centers. The other Cost Centers did not have any inventories present.

Michael Crowley will be sending you a copy of the INCOMPLETE ASSET REPORT per COST CENTER. Keep in mind they are totally different.

--

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Lead Property Management Specialist  
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Washington, DC 20240  
Office (202) 208-3995  
Cell (202) 805-4849  
[deminche\\_boyd@ios.doi.gov](mailto:deminche_boyd@ios.doi.gov)

Please visit the OFAS Website: <http://www.doi.gov/ofas>  
WFH- Fridays

**Background Filte**

<b>Inventory no.</b>	<b>Asset Number</b>
DB0047168	1105576 : COPIER

**Asset**

0 : NON-IT PRINTING/DUPLICATE/BOOKBIND EQUIP ALL TYPES

**Asset additional**

COPY MACHINE

Depreciation Area	Manufacturer	Model	Serial number	Model Year	Location
2	TBD	TBD	OC4-019452	#	D000/#

Room #	Resp. cost cntr	CPO Name	CE Name #	Asset Cap Date	Last inventory d:
	DS61400000	TIERA N BRATTON		02/06/1991	06/22/2016

**Key Figures**

Maximo ID Num	Inventory Note	User Status	Equipment	UPC CODE	Aquisition Cost
#	Not assigned	Active	#	36101000	\$ 16,844.00



WBUSAUTH	Business Area by Authorization D000 Departmental Offices
OP_FPER	Period/Fiscal Year 002/2017
WAPO_NM	APO Name
WSAPONUM	APO Number
WAS_CLASS	Asset Class
WRP_FLAG_IND	Asset Type
WCE_NM	CE Name
WCE_NUM	CE Number
OS_CCTR	Cost Center DS61400000 Native Hawaiian
WCPO_NME	CPO Name
WCPO_NUM	CPO Number
WDEP_AREAS	Depreciation Area Accountable Property
WDEACT_FLG	Deactivation Flag #
OS_FCTR	Funds Center
WIN_NOTE	Inventory Note
WINV_NUM	Inventory Number
WILASTINVDT	Last Inventory Date
OS_ASSET	Main Asset Number
WAS_MAXID	Maximo ID Number
WPMNAME_VAF	PM Name
WRSP_CCNT	Responsible Cost Center
WEVAL_GR2	User Status

## Background Filte

Inventory no.	Asset Number
D025127	931091 : laptop
D040958	848150 : PRINTER
D044065	638020 : All oin one Copier

<b>Asset</b>	<b>Asset additional</b>	<b>Depreciation Are</b>
0 : LAPTOP / NOTEBOOK COMPUTER	#	2
0 : PRINTER OFFICE TYPE	#	2
0 : IT COPIER PRINTER SCANNER FAX (4 IN ONE)	#	2

<b>Manufacturer Nam</b>	<b>Model</b>	<b>Serial number</b>	<b>Model Year</b>	<b>Location</b>	<b>Room</b>
DELL	D430	NONE	2009	D000/#	#
DELL MARKETING	HP	CN15H214ZR	2012	D000/#	#
HP	C310	CN15H214ZR	2010	D000/#	#

Resp. cost cntr	CPO Name	CE Name	Asset Cap Date	Last inventory d:	Maximo ID Num
DS10100000	DEVONNE O COLLINS	#	09/11/2012	04/22/2016	#
DS61240000	LOLITA F BUTLER	#	02/22/2013	#	#
DS61240000	TAMERA A BASSFORD	#	04/18/2012	05/01/2014	#

Inventory Note	User Status	Equipment	UPC CODE	Key Figures
				Aquisition Cost
Not assigned	Active	#	70211300	\$ 1,200.00
Not assigned	Active	#	70254000	\$ 199.90
Not assigned	Active	#	70251600	\$ 199.00

WBUSAUTH	Business Area by Authorization D000 Departmental Offices
OP_FPER	Period/Fiscal Year 002/2017
WAPO_NM	APO Name
WSAPONUM	APO Number
WAS_CLASS	Asset Class
WRP_FLAG_IND	Asset Type
WCE_NM	CE Name
WCE_NUM	CE Number
OS_CCTR	Cost Center DS61240000 NATL INVASIVE Cncl
WCPO_NME	CPO Name
WCPO_NUM	CPO Number
WDEP_AREAS	Depreciation Area Accountable Property
WDEACT_FLG	Deactivation Flag #
OS_FCTR	Funds Center
WIN_NOTE	Inventory Note
WINV_NUM	Inventory Number
WILASTINVDT	Last Inventory Date
OS_ASSET	Main Asset Number
WAS_MAXID	Maximo ID Number
WPMNAME_VAF	PM Name
WRSP_CCNT	Responsible Cost Center
WEVAL_GR2	User Status

## Background Filte

Inventory no.	Asset Number
D053256	1041323 : COPIER
D14862	619967 : STANDARD DESKTOP COMPUTER
D14PC00212	989068 : COMPUTER SOFTWARE COMMERCIAL (COTS)
D15943	619955 : STANDARD DESKTOP COMPUTER
D15PC00182	1023946 : COMPUTER SOFTWARE COMMERCIAL (COTS)
D16070	619945 : STANDARD DESKTOP COMPUTER
D16071	619946 : STANDARD DESKTOP COMPUTER
D16072	619948 : STANDARD DESKTOP COMPUTER
D16073	619947 : STANDARD DESKTOP COMPUTER
D16074	619980 : STANDARD DESKTOP COMPUTER
D16075	619949 : STANDARD DESKTOP COMPUTER
D16076	619951 : STANDARD DESKTOP COMPUTER
D16077	619956 : STANDARD DESKTOP COMPUTER
D16078	619958 : STANDARD DESKTOP COMPUTER
D16079	619960 : STANDARD DESKTOP COMPUTER
D16080	619961 : STANDARD DESKTOP COMPUTER
D16081	619962 : STANDARD DESKTOP COMPUTER
D16082	619963 : STANDARD DESKTOP COMPUTER
D16083	619968 : STANDARD DESKTOP COMPUTER
D16084	619971 : STANDARD DESKTOP COMPUTER
D16085	619973 : STANDARD DESKTOP COMPUTER
D16086	619974 : STANDARD DESKTOP COMPUTER
D16087	619977 : STANDARD DESKTOP COMPUTER
D16088	619978 : STANDARD DESKTOP COMPUTER
D16089	619994 : STANDARD DESKTOP COMPUTER
D16090	619996 : STANDARD DESKTOP COMPUTER
D16091	619984 : STANDARD DESKTOP COMPUTER
D16092	619981 : STANDARD DESKTOP COMPUTER
D16093	619982 : STANDARD DESKTOP COMPUTER
D16094	619986 : STANDARD DESKTOP COMPUTER
D16095	619992 : STANDARD DESKTOP COMPUTER
D16096	619990 : STANDARD DESKTOP COMPUTER
D16099	619964 : STANDARD DESKTOP COMPUTER
D16782	619989 : STANDARD DESKTOP COMPUTER
D17026	619975 : STANDARD DESKTOP COMPUTER
D18169	618882 : DISK ARRAY
D18194	619991 : STANDARD DESKTOP COMPUTER
D18198	619953 : STANDARD DESKTOP COMPUTER
D18199	619966 : STANDARD DESKTOP COMPUTER
D18207	619969 : STANDARD DESKTOP COMPUTER
D18399	619952 : STANDARD DESKTOP COMPUTER
D18410	619954 : STANDARD DESKTOP COMPUTER
D18577	619950 : STANDARD DESKTOP COMPUTER



D18578	619970 : STANDARD DESKTOP COMPUTER
D19344	619976 : STANDARD DESKTOP COMPUTER
D19346	619957 : STANDARD DESKTOP COMPUTER
D19365	619959 : STANDARD DESKTOP COMPUTER
D19402	619985 : STANDARD DESKTOP COMPUTER
D19479	619972 : STANDARD DESKTOP COMPUTER
D19508	853832 : laptop
D28639	619995 : STANDARD DESKTOP COMPUTER
D32225	619998 : STANDARD DESKTOP COMPUTER
D32226	620001 : STANDARD DESKTOP COMPUTER
D32227	620002 : STANDARD DESKTOP COMPUTER
D32228	619965 : STANDARD DESKTOP COMPUTER
D32229	619997 : STANDARD DESKTOP COMPUTER
D32230	619999 : STANDARD DESKTOP COMPUTER
D32231	620000 : STANDARD DESKTOP COMPUTER
D32232	620003 : Denver D1002L
D35533	853803 : SCANNER GRAPHIC, OCR, TEXT, IMAGE, ETC.
D35534	853804 : SCANNER GRAPHIC, OCR, TEXT, IMAGE, ETC.
D35535	853805 : SCANNER GRAPHIC, OCR, TEXT, IMAGE, ETC.
D35536	853806 : SCANNER GRAPHIC, OCR, TEXT, IMAGE, ETC.
D35537	853807 : SCANNER GRAPHIC, OCR, TEXT, IMAGE, ETC.
D35538	853808 : SCANNER GRAPHIC, OCR, TEXT, IMAGE, ETC.
D35539	853809 : SCANNER GRAPHIC, OCR, TEXT, IMAGE, ETC.
D35540	853810 : SCANNER GRAPHIC, OCR, TEXT, IMAGE, ETC.
D35541	853811 : SCANNER GRAPHIC, OCR, TEXT, IMAGE, ETC.
D35542	853812 : SCANNER GRAPHIC, OCR, TEXT, IMAGE, ETC.
D35543	853813 : SCANNER GRAPHIC, OCR, TEXT, IMAGE, ETC.
D35547	853814 : SCANNER GRAPHIC, OCR, TEXT, IMAGE, ETC.
D35548	853815 : SCANNER GRAPHIC, OCR, TEXT, IMAGE, ETC.
D35549	853816 : SCANNER GRAPHIC, OCR, TEXT, IMAGE, ETC.
D35550	853817 : SCANNER GRAPHIC, OCR, TEXT, IMAGE, ETC.
D35551	853818 : SCANNER GRAPHIC, OCR, TEXT, IMAGE, ETC.
D35552	853819 : SCANNER GRAPHIC, OCR, TEXT, IMAGE, ETC.
D35553	853820 : SCANNER GRAPHIC, OCR, TEXT, IMAGE, ETC.
D35554	853821 : LCD MULTIMEDIA PROJECTOR (POWERPOINT)
D35555	853823 : SCANNER GRAPHIC, OCR, TEXT, IMAGE, ETC.
D35556	853824 : FACSIMILE, TELETYPE, DEX ZAP MAIL MACHINES
DB00076478	619993 : STANDARD DESKTOP COMPUTER
DB0076468	619983 : STANDARD DESKTOP COMPUTER
DB0076476	619979 : STANDARD DESKTOP COMPUTER
DC8187-00018	618878 : ALL OTHER TYPE PRINTERS

Asset	Asset additional
0 : NON-IT PRINTING/DUPLICATE/BOOKBIND EQUIP ALL TYPES	#
0 : STANDARD DESKTOP COMPUTER	#
0 : COMPUTER SOFTWARE COMMERCIAL (COTS)	#
0 : STANDARD DESKTOP COMPUTER	#
0 : COMPUTER SOFTWARE COMMERCIAL (COTS)	#
0 : STANDARD DESKTOP COMPUTER	#
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0 : STANDARD DESKTOP COMPUTER	#
0 : DISK ARRAY	#
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0 : STANDARD DESKTOP COMPUTER	#
0 : LAPTOP / NOTEBOOK COMPUTER	#
0 : STANDARD DESKTOP COMPUTER	#
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0 : STANDARD DESKTOP COMPUTER	#
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0 : STANDARD DESKTOP COMPUTER	#
0 : STANDARD DESKTOP COMPUTER	#
0 : STANDARD DESKTOP COMPUTER	#
0 : SCANNER - GRAPHIC, OCR, TEXT, IMAGE, ETC.	#
0 : SCANNER - GRAPHIC, OCR, TEXT, IMAGE, ETC.	#
0 : SCANNER - GRAPHIC, OCR, TEXT, IMAGE, ETC.	#
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0 : SCANNER - GRAPHIC, OCR, TEXT, IMAGE, ETC.	#
0 : SCANNER - GRAPHIC, OCR, TEXT, IMAGE, ETC.	#
0 : SCANNER - GRAPHIC, OCR, TEXT, IMAGE, ETC.	#
0 : SCANNER - GRAPHIC, OCR, TEXT, IMAGE, ETC.	#
0 : IT MULTIMEDIA PROJECTOR - ALL TYPES	#
0 : SCANNER - GRAPHIC, OCR, TEXT, IMAGE, ETC.	#
0 : FACSIMILE, TELETYPE, DEX ZAP MAIL MACHINES	#
0 : STANDARD DESKTOP COMPUTER	#
0 : STANDARD DESKTOP COMPUTER	#
0 : STANDARD DESKTOP COMPUTER	#
0 : IT ALL-IN-ONE PRINTER, COPIER, SCANNER - ALL TYPES	#

Depreciation Area	Manufacturer Name	Model	Serial number	Model Year
2	TBD	MPC5503	5990	#
2	DELL	1703FPS	TBD	2003
2	TBD	Not assigned	TBD	#
2	DELL	1704FPVS	TBD	2005
2	TBD	Not assigned	TBD	#
2	DELL	OPTIPLEX 960	TBD	2009
2	HP	SDGOB-0506	TBD	2009
2	DELL	E2310HC	TBD	2011
2	BLACKBERRY SYSTEM IN	BOLD 9560	TBD	2009
2	BLACKBERRY SYSTEM IN	BOLD 9650	TBD	2009
2	DELL	OPTIPLEX 760	TBD	2010
2	DELL	OPTIPLEX 760	TBD	2009
2	EPSON	J271B GT-S50	TBD	2009
2	DELL	E2310HC	TBD	2009
2	DELL	2009WT	TBD	2009
2	DELL	190FPC	TBD	2009
2	DELL	OPTIPLEX 760	TBD	2009
2	HP	LASERJET 1320	TBD	2005
2	HP	C6180	TBD	2009
2	DELL	1908FPC	TBD	2007
2	DELL	2009WT	TBD	2009
2	DELL	P190ST	TBD	2010
2	DELL	2009WT	TBD	2009
2	DELL	1908FPC	TBD	2009
2	DELL	E2310HC	TBD	2009
2	DELL	E2310HC	TBD	2009
2	DELL	2009HT	TBD	2009
2	DELL	OPTIPLEX 960	TBD	2009
2	DELL	E2310HC	TBD	2009
2	DELL	1703FPS	TBD	2009
2	DELL	1704FPVS	TBD	2005
2	HP	LASERJET 1320	TBD	2009
2	BLACKBERRY SYSTEM IN	8520 CURVE	TBD	2009
2	DELL	1702FP	TBD	2009
2	EPSON	PERFECTION 1650	TBD	2009
2	DELL	OPTIPLEX 745	2NQLRC1	2011
2	DELL	OPTIPLEX 745	TBD	2009
2	DELL	OPTIPLEX 745	TBD	2009
2	DELL	OPTIPLEX 745	TBD	2009
2	DELL	OPTIPLEX 745	TBD	2009
2	DELL	1704FPVS	TBD	2005
2	DELL	1704FPV+	TBD	2009
2	IBM CORP	9419-HB7	TBD	2005

2	IBM CORP	9419-HB7	TBD	2005
2	DELL	OPTIPLEX 755	TBD	2009
2	DELL	OPTIPLEX 755	TBD	2009
2	DELL	OPTIPLEX 755	TBD	2009
2	DELL	OPTIPLEX 755	TBD	2009
2	DELL	LATITUDE E4200	TBD	2009
2	DELL	O3X	7DM6LN1	2012
2	DELL	LATITUDE E4300	TBD	2009
2	DELL	P190SF	TBD	2010
2	HP	LASERJET P4015DN	TBD	2009
2	HP	COLORLASERJET 4650DN	TBD	2005
2	DELL	N/A	TBD	2009
2	BLACKBERRY SYSTEM IN	BOLD 9700	TBD	2009
2	DELL	2009WT	TBD	2009
2	HP	LASERJETP22015D	TBD	2009
2	BLACKBERRY SYSTEM IN	N/A	TBD	2009
2	HP	SCANJET 5590	TBD	2008
2	DELL	OPTIPLEX 745	TBD	2008
2	HP	LASERJET 1100	TBD	2008
2	HP	SCANJET 8290	TBD	2008
2	HP	OPTIPLEX 745	TBD	2008
2	LEXMARK INTERNATIONA	Z52	TBD	2008
2	DELL	OPTIPLEX 745	TBD	2008
2	DELL	OPTIPLEX 745	TBD	2008
2	APPLE COMPUTER	MACPRO	TBD	2008
2	APPLE COMPUTER	CINEMA DISPLAY	TBD	2008
2	EPSON	PICTURE MATE	TBD	2008
2	EPSON	STYLUS PHOTO RX580	TBD	2008
2	EPSON	ARTISAN 800	TBD	2008
2	BROTHER	HL-5370DW	TBD	2008
2	APPLE COMPUTER	MACBOOK AIR	TBD	2008
2	DELL	OPTIPLEX 760	TBD	2008
2	DELL	OPTIPLEX 745	TBD	2008
2	DELL	OPTIPLEX 745	TBD	2008
2	SHARP CORP	XR-20S	TBD	2008
2	HP	DESKJET 6940	TBD	2008
2	PANASONIC	UF-895	TBD	2008
2	DELL	LATITUDE E4300	TBD	2009
2	DELL	LATITUDE E6400	TBD	2009
2	DELL	LATITUDE E4300	TBD	2009
2	HP	PROL7580	MY72B250B7	2011











## Key Figures

### Aquisition Cost

\$ 10,164.00

\$ 350.00

\$ 52,500.00

\$ 350.00

\$ 26,250.00

\$ 1,500.00

\$ 500.00

\$ 350.00

\$ 250.00

\$ 250.00

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\$ 500.00

\$ 1,500.00

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\$ 500.00

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\$ 250.00

\$ 1,500.00

\$ 1,500.00

\$ 1,500.00

\$ 450.00

WBUSAUTH	Business Area by Authorization D000 Departmental Offices
OP_FPER	Period/Fiscal Year 002/2017
WAPO_NM	APO Name
WSAPONUM	APO Number
WAS_CLASS	Asset Class
WRP_FLAG_IND	Asset Type
WCE_NM	CE Name
WCE_NUM	CE Number
OS_CCTR	Cost Center DS61200000 Policy Analysis
WCPO_NME	CPO Name
WCPO_NUM	CPO Number
WDEP_AREAS	Depreciation Area Accountable Property
WDEACT_FLG	Deactivation Flag #
OS_FCTR	Funds Center
WIN_NOTE	Inventory Note
WINV_NUM	Inventory Number
WILASTINVDT	Last Inventory Date
OS_ASSET	Main Asset Number
WAS_MAXID	Maximo ID Number
WPMNAME_VAF	PM Name
WRSP_CCNT	Responsible Cost Center
WEVAL_GR2	User Status

**From:** Crowley, Michael  
**To:** [Goklany, Indur](#)  
**Subject:** Incomplete Report  
**Date:** Wednesday, November 09, 2016 1:57:33 PM  
**Attachments:** [DS61200000 INCOMPLETE REPORT.xlsx](#)

---

Mr Goklany,  
Attach is you incomplete report.

--

Michael P Crowley  
Property Management Specialist  
Department of the Interior  
Office of the Secretary/OFAS  
1849 C Street, NW MIB1314  
Washington, D.C. 20240  
[michael\\_crowley@ios.doi.gov](mailto:michael_crowley@ios.doi.gov)  
ofc (202)208-3225  
cell (240)417-5016

**Background Filte**

Inventory no.	Cost Center	Asset class	Asset Main Num	Sub-number	CPO Name
D053256	DS61200000	14NC360	1041323	0	TIERA N BRATTON
D14862	DS61200000	10NC700	619967	0	TIERA N BRATTON
D14PC00212	DS61200000	11NC700	989068	0	TIERA N BRATTON
			995116	0	Not assigned
D15943	DS61200000	10NC700	619955	0	TIERA N BRATTON
D15PC00182	DS61200000	11NC700	1023946	0	TIERA N BRATTON
D15PD01072	DS61200000	14NC360	1085703	0	Not assigned
D16070	DS61200000	10NC700	619945	0	TIERA N BRATTON
D16071	DS61200000	10NC700	619946	0	TIERA N BRATTON
D16072	DS61200000	10NC700	619948	0	TIERA N BRATTON
D16073	DS61200000	10NC700	619947	0	TIERA N BRATTON
D16074	DS61200000	10NC700	619980	0	TIERA N BRATTON
D16075	DS61200000	10NC700	619949	0	TIERA N BRATTON
D16076	DS61200000	10NC700	619951	0	TIERA N BRATTON
D16077	DS61200000	10NC700	619956	0	TIERA N BRATTON
D16078	DS61200000	10NC700	619958	0	TIERA N BRATTON
D16079	DS61200000	10NC700	619960	0	TIERA N BRATTON
D16080	DS61200000	10NC700	619961	0	TIERA N BRATTON
D16081	DS61200000	10NC700	619962	0	TIERA N BRATTON
D16082	DS61200000	10NC700	619963	0	TIERA N BRATTON
D16083	DS61200000	10NC700	619968	0	TIERA N BRATTON
D16084	DS61200000	10NC700	619971	0	TIERA N BRATTON
D16085	DS61200000	10NC700	619973	0	TIERA N BRATTON
D16086	DS61200000	10NC700	619974	0	TIERA N BRATTON
D16087	DS61200000	10NC700	619977	0	TIERA N BRATTON
D16088	DS61200000	10NC700	619978	0	TIERA N BRATTON
D16089	DS61200000	10NC700	619994	0	TIERA N BRATTON
D16090	DS61200000	10NC700	619996	0	TIERA N BRATTON
D16091	DS61200000	10NC700	619984	0	TIERA N BRATTON
D16092	DS61200000	10NC700	619981	0	TIERA N BRATTON
D16093	DS61200000	10NC700	619982	0	TIERA N BRATTON
D16094	DS61200000	10NC700	619986	0	TIERA N BRATTON
D16095	DS61200000	10NC700	619992	0	TIERA N BRATTON
D16096	DS61200000	10NC700	619990	0	TIERA N BRATTON
D16099	DS61200000	10NC700	619964	0	TIERA N BRATTON
D16782	DS61200000	10NC700	619989	0	TIERA N BRATTON
D17026	DS61200000	10NC700	619975	0	TIERA N BRATTON
D18194	DS61200000	10NC700	619991	0	TIERA N BRATTON
D18198	DS61200000	10NC700	619953	0	TIERA N BRATTON
D18199	DS61200000	10NC700	619966	0	TIERA N BRATTON
D18207	DS61200000	10NC700	619969	0	TIERA N BRATTON
D18399	DS61200000	10NC700	619952	0	TIERA N BRATTON
D18410	DS61200000	10NC700	619954	0	TIERA N BRATTON

D18577	DS61200000	10NC700	619950	0	TIERA N BRATTON
D18578	DS61200000	10NC700	619970	0	TIERA N BRATTON
D19344	DS61200000	10NC700	619976	0	TIERA N BRATTON
D19346	DS61200000	10NC700	619957	0	TIERA N BRATTON
D19365	DS61200000	10NC700	619959	0	TIERA N BRATTON
D19402	DS61200000	10NC700	619985	0	TIERA N BRATTON
D19479	DS61200000	10NC700	619972	0	TIERA N BRATTON
D28639	DS61200000	10NC700	619995	0	TIERA N BRATTON
D32225	DS61200000	10NC700	619998	0	TIERA N BRATTON
D32226	DS61200000	10NC700	620001	0	TIERA N BRATTON
D32227	DS61200000	10NC700	620002	0	TIERA N BRATTON
D32228	DS61200000	10NC700	619965	0	TIERA N BRATTON
D32229	DS61200000	10NC700	619997	0	TIERA N BRATTON
D32230	DS61200000	10NC700	619999	0	TIERA N BRATTON
D32231	DS61200000	10NC700	620000	0	TIERA N BRATTON
D32232	DS61200000	10NC700	620003	0	TIERA N BRATTON
D35533	DS61200000	10NC700	853803	0	TIERA N BRATTON
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WBUSAUTH	Business Area by Authorization D000 Departmental Offices
WAQU_YEAR	Fiscal Year
WAS_CLASS1	Asset Class
OS_CCTR	Cost Center DS61200000 Policy Analysis
WDEACT_FLG	Deactivation Flag #
OS_FAREA	Functional Area
OS_FUND	Fund
OS_FCTR	Funds Center
WINC_IND	Incomplete Indicator X
OS_ASSET	Main Asset Number
WRESP_CC	Responsible Cost Center

**From:** Franchois, George  
**Cc:** [Jennifer Klang](#); [Judy Din](#); [Mary Lynch](#); [Shyamalika Ghoshal](#); [Carolyn Frenger](#); [Doriann Dawkins](#)  
**Subject:** DOI Library Law Update - November/December 2016 Issue  
**Date:** Wednesday, December 07, 2016 11:02:48 AM  
**Attachments:** [Law Update Nov-Dec 2016.pdf](#)

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Hi Everyone

Attached to this e-mail is the November/December 2016 issue (No. 78) of the DOI Library Law Update . This publication has been compiled by the DOI Library staff to provide DOI Library patrons with news about the Library as well as current information on law-related items of interest to the Department of the Interior.

Materials have been selected from online legal database services and legal publications available to the Library. The selection criteria are based on current legal subject areas of interest and relevance to the Department. In addition to law review articles, the Law Update includes overviews of recent federal and state court cases and Presidential documents of interest to the Department of the Interior.

The DOI Library Law Update is published bimonthly. Please feel free to share this issue with others in your office that may be interested. Please note that a Section 508 compliant edition of the DOI Library Law Update is available to the visually impaired upon request. If you have any questions, please contact the Library by e-mail at [library@ios.doi.gov](mailto:library@ios.doi.gov) or by phone at (202) 208-5815.

George

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OFAS URL: <http://www.doi.gov/ofas>



# DOI Library Law Update

NOVEMBER / DECEMBER 2016

ISSUE NO. 78

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## Welcome!

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Please notify the Reference Staff at the Library with Law Update suggestions, and comments, as well as requests for full-text copies of the items listed in this issue. We can be reached by calling (202) 208-5815 or e-mailing us at [library@ios.doi.gov](mailto:library@ios.doi.gov).

Requests for the items listed in this publication may be obtained by filling out the article request form in this issue and faxing it to (202) 208-6773 or emailing it to [library@ios.doi.gov](mailto:library@ios.doi.gov). You may also mail it to us at Law Update, 1849 C St. NW, MS 1151, Room 2262, Washington, DC 20240.

## A Brief History of National Native American Heritage Month



state governments at the White House. There is no record, however, of such a national day being proclaimed.

What started at the turn of the century as an effort to gain a day of recognition for the significant contributions the first Americans made to the establishment and growth of the U.S., has resulted in a whole month being designated for that purpose.

One of the very proponents of an American Indian Day was Dr. Arthur C. Parker, a Seneca Indian, who was the director of the Museum of Arts and Science in Rochester, N.Y. He persuaded the Boy Scouts of America to set aside a day for the "First Americans" and for three years they adopted such a day. In 1915, the annual Congress of the American Indian Association

meeting in Lawrence, Kans., formally approved a plan concerning American Indian Day. It directed its president, Rev. Sherman Coolidge, an Arapahoe, to call upon the country to observe such a day. Coolidge issued a proclamation on Sept. 28, 1915, which declared the second Saturday of each May as an American Indian Day and contained the first formal appeal for recognition of Indians as citizens.

The year before this proclamation was issued, Red Fox James, a Blackfoot Indian, rode horseback from state to state seeking approval for a day to honor Indians. On December 14, 1915, he presented the endorsements of 24

The first American Indian Day in a state was declared on the second Saturday in May 1916 by the governor of New York. Several states celebrate the fourth Friday in September. In Illinois, for example, legislators enacted such a day in 1919. Presently, several states have designated Columbus Day as Native American Day, but it continues to be a day we observe without any recognition as a national legal holiday.

Source: <http://nativeamericanheritagemonth.gov/about/>

## Additional Statutes at Large Search Functions Added to Law.gov

by Jennifer González, Law Library of Congress

Two years ago we added historical Statutes at Large to our Digitized Material page; these can be found at <https://www.loc.gov/law/help/statutes-at-large/index.php>

Years 1789-1950 have been available there in a large PDF download, but we have been working steadily to add more functionality to the website.

We continue to add details to each Congress page that show the titles and dates of each statute, along with a smaller download for just that statute. Currently, we have years 1826-1919 (Congresses 19-65) available with chapter details. Years 1919-1923 (Congresses 66 and 67) will be posted by the end of 2016. And then we will continue to fill in the gaps in our coverage.

We have many more volumes in progress and will continue adding them to the website as they are finished.

Reading through these statutes, I have to agree with Thomas Jefferson that “there is in fact no subject to which a member of Congress may not have occasion to refer.” In

these 19 congresses, there are a variety of subjects to which these statutes refer. A small sample includes Native Americans, telecommunication, census, statues and historical monuments, railroads, District of Columbia, postal service, highways, armed forces, food, and of course the ever-present appropriations statutes. We have also found it interesting to note how the subjects have changed and evolved throughout the years.



One of the major advantages in adding individual descriptive metadata to each statute, is

that searching and using facets to find statutes is much easier.

To do a faceted search on the Law Library of Congress website, type “statutes at large” and press “GO” on the left search box. On the left, click “PDF” under “Online Formats” to narrow your results to the text of the statutes. Under “Subjects,” click “Statutes at Large” to make sure you have all of the statutes. Once that page refreshes, look under “Subjects” again and peruse the most popular terms for more information. Click on “More Subjects >>” to get a complete list.

Click on the subject that you are looking for (I clicked “railroads”—a major topic in these years) to get a refined list of search results.

You can further refine your search by clicking on other subjects that are related.

**Note:** The DOI Library can also help you locate additional Statutes at Large content, either in print in the Library or online from other sources. Just ask a librarian by calling us at (202)208-5815 or emailing [library@ios.doi.gov](mailto:library@ios.doi.gov). There is also a great deal of information available on our website, <https://www.doi.gov/library>

## Department of the Interior Celebrates National Native American History Month

The Department of Interior celebrated Native American History Month 2016 with a series of events, launching with an opening ceremony in the Main Interior Building on November 9th, 2016 at 10am.



The opening ceremony featured Keynote Speaker Thomas H. Begay, USMC, retired World War II - Navajo Code Talker. Secretary Jewell gave remarks at the ceremony as well.

The opening ceremony also featured Native Drum Presentation by the Black Bear Drum Group, and a Native Dance Presentation by

the Seneca Smoke Dancers. Federal Employees can get Diversity Training credit for attending or viewing the 2016 Native American Heritage Month opening ceremony, which can now be streamed at <https://livestream.com/usinterior/events/6588406>

To have your attendance counted after watching the opening ceremony, contact [doilearn@bia.gov](mailto:doilearn@bia.gov). More information about this can be found at <http://www.bia.gov/DocumentLibrary/HeritageMonth/index.htm>

Other events included Native Dance Demonstration, Dress in Your Native Regalia for a Day, Native Flutist Ron Warren, and a Navajo Rug Weaving Demonstration.

Many additional resources about National Native American History month can be found at <http://>

[nativeamericanheritagemonth.gov/](http://nativeamericanheritagemonth.gov/), including a Virtual Tour: Sitka National Historical Park - Totem Walk presented by the National Park Service.

The Department of Interior Library also has many books, articles, databases, and other resources related to National Native American History Month.

You can search our catalog by author or title to locate specific items, or by keyword or subject to run a broader search, at <http://library.doi.gov/uhtbin/webcat>

Please also feel free to visit the Library in person in Room 2262 of the Stewart Lee Udall Department of the Interior Building, or contact us via phone at (202) 208-5815 or e-mail at [library@ios.doi.gov](mailto:library@ios.doi.gov) if you have any questions.



# Upcoming Programs at the DOI Library

## Park Ranger Speaker Series Programs



The Interior Library is proud to present a series of programs on the background and history of sites of interest in the Washington, D.C. region, as well as subjects highlighting the history of the United States. The 45-minute programs, presented by National Park Service Rangers, are held in the Stewart L. Udall Department of the Interior Building. For more information about our Park Ranger Speaker Series programs, please contact the Interior Library by phone at (202) 208-5815 or e-mail at [library@ios.doi.gov](mailto:library@ios.doi.gov).

To register for a specific program, please go to the Library's Park Ranger Speaker Series Registration link found via on the Library's homepage at <http://www.doi.gov/library>

*Please note: These programs will be held in the Stewart Lee Udall Department of the Interior Building's Rachel Carson Room, located in the building's basement level next to the cafeteria*

### The Attack on Pearl Harbor

Tuesday, December 20, 2016, 1:00 pm - 1:45 pm



Japan's surprise attack on Pearl Harbor seventy-five years ago created a new era for America. It shocked the nation to its core and meant that the United States would now be involved in the scourge of the Second World War. At the time Americans were enjoying a blissful period of peace, seemingly separated by vast oceans from the great war abroad. Within days, they would receive word that Nazi Germany and Fascist Italy had also declared war on America, bringing our nation front and center into this global conflict. As we look back seventy-five years later, we view the world very differently now than before that fateful Sunday morning of December 7, 1941. America's role in the world changed forever, and so did America.

Please join Park Ranger Paul O'Brien as he examines the attack on Pearl Harbor upon the commemoration of its seventy-fifth anniversary. Ranger O'Brien will discuss its significance and the repercussions from that "day of infamy" that are still felt to this day.

### Arlington House and Arlington National Cemetery

Tuesday, January 17, 2017, 1:00 pm—1:45 pm



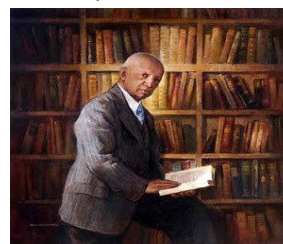
Following the ratification of secession by Virginia in 1861, federal troops crossed the Potomac and occupied Arlington House, the 1804 estate owned by George Washington's adopted great-granddaughter Mary Anna Custis and her husband, Robert E.

Lee. The confiscated property was offered for public sale in 1864, and was purchased by a tax commissioner for "government use, for war, military, charitable and educational purposes." Since it was the home of the leader of the armed forces of the Confederacy, it was decided that the use of his property as a military cemetery would be appropriate and, as a form of punishment, deny the Lee family the use of their home after the war.

Please join Park Ranger Matt Penrod for a look at the history of Arlington House, its occupation by Union troops during the Civil War, and the transformation of the estate into the hallowed ground we know it as today.

### The Carter G. Woodson National Historic Site

Tuesday, February 21, 2017, 1:00 pm—1:45 pm



The Carter G. Woodson Home National Historic Site highlights Dr. Carter G. Woodson's contributions to the nation. Around the turn of the 20th century as he began his own academic career, Woodson noticed a glaring hole in the educational system in the United States. The public knew very little about the role of African Americans in American history, and schools were not including African American history in their curriculum. He worked tirelessly throughout his life to remedy this problem becoming nationally recognized as "the Father of Black History." Woodson exposed the American public and education system to the

*... Woodson noticed a glaring hole in the educational system in the United States. The public knew very little about the role of African Americans in American history, and schools were not including African American history in their curriculum.*

*It has been said that searching on the Internet today can be compared to dragging a net across the surface of the ocean; a great deal may be caught in the net, but there is a wealth of information that is below the surface and therefore missed.*

## Upcoming Programs at the DOI Library (Contd.)

lives and history of Americans of African descent and their profound impact on American society through such endeavors as establishing the Association for the Study of Negro Life and History, Inc. and the Associated Publishers, Inc.; starting *The Journal of Negro History*, and founding Negro History Week in 1926, known today as Black History Month.

Please join Park Ranger John T. Fowler, II as he discusses Woodson's life and legacy, as well as how Woodson's office-home became the focal point of the African American history movement.

### DOI Library Training Sessions



The Interior Library offers regular training sessions to introduce DOI employees and others to its services and to the information sources it makes available through employees' computers or in person. Future Training Sessions will be posted at <http://www.doi.gov/library/programs/training> as soon as they are scheduled.

For questions about Training Sessions, please call the Interior Library at (202) 208-5815 or send us an e-mail at [library@ios.doi.gov](mailto:library@ios.doi.gov).

To register for a specific program, please go to the Library's

Training Sessions Registration link found via on the Library's homepage at <http://www.doi.gov/library>

*Please note: These programs will be held in the temporary Library, located in Room 2262 of the Stewart Lee Udall Department of the Interior Building. It is also being offered to remote users as a simultaneous online webinar. Please contact the DOI Library by e-mail at [library@ios.doi.gov](mailto:library@ios.doi.gov) for directions to the Library or for information on how to register for webinar access to the class.*

### Searching Through the Invisible Web: Finding Hidden Resources on the Internet

Wednesday, December 7, 2016,  
2:00 pm - 3:15 pm



It has been said that searching on the Internet today can be compared to dragging a net across the surface of the ocean; a great deal may be caught in the net, but there is a wealth of information that is below the surface and therefore missed. Most of the Web's information is buried far down on dynamically generated sites, and standard search engines do not find it. Traditional search engines cannot "see" or retrieve content in the "Invisible" or "Deep" Web – those pages do not exist until they are created dynamically as the result of a specific search. The Invisible Web is several orders of magnitude larger than the surface Web. This class will examine the type of information available on the mysterious "Invisible Web," how to access it, and why it is important. Learn why some information is

inaccessible to web search engines and what might be overlooked in researching the Internet. Search techniques and recommended sources will also be covered. This program will be conducted by Reference Librarian Jennifer Klang.

### Lexis Advance: Introduction and New Features

Tuesday, January 10, 2017,  
2:00 pm - 3:15 pm



LexisNexis™

Lexis Advance delivers an unmatched set of legal, news, business and analytical content that professionals trust. Content is delivered within a single intuitive interface that includes: pre- and post-filters, folders for storing and sharing, research history, alerts and 24/7 customer support. Lexis Advance includes exclusive tools such as integrated results from the open Web where users can search the open Web along with content from Lexis simultaneously, save recent and favorite filters, access work folders, set up alerts and access customer service; and a Legal Issue Trail that allows users to find and cite connections between cases that may not be obvious. Lexis Advance also includes a graphical depiction of prior research history as well as a Shepard's Graphical feature showing the history of citing decisions in an easy visual grid or map format. Attendees will be taught by a LexisNexis trainer how to maneuver through this newly updated online platform to find the search results they need.

## Upcoming Programs at the DOI Library (Contd.)

### Locating Scientific Government Information on the Web: When Google Isn't Enough

Wednesday, January 25, 2017,  
2:00 pm - 3:15 pm



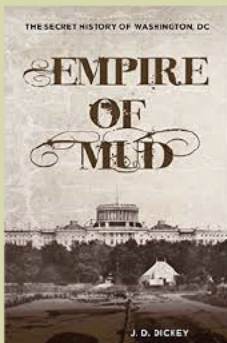
You know that white paper or technical report exists online, but is just not coming up when you search the web for it. Or maybe you don't know exactly what you need, but feel certain a government agency has compiled plenty of data about the subject you are researching – but where to begin finding it all? Many pages and documents are only available via the Deep Web, and must be accessed either by searching government sites

directly (requiring a unique search skill set) or by accessing some sites set up specifically to meet your research needs, such as Science.gov, PubMed, WorldWideScience, and the National Technical Information Service (NTIS). Come learn where and how to search for government scientific and technical information you need. This program will be led by Law Librarian Shannon Lynch.



**Marsh-Billings-Rockefeller National Historic Park, Vermont**

## DOI Reads Book Club - “Empire of Mud: The Secret History of Washington DC” by J.D. Dickey



The DOI Reads Book Club had a great discussion of *Capital Dames: The Civil War and the Women of Washington, 1848-1868*

by Cokie Roberts during its last meeting in November.

We will meet Wednesday, January 12, 2017 from 12:30—1:30 pm to discuss *Empire of Mud: The Secret History of Washington DC* by J. D. Dickey.

### **About *Empire of Mud***

Washington, DC, gleams with stately columns and neoclassical temples, a pulsing hub of political power and prowess. But for decades it was one of the worst excuses for a capital city the world had ever seen.

Before America became a world power in the twentieth century, Washington City was an eyesore at best and a disgrace at worst. Unfilled swamps, filthy canals, and

rutted horse trails littered its landscape. Political bosses hired hooligans and thugs to conduct the nation's affairs. Legendary madams entertained clients from all stations of society and politicians of every party.

The police served and protected with the aid of bribes and protection money. Beneath pestilential air, the city's muddy roads led to a stumpy, half-finished obelisk to Washington here, a domeless Capitol Building there. Lining the streets stood boarding houses, tanneries, and slums.

Deadly horse races gouged dusty streets, and opposing factions of volunteer firefighters battled one another like violent gangs rather than life-saving heroes.

The city's turbulent history set a precedent for the dishonesty, corruption, and mismanagement that have led generations to look suspiciously on the various sin--both real and imagined--of Washington politicians. *Empire of Mud* unearths and untangles the roots of our capital's story and explores how the city was tainted from the outset, nearly stifled from becoming the proud citadel of the republic that George Washington and Pierre L'Enfant envisioned

more than two centuries ago.

Please join us for this discussion; you are welcome to bring your lunch. The Library does not have enough copies to lend this book to everyone, so please purchase a copy or borrow one from your local library. We do have a copy on hold you can read in the Library.

The Department of Interior Library is located in the Stewart Lee Udall Department of the Interior Building at 1849 C Street, NW, Room 2262 Washington, DC.

Advance RSVPs are welcome but not required. Those who have read part of the book are welcome to attend—you do not need to finish the book to join us.

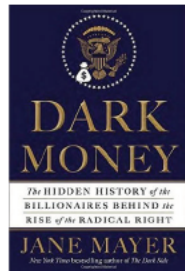
To RSVP or for more information about the DOI Reads Book Club and other DOI Library programs, please contact Law Librarian Shannon Lynch, at 202-208-3686 or [Mary\\_Lynch@ios.doi.gov](mailto:Mary_Lynch@ios.doi.gov).

For additional information about the full range of Library services available to DOI employees, please visit the Library's website: <http://www.doi.gov/library> or call (202)208-5815.



# New Books in the DOI Library

The following list is just a sample of new books recently added to the Department of the Interior Library collection. You may stop by the Library or contact the Library by phone at (202) 208-5815 or e-mail at [Library@ios.doi.gov](mailto:Library@ios.doi.gov) for more information about these and other publications in the Library.

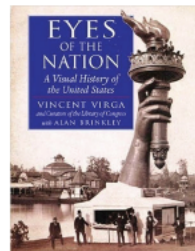


**Dark Money: The Hidden History of the Billionaires Behind the Rise of the Radical Right**

by Jane Mayer  
Doubleday  
January 19, 2016

Why is America living in an age of profound economic inequality? Why, despite the desperate need to address climate change, have even modest environmental efforts been defeated again and again? Why have protections for employees been decimated? Why do hedge-fund billionaires pay a far lower tax rate than middle-class workers? The conventional answer is that a popular uprising against “big government” led to the ascendancy of a broad-based conservative movement. But as Jane Mayer shows in this powerful, meticulously reported history, a network of exceedingly wealthy people with extreme libertarian views bankrolled a systematic, step-by-step plan to funda-

mentally alter the American political system. Jane Mayer spent five years conducting hundreds of interviews—including with several sources within the network—and scoured public records, private papers, and court proceedings in reporting this book. In a taut and utterly convincing narrative, she traces the byzantine trail of the billions of dollars spent by the network and provides vivid portraits of the colorful figures behind the new American oligarchy.



**Eyes of the Nation: A Visual History of the United States**

by Vincent Virga  
Bunker Hill Publishing  
November 4, 1997

Never before has America's past been made so intriguingly accessible, both to the eyes and to the mind. *Eyes of the Nation* profits from seven chapters of lucid historical commentary by the distinguished historian Alan Brinkley, but at its core is a bountiful narrative-in-pictures drawn from the millions of maps, prints, photographs, posters, manuscripts, motion pictures, and other treasures in the Special Collections of the Library of Congress. In vivid and inclusive fashion, the book proceeds from the first encounters of

Europeans and Indians, through colonial days and the founding of the nation, industrialization and the western expansion, and the catastrophes and transformations of the nineteenth and twentieth centuries, right up to the present. Thanks to the brilliant art selection by Vincent Virga and the Library's Curators, every stage of the nation's development, every swerve in its fortunes, assumes arresting visual form.



**Golden Rules: The Origins of California Water Law in the Gold Rush**

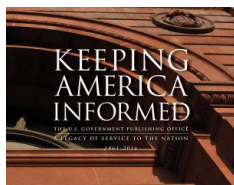
by Mark Kanazawa  
University of Chicago Press  
July 10, 2015

Fresh water has become scarce and will become even more so in the coming years, as continued population growth places ever greater demands on the supply of fresh water. At the same time, options for increasing that supply look to be ever more limited. No longer can we rely on technological solutions to meet growing demand. What we need is better management of the available water supply to ensure it goes further toward meeting basic human needs. But better management requires that we both understand the history underlying our current water regulation

Never before  
has America's  
past been made  
so intriguingly  
accessible, both  
to the eyes and  
to the mind.

## New Books in the DOI Library (Contd.)

regime and think seriously about what changes to the law could be beneficial. For *Golden Rules*, Mark Kanazawa draws on previously untapped historical sources to trace the emergence of the current framework for resolving water-rights issues to California in the 1850s, when Gold Rush miners flooded the newly formed state. The need to circumscribe water use on private property in support of broader societal objectives brought to light a number of fundamental issues about how water rights ought to be defined and enforced through a system of laws.

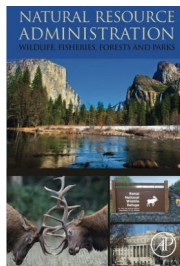


### **Keeping America Informed: The United States Government Printing Office 150 Years of Service to the Nation**

by the U.S. Government Publishing Office  
August 25, 2016

Originally published in 2011 on the occasion of its 150th anniversary, the new edition of *Keeping America Informed* has been prepared to coincide with the agency's 155th anniversary under its new name—the Government Publishing Office. The new edition adds a variety of new information: the close relationship GPO had with President Lincoln, the agency's experience with the segregation imposed on the Federal workforce during the Woodrow Wilson Administration, a long-forgotten proposal to build a government paper mill, GPO's production of the transcripts of presidential tape recordings during the Watergate crisis, and other events and milestones. It even has a new section on GPO's appearance in mov-

ies and on TV over the years. New photographs have been added, and the book brings the agency's history up to date to 2016.

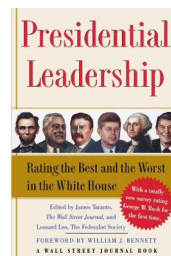


### **Natural Resource Administration: Wildlife, Fisheries, Forests and Parks**

by Donald W. Sparling  
Academic Press  
March 11, 2014

Natural Resource and Wildlife Administration presents a clear perspective on natural resource administration in North America, how it developed, how it is currently structured, and where it might be heading. Intertwined areas of natural resources, including wildlife administration, fisheries, forestry, and other competitive land uses, are heavily discussed. The book covers the history of natural resource management in Europe and North America, proceeding to environmental law; agencies involved in wildlife and natural resource management; and the human dimensions of public relations and economic concerns. Natural Resource and Wildlife Administration provides solid background on the history of natural resource conservation, critical laws protecting resources, and the nature of agencies. The interconnectedness among natural resources makes this a useful text for disciplines such as wildlife, fisheries, and forestry. This book covers the development of natural resource law and the conservation agencies in North America, and also provides models for

international use. Likewise, it examines the roles of diverse federal, state, and non-governmental agencies, and how they cooperate as professionals to accomplish natural resources management.



### **Presidential Leadership: Rating the Best and the Worst in the White House**

James Taranto (Ed.)  
Free Press  
September 13, 2005

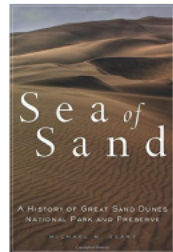
Based on a completely new nationwide survey prepared exclusively for this edition of *Presidential Leadership*, two of America's most prominent institutions, *The Wall Street Journal* and the *Federalist Society*, explore just what it is that makes a president great and then rank each from best to worst. Now with updated chapters on Bush and "Leadership in the Midst of Controversy," a wide range of eminent scholars, journalists, and political leaders evaluate the competence of our nation's chief executives, including that of George W. Bush's first complete term in office. From John McCain on Teddy Roosevelt to Kenneth Starr on Richard Nixon, editors James Taranto and Leonard Leo have collected a series of lively, provocative, and highly readable essays evaluating the terms of each of the forty-three U.S. presidents. Other contributors include Douglas Brinkley on James Polk, Melanie Kirkpatrick on Millard Fillmore, Jay Winik on Abraham Lincoln, and Lynne Cheney on James Madison. Fascinating and often surprising, the book reveals who was



**Grand Teton National Park, Wyoming**

## New Books in the DOI Library (Contd.)

voted the most controversial and who was the most over- and underrated from the nationwide survey of liberal and conservative scholars, balanced to reflect the political makeup of the U.S. population as a whole. *Presidential Leadership* is a pleasure to read and an authoritative reference for every library.



**Sea of Sand: A History of Great Sand Dunes National Park and Preserve**

by Michael M. Geary  
University of Oklahoma Press  
March 31, 2016

Sculpted into graceful contours by countless centuries of wind and water, the Great Sand Dunes sprawl along the eastern fringes of the vast San Luis Valley of south-central Colorado. Covering an area of nearly thirty square miles, they are the tallest aeolian, or wind-produced, dunes in North America, towering 750 feet above the valley floor. With the addition of the enormous Baca Ranch and other adjacent lands, the dunes—originally designated as a National Monument in 1932—attained official National Park status in 2004. In *Sea of Sand*, Michael M. Geary guides readers on a historical journey through this unique ecosystem, which includes an array of natural and

cultural wonders, from the main dunefield and verdant wetlands to the summits of the Sangre de Cristo Mountains. Described by explorer Zebulon Pike as “a sea in a storm” and by frontier photographer William Henry Jackson as “a curious and very singular phase of nature’s freak,” the Great Sand Dunes are a nexus of more than 10,000 years of human history, from Paleolithic big-game hunters to nomadic Native Americans, from Spanish conquistadores and trans-continental explorers to hard-rock miners and modern-day tourists in motor homes. Like these successive waves of visitors, *Sea of Sand* follows the water, analyzing its critical role in the settlement and development of the region. Geary also describes the profound impact that waves of human use and settlement have had on the land—which ultimately inspired the early grassroots efforts by San Luis Valley citizens to protect the dunes from further exploitation.



**The Spirit of the Appalachian Trail: Community, Environment, and Belief**

by Susan Power Bratton  
University of Tennessee Press  
June 29, 2012

The Appalachian Trail covers 2,180 miles, passing through

fourteen states from Georgia to Maine. Each year, an estimated 2–3 million people visit the trail, and almost two thousand attempt a “thru-hike,” walking the entire distance of the path. For many, the journey transcends a mere walk in the woods and becomes a modern-day pilgrimage. In *The Spirit of the Appalachian Trail: Community, Environment, and Belief*, Susan Power Bratton addresses the spiritual dimensions of hiking the Appalachian Trail (AT). Hikers often comment on how their experience as thru-hikers changes them spiritually forever, but this is the first study to evaluate these religious or quasireligious claims critically. Rather than ask if wilderness and outdoor recreation have benefits for the soul, this volume investigates specifically how long-distance walking might enhance both body and mind. Most who are familiar with the AT sense intuitively that a trek along its length kindles spiritual awakening. Using both a quantitative and qualitative approach, this book provides the hard data to support this notion.



**Tales from the Parks: My Adventures as a Park Ranger**

by Russell Cahill  
CreateSpace Independent Publishing Platform  
June 13, 2016

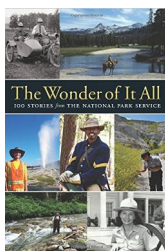
Sculpted into graceful contours by countless centuries of wind and water, the Great Sand Dunes sprawl along the eastern fringes of the vast San Luis Valley of south-central Colorado.



## New Books in the DOI Library (Contd.)

If a bear lumbers into a hotel in the middle of the night, how do you get it to leave? Join former National Park Ranger Russell Cahill for this and other true life adventures. Join him as he lowers terrified climbers down the sheer cliffs at Yosemite, follow along as he traces the source of the "death lights" on the remote coast of Maui, and be with him as he creates chaos in the basement of the White House. From a childhood spent in the state parks of California to protecting the lands in the farthest reaches of the United States, the author will keep you guessing about what comes next. Readers will meet President Nixon, Charles and Ann Morrow Lindbergh, Governors Jerry Brown and Jay Hammond, and a host of characters who shaped the national and state parks during the past century. There are descriptions of building a cabin with hand tools in remote Alaska, volcanic eruptions and the biggest tsunami

ever witnessed. Lace up your boots, and come along.



### **The Wonder of It All: 100 Stories from the National Park Service**

*by the Yosemite Conservancy  
March 15, 2016*

Since the founding of the National Park Service in 1916, tens of thousands of NPS employees and volunteers have devoted themselves to preserving our public lands, which today number more than 400. Each person's NPS career is unique, sea-

soned with daily duties, grand adventures, and everything in between! Yet there is one common element: each person has plenty of material for terrific stories about living and working in America's most special places. These 100 true stories from current and past NPS employees and volunteers make for an engrossing, funny, and often moving read, with something for everyone. The writers welcome visitors, ride the rails, collar caribou, reenact and make history, and every day face the mystery of wildness—including plenty of bears!—all for America's public lands. Featuring more than 100 photographs and stories from 80 different parks, monuments, and historic sites, stretching from the coast of Maine to American Samoa, *The Wonder of It All* is sure to inspire a new generation to cherish the natural and cultural resources that the National Park Service was born to preserve.



**Canaan Valley  
National Wildlife Refuge,  
West Virginia**



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# Journal Articles

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## 1. INTERVIEW, Hilary Tompkins

*Natural Resources & Environment Fall, 2016 31-FALL Nat. Resources & Env't 44 Milo Mason*

## 2. AGENCIES RUNNING FROM AGENCY DISCRETION

*William and Mary Law Review October, 2016 58 Wm. & Mary L. Rev. 97 J.B. Ruhl, Kyle Robisch*

## 3. MONTANA LEADING THE WAY IN MANY AREAS OF ENDANGERED SPECIES ACT INNOVATIONS

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## 4. SCIENCE AND DEFERENCE: THE "BEST AVAILABLE SCIENCE" MANDATE IS A FICTION IN THE NINTH CIRCUIT

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## 5. ILLUSORY BORDERS: THE MYTH OF THE MODERN NATION-STATE AND ITS IMPACT ON THE REPATRIATION OF CULTURAL ARTIFACTS

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## 6. WHISKEY IS FOR DRINKING: THE NEVER ENDING BATTLE OVER CALIFORNIA WATER

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## 7. COAL BANKRUPTCIES: INTER-FACE WITH ENVIRONMENTAL

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## 8. ONCE MORE INTO THE BREACH: WILL FRACKING USHER IN THE NEXT GREAT WAVE OF ENVIRONMENTAL COVERAGE LITIGATION?

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## 9. WATER, WATER, EVERYWHERE, AND PLENTY OF DROPS TO REGULATE: WHY THE NEWLY PUBLISHED WOTUS RULE DOES NOT VIOLATE THE COMMERCE CLAUSE

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*Appalachian Natural Resources Law Journal 2015-2016 10 Appalachian Nat. Resources Lj. 93 Kelsea Wagner*

## 11. WHAT IS THE FEDERAL RESERVED WATER RIGHTS DOCTRINE, REALLY? ANSWERING THIS QUESTION IN IDAHO'S SNAKE RIVER BASIN ADJUDICATION

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## INTERNET: DEFINING A SOURCE WHOSE ACCURACY CANNOT REASONABLY BE QUESTIONED

*Cumberland Law Review 2015-2016 46 Cumb. L. Rev. 219 Erin G. Godwin*

## 14. CHALLENGING THE 2013 RULE IMPLEMENTING REGULATIONS ON OVERSNOW VEHICLE USE IN YELLOWSTONE NATIONAL PARK

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## 15. THE PRESIDENTIAL MEMORANDUM ON MITIGATION

*Natural Resources & Environment Fall, 2016 31-FALL Nat. Resources & Env't 50 J.B. Ruhl*

## 16. WHO OWNS ALABAMA'S COOSA RIVER? CITIZENS' IMPACT ON THE TRI-STATE WATER WARS MUTED BY PRIVATE OWNERSHIP OF RIPARIAN RIGHTS

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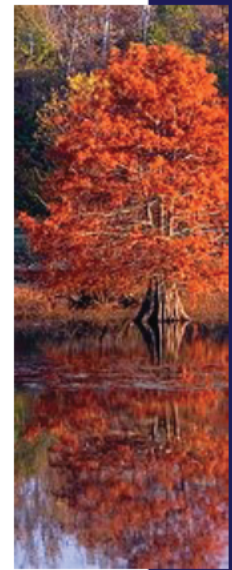
## 17. "WATERS OF THE UNITED STATES" AND THE AGRICULTURAL PRODUCTION SECTOR: SWEEPING CHANGE OR MORE OF THE SAME?

*Environmental Law Reporter News & Analysis September, 2016 46 Envtl. L. Rep. News & Analysis 10743 Emily Taylor*

## 18. AMERICA'S INVADERS: THE NILE MONITOR AND THE INEFFECTIVENESS OF THE REACTIVE RESPONSE TO INVASIVE SPECIES

*Animal Law 2016 22 Animal L. 397 William K. Norvell III*

## 19. AMBER TEARS AND COPY-



**Muscatatuck National Wildlife Refuge, Indiana**

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**RIGHT FEARS: THE INADEQUATE PROTECTION OF CULTURAL HERITAGE IN THE UNITED STATES**

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**20. THE FOREIGN CORRUPT PRACTICES ACT: PROSECUTE CORRUPTION AND END TRANSNATIONAL ILLEGAL LOGGING**

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**21. DESALINATION: AN ADDITIONAL WATER SOURCE FOR SOUTHERN CALIFORNIA'S WATER CRISIS AND AN UNSUSTAINABLE 1944 U.S.-MEXICO WATER TREATY**

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**22. THE ESA TODAY: ECO-PRAGMATISM AND STATE CONSERVATION EFFORTS**

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**23. CITIZEN SUITS IN CONTRACT DISPUTES: FRIENDS OF MERRYMEETING BAY V. HYDRO KENNEBEC**

*Energy Law Journal* 2016 37 *Energy L.J.* 201 Andrew Ross Giddens, II

**24. NATIVE AMERICAN USE OF EAGLE FEATHERS UNDER THE RELIGIOUS FREEDOM RESTORATION ACT**

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**25. CLIMATE CHANGE IN THE ENDANGERED SPECIES ACT: A**

**JURISPRUDENTIAL ENIGMA**

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**26. THE PRICE OF CITIZENSHIP: WOULD CITIZENSHIP COST AMERICAN SAMOA ITS NATIONAL IDENTITY?**

*Asian-Pacific Law and Policy Journal* 2016 17 *Asian-Pac. L. & Pol'y J.* 1 Ivy Yeung

**27. INDIGENOUS HEALTH POLICY IN THE UNITED STATES AND LATIN AMERICA: THE MARSHALL TRILOGY AND THE INTERNATIONAL HUMAN RIGHTS APPROACH**

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**28. FEDERAL STATUTORY RESPONSIBILITY AND THE MENTAL HEALTH CRISIS AMONG AMERICAN INDIANS**

*American Indian Law Review* 2015-2016 40 *Am. Indian L. Rev.* 71 Abilene Slaton

**29. THE LOS ANGELES FAULT HALT**

*Real Estate Review Journal* Winter 2014 43 No. 4 *Real Estate Review Journal* ART 4 Margaret McFarland, Editor-in-Chief

**30. CRITICAL HABITAT'S LIMITED ROLE UNDER THE ENDANGERED SPECIES ACT AND ITS IMPROPER TRANSFORMATION INTO "RECOVERY" HABITAT**

*UCLA Journal of Environmental Law & Policy* 2016 34 *UCLA J. Envtl. L. & Pol'y* 1 Norman D. James, Thomas J. Ward

**31. COMMON LAW GROUND-WATER RIGHTS UNDER VIRGIN-**

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**32. THE DIRTY EFFECTS OF CLEAN ENERGY TECHNOLOGY: SUPPORTIVE REGULATIONS TO PROMOTE RECYCLING OF LITHIUM ION VEHICLE BATTERIES**

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**33. TROPHY HUNTING CONTRACTS: UNENFORCEABLE FOR REASONS OF PUBLIC POLICY**

*Columbia Journal of Environmental Law* 2016 41 *Colum. J. Envtl. L.* 395 Myanna Dellinger

**34. WHAT ALL THE FUSS ISN'T ABOUT: THE EIGHTH CIRCUIT'S MISAPPREHENSION OF APA PURPOSES IN HAWKES CO. v. U.S. ARMY CORPS OF ENGINEERS**

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**35. ESCAPING THE THICKET: THE RANKED CHOICE VOTING SOLUTION TO AMERICA'S DISTRICTING CRISIS**

*Cumberland Law Review* 2015-2016 46 *Cumb. L. Rev.* 377 Andrew Spencer, Christopher Hughes, Rob Richie

**36. DEFENDERS OF WILDLIFE v. JEWELL: ENVIRONMENTALISTS WIN THE LATEST BATTLE IN THE FIGHT OVER GRAY WOLVES, BUT WHO WILL WIN THE WAR?**

*Buffalo Environmental Law Journal* 2015-2016 23 *Buff. Envtl. L.J.* 1 Rachel Kenigsberg

**37. APPLYING LIFE INSURANCE PRINCIPLES TO COASTAL PROPERTY INSURANCE TO INCEN-**



**Bear Lake National Wildlife Refuge, Idaho**

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### TIVIZE ADAPTATION TO CLIMATE CHANGE

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### 38. DROUGHT AND CALIFORNIA'S ROLE IN THE COLORADO RIVER COMPACT

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### 39. A BROOK WITH LEGAL RIGHTS: THE RIGHTS OF NATURE IN COURT

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### 40. PROTECTING THE INTEGRITY OF THE GREAT LAKES: PAST, PRESENT, AND FUTURE

*Natural Resources & Environment Fall, 2016* 31-FALL Nat. Resources & Env't 36 Carolyn S. Boyce

### 41. CHANGING HUMANITY: FIFTEEN YEARS OF PROGRESS IN ANIMAL WELFARE AND PROTECTION

*Animal Law* 2016 22 Animal L. 203 Congressman Earl Blumenauer

### 42. REEVALUATING THE ROLE OF ACQUISITION-BASED STRATEGIES IN THE GREATER HISTORIC PRESERVATION MOVEMENT

*Virginia Environmental Law Journal* 2016 34 Va. Envtl. L.J. 399 Jess R. Phelps

### 43. UNCERTAINTY AND INNOVATION: THE NEED FOR EFFECTIVE REGULATIONS TO FOSTER SUCCESSFUL INTEGRATION OF PERSONAL AND COMMERCIAL DRONES

*Southwestern Journal of International Law* 2016 22 Sw. J. Int'l L. 189 Michael Calvo

### 44. SNAKE RIVER BASIN ADJUDICATION AND JOHN WESLEY POWELL'S MUCH-MISUNDERSTOOD WATER COMMONWEALTH GOVERNANCE PROPOSAL

*Idaho Law Review* 2016 52 Idaho L. Rev. 1 Justice Gregory J. Hobbs, Jr., Colorado Supreme Court

### 45. Shining the Spotlight on Endangered Properties

*Real Estate Review Journal Winter 2011* 40 No. 4 Real Estate Review Journal ART 3 Margaret McFarland, Editor-in-Chief

### 46. USING INTERNATIONAL PROPERTY LAW AS A LEVER TO EVOLVE TOWARD INTEGRATIVE OCEAN GOVERNANCE

*University of the Pacific Law Review* 2016 47 U. Pac. L. Rev. 253 Rachael E. Salcido

### 47. BURIED BENEATH THE LEGISLATION IT GAVE RISE TO: THE SIGNIFICANCE OF WOODRUFF v. NORTH BLOOMFIELD GRAVEL MINING CO.

*Boston College Environmental Affairs Law Review* 2016 43 B.C. Envtl. Aff. L. Rev. 235 Kaitlin N. Vigers

### 48. CHOCOLATE, COCA-COLA, AND FRACTURING FLUID: A STORY OF UNFETTERED SECRECY, TOXICOLOGY, AND THE RESULTING PUBLIC HEALTH IMPLICATIONS OF NATURAL GAS DEVELOPMENT

*Ohio State Law Journal* 2016 77 Ohio St. L.J. 593 Brie D. Sherwin, J.D., Ph.D.

### 49. EXPORTING COAL TO THE WEST: THE GOOD - CWA, THE BAD - POINT SOURCES OF POLLUTION, AND THE UGLY - COAL DUST

*Appalachian Natural Resources Law*

*Journal 2015-2016* 10 Appalachian Nat. Resources L.J. 61 Jason T. Fannin

### 50. SOLID GROUNDS FOR TRIBAL GROUNDWATER: A LOOK AT IMPLIED RIGHTS TO GROUNDWATER QUALITY

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### 51. A NEXT, BIG STEP FOR THE WEST (PART II): MODEL WATER-CLIMATE ENABLING LEGISLATION WITH COMMENTARY

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### 52. INTERNATIONAL LAW AND JAPAN'S TERRITORIAL DISPUTES

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### 53. CULTURE, COGNITION, AND CLIMATE

*University of Illinois Law Review* 2016 2016 U. Ill. L. Rev. 969 Robert R.M. Verchick

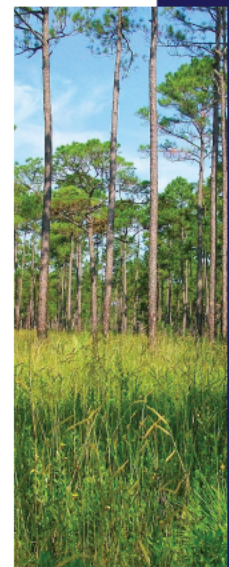
### 54. UP IN ARMS: THE HUNT TO DEFINE THE SECOND AMENDMENT'S SCOPE

*Jeffrey S. Moorad Sports Law Journal* 2016 23 Jeffrey S. Moorad Sports L.J. 255 Holly E. Jones

### 55. INTERNATIONAL WATER LAW AND CHINA'S MANAGEMENT OF ITS INTERNATIONAL RIVERS

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### 56. THE ROLE OF THE IDAHO DEPARTMENT OF WATER OF WATER RESOURCES IN THE



**Mississippi Sandhill Crane National Wildlife Refuge, Mississippi**



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*Idaho Law Review* 2016 52 *Idaho L. Rev.* 289 Phillip J. Rassier

57. PUBLIC OPEN SPACE: PUBLIC AND PRIVATE BENEFIT

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58. GROUNDED: SUPREME COURT DUCKS FEDERALISM QUESTIONS IN ALASKA HOVERCRAFT BAN

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59. A NEW CONSTITUTIVE COMMITMENT TO WATER

*Boston College Journal of Law & Social Justice* 2016 36 B.C. J.L. & Soc. Just. 159 Sharmila L. Murthy

60. PUBLIC HEALTH LAW-- REMEDIATING AND REGULATING THE UNINTENDED CONSEQUENCES OF SUBTHERAPEUTIC DOSING OF LIVESTOCK WITH ANTIBIOTICS: CAN THE EPA'S IMPLEMENTATION OF THE CLEAN WATER ACT REIGN IN THE PROBLEM?

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61. CHAPTER 12 WILDLIFE CRIMES AND LEGAL PROTECTION OF WILDLIFE IN CHINA

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62. WHO'S IN AND WHO'S OUT: CONGRESSIONAL POWER OVER INDIVIDUALS UNDER THE INDIAN COMMERCE CLAUSE

*Virginia Law Review* October, 2016

102 *Va. L. Rev.* 1589 Monica Haymond

63. COME AND "TAKE" IT: WHOOPING CRANES, TEXAS WATER RIGHTS, ENDANGERED SPECIES ACT LIABILITY, AND RECONCILING ECOLOGICAL SCIENTIFIC TESTIMONY WITHIN THE CONTEXT OF PROXIMATE CAUSATION

*UCLA Journal of Environmental Law & Policy* 2016 34 *UCLA J. Envtl. L. & Pol'y* 99 Brett A. Miller

64. LINES IN THE SAND: INTERSTATE GROUNDWATER DISPUTES IN THE SUPREME COURT

*Natural Resources & Environment Fall, 2016* 31-FALL *Nat. Resources & Env't* 8 Noah D. Hall, Joseph Regalia

65. POPE FRANCIS, ENVIRONMENTAL ANTHROPOLOGIST

*Regent University Law Review* 2015-2016 28 *Regent U. L. Rev.* 7 John Copeland Nagle

66. THE PRIVATE PORE SPACE: CONDEMNATION FOR SUBSURFACE WAYS OF NECESSITY

*Wyoming Law Review* 2016 16 *Wyo. L. Rev.* 77 Tara Righetti

67. AFTER LEXMARK REJECTS MULTIFACTOR MEASURES FOR STANDING, WHICH CHALLENGERS STAND IN THE ZONE OF INTERESTS FOR LANHAM ACT REMEDIES?

*Federal Circuit Bar Journal* 2016 25 *Fed. Circuit B.J.* 699 Lee Thomason

68. USING LEGAL PRINCIPLES TO GUIDE GEOENGINEERING DEPLOYMENT

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69. FIXING FULLER: SECURING JUST COMPENSATION FOR PRI-

VATE BENEFICIARIES OF FEDERAL GRAZING LANDS

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70. DISCOUNT DOUBLE-CHECK: AN ANALYSIS OF THE DISCOUNT RATE FOR CALCULATING THE SOCIAL COST OF CARBON

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71. CONGRESS, COURTS, AND CONTROL OVER PERSUASIVE SOURCES OF LAW

*Gonzaga Law Review* 2015-2016 51 *Gonz. L. Rev.* 235 Holly Tao

72. CONSERVATION EASEMENTS AND THE VALUATION CONUNDRUM

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73. PASSAGE AND FLOW CONSIDERED ANEW: WILD SALMON RESTORATION VIA HYDRO LICENSING

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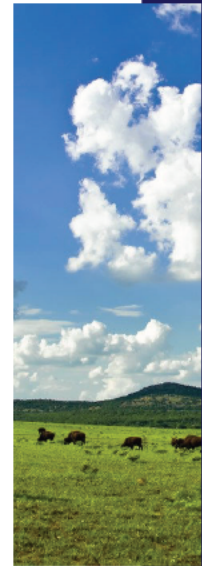
74. "SALMON IS CULTURE, AND CULTURE IS SALMON": REEXAMINING THE IMPLIED RIGHT TO HABITAT PROTECTION AS A TOOL FOR CULTURAL AND ECOLOGICAL PRESERVATION

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76. UNDERSTANDING THE 1984



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# Journal Articles (Contd.)

**SWAN FALLS SETTLEMENT**

*Idaho Law Review* 2016 52 *Idaho L. Rev.* 223 Clive J. Strong, Michael C. Orr

**77. CHILDREN OF THE TRIBE**

*ABA Journal* October, 2016 102-OCT A.B.A. J. 40 Lorelei Laird

**78. DISCLOSURE, EVENTUALLY: A PROPOSAL TO LIMIT THE INDEFINITE EXEMPTION OF FEDERAL AGENCY MEMORANDA FROM RELEASE UNDER THE FREEDOM OF INFORMATION ACT**

*George Washington Law Review* September, 2016 84 *Geo. Wash. L. Rev.* 1388 Kyle Singhal

**79. EVERYTHING OLD IS NEW AGAIN: ENFORCING TRIBAL TREATY PROVISIONS TO PROTECT CLIMATE CHANGE-THREATENED RESOURCES**

*Nebraska Law Review* 2016 94 *Neb. L. Rev.* 916 Elizabeth Ann Kronk Warner

**80. WHY OBERGEFELL SHOULD NOT IMPACT AMERICAN INDIAN TRIBAL MARRIAGE LAWS**

*Washington University Law Review* 2016 93 *Wash. U. L. Rev.* 1577 Steven J. Alagna

**81. PROTECTING TRIBAL SKIES: WHY INDIAN TRIBES POSSESS THE SOVEREIGN AUTHORITY TO REGULATE TRIBAL AIRSPACE**

*American Indian Law Review* 2015-2016 40 *Am. Indian L. Rev.* 1 William M. Haney

**82. WATER, TRIBAL CLAIMS, AND MAINE'S NOT-SO-SETTLED SETTLEMENT ACTS**

*Natural Resources & Environment* Fall, 2016 31-FALL *Nat. Resources & Env't* 24 Matthew D. Manahan, Catherine R. Con-

nors

**83. IMPROVING GREEN BUILDING: COMPARING LEED CERTIFICATION TO THE FDA AND ITS PRIVATE, THIRD-PARTY RATINGS APPROACH**

*American University Business Law Review* 2016 5 *Am. U. Bus. L. Rev.* 291 Patrick Kain

**84. NATURAL BASELINES FOR WILDFIRE TAKINGS CLAIMS**

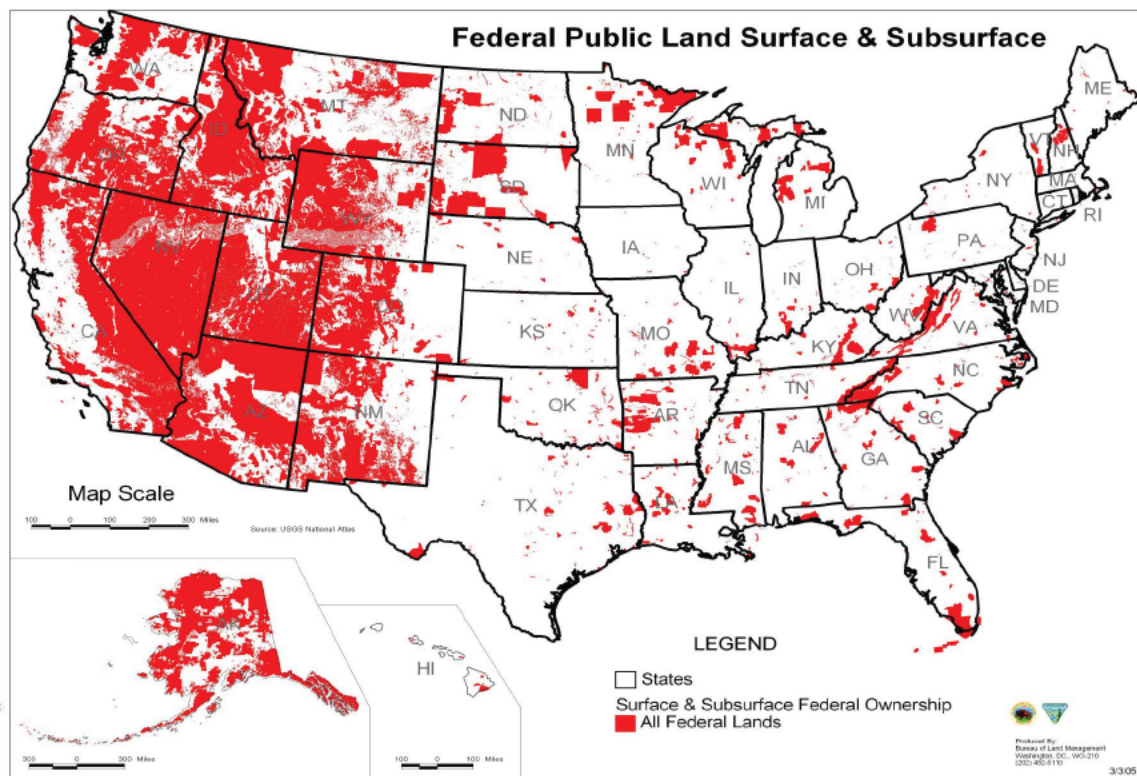
*Maryland Law Review* 2016 75 *Md. L. Rev.* 698 Justin Pidot

**85. SHHH: EIGHTH CIRCUIT PUTS CONSERVATIONISTS INTERVENOR TO BED IN QUIET TITLE ACTION IN NORTH DAKOTA EX REL. STENEHJEM V. UNITED STATES**

*Villanova Environmental Law Journal* 2016 27 *Vill. Envtl. LJ.* 225 Matthew K. Arnold



Virgin Islands National Park, St. John, US Virgin Islands



# Court Cases

Please note that full-text versions of these cases are available upon request to the DOI Library Reference Staff

## Federal Courts of Appeals Decisions

86. GENE CHITTENDEN, ALLEN D. HALL, Plaintiffs-Appellants v. UNITED STATES, Defendant-Appellee

*United States Court of Appeals, Federal Circuit. October 27, 2016 — Fed.Appx. — 2016-2148*

Gene Chittenden and Allen Hall hold mining claims on two lode mines located in the Tahoe National Forest in California. After the United States Forest Service installed bat gates on the shaft and portal of the two mines, Mr. Chittenden and Mr. Hall sought damages for, among other things, an uncompensated taking in violation of the Fifth Amendment....

87. Boston Redevelopment Authority v. National Park Service

*United States Court of Appeals, First Circuit. September 23, 2016 838 F.3d 42 15-2270*

ENVIRONMENTAL LAW - Parks. NPS's denial of permit to convert wharf structure into restaurant was not arbitrary or capricious.

88. Meyers v. Oneida Tribe of Indians of Wisconsin

*United States Court of Appeals, Seventh Circuit. September 08, 2016 — F.3d — 15-3127*

NATIVE AMERICANS - Sovereign Immunity. Tribe was immune from consumer's putative class action alleging that tribal owned business violated Fair and Accurate Credit Transaction Act (FACTA).

89. Cameranesi v. United States Department of Defense

*United States Court of Appeals, Ninth Circuit. September 30, 2016 — F.3d — 14-16432*

GOVERNMENT - Records. Privacy interests outweighed public's interest in agency's performance, as required for FOIA exemption to bar disclosure of information.

90. Sims v. Ellis

*United States Court of Appeals, Ninth Circuit. September 19, 2016 — Fed.Appx. — 14-35151*

Barbara Sims, on behalf of the estate of Sandy Sims, seeks an order from the district court to the Bureau of Land Management and the Department of the Interior (collectively the "agency") to issue patent on seven mill site claims associated with the Democrat Mine in Idaho. Because rights to a patent do not vest until a validity...

91. Western Lands Project v. United States Bureau of Land Management

*United States Court of Appeals, Ninth Circuit. September 13, 2016 — Fed.Appx. — 14-56386*

Environmental Impact Statements must "inform decision makers and the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment." 40 C.F.R. §1502.1. When agencies produce such statements they must consider "every reasonable alternative," not...

92. United States Postal Service v. Ester

*United States Court of Appeals, Ninth Circuit. September 09, 2016 836 F.3d 1189 14-35100*

GOVERNMENT - Postal Service.

United States Postal Service complied with terms of option to extend term of lease of property.

93. Kerr v. Jewell

*United States Court of Appeals, Ninth Circuit. September 06, 2016 836 F.3d 1048 14-36000*

LABOR AND EMPLOYMENT - Public Employment. district court lacked jurisdiction over agency employee's WPA claim.

94. In re Bundy

*United States Court of Appeals, Ninth Circuit. October 28, 2016 — F.3d — 16-72275*

CRIMINAL JUSTICE - Counsel. Court did not abuse its discretion when it denied out-of-state attorney's application to be admitted pro hac vice to represent high-profile defendant.

95. Alaska Oil and Gas Association v. Pritzker

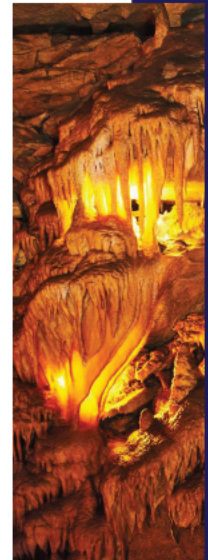
*United States Court of Appeals, Ninth Circuit. October 24, 2016 — F.3d — 14-35806, 14-35811*

ENVIRONMENTAL LAW - Endangered Species. Endangered species listing decision was not arbitrary and capricious.

96. Wild v. Connaughton

*United States Court of Appeals, Ninth Circuit. October 19, 2016 — Fed.Appx. — 14-35251*

Plaintiffs appeal the district court's order granting summary judgment for the United States Forest Service and Regional Forester Kent Connaughton (together, the Forest Service) on Plaintiffs' National Environmental Policy Act claims challenging the Forest Service's failure to prepare a supplemental environmental impact statement for the Mount...



**Mammoth Cave National Park, Kentucky**



## Court Cases (Contd.)

97. American Wild Horse Preservation Campaign v. Jewell

*United States Court of Appeals, Tenth Circuit. October 14, 2016 — Fed.Appx. — 15-8033*

In July 2014, the Bureau of Land Management (BLM), acting through a contractor, removed approximately 1,263 wild horses from sections of public and private lands in an area in southwestern Wyoming known as the "Checkerboard." Shortly thereafter, petitioners American Wild Horse Preservation Campaign, The Cloud Foundation, Return to...

98. Wyoming v. United States Department of Interior

*United States Court of Appeals, Tenth Circuit. October 11, 2016 — F.3d — 15-8041*

**ENVIRONMENTAL LAW - Wild Horses.** BLM had no statutory duty to remove excess wild horses from public land after learning that populations exceeded appropriate management levels.

99. U.S. Energy Development Corporation v. Stephens Energy Group, LLC

*United States Court of Appeals, Tenth Circuit. September 21, 2016 — Fed.Appx. — 15-6188, 15-6215*

Stephens Energy Group, LLC (Stephens), appeals from two judgments of the district court. The first declared Osage Exploration and Development, Inc. (Osage) the Operator of certain wells in a project area governed by the terms of Participation and Operating Agreements between the parties. A second, modified judgment substituted U.S. Energy...

100. Diné Citizens Against Ruining Our Environment v. Jewell

*United States Court of Appeals, Tenth Circuit. October 27, 2016 — F.3d — 15-2130*

**LITIGATION - Injunction.** Any modified test for preliminary injunction which relaxes one prong for preliminary relief and thus deviates from standard test is impermissible.

101. Williams v. Poarch Band of Creek Indians

*United States Court of Appeals, Eleventh Circuit. October 18, 2016 — F.3d — 15-13552*

**NATIVE AMERICANS - Sovereign Immunity.** Tribal sovereign immunity protected Native-American tribe from former employee's discrimination suit under Age Discrimination in Employment Act.

102. Government of the Province of Manitoba and State of Missouri, ex rel Chris Koster, Missouri Attorney General's Office, Appellees v. Sally Jewell, Secretary, U.S. Department of the Interior, et al., Appellees State of North Dakota, Appellant

*United States Court of Appeals, District of Columbia Circuit. September 28, 2016 — F.3d — 1:02-CV-02057-RMC, 16-5203*

Upon consideration of the motions for summary affirmance, the opposition thereto, and the reply; the motion to expedite, the opposition thereto, and the reply, it is ORDERED that the motions for summary affirmance be denied. The merits of the parties' positions are not so clear as to warrant summary action. See Taxpayers Watchdog, Inc. v. Stanley,...

### District Court Decisions

103. Natural Resources Defense Council v. Norton

*United States District Court, E.D. California. October 20, 2016 105CV01207LJOEPG*

On April 28, 2016, Plaintiffs, a coalition of environmental interest groups led by the Natural Resources Defense Council, filed the currently operative Fourth Supplemental Complaint ("4SC"), which includes three pre-existing claims brought under the Administrative Procedure Act ("APA"), 5 U.S.C. § 701 et seq., and the...

104. Pacificans for a Scenic Coast v. California Department of Transportation

*United States District Court, N.D. California. September 02, 2016 — F.Supp.3d — 15-CV-02090-VC*

**ENVIRONMENTAL LAW - Endangered Species.** Agency breached procedural obligations under ESA by seeking approval for project without new mitigation measures for impact on protected species.

105. Red Wolf Coalition v. United States Fish and Wildlife Service

*United States District Court, E.D. North Carolina, Northern Division. September 29, 2016 — F.Supp.3d — 2:15-CV-42-BO*

Background: Animal advocacy and welfare organizations brought action alleging that United States Fish and Wildlife Service and its regional director violated Endangered Species Act (ESA) and National Environmental Policy Act (NEPA) by authorizing taking of non-problem red wolves on private land and in shifting their efforts and administering...

106. Alliance for Wild Rockies v. United States Department of Agriculture

*United States District Court, D. Montana, Missoula Division. September 13, 2016 CV 11-76-M-CCL*



**Fort McHenry National Historic Site, Maryland**

## Court Cases (Contd.)

Before the Court is Plaintiff's "Motion for Attorneys' Fees, Expert Witness Fees, and Other Costs & Expenses Under the Endangered Species Act" (Doc. 125).  
96. Black Warrior Riverkeeper, Inc. v. U.S. Army Corps of Engineers.

107. Wildearth Guardians v. U.S. Department of the Interior

*United States District Court, D. Montana, Missoula Division. September 07, 2016 — F.Supp.3d — 14-272-M-DLC, CV 14-270-M-DLC*

**ENVIRONMENTAL LAW - Endangered Species.** Excluding Colorado from final critical habitat designation for Canada lynx was arbitrary.

108. Rocky Mountain Wild v. Walsh

*United States District Court, D. Colorado. October 25, 2016 — F.Supp.3d — 15-CV-0615-WJM*

**ENVIRONMENTAL LAW - Endangered Species.** Decision not to list wildflowers as threatened under Endangered Species Act based on 15-year conservation agreement was arbitrary and capricious.

109. Stand Up for California! v. U.S. Department of the Interior

*United States District Court, District of Columbia. September 06, 2016 — F.Supp.3d — CV 12-2039 (BAH), CV 12-2071 (BAH)*

**ENVIRONMENTAL LAW - Impact Statements.** BIA's final environmental impact statement reasonably rejected alternative site for Indian tribe's proposed off-reservation casino.

110. Simmons v. Jarvis

*United States District Court, D. Nebraska. September 12, 2016 8:13CV98*

The plaintiff, Lee M. Simmons ("Simmons"), owns land in Cherry County, Nebraska, a portion of which is included within the boundaries of the Niobrara National Scenic River. He brings this action to contest the boundary line that was drawn by the National Park Service ("NPS") in March 2007. Defendants include Jonathan B....

111. Picayune Rancheria of Chukchansi Indians v. United States Department of the Interior

*United States District Court, E.D. California. October 24, 2016 116CV00950AWIEPG*

The Picayune Rancheria of Chukchansi Indians ("Picayune"), a federally recognized Indian tribe, owns and operates the Chukchansi Gold Resort and Casino, a class III gaming facility in Coarsegold, California. Picayune has filed suit against the United States Department of the Interior ("DOI"), the Secretary of the Interior...

112. Center for Biological Diversity v. Jewell

*United States District Court, D. Montana, Butte Division. September 02, 2016 CV 15-4-BU-SEH*

On August 20, 2014, the United States Fish and Wildlife Service ("Service") issued its Revised 12-Month Finding on a Petition to List the Upper Missouri River Distinct Population Segment of Arctic Grayling as an Endangered or Threatened Species; Proposed Rule ("2014 Finding").

113. Safari Club International v. Jewell

*United States District Court, District of Columbia. September 30, 2016 — F.Supp.3d — CV 14-0670 (RCL), 15-CV-01026 (RCL)*

**ENVIRONMENTAL LAW - Endan-**

gered Species. Fish and Wildlife Service's decision to suspend imports of sport-hunted African elephant trophies from Zimbabwe was not arbitrary and capricious.

114. Wesberry v. United States

*United States District Court, District of Columbia. September 09, 2016 — F.Supp.3d — CV 15-0825 (RC)*

**GOVERNMENT - Tort Claims.** Decision to use certain safety measures on exit was grounded in public policy, as required for discretionary function exception to FTCA to apply.

115. Coal River Mountain Watch v. United States Department of the Interior

*United States District Court, S.D. West Virginia, at Charleston. October 18, 2016 CV 2:13-26251*

Pending is the motion to dismiss without prejudice, filed by the plaintiff, Coal River Mountain Watch ("Coal River"), on April 24, 2014. On October 21, 2013, Coal River filed two suits: one here, and one in the United States District Court for the District of Columbia ("D.C. Court"). Each case is basically the same

116. W&T Offshore, Inc. v. Jewell

*United States District Court, W.D. Louisiana, Lake Charles Division. September 30, 2016 14-CV-2449*

Before the court is a Motion to Compel [doc. 55] filed by W&T Offshore, Inc. ("W&T"), urging us to order inclusion of documents identified in the privilege log [doc. 48, att. 1] provided by the federal defendants and relating to the solicitor's opinion that was the subject of a Motion to Compel [doc. 28] previously granted by this...

117. Friends of the Wild Swan v. Garcia

*United States District Court, D.*



**Fort Bowie  
National  
Historic Site,  
Arizona**

## Court Cases (Contd.)

Montana, Missoula Division. October 06, 2016 CV 11-125-M-DWM

While this case was pending on appeal, the Ninth Circuit decided *Cottonwood Environmental Law Center v. United States Forest Service*, holding that due to procedural flaws, “the Forest Service must reinstate consultation on the Lynx Amendments.” 789 F.3d 1075, 1085 (9th Cir. 2015). Accordingly, in May 2016, the Ninth Circuit...

118. *ForestWatch v. United States Bureau of Land Management*

*United States District Court, C.D. California. September 06, 2016 CV154378MWFJEMX*

Before the Court is Plaintiffs Center for Biological Diversity and Los Padres ForestWatch’s Motion for Summary Judgment (“Plaintiffs’ Motion”). (Docket No. 17). Also before the Court is Defendants United States Bureau of Land Management (the “Bureau”), Sally Jewell, James G. Kenna, and Neil Kornze’s consolidated Cross Motion...

119. *New England Anti-Vivisection Society v. United States Fish and Wildlife Service*

*United States District Court, District of Columbia. September 14, 2016 — F.Supp.3d — 16-CV-149 (KBj)*

**ENVIRONMENTAL LAW - Endangered Species.** Non-profit organization did not suffer informational injury from FWS’s failure to collect information regarding export permit for chimpanzees.

120. *Littlefield v. United States Department of the Interior*

*United States District Court, D. Massachusetts. September 23, 2016 — F.R.D. — CV 16-10184-WGY*

**NATIVE AMERICANS - Lands.** The balance of prejudices weighed in favor of allowing an Indian tribe to intervene in action challenging taking of certain land into trust for tribe.

121. *Cheyenne River Sioux Tribe v. Jewell*

*United States District Court, D. South Dakota, Southern Division. September 06, 2016 — F.Supp.3d — 3:15-CV-03018-KES*

**NATIVE AMERICANS - Education.** Cheyenne River Sioux Tribe stated claim of inadequate consultation regarding the restructuring of the Bureau of Indian Education.

122. *Freedom Watch v. Bureau of Land Management*

*United States District Court, District of Columbia. October 27, 2016 — F.Supp.3d — CV 16-992 (CKK)*

**GOVERNMENT - Records.** Request for discovery in FOIA suit seeking records on armed confrontation between BLM employees and ranchers was premature and would be denied.

123. *Northern Arapaho Tribe v. LaCounte*

*United States District Court, D. Montana, Billings Division. October 17, 2016 — F.Supp.3d — CV-16-11-BLG-BMM*

Background: Northern Arapaho Tribe brought action against Bureau of Indian Affairs (BIA) officials, asserting claims for breach of trust and conversion, alleging that officials entered into joint self-determination contracts which affected both Northern Arapaho Tribe and Eastern Shoshone Tribe without Northern Arapaho Tribe’s approval, and...

124. *Sisseton-Wahpeton Oyate of*

*the Lake Traverse Reservation v. United States Corps of Engineers*

*United States District Court, D. South Dakota, Central Division. September 29, 2016 2016 WL 5478428 3:11-CV-03026-RAL*

Plaintiffs Sisseton–Wahpeton Oyate of the Lake Traverse Reservation (the Tribe) and Robert Shepherd, the Tribe’s then–Chairman, filed a Complaint and Amended Complaint seeking declaratory, injunctive, and other relief. Doc. 1; Doc. 16. Plaintiffs named as Defendants the United States Corps of Engineers (Corps), Steven E. Naylor, in his...

125. *California Valley Miwok Tribe v. Jewell*

*United States District Court, E.D. California. October 24, 2016 CV21601345WBSCKD*

Plaintiffs Silvia Burley, Rashed Reznor, Anjelica Paulk, and Tristian Wallace brought this action against defendants Secretary of Interior Sally Jewell, Acting Assistant Secretary of Interior Lawrence Roberts, and Director of the Bureau of Indian Affairs (“BIA”) Michael Black for declaratory relief, injunctive relief, and due process...

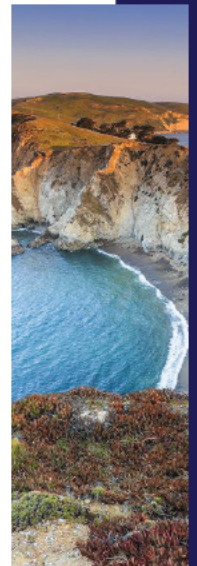
126. *Tennessee Clean Water Network v. Tennessee Valley Authority*

*United States District Court, M.D. Tennessee, Nashville Division. September 09, 2016 — F.Supp.3d — 3:15-CV-00424*

**ENVIRONMENTAL LAW - Clean Water.** Coal-fired power plant operator’s NPDES permit did not extend its protection to any and all types of seepage from coal ash containment ponds.

127. *Klamath-Siskiyou Wildlands Center v. Gerritsma*

*United States District Court, D. Oregon, Medford Division. September 13, 2016*



Point Reyes  
National  
Seashore,  
California



## Court Cases (Contd.)

1:12-CV-01166-PA

Plaintiffs brought this action seeking judicial review of the administrative decisions of the Defendants regarding the Rio Climax Forest Management Project. On August, 21, 2013, I dismissed the action (# 46). As the prevailing party, Defendants seek costs pursuant to Federal Rule of Civil Procedure 54(d) and 28 U.S.C. § 1920 (# 54). Plaintiffs...

128. Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers

*United States District Court, District of Columbia. September 09, 2016 — F.Supp.3d — CV 16-1534 (JEB)*

**ENVIRONMENTAL LAW** - Injunction. Indian tribe failed to show likelihood of success on merits necessary to enjoin Corps of Engineers from granting permits for crude oil pipeline.

129. ROBERT D. MCKENZIE, and PATTIE MCKENZIE, Plaintiffs, v. UNITED STATES OF AMERICA, BOISE CASCADE WOOD PRODUCTS LLC, HM INC., and EDWARD A. HANSCOM, Defendants,

*United States District Court, D. Oregon. October 17, 2016 1:14-CV-01503-CL*

Plaintiffs Robert and Pattie McKenzie bring this cause of action against the defendants, the United States of America ("the government"), Boise Cascade Wood Products, LLC ("Boise Cascade"), HM, Inc., and Edward Hanscom, owner of HM, Inc. Plaintiffs' claims arise out of a severe logging accident that took place on the Pilot...

130. Renteria v. Shingle Springs Band of Miwok Indians

*United States District Court, E.D. California. September 02, 2016 2:16-CV-1685-MCE-AC*

Plaintiffs Efrim and Talisha Renteria ("Plaintiffs") bring this action against the Shingle Springs Band of Miwok Indians ("Tribe"), its Tribal Council, its Tribal Court, Christine Williams in her official capacity as the Tribal Court judge, Regina Cuellar in both her official capacity as a member of the Tribal Council...

131. Pueblo of Pojoaque v. New Mexico

*United States District Court, D. New Mexico. September 30, 2016 — F.Supp.3d — CIV 15-0625 JBI/GBW*

Indian tribe brought action against state of New Mexico, Governor of New Mexico, and members of New Mexico Gaming Control Board, alleging that New Mexico failed to negotiate new gaming compact in good faith under Indian Gaming Regulatory Act (IGRA) and that state officials conspired to deprive tribe of federal right to be free of...

132. United States v. State of Washington

*United States District Court, W.D. Washington, at Tacoma. October 26, 2016 C 70-9213, 89-3-06*

The Treaty Tribes requested dispute resolution arising under the Settlement Agreement (Dkt. 14476, sub-proceeding 89-03) approved by the Court on June 21, 2007. The Treaty Tribes, Puget Sound Shellfish Growers ("Growers"), United States Department of the Interior and State of Washington entered into the Settlement Agreement to resolve...

### U.S. Tax Court Decisions

133. Cave Buttes, L.L.C. v. Commissioner of Internal Revenue

*United States Tax Court. September 20, 2016 147 T.C. No. 10 5788-11*

**TAXATION** - Income. LLC's ap-

praisal of property was entirely reasonable when determining eligibility for charitable-contribution deduction after transfer of property.

### U.S. Court of Federal Claims Decisions

134. California Department of Water Resources v. United States

*United States Court of Federal Claims. October 04, 2016 — Fed.Cl. — 15-1563C*

**GOVERNMENT CONTRACTS** - Performance and Breach. California had not entered contract with United States to permit recovery of damages for operating water storage and distribution facilities.

135. Goodeagle v. United States

*United States Court of Federal Claims. September 12, 2016 — Fed.Cl. — 13-51X, 12-431L, 12-592L*

**NATIVE AMERICANS** - Judgment. Factual findings of tribal entity's analysis of government management of tribal assets were binding upon Government under law of the case doctrine.

### State Court Decisions

136. Poulos v. LBR Holdings, LLC

*Supreme Court of Appeals of West Virginia. October 26, 2016 — S.E.2d — 15-0907*

**REAL PROPERTY** - Mineral Rights and Interests. Parties to deed reserving oil and gas interest did not intend "gas" to include coalbed methane.

137. Haleakalā v. University of Hawai'i and David Lassner

*Supreme Court of Hawai'i. October 06, 2016 138 Hawai'i 364 382 P.3d 176 SCWC-13-0000182*



**Gulf Islands National Seashore, Florida**

## Court Cases (Contd.)

**ENVIRONMENTAL LAW - Impact Statements.** Telescope project was not component of management plan for observatory site, and thus single environmental analysis was not required under HEPA.

138. Haleakalâ v. Board of Land

*Supreme Court of Hawai'i. October 06, 2016 138 Hawai'i 383 382 P.3d 195 SCWC-13-0003065*

**ENVIRONMENTAL LAW - Parks.** Decision making process on conservation district permit for telescope construction was not tainted.

139. Robinson Township v. Commonwealth

*Supreme Court of Pennsylvania. September 28, 2016 — A.3d — 104 MAP 2014, 105 MAP 2014*

**ENERGY AND UTILITIES - Oil and Gas.** Fracking statute authorizing taking of real property for storage of natural or manufactured gas was an unconstitutional taking.

140. Fink v. Municipality of Anchorage

*Supreme Court of Alaska. September 16, 2016 379 P.3d 183 S-15614*

**REAL PROPERTY - Boundaries.** Earthslide Relief Act did not apply to lot owners' property in their action seeking relief under Act.

141. Armstrong v. Bromley Quarry & Asphalt, Inc.

*Supreme Court of Kansas. September 09, 2016 378 P.3d 1090 109,864*

**REAL PROPERTY - Trespass.** Mining company was not a good faith trespasser and thus landowners were entitled to enhanced damages from trespass and conversion of limestone.

142. Marina Coast Water District v. California Coastal Commission

*Court of Appeal, Sixth District, California. October 26, 2016 Not Reported in Cal.Rptr.3d H042742*

Real party in interest California-American Water Company (Cal-Am) wanted to construct and operate a temporary test slant well on private beach property owned by CEMEX, a company that used the site for sand mining. Cal-Am was required to obtain coastal development permits for the project from the California Coastal Commission...

143. State v. Priest

*Court of Appeals of Washington, Division 3. October 25, 2016 Not Reported in P.3d 32221-1-III, 33704-9-III*

David Randall Priest seeks, through a personal restraint petition, relief from his January 13, 2014, convictions for possession of a stolen motor vehicle and possession of stolen property in the third degree. Priest contends that the superior court lacked jurisdiction over him and this prosecution because he is an enrolled member of the...

144. Center for Environmental Law v. Washington Department of Ecology

*Court of Appeals of Washington, Division 1. October 17, 2016 — P.3d — 74841-6-L*

**ENERGY AND UTILITIES - Water and Sewer.** Department of Ecology had authority to issue ROE ordering approval of water right for public utility district's hydroelectric project.

145. Wang v. Nibelink

*Court of Appeal, Third District, California. October 13, 2016 4 Cal.App.5th 1*

*208 Cal.Rptr.3d 461 C073871*

**TORTS - Premises Liability.** Recreational use immunity applies to off-premises injury to persons not participating in recreational use of the land.

146. United Auburn Indian Community of the Auburn Rancheria v. Brown, Jr.

*Court of Appeal, Third District, California. October 13, 2016 4 Cal.App.5th 36 208 Cal.Rptr.3d 487 C075126*

**NATIVE AMERICANS - Gaming.** Governor's concurrence that land was suitable for Indian gaming did not violate separation of powers doctrine.

147. Molinar v. Refaei

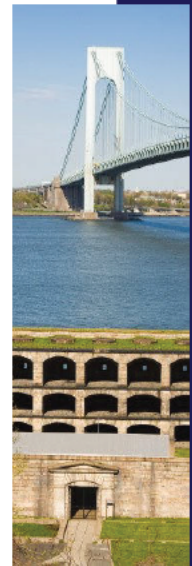
*Court of Appeals of Texas, El Paso. September 21, 2016 Not Reported in S.W.3d 08-14-00299-CV*

George A. Molinar, pro se, appeals from a judgment granting Mohd Refaei a writ of possession in a forcible detainer action. We affirm. On May 26, 2011, the City of El Paso was awarded judgment in the amount of \$31,165.06 for delinquent taxes on real property located in El Paso County, and the County Court at Law No. 5 entered an order of sale. Mohd...

148. Pennsylvania Independent Oil & Gas Association v. Commonwealth, Department of Environmental Protection

*Commonwealth Court of Pennsylvania. September 01, 2016 146 A.3d 820 321 M.D. 2015*

**REAL PROPERTY - Mineral Rights and Interests.** Case holding part of Oil and Gas Act unconstitutional and enjoining enforcement of other section did not preclude all application of other section.



Gateway National Recreation Area, New York



# Presidential Documents



Please note that full-text versions of these documents are available upon request to the DOI Library Reference Staff.

## Executive Orders

149. Executive Order 13744—  
Coordinating Efforts To Prepare the Nation for Space Weather Events —  
October 13, 2016

## Presidential Proclamations

150. Presidential Proclamation 9487 -  
National Hispanic-Serving Institutions  
Week, 2016 — September 9, 2016

151. Presidential Proclamation 9491 -  
Patriot Day and National Day of Service  
and Remembrance, 2016 — Sep-  
tember 9, 2016

152. Presidential Proclamation 9493  
- National Hispanic Heritage Month,  
2016 — September 14, 2016

153. Presidential Proclamation 9496  
- Northeast Canyons and Sea-  
mounts Marine National Monument  
— September 15, 2016

154. Presidential Proclamation 9495  
- National POW/MIA Recognition  
Day, 2016 — September 15, 2016

155. Presidential Proclamation 9497  
- Constitution Day and Citizenship  
Day, Constitution Week, 2016 —  
September 16, 2016

156. Presidential Proclamation 9498  
- National Farm Safety and Health  
Week, 2016 — September 16, 2016

157. Presidential Proclamation 9500  
- National Hunting and Fishing Day,  
2016 — September 23, 2016

158. Presidential Proclamation 9501  
- National Public Lands Day, 2016  
— September 23, 2016

159. Presidential Proclamation 9502  
- Gold Star Mother's and Family's  
Day, 2016 — September 23, 2016

160. Presidential Proclamation

9503 - National Voter Registration  
Day, 2016 — September 26, 2016

161. Presidential Proclamation  
9511—National Energy Action  
Month, 2016 — September 30,  
2016

162. Presidential  
Proclamation 9517—  
Fire Prevention Week,  
2016  
October 7, 2016

163. Presidential Pro-  
clamation 9524—  
National Forest Pro-  
ducts Week, 2016  
October 14, 2016

164. Presidential Pro-  
clamation 9526—  
Minority Enterprise  
Development Week,  
2016  
October 18, 2016

165. Presidential Proclamation  
9533—Critical Infrastructure Secu-  
rity and Resilience Month, 2016  
October 31, 2016

166. Proclamation 9537—National  
Native American Heritage Month,  
2016 — October 31, 2016



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You probably know that Department of Interior Solicitor's Opinions from 1995—present are available on the Solicitor's Office website at <https://solicitor.doi.gov/opinions.html>.

You may also know that Lexis.com and LexisAdvance have Solicitor's Opinions from April 1993 to present, and are easily searched there by keyword.

But what if you need an Opinion be-

fore 1993? You have a few additional options.

First, the DOI Library in Room 2262 of the Main Interior Building has many bound volumes of Solicitor's Opinions in print, dating back to the 1950's. They are not as easily searched, but if you know the date or number of the opinion you need, we can search our print volumes for it. Just call the Reference Desk at (202)208-5815 or email us at [library@ios.doi.gov](mailto:library@ios.doi.gov) for

assistance.

Many older opinions can also be found on HeinOnline, which is accessible from any DOI computer, anywhere you are. The two main collections that house them are U.S. Federal Agency Documents, Decisions, and Appeals - Department of the Interior; and the American Indian Law Collection. Let us know if we can help you find something!

## Come Shape the Future: Join the DOI Library User Advisory Council!

Do you love libraries? Reading? History? Community engagement? The DOI Library User Advisory Council (DLAC) is looking for a few new members, and we hope you will join us.

While we operate from our temporary location in Room 2262 of the Stewart Lee Udall Department of the Interior Building (MIB), we would like more patron input as we make decisions on access to resources being used in the temporary library, online databases to pursue as substitutes for print materials, and other ways to get needed resources and information to our Library patrons.

As we transition back to the new, modernized library, currently slated to reopen in February 2017, you can help us make sure Library services are the most effective — by partici-



pating and having a voice on the User Advisory Council.

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If you don't work in Washington DC, you can still participate in the Council as meetings will also be held via Webex. Your participation will mean attending a Council meeting once every two months. Library Director George Franchois will chair the meetings.

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To best serve you and all Library users, we need you to be a part of this momentous move forward. Please contact us using the information below if you are interested. Thank you!

If you are interested in joining the DOI Library User Advisory Council or have any questions, please contact Law Librarian Shannon Lynch at [Mary\\_Lynch@ios.doi.gov](mailto:Mary_Lynch@ios.doi.gov) or (202) 208-3686, or Library Director George Franchois at (202) 208-3796 or [george\\_franchois@ios.doi.gov](mailto:george_franchois@ios.doi.gov).

If you can, please stop by the Library and say hello. We look forward to hearing from you!

### U.S. Department of the Interior Library

**Stewart Lee Udall Department  
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**Hours of Operation: Monday through  
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**Law Update Editor: Shannon Lynch**  
**Law Update Co-Editor: George Franchois**



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Departmental publications, as well as related books, journals, electronic databases and other resources that support the mission of the Department, its agencies, and bureaus.

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*Please note that Section 508 compliant issues of this publication are available upon request for the visually handicapped.*



**From:** Buckner, Shawn  
**To:** [Goklany, Indur](#); [Noah Van Gilder](#); [Carlann Unger](#); [Adam Stern](#)  
**Subject:** Sample On-Boarding Binder  
**Date:** Friday, December 16, 2016 9:44:05 AM  
**Attachments:** [BBP On-Boarding Binder.pdf](#)

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Hi Folks,

Attached is a copy of the On-Boarding document that we used in Buy-Back Program. This is by no means the standard, but may be used as a starting point.

Regards,  
Shawn

--

Shawn M. Buckner  
Office of Policy Analysis  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240  
(202) 208-3664

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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**ELOUISE PEPION COBELL, et al.,**

**Plaintiffs,**

**vs.**

**KEN SALAZAR, Secretary of the Interior, et al.,**

**Defendants.**

---

**Case No. 1:96CV01285-JR**

## **Class Action Settlement Agreement**

**December 7, 2009**

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The Parties agree that the Settlement is contingent on the enactment of legislation to authorize or confirm specific aspects of the Settlement as set forth below. If such legislation, which will expressly reference this Agreement, is not enacted on or before the Legislation Enactment Deadline as defined in this Agreement, unless such date is mutually agreed to be extended by the Parties, or is enacted with material changes, the Agreement shall automatically become null and void.

## **BACKGROUND**

1. On June 10, 1996, a class action complaint (the “Complaint”) was filed in the United States District Court for the District of Columbia (the “Court”) entitled Elouise Pepion Cobell, et al. v. Bruce Babbitt, Secretary of Interior, et al., No. Civ. 96-1285 (RCL) (currently denominated as Elouise Pepion Cobell v. Ken Salazar, Secretary of Interior, et al., 96-1285 (JR)) (this “Action”), seeking to redress alleged breaches of trust by the United States, and its trustee-delegates the Secretary of Interior, the Assistant Secretary of Interior-Indian Affairs, and the Secretary of the Treasury, regarding the management of Individual Indian Money (“IIM”) Accounts held on behalf of individual Indians.

2. The Complaint sought, among other things, declaratory and injunctive relief construing the trust obligations of the Defendants to members of the Plaintiff class and declaring that Defendants have breached and are in continuing breach of their trust obligations to class members, an order compelling Defendants to perform these legally mandated obligations, and requesting an accounting by Interior Defendants (as hereinafter defined) of individual Indian trust assets. See Cobell v. Babbitt, 52 F.Supp. 2d 11, 19 (D.D.C. 1999) (“Cobell III”).

3. On February 4, 1997, the Court granted Plaintiffs’ Motion for Class Action Certification pursuant to FRCP 23(b)(1)(A) and (b)(2) “on behalf of a plaintiff class consisting of



present and former beneficiaries of IIM Accounts (exclusive of those who prior to the filing of the Complaint herein had filed actions on their own behalf alleging claims included in the Complaint)” (the “February 4, 1997 Class Certification Order”), reserving the jurisdiction to modify the February 4, 1997 Class Certification Order as the interests of justice may require, *id.* at 2-3.

4. On December 21, 1999, the Court held, among other things, that Defendants were then in breach of certain of their respective trust duties, Cobell v. Babbitt, 91 F. Supp. 2d 1, 58 (D.D.C. 1999) (“Cobell V”).

5. On February 23, 2001, the United States Court of Appeals for the District of Columbia Circuit (the “Court of Appeals”) upheld the Court’s determination that Defendants were in breach of their statutory trust duties, Cobell v. Norton, 240 F.3d 1081 (D.C. Cir. 2001) (“Cobell VI”).

6. Subsequently, the Court made determinations that had the effect of modifying the February 4, 1997 Class Certification Order, determining on January 30, 2008, that the right to an accounting accrued on October 25, 1994, “for all then-living IIM beneficiaries: those who hold or at any point in their lives held IIM Accounts.” Cobell v. Kempthorne, 532 F. Supp. 2d 37, 98 (D.D.C. 2008) (“Cobell XX”).

7. The Court and the Court of Appeals have further clarified those individual Indians entitled to the relief requested in the Complaint in the following respects:

- (a) Excluding income derived from individual Indian trust land that was received by an individual Indian beneficiary on a direct pay basis, Cobell XX, 532 F. Supp. 2d at 95-96;
- (b) Excluding income derived from individual Indian trust land where such funds were managed by tribes, *id.*;
- (c) Excluding IIM Accounts closed prior to October 25, 1994, date of passage of the American Indian Trust Fund Management Reform Act of 1994, Pub. L. No. 103-

412, 108 Stat. 4239 codified as amended at 25 U.S.C. § 162a et. seq. (the “Trust Reform Act”), Cobell v. Salazar, 573 F.3d 808, 815 (D.C. Cir. 2009) (Cobell XXII); and

- (d) Excluding heirs to money from closed accounts that were subject to final probate determinations, *id.*

8. On July 24, 2009, the Court of Appeals reaffirmed that “[t]he district court sitting in equity must do everything it can to ensure that [Interior Defendants] provide [plaintiffs] an equitable accounting,” *Id.* at 813.

9. This Action has continued for over 13 years, there is no end anticipated in the foreseeable future, and the Parties are mindful of the admonition of the Court of Appeals that they work together “to resolve this case expeditiously and fairly,” Cobell v. Kempthorne, 455 F.3d 317, 336 (D.C. Cir. 2006), and desire to do so.

10. Recognizing that individual Indian trust beneficiaries have potential additional claims arising from Defendants’ management of trust funds and trust assets, Defendants have an interest in a broad resolution of past differences in order to establish a productive relationship in the future.

11. The Parties recognize that an integral part of trust reform includes accelerating correction of the fractionated ownership of trust or restricted land, which makes administration of the individual Indian trust more difficult.

12. The Parties also recognize that another part of trust reform includes correcting the problems created by the escheatment of certain individual Indians’ ownership of trust or restricted land, which has been held to be unconstitutional (*see* Babbitt v. Youpee, 519 U.S. 234 (1997); Hodel v. Irving, 481 U.S. 704 (1987)) and which makes administration of the individual Indian trust difficult.

13. Plaintiffs believe that further actions are necessary to reform the individual Indian trust, but hope that such further reforms are made without the need for additional litigation. Plaintiffs are also hopeful that the Commission which Secretary Salazar is announcing contemporaneously with the execution of this Agreement will result in the further reform which Plaintiffs believe is needed.

14. The Parties have an interest in as complete a resolution as possible for individual Indian trust-related claims and agree that this necessarily includes establishing a sum certain as a balance for each IIM Account as of a date certain.

15. Defendants deny and continue to deny any and all liability and damages to any individual Indian trust beneficiary with respect to the claims or causes of action asserted in the Litigation or the facts found by the Court in this Litigation. Nonetheless, without admitting or conceding any liability or damages whatsoever and without admitting any wrongdoing, and without conceding the appropriateness of class treatment for claims asserted in any future complaint, Defendants have agreed to settle the Litigation (as hereinafter defined) on the terms and conditions set forth in this Agreement, to avoid the burden, expense, and uncertainty of continuing the case.

16. Class Counsel have conducted appropriate investigations and analyzed and evaluated the merits of the claims made, and judgments rendered, against Defendants in the Litigation, the findings, conclusions and holdings of the Court and Court of Appeals in this Litigation, and the impact of this Settlement on Plaintiffs as well as the impact of no settlement, and based upon their analysis and their evaluation of a number of factors, and recognizing the substantial risks of continued litigation, including the possibility that the Litigation, if not settled now, might not result in any recovery, or might result in a recovery that is less favorable than

that provided for in this Settlement, and that otherwise a fair judgment would not occur for several years, Class Counsel are satisfied that the terms and conditions of this Settlement are fair, reasonable and adequate and that this Settlement is in the best interests of all Class Members.

17. The Parties desire to settle the Litigation and resolve their differences based on the terms set forth in this Agreement.

## **TERMS OF AGREEMENT**

NOW, THEREFORE, in consideration of this Background, the mutual covenants and promises set forth in this Agreement, as well as the good and valuable consideration provided for in this Agreement, the Parties agree to a full and complete settlement of the Litigation on the following terms.

### **A. DEFINITIONS**

1. Accounting/Trust Administration Fund. “Accounting/Trust Administration Fund” shall mean the \$1,412,000,000.00 that Defendants shall pay into a Settlement Account held in the trust department of a Qualified Bank (as hereinafter defined) selected by Plaintiffs and approved by the Court, as well as any interest or investment income earned before distribution. The \$1,412,000,000.00 payment represents the maximum total amount that Defendants are required to pay to settle Historical Accounting Claims, Funds Administration Claims, and Land Administration Claims.

2. Amended Complaint. “Amended Complaint” shall mean the complaint amended by Plaintiffs solely as part of this Agreement, and for the sole purpose of settling this Litigation, to be filed with the Court concurrently with, and attached to, this Agreement.

3. Amount Payable for Each Valid Claim. “Amount Payable for Each Valid Claim” shall mean the amount prescribed in section E.3 and E.4 below.

4. Assigned Value. “Assigned Value” shall have the meaning set forth in subsection E(4)(b)(3) below.

5. Claims Administrator. “Claims Administrator” shall mean The Garden City Group, Inc., which shall provide services to the Parties to facilitate administrative matters and distribution of the Amount Payable for Each Valid Claim in accordance with the terms and conditions of this Agreement.

6. Classes. “Classes” shall mean the classes established for purposes of this Agreement: the Historical Accounting Class and the Trust Administration Class (both as hereinafter defined).

7. Class Counsel. “Class Counsel” shall mean Dennis Gingold, Thaddeus Holt and attorneys from Kilpatrick Stockton LLP, including Elliott H. Levitas, Keith Harper, William Dorris, David Smith, William Austin, Adam Charnes and Justin Guilder.

8. Class Members. “Class Members” shall mean members of the Classes.

9. Contact Information. “Contact Information” shall mean the best and most current information the Department of the Interior (“Interior”) then has available of a beneficiary’s name, social security number, date of birth, and mailing address, and whether Interior’s individual Indian trust records reflect that beneficiary to be a minor, non-compos mentis, an individual under legal disability, an adult in need of assistance or whereabouts unknown.

10. Day. “Day” shall mean a calendar day.

11. Defendants. “Defendants” shall mean Ken Salazar, Secretary of the Interior, Larry Echohawk, Assistant Secretary of the Interior – Indian Affairs, and H. Timothy Geithner, Secretary of the Treasury, and their successors in office, all in their official capacities.

12. Fairness Hearing. “Fairness Hearing” shall mean the hearing on the Joint Motion for Judgment and Final Approval referenced in Paragraph D(4) below.

13. Final Approval. “Final Approval” shall mean the occurrence of the following:

a. Following the Fairness Hearing, the Court has entered Judgment; and

b. The Judgment has become final. “Final” means the later of:

(1) The time for rehearing or reconsideration, appellate review, and review by petition for certiorari has expired, and no motion for rehearing or reconsideration and/or notice of appeal has been filed;

or

(2) If rehearing, reconsideration, or appellate review, or review by petition for certiorari is sought, after any and all avenues of rehearing, reconsideration, appellate review, or review by petition for certiorari have been exhausted, and no further rehearing, reconsideration, appellate review, or review by petition for certiorari is permitted, or the time for seeking such review has expired, and the Judgment has not been modified, amended or reversed in any way.

14. Funds Administration Claims. “Funds Administration Claims” shall mean known and unknown claims that have been or could have been asserted through the Record Date for Defendants’ alleged breach of trust and mismanagement of individual Indian trust funds, and consist of Defendants’ alleged:

a. Failure to collect or credit funds owed under a lease, sale, easement or other transaction, including without limitation, failure to collect or credit

all money due, failure to audit royalties and failure to collect interest on late payments;

- b. Failure to invest;
- c. Underinvestment;
- d. Imprudent management and investment;
- e. Erroneous or improper distributions or disbursements, including to the wrong person or account;
- f. Excessive or improper administrative fees;
- g. Deposits into wrong accounts;
- h. Misappropriation;
- i. Funds withheld unlawfully and in breach of trust;
- j. Loss of funds held in failed depository institutions, including interest;
- k. Failure as trustee to control or investigate allegations of, and obtain compensation for, theft, embezzlement, misappropriation, fraud, trespass, or other misconduct regarding trust assets;
- l. Failure to pay or credit interest, including interest on Indian monies proceeds of labor (IMPL), special deposit accounts, and IIM Accounts;
- m. Loss of funds or investment securities, and the income or proceeds earned from such funds or securities;
- n. Accounting errors;
- o. Failure to deposit and/or disburse funds in a timely fashion; and

- p. Claims of like nature and kind arising out of allegations of Defendants' breach of trust and/or mismanagement of individual Indian trust funds through the Record Date, that have been or could have been asserted.

15. Historical Accounting Claims. "Historical Accounting Claims" shall mean common law or statutory claims, including claims arising under the Trust Reform Act, for a historical accounting through the Record Date of any and all IIM Accounts and any asset held in trust or restricted status, including but not limited to Land (as defined herein) and funds held in any account, and which now are, or have been, beneficially owned or held by an individual Indian trust beneficiary who is a member of the Historical Accounting Class. These claims include the historical accounting through the Record Date of all funds collected and held in trust by Defendants and their financial and fiscal agents in open or closed accounts, as well as interest earned on such funds, whether such funds are deposited in IIM Accounts, or in tribal, special deposit, or government administrative or operating accounts.

16. Historical Accounting Class. "Historical Accounting Class" means those individual Indian beneficiaries (exclusive of those who prior to the filing of the Complaint on June 10, 1996 had filed actions on their own behalf stating a claim for a historical accounting) alive on the Record Date and who had an IIM Account open during any period between October 25, 1994 and the Record Date, which IIM Account had at least one cash transaction credited to it at any time as long as such credits were not later reversed. Beneficiaries deceased as of the Record Date are included in the Historical Accounting Class only if they had an IIM Account that was open as of the Record Date. The estate of any Historical Accounting Class Member who dies after the Record Date but before distribution is in the Historical Accounting Class.



17. IIM Account. “IIM Account” means an IIM account as defined in title 25, Code of Federal Regulations, section 115.002.

18. Interior Defendants. “Interior Defendants” shall mean Ken Salazar, Secretary of the Interior, and Larry Echohawk, Assistant Secretary of the Interior – Indian Affairs, and their successors in office, all in their official capacities.

19. Land. “Land” shall mean land owned by individual Indians and held in trust or restricted status by Interior Defendants, including all resources on, and corresponding subsurface rights, if any, in the land, and water, unless otherwise indicated.

20. Land Consolidation Program. The fractional interest acquisition program authorized in 25 U.S.C. 2201 et seq., including any applicable legislation enacted pursuant to this Agreement.

21. Land Administration Claims. “Land Administration Claims” shall mean known and unknown claims that have been or could have been asserted through the Record Date for Interior Defendants’ alleged breach of trust and fiduciary mismanagement of land, oil, natural gas, mineral, timber, grazing, water and other resources and rights (the “resources”) situated on, in or under Land and consist of Interior Defendants’ alleged:

- a. Failure to lease Land, approve leases or otherwise productively use Lands or assets;
- b. Failure to obtain fair market value for leases, easements, rights-of-way or sales;
- c. Failure to prudently negotiate leases, easements, rights-of-way, sales or other transactions;
- d. Failure to impose and collect penalties for late payments;

- e. Failure to include or enforce terms requiring that Land be conserved, maintained, or improved;
- f. Permitting loss, dissipation, waste, or ruin, including failure to preserve Land whether involving agriculture (including but not limited to failing to control agricultural pests), grazing, harvesting (including but not limited to permitting overly aggressive harvesting), timber lands (including but not limited to failing to plant and cull timber land for maximum yield), and oil, natural gas, mineral resources or other resources (including but not limited to failing to manage oil, natural gas, or mineral resources to maximize total production);
- g. Misappropriation;
- h. Failure to control, investigate allegations of, or obtain relief in equity and at law for, trespass, theft, misappropriation, fraud or misconduct regarding Land;
- i. Failure to correct boundary errors, survey or title record errors, or failure to properly apportion and track allotments; and
- j. Claims of like nature and kind arising out of allegations of Interior Defendants' breach of trust and/or mismanagement of Land through the Record Date, that have been or could have been asserted.

22. Legislation Enactment Deadline. "Legislation Enactment Deadline" shall mean December 31, 2009, 11:59 p.m. Eastern time.

23. Litigation. "Litigation" shall mean that which is stated in the Amended Complaint attached to this Agreement.

24. Named Plaintiffs; Class Representatives. “Named Plaintiffs” shall mean and include Elouise Pepion Cobell (“Lead Plaintiff”), Penny Cleghorn, Thomas Maulson, and James Louis Larose. The Named Plaintiffs are also referred to as the “Class Representatives.”

25. Notice Contractor. “Notice Contractor” shall mean a mutually agreeable entity that shall provide services to the Parties needed to provide notice to the Classes.

26. Order Granting Preliminary Approval. “Order Granting Preliminary Approval” shall mean the Order entered by the Court preliminarily approving the terms set forth in this Agreement, including the manner and timing of providing notice to the Classes, the time period for objections and the date, time and location for a Fairness Hearing.

27. Parties. “Parties” shall mean the Named Plaintiffs, members of the Classes, and Defendants.

28. Preliminary Approval. “Preliminary Approval” shall mean that the Court has entered an Order Granting Preliminary Approval.

29. Qualifying Bank; Qualified Bank. “Qualifying Bank” or “Qualified Bank” shall mean a federally insured depository institution that is "well capitalized," as that term is defined in 12 CFR §325.103, and that is subject to regulation and supervision by the Board of Governors of the Federal Reserve System or the U.S. Comptroller of the Currency under 12 CFR §9.18.

30. Record Date. “Record Date” shall mean September 30, 2009, 11:59 p.m. Eastern time.

31. Settlement Account. “Settlement Account” shall mean the trust account(s) established by Class Counsel in a Qualified Bank approved by the Court for the purpose of effectuating the Settlement and into which the Accounting/Trust Administration Fund shall be

deposited and from which Stage 1 and Stage 2 Distributions, among other things set forth in this Agreement, shall be paid.

32. Special Master. “Special Master” shall be the person appointed by the Court as provided in paragraph E.1.a.

33. Stage 1; Stage 1 Distribution. “Stage 1” and “Stage 1 Distribution” shall mean the distribution to the Historical Accounting Class as provided in paragraph E(3).

34. Stage 2; Stage 2 Distribution. “Stage 2” and “Stage 2 Distribution” shall mean the distribution to the Trust Administration Class as provided in paragraph E(4).

35. Trust Administration Class. “Trust Administration Class” shall mean those individual Indian beneficiaries (exclusive of persons who filed actions on their own behalf, or a group of individuals who were certified as a class in a class action, stating a Funds Administration Claim or a Land Administration Claim prior to the filing of the Amended Complaint) alive as of the Record Date and who have or had IIM Accounts in the “Electronic Ledger Era” (currently available electronic data in systems of the Department of the Interior dating from approximately 1985 to the present), as well as individual Indians who, as of the Record Date, had a recorded or other demonstrable ownership interest in land held in trust or restricted status, regardless of the existence of an IIM Account and regardless of the proceeds, if any, generated from the Land. The Trust Administration Class does not include beneficiaries deceased as of the Record Date, but does include the estate of any deceased beneficiary whose IIM Accounts or other trust assets had been open in probate as of the Record Date. The estate of any Trust Administration Class Member who dies after the Record Date but before distribution is included in the Trust Administration Class.

36. Trust Land Consolidation Fund. “Trust Land Consolidation Fund” shall mean the \$2,000,000,000.00 allocated to Interior Defendants and held in a separate account in Treasury for the purpose of acquiring fractional interests in trust or restricted land and such other purposes as permitted by this Agreement and applicable law.

**B. AMENDED COMPLAINT AND PRELIMINARY APPROVAL**

1. Legislation Required. The Parties agree that the Agreement is contingent on the enactment of legislation to authorize specific aspects of the Agreement. The Parties agree that enactment of this legislation is material and essential to this Agreement and that if such legislation is not enacted into law by the Legislation Enactment Deadline, unless such date is mutually agreed by the Parties in writing to be extended, or is enacted with material changes, the Agreement shall automatically become null and void. In the event this Agreement becomes null and void, nothing in this Agreement may be used against any Party for any purpose.

2. Effect of Material Modifications. A copy of the proposed legislation is attached as Exhibit “A”. If legislation is enacted in any manner at any time prior to Final Approval which alters, expands, narrows or modifies the attached proposed legislation in any material way, this Agreement shall be null and void in its entirety.

3. Amended Complaint.

- a. Amendment of Complaint. Within two business days of enactment of the legislation, or by January 15, 2010, whichever is later, Plaintiffs will file an Amended Complaint to which Defendants will provide written consent provided that such Amended Complaint conforms with the proposed Amended Complaint attached as Exhibit “B” to this Agreement. Defendants’ obligation to answer the Amended Complaint shall be held in abeyance pending Final Approval. Defendants’ written consent to the

filing constitutes neither an admission of liability regarding any Funds Administration Claims and/or Land Administration Claims, nor a waiver of any defense to such claims in any form.

- b. Causes of Action. The Amended Complaint will include (a) a claim for breach of trust with respect to individual Indians and related request for an historical accounting of the IIM Account, (b) a claim for breach of trust seeking equitable restitution to restate the IIM Accounts in accordance with the historical accounting requested, and (c) one or more claims for breach of trust with respect to Defendants' mismanagement of trust funds and trust assets requesting damages, restitution and other monetary relief.
- c. Classes. The Amended Complaint will set forth the Historical Accounting Class and the Accounting/Trust Administration Class as the two plaintiff classes.
- d. Claims. For purposes of settlement only, and only as a provision of this Agreement, the Amended Complaint will include Funds Administration Claims and Land Administration Claims.

4. Preliminary Approval.

- a. Joint Motion. Concurrent with the filing of the Amended Complaint, the Parties shall file a joint motion for Preliminary Approval of this Agreement by the Court and attach a copy of this Agreement and such other documents which the Parties determine are necessary for the Court's consideration.

b. Class Certification. The joint motion referenced in subparagraph a. above shall include a joint request by the Parties that the Court certify the Trust Administration Class pursuant to FRCP 23(b)(3), and also to amend the February 4, 1997 Order Certifying Class Action under FRCP 23(b)(1)(A) and 23(b)(2), in accordance with this Agreement.

5. Requirement for Notice Acknowledged. The Parties recognize that the Court is required to provide the Historical Accounting Class and the Trust Administration Class, pursuant to FRCP 23(c)(2)(A) and (B), as applicable, with reasonable and appropriate notice of (i) the Action, (ii) the proposed Agreement, and (iii) the opportunity for members of the Trust Administration Class to opt out of the settlement pursuant to the procedures set forth in paragraph C(2)(c), and, pursuant to FRCP 23(h), with reasonable and appropriate notice of attorney fees and costs to be requested by Class Counsel.

6. Joint Motion If Settlement Not Completed. Should (a) either party terminate this Agreement pursuant to the terms hereof, (b) this Agreement become null and void because a condition subsequent does not occur, or (c) this Agreement not finally be approved by the Court, the Parties shall file a joint motion (i) to strike the Amended Complaint, (ii) to vacate any Order of the Court certifying the Amended Complaint as a class action, and (iii) to restore the Parties to the *status quo ante*.

**C. CLASS NOTICE AND OPT OUT**

1. Class Notice.

a. Commencement of Notice. Upon entry of an Order granting Preliminary Approval, the Notice Contractor, in cooperation with Class Counsel and Interior Defendants, shall notify the Classes of this Agreement.

- b. Direct Notice. The Parties shall use reasonable efforts, and utilize the services of the Notice Contractor and Claims Administrator, as appropriate, to effectuate a Direct Class Notice as soon as practicable following the date of entry of the Order Granting Preliminary Approval.
- c. Published Notice. The Parties shall also use reasonable efforts and the services of the Notice Contractor to effectuate Published Class Notice through the use of media, including targeted mainstream and Native American media (including translation to native language where appropriate) contemporaneous with the mailing of the Direct Class Notice.
- d. Contents of Notice. Pursuant to FRCP 23(c)(2), the notice to the Class Members shall include the following general notice information: the definition of the certified class[es]; a general description of the litigation and its claims, issues, and defenses; material terms of this proposed Agreement; procedures for allocating and distributing funds in the Settlement Account; Class Counsel's request for and amount of attorneys' fees, expenses and costs; Class Representatives' incentive awards, including expenses and costs; options available to settlement Class Members, including the manner, time limits, forum and form of an objection to this proposed Agreement; options available to potential Class Members ("claimants") to participate in a Stage 2 distribution, including the manner, time limits and form for such an application; the right of any Class Member to enter an appearance *pro se* or through an attorney to object to the Agreement or any of its terms; the nature and scope of opt



out rights; actions that are required to opt out of the Agreement; the effect of opt outs on the Agreement; the mailing address and toll-free telephone number of the Claims Administrator for class inquiries and clarifications regarding the Settlement; the date, time, and location of the Final Approval Hearing on Agreement; the binding effect on a Class Member's IIM Account balance as of the Record Date unless the Class Member opts out of the Trust Administration Class; and the binding effect of the Agreement on Class Members.

- e. Interior's Second Notice Option. In addition to the Notice described in section 1.d, above, Interior Defendants reserve the right to issue a Second Notice after the Fairness Hearing, with such Second Notice containing detailed information regarding the Accounting/Trust Administration Fund and the Land Consolidation Program. The cost of this Second Notice would be a separate expense borne by Interior Defendants.

2. Class Member Opt Out.

- a. No Opt Out for Historical Accounting Class. In accordance with FRCP 23(b)(2), no opt out will be available to those Class Members in the Historical Accounting Class.
- b. Deadline for Trust Administration Class Opt Outs. The deadline for those Class Members in the Trust Administration Class to opt out will be sixty (60) days from the first day Notice is sent. Timeliness will be determined using the opt out or objection postmark date.

- c. Opt Out Requirements. To opt out, members of the Trust Administration Class must submit to the Claims Administrator a written request for exclusion. The request for exclusion must include the individual's full name, address, IIM Account number(s), Social Security Number, and a statement of the individual's intention to opt out of the Settlement.
- d. Opt Out List. The Claims Administrator shall compile a list of valid opt outs for submission to the Court and, if the Parties disagree over the validity of any opt out determination, then any such disagreement may be lodged with the Court for a final and binding decision. Through the date Class Members must exercise their option to opt out, the Claims Administrator shall be contractually bound to provide written daily status reports in a format agreeable to the Parties that identifies each and every person who has opted out.
- e. Opt Out Fund Adjustment. When Class Members opt out of the Trust Administration Class, the amount of the Accounting/Trust Administration Fund shall be reduced by the amount such an opting out Class Member would have received in his or her Stage 2 payment, including both the baseline payment and the pro rata amounts. Such amounts for opt outs shall be determined prior to the Stage 2 distribution and paid to Defendants contemporaneous with the distribution of Stage 2 payments.
- f. Kick-Out Option. In the event that the Class Members who do not opt out of the Trust Administration Class represent in the aggregate less than eighty five percent (85%) of the aggregate amount of all Assigned Values,

then Defendants, at their sole option, may elect to withdraw from and fully terminate this Agreement in which case the Parties will be restored to their prior positions as though the Agreement had never been executed, except as provided in paragraph D.7. In exercising such an election to terminate, Defendants must terminate the Agreement in its entirety and may not terminate only parts of the Agreement. Defendants must exercise this election to terminate no later than one day before the Fairness Hearing by filing a notice with the Court with a schedule under seal of Class Members who opted out and their respective Assigned Values. Any disputes regarding an attempt by Defendants to terminate shall be decided by the Court.

**D. MOTION FOR JUDGMENT, FAIRNESS HEARING, AND FINAL APPROVAL**

1. Motion for Judgment. Pursuant to this Agreement and in accordance with the Court's Order Granting Preliminary Approval, the Parties will submit a Joint Motion for Entry of Judgment and Final Approval for consideration by the Court at the Fairness Hearing.

2. Objections to Settlement. A Class Member who wishes to object to the fairness, reasonableness or adequacy of this Agreement or of the Settlement contemplated hereby must file with the Clerk of the Court and serve on the Parties a statement of the objection setting forth the specific reason(s), if any, for the objection, including any legal support that the Class Member wishes to bring to the Court's attention, any evidence that the Class Member wishes to introduce in support of the objection, any grounds to support his or her status as a Class Member, and whether the Class Member intends to appear at the Fairness Hearing. Class Members may act either on their own or through counsel employed at their own expense. Any Class Member

may appear at the Fairness Hearing to object to any aspect of the fairness, reasonableness or adequacy of this Agreement or of the Settlement.

3. Binding Effect. Any Class Member who neither objects to the Agreement nor opts out of the Class as provided in paragraph C(2), shall waive and forfeit any and all rights the Class Member may have to appear separately and/or to object and to opt out and shall be bound by all the terms of the Agreement and by all proceedings, orders and judgments in the Litigation.

4. Fairness Hearing. At the Fairness Hearing, the Parties will request that the Court, among other things:

- a. Grant final certification of the Classes;
- b. Enter Judgment in accordance with this Agreement;
- c. Approve the Settlement as final, fair, reasonable, adequate, and binding on all Class Members who have not timely opted out pursuant to paragraph C(2);
- d. Approve the payment of reasonable attorneys' fees, expenses and costs for Class Counsel;
- e. Approve the incentive awards for Class Representatives, including expenses and costs that were not paid for by attorneys;
- f. Order the Claims Administrator to process and pay all Valid Claims from the Settlement Account;
- g. Order the release of all Class Members' claims pursuant to paragraph I(1)–(9); and
- h. Order Defendants to make the final payment into the Accounting/Trust Administration Fund.

5. Final Approval. The Court's Final Approval shall grant each of those requests.

6. Effect of Failure to Grant Final Approval. If Final Approval does not occur, this Agreement shall be null and void.

7. Return of Remaining Funds in Settlement Account if No Final Approval. If for any reason Final Approval cannot be achieved, the Notice Contractor and Claims Administrator shall be notified to cease work. To the extent any funds remain in the Settlement Account, Class Counsel shall promptly seek a Court order to pay the remaining valid invoices of the Notice Contractor and Claims Administrator and, within thirty (30) days thereafter, the Parties shall jointly seek a Court order to return to Defendants all funds, if any, that then remain in the Settlement Account. Defendants shall not be entitled to recoup from Plaintiffs or Class Counsel any funds already spent from the Settlement Account.

**E. ACCOUNTING/TRUST ADMINISTRATION FUND**

1. General Provisions

a. Special Master. Upon Final Approval, the Parties shall request that the Court appoint a Rule 53 Special Master, who shall have only the duties referenced in this Agreement when so designated by the Court. The Special Master shall only be involved in taking certain actions or making certain determinations in connection with the distribution of the Accounting/Trust Administration Fund and eligibility of individuals to participate as Class Members. The Special Master shall have no role regarding the distribution of the Trust Land Consolidation Fund. The Special Master shall also have no role in resolving any disputes between (i) the Parties or (ii) a Class Member and Defendants. The Special Master shall be paid out of funds in the Settlement Account, and shall submit

invoices for fees and expenses to Class Counsel, at reasonable intervals, who shall file them with the Court, requesting an order to pay the Special Master. All disputes regarding the Special Master's invoices or compensation shall be decided by the Court. The Parties agree to cooperate to minimize the costs of the Special Master.

- b. Claims Administrator. The Parties agree to cooperate as to all aspects of this Agreement to minimize the costs of the Claims Administrator. All payments to the Claims Administrator must be for reasonable and necessary services in accordance with detailed invoices provided to the Parties and approved by the Court or the Special Master as the Court may designate. Class Counsel shall be responsible for submitting such invoices to the Court and may include invoices for the Claims Administrator's fees, expenses and costs incurred prior to Preliminary Approval.
- c. Qualifying Bank. The Accounting/Trust Administration Fund shall be deposited in, and administered by, the trust department(s) of a Qualified Bank or Qualified Banks. To the extent settlement funds are held in deposit accounts in excess of FDIC insurance coverage, the excess amount shall be collateralized with securities that are U.S. Treasury or other securities that are backed by the full faith and credit of the United States.
- d. Duties. Class Counsel, with the Claims Administrator, shall have responsibility for administering the Accounting/Trust Administration Fund in accordance with this Agreement. Class Counsel shall provide the

necessary account information to Defendants as needed to support deposit of the Accounting/Trust Administration Fund.

- e. Distributions. All distributions from the Accounting/Trust Administration Fund shall be made pursuant to final Order of the Court or the Special Master as the Court may designate. The Amount Payable for Each Valid Claim and the claims process for making such payment shall be in accordance with the terms set forth below.
- f. Reliance on Defendants' Information. Class Counsel and the Claims Administrator shall be entitled to rely on the information provided by the Interior Defendants in making the distributions provided for in this Agreement.
- g. Defendants' Limited Role. Except as specifically provided in this Agreement, Defendants shall have no role in, nor be held responsible or liable in any way for, the Accounting/Trust Administration Fund, the holding or investment of the monies in the Qualifying Bank or the distribution of such monies.
- h. Payments to minors, non-compos mentis, individuals under legal disability, or adults in need of assistance. Class Members who are known to be minors, non-compos mentis, individuals under legal disability, or adults in need of assistance and who have an account open as of the date(s) of distribution shall have their distributions deposited into their IIM Accounts. If necessary, an IIM Account will be opened by Interior Defendants for each of them. Interior Defendants shall receive these

deposits as trust funds for the benefit of the pertinent individual Indian beneficiary.

- i. Payments to “whereabouts unknown”. Class Members who are deemed by Interior Defendants be “whereabouts unknown” and who have an account open as of the date of distribution shall have their distributions deposited into their IIM Accounts. For any Class Member who is designated as a “whereabouts unknown” and is not a minor, non-compos mentis, an individual under legal disability, or an adult in need of assistance, and does not claim any funds deposited in that beneficiary’s IIM Account as a result of this Agreement within five (5) years after the date Defendants first transfer monies for the Accounting/Trust Administration Fund to the Qualifying Bank, the principal amount of the funds deposited pursuant to this Agreement in that beneficiary’s IIM Account shall be paid by Interior Defendants to the Indian Education Scholarship Fund set out in Section G of this Agreement.

2. Payments into the Accounting/Trust Administration Fund

- a. Defendants shall pay \$1,412,000,000.00 to the Accounting/Trust Administration Fund in the Settlement Account. This amount shall be paid in installments from the Judgment Fund, as set forth in subparagraphs b, c and d, below.
- b. Concurrent with the filing of the Amended Complaint, the Parties shall move the Court for an order requiring Defendants to pay \$20,000,000.00 to the Accounting/Trust Administration Fund in the Settlement Account,



to be used by Plaintiffs to retain the Claims Administrator and Notice Contractor for necessary work required before Final Approval.

Defendants shall make this payment upon order of the Court.

- c. The Parties may jointly move the Court to order such further payments to the Accounting/Trust Administration Fund as are necessary to fund the work of the Claims Administrator and/or Notice Contractor before Final Approval. Defendants shall make payments requested in the joint motion upon order of the Court.
- d. Upon Final Approval, Defendants shall pay \$1,412,000,000.00 to the Accounting/Trust Administration Fund, less any amounts paid under paragraphs b and c, above.

3. Stage 1: Payment of Historical Accounting Claims

- a. Per-Person Payment. Each member of the Historical Accounting Class shall be paid a per capita amount of \$1,000.00 after Final Approval. This will be a per-person, not a per-account, payment.
- b. Stage 1 Information from Interior Defendants. Interior Defendants will provide periodic updates on Contact Information on an ongoing basis. Within 30 days after Defendants first transfer monies for the Accounting/Trust Administration Fund to the Qualified Bank, the Claims Administrator will be able to rely on the Contact Information Interior Defendants then have for beneficiaries to make a Stage 1 distribution.
- c. Returned Funds; Remainder Account. For distributions returned from the Stage 1 distribution, the Qualified Bank, working with the Claims

Administrator, shall use its best efforts to ensure that all such funds are deposited into the appropriate individual Indian beneficiary's trust account at Interior, if open, or into a separate interest bearing account at the Qualifying Bank ("Remainder Account") if no such IIM Account exists. The Claims Administrator shall take reasonable steps to locate, and distribute funds to, Class Members whose funds are deposited into the Remainder Account. If a Stage 1 participant whose funds were deposited into the Remainder Account subsequently provides documentation which is sufficient to show that such beneficiary is the Stage 1 participant for whom the returned funds were intended, Class Counsel shall file such documentation with the Court or the Special Master as the Court may designate, requesting an order to pay \$1,000.00 to each such beneficiary from the Remainder account.

4. Stage 2: Payment of Trust Administration Claims
  - a. Final Determination of Class Prior to Payment. No Stage 2 payments shall be made until all Stage 2 Class Members have been identified in accordance with this Agreement and their respective pro rata interests have been calculated.
  - b. Stage 2 Formula. Each individual Indian beneficiary determined to be within the Trust Administration Class in accordance with paragraph A.35 shall be paid after Final Approval a pro rata amount based upon the following formula:

- (1) Baseline Payment. Each individual Indian beneficiary determined to be within the Trust Administration Class shall be paid a baseline amount of \$500.00;
- (2) Amounts Available for Prorating. In addition, each individual Indian beneficiary in the Trust Administration Class who has or had an IIM Account that generated income that was credited to that IIM Account shall be paid an additional pro rata share of the funds remaining in the Accounting/Trust Administration Fund after deducting (a) amounts attributable to opt outs in accordance with paragraph C.2 of this Agreement, (b) all Stage 1 distributions, (c) an amount sufficient to cover a baseline payment to all Stage 2 Class Members, (d) the amount deemed necessary to fund the Reserve Fund provided for in section E.4.e.6; (e) all payments made, or to be made to, Class Counsel in accordance with an Order of the Court, (f) all payments made to, or to be made to, Class Representatives in accordance with an Order of the Court, (g) all payments to cover the costs of notice, administration and distribution of the Accounting/Trust Administration Fund (including but not limited to payments to the Notice Contractor, Claims Administrator, and Qualified Bank), and (g) an amount estimated by the Class Counsel to pay the remaining and future costs to be paid out of the Accounting/Trust Administration Fund for notice, administration and distribution.

(3) Calculation of Pro Rata Share. The additional pro rata share referenced in paragraph E.4 above will be calculated based upon an Assigned Value. The Assigned Value will be the average of the ten (10) highest revenue generating years in each individual Indian's IIM Account, from October 1, 1985 until the Record Date (September 30, 2009). If an account is open fewer than ten (10) years or otherwise reflects fewer than ten (10) years of revenue, the computation of the Assigned Value will utilize a zero dollar amount in each year that no revenue is reflected. For beneficiaries with more than one account during that period, the Assigned Value is calculated on an account by account basis for that Class Member, with each of the resulting calculations added together. Reversed transactions and inter-account transfers between an individual's accounts will not be considered in the calculation. A Class Member's pro rata percentage in the Stage 2 distribution shall be calculated based upon his or her Assigned Value divided by the sum of all Assigned Values for all Trust Administration Class Members. This percentage shall then be applied to the funds available for prorating to determine the Class Member's pro rata payment.

c. Information from Interior Defendants for Stage 2. Interior Defendants shall provide assistance to the Claims Administrator with respect to the preparation and creation of (i) the Contact Information for Stage 2

participants and (ii) the Assigned Value calculations and related Assigned Value percentages described in this Agreement.

- d. Returned Stage 2 Funds. For distributions returned from the Stage 2 distribution, the Qualifying Bank, with assistance from the Claims Administrator, shall use its best efforts to ensure that all such funds are deposited into the appropriate individual Indian beneficiary's trust account at Interior, if open, or into a Remainder Account if no such IIM Account exists. The Claims Administrator shall take reasonable steps to locate, and distribute funds to, the Class Member associated with such returned funds. If a Stage 2 participant whose funds were returned subsequently provides documentation which is sufficient to the Claims Administrator to demonstrate that such beneficiary is the Stage 2 participant for whom the returned funds were intended, Class Counsel shall file such documentation with the Court or the Special Master as the Court may designate, requesting an order to pay amounts due to such beneficiary from the Remainder Account. In the event the documentation is determined insufficient by the Claims Administrator, notice of that determination shall be provided to the person submitting the documentation, who shall then have the right to the reconsideration process set forth in paragraph E(5) below.
- e. Stage 2 Timeline. Stage 2 funds shall be distributed pursuant to the following timeline. The Court in its discretion may extend any Stage 2 deadline upon a showing of good cause.

- (1) Supplementary Notice. The Parties shall direct the Notice Contractor to undertake a supplementary notice campaign as soon as practicable following distribution of the Stage 1 funds. The purpose of this notice is to target potential claimants and provide information related to the Stage 2 distribution. Such notice shall be targeted generally in Native American population centers.
- (2) Standards and Procedures. The Claims Administrator shall prepare standards and procedures for the submission, timing and adequacy of documentation for potential additional Stage 2 participants who self-identify. The Parties shall provide assistance to the Claims Administrator to develop such standards and procedures. The Interior Defendants shall designate a liaison to the Claims Administrator for purposes of verifying documentation or responding to other queries regarding submitted documentation that might not be addressed by the agreed-to standards and procedures. The Claims Administrator may rely upon the Interior liaison's response or, after 14 days, the absence of a response, to the query in evaluating the submitted documentation. The Claims Administrator will take reasonable steps to provide assistance to potential claimants at all phases during the Stage 2 distribution so that they can comply with the agreed-to standards and procedures for the submission of documentation. The Claims Administrator shall maintain adequate records documenting all communications

with Class Members and such records shall be available to the Parties upon reasonable request.

- (3) Self-Identification Period. Potential class members who wish to participate in the Stage 2 distributions shall submit any documentation to the Claims Administrator within 45 days of Final Approval or such later date as the Court may order.
- (4) Initial Determination. The Claims Administrator shall make an initial determination with respect to each claimant's inclusion in the Stage 2 class within 90 days of Final Approval or such later date as the Court may order and shall so inform claimants in writing. If a potential claimant is denied participation as part of the initial determination, the Claims Administrator shall state the basis for its denial and the availability of reconsideration with the submission of additional documentation. Claimants who are denied participation in the Stage 2 distribution may submit additional documentation for reconsideration within 120 days of Final Approval or such later date as the Court may order. A claimant's failure to seek reconsideration will render the Claims Administrator's initial determination final and binding upon the claimant.
- (5) Reconsideration. The Claims Administrator shall make a determination with respect to all claimants' documents submitted in support of their request to reconsider the initial determination.

The Claims Administrator shall make a second determination within 150 days of Final Approval or such later date as the Court may order, and shall so inform each claimant in writing. If a claimant is again denied participation in the Stage 2 distribution, the Claims Administrator shall state the basis of its denial and the availability of appeal to the Court or the Special Master as the Court may designate. Any appeal shall be made within 180 days of Final Approval or such later date as may be ordered by the Court. A claimant's failure to timely appeal will render the Claims Administrator's determination final and binding upon the claimant.

- (6) Creation of Reserve Fund. Prior to the distribution of Stage 2 funds, the Parties shall discuss the timing and funding of a Reserve Fund out of Stage 2 funds to cover beneficiaries who did not receive notice of Stage 2 distributions and come forward after distribution of Stage 2 funds. Any disagreements between the Parties related to the creation and eventual termination of a Reserve Fund shall be presented to the Court.
- (7) Distribution. After Stage 2 Class Members have been substantially identified, Class Counsel may apply to the Court or the Special Master as the Court may designate for permission to commence Stage 2 distribution. Funds will be set aside for any identified Class Members. Completion of distribution of Stage 2 funds shall be no later than 14 days after the Court's decision of the last



claimant's appeal becoming final. The Court's decision shall be binding and final, unless timely appealed by the potential claimant.

(8) Final Disposition of the Accounting/Trust Administration Fund.

Any excess Accounting/Trust Administration Funds remaining after distribution (*e.g.*, funds not expended on administration), or funds in the Remainder Account, shall be paid to the organization selected as the recipient of the Indian Education Scholarship Fund set out in Section G of this Agreement.

**F. TRUST LAND CONSOLIDATION FUND**

1. Distribution. Conditioned on the enactment of the necessary legislation, the Interior Defendants shall distribute the Trust Land Consolidation Fund in accordance with the Land Consolidation Program authorized under 25 U.S.C. §§ 2201 *et seq.*, any other applicable legislation enacted pursuant to this Agreement, and applicable provisions of this Agreement.

2. Purposes of Trust Land Consolidation Fund. The Trust Land Consolidation Fund shall be used solely for the following purposes: (1) acquiring fractional interests in trust or restricted lands; (2) implementing the Land Consolidation Program; and (3) paying the costs related to the work of the Secretarial Commission on Trust Reform, including costs of consultants to the Commission and audits recommended by the Commission. An amount up to a total of no more than fifteen percent (15%) of the Trust Land Consolidation Fund shall be used for purposes (2) and (3) above.

3. Fair Market Value. The Interior Defendants shall offer fair market value in accordance with 25 U.S.C. § 2214 to owners of such fractionated interests. Interior Defendants shall use reasonable efforts to prioritize the consolidation of the most highly fractionated tracts of land.

4. Length of Fund. Interior Defendants shall have no more than ten (10) years from the date of Final Approval of this Agreement to expend the Trust Land Consolidation Fund, at which time any amounts remaining in the Trust Land Consolidation Fund shall be returned to the Treasury.

5. Indian Education Scholarship Holding Fund. Interior Defendants shall make the transfers to and from the Indian Education Scholarship Holding Fund as provided in paragraphs G.2.c and G.2.d.

6. Whereabouts Unknown. For those owners of fractional interests in trust or restricted land whose whereabouts are deemed unknown by Interior Defendants as of the date of Final Approval of this Agreement, Interior Defendants shall undertake the following additional efforts to attempt to locate such owners:

- a. Additional Service. In addition to the class notice requirements under this Agreement, the Interior Defendants shall use due diligence to provide all owners whose whereabouts are unknown with actual notice of the opportunity to convey their fractionated interests through the best means available.
- b. Notice. The Notice shall contain a general description of the Land Consolidation Program, the fractionated interests that the Interior Defendants wish to acquire, the proposed purchase price for such interests, the mailing address and a toll-free number for inquiries and clarifications regarding the Land Consolidation Program, and the process for responding to the offer to purchase.

- c. Returned Notice. In the event the written notice to an owner is returned undelivered, the Interior Defendants shall attempt to obtain a current address for such owner by conducting a reasonable search (including a reasonable search of records maintained by local, State, Federal and tribal governments and agencies) and by inquiring with the Indian tribe with jurisdiction over the subject parcel, and, if different from that tribe, the Indian tribe of which the owner is a member, if applicable, and, if successful in locating any such owner, send written notice in accordance with subparagraphs (a) and (b) above.
- d. Notice by Publication. The Interior Defendants shall give notice to all owners that the Secretary was unable to provide notice pursuant to subparagraphs (a) thru (c) above, by publication of the opportunity to convey fractionated interests as follows:
- (1) at least two (2) times in a newspaper of general circulation in the county or counties where the subject parcel of land is located or, if there is an Indian tribe with jurisdiction over the parcel of land and that tribe publishes a tribal newspaper or newsletter at least once every month, one (1) time in such newspaper of general circulation and one (1) time in such tribal newspaper or newsletter for a period of six (6) months;
  - (2) posting such notice in a conspicuous place in the tribal headquarters or administration building (or such other tribal building determined by the Interior Defendants to be most

appropriate for giving public notice) of the Indian tribe with jurisdiction over the parcel of land, if any; and

- (3) in addition to the foregoing, in the Interior Defendants' discretion, publishing notice in any other place or means that the Interior Defendants determine to be appropriate.

7. Consent for Conveyances. For those owners of fractional interests in trust or restricted land who are not located after Interior Defendants undertake the measures set forth herein and the passage of five (5) years from the date of Final Approval, the owners shall, to the extent authorized by the legislation contemplated by this Agreement, automatically be deemed to have consented to the conveyance of those fractionated interests that are located on a parcel of highly fractionated Indian land to Interior Defendants. The term “parcel of highly fractionated Indian land” is defined at 22 U.S.C. § 2201(6).

8. Deposits in IIM Accounts. All funds expended from the Trust Land Consolidation Fund for the acquisition of fractional interests from owners whose whereabouts are unknown shall be deposited in an IIM Account for such owners, for the benefit of those owners or their heirs or assigns.

## **G. INDIAN EDUCATION SCHOLARSHIPS**

1. Funds for Indian Education Scholarships. Funds for Indian Education Scholarships are being established for the principal purposes of providing an additional incentive for individual Indians to participate in the Land Consolidation Program, beneficially utilizing any remainder of any Accounting/Trust Administration Funds, and providing financial assistance to Native American students to defray the cost of attendance at both post-secondary vocational schools and institutions of higher education.

2. Source of Funds. There will be three initial sources of funding for Indian Education Scholarships, as follows:

- a. Accounting/Trust Administration Fund Balance. In the event that a balance remains in the Accounting/Trust Administration Fund following (1) payment of all settlement distributions to Class Members; (2) payment of all settlement notice and distribution costs, including payments to the Notice Contractor, the Claims Administrator, and the Qualifying Bank; (3) payment of all attorney fees and expenses to Class Counsel as approved by the Court, (4) payment of all Class Representative incentive awards, including expenses and costs that were not paid for by attorneys, as approved by the Court, and (5) payment of any other amounts agreed upon by the Parties or ordered by the Court, such remaining balance shall be transferred by the Qualified Bank in a timely manner upon Order of the Court to the organization selected in paragraph 3 of this section to be governed by the special Board of Trustees (that shall be established pursuant to paragraph 3 of this section).
- b. Unclaimed Whereabouts Unknown Payments. Pursuant to Paragraph E.1.i of this Agreement, for any Class Member who is designated a “whereabouts unknown” and is not a minor, non-compos mentis, an adult under legal disability, or an adult in need of assistance, and does not claim any funds deposited in that beneficiary’s IIM Account within five (5) years after the date of Final Approval, the principal amount of the funds deposited in that beneficiary’s IIM Account from the Accounting/Trust

Administration Fund, shall be transferred in a timely manner by Interior Defendants to the organization selected in paragraph 3 of this section to be governed by the special Board of Trustees (that shall be established pursuant to paragraph 3 of this section), and the United States shall be released from any further obligation to pay that amount to such Class Member.

- c. Consolidation Incentive Payments. To provide an incentive for individual Indians to participate in the Land Consolidation Program, a portion of the Trust Land Consolidation Fund shall be allocated for Indian Education Scholarships. For fractionated interests in trust or restricted lands conveyed by owners pursuant to Section F, contributions not to exceed a total, aggregated amount of \$60,000,000.00 from the Trust Land Consolidation Fund shall be made to a separate account, established at Treasury pursuant to legislation, known as the “Indian Education Scholarship Holding Fund.” No further contributions from the Trust Land Consolidation Fund to the Indian Education Scholarship Holding Fund shall be made once the sum of such contributions reaches a total of \$60,000,000.00. Such contributions shall be made in accordance with the following formula:

- (1) For an interest that Interior Defendants purchase for less than \$200.00, a contribution of \$10.00 shall be made to the Indian Education Scholarship Holding Fund.

- (2) For an interest that Interior Defendants purchase for between \$200.00 and \$500.00, a contribution of \$25.00 shall be made to the Indian Education Scholarship Holding Fund.
- (3) For an interest that Interior Defendants purchase for more than \$500.00, a contribution equal to five percent (5%) of the purchase price shall be made to the Indian Education Scholarship Holding Fund.

d. Transfers From Indian Education Scholarship Holding Fund. The Interior Defendants shall transfer the amounts in the Indian Education Scholarship Holding Fund to the organization identified in paragraph 3 below on a quarterly basis. Accompanying the transfer from the Interior Defendants to the organization shall be a report outlining the number of interests conveyed, the purchase price for each conveyance, and the corresponding contribution to the Indian Education Scholarship Holding Fund. The report shall be available to the public.

3. Recipient Organization. Within 60 days after Preliminary Approval of this Agreement by the Court, Plaintiffs shall recommend to the Secretary at least two and no more than three duly established non-profit organizations to administer the funds for Indian Education Scholarships. Each such organization must have a demonstrated track record and current ability to create and expand academic and vocational educational opportunities for Native Americans. Further, each such organization shall have a history of financial solvency and health, and a strong institutional governance structure that ensures a prudent and fair administration, investment, and distribution of the funds for Indian Education Scholarships. The Secretary of

Interior shall select from this list one organization to be the recipient of the funds for Indian Education Scholarships on the conditions that (a) the organization agrees to create a special Board of Trustees to govern the funds consisting of no more than five (5) members that will include two (2) representatives selected by the Secretary of Interior or his designee and two (2) representatives selected by the Lead Plaintiff or her designee, with the fifth representative selected by the organization; and (b) the organization provides reporting of its activities and access to its records related to the funds for Indian Education Scholarships which is satisfactory to the Secretary of Interior and Lead Plaintiff.

4. Release from Liability. The Parties shall not be liable, individually or collectively, for any claims arising out of or relating to the use, management, administration, distribution or other acts, omissions, or events regarding the funds for Indian Education Scholarships.

5. Removal Authority. The two (2) representatives selected by the Secretary of Interior and two (2) representatives selected by the Lead Plaintiff, as provided in paragraph 3 of this section, shall be empowered by majority vote to remove the funds for Indian Education Scholarships at any time from the selected recipient organization for any reason, including but not limited to, mismanagement of the funds and to select a new administering entity that meets the qualifications set forth in paragraph 3 above.

#### **H. TAXES AND ELIGIBILITY FOR BENEFITS**

1. Legislation. The Parties contemplate that legislation shall address the treatment for tax purposes and eligibility for benefits of any Settlement Distributions to Class Members.

2. Source and Nature of Payments from Accounting/Trust Administration Fund. Notwithstanding the potential enactment of any legislation regarding taxability contemplated by the preceding paragraph, the Parties agree that the funds distributed pursuant to this Agreement



for the Accounting/Trust Administration Fund include monies derived directly from interests of individual Indians in trust and restricted lands.

3. Source and Nature of Payments from Trust Land Consolidation Fund. The Parties agree that all payments for fractionated or escheated shares of individual Indian trust land purchased pursuant to the Trust Land Consolidation Fund are derived directly from interests of individual Indians in trust and restricted lands.

4. Payments not deemed interest. No portion of payments to Class Members from either the Accounting/Trust Administration Fund or the Trust Land Consolidation Fund is considered payment of interest.

## **I. RELEASES**

1. Release by Historical Accounting Class. Except as provided in this Agreement, upon Final Approval, all members of the Historical Accounting Class and their heirs, administrators, successors, or assigns (collectively, the “Historical Accounting Releasers”), shall be deemed to have released, waived and forever discharged the United States, Defendants, any department, agency, or establishment of the Defendants, and any officers, employees, or successors of Defendants, as well as any contractor, including any tribal contractor, (collectively, the “Releasees”) from the obligation to perform a historical accounting of his or her IIM Account or any individual Indian trust asset, including any right to an accounting in aid of the jurisdiction of a court to render a money judgment, except as provided in paragraph I(7). The Historical Accounting Releasers shall be deemed to be forever barred and precluded from prosecuting any and all claims and/or causes of action for a Historical Accounting Claim that were, or could have been, asserted in the Complaint when it was filed, on behalf of the Historical Accounting Class, by reason of, or with respect to, or in connection with, or which arise out of, any matters stated in the Complaint for a Historical Accounting that the Historical Accounting Releasers, or any of

them, have against the Releasees, or any of them. This release shall include any and all Historical Accounting Claims, however characterized, whether under the common law, at equity, or by statute.

2. Release by Trust Administration Class. Except as provided in this Agreement, upon Final Approval, all members of the Trust Administration Class and their heirs, administrators, successors, or assigns (collectively, the “Mismanagement Releasors”), shall be deemed to have released, waived and forever discharged the Releasees from, and the Mismanagement Releasors shall be deemed to be forever barred and precluded from prosecuting, any and all claims and/or causes of action that were, or should have been, asserted in the Amended Complaint when it was filed, on behalf of the Trust Administration Class, by reason of, or with respect to, or in connection with, or which arise out of, matters stated in the Amended Complaint for Funds Administration Claims or Land Administration Claims that the Mismanagement Releasors, or any of them, have against the Releasees, or any of them.

3. Exclusions From Releases. The releases provided in paragraphs 1 and 2 directly above neither release nor waive (a) claims for the payment of the account balances within existing IIM Accounts, (b) claims for the payment of existing amounts in special deposit accounts, tribal accounts, or judgment fund accounts, (c) claims arising out of or relating to breaches of trust or alleged wrongs after the Record Date, (d) claims for damage to the environment other than those claims expressly identified as Land Administration Claims, (e) claims for trespass or continuing trespass against any or all of the Releasees, where such Releasee is acting in a capacity other than as a fiduciary for Plaintiffs, (f) claims against tribes, contractors, or other third parties (provided that this exception does not apply to agents for the Defendants to the extent such agents had performed Defendants’ fiduciary duties to Plaintiffs),

(g) equitable, injunctive, or other non-monetary claims for correction of boundary and appraisal errors, (h) money damages arising out of boundary and appraisal errors, where such errors occur after the Record Date or where such errors are not corrected within a reasonable time following written notice to Interior after the Record Date, (i) claims arising out of leases, easements, rights-of-way, and similar encumbrances existing as of the Record Date against any or all of the Releasees to the extent such Releasee is acting in a capacity other than as a fiduciary for the plaintiffs, (j) claims against the Releasees arising out of, or relating to, water or water rights, whether adjudicated or unadjudicated, involving the adjudication, quantification, determination, establishment or protection of such rights; provided, however, that this exception does not apply to breach of trust claims for damages, losses, injuries, or accounting for income arising prior to and including the Record Date, other than claims that the Releasees failed to timely enforce such water rights; and (k) health and mortality claims. Nothing within these stated exclusions is meant to limit or shall defeat or void valid defenses, if any, based on statute of limitations, laches, or estoppel.

4. Trust Reform. By accepting this Agreement, Plaintiffs are neither waiving nor releasing any claims or causes of action for future trust reform. Defendants waive no defenses to such claims or causes of action, including res judicata.

5. Escheated Interests Not Released Unless Voluntarily Settled Later. Claims of beneficiaries or former beneficiaries for any interest that has been escheated to tribes, states, municipalities, other political subdivisions, the federal government, and companies, where the escheatment occurred in a manner which is unconstitutional according to decisions of the United States Supreme Court, are not released by this Agreement, except to the extent specific

settlement payments are made and accepted by such beneficiaries or former beneficiaries from the Trust Land Consolidation Fund in accordance with paragraphs F(1) – (8).

6. Osage Headright Owners. The members of the Historical Accounting Class and the members of Trust Administration Class do not include Osage headright owners, except to the extent individual Osage headright owners have, or have had, (i) IIM Accounts in which their Osage headright payments have been deposited, (ii) IIM Accounts for funds other than Osage Headright monies, or (iii) beneficial ownership interests in trust land. Nothing in this Agreement releases claims of individual Osage headright owners regarding their headright interests, except to the extent monies from such headright interests beneficially owned by such individual Indian have been deposited into an IIM Account for the benefit of such individual Indian.

7. Preservation of Claims and Rights by Opt Outs. Notwithstanding the releases stated above (including without limitation the release of Historical Accounting Claims in paragraph I(1), Trust Administration Class Members who properly and timely opt out in accordance with the instructions in paragraph C(2) of this Agreement hereby expressly preserve and do not release, waive or discharge any Funds Administration Claims (including without limitation accounting error claims) and/or Land Administration Claims, whether such claims arise in equity or at law. Further, any such opting-out Class Member retains and shall be entitled to all methods of proof, applicable evidentiary presumptions and inferences (if any), and means of discovery available in any court of competent jurisdiction pursuant to that court's procedural and evidentiary rules applicable to fiduciaries, including without limitation any right to an accounting in aid of the jurisdiction of a court to render judgment.

8. Agreed Balances. Trust Administration Class Members who do not opt out in accordance with paragraph C(2) (c) of this Agreement will be deemed to have waived any right

to an accounting in aid of judgment in connection with Funds Administration Claims and Land Administration Claims. Further, except as provided in the preceding paragraph with respect to Class Members who opt out of the Trust Administration Class, each such Trust Administration Class Member and his or her heirs, successors, and assigns will be deemed to have agreed that the stated balance in his or her last IIM Account periodic statement received from Interior in 2009, prior to the date of this Agreement is accurate and that any IIM Account closed before January 1, 2009, shall be deemed to have a zero balance. Further, if a Trust Administration Class Member did not receive a periodic statement for an open IIM Account in 2009 prior to the date of this Agreement, that Class Member may request written confirmation of his or her IIM Account balance(s) as of the Record Date; such Class Member shall be deemed to have agreed to the balance(s) shown on such written confirmation received from Interior, unless such Class Member opts out of that Class in accordance with this Agreement.

9. Vacatur of Document Retention Orders. Upon Final Approval, all existing document retention orders shall be deemed vacated; provided, however, that Plaintiffs do not release Defendants from any ongoing duty to maintain trust records necessary to prudently manage the individual Indian trust.

**J. ATTORNEYS' FEES**

1. Notice of Amount to be Requested. Prior to the hearing on the Motion for Preliminary Approval of this Agreement, Plaintiffs shall file a notice with the Court stating the amount of attorneys' fees, expenses and costs they will be requesting for Class Counsel through the date of this Agreement. This amount shall be included in the Notice to the class referenced in paragraph C.1.

2. Petition for Attorneys' Fees. Within the time set by the Court, Plaintiffs shall file a petition for fair and reasonable attorneys' fees, expenses and costs through the date of this

Agreement for the Court's approval ("Fee Petition"). Plaintiffs shall post that Fee Petition on their website <http://indiantrust.com/>.

3. Objections. Within the times set by the Court: (a) Class Members may object to the compensation Plaintiffs have requested for attorneys in the Fee Petition, (b) Defendants may submit a response to the Fee Petition, and (c) Plaintiffs may reply to such objections and responses.

4. Post-Agreement Attorneys' Fees, Expenses and Costs. Attorneys' fees, expenses and costs incurred subsequent to the date of this Agreement shall, upon Final Approval, be paid at reasonable intervals as ordered by the Court. Reasonable time spent after this Agreement in representing the Plaintiffs, including but not limited to preparing fee applications, shall be compensated at the actual hourly billing rates. Defendants may respond to, and Class Members may object to, any petitions for post-Agreement attorneys' fees, expenses and costs, and Plaintiffs may reply to such response and objections.

5. Court to Decide. The amount to which Plaintiffs are entitled for attorneys' fees, expenses and costs are within the discretion of the Court in accordance with controlling law, after receipt and consideration of Class Members' objections, Defendants' responses and Plaintiffs' replies.

6. Payment. All payments for attorneys' fees, expenses and costs are to be made following Final Approval from the Settlement Account.

7. Time of Payments. Payment for attorneys' fees, expenses and costs through the date of this Agreement shall be made immediately upon the deposit of the funds in the Settlement Account after Final Approval. Payment of post-Agreement attorneys' fees, expenses and costs are to be made after Final Approval at the times directed by the Court.

8. Release of Attorneys' Fees and Costs. Upon completion of all payments addressed in this Section J, Named Plaintiffs and Class Counsel, on behalf of the Classes and each individual Class Member, will be deemed to have irrevocably and unconditionally released, acquitted, and forever discharged, any claim that they may have against Defendants for attorneys' fees, expenses or costs associated with their representation of Plaintiffs and the Classes in this Litigation. Plaintiffs shall file no further claim against Defendants for attorneys' fees or expenses pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 or costs pursuant to 28 U.S.C. § 1920; this paragraph does not apply to claims by Plaintiffs for payments from the Settlement Account, in accordance with this Agreement, for attorneys' fees, expenses and costs, and Plaintiffs' incentive awards, including costs and expenses.

**K. CLASS REPRESENTATIVES' INCENTIVE AWARDS**

1. Notice of Amounts to be Requested. Prior to the hearing on the Motion for Preliminary Approval of this Agreement, Plaintiffs shall file a notice with the Court stating the amount of incentive awards which will be requested for each Class Representative, including expenses and costs that were not paid for by attorneys, which expenses and costs are expected to be in the range of \$15 million above those paid by Defendants to date. These amounts shall be included in the Notice to the class referenced in paragraph C(1).

2. Petition for Expenses and Incentives. Within the time set by the Court, Plaintiffs shall file a petition for incentive awards, including expenses and costs, of the Class Representatives ("Class Representative Petition"). Plaintiffs shall post that petition on their website <http://indiantrust.com/>.

3. Objections. Within the times set by the Court: (a) Class Members may object to the amounts Plaintiffs have requested in the Class Representative Petition; (b) Defendants may submit a response to the Class Representative Petition; and (c) Plaintiffs may reply to such

objections and responses. Defendants do not consent in any manner to an award of costs, expenses or incentives, except to the extent supported by and consistent with controlling law.

4. Post-Agreement Expenses and Costs of Class Representatives. Class Representatives' expenses and costs incurred subsequent to the date of this Agreement shall, upon Final Approval, be paid at reasonable intervals as ordered by the Court. Defendants may respond to and Class Members may object to any petitions for post-Agreement expenses and costs of Class Representatives. Plaintiffs may reply to such responses and objections.

5. Court to Decide. The amounts to be granted on the Class Representative Petition and any post-Agreement request for expenses and costs are within the discretion of the Court in accordance with controlling law, after timely receipt and consideration of objections received from Class Members and/or Defendants.

6. Payment. All payments of Class Representatives' incentive awards, including expenses and costs, shall be made from the Settlement Account.

7. Time of Payments. Payment of incentive awards, including expenses and costs, shall be made immediately upon the deposit of the funds in the Settlement Account after Final Approval. Payment of post-Agreement expenses and costs are to be made at the times directed by the Court following Final Approval.

8. Complete Compensation. Defendants shall have no additional liability for any incentive awards or expenses and costs of Class Representatives. The payments to Class Representatives under this section K, together with any amounts due them as Class Members under this Agreement, shall be full and complete compensation for the Class Representatives in connection with this Litigation and for any Accounting Claims and Trust Administration Claims the Class Representatives had through the Record Date.



**L. NO FURTHER MONETARY OBLIGATION**

1. Complete Monetary Obligation. The Parties agree and acknowledge that the payments of \$1,412,000,000.00 into the Accounting/Trust Administration Fund and the \$2,000,000,000.00 deposited into the Trust Land Consolidation Fund represents Defendants' complete financial obligation under this Settlement relating to the settlement and compromise of all Historical Accounting and Trust Administration Claims for Class Members.

2. No Further Monetary Obligations. Except for the payments of \$1,412,000,000.00 into the Accounting/Trust Administration Fund and the \$2,000,000,000.00 deposited into the Trust Land Consolidation Fund, the Parties further agree and acknowledge that Defendants shall have no further monetary obligations whatsoever, including but not limited to any monetary obligations with respect to the Class Representatives, the members of the Classes who do not opt out, Class Counsel, Claims Administrator, Notice Contractor, the Qualifying Bank, or the Litigation. Defendants, however, will retain all monetary obligations that exist as a result of the trust relationship that will continue to exist between Defendants and all individual Indian beneficiaries. Likewise, the Parties agree that the Classes, Class Representatives, Class Counsel, Claims Administrator, Notice Contractor, and Qualifying Bank shall have no monetary obligation or incur any liability to Defendants or their agents regarding this Agreement or other matters settled and within the scope of this Agreement.

3. Cooperation. Interior Defendants will in good faith cooperate and make their resources and information available to assist in the distribution of notices and, subsequently, settlement payments. However, Interior Defendants assume no financial responsibility or liability related to the quality of the information to be provided.

**M. ADDITIONAL PROVISIONS**

1. No Assignment. Class Representatives represent and warrant that they have not assigned or transferred, or purported to assign or transfer, to any person or entity, any claim or any portion thereof or interest therein, including, but not limited to, any interest in the Litigation or any related action.

2. Non-Admission of Liability. By entering into this Agreement, Defendants in no way admit any liability to Plaintiffs and the Classes, individually or collectively, all such liability being expressly denied. Nor do Defendants admit that a class action is an appropriate vehicle to bring Trust Administration Claims. Rather, Defendants enter into this Agreement to avoid further protracted litigation and resolve and settle all disputes with Plaintiffs and the Classes. The Parties understand and agree that neither this Agreement, nor the negotiations that preceded it, shall be used as evidence with respect to the claims asserted in the Litigation, the propriety of a class action, or in any other proceeding or dispute except to enforce the terms of this Agreement.

3. Cooperation Between The Parties, Further Acts. The Parties shall cooperate fully with each other and shall use their best efforts to obtain the Court's approval of this Agreement and all of its terms.

4. Binding Effect. This Agreement shall be binding upon and inure to the benefit of the Parties and (A) with respect to Plaintiffs and the Class Members, their spouses, children, representatives, heirs, administrators, executors, beneficiaries, conservators, and attorneys, and (B) with respect to Defendants, the Releasees.

5. No Third-Party Beneficiaries. This Agreement shall not be construed to create rights in, or to grant remedies to, or delegate any duty, obligation or undertaking established herein to any third party as a beneficiary of this Agreement.

6. Arms Length Transaction; Materiality of Terms. The Parties have negotiated all of the terms and conditions of this Agreement at arms length. All terms and conditions of this Agreement have been relied upon by the Parties in entering this Agreement. If any Class Member petitions the Court for a modification of, addition to or alteration of any material terms or condition of this Agreement and if the Court on such request or *sua sponte* does modify, add to or alter any of the material terms or conditions of this Agreement, this Agreement shall become voidable and of no further effect upon the filing with the Court of a Notice of Withdrawal from settlement by Class Counsel or Defendants' Counsel within five (5) business days of receipt of any order or final statement of the Court modifying, adding to or altering any of the material terms or conditions of this Agreement.

7. Captions. The captions or headings of the sections and paragraphs of this Agreement have been inserted for convenience of reference only and shall have no effect upon the construction or interpretation of any part of this Agreement.

8. Construction. The determination of the terms and conditions of this Agreement has been by mutual agreement of the Parties. Each Party participated jointly in the drafting of this Agreement and, therefore, the terms and conditions of this Agreement are not intended to be, and shall not be, construed against any Party by virtue of draftsmanship.

9. Applicable Law. This Agreement shall be interpreted in accordance with the laws of the United States without respect to the law of any particular State.

10. Notices Between the Parties. For all documents, notices, and submissions filed with the Court, service of a copy on the other Parties shall be deemed complete when uploaded and docketed with the Court's ECF system.

11. Agreement to Hold Personal Information Confidential. The Parties recognize that this Agreement will require the exchange of individual Indian trust data and/or confidential personal information that is or may be subject to the Privacy Act of 1974, as amended, relating to actual and putative class members. The Parties agree to cooperate in taking all appropriate steps to maintain the confidentiality of all such information. In order to facilitate the prompt exchange of information to facilitate the best practicable notice to the Class, the Parties further agree to file a stipulated motion with the Court promptly upon public announcement of this Agreement requesting the Court to enter an appropriate order to authorize the disclosure of such information by the Interior Defendants or Plaintiffs to the Notice Contractor and Claims Administrator.

12. Petition for Writ of Certiorari. The Parties acknowledge that Plaintiffs' deadline for filing a petition for a writ of certiorari seeking Supreme Court review of Cobell XXII is December 21, 2009, and that the Supreme Court's rules do not permit this deadline to be extended further. To preserve their right to seek Supreme Court review in the event that this Agreement is terminated, becomes null and void, or otherwise is not finally approved, it is understood that Plaintiffs intend to file a petition for a writ of certiorari on or before the deadline.

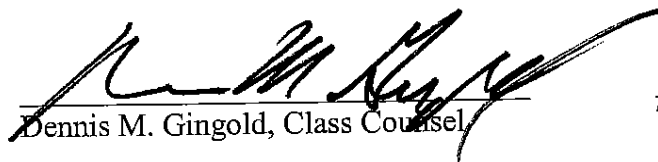
(Signatures appear on next page)

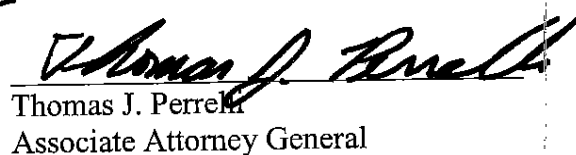
**SIGNATURES**

Wherefore, intending to be legally bound in accordance with the terms of this Agreement,  
the Parties hereby execute this Agreement:

**FOR PLAINTIFFS:**

**FOR DEFENDANTS:**

  
Dennis M. Gingold, Class Counsel

  
Thomas J. Perrell  
Associate Attorney General

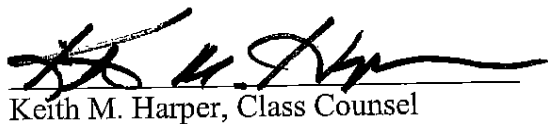
  
Keith M. Harper, Class Counsel

EXHIBIT “A”

FORM OF LEGISLATION

THE INDIVIDUAL INDIAN MONEY ACCOUNT  
LITIGATION SETTLEMENT ACT OF 2009

SECTION 101. SHORT TITLE

This part may be cited as the “Individual Indian Money Account Litigation Settlement Act of 2009.”

SECTION 102. PURPOSE

The purpose of this part is to authorize the Settlement.

SECTION 103. AUTHORIZATION

The Settlement is authorized, ratified, and confirmed.

SECTION 104. DEFINITIONS

In this part:

- (a) The term “Amended Complaint” means the Amended Complaint attached to the Settlement.
- (b) The term “Land Consolidation Program” means a program, conducted in accordance with the Settlement and 25 U.S.C. §§ 2201 *et seq.*, through which the Secretary may purchase fractionated interests in trust or restricted land.
- (c) The term “Litigation” means the case entitled *Elouise Cobell et al. v. Ken Salazar, et al.*, United States District Court, District of Columbia, Civil Action No. 96-1285 (JR).
- (d) The term “Plaintiff” means a member of any class certified in the Litigation.
- (e) The term “Secretary” means the Secretary of the Interior.
- (f) The term “Settlement” means the Class Action Settlement Agreement dated December 7, 2009, in the Litigation.
- (g) The term “Trust Administration Class” means the class of individual Indian beneficiaries (exclusive of persons who filed actions on their own behalf, or a group of individuals who were certified as a class in a class action, stating a Funds Administration Claim or a Land Administration Claim prior to the filing of the Amended Complaint) alive as of September 30, 2009 and who have or had Individual Indian Money (IIM) accounts in the “Electronic Ledger Era,” as that term is defined in the Settlement, as well as individual Indian beneficiaries who, as of September 30, 2009, had a recorded or other demonstrable beneficial ownership interest in land held in trust or restricted status,

regardless of the existence of an IIM account and regardless of the proceeds, if any, generated from the trust land, except that the Trust Administration Class does not include beneficiaries deceased as of September 30, 2009 and does include the estate of any deceased beneficiary whose IIM Accounts or other trust assets had been open in probate as of September 30, 2009.

#### SECTION 105. JURISDICTIONAL PROVISIONS

(a) Notwithstanding the limitation on the jurisdiction of district courts contained in 28 U.S.C. § 1346(a)(2), the United States District Court for the District of Columbia shall have jurisdiction over the claims asserted in the Amended Complaint for purposes of the Settlement.

(b) Notwithstanding the requirements of the Federal Rules of Civil Procedure, the court overseeing the Litigation may certify the Trust Administration Class, which shall then be treated as a class under Federal Rule of Civil Procedure 23(b)(3) for purposes of the Settlement.

#### SECTION 106. ACCOUNTING/TRUST ADMINISTRATION FUND

Funds in the amount of \$1,412,000,000 shall be disbursed to the Accounting/Trust Administration Fund, as provided in the Settlement, from the moneys appropriated by Congress under 31 U.S.C. § 1304, the conditions of which are deemed to have been met.

#### SECTION 107. TRUST LAND CONSOLIDATION

(a) (i) Upon the Settlement's final approval, as defined in the Settlement, there shall be established in the Treasury of the United States an account to be known as the "Trust Land Consolidation Fund."

(ii) Amounts held in the Trust Land Consolidation Fund shall be available for the Secretary to expend for no more than ten years from the date of the Settlement's final approval, as defined in the Settlement, for purposes of conducting the Land Consolidation Program and for the other costs specified in the Settlement.

(iii) Upon the Settlement's final approval, as defined in the Settlement, the United States shall transfer into the Trust Land Consolidation Fund the total sum of \$2,000,000,000, from the moneys appropriated by Congress under 31 U.S.C. § 1304, the conditions of which are deemed to have been met.

(b) (i) The Secretary may acquire, at the discretion of the Secretary and in accordance with the Land Consolidation Program, any fractional interest in trust or restricted lands.



(ii) In a manner designed to encourage participation in the Land Consolidation Program and at the Secretary's discretion, the Secretary may transfer not more than \$60,000,000 from the Trust Land Consolidation Fund to the Indian Education Scholarship Fund.

(c) (i) Upon the Settlement's final approval, as defined in the Settlement, there shall be established in the Treasury of the United States an account to be known as the "Indian Education Scholarship Holding Fund."

(ii) Notwithstanding other law governing competition, public notification, or federal procurement or assistance, amounts held in the Indian Education Scholarship Holding Fund shall be available without further appropriation to the Secretary to contribute to an Indian Education Scholarship Fund, as set forth in the Settlement, to provide scholarships for Native Americans.

(d) A Plaintiff whose whereabouts are unknown and who, after reasonable efforts by the Secretary, cannot be located within 5 years of the Settlement's final approval, as defined in the Settlement, shall be deemed to accept an offer made pursuant to this section.

#### SECTION 108. TAXATION AND OTHER BENEFITS

(a) For purposes of the Internal Revenue Code of 1986, amounts (whether as lump sums or as periodic payments) received by an individual Indian pursuant to the Settlement (a) shall not be included in gross income, and (b) shall not be taken into account for purposes of applying any provision of such Code which takes into account excludable income in computing adjusted gross income or modified adjusted gross income, including section 86 of such Code (relating to the taxation of Social Security benefits).

(b) Notwithstanding any other provision of law, amounts (whether as lump sums or as periodic payments) received by an individual Indian pursuant to the Settlement shall not be treated for any household member as income in the month received or as a resource for a period of one year from the date of receipt for purposes of determining initial eligibility, ongoing eligibility, or level of benefits in any Federal or Federally-assisted program.

EXHIBIT “B”

FORM OF AMENDED COMPLAINT

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL; PENNY  
CLEGHORN; THOMAS MAULSON; and  
JAMES LOUIS LAROSE, all on their own  
behalf and on behalf of all persons similarly  
situated,

Plaintiffs,

v.

KEN SALAZAR, Secretary of the Interior;  
LARRY ECHOHAWK, Assistant Secretary of  
the Interior – Indian Affairs; and  
H. TIMOTHY GEITHNER, Secretary of the  
Treasury,

Defendants.

Case No. 1:96 CV 01285 - JR

AMENDED COMPLAINT TO COMPEL THE UNITED STATES TO DISCHARGE  
TRUST DUTIES AND TO RECOVER RESTITUTION, DAMAGES, AND OTHER  
MONETARY RELIEF FOR DEFENDANTS' BREACHES OF TRUST

Pursuant to Rule 15 of the Federal Rules of Civil Procedure and with the consent of Defendants, the Plaintiffs amend their Complaint against the Defendants as follows:

GENERAL NATURE OF THE ACTION

1. This action is brought to redress gross breaches of trust by the United States, acting by and through the Defendants, with respect to the money, land and other natural resource assets of more than 450,000 individual Indians.

2. Involved in this action are accounts commonly referred to as Individual Indian Money ("IIM") accounts. As is more fully set forth herein below, IIM accounts include money, which is the property of individual Indians, held by the United States as trustee on their behalf. Such accounts at the time of filing this action reflected a balance of more than Four Hundred and Fifty Million Dollars (\$450,000,000.00), and more than Two Hundred and Fifty Million Dollars (\$250,000,000.00) passes through them each

year; the true totals would be far greater than those amounts, but for the breaches of trust herein complained of.

3. Involved as well are funds that were collected or should have been collected by the federal government as trustee for individual Indians (commonly referred to as individual Indian moneys (“IIM”)), and the resources, including land, held in trust for individual Indian trust beneficiaries. Defendants have mismanaged those funds, land, and resources in breach of their trust duties and, thereby, have prevented Plaintiffs from receiving income to which they are entitled.

4. Defendants, the officers charged with carrying out the trust obligations of the United States, and their predecessors, have grossly mismanaged, and continue grossly to mismanage, such trusts and trust assets in at least the following respects, among others:

(a) They have failed to keep adequate records and to install an adequate accounting system, including but not limited to their failure to install an adequate accounts receivable system;

(b) They have destroyed records bearing upon their breaches of trust;

(c) They have failed to account to the trust beneficiaries with respect to their money;

(d) They have lost, dissipated, or converted to the United States' own use the money of the trust beneficiaries; and

(e) They either have unlawfully obstructed the appointment of a qualified and competent Special Trustee or unlawfully have prevented the Special Trustee for American Indians, appointed pursuant to the American Indian Trust Fund Management Reform Act of 1994 (“the 1994 Act”), P.L. 103-412, 108 Stat. 4239, codified to 25 U.S.C. §§ 162a(d) and 4001-4061, from carrying out duties and responsibilities conferred upon him by law to correct their unlawful practices and procedures with respect to IIM accounts.

(f) They have mismanaged trust funds held or to be held for individual Indians in the following respects:

(1) They have failed to collect or credit funds owed under leases, sales, easements or other transactions, including without limitation, having failed to collect or credit all money due, to audit royalties and to collect interest on late payments;

- (2) They have failed to invest trust funds;
  - (3) They have underinvested trust funds;
  - (4) They imprudently have mismanaged and invested trust funds;
  - (5) They have made erroneous or improper distributions or disbursements of trust funds, including to the wrong person or account;
  - (6) They have charged excessive or improper administrative fees;
  - (7) They have misappropriated, or failed to take steps to prevent the misappropriation of, trust funds;
  - (8) They have withheld unlawfully the distribution and disbursement of trust funds;
  - (9) They have deposited trust funds above FDIC insurance coverage in accounts in failed depository institutions, resulting in lost principal and interest;
  - (10) They have failed to control, or investigate allegations of theft, embezzlement, misappropriation, fraud, trespass, and other misconduct regarding trust assets and have failed to make restitution or seek compensation for same;
  - (11) They have failed to pay or credit to IIM Accounts accrued interest, including interest on special deposit accounts;
  - (12) They have lost funds and investment securities as well as income or proceeds earned from such funds or securities;
  - (13) They have lost funds through accounting errors;
  - (14) They have failed to deposit or disburse funds in a timely fashion;
- and
- (15) They have engaged in conduct of like nature and kind arising out of Defendants' breaches of trust in connection with mismanagement of IIM Trust funds.

(g) They have mismanaged land and resources, including oil, natural gas, mineral, timber, grazing, and other resources and rights (the "resources"), on, and corresponding subsurface rights, in land held in trust for the benefit of Plaintiffs in the following respects:

- (1) They have failed to lease land, approve leases, or otherwise make trust lands or assets productive;

(2) They have failed to obtain fair market value for leases, easements, rights-or-way or sales;

(3) They have failed to prudently negotiate leases, easements, sales or other transactions;

(4) They have failed to impose and collect penalties for late payments;

(5) They have failed to include or enforce terms which require that land and other natural resources be conserved, maintained, or restored;

(6) They have permitted loss, dissipation, waste, or ruin, including failing to preserve trust land whether involving agriculture (including but not limited to failing to control agricultural pests), grazing, harvesting (including but not limited to permitting overly aggressive harvesting); timber lands (including but not limited to failing to plant and cull timber land for maximum yield), and oil, natural gas, mineral resources or other resources (including but not limited to failing to manage oil, natural gas, or mineral resources for maximum production);

(7) They have allowed the misappropriation of trust assets;

(8) They have failed to control, investigate allegations of, or obtain relief in equity and at law for, trespass, theft, misappropriation, fraud or misconduct regarding trust land;

(9) They have failed to correct boundary errors, survey or title record errors, and have failed to properly apportion and track allotments; and

(10) They have engaged in conduct of like nature and kind arising out of their breaches of trust in connection with mismanagement of trust lands.

5. By this action the more than 450,000 individual Indian trust beneficiaries seek, *inter alia*, the aid of this Court to compel Defendants to take action wrongfully withheld and otherwise comply with governing law, to review their acts with respect to the IIM accounts, to direct them to institute prudent trust practices, to direct them to restore trust funds, lands, and other resources wrongfully lost, dissipated, or converted, and to recover in restitution and through damages monies arising out of Defendants' breaches of trust, including their continuing mismanagement of trust assets.

6. This action is limited to IIM Trust funds and other assets held in trust by the Federal Government and its agents for the benefit of individual Indians.

7. Plaintiffs have no adequate administrative remedies. Plaintiffs repeatedly have requested Defendants to comply with their fiduciary obligations and redress the breaches of trust herein complained of, without success. Moreover, as is more fully set forth herein below, Plaintiffs supported the passage of legislation directed at redressing some of the wrongs herein complained of, and such legislation has been enacted by Congress; yet Defendants have refused to obey the mandate of Congress through their obstruction of the appointment of a qualified and competent Special Trustee, or by undermining efforts of two qualified and competent Special Trustees hereinafter described to bring Defendants activities into compliance with law. Plaintiffs have exhausted all avenues of redress other than this action. Only this Court may provide to Plaintiffs the relief to which they are entitled.

## II. THE PARTIES

### A. The Plaintiffs

8. Plaintiff Cobell is an enrolled member of the Blackfeet Indian Tribe and is the beneficiary of funds held in an IIM account or otherwise. She has experienced losses from the mismanagement of her trust funds and assets.

9. Plaintiff Cleghorn is an enrolled member of the Mescalero Apache Tribe and is a beneficiary of funds held in an IIM account or otherwise. She has experienced losses from the mismanagement of her trust funds and assets.

10. Plaintiff Maulson is an enrolled member of the Lac du Flambeau Chippewa Tribe (Wisconsin) and was in the past a beneficiary of funds held in an IIM account or otherwise. Defendants have no record of his IIM account as well as the funds held therein. He has experienced losses from the mismanagement of his trust funds and assets.

11. Plaintiff LaRose is an enrolled member of the Winnebago Tribe of Nebraska and is the beneficiary of funds held in an IIM account or otherwise. He has experienced losses from the mismanagement of his trust funds and assets.

12. All Plaintiffs bring this action on their own behalf and on behalf of all persons similarly situated, as is more fully set forth under "Class Action Allegations" herein below.

### B. The Defendants

13. Defendant Salazar is Secretary of the Interior and chief executive officer of the Department of the Interior (“Interior”), and as such is charged by law with carrying out the fiduciary duties and responsibilities of the United States as trustee-delegate for the named Plaintiffs and all other beneficiaries whose assets are held in IIM accounts or otherwise.

14. Defendant EchoHawk is Assistant Secretary of Interior -- Indian Affairs and head of the Bureau of Indian Affairs within Interior (hereinafter sometimes called "BIA" or "the Bureau"), and as such is the delegate of Defendant Salazar for carrying out certain of his responsibilities with respect to IIM accounts.

15. Defendant Geithner is Secretary of the Treasury, and as such is a trustee-delegate of the United States and custodian of the moneys held in IIM accounts and elsewhere at Treasury and by its agents, is responsible for maintaining certain records in connection therewith, and has certain investment responsibilities with respect thereto.

### III. JURISDICTION

16. This Court has jurisdiction over this action under 28 U.S.C. § 1331, in that it is an action arising under the Constitution and laws of the United States, and under 28 U.S.C. § 1361, in that it is an action in the nature of an action of mandamus to compel an officer or employee of the United States to perform fiduciary duties owed to Plaintiffs.

### IV. TRUST OBLIGATIONS OF THE UNITED STATES AND OF DEFENDANTS WITH RESPECT TO INDIVIDUAL INDIAN TRUST ACCOUNTS

17. The bulk of the funds held by the United States in trust for IIM trust beneficiaries is derived ultimately from income from individual land allotments that are controlled and held in trust by the government. Such allotments date from the era, lasting until 1934, when it was the policy of the United States to break up Indian tribes and tribal lands. In implementation of such policy, on many reservations the bulk of tribal land was divided into tracts normally of 80 or 160 acres (called “allotments”) and the tracts were patented to individual Indians, with legal title thereto held by the United States as trustee



for the allottee. In many instances, such tracts produce income from, e.g., the lease of tracts for grazing or farming purposes, the sale of timber from tracts, and the grant of oil, gas, or mineral mining rights. The income so derived forms the core of the IIM accounts here involved.

18. Further, moneys from one or more of the following additional sources may be contained in, or have passed through, IIM accounts:

(a) Funds originally held in trust for a tribe which were distributed per capita to tribe members;

(b) Per capita distributions of funds appropriated to meet judgments of the Indian Claims Commission and courts and in settlement of claims;

(c) Income from investment of funds;

(d) Money paid from tribal funds to equalize allotments;

(e) Proceeds of sales of allotments;

(f) Compensation for rights-of-way and easements;

(g) Rent for allotments of aged, infirm, or incompetent allottees;

(h) Proceeds of sales of allotments of incompetent Indians;

(i) Money due to incompetent or orphan Indians;

(j) Money accruing from the Department of Veterans Affairs government agencies to minors or incompetent adults;

(k) Apportionment or allotment of pro rata shares of tribal or trust funds; and

(l) Per capita annual payments to members of certain specified tribes.

19. As trustee of the funds held in such accounts, the United States owes, continuously since it first exercised pervasive control over individual Indian Trust lands at the inception of the IIM Trust, and has owed, certain fundamental fiduciary duties and responsibilities to the account holders as trust beneficiaries, including but not limited to the duty:

(a) To maintain adequate books and records with respect to such accounts; including, without limitation, records as to leases and other contractual arrangements giving rise to income from allotments, and as to investments of moneys, held in trust;

(b) To maintain adequate records as to the ownership of such accounts; including, without limitation, records as to the devolution of rights in and to such accounts, by assignment, bequest, devise, intestate succession, or otherwise;

(c) To maintain adequate systems and controls to guard against error and dishonesty, by, without limitation, maintaining an accurate accounts receivable system and separating the billing and collection functions;

(d) To invest such funds as permitted by law, and to deposit them in such federally insured depository institutions as are permitted by law; to exercise prudence in the selection of such investments and depository institutions as are authorized by law; and, within the constraints of law and prudence, to maximize the return on such investments and deposits;

(e) To account regularly and accurately to the beneficiaries, to give them upon request accurate information as to the state of their accounts, and to pay to them on demand such amounts as they may be entitled to; and

(f) To refrain from self-dealing and benefiting from the management of the trust funds.

20. The proper discharge by Defendants of the trust responsibilities of the United States with respect to IIM accounts was reconfirmed and restated, in part, by § 101 of the 1994 Act, 25 U.S.C. § 162a(d), as including, without limitation:

(a) Providing adequate systems for accounting for and reporting trust fund balances;

(b) Providing adequate controls over receipts and disbursements;

(c) Providing periodic, timely reconciliations to assure the accuracy of accounts;

(d) Determining adequate cash balances;

(e) Preparing and supplying account holders with periodic statements of their account performance and with balances of their account which shall be available on a daily basis;

(f) Establishing consistent, written policies and procedures for trust fund management and accounting; and

(g) Providing adequate staffing, supervision, and training for trust fund management and accounting.

V. TRUST OBLIGATIONS OF THE UNITED STATES AND OF DEFENDANTS WITH RESPECT TO INDIVIDUAL INDIAN TRUST FUNDS

21. With respect to IIM Trust lands controlled by the government or its agents, the United States, as trustee, and Defendants, as Trustee-Delegates, unconditionally are obligated to collect IIM Trust funds and manage such funds solely for the benefit of the individual Indian beneficiaries. Such trust obligations include:

(a) Collecting IIM Trust funds pursuant to a lease, easement, right-of-way, royalty contract, bonus agreement, and similar contracts and encumbrances relating to the use or sale of individual Indian trust lands and subsurface rights;

(b) Prudently managing and investing IIM Trust funds;

(c) Distributing and disbursing IIM Trust funds in a timely manner to each beneficiary and crediting such funds to the correct IIM account in the correct amount;

(d) Charging reasonable and only statutorily authorized administrative fees;

(f) Preventing and mitigating misappropriation, unlawful conversion, loss, fraud, waste, abuse, and theft and taking action to remedy such theft, embezzlement, misappropriation, fraud, trespass, and other misconduct;

(g) Enforcing leases, royalty contracts, bonus agreements, rights-of-way, easements and similar contracts and encumbrances; and seeking recoveries for theft, embezzlement, misappropriation, fraud, trespass, and other misconduct;

(h) Timely crediting and paying over to beneficiaries all interest accruing on IIM Trust funds held by the government and its agents;

(i) Safeguarding investment securities and the income earned therefrom; and

(j) Establishing and implementing prudent accounting procedures to prevent loss and theft.

VI. TRUST OBLIGATIONS OF THE UNITED STATES AND OF DEFENDANTS WITH RESPECT TO TRUST LAND AND NATURAL RESOURCES

22. With respect to Trust lands controlled by the government and its agents, the United States, as trustee, and Defendants, as Trustee-Delegates, are obligated as fiduciaries to manage land and resources, including oil, natural gas, mineral, timber, grazing and other resources and subsurface rights solely for the benefit of individual Indians. Such trust obligations include:

(a) Leasing trust land and otherwise prudently contracting for the use of trust lands and the sale of subsurface rights and natural resources;

(b) Ensuring fair market value for leases, royalty agreements, easements, rights-of-way, other encumbrances, and sales;

(c) Imposing and collecting penalties for late payments pursuant to lease, royalty agreement, or encumbrance;.

(d) Preventing loss, dissipation, waste, or ruin of trust land, subsurface rights, and other natural resources;

(e) Preventing misappropriation;

(f) Ejecting trespassers and preventing and mitigating losses from trespass, theft, misappropriation, fraud or other misconduct;

(g) Correcting boundary, survey, and title record errors; and

(h) Properly apportioning and prudently tracking allotments.

VII. BREACHES OF TRUST BY THE UNITED STATES AND OF DEFENDANTS WITH RESPECT TO IIM TRUST ACCOUNTS.

23. Through September 30, 2009, the United States, acting through the Defendants, consistently and egregiously has failed to comply with these and other responsibilities of a trustee and continues to do so. Such breaches of trust include, without limitation:

(a) Failure ever to reconcile IIM Accounts and audit the IIM Trust, so that Defendants are unable to provide accurate account balances or to determine how much money that should have been collected and credited to IIM Accounts was not collected or was diverted to improper ends;

(b) The loss, destruction, and corruption of records from which amounts that should have been credited to IIM accounts could be determined;

(c) Failure to establish an accounts receivable system, so that Defendants have no way of confirming that the income due from the trust assets, and other funds that should have been credited to IIM accounts, has in fact been collected;

(d) Failure to separate billing and collection functions or to install other systems necessary to guard against diversion of beneficiaries' funds;

(e) Failure to maintain accurate ownership records, so that Defendants have no way of determining to whom the income that has been collected belongs;

(f) Failure to provide regular accurate reports to beneficiaries to tell them the correct amounts and sources of their income;

(g) Failure to exercise prudence and observe the requirements of law with respect to investment and deposit of IIM Trust funds, and to maximize the return on investments within the constraints of law and prudence; and

(h) Engaging in self-dealing and benefiting to the detriment of beneficiaries from the mismanagement of the trust funds.

24. The consequences of these and other acts of mismanagement in breach of trust include, but are not limited to, the following:

(a) As of the close of fiscal 1995, there were more than 387,000 IIM accounts, among which there were at least 15,599 duplicate accounts with the same number;

(b) There were many duplicate accounts with the same name;

(c) Twelve separate databases of accounts were maintained and there was no common database;

(d) In 1996, at the time of the Complaint's filing, there were more than 54,000 accounts containing over \$46,000,000, for individuals with no address or no correct address;

(e) In 1996, out of more than 48,000 accounts containing more than \$159,000,000 supposedly held in trust for minors until they reach the age of 18, over 15,000 accounts, containing more than \$24,000,000, were held for persons who in fact were over 18;

(f) In 1996, more than \$122,000,000 was held in nearly 22,000 accounts which were supposedly temporary repositories pending determination of ownership of the

funds; more than 4000 of these accounts, containing over \$3,000,000, had no activity for 18 months;

(g) In 1996, there were more than 21,000 accounts with more than \$36,000,000 for persons who had died; at least 2,400 of these were for closed estates, yet more than \$600,000 due to heirs under such estates had still not been distributed; and

(h) In 1996, there were more than 280 overdraft accounts totaling over \$325,000.

25. Plaintiffs have reason to believe that the present situation is significantly worse. Moreover, the foregoing list includes only some examples already admitted by Defendants. On information and belief, there are many other consequences of Defendants' mismanagement in breach of trust which are presently unknown to Plaintiffs and which can only be brought to light and corrected with the aid of this Court.

26. The representative Plaintiffs, and all other members of the class, thus do not know, and have no way of ascertaining, and unless this Court grants the relief here sought will in the future have no way of knowing or ascertaining, the true state of their accounts; what amounts should have been credited to their accounts and should be so credited in the future; what amounts should have been paid to them and should be paid in the future; or how much of their money has been or will be diverted or converted to other uses.

#### VIII. BREACHES OF TRUST BY THE UNITED STATES AND DEFENDANTS WITH RESPECT TO MISMANAGEMENT OF IIM TRUST FUNDS

27. Through September 30, 2009, the United States, through Defendants, consistently and egregiously has failed to discharge prudently its fiduciary duties as trustee in its management of IIM Trust funds ("Funds Administration Claims"). Such breaches of trust consist of:

(a) The failure to collect or credit funds owed under leases, sales, easements or other transactions, including without limitation, the failure to collect or credit all money due, the failure to audit royalty payments, and failure to collect interest on late payments;

- (b) The failure to invest IIM Trust funds, timely and otherwise; ;
- (c) Under investment;
- (d) Imprudent management and investment;
- (e) Erroneous and otherwise improper distributions or disbursements and deposits; including to the wrong beneficiary and into the wrong account;
- (f) Excessive or improper administrative fees;
- (g) Misappropriation;
- (h) The loss of principal deposited and interest accrued on funds held in failed depository institutions;
- (i) The failure to investigate and prosecute allegations of theft, embezzlement, misappropriation, fraud, trespass or other misconduct as well as the failure to mitigate and obtain compensation or other relief therefore;
- (j) The failure to pay or credit accrued interest, including interest accruing on funds held in special deposit accounts and IIM accounts;
- (k) The loss of funds and securities purchased with such funds, by accounting error or otherwise as well as income related thereto;
- (o) The failure to deposit and disburse funds in a timely manner; and
- (m) Conduct of like nature and kind arising out of Defendants' breach of trust and mismanagement of IIM trust funds.

IX. BREACHES OF TRUST BY DEFENDANTS WITH RESPECT TO MANAGEMENT OF TRUST LAND AND OTHER NATURAL RESOURCES

28. Through September 30, 2009, the United States, through Defendants, consistently and egregiously has failed to discharge prudently its fiduciary duties as trustee in its management and administration of Individual Indian Trust land and other

natural resources (“Land Administration Claims”). Such breaches of trust by Defendants consist of:

(a) The failure to lease trust land and otherwise prudently contract for the use of trust lands and sale of subsurface rights and other natural resources;

(b) The failure to obtain fair market value in its lease or sale of IIM Trust lands, subsurface rights, and other natural resources;

(c) The failure to negotiate prudently leases, royalty and bonus agreements, easements, rights-of-way, similar encumbrances and sales contracts;

(d) The failure to impose, enforce, and collect penalties for late payments pursuant to the terms of leases, royalty agreements, other contracts, and encumbrances;

(e) The failure to include in, or enforce the terms of, leases and other contracts that require conservation, maintenance, and restoration;

(f) The failure to prevent loss, dissipation, waste, or ruin of trust land, subsurface rights, and other natural resources, specifically including the failure to preserve trust land, whether involving agriculture (including but not limited to failing to control agricultural pests), grazing, harvesting (including but not limited to permitting overly aggressive harvesting); timber lands (including but not limited to failing to plant and cull timber land for maximum yield), and oil, natural gas, mineral resources or other resources (including but not limited to failing to manage oil, natural gas, or mineral resources for maximum production);

(g) The failure to prevent and mitigate loss, waste, ruin, and misappropriation, whether through ejection of trespassers or otherwise to prevent and mitigate such losses from trespass, theft, misappropriation, fraud or other misconduct;

(h) The failure to correct boundary errors, survey and title record errors, and properly to apportion and track allotments; and

(i) Conduct of like nature and kind arising out of Defendants’ breach of trust and mismanagement of IIM trust lands, subsurface rights, and other natural resources.



X.. DEFENDANTS’ UNDERMINING OF CONGRESSIONALLY MANAGED ACTION TO CORRECT CERTAIN ELEMENTS OF THEIR BREACHES OF TRUST

A. The American Indian Trust Fund Management Reform Act of 1994

29. Congress has recognized the gross breaches of trust here complained of, as have the General Accounting Office and the Office of Management and Budget (“OMB”). The OMB has consistently placed the financial management of Indian trust funds as a “high risk liability” to the United States. In 1992 the House Committee on Government Operations, after several years of investigation and Congressional hearings, issued a report entitled “Misplaced Trust: The Bureau of Indian Affairs’ Mismanagement of the Indian Trust Fund.” Ultimately, in 1994 Congress enacted the 1994 Act for the benefit of Plaintiffs and all other beneficiaries of IIM accounts (as well as the beneficiaries of tribal trust funds).

30. The 1994 Act created the office of Special Trustee for American Indians as a sub-cabinet level officer (Executive Level II or higher pay scale) appointed by the President by and with the advice and consent of the Senate, reporting directly to the Secretary of the Interior. 25 U.S.C. § 4042. Congress’s stated purposes in creating that office were, *inter alia*, “to provide for more effective management of, and accountability for the proper discharge of, the Secretary’s trust responsibilities to . . . individual Indians,” “to ensure that reform of such practices in the [Interior] Department is carried out in a unified manner,” and “to ensure the implementation of all reforms necessary for the proper discharge of the Secretary’s trust responsibilities to . . . individual Indians.” 25 U.S.C. § 4041.

The statutory responsibilities of the Special Trustee include, *inter alia*:

(a) To prepare "a comprehensive strategic plan for all phases of the trust management business cycle that will ensure proper and efficient discharge of the Secretary's trust responsibilities to . . . individual Indians," including "identification of all reforms to the policies, procedures, practices and systems . . . of the Bureau" and other relevant Interior Department elements "necessary to ensure the proper and efficient discharge of the Secretary's trust responsibilities. . ." 25 U.S.C. §§ 4043(a)(1) and (2) (A);

(b) To "oversee all reform efforts within the Bureau" and other relevant Interior Department elements "to ensure the establishment of policies, procedures, systems and practices to allow the Secretary to discharge his trust responsibilities . . ." 25 U.S.C. § 4043(b)(1);

(c) To "monitor the reconciliation of . . . Individual Indian Money trust accounts to ensure that the Bureau provides the account holders with a fair and accurate accounting of all trust accounts," 25 U.S.C. § 4043(b)(2)(A);

(d) To "ensure that the Bureau establishes appropriate policies and procedures, and develops necessary systems, that will allow it . . . properly to account for and invest, as well as maximize," subject to requirements of law, "the return on the investment of all trust fund monies," and "to prepare accurate and timely reports to account holders . . . on a periodic basis regarding all collections, disbursements, investments, and return on investments related to their accounts," 25 U.S.C. § 4043(b)(2) (B); and

(e) To ensure that "the policies, procedures, practices, and systems of the Bureau" and other relevant elements "related to the discharge of the Secretary's trust responsibilities are coordinated, consistent, and integrated, and that the [Interior] Department prepares comprehensive and coordinated written policies and procedures. ," 25 U.S.C. § 4043(c)(1); "that the Bureau imposes standardized trust fund accounting procedures throughout the Bureau . . .," 25 U.S.C. § 4043(c)(2); "that the trust fund investment, general ledger, and subsidiary accounting systems of the Bureau are integrated and that they are adequate to support the trust fund investment needs of the Bureau," 25 U.S.C. § 4043(c)(3); that records, asset management, and accounting systems of the Bureau and other relevant elements of the Interior Department interface

appropriately, and that "the Bureau of Land management and the Bureau provide Indian landholders with accurate and timely reports on a periodic basis that cover all transactions related to leases of Indian resources," 25 U.S.C. § 4043(c)(4).

31. The powers conferred on the Special Trustee by the 1994 Act to enable him to carry out his responsibilities include development of an annual consolidated trust management program budget proposal "that would enable the Secretary to efficiently and effectively discharge his trust responsibilities and to implement the comprehensive strategic plan." 25 U.S.C. § 4043(c)(5)(A). The Special Trustee has broad powers with respect to such budget, and funds appropriated for trust management which are included in the Trust Management Program Budget may not be reprogrammed without his consent. 25 U.S.C. § 4043(c)(5).

32. Moreover, the 1994 Act confers on the Special Trustee "access to all records, reports, audits, reviews, documents, papers, recommendations, files and other material, as well as to any officer and employee, of the [Interior] Department and any office or bureau thereof," as he "deems necessary for the performance of his duties." 25 U.S.C. § 4043(e).

33. The 1994 Act also provides for a nine-member Advisory Board to the Special Trustee, including five trust fund account holders (including IIM account holders); two members with practical experience in trust fund and financial management; one member with practical experience in fiduciary investment management; and one member from academia with knowledge of general management of large organizations. 25 U.S.C. § 4046.

34. The 1994 Act requires that the Special Trustee be appointed by the President, with Senate confirmation, "from among individuals who possess demonstrated ability in general management of large governmental or business entities and particular knowledge of trust fund management, management of financial institutions, and the investment of large sums of money." 25 U.S.C. § 4042(b)(1). Such a person was in fact found and appointed, in the person of Paul Homan, a major figure in banking and trust and fiduciary management, with extensive experience in large-scale turnarounds of troubled banking operations, who has served in such posts as chief executive officer of Riggs National Bank, executive vice-president of Continental Illinois Trust Company,

Senior Deputy Controller of Controller of the Currency. He in turn appointed a qualified Advisory Board, of which Plaintiff Cobell had been elected Chair.

B. Defendants' Undermining of the Special Trustee's Implementation of the American Indian Trust Fund Management Reform Act of 1994

35. The then Secretary of Interior, Bruce Babbitt, and Assistant Secretary of Interior Indian Affairs, Ada Deer, vigorously opposed the adoption of the 1994 Act, which created the office of Special Trustee and established his authority and responsibilities. Since its enactment, among other things, by a unanimous vote in the House of Representatives, and since the first Special Trustee took office in 1995, such Defendants, individually and in combination and conspiracy with employees of the Department of the Interior, have willfully and purposefully obstructed and harassed efforts of the Special trustee to carry out his mandate under the 1994 Act. Plaintiffs are not presently aware of all the forms, subtle as well as overt, which such obstruction and harassment has taken, but are aware of at least the following forms:

(a) At the close of Fiscal Year 1995, they had \$24,000,000 in uncommitted appropriated funds which could have been reprogrammed with the approval of congressional committees and applied to the work of the Special Trustee; rather than apply such funds, they returned them to the Treasury;

(b) They refused to request adequate funds for Fiscal Year 1996 for the work of the Special Trustee mandated by the 1994 Act;

(c) They prevented the Special Trustee from preparing the strategic plan mandated explicitly by the 1994 Act;

(d) They refused to permit the Special Trustee to conduct the technology and use survey necessary to carry out his duties mandated by the 1994 Act;

(e) They prevented the Advisory Board from meeting to conduct its functions mandated by the 1994 Act; and

(f) They refused to permit the Special Trustee to employ adequate staff and expert consultants necessary to carry out his duties mandated by the 1994 Act.

C. Defendants have obstructed the appointment of a qualified and competent Special Trustee and the position has been vacant for more than one year

- (a) Since this administration took office, the Interior Defendants in breach of trust duties owed by the United States have obstructed or discouraged the appointment of candidates who meet the qualifications set forth in 1994 Act in order to conceal the nature and scope of continuing breaches of trust and serious problems in trust reform, notwithstanding that \$5 billion has been spent on trust reform as a result of this litigation.

XI. CLASS ACTION ALLEGATIONS

36. This action is brought on behalf of two classes of individual Indians:

(a) The Historical Accounting Class. The “Historical Accounting Class” consists of those individual Indian beneficiaries (exclusive of those who prior to the filing of the Complaint on June 10, 1996 had filed actions on their own behalf stating a claim for historical accounting) alive on September 30, 2009 and who had an IIM account open during any period between October 25, 1994 and September 30, 2009, which IIM account had at least once cash transaction credited to it at any time as long as such credits were not later reversed. Beneficiaries deceased as of September 30, 2009 are included in the Historical Accounting Class only if they had an IIM account that was open as of September 30, 2009. The estate of any beneficiary in the Historical Accounting Class who dies after September 30, 2009, but before distribution is included in the Historical Accounting Class.

(b) Trust Administration Class. The “Trust Administration Class” consists of those individual Indian beneficiaries (exclusive of persons who filed actions on their own behalf, or a group of individuals who were certified as a class in a class action, stating a Funds Administration Claim or a Land Administration Claim prior to the filing of the Amended Complaint) alive as of September 30, 2009 and who have or had IIM accounts in the “Electronic Ledger Era” (currently available electronic data in systems of the Department of the Interior dating from approximately 1985 to the present), as well as individual Indian beneficiaries who, as of September 30, 2009, had a recorded or other demonstrable beneficial ownership interest in land held in trust or restricted status, regardless of the existence of an IIM account and regardless of the proceeds, if

any, generated from the trust land. The Trust Administration Class does not include beneficiaries deceased as of September 30, 2009, but does include the estate of any deceased beneficiary whose IIM trust accounts or IIM trust interest had been open in probate as of September 30, 2009. The estate of any beneficiary in the Trust Administration Class who dies after September 30, 2009 but before distribution is included in the Trust Administration Class.

37. Numerosity. Each class is in excess of 300,000 individual Indians.

38. Common questions. Questions of law and fact common to each class include, but are not limited to: the legal standards governing the trust obligations of the United States with respect to the funds in IIM accounts; management of IIM and management of trust land and resources; what accounting, recordkeeping, reporting, and other practices are, have been, and will for the future be, necessary to achieve compliance with such standards; the extent to which, if at all, the Defendants have complied with such standards and have implemented or failed to implement such practices; the measures necessary to be taken in order to correct past breaches of trust and bring the activities of Defendants into compliance with the law for the future; and the nature, extent, and lawfulness of the Defendants' interference with the exercise of the statutory responsibilities of the Special Trustee. The commonality of these questions to all members of the class is reinforced by the fact that IIM moneys are pooled for investment purposes.

39. Typicality. The claims of the representative Plaintiffs and all other members of the classes arise from the same practices and course of conduct of the Defendants and are based on the same legal theory.

40. Legislative Authorization and Confirmation. On [January \_\_, 2010], legislation was enacted and signed into law that expressly authorizes and confirms the jurisdiction of the United State District Court to resolve the claims set forth in this Complaint for the Classes stated herein.

41. Fair and adequate representation.

(a) All named Plaintiffs are or have been beneficiaries of the trust obligations herein involved, are or have been owners of IIM accounts, and like all owners of IIM accounts are unable to know whether their account balances are what they should have

been in the absence of the breaches of trust herein complained of. Additionally, each has experienced the mismanagement of their IIM moneys, trust lands and resources and the impact of the breaches of trust set forth above.

(b) Plaintiff Elouise Cobell, the lead representative Plaintiff, is a recognized leader in Indian affairs with substantial experience both in financial management and in Indian matters generally, and is project director of the Individual Indian Moneys Trust Correction, Recovery, and Capacity-Building Project of Blackfeet Reservation Development Fund, Inc., a project that is directly supportive of the present effort and is further devoted to development and improvement of Indian capacity to manage funds and achieve self-sufficiency. Ms. Cobell is a recipient of the 1997 “Genius Grant” from the John D. and Catherine T. MacArthur Foundation’s Fellowship Program. In 2005, she received a “Cultural Freedom Fellowship” from the Lannan Foundation, an award that cited her persistence in bringing to light the government’s “more than a century of government malfeasance and dishonesty.” In 2007, she was one of ten people given the AARP Impact Award (for making the world a better place). She is a graduate of Great Falls Business College and attended Montana State University. She has two honorary doctorates, one from Montana State University, Bozeman, Montana, and another from Rollins College, Winter Park, Florida. Her professional background is in accounting. She was one of the lead organizers of Native American Bank, N.A., the only national bank located on a reservation that is owned by Indian tribes. She serves as Chair of the Board of Directors of the bank and is active in its management, and with her husband she manages a ranch producing cattle, wheat, and barley. She served for 13 years as Treasurer of the Blackfeet Indian Tribe, and has served as Controller of the tribe. She has held various positions with the Native American Finance Officer Association. She has served as Chair of the Intertribal Monitoring Association on Indian Trust Funds. She is a member of the board of the Montana Community Foundation; is a member of the executive board of Women and Foundation/Corporate Philanthropy; and is Chair of the National Rural Development and Finance Corporation. She served the first Chair of the Special Trustee Advisory Board, appointed under the 1994 Act, 25 U.S.C. § 4046.

(c) Plaintiff Penny Cleghorn is a beneficiary of an IIM account, the owner of interest in lands held in trust by the United States and is an enrolled member of the

Mescalero Apache Tribe. She resides in Apache, Oklahoma. Ms. Cleghorn has been in the field of Indian Education since 1991 and currently serves as an Assistant to the Principal at the Riverside Indian School located in Anadarko, Oklahoma. Ms Cleghorn is a graduate of Cameron University in Lawton, Oklahoma, where she earned a degree in Business Administration, with a minor in Art, in 1986.

(d) Plaintiff Thomas Maulson is an enrolled member of the Lac du Flambeau Chippewa Tribe (Wisconsin), of which he has served as tribal chairman since October 1992. He is a recognized leader in Indian affairs. He also currently is the president of the Great Lakes Inter-Tribal Council, an association of the Indian tribal governments in Wisconsin. He has been the national spokesman for the Great Lakes Indian Fish and Wildlife Commission, and was elected by nine Indian tribes to serve as chairman of the Voight Task Force, organized to protect Indian hunting, fishing and gathering rights in a three-state area. From 1960 to 1963 he served in the United States armed forces. After receiving an honorable discharge, he returned to the Lac du Flambeau Reservation and worked as a tribal police officer and later as a tribal fish and game warden. Since then he has been self-employed, operating several successful businesses. From 1983 to 1989 he served two terms as his Tribe's first tribal judge, having attended the National Judicial College at the University of Nevada, Reno. In addition to his extensive tribal government experience, he has served in several state government positions, including his 1992 election as Vilas County supervisor, State Tourism Committee, and Vilas County Mining and Solid Waste Committee.

(e) Plaintiff James Louis LaRose is an enrolled member of the Winnebago Tribe of Nebraska, of which he has served as tribal councilman and tribal chairman during various periods beginning in 1971. He is a recognized leader in Indian affairs. He is a past board member and chairman of the Nebraska Indian Inter-Tribal Development Corporation, a statewide consortium of Nebraska Indian tribes dedicated to facilitating individual and tribal economic self-sufficiency. He is also the former chairman of the Nebraska Indian Commission, and since 1971 has served as a board member of Americans for Indian Opportunity. In the 1970s he led the organizational effort which culminated in the establishment of Nebraska Indian Community College, of which he served as chief administrator in the formative years. He is a past vice-chairman of the



American Indian Higher Education Consortium, the national association of the twenty-eight tribal colleges in the United States. Since 1992, he has served as the intergovernmental liaison specialist of the Winnebago Tribe of Nebraska, and concurrently is the director of the Winnebago Bison Project, a tribal program to foster and restore a sustainable buffalo herd on the Winnebago Reservation. He holds A.A. and B.S. degrees in education.

(f) Class Counsel are experienced in the substantive and procedural law involved in the case. They include Dennis M. Gingold, lead counsel, an experienced banking lawyer; Thaddeus Holt, an experienced big-case and class-action litigator; William Dorris, David Smith, Keith Harper, Adam Charnes, and Elliott Levitas, , each Partners or Counsel at Kilpatrick Stockton LLP with extensive litigation experience; and Justin Guildler, an associate in the Washington office of Kilpatrick Stockton LLP.

(g) In addition, the services of Geoffrey Rempel, a certified public accountant who had been associated with the accounting firm of Price Waterhouse LLP, has been retained full time in this litigation. Mr. Rempel has extensive experience in evidence analysis and expert testimony in banking and fiduciary matters, with expertise in such fields as banking and fiduciary activities; data gathering and evaluation; internal controls, accounting practices, systems, and standards in government; information systems (particularly government), financial systems, and distributed systems; and modeling and statistical analysis.

42. Risk of inconsistent or varying adjudication. Substantially all IIM accounts are held for the beneficiaries by the Defendants on essentially the same basis and subject to the same obligations and responsibilities of the United States and the Defendants. Moreover, the funds in such accounts are held by Defendants, and invested, in a common pool. Defendants' inadequate recordkeeping and other incompetent systems management affect all IIM account holders alike. The duties and obligations of the Defendants need to be ascertained, and adequate systems and controls need to be installed, with respect to all beneficiaries alike, and inconsistent determinations by different courts at the suit of different Plaintiffs with respect to such systems and controls would establish incompatible standards of conduct for the Defendants.

Moreover, Plaintiffs' beneficial land ownership interests generally are fractionated and undivided and suffer from the same mismanagement and breaches of trust, including without limitation inadequate recordkeeping, accounting and management systems, and trust management staff. Further, Defendants' fiduciary duties and trust obligations apply to all beneficiaries alike and are governed by the same composite statutory trust instrument, *e.g.*, relevant legislative enactments that set forth explicit embedded trust duties of the United States. Accordingly, no beneficiary can obtain full restitution or be made whole unless the rights of each member of the class are vindicated. Finally, inconsistent determinations by different courts at the suit of different Plaintiffs with respect to such systems and controls would establish incompatible standards of conduct for the Defendants.

#### COUNT ONE

43. Plaintiffs reallege the allegations of ¶¶ 1-42 above.

44. The acts of Defendants herein alleged constitute final agency action and the unlawful withholding of action. Plaintiffs and each of them have suffered legal wrong and are aggrieved and adversely affected thereby. Plaintiffs are entitled to review thereof under 5 U.S.C. § 702.

45. Defendants have breached their trust responsibilities by failing to provide an accounting to beneficiaries of IIM Trust funds.

46. Plaintiffs are entitled to relief ordering that Defendants provide a complete and accurate accounting of all IIM Trust assets from the inception of the trust to the present.

#### COUNT II

47. Plaintiffs reallege the allegations of ¶¶ 1-46 above.

48. Defendants have breached their trust duties in the management of IIM Trust funds.

49. By reason of that breach, Plaintiffs are entitled to restitution, damages, and other appropriate legal and equitable relief.

#### COUNT III

50. Plaintiffs reallege the allegations of ¶¶ 1-49 above.

51. Defendants have breached their trust responsibilities in the management of individual Indian Trust lands subsurface rights and other natural resources.

52. By reason of that breach, Plaintiffs are entitled to restitution, damages and other appropriate legal and equitable relief.

WHEREFORE, Plaintiffs respectfully pray the Court as follows:

1. For an order certifying the named Plaintiffs under Rule 23(b)(1)(A) and (b)(2) of the Federal Rules of Civil Procedure as representatives of the Historical Accounting Class.

2. For an order certifying the named Plaintiffs under Rule 23(b)(1)(A) and (b)(3) of the Federal Rules of Civil Procedure as representatives of the Trust Administration Class.

3. For a decree construing the trust obligation of Defendants to members of the class, declaring that Defendants have breached, and are in continuing breach, of their trust obligations to class members, and directing the institution of accounting and other practices in conformity with such obligations.

4. For a decree ordering a complete and accurate historical accounting and directing the Defendants to make whole, correct, and restate the IIM accounts of class members.

5. For an award of restitution, damages and other legal and equitable relief arising out of Defendants' breach of their trust responsibilities in the management of IIM, Trust land, subsurface rights, and other natural resources.

6. For an award of Plaintiffs' costs of suit including, without limitation, attorneys' fees and other costs and expenses incurred, including costs associated with expert assistance, as well as appropriate incentive awards for the named plaintiffs.

7. And for such other, further, or different relief as plaintiffs may be entitled to in the premises.

Respectfully submitted,

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I, Geoffrey Rempel hereby certifies that on the \_\_\_ day of January 2010, a copy of this AMENDED COMPLAINT TO COMPEL THE UNITED STATES TO DISCHARGE TRUST DUTIES AND TO RECOVER RESTITUTION, DAMAGES, AND OTHER MONETARY RELIEF FOR DEFENDANTS' BREACHES OF TRUST in the above-captioned case was served on the following via facsimile, pursuant to agreement, to:

Thomas Perrilli  
Associate Attorney General  
Michael F. Hertz  
Deputy Assistant Attorney General  
J. Christopher Kohn  
Robert E. Kirschman, Jr.

Attorneys  
Commercial Litigation Branch  
Civil Division  
P.O. Box 875  
Ben Franklin Station  
Washington, D.C. 20044-0875

Attorneys for Defendants

Earl Old Person (Pro se) (served via facsimile)  
Blackfeet Tribe  
P.O. Box 850  
Browning, MT 59417  
Facsimile: (406) 338-7530

I further certify that all parties required to be served have been served.

---

Geoffrey Rempel

PUBLIC LAW 111-291—DEC. 8, 2010

CLAIMS RESOLUTION ACT OF 2010

Public Law 111–291  
111th Congress

An Act

Dec 8, 2010  
[H R 4783]

Claims  
Resolution Act  
of 2010  
42 USC 1305  
note

This Act may be cited as “The Claims Resettlement Act of 2010.”.

*Be it enacted by the Senate and House of Representatives of  
the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the “Claims Resolution Act of 2010”.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I INDIVIDUAL INDIAN MONEY ACCOUNT LITIGATION SETTLEMENT**

Sec. 101. Individual Indian Money Account Litigation Settlement.

**TITLE II FINAL SETTLEMENT OF CLAIMS FROM IN RE BLACK FARMERS  
DISCRIMINATION LITIGATION**

Sec. 201. Appropriation of funds for final settlement of claims from In re Black Farmers Discrimination Litigation.

**TITLE III WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS  
QUANTIFICATION**

Sec. 301. Short title.

Sec. 302. Purposes.

Sec. 303. Definitions.

Sec. 304. Approval of Agreement.

Sec. 305. Water rights.

Sec. 306. Contract.

Sec. 307. Authorization of WMAT rural water system.

Sec. 308. Satisfaction of claims.

Sec. 309. Waivers and releases of claims.

Sec. 310. White Mountain Apache Tribe Water Rights Settlement Subaccount.

Sec. 311. Miscellaneous provisions.

Sec. 312. Funding.

Sec. 313. Antideficiency.

Sec. 314. Compliance with environmental laws.

**TITLE IV CROW TRIBE WATER RIGHTS SETTLEMENT**

Sec. 401. Short title.

Sec. 402. Purposes.

Sec. 403. Definitions.

Sec. 404. Ratification of Compact.

Sec. 405. Rehabilitation and improvement of Crow Irrigation Project.

Sec. 406. Design and construction of MR&I System.

Sec. 407. Tribal water rights.

Sec. 408. Storage allocation from Bighorn Lake.

Sec. 409. Satisfaction of claims.

Sec. 410. Waivers and releases of claims.

Sec. 411. Crow Settlement Fund.

Sec. 412. Yellowtail Dam, Montana.

Sec. 413. Miscellaneous provisions.

- Sec. 414. Funding.
- Sec. 415. Repeal on failure to meet enforceability date.
- Sec. 416. Antideficiency.

## TITLE V TAOS PUEBLO INDIAN WATER RIGHTS

- Sec. 501. Short title.
- Sec. 502. Purposes.
- Sec. 503. Definitions.
- Sec. 504. Pueblo rights.
- Sec. 505. Taos Pueblo Water Development Fund.
- Sec. 506. Marketing.
- Sec. 507. Mutual Benefit Projects.
- Sec. 508. San Juan Chama Project contracts.
- Sec. 509. Authorizations, ratifications, confirmations, and conditions precedent.
- Sec. 510. Waivers and releases of claims.
- Sec. 511. Interpretation and enforcement.
- Sec. 512. Disclaimer.
- Sec. 513. Antideficiency.

## TITLE VI AAMODT LITIGATION SETTLEMENT

- Sec. 601. Short title.
- Sec. 602. Definitions.

## Subtitle A Pojoaque Basin Regional Water System

- Sec. 611. Authorization of Regional Water System.
- Sec. 612. Operating Agreement.
- Sec. 613. Acquisition of Pueblo water supply for Regional Water System.
- Sec. 614. Delivery and allocation of Regional Water System capacity and water.
- Sec. 615. Aamodt Settlement Pueblos' Fund.
- Sec. 616. Environmental compliance.
- Sec. 617. Funding.

## Subtitle B Pojoaque Basin Indian Water Rights Settlement

- Sec. 621. Settlement Agreement and contract approval.
- Sec. 622. Environmental compliance.
- Sec. 623. Conditions precedent and enforcement date.
- Sec. 624. Waivers and releases of claims.
- Sec. 625. Effect.
- Sec. 626. Antideficiency.

## TITLE VII RECLAMATION WATER SETTLEMENTS FUND

- Sec. 701. Mandatory appropriation.

## TITLE VIII GENERAL PROVISIONS

## Subtitle A Unemployment Compensation Program Integrity

- Sec. 801. Collection of past due, legally enforceable State debts.
- Sec. 802. Reporting of first day of earnings to directory of new hires.

## Subtitle B TANF

- Sec. 811. Extension of the Temporary Assistance for Needy Families program.
- Sec. 812. Modifications to TANF data reporting.

## Subtitle C Customs User Fees; Continued Dumping and Subsidy Offset

- Sec. 821. Customs user fees.
- Sec. 822. Limitation on distributions relating to repeal of continued dumping and subsidy offset.

## Subtitle D Emergency Fund for Indian Safety and Health

- Sec. 831. Emergency Fund for Indian Safety and Health.

## Subtitle E Rescission of Funds From WIC Program

- Sec. 841. Rescission of funds from WIC program.

## Subtitle F Budgetary Effects

- Sec. 851. Budgetary effects.



## TITLE I—INDIVIDUAL INDIAN MONEY ACCOUNT LITIGATION SETTLEMENT

### SEC. 101. INDIVIDUAL INDIAN MONEY ACCOUNT LITIGATION SETTLEMENT.

(a) DEFINITIONS.—In this section:

(1) AGREEMENT ON ATTORNEYS' FEES, EXPENSES, AND COSTS.—The term “Agreement on Attorneys' Fees, Expenses, and Costs” means the agreement dated December 7, 2009, between Class Counsel (as defined in the Settlement) and the Defendants (as defined in the Settlement) relating to attorneys' fees, expenses, and costs incurred by Class Counsel in connection with the Litigation and implementation of the Settlement, as modified by the parties to the Litigation.

(2) AMENDED COMPLAINT.—The term “Amended Complaint” means the Amended Complaint attached to the Settlement.

(3) FINAL APPROVAL.—The term “final approval” has the meaning given the term in the Settlement.

(4) LAND CONSOLIDATION PROGRAM.—The term “Land Consolidation Program” means a program conducted in accordance with the Settlement, the Indian Land Consolidation Act (25 U.S.C. 2201 et seq.), and subsection (e)(2) under which the Secretary may purchase fractional interests in trust or restricted land.

(5) LITIGATION.—The term “Litigation” means the case entitled *Elouise Cobell et al. v. Ken Salazar et al.*, United States District Court, District of Columbia, Civil Action No. 96–1285 (TFH).

(6) PLAINTIFF.—The term “Plaintiff” means a member of any class certified in the Litigation.

(7) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(8) SETTLEMENT.—The term “Settlement” means the Class Action Settlement Agreement dated December 7, 2009, in the Litigation, as modified by the parties to the Litigation.

(9) TRUST ADMINISTRATION ADJUSTMENT FUND.—The term “Trust Administration Adjustment Fund” means the \$100,000,000 deposited in the Settlement Account (as defined in the Settlement) pursuant to subsection (j)(1) for use in making the adjustments authorized by that subsection.

(10) TRUST ADMINISTRATION CLASS.—The term “Trust Administration Class” means the Trust Administration Class as defined in the Settlement.

(b) PURPOSE.—The purpose of this section is to authorize the Settlement.

(c) AUTHORIZATION.—

(1) IN GENERAL.—The Settlement is authorized, ratified, and confirmed.

(2) AMENDMENTS.—Any amendment to the Settlement is authorized, ratified, and confirmed, to the extent that such amendment is executed to make the Settlement consistent with this section.

(d) JURISDICTIONAL PROVISIONS.—

(1) IN GENERAL.—Notwithstanding the limitation on the jurisdiction of the district courts of the United States in section 1346(a)(2) of title 28, United States Code, the United States

District Court for the District of Columbia shall have jurisdiction of the claims asserted in the Amended Complaint for purposes of the Settlement.

(2) CERTIFICATION OF TRUST ADMINISTRATION CLASS.—

(A) IN GENERAL.—Notwithstanding the requirements of the Federal Rules of Civil Procedure, the court in the Litigation may certify the Trust Administration Class.

(B) TREATMENT.—On certification under subparagraph

(A), the Trust Administration Class shall be treated as a class certified under rule 23(b)(3) of the Federal Rules of Civil Procedure for purposes of the Settlement.

(e) TRUST LAND CONSOLIDATION.—

(1) TRUST LAND CONSOLIDATION FUND.—

(A) ESTABLISHMENT.—On final approval of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the “Trust Land Consolidation Fund”.

(B) AVAILABILITY OF AMOUNTS.—Amounts in the Trust Land Consolidation Fund shall be made available to the Secretary during the 10-year period beginning on the date of final approval of the Settlement—

(i) to conduct the Land Consolidation Program;

and

(ii) for other costs specified in the Settlement.

(C) DEPOSITS.—

(i) IN GENERAL.—On final approval of the Settlement, the Secretary of the Treasury shall deposit in the Trust Land Consolidation Fund \$1,900,000,000 out of the amounts appropriated to pay final judgments, awards, and compromise settlements under section 1304 of title 31, United States Code.

(ii) CONDITIONS MET.—The conditions described in section 1304 of title 31, United States Code, shall be deemed to be met for purposes of clause (i).

(D) TRANSFERS.—In a manner designed to encourage participation in the Land Consolidation Program, the Secretary may transfer, at the discretion of the Secretary, not more than \$60,000,000 of amounts in the Trust Land Consolidation Fund to the Indian Education Scholarship Holding Fund established under paragraph (3).

(2) OPERATION.—The Secretary shall consult with Indian tribes to identify fractional interests within the respective jurisdictions of the Indian tribes for purchase in a manner that is consistent with the priorities of the Secretary.

Consultation

(3) INDIAN EDUCATION SCHOLARSHIP HOLDING FUND.—

(A) ESTABLISHMENT.—On final approval of the Settlement, there shall be established in the Treasury of the United States a fund, to be known as the “Indian Education Scholarship Holding Fund”.

(B) AVAILABILITY.—Notwithstanding any other provision of law governing competition, public notification, or Federal procurement or assistance, amounts in the Indian Education Scholarship Holding Fund shall be made available, without further appropriation, to the Secretary to contribute to an Indian Education Scholarship Fund, as described in the Settlement, to provide scholarships for Native Americans.

(4) ACQUISITION OF TRUST OR RESTRICTED LAND.—The Secretary may acquire, at the discretion of the Secretary and in accordance with the Land Consolidation Program, any fractional interest in trust or restricted land.

(5) TREATMENT OF UNLOCATABLE PLAINTIFFS.—A Plaintiff, the whereabouts of whom are unknown and who, after reasonable efforts by the Secretary, cannot be located during the 5-year period beginning on the date of final approval of the Settlement, shall be considered to have accepted an offer made pursuant to the Land Consolidation Program.

(f) TAXATION AND OTHER BENEFITS.—

(1) INTERNAL REVENUE CODE.—For purposes of the Internal Revenue Code of 1986, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement shall not be—

(A) included in gross income; or

(B) taken into consideration for purposes of applying any provision of the Internal Revenue Code that takes into account excludable income in computing adjusted gross income or modified adjusted gross income, including section 86 of that Code (relating to Social Security and tier 1 railroad retirement benefits).

(2) OTHER BENEFITS.—Notwithstanding any other provision of law, for purposes of determining initial eligibility, ongoing eligibility, or level of benefits under any Federal or federally assisted program, amounts received by an individual Indian as a lump sum or a periodic payment pursuant to the Settlement shall not be treated for any household member, during the 1-year period beginning on the date of receipt—

(A) as income for the month during which the amounts were received; or

(B) as a resource.

(g) INCENTIVE AWARDS AND AWARD OF ATTORNEYS' FEES, EXPENSES, AND COSTS UNDER SETTLEMENT AGREEMENT.—

Determination

(1) IN GENERAL.—Subject to paragraph (3), the court in the Litigation shall determine the amount to which the Plaintiffs in the Litigation may be entitled for incentive awards and for attorneys' fees, expenses, and costs—

(A) in accordance with controlling law, including, with respect to attorneys' fees, expenses, and costs, any applicable rule of law requiring counsel to produce contemporaneous time, expense, and cost records in support of a motion for such fees, expenses, and costs; and

(B) giving due consideration to the special status of Class Members (as defined in the Settlement) as beneficiaries of a federally created and administered trust.

(2) NOTICE OF AGREEMENT ON ATTORNEYS' FEES, EXPENSES, AND COSTS.—The description of the request of Class Counsel for an amount of attorneys' fees, expenses, and costs required under paragraph C.1.d. of the Settlement shall include a description of all material provisions of the Agreement on Attorneys' Fees, Expenses, and Costs.

(3) EFFECT ON AGREEMENT.—Nothing in this subsection limits or otherwise affects the enforceability of the Agreement on Attorneys' Fees, Expenses, and Costs.

(h) SELECTION OF QUALIFYING BANK.—The United States District Court for the District of Columbia, in exercising the discretion

of the Court to approve the selection of any proposed Qualifying Bank (as defined in the Settlement) under paragraph A.1. of the Settlement, may consider any factors or circumstances regarding the proposed Qualifying Bank that the Court determines to be appropriate to protect the rights and interests of Class Members (as defined in the Settlement) in the amounts to be deposited in the Settlement Account (as defined in the Settlement).

(i) APPOINTEES TO SPECIAL BOARD OF TRUSTEES.—The 2 members of the special board of trustees to be selected by the Secretary under paragraph G.3. of the Settlement shall be selected only after consultation with, and after considering the names of possible candidates timely offered by, federally recognized Indian tribes.

(j) TRUST ADMINISTRATION CLASS ADJUSTMENTS.—

(1) FUNDS.—

(A) IN GENERAL.—In addition to the amounts deposited pursuant to paragraph E.2. of the Settlement, on final approval, the Secretary of the Treasury shall deposit in the Trust Administration Adjustment Fund of the Settlement Account (as defined in the Settlement) \$100,000,000 out of the amounts appropriated to pay final judgments, awards, and compromise settlements under section 1304 of title 31, United States Code, to be allocated and paid by the Claims Administrator (as defined in the Settlement and pursuant to paragraph E.1.e of the Settlement) in accordance with this subsection.

(B) CONDITIONS MET.—The conditions described in section 1304 of title 31, United States Code, shall be deemed to be met for purposes of subparagraph (A).

(2) ADJUSTMENT.—

(A) IN GENERAL.—After the calculation of the pro rata share in Section E.4.b of the Settlement, the Trust Administration Adjustment Fund shall be used to increase the minimum payment to each Trust Administration Class Member whose pro rata share is—

(i) zero; or

(ii) greater than zero, but who would, after adjustment under this subparagraph, otherwise receive a smaller Stage 2 payment than those Trust Administration Class Members described in clause (i).

(B) RESULT.—The amounts in the Trust Administration Adjustment Fund shall be applied in such a manner as to ensure, to the extent practicable (as determined by the court in the Litigation), that each Trust Administration Class Member receiving amounts from the Trust Administration Adjustment Fund receives the same total payment under Stage 2 of the Settlement after making the adjustments required by this subsection.

(3) TIMING OF PAYMENTS.—The payments authorized by this subsection shall be included with the Stage 2 payments under paragraph E.4. of the Settlement.

(k) EFFECT OF ADJUSTMENT PROVISIONS.—Notwithstanding any provision of this section, in the event that a court determines that the application of subsection (j) is unfair to the Trust Administration Class—

(1) subsection (j) shall not go into effect; and

(2) on final approval of the Settlement, in addition to the amounts deposited into the Trust Land Consolidation Fund

pursuant to subsection (e), the Secretary of the Treasury shall deposit in that Fund \$100,000,000 out of amounts appropriated to pay final judgments, awards, and compromise settlements under section 1304 of title 31, United States Code (the conditions of which section shall be deemed to be met for purposes of this paragraph) to be used by the Secretary in accordance with subsection (e).

## TITLE II—FINAL SETTLEMENT OF CLAIMS FROM IN RE BLACK FARMERS DISCRIMINATION LITIGATION

### SEC. 201. APPROPRIATION OF FUNDS FOR FINAL SETTLEMENT OF CLAIMS FROM IN RE BLACK FARMERS DISCRIMINATION LITIGATION.

(a) DEFINITIONS.—In this section:

(1) SETTLEMENT AGREEMENT.—The term “Settlement Agreement” means the settlement agreement dated February 18, 2010 (including any modifications agreed to by the parties and approved by the court under that agreement) between certain plaintiffs, by and through their counsel, and the Secretary of Agriculture to resolve, fully and forever, the claims raised or that could have been raised in the cases consolidated in *In re Black Farmers Discrimination Litigation*, Misc. No. 08–mc–0511 (PLF), including Pigford claims asserted under section 14012 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2209).

(2) PIGFORD CLAIM.—The term “Pigford claim” has the meaning given that term in section 14012(a)(3) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2210).

(b) APPROPRIATION OF FUNDS.—There is appropriated to the Secretary of Agriculture \$1,150,000,000, to remain available until expended, to carry out the terms of the Settlement Agreement if the Settlement Agreement is approved by a court order that is or becomes final and nonappealable, and the court finds that the Settlement Agreement is modified to incorporate the additional terms contained in subsection (g). The funds appropriated by this subsection are in addition to the \$100,000,000 of funds of the Commodity Credit Corporation made available by section 14012(i) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2212) and shall be available for obligation only after those Commodity Credit Corporation funds are fully obligated. If the Settlement Agreement is not approved as provided in this subsection, the \$100,000,000 of funds of the Commodity Credit Corporation made available by section 14012(i) of the Food, Conservation, and Energy Act of 2008 shall be the sole funding available for Pigford claims.

(c) USE OF FUNDS.—The use of the funds appropriated by subsection (b) shall be subject to the express terms of the Settlement Agreement.

(d) TREATMENT OF REMAINING FUNDS.—If any of the funds appropriated by subsection (b) are not obligated and expended to carry out the Settlement Agreement, the Secretary of Agriculture shall return the unused funds to the Treasury and may not make

the unused funds available for any purpose related to section 14012 of the Food, Conservation, and Energy Act of 2008, for any other settlement agreement executed in *In re Black Farmers Discrimination Litigation*, No. 08–511 (D.D.C.), or for any other purpose.

(e) RULES OF CONSTRUCTION.—Nothing in this section shall be construed as requiring the United States, any of its officers or agencies, or any other party to enter into the Settlement Agreement or any other settlement agreement. Nothing in this section shall be construed as creating the basis for a Pigford claim.

(f) CONFORMING AMENDMENTS.—Section 14012 of the Food, Conservation, and Energy Act of 2008 (Public Law 110–246; 122 Stat. 2209) is amended—

(1) in subsection (c)(1)—

(A) by striking “subsection (h)” and inserting “subsection (g)”; and

(B) by striking “subsection (i)” and inserting “subsection (h)”;

(2) by striking subsection (e);

(3) in subsection (g), by striking “subsection (f)” and inserting “subsection (e)”;

(4) in subsection (i)—

(A) by striking “(1) IN GENERAL.—Of the funds” and inserting “Of the funds”;

(B) by striking paragraph (2); and

(C) by striking “subsection (g)” and inserting “subsection (f)”;

(5) by striking subsection (j); and

(6) by redesignating subsections (f), (g), (h), (i), and (k) as subsections (e), (f), (g), (h), and (i), respectively.

(g) ADDITIONAL SETTLEMENT TERMS.—For the purposes of this section and funding for the Settlement Agreement, the following are additional terms:

(1) DEFINITIONS.—In this subsection:

(A) SETTLEMENT AGREEMENT.—The term “Settlement Agreement” means the settlement, including any modifications agreed to by the parties and approved by the court, between the Secretary of Agriculture and certain plaintiffs, by and through their counsel in litigation titled *Black Farmers Discrimination Litigation*, Misc. No. 08–mc–0511 (PLF).

(B) NEUTRAL ADJUDICATOR.—

(i) IN GENERAL.—The term “Neutral Adjudicator” means a Track A Neutral or a Track B Neutral as those terms are defined in the Settlement Agreement, who have been hired by Lead Class Counsel as that term is defined in the Settlement Agreement.

(ii) REQUIREMENT.—The Track A and B Neutrals called for in the Settlement Agreement shall be approved by the Secretary of the United States Department of Agriculture, the Attorney General, and the court.

(2) OATH.—Every Neutral Adjudicator shall take an oath administered by the court prior to hearing claims.

(3) ADDITIONAL DOCUMENTATION OR EVIDENCE.—Any Neutral Adjudicator may, during the course of hearing claims, require claimants to provide additional documentation and evidence if, in the Neutral Adjudicator’s judgment, the additional



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 T h e C o A m e d m e s o v a o s d a e d a s o e  
 9 9

SHORT TITLE  
 P . 9 7 4 5 9 s e c 2 2 0 1 J a 2 9 8 2 9 8 S a . 2 5 7  
 p o v d e d a . T e S e c e a y s a o z e d a o d p s c  
 e c c e d a s e d a . A d C o s o d a o A C

REGULATIONS  
 P . 0 6 3 7 4 § 0 c 2 7 2 0 0 4 8 S a . 8 0 p o  
 v d e d a . T e S e c e a y s a o z e d a o d p s c  
 e g a o s m a y e s s e s s a y o m p m e e p o  
 o e a o v e ] s a c s e c 2 0 0 4 A m e d m e  
 o e a o v e ]

STABILITY  
 P . 0 8 3 7 4 § 0 c 2 7 2 0 0 4 8 S a . 8 0 s a  
 m e d a y P . 0 9 2 7 § 0 c 1 2 e c 3 0 2 0 0 5 9  
 S e c 2 0 0 2 T o v d e d a . T e S e c e a y s a o z e d  
 [ s e e S o T e 2 0 0 4 A m e d m e o e a o v e l o  
 a y s c m e m a d e y a c o e a p p c a o o  
 e d o e v a d o a y e s o . e m e n a d e o s  
 p r a c o e m p o v s s a d o s c o a m e d m e s  
 m a d e y a c o a y o p o s o c c m a s c e  
 s a o e a e c e d y s c o d g e e s p . a e a c  
 o c a s e s ( ) ( ) a d ( V ) o s e c 2 0 0 5 ( 2 ) ( )  
 2 2 0 1 ( 2 ) ( ) a d C o s o d a . A c 2 5 S C  
 o e 2 c a c a y e a s o e s e s a s s e d  
 o e v a d o a y e a s o e s e e o e o e 2 o  
 s c s c a s e s a e g v e e c

CONGRESSIONAL FINDINGS  
 P . 0 6 3 7 4 § 2 O c 2 7 2 0 0 4 8 S a . 7 7 3 p o  
 v d e d a . T e C o g e s s d s a a 7 7 3 p o  
 a s e . d a G e a . A o m e A c ) ( 2 5 S C 3 3  
 e s e q ) w c a o z e d a o m e o d a e s  
 p o v d e d o e a m e a y d i s p o s o o e a d  
 a . w a s a o e m o m e s w o d e  
 ( 2 ) A c p o v d e d a a o m e s w o d e  
 s e d a c c o d g o S a e a w o e s a e s c o s s o  
 ( 3 ) e o c a o o F e d e r a l G o v e m e o e  
 S a e a w o e s a e s c e s s o w e s p e c o e  
 d e s c o a o m e s a s e d m e o s p o  
 e m s a e c g d a e s m e m e s o d a  
 e s a d e F e d e a G o v e m e c d g  
 s a d e s e c e d a s a d s a s e o d  
 y s c e s s v e g e a o s o o w e s a s e a s  
 c o m m o  
 ( 4 ) e a p p c a o d e e e s o e s a e  
 s c e s s o e c a e s e s o d e c e n t e a d o  
 e s e a e s e s e s a a e a e a e a e a d  
 e o d a e s o m o e a . S a e w c a p p  
 c a o  
 ( 5 ) m a e s p o a e p a g e c e s s a y d  
 a d a d a d e s e s o p o v d e p o a e p a  
 g a s a c e o a d v e c

(B) e s e e a a o d e a s o d e c e d a p o a e  
 o c a s o e B e a o d a a s o d e a s  
 s c o s s o s e c 2 0 0 6 e s a d e e e a s  
 e s a d o s e c 2 0 0 6 e s a d e e e a s  
 ( 2 ) e s a d o s e c 2 0 0 6 e s a d e e e a s  
 s a o e m e o e a c o a e s s w  
 ( 3 ) e o g o w e p o e a y  
 ( 4 ) s e p o e m o e a c o a o d a  
 ( 5 ) F e d e r a l G o v e m e c a d e s o v d  
 d a e s a d e q e s a s o d e F e d e a  
 a w [ ]  
 ( 6 ) a y d e v e d a d a s m a e o F e d e a  
 a y o m F e d e a p o a e c o d e w d e y  
 s e d e m a o F e d e a G o v e m e s o d  
 e c o a g e e o g z e d a g o v e m e a e  
 e c e s j a d c o v e a e s a v a o e s a a  
 a p o a e c o d e a e s a v a o

DECLARATION OF POLICY  
 P . 0 6 4 6 2 e s e c 0 2 N o v 7 2 0 0 4 S a  
 9 9 2 p o v d e d a . T e S e c e a y s a o z e d  
 S a e a o p e v e e a c o a o s a  
 o m e s m a d e o d a s e s a d o w e  
 ( 2 ) o c o s d e a o a e s a d o w e  
 ( 3 ) o s e e s s o s a p a c e s  
 a e a e s a s a v e e g y e s a m a e  
 ( 4 ) o p o m o e a s e y c e c y a d s e  
 e m a o a d  
 ( 5 ) o v e s e e c s o e a o m e p o c y o  
 d a

AUTHORIZATION OF APPROPRIATIONS  
 P . 0 6 4 6 2 e s e c 0 5 N o v 7 2 0 0 4 S a  
 2 0 7 p o v d e d a . T e e a a o z e d o e a p p o  
 e a c s e q e e c a y o c a y o v o s  
 s e l e a c s e c o s 2 2 0 5 2 2 0 6 a d 2 2 2  
 2 2 9 0 . s e a m e d g s e c o a d s e c o s  
 3 4 8 3 7 2 4 6 1 2 2 0 1 a d 2 2 0 7 s e e p e a  
 s e c o s 3 3 0 5 3 2 0 5 a d 2 2 0 6 s e a d e a c  
 s e c o 2 2 0 6 s e l a d e a m e d m e s m a d e y  
 s e y p o v d e d o a y o e w s e d d e e a  
 a w

§ 2202. Other appl cable prov s ons  
 The provisions o section 465 o this tit e sha  
 apply o section 478 o this tit e P e n d e d . T h a t  
 n o t h i n g i n t h i s s e c t i o n i s i n t e n d e d t o s u p e r s e d  
 a n y o t h e r p r o v i s i o n o F e d e r a l l a w w h i c h a u  
 t h o r i z e s p r o h i b i t s o r r e s t r i c t s t h e a c q u i s i t i o n  
 o a n d o r i n d i a n s w i t h r e s p e c t t o a n y s p e c i f i c  
 t r i b e r e s e r v a t i o n o s t a t e s )  
 ( P u b L 9 7 4 5 9 t i t e § 2 0 3 J a n 1 2 1 9 8 3 9 6  
 S t a t . 2 5 1 7 )

§ 2203. Adopt on of land consol dat on plan w th  
 approval of Secretary  
 ( a ) S t a t e m e n t o f p u r p o s e ; s a l e s o r e x c h a n g e s ;  
 t e r m s a n d c o n d i t i o n s  
 N o w i t h s t a n d a n y o t h e r p r o v i s i o n o a w  
 a n y t r i b e a c t i n g t h r o u g h i t s g o v e r n i n g b o d y  
 a u t h o r i z e d b y t h e a p p r o v a l o f t h e S e c r e t a r y  
 t o a d o p t a a n d c o n s o l i d a t i o n p l a n p r o v i d i n g o r  
 t h e a r e e x c h a n g e o a n y t r i b a a n d s o r i n t e r  
 e s t i n a n d s o r t h e p u r p o s e o e l i m i n a t i n g u n d e r  
 s t r i c t e d a n d s o r c o n s o l i d a t i n g i t s t r i b a a n d  
 h o d i n g s P e n d e d . T h a t

( 1 ) e x c e p t a s p r o v i d e d b y s u b s e c t i o n ( c ) o  
 t h i s s e c t i o n t h e s a e p r i c e o r e x c h a n g e v a u e  
 r e c e i v e d b y t h e t r i b e o r o t h e r i n t e r e s t s i n  
 a n d c o v e r e d b y t h i s s e c t i o n s h a b e n o e s s  
 t h a n w i t h i n 1 0 p e r c e n t u m o f t h e a i r m a r k e t  
 v a u e a s d e t e r m i n e d b y t h e S e c r e t a r y  
 ( 2 ) 1 t h e t r i b a a n d i n v o l v e d i n a n e x c h a n g e  
 i s o g r e a t e r o e s s e r v a u e t h a n t h e a n d o r  
 w h i c h i t i s b e i n g e x c h a n g e d t h e t r i b e m a y o  
 c e p t t h e c a s e s u c h a s c o m p a r e d e x c h a n g e d  
 e x c e p t t h e c a s e s i n w h i c h t h e c o m p a r e d e x c h a n g e d  
 i n t e r e s t s i n a n d o r p r o c e e d s r e c e i v e d b y t h e  
 t r i b e t o e q u a l i z e a n e x c h a n g e m a d e p u r s u a n t  
 t o t h i s s e c t i o n s h a b e u s e d e x c l u s i v e y o r  
 t h e p u r c h a s e o t h e r a n d i n t e r e s t s i n a n d  
 ( 4 ) t h e S e c r e t a r y s h a m a i n t a i n a s e p a r a t e  
 t r u s t a c c o u n t o r e a c h t r i b e s e l i n g o r e x  
 c h a n g i n g a n d p u r s u a n t t o t h i s s e c t i o n c o n  
 s i s t i n g o f t h e p r o c e e d s o f t h e a n d s a s a n d o n l y  
 e x c h a n g e s a n d s i m i l a r e s e e s u c h u n d s o n l y  
 o n t h e p u r p o s e o b u y i n g a n d s u e r t h i s s e c  
 t i o n  
 ( 5 ) a n y t r i b e m a y r e t a i n t h e m i n e r a r i g h t s  
 t o s u c h s o d o r e x c h a n g e d a n d s a n d t h e S e c  
 r e t a r y s h a a s s i s t s u c h t r i b e i n d e t e r m i n i n g  
 t h e v a u e o s u c h m i n e r a r i g h t s a n d s h a t a k e  
 s u c h v a u e i n t o c o n s i d e r a t i o n i n d e t e r m i n i n g  
 t h e a i r m a r k e t v a u e o s u c h a n d s

( b ) C o n v e a n c i n g r e m e n t ; s p e c i f i c f i n d i n g s  
 f o r n o n e x e c u t o n  
 T h e S e c r e t a r y m u s t e x e c u t e s u c h i n s t r u m e n t  
 o f c o n v e a n c e n e e d e d t o e q u a t e a s a e o r e x  
 c h a n g e o f t r i b a a n d s m a d e p u r s u a n t t o a n a p  
 p r o v e d t r i b a a n d c o n s o l i d a t i o n p l a n e s s e  
 m a k e s a s p e c i f i c i n d i n g t h a t s u c h a s e o r e x  
 c h a n g e i s n o t i n t h e b e s t i n t e r e s t o f t h e t r i b e o r  
 i s n o t i n c o m p l a n c e w i t h t h e t r i b a a n d c o n  
 s o l i d a t i o n p l a n

( c ) B e l o w m a r k e t v a l u e c o n v e a n c e o f C h e r o k e e  
 N a t o n o f O k l a h o m a h o m e s t e s  
 T h e S e c r e t a r y m a y e x e c u t e i n s t r u m e n t s o  
 c o n v e a n c e o r e s s t h a n a i r m a r k e t v a u e t o e  
 e q u a t e t h e t r a n s e r o a n d s u s e d a s h o m e s t e s  
 o n D e c e m b e r 1 7 1 9 9 1 b y t h e u n i t e d S t a t e s  
 i n t r u s t o n t h e C h e r o k e e N a t i o n o f O k l a h o m a  
 O k l a h o m a a n d t h e S e c r e t a r y m a y e x e c u t e i n s t r u m e n t s  
 i n t h e a n d c o n s o l i d a t i o n p l a n o f t h e C h e r o k e e  
 N a t i o n o f O k l a h o m a a p p r o v e d b y t h e S e c r e t a r y  
 o n F e b r u a r y 6 1 9 8 7 s h a b e s u b j e c t t o t h i s s u b  
 s e c t i o n

( u b L 9 7 4 5 9 t i t e § 2 0 4 J a n 1 2 1 9 8 3 9 6  
 S t a t . 2 5 1 7 P u b L 9 8 6 0 8 § 1 ( 1 ) O c t 3 0 1 9 9 4 9 8  
 S t a t . 3 1 7 1 P u b L 1 0 2 2 3 8 § 3 D e c 1 7 1 9 9 1 1 0 5  
 S t a t . 1 9 0 8 )

AMENDMENTS  
 9 9 S e c ( a ) ( ) P . 0 2 2 3 8 § 3 ( ) s e c o  
 e s a e a p o v d e d b y s e c ( c ) o s e c o  
 S e c ( c ) P . 0 2 2 3 8 § 3 ( 2 ) a d d e d s e c ( a )  
 9 8 4 S e c ( a ) P . 9 8 6 0 8 a m e d e d s e c ( a )  
 g e a y s s e g . . P r o v i d e d T a . e y o d  
 a e d a d s e g v o m e e d p a s e e y c o d  
 e a c e d y P . 9 7 4 5 9 e e o w e a d a p o  
 o s e c o 2 0 4 a p p e a s e c o 2 0 6 ( c a s e a d o  
 s e c o 2 2 0 6 s e e s e s e s o a d v e  
 H o B e s e g r s e c 2 0 0 6 o e P . F . a  
 9 7 4 5 9 e a c e d s e c ( a ) a s e d g w . . a













terest in and to a person who is on y e lgi  
 ( ) Effect  
 Except as provided in c ause (i) noth  
 ing and in this section or in section 461 o  
 this tit e sha be construed to authorize  
 the devise o that is subject to section 461  
 o this tit e to any person as a ee interest  
 under subparagraph (A)(i)

(3) General devise of an interest in trust personally  
 (A) Trust personal ty 7 def ned  
 The term trust personal ty as used in  
 this section includes a unds and securities  
 o any kind which are held in trust in an in  
 dividua ndian money account or otherwise  
 supervised by the Secretary

(B) In general  
 Subject to any applicable Federal aw re  
 sulting to the devise or descent o such trust  
 personal ty or a triba probate code approved  
 by the Secretary in accordance with section  
 2205 o this tit e the owner o an interest in  
 trust personal ty may devise such an interest  
 to any person or entity

(C) Maintenance as trust personal ty  
 n the case o a devise o an interest in  
 trust personal ty to a person or ndian tribe  
 (1)(A) the Secretary sha maintain and con  
 tinue to manage such interests as trust per  
 sona ty

(D) Direct disbursement and direct but on  
 n the case o a devise o an interest in  
 trust personal ty to a person or ndian tribe  
 (1)(A) the Secretary sha direct y disburse  
 and distribute such personal ty to the devi  
 see

(E) Invalid devise and wills  
 (A) Land  
 Any trust or restricted interest in and  
 that is not devised in accordance with para  
 graph (1) or (2) or that is not disposed o by  
 a valid will sha descend in accordance with  
 the applicable aw o intestate succession as  
 provided or in subsection (a) o this section

(B) Personality  
 Any trust personal ty that is not disposed  
 o by a valid will sha descend in accordance  
 with the applicable aw o intestate succes  
 sion as provided or in subsection (a) o this  
 section

(C) Joint tenancy, right of survivorship  
 (1) Presumptive right of joint tenancy  
 a testator devises trust or restricted inter  
 ests in the same parcel o and to more than 1  
 person in the absence o clear and express an  
 guage in the devise stating that the interest is  
 to pass to the devisees as tenants in common  
 the devise sha be presumed to create a joint  
 tenancy with the right o survivorship in the  
 interests invo ved

(2) Notice of request  
 An ndian tribe sha provide to the  
 Secretary a copy o any resolution aw  
 or other enactment o the ndian tribe  
 that requests the Secretary to app y sub  
 paragraph (A)(ii) to app y subsection (1) or  
 restricted and under the jurisdiction o  
 the ndian tribe

(3) Devise of trust or restricted land as a life estate or fee  
 (A) In general  
 Except as provided under any applicable  
 Federal aw any trust or restricted interest  
 in and that is not devised in accordance  
 with paragraph (1)(A) may be devised on y  
 remainder being devised on y in accord  
 ance with subparagraph (B) or paragraph  
 (1) or

(B) In general  
 (i) except as provided in subparagraph  
 (B) as ce restricted interest to a person or  
 strict as ce restriction to a person or  
 who is not eligible to be a devise under  
 c ause (iv) o paragraph (1)(A)

(ii) In general  
 (1) In general  
 Notwithstanding c ause (i) in any case  
 in which a resolution aw or other duly  
 adopted enactment o the ndian tribe  
 with jurisdiction over the and o which  
 an interest described in c ause (i) is a  
 part requests the Secretary to app y sub  
 paragraph (A)(ii) to devise o trust or  
 restricted and under the jurisdiction o  
 the ndian tribe the interest may be de  
 vised in accordance with subpara  
 graph (A)(ii)

(2) Effect  
 Subc ause ( ) sha app y with respect  
 to a devise o a trust or restricted inter  
 est in and by any decedent who dies on  
 or after the date on which the applicable  
 ndian tribe adopts the resolution aw  
 o c ause ( ) regarding the restricted inter  
 est or c ause ( ) regarding the date on  
 which the devise is made

(3) Notice of request  
 An ndian tribe sha provide to the  
 Secretary a copy o any resolution aw  
 or other enactment o the ndian tribe  
 that requests the Secretary to app y sub  
 paragraph (A)(ii) to app y subsection (1) or  
 restricted and under the jurisdiction o  
 the ndian tribe

(4) Devise of trust or restricted land as a life estate or fee  
 (A) In general  
 Except as provided under any applicable  
 Federal aw any trust or restricted interest  
 in and that is not devised in accordance  
 with paragraph (1)(A) may be devised on y  
 remainder being devised on y in accord  
 ance with subparagraph (B) or paragraph  
 (1) or

(B) In general  
 (i) except as provided in subparagraph  
 (B) as ce restricted interest to a person or  
 strict as ce restriction to a person or  
 who is not eligible to be a devise under  
 c ause (iv) o paragraph (1)(A)

(ii) In general  
 (1) In general  
 Notwithstanding c ause (i) in any case  
 in which a resolution aw or other duly  
 adopted enactment o the ndian tribe  
 with jurisdiction over the and o which  
 an interest described in c ause (i) is a  
 part requests the Secretary to app y sub  
 paragraph (A)(ii) to devise o trust or  
 restricted and under the jurisdiction o  
 the ndian tribe the interest may be de  
 vised in accordance with subpara  
 graph (A)(ii)

(2) Effect  
 Subc ause ( ) sha app y with respect  
 to a devise o a trust or restricted inter  
 est in and by any decedent who dies on  
 or after the date on which the applicable  
 ndian tribe adopts the resolution aw  
 o c ause ( ) regarding the restricted inter  
 est or c ause ( ) regarding the date on  
 which the devise is made

(3) Notice of request  
 An ndian tribe sha provide to the  
 Secretary a copy o any resolution aw  
 or other enactment o the ndian tribe  
 that requests the Secretary to app y sub  
 paragraph (A)(ii) to app y subsection (1) or  
 restricted and under the jurisdiction o  
 the ndian tribe

(4) Devise of trust or restricted land as a life estate or fee  
 (A) In general  
 Except as provided under any applicable  
 Federal aw any trust or restricted interest  
 in and that is not devised in accordance  
 with paragraph (1)(A) may be devised on y  
 remainder being devised on y in accord  
 ance with subparagraph (B) or paragraph  
 (1) or

(B) In general  
 (i) except as provided in subparagraph  
 (B) as ce restricted interest to a person or  
 strict as ce restriction to a person or  
 who is not eligible to be a devise under  
 c ause (iv) o paragraph (1)(A)

(ii) In general  
 (1) In general  
 Notwithstanding c ause (i) in any case  
 in which a resolution aw or other duly  
 adopted enactment o the ndian tribe  
 with jurisdiction over the and o which  
 an interest described in c ause (i) is a  
 part requests the Secretary to app y sub  
 paragraph (A)(ii) to devise o trust or  
 restricted and under the jurisdiction o  
 the ndian tribe the interest may be de  
 vised in accordance with subpara  
 graph (A)(ii)

(2) Effect  
 Subc ause ( ) sha app y with respect  
 to a devise o a trust or restricted inter  
 est in and by any decedent who dies on  
 or after the date on which the applicable  
 ndian tribe adopts the resolution aw  
 o c ause ( ) regarding the restricted inter  
 est or c ause ( ) regarding the date on  
 which the devise is made

(3) Notice of request  
 An ndian tribe sha provide to the  
 Secretary a copy o any resolution aw  
 or other enactment o the ndian tribe  
 that requests the Secretary to app y sub  
 paragraph (A)(ii) to app y subsection (1) or  
 restricted and under the jurisdiction o  
 the ndian tribe

(2) Except on  
 Paragraph (1) sha not app y to any devise  
 o an interest in trust or restricted and where  
 the will in which such devise is made was exe  
 cuted prior to the date that is 1 year after the  
 date on which the Secretary publishes the cer  
 tification required by section 8(a)(4) o the  
 American Indian Probate Reform Act o 2004

(d) Descent of off-reserved lands  
 (1) In an reservat on def ned  
 For purposes o this subsection the term  
 Indian reservat on includes lands oated  
 within

(A)(i) Oklahoma and  
 (ii) the boundaries o an ndian tribe  
 former reservat on (as defined and deter  
 mined by the Secretary)  
 (B) the boundaries o any ndian tribe s  
 current or former reservat on or  
 (C) any area where the Secretary is re  
 quired to provide special assistance or con  
 sideration o a tribe s acquisition o and or  
 interests in and

(2) Descent  
 Except in the State o California upon the  
 death o an individual holding an interest in  
 trust or restricted lands that are oated out  
 side the boundaries o an ndian reservat on  
 and that are not subject to the jurisdiction o  
 any ndian tribe that interest sha descend  
 either

(A) by testate or intestate succession in  
 accordance with the applicable aw o the  
 State in which the land is situated or  
 (B) in ee status to any other devisees or  
 heirs

(c) Approval of agreements  
 The o icia authorized to adjudicate the pro  
 bate o trust or restricted and sha have the  
 authority to approve agreements between a de  
 visee and the trustee or devisee. The agree  
 ments in such agreements sha be subject to  
 review in the preceding sentence may in  
 clude trust or restricted and that are not a  
 part o the decedent s estate that is the subject  
 o the probate. The Secretary may promulgate  
 regulations or the implementation o this sub  
 section

(f) Estate planning assistance  
 (1) In general  
 Any re erences in subsections (a) and (b) o  
 this section to applicable Federal aw in  
 this section to applicable Federal aw in  
 c ause

(A) Public Law 91-627 (84 Stat 1874)  
 (B) Public Law 92-877 (86 Stat 530)  
 (C) Public Law 92-448 (86 Stat 744)  
 (D) Public Law 96-274 (84 Stat 537) and  
 (E) Public Law 98-518 (88 Stat 2411)

(2) No effect on laws  
 Nothing in this chapter amends or otherwise  
 affects the application o any aw specified in  
 paragraph (1) or any other Federal aw that  
 pertains specifically to

(A) trust or restricted and oated on 1 or  
 more specific ndian reservat ons that are  
 expressly identified in such aw or  
 express y identified in such aw or  
 (ing to such and) 1 or more specific ndian  
 tribes expressly identified in such aw in

(B) organizations that provide special as  
 sistance services or ndian tribes ndian org  
 nizations and individual owners o interests  
 in trust or restricted and that are qualified  
 as nonprofit organizations under section  
 501(c)(3) o the e 26 and provide such services  
 pursuant to Federal poverty guide lines or  
 purposes o providing civil ega assist  
 ance to such ndian tribes individual owners and  
 ndian organizations or the operation of  
 tribal probate codes or estate planning  
 services or other purposes consistent  
 with the services they provide to ndians and  
 ndian tribes and

(C) in specific areas and reservat ons  
 where qualified nonprofit organizations re  
 ferred to in subparagraph (B) do not provide  
 such ega assistance to ndian tribes ndian  
 organizations or individual owners o trust  
 or restricted and to other providers o such  
 ega assistance

(4) Authorizat on for approp riat on s  
 There is authorized to be appropriated such  
 sums as may be necessary to carry out the  
 provisions o paragraph (3)

(g) Applicable Federal law  
 (1) In general  
 Any re erences in subsections (a) and (b) o  
 this section to applicable Federal aw in  
 this section to applicable Federal aw in  
 c ause

(A) Public Law 91-627 (84 Stat 1874)  
 (B) Public Law 92-877 (86 Stat 530)  
 (C) Public Law 92-448 (86 Stat 744)  
 (D) Public Law 96-274 (84 Stat 537) and  
 (E) Public Law 98-518 (88 Stat 2411)

(2) No effect on laws  
 Nothing in this chapter amends or otherwise  
 affects the application o any aw specified in  
 paragraph (1) or any other Federal aw that  
 pertains specifically to

(A) trust or restricted and oated on 1 or  
 more specific ndian reservat ons that are  
 expressly identified in such aw or  
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(B) organizations that provide special as  
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 in trust or restricted and that are qualified  
 as nonprofit organizations under section  
 501(c)(3) o the e 26 and provide such services  
 pursuant to Federal poverty guide lines or  
 purposes o providing civil ega assist  
 ance to such ndian tribes individual owners and  
 ndian organizations or the operation of  
 tribal probate codes or estate planning  
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 ndian tribes and

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 should o appear  
<sup>2</sup>So org al. Probably should be perso al y'

cluding any o the Federala aw s governing the probate o heir s associ ated with or otherwise relating to the and interest in and or other interests or assets that are owned by individua s in

(4) Five Civil Tribes restricted ee status or

(1) Osage Tribe restricted ee status

(3) **L. m tat on effect of paragraph**

Except to the extent that this chapter wou d amend or otherwise a ect the applica ion o a Federala aw spee iced or described in paragraph (1) or (2) nothing in paragraph (2) limits the applica ion o this chapter to trust or restricted and interests in such and or any other trust or restricted interests or assets

(h) **Rules of interpretat on**

In the absence o a contrary intent and except as otherwise provided under this chapter app l cab e Federala aw or a triba probate code approved by the Secretary pursuant to section 2205 o this title w s sha be construed as to trust and restricted and and trust persona ty in accordance with the o owing ru es

(1) **Construct on that w l passes all property**

(A) **In general**  
A w l sha be construed to app y to a trust and restricted and and trust persona ty which the testator owned at his death including any such and or persona ty ac quired a ter the execution o his w l

(B) **Permanent improvements**

Except as otherwise express y provided in the w l a devise o a trust or restricted interest in a parce o and sha be presumed to include the interest o the testator in any permanent improvements attached to the parce o and

(C) **Appl cat on and effect**

The provisions o this paragraph app y to a covered permanent improvement (i) even though that covered permanent improvement is not he d in trust and (ii) without a tending or otherwise a ecting the non trust status o such a covered permanent improvement

(2) **Class g ts**

(A) **No. d iffere nt at on between relat onsh p by blood and relat onsh p by aff nty**

Terms o re ationship that do not di eren tiate re ationships by blood rom those by a inly such as uncs aunts nieces or nephews are construed to ex clude re atives by a inly Terms o re ationship that do not di erentiate re ationships by the lin b ood rom those by the blood but which do include re ationships by nieces or nephews are construed to include both types o re ationships

(B) **Mean ng of "re s" and "next of k n", etc;**

A devise o trust or restricted interest in and or an interest in trust persona ty to the heirs or next of kin re atives o an inly sha mean those persons including the

either as a principa or as an accessory be o the act in the w l and unaw w kl ing o the decedent

(2) **No acqu s t on of property by k ll ng**

Subject to any app leab e Federala aw relating to the devise or descent o trust or restricted and no heir by kl ing sha in any way acquire any trust or restricted interests in and or interests in trust persona ty as the resu t o the death o the decedent but such property sha pass in accordance with this subsection

(3) **Descent, d str but on, and r ght of surv vor-**

**sh p**

The heir by kl ing sha be deemed to have predeceased the decedent as to decedent s trust or restricted interests in and or trust persona ty which wou d have passed rom the decedent on his estate to such heir under Intestate succession under this section

(B) under a triba probate code uness otherwise provided or

(C) as the surviving spouse

(D) by devise

(E) as a reversion or a vested remainder

(F) as a contingent remainder or executory or other unure interest

(G) as a contingent remainder or executory or other unure interest

(4) **Jo nt tenants, o nt owners, and o nt obligees**

(A) Any trust or restricted and or trust persona ty he d by on the heir by kl ing and the decedent as jo nt tenants joint owners or joint obligees sha pass upon the death o the decedent to his or her estate as i the heir by kl ing had predeceased the decedent

(B) As to trust or restricted and or trust persona ty he d jo int y by 3 or more persons including both the heir by kl ing and the decedent any income which wou d have accrued to the heir by kl ing as a resu t o the death of the decedent sha pass to the estate o the decedent that he s by kl ing had predeceased the decedent and any surviving jo nt tenants

(C) Notwithstanding any other provision o this subsection the decedent s trust or restricted interest in and or trust persona ty that is he d in a jo nt tenancy with the right o survivorship sha be severed rom the jo nt tenancy as though the property he d in the jo nt tenancy were to be severed and distributed equa y among the jo nt tenants and the decedent s interest in his estate sha pass to the surviving jo nt tenants among the surviving jo nt tenants

(5) **L fe estate for the l fe of another**

The estate is he d by a third person whose possession expires upon the death of the decedent it sha remain in such person s hands or the period o time o owing the decedent s death equa to the e expectancy o the decedent but or the kl ing

(6) **Preced ut cat on rule**

(A) **In general**

a person has been changed whether by indictment in ormation or otherwise by the

nited States a tribe or any Skate with unitary means aughter or homicide in connection with a decedent s death then any and a trust or restricted and or trust persona ty that wou d otherwise pass to that person rom the decedent s estate sha not pass or be distributed by the Secretary untl the charges have been resolved in accordance with the provisions o this paragraph

(B) **D sm ssal or w thdrawal**

pon dismissal or withdrawal o the charge or upon a verdict o not gu y such and and persona ty sha pass as i no charge had been l ed or made

(C) **Conv ct on**

pon conviction o such person and the exhaustion o a appeal s i any the trust and restricted and and trust persona ty in the estate sha pass in accordance with this subsection

(7) **Broad construct on; pol cy of subset on**

This subsection sha not be considered pena in nature but sha be construed broad y in order to e ect the pol cy that no person in the estate sha pass to the person who ever committed the crime

(8) **General rules govern ng probate**

(1) **Scope**

Except as provided under applicab e Federala aw or a triba probate code approved under section 2206 o this title the provisions of this subsection apply to the probate estate containing trust and restricted interests in and or trust persona ty

(2) **Preterm ted spouses and ch ldren**

(A) **Spouses**

( ) **In general**

Except as provided in cause (i) i the surviving spouse o a testator married the testator before the probate proceedings sha receive the intestate shares in the decedent s trust or restricted and and trust persona ty that the spouse wou d have received i the testator had died intestate

( ) **Except on**

Cause (i) sha not app y to a trust or restricted interest in and where

( ) the w l o a testator is executed before the date that is 1 year a ter the date on which the Secretary publishes a notice o certifi cation under section 8(a)(4) o the American Indian Probate Reform Act o 2004 (25 S C 2201 note Public Law 106 374)

( ) the spouse o a testator is a non Indian and

(bb) the testator devised the interests in trust or restricted and o the testator to 1 or more Indians

( ) it appears based on an examination o the w l or other evidence that the w l was made in contemplation o the marriage o the testator to the surviving spouse

( ) the w l expresses the intention that the w l is to be e ctive notwithstanding any subsequent marriage or

spouse who wou d be entit ed to take under the provisions o this chapter or non testamentary disposition The c ass is to be ascertained as o the date o the testator s death

(C) **T me for ascerta n ng class**

In construing a devise to a c ass other than a c ass described in subparagraph (B) the c ass sha be ascertained as o the time the devise is to take e ect in enjoyment The surviving issue o any member o the c ass who is then dead sha take by right o representation the share which their deceased ancestor wou d have taken

(3) **Mean ng of "d e w thout ssue" and s m lar phrases**

In any devise under this chapter the words die without issue die without eaving issue have no issue or words o a simi ar import sha be construed to mean that an individual had no inea descendants in his l e time or at his death and not that there w l be no inea descendants at some future time

(4) **Persons born out of wedlock**

In construing provisions o this chapter relating to apsed and void devises and in construing a devise to a person or persons described by re ationship to the testator or to another a person born out o wed ock sha be considered the ch d o the natura mother and as o the natura father

(5) **Lapsed devises**

Subject to the provisions o subsection (b) o this section where the testator devises or bequeaths a trust or restricted interest in and or trust persona ty to the testator s grand parents or to the inea descendant o a grand parent the devise or bequest sha be o the testator s estate unless the testator or decedent sha take the interest so devised or bequeathed per stirpes

(6) **Vo d devises**

Except as provided in paragraph (5) and i the disposition sha not be otherwise ex cepted by section 2205 o this title i the approved under section 2205 o this title i a devise other than a residuary devise o a trust or restricted interest in and or trust persona ty als or any reason such interest sha become part o the residue and pass subject to the provisions o subsection (b) o this section to the other residuary devisees i any in portion to their respective shares or interests in the residue

(7) **Fam ly cemetery plot**

a amily cemetery p ot owned by the testator in trust or restricted status at his decease is not mentioned in the decedent s w l the ownership o the p ot sha descend to his heirs as i he had died intestate

( ) **He rsh p by k ll ng**

(1) **He r by k ll ng def ned**

As used in this subsection heir by kl ing means any person who knowing y participates

<sup>1</sup>See Federala aw s Tax o e bbbh





responsibilities of the Secretary nor shall anything in this subsection or in any rule, regulations or guide lines developed under this subsection enable any private or amily trustee or trust or restricted interests in and to exercise any powers over such interests greater than that held by the Secretary with respect to such interests

(C) Secretarial approval of transaction Any transaction involving the ease use mortgage or other disposition of trust or restricted and or other trust assets administered by or through an entity under the pi ot project id reeds for the entity in accordance with the rules and regulations of the regulations adopted pursuant to this subsection

(D) Payments The Secretary shall have the authority to make payments of income and revenues derived from trust or restricted and or other trust assets administered by or through an entity participating in the pi ot project id reeds for the entity in accordance with the rules and regulations of the regulations adopted pursuant to this subsection

(E) L m lat ons on p lot pro ect (A) Number of organ zat ons The number of entities established under the pi ot project authorized by this subsection shall not exceed 30 (B) Regulat ons requ red No entity shall commence activities under the pi ot project authorized by this subsection until the Secretary has adopted the rules and regulations under paragraph (1)(B)

(F) Report to Congress Prior to the expiration of the pi ot project provided or under this subsection the Secretary shall submit a report to Congress stating

(A) a description of the Secretary's consultation with Indian tribes, individual and owner associations, Indian advocacy organizations and other parties consulted with regarding the development of rules and regulations in trust and restricted lands under the pi ot project (B) the easibility of accurately monitoring the performance of entities such as those involved in the pi ot project and the effectiveness of such entities as mechanisms to manage and protect trust assets (C) the impact that the use of entities such as those in the pi ot project may have with respect to the accomplishment of the goals of this chapter and any recommendations that the Secretary may make whether to adopt a permanent program as a management and consolidation measure or interests in trust or restricted lands

(m) Not ce to be rs Prior to holding a hearing to determine the hearing notice period for the Secretary's decision determining such, the Secretary shall seek to provide actual written notice of

(1) reporting and other requirements that the Secretary determines to be appropriate for administering such entities and (2) the Secretary's authority in exercising the authority of an entity to engage in activities relating to the management of trust or restricted assets under the pi ot project in order to protect the interests of the beneficial owners of such assets

(2) Pr mary purposes; l m lat on; approval of transaction; payments by Secretary (A) Purposes The primary purpose of any entity organized, created, or established shall be to provide, facilitate, and assist in the management of interests in trust or restricted lands by 1 or more persons in furtherance of the purposes of this chapter

(B) L m lat on The organization or activities of any entity shall not be conducted primarily for the purpose of providing or replacing benefits or modifying in any respect the trust duties or

the proceedings to a heirs Such e orts shall include (1) a search of public available records and Federal records including telephone and address directories and including electronic search directories or directories (2) an inquiry with family members and co heirs of the property (3) an inquiry with the tribal government of which the owner is a member and the tribal entity in any and (4) i the property is available greater than \$2,000 engaging the services of an independent firm to conduct a missing persons search

(n) Es ng he rs (1) For purposes of this subsection and subsection (m) this section an heir may be presumed missing (A) such heir's whereabouts remain unknown (B) 60 days a ter completion of notice e orts under subsection (m) of this section and (C) in the proceeding to determine a decedent's heirs the Secretary finds that the heir has had no contact with other heirs of the decedent in any or with the Department relating to trust or restricted and or other trust assets at any time during the 6 year period preceding the hearing to determine heirs

(2) Before the date of decaying an heir missing any person may request an extension of time to locate such heir The Secretary shall grant a reasonable extension of time or good cause in their she be decay missing on a ter (3) An heir who is decayed in the hearing proceeding and a finding has been made that this subsection has been complied with (4) An heir determined to be missing pursuant to this subsection shall be deemed to have predeceased the decedent or purposes of descent and devise or trust or restricted and and trust personally within that decedent's estate

(o) Purchase opt on at probate (1) In general The trust or restricted interests in a parcel owned by the decedent's estate may be purchased at probate in accordance with the provisions of this subsection (2) Sale of interest at fair market value Subject to paragraph (3) the Secretary is authorized to sell trust or restricted interests in a parcel to this subsection including the interest that the decedent or the decedent otherwise receive under subparagraph (A) or (D) of subsection (a)(2) of this section at no less than fair market value as determined in accordance with the provisions of this chapter to any other eligible purchaser (A) Any other eligible heir taking an interest in the same parcel and by intestate succession or the decedent's other devisees or interests in the same parcel who are eligible to receive a devise under subsection (b)(A) of this section may undivided trust or restricted interests in the same parcel owned and involved in the probate proceeding

(C) The Indian tribe with jurisdiction over the interest or the Secretary on behalf of such Indian tribe (3) Request to purchase; consent requirements; multiple requests to purchase (A) In general No sale of an interest in probate shall occur under this subsection unless (1) an eligible purchaser described in paragraph (2) submits a written request to purchase prior to the distribution of the decedent's interest to heirs or devisees of the decedent and in accordance with any regulations of the Secretary and (2) the decedent's surviving spouse, if any, receiving a life estate under subparagraph (A) or (D) of subsection (a)(2) of this section consent to the sale (B) Multiple requests to purchase Except for interests purchased pursuant to paragraph (5), if the Secretary receives a request with respect to an interest from more than 1 eligible purchaser under paragraph (2) the Secretary shall select the interest to the eligible purchaser that is selected by the applicable heir, devisee or surviving spouse

(4) Appraisal and notice Prior to the sale of an interest pursuant to this subsection the Secretary shall (A) appraise the interest at its fair market value in accordance with this chapter and (B) provide eligible heirs other devisees and the Indian tribe with jurisdiction over the interest with written notice sent by registered mail that the interest is available for purchase in accordance with this subsection (5) Small undivided interests in land and lands (A) In general Subject to subparagraph (B) the consent of a person who is an heir or surviving spouse of a decedent is not required for the sale of an interest at probate under this subsection (1) the interest is passing by intestate succession (ii) prior to the sale the Secretary determines in the probate proceeding that at the time of death of the applicable decedent the interest or the decedent in the estate represented less than 5 percent of the estate undivided ownership of the parcel of land is held by the decedent The Secretary records as of the time the determination is made and (iii) the Secretary is purchasing the interest under the program authorized under section 2212a(1) of this title or ( ) a letter receiving a notice under paragraph (4)(B) the Indian tribe with jurisdiction over the interest is proposing to purchase the interest from an heir or surviving spouse who is not residing on the property (B) (A) or (B) of this section shall not apply if the decedent is not a member and is not eligible to become a member of that Indian tribe

(5) Multiple requests to purchase (A) In general No sale of an interest in probate shall occur under this subsection unless (1) an eligible purchaser described in paragraph (2) submits a written request to purchase prior to the distribution of the decedent's interest to heirs or devisees of the decedent and in accordance with any regulations of the Secretary and (2) the decedent's surviving spouse, if any, receiving a life estate under subparagraph (A) or (D) of subsection (a)(2) of this section consent to the sale (B) Multiple requests to purchase Except for interests purchased pursuant to paragraph (5), if the Secretary receives a request with respect to an interest from more than 1 eligible purchaser under paragraph (2) the Secretary shall select the interest to the eligible purchaser that is selected by the applicable heir, devisee or surviving spouse

(6) Appraisal and notice Prior to the sale of an interest pursuant to this subsection the Secretary shall (A) appraise the interest at its fair market value in accordance with this chapter and (B) provide eligible heirs other devisees and the Indian tribe with jurisdiction over the interest with written notice sent by registered mail that the interest is available for purchase in accordance with this subsection (7) Small undivided interests in land and lands (A) In general Subject to subparagraph (B) the consent of a person who is an heir or surviving spouse of a decedent is not required for the sale of an interest at probate under this subsection (1) the interest is passing by intestate succession (ii) prior to the sale the Secretary determines in the probate proceeding that at the time of death of the applicable decedent the interest or the decedent in the estate represented less than 5 percent of the estate undivided ownership of the parcel of land is held by the decedent The Secretary records as of the time the determination is made and (iii) the Secretary is purchasing the interest under the program authorized under section 2212a(1) of this title or ( ) a letter receiving a notice under paragraph (4)(B) the Indian tribe with jurisdiction over the interest is proposing to purchase the interest from an heir or surviving spouse who is not residing on the property (B) (A) or (B) of this section shall not apply if the decedent is not a member and is not eligible to become a member of that Indian tribe

(8) Multiple requests to purchase (A) In general No sale of an interest in probate shall occur under this subsection unless (1) an eligible purchaser described in paragraph (2) submits a written request to purchase prior to the distribution of the decedent's interest to heirs or devisees of the decedent and in accordance with any regulations of the Secretary and (2) the decedent's surviving spouse, if any, receiving a life estate under subparagraph (A) or (D) of subsection (a)(2) of this section consent to the sale (B) Multiple requests to purchase Except for interests purchased pursuant to paragraph (5), if the Secretary receives a request with respect to an interest from more than 1 eligible purchaser under paragraph (2) the Secretary shall select the interest to the eligible purchaser that is selected by the applicable heir, devisee or surviving spouse

(9) Appraisal and notice Prior to the sale of an interest pursuant to this subsection the Secretary shall (A) appraise the interest at its fair market value in accordance with this chapter and (B) provide eligible heirs other devisees and the Indian tribe with jurisdiction over the interest with written notice sent by registered mail that the interest is available for purchase in accordance with this subsection (10) Small undivided interests in land and lands (A) In general Subject to subparagraph (B) the consent of a person who is an heir or surviving spouse of a decedent is not required for the sale of an interest at probate under this subsection (1) the interest is passing by intestate succession (ii) prior to the sale the Secretary determines in the probate proceeding that at the time of death of the applicable decedent the interest or the decedent in the estate represented less than 5 percent of the estate undivided ownership of the parcel of land is held by the decedent The Secretary records as of the time the determination is made and (iii) the Secretary is purchasing the interest under the program authorized under section 2212a(1) of this title or ( ) a letter receiving a notice under paragraph (4)(B) the Indian tribe with jurisdiction over the interest is proposing to purchase the interest from an heir or surviving spouse who is not residing on the property (B) (A) or (B) of this section shall not apply if the decedent is not a member and is not eligible to become a member of that Indian tribe

(11) Multiple requests to purchase (A) In general No sale of an interest in probate shall occur under this subsection unless (1) an eligible purchaser described in paragraph (2) submits a written request to purchase prior to the distribution of the decedent's interest to heirs or devisees of the decedent and in accordance with any regulations of the Secretary and (2) the decedent's surviving spouse, if any, receiving a life estate under subparagraph (A) or (D) of subsection (a)(2) of this section consent to the sale (B) Multiple requests to purchase Except for interests purchased pursuant to paragraph (5), if the Secretary receives a request with respect to an interest from more than 1 eligible purchaser under paragraph (2) the Secretary shall select the interest to the eligible purchaser that is selected by the applicable heir, devisee or surviving spouse

(12) Appraisal and notice Prior to the sale of an interest pursuant to this subsection the Secretary shall (A) appraise the interest at its fair market value in accordance with this chapter and (B) provide eligible heirs other devisees and the Indian tribe with jurisdiction over the interest with written notice sent by registered mail that the interest is available for purchase in accordance with this subsection (13) Small undivided interests in land and lands (A) In general Subject to subparagraph (B) the consent of a person who is an heir or surviving spouse of a decedent is not required for the sale of an interest at probate under this subsection (1) the interest is passing by intestate succession (ii) prior to the sale the Secretary determines in the probate proceeding that at the time of death of the applicable decedent the interest or the decedent in the estate represented less than 5 percent of the estate undivided ownership of the parcel of land is held by the decedent The Secretary records as of the time the determination is made and (iii) the Secretary is purchasing the interest under the program authorized under section 2212a(1) of this title or ( ) a letter receiving a notice under paragraph (4)(B) the Indian tribe with jurisdiction over the interest is proposing to purchase the interest from an heir or surviving spouse who is not residing on the property (B) (A) or (B) of this section shall not apply if the decedent is not a member and is not eligible to become a member of that Indian tribe

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AMENDMENTS

2008 S sec (a)(2) P 0 453 §207(c)(1)(B)  
 ad pa (2) e a g P e s a e d e e o p e ma  
 S sec (a)(2)(A) P 0 453 §207(c)(1)(A)  
 S sec (a)(2)(B) P 0 453 §207(c)(1)(B)  
 S sec (a)(2)(C) P 0 453 §207(c)(1)(C)  
 S sec (a)(2)(D) P 0 453 §207(c)(1)(D)  
 S sec (a)(2)(E) P 0 453 §207(c)(1)(E)  
 S sec (a)(2)(F) P 0 453 §207(c)(1)(F)  
 S sec (a)(2)(G) P 0 453 §207(c)(1)(G)  
 S sec (a)(2)(H) P 0 453 §207(c)(1)(H)  
 S sec (a)(2)(I) P 0 453 §207(c)(1)(I)  
 S sec (a)(2)(J) P 0 453 §207(c)(1)(J)  
 S sec (a)(2)(K) P 0 453 §207(c)(1)(K)  
 S sec (a)(2)(L) P 0 453 §207(c)(1)(L)  
 S sec (a)(2)(M) P 0 453 §207(c)(1)(M)  
 S sec (a)(2)(N) P 0 453 §207(c)(1)(N)  
 S sec (a)(2)(O) P 0 453 §207(c)(1)(O)  
 S sec (a)(2)(P) P 0 453 §207(c)(1)(P)  
 S sec (a)(2)(Q) P 0 453 §207(c)(1)(Q)  
 S sec (a)(2)(R) P 0 453 §207(c)(1)(R)  
 S sec (a)(2)(S) P 0 453 §207(c)(1)(S)  
 S sec (a)(2)(T) P 0 453 §207(c)(1)(T)  
 S sec (a)(2)(U) P 0 453 §207(c)(1)(U)  
 S sec (a)(2)(V) P 0 453 §207(c)(1)(V)  
 S sec (a)(2)(W) P 0 453 §207(c)(1)(W)  
 S sec (a)(2)(X) P 0 453 §207(c)(1)(X)  
 S sec (a)(2)(Y) P 0 453 §207(c)(1)(Y)  
 S sec (a)(2)(Z) P 0 453 §207(c)(1)(Z)

(B) Except on

Notwithstanding subparagraph (A) the  
 consent of such heir or surviving spouse  
 shall be required on the sale at probate  
 the interest of the heir or surviving spouse  
 at the time of the decedent's death the  
 heir or surviving spouse was residing on the  
 parcel and on which the interest to be  
 passed was part

(6) D str but on of proceeds

(A) In general

Proceeds from the sale of interests under  
 this subsection shall be distributed to the  
 heirs devisees or spouse whose interest was  
 so distributed in accordance with the uses of their  
 respective interests

(B) Hold ng n trust

Proceeds described in subparagraph (A)  
 shall be deposited and held in an account as  
 trust property for the interest so distributed  
 otherwise pass to

(1) the heir

under subsection (a) of this section or to the  
 surviving spouse if the interest so distributed  
 stands under subsection (b)(1) of this section

(2) the heir

if the interest so distributed stands under  
 subsection (b)(2) of this section

(3) the heir

if the interest so distributed stands under  
 subsection (b)(3) of this section

(4) the heir

if the interest so distributed stands under  
 subsection (b)(4) of this section

(5) the heir

if the interest so distributed stands under  
 subsection (b)(5) of this section

(6) the heir

if the interest so distributed stands under  
 subsection (b)(6) of this section

(7) the heir

if the interest so distributed stands under  
 subsection (b)(7) of this section

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 deede e e e s o deede e a d ep  
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 S sec (o)(5)(A) P 0 453  
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 S sec (o)(5)(B) P 0 453 §207(c)(7)(C)(X)  
 S sec (o)(5)(C) P 0 453 §207(c)(7)(C)(X)  
 S sec (o)(5)(D) P 0 453 §207(c)(7)(C)(X)  
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 S sec (o)(5)(H) P 0 453 §207(c)(7)(C)(X)  
 S sec (o)(5)(I) P 0 453 §207(c)(7)(C)(X)  
 S sec (o)(5)(J) P 0 453 §207(c)(7)(C)(X)  
 S sec (o)(5)(K) P 0 453 §207(c)(7)(C)(X)  
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 S sec (o)(5)(M) P 0 453 §207(c)(7)(C)(X)  
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 S sec (o)(5)(Q) P 0 453 §207(c)(7)(C)(X)  
 S sec (o)(5)(R) P 0 453 §207(c)(7)(C)(X)  
 S sec (o)(5)(S) P 0 453 §207(c)(7)(C)(X)  
 S sec (o)(5)(T) P 0 453 §207(c)(7)(C)(X)  
 S sec (o)(5)(U) P 0 453 §207(c)(7)(C)(X)  
 S sec (o)(5)(V) P 0 453 §207(c)(7)(C)(X)  
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 S sec (o)(5)(Z) P 0 453 §207(c)(7)(C)(X)

(B) Except on

Notwithstanding subparagraph (A) the  
 consent of such heir or surviving spouse  
 shall be required on the sale at probate  
 the interest of the heir or surviving spouse  
 at the time of the decedent's death the  
 heir or surviving spouse was residing on the  
 parcel and on which the interest to be  
 passed was part

(6) D str but on of proceeds

(A) In general

Proceeds from the sale of interests under  
 this subsection shall be distributed to the  
 heirs devisees or spouse whose interest was  
 so distributed in accordance with the uses of their  
 respective interests

(B) Hold ng n trust

Proceeds described in subparagraph (A)  
 shall be deposited and held in an account as  
 trust property for the interest so distributed  
 otherwise pass to

(1) the heir

under subsection (a) of this section or to the  
 surviving spouse if the interest so distributed  
 stands under subsection (b)(1) of this section

(2) the heir

if the interest so distributed stands under  
 subsection (b)(2) of this section

(3) the heir

if the interest so distributed stands under  
 subsection (b)(3) of this section

(4) the heir

if the interest so distributed stands under  
 subsection (b)(4) of this section

(5) the heir

if the interest so distributed stands under  
 subsection (b)(5) of this section

(6) the heir

if the interest so distributed stands under  
 subsection (b)(6) of this section

(7) the heir

if the interest so distributed stands under  
 subsection (b)(7) of this section

(8) the heir

if the interest so distributed stands under  
 subsection (b)(8) of this section

(9) the heir

if the interest so distributed stands under  
 subsection (b)(9) of this section

(10) the heir

if the interest so distributed stands under  
 subsection (b)(10) of this section

(11) the heir

if the interest so distributed stands under  
 subsection (b)(11) of this section

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\$2207. Full fa and cred t to tr bal act ons
under tr bal ord nances l m t ng descnt and
d str but on of trust or restr cled or con-
trolled lands

The Secretary in carrying out his responsi-
bilty to regu ate the descnt and distributon o
trust ands under section 372 o this tit e and
other aws sha gve y ath and cred t to any
triba actons taken pursuant to subsections (a)
and (b) o section 2207 o this tit e which provi-
de that the Secretary sha gve ath to the triba
whose deaths occur on or after the e ctive date
o triba ord nances adopted pursuant to this
chapter
(Pub L 97 459 tit e \$208 Jan 12 1983 96
Stat 2519 ) Pub L 106 462 tit e \$103(5) Nov 7
2000 114 Stat 1939 )

AMENDMENTS
2000 P 06 422 s ed 's sec o s (a) a d
( ) o sec o 2205 o 'sec o 2205
\$2208. Conveyng author y upon sale or ex-
change of tr bal lands; removal of trust
status of nd v dually owned lands

The Secretary sha have the authority to
issue decds patents or such other instrments
o conveynce needed to e ctuate a sa or ex-
change o triba lands made pursuant to the
provisions of section 2208 o this tit e. The
quest o an ndian owner the trust status o
dividua y held ands or interests therein where
authorized by aw
(Pub L 97 459 tit e \$209 Jan 12 1983 96
Stat 2519 )

\$2209. Trusteesh p t tle of Un ted States for any
Ind an or Ind an tr be

Tit e to any and acquired under this charter
by any ndian or ndian tribe sha be taken in
trust by the nited States or that ndian or n-
dian tribe
(Pub L 97 459 tit e \$210 Jan 12 1983 96
Stat 2519 )

\$2210. Tax exempt on
A ands or interests in and acquired by the
nited States or that ndian or ndian tribe
under authority o this chapter sha be exempt
rom Federa State and oca taxation

(C) may enter into agreements (such
agreements wi not be subject to the provi-
sons o the ndian Se Determination and
Education Assistance Act o 1974 [25 S C
450 et seq ]) with the triba government that
exercises jurisdiction over the land and invo ved
or a subordinate entity o the triba govern-
ment to carry out some or a o the Secretary's
retary sa acquisition program and

(4) sha minimize the administrative costs
associated with the and acquisition program
through the use o policies and procedures de-
signed to accommodate the vol untary sa o
interests under this section notwithstanding
the existence o any otherwise applicab le pro-
visions o the Act; and
(5) sha coordinate the action through the
e limitation dup licate
(A) conveynce documents
(B) administrative proceedings and
(C) transactions

(c) Sale of interest to Ind an landowners
(1) Conveynce at request
(A) In general

At the request o any ndian who owns an
undivided interest in a parce o trust or re-
source and the Secretary sha convey an
interest in the parce o trust or resource under this
section to the ndian andowner
(1) on payment by the ndian andowner
o the amount paid or the interest by the
Secretary or
(1) i

( ) the ndian referred to in this sub
paragraph provides assurances that the
purchase price wi be paid by p edging
revenue rom any source including trust
resources and
( ) the Secretary determines that the
purchase price wi be paid in a time y
and e ffect manner

(B) L m tat on
With respect to a conveynce under this
subsection the Secretary sha not approve
an application to terminate the trust status
or remove the restrictions o such an inter-
est o the Secretary sha subject to the
censure o a mortgage in accordance with
section 483a o this tit e

(2) Mult ple owners
more than one ndian owner requests an
interest under paragraph (1) the Secretary
sha consi the request of the ndian owner
with consi the request of the ndian owner
divided interest in the parce o trust or re-
source and invo ved

(3) L m tat on
A ndian tribe that has jurisdiction over
a parce o trust or restricted and owns an undi-
vided interest in the parce o trust or re-
source may on y be acquired under para-
graph (1) with the consent o such ndian tribe

(d) Author zat on of appropr at ons
There is authorized to be appropriated to
carry out this section \$15 000 000 or less a year
beginning with fiscal year 2007 and
\$145 000 000 or each o isca years 2007 through
2010

( ub L 97 459 tit e \$213 as added Pub L
106 462 tit e \$103(6) Nov 7 2000 114 Stat 1939
amended Pub L 108 374 §6(a)(5) Oct 27 2004
118 Stat 1800 Pub L 109 157 §5 Dec 30 2005
119 Stat 2952 Pub L 110 435 tit e \$207(d)
Dec 2 2008 122 Stat 5033 )

REFERENCES IN TEXT
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2005 P 09 57 §5( ) ame ded sec o c a e
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S sec ( ) (4) P 08 374 §6(a)(5)(C) added pa
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S sec (e)(3) P 08 374 §6(a)(5)( ) X ( )
mo e o e d v ded e s o ' o p e ce o
S sec (d) P 08 374 §6(a)(5)(E) added s sec
(d)

EFFECTIVE DATE OF 2005 AMENDMENT  
 Amended by P.L. 09-57, effective 9/30/09, and P.L. 09-57, effective 9/30/09.  
 § 2213. Adminstration of acqured fractional interests; disposition of proceeds

(a) In general  
 Subject to the conditions described in subsection (b)(1), this section applies to an interest in a fraction of an interest in common with the other owners of the trust or restricted and the granting of rights of way or engage in any other transaction affecting the trust or restricted and authorized by law.

(b) Application of revenue from acquired interests to land consolidation program

(1) In general  
 The Secretary shall have a lien on any revenue accruing to an interest described in subsection (a) of this section until the Secretary provides for the removal of the lien under paragraph (3) (4) or (5).

(2) Requirements

(A) In general  
 The Secretary removes a lien from an interest in and under paragraph (1) if any ease resource sale contract right of way or other document evidencing a transaction affecting the interest contains a clause providing that a portion of the revenue derived from any interest acquired by the Secretary in accordance with section 2212 of this title shall be deposited in the fund created under section 2215 of this title.

(B) Approval of transaction  
 Notwithstanding section 476 of this title or other provisions of law, the Secretary may remove a lien from an interest in and under paragraph (1) if the Secretary may approve a transaction covered under this section on behalf of an Indian tribe.

(3) Removal of liens after fundings  
 The Secretary may remove a lien referred to in paragraph (1) if the Secretary makes a finding that:  
 (A) the costs of administering the interest which revenue accrues under the lien will equal or exceed the projected revenues from the parcel and involved;  
 (B) in the discretion of the Secretary it will take an unreasonable period of time or the parcel and to generate revenue that equals the purchase price paid or the interest or  
 (C) a subsequent decrease in the value of and or commodities associated with the parcel and make it likely that the interest will be sold at a price less than the purchase price paid or the interest in a reasonable time.

(4) Removal of liens upon payment into the acquisition fund

The Secretary shall, upon payment to an amount equal to the purchase price of that interest in and into the Acquisition Fund created under section 2215 of this title except where the tribe with jurisdiction over such interest in and authorizes the Secretary to continue the lien in order to generate additional acquisition funds.

(5) Other removal of liens  
 The Secretary may in consultation with the tribal governments and other entities described in section 2212(b)(3) of this title permit a party to remove a lien referred to in paragraph (1) from interests in and acquired by the Secretary.

(c) Tribe not treated as party to lease; no effect on tribal sovereignty, immunity

(1) In general  
 Paragraph (2) shall apply with respect to any undivided interest in a fee and held by the Secretary in trust for a tribe in a lease or agreement under subsection (a) of this section otherwise applicable to such undivided interest by reason of this section even though the Indian tribe did not consent to the lease or agreement.

(2) Application of lease  
 The lease or agreement described in paragraph (1) shall apply to the portion of the undivided interest in a fee and described in such paragraph (including that entered into the Indian tribe to payment under the lease or agreement) as being a party to the lease or agreement. Nothing in this section (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

(b) Approval of transaction  
 Notwithstanding section 476 of this title or other provisions of law, the Secretary may remove a lien from an interest in and under paragraph (1) if the Secretary may approve a transaction covered under this section on behalf of an Indian tribe.

(3) Removal of liens after fundings  
 The Secretary may remove a lien referred to in paragraph (1) if the Secretary makes a finding that:  
 (A) the costs of administering the interest which revenue accrues under the lien will equal or exceed the projected revenues from the parcel and involved;  
 (B) in the discretion of the Secretary it will take an unreasonable period of time or the parcel and to generate revenue that equals the purchase price paid or the interest or  
 (C) a subsequent decrease in the value of and or commodities associated with the parcel and make it likely that the interest will be sold at a price less than the purchase price paid or the interest in a reasonable time.

Such a system may govern the amounts owed or the purchase of interests in trust or restricted and under this chapter (Pub. L. 97-459, title 2, § 215, as added, Pub. L. 106-462, title 1, § 103(b), Nov. 7, 2000, 114 Stat. 2002; amended by Pub. L. 108-374, § 6(a)(7), Oct. 27, 2004, 118 Stat. 1802; Pub. L. 109-157, § 6, Dec. 30, 2005, 119 Stat. 2352.)

REFERENCES IN TEXT  
 "This chapter" means the provisions of this title relating to the acquisition of interests in and under this chapter.  
 "This section" means section 2212 of this title.  
 "This title" means title 25 of the United States Code.

AMENDMENTS  
 2005 P.L. 109-157, § 6, Dec. 30, 2005, 119 Stat. 2352, added new section 2212(b)(3) of this title.  
 2004 P.L. 108-374, § 6(a)(7), Oct. 27, 2004, 118 Stat. 1802, amended section 2212(b)(3) of this title.  
 2000 P.L. 106-462, title 1, § 103(b), Nov. 7, 2000, 114 Stat. 2002, added section 2212(b)(3) of this title.

§ 2215. Acquisition fund

(a) In general  
 The Secretary shall establish an Acquisition Fund to:

- (1) disburse appropriations authorized to accomplish the purposes of section 2212 of this title and
- (2) collect a revenue received from the lease permit or sale of resources from interests acquired under section 2212 of this title or from the Indian landowners under section 2212 of this title.

(b) Deposits; use

(1) In general  
 A proceeds from leases permits or restricted interests derived from an interest in trust or restricted interests described in subsection (a)(2) of this section shall:

(A) be deposited in the Acquisition Fund from which to be used to pay the purposes of this section;

(B) as deposited in advance in appropriate trust or restricted interests in accordance with section 2212 of this title;

(C) be used to acquire undivided interests in the reservation from which the income was derived.

(2) Use of funds  
 The Secretary may use the revenue deposited in the Acquisition Fund to:

- (1) to acquire some or all of the undivided interests in any parcel or parcels and in accordance with section 2204 of this title;
- (2) to acquire some or all of the undivided interests in any parcel or parcels and in accordance with section 2204 of this title.

AMENDMENTS  
 2004 S. Sec. (a)(2), P.L. 108-374, § 6(a)(8)(A), added new section 2216 of this title.  
 2004 S. Sec. (a)(2), P.L. 108-374, § 6(a)(8)(B), added new section 2216 of this title.  
 2004 S. Sec. (a)(2), P.L. 108-374, § 6(a)(8)(C), added new section 2216 of this title.

§ 2216. Trust and restricted land transactions

(a) Policy  
 It is the policy of the United States to encourage and assist the consolidation of and ownership through transactions:

- (1) involving Indian lands;
- (2) held in trust and the tribal government that exercises jurisdiction over the land;
- (3) between individuals who own an interest in trust and restricted and who wish to convey that interest to an Indian or the tribal government that exercises jurisdiction over the parcel and involved.

(b) Sales, exchanges and gifts of deeds between Indians and between Indians and land in trusts  
 (1) In general  
 Notwithstanding any other provision of law and on a voluntary basis, an Indian or Indian landowner may convey an interest in land to a person who is not an Indian and to a person who is not an Indian in a manner consistent with the policy of this title and the trust status of the land. Nothing in this section shall be construed to apply to or authorize the sale of trust or restricted lands to a person who is not an Indian.

(2) Est. mode of value  
 Notwithstanding any other provision of law and on a voluntary basis, an Indian or Indian landowner may convey an interest in land to a person who is not an Indian and to a person who is not an Indian in a manner consistent with the policy of this title and the trust status of the land. Nothing in this section shall be construed to apply to or authorize the sale of trust or restricted lands to a person who is not an Indian.

(3) Waiver of requirement  
 The requirement of an estimate of value under subparagraph (A) may be waived in writing by an owner of a trust or restricted interest in and either selling, exchanging or conveying by gift deed or no or nominal consideration such interest:

- (i) to an Indian person who is the owner's spouse, brother, sister, niece, ancestor, or child;
- (ii) to an Indian co-owner or to the tribe with jurisdiction over the subject parcel or

(4) Waiver of requirement  
 The requirement of an estimate of value under subparagraph (A) may be waived in writing by an owner of a trust or restricted interest in and either selling, exchanging or conveying by gift deed or no or nominal consideration such interest:

- (i) to an Indian person who is the owner's spouse, brother, sister, niece, ancestor, or child;
- (ii) to an Indian co-owner or to the tribe with jurisdiction over the subject parcel or

and where the grantor owns a fractional interest that represents 5 percent or less of the parcel

(2) Limitation

For a period of 5 years after the Secretary approves conveyance pursuant to this subsection the Secretary shall not approve an application to terminate the trust status or remove the restrictions on such an interest.

(c) Acquisition of interest by Secretary

An Indian or the recognized tribal government or a reservation in possession of an interest in land that is being administered under this title, which is in trust or restricted status on November 7, 2000 and located within a reservation may request that the interest be taken into trust by the Secretary upon such request the Secretary shall forthwith take such interest into trust

(d) Status of lands

The sale, exchange, or conveyance by gift, deed or no or nominal consideration of an interest in trust or restricted and under this section shall not affect the status of that and as trust or restricted and

(e) Land ownership information

Notwithstanding any other provision of law the maps and trust restricted and other information on the location of the parcel and the percentage of undivided interest owned by each individual shall upon written request be made available to

(1) Other owners or interests in trust or restricted lands within the same reservation (2) The tribe that exercises jurisdiction over the land and where the parcel is located or any person who is eligible or membership in that tribe and (3) any person that is casing using or conducting such application for restricted and or the interest in trust or restricted lands

(f) Purchase of land by Indian tribe

(1) In general Except as provided in paragraph (2) be the Secretary approves an application to terminate the trust status or remove the restrictions on a reservation from a parcel or interest in trust or restricted and the Indian tribe with jurisdiction over the parcel shall have the opportunity (A) when any offer contained in the application or (B) in a case in which there is no purchase price offered to acquire the interest in the parcel by paying the fair market value of the interest

(2) Exception for family farms

(A) In general Paragraph (1) shall not apply to a parcel or interest in trust or restricted and that is part of a family farm that is controlled by the same owner as the parcel owner (as defined in section 2205(c)(2)(A)(i)) or this title) the conveyance requires that

Representatives a report that indicates or the period covered by the report

- (1) the number of fractional interests in trust or restricted lands acquired and (2) the impact of the resulting reduction in the number of such fractional interests on the financial and realty recordkeeping systems of the Bureau of Indian Affairs

(b) Report

The reports described in subsection (a) of this section and section 2212(a) of this title shall contain findings as to whether the program under this chapter to acquire fractional interests in trust or restricted lands should be extended and whether such program should be altered to include the Secretary's authority to acquire interests in land owned by Indian tribes and individuals Indian landowners

(Pub. L. 97 459 title 25 § 2218 as added Pub. L. 106 462 title 25 § 103(c) Nov 7 2000 114 Stat 3004)

REFERENCES IN TEXT T s c a p e e e d o s s e c ( ) w a s " s a " s A c w e w a s a s a d a s e a d g e e c e p o a e e o o c o g e s s C H A N G E O F N A M E C o m m e o R e s o e s o H o s e o R e p e s e a v e c a g e t o C o m m e o N a a R e s o e s o H o s e R e p e s e a v e s y H o s e s e o N o 6 0 e H d e d t o C o g e s s J a 2 0 0 7

§ 2218. Approval of leases, rights-of-way, and sales of natural resources

(a) Approval by the Secretary

(1) In general Notwithstanding any other provision of law the Secretary may approve any lease or agreement that affects an individual owned or owned or any other and held in trust or restricted status by the Secretary on behalf of an Indian (A) the owners or not less than the applicable percentage (determined under subsection (b)) of this section) of the undivided interest in the land and that is covered by the lease or agreement consent in writing to the lease or agreement

(B) The Secretary determines that approving the lease or agreement is in the best interest of the owners of the undivided interest in the land and (2) Rule of construct on Nothing in this section shall be construed to apply to leases involving coal or uranium

(3) Definition

In this section the term a opted and includes any land held in trust or restricted status by the Secretary on behalf of one or more Indians

(b) Applicable percentage

(1) Percentage interest The applicable percentage referred to in subsection (a)(1) of this section shall be determined as follows: (i) 50 percent or the undivided interest in the land and the applicable percentage shall be 90 percent

- (B) there are more than 5 such owners but fewer than 11 such owners the applicable percentage shall be 80 percent (C) there are more than 10 such owners but fewer than 20 such owners the applicable percentage shall be 60 percent (D) there are 20 or more such owners the applicable percentage shall be a majority of the interests in the land and

(2) Determination of owners

(A) In general

For purposes of this subsection in determining the number of owners and their interests in the undivided interest in the land and with respect to a lease or agreement and the Secretary shall make such determination based on the records of the Department of the Interior that identify the owners of such lands and their interests and the number of owners of such and on the date on which the lease or agreement involved is submitted to the Secretary under this section

(B) Rule of construct on

Nothing in subparagraph (A) shall be construed to authorize the Secretary to treat an Indian tribe as the owner of an interest in the land and that did not escheat to the tribe pursuant to section 2206 of this title as a result of the Supreme Court's decision in Babbitt v Youpee (117 S.Ct. 727 (1997))

(c) Authority of Secretary to sign lease or agreement on behalf of certain owners

The Secretary may give written consent to a lease or agreement under subsection (a) of this section

- (1) on behalf of the individual Indian owner if the owner is deceased and the heirs or devisees of the interest of the deceased owner have not been determined or (2) on behalf of any heir or devisee referred to in paragraph (1) if the heir or devisee has been determined but cannot be located

(d) Effect of approval

(1) Application to all parties

(A) In general

Subject to paragraph (2) a lease or agreement approved by the Secretary under subsection (a) of this section shall be binding on the same extent as if the owners of the undivided interest in the land and covered under the lease or agreement consented to the lease or agreement

(B) Description of parties

The parties referred to in subparagraph (A) are (i) the owners of the undivided interest in the land and (ii) the heirs or devisees of the lease or agreement referred to in such subparagraph and (d) a other parties to the lease or agreement

(2) **Tr to be treated as party to lease; no effect on tribal sovereign govty, munum ty**

(A) **In general**
Subparagraph (B) shall apply with respect to any lease or agreement entered into by the Secretary in trust or a tribe in accordance with paragraph (a) of this section. This section is otherwise applicable to such leases or agreements only if the Secretary has determined that the lease or agreement should not be treated as being a party to the lease or agreement. Nothing in this section shall be construed to affect the sovereignty of the Indian tribe.

(B) **Appl cat on of lease**
The lease or agreement described in subsection (A) shall apply to the portion of the undivided interest in a tract and described in such paragraph (including entitlement of the Indian tribe to payment under the lease or agreement) and the Indian tribe shall not be treated as being a party to the lease or agreement. Nothing in this section (or in the lease or agreement) shall be construed to affect the sovereignty of the Indian tribe.

(C) **D str but on of proceeds**

(1) **In general**
The proceeds derived from a lease or agreement that is approved by the Secretary under subsection (a) of this section shall be distributed to the owners of undivided interest in the tract and covered under the lease or agreement.

(2) **Determ nat on of amounts d str buted**
The amount of the proceeds under paragraph (1) that are distributed to each owner under that paragraph shall be determined in accordance with the portion of the undivided interest in the tract and covered under the lease or agreement that is owned by that owner.

(f) **Rule of construct on**
Nothing in this section shall be construed to amend or modify the provisions of Public Law 105-188 (25 USC 396 note) the American Indian Agriculture Resources Management Act (25 USC 3701 et seq) title 25 of the Indian Land Consolidation Act Amendments of 2000 or any other Act that provides specific standards or the percentage of ownership interest that must approve a lease or agreement on a specified reservation.

(g) **Other laws**
Nothing in this chapter shall be construed to supersede, repeal, or modify any general or specific statute authorizing the grant or approval of any type of and use transaction involving Indian interests in trust or restricted land. (Pub L 97-459 title 25 § 2219 as added Pub L 106-462 title 25 § 108(b) Nov 7 2000 114 Stat. 2004 118 Stat. 1604)

REFERENCES IN TEXT
Title America Indian Agriculture Resources Management Act 25 USC 396 note) the American Indian Agriculture Resources Management Act 25 USC 3701 et seq) title 25 of the Indian Land Consolidation Act Amendments of 2000 or any other Act that provides specific standards or the percentage of ownership interest that must approve a lease or agreement on a specified reservation.

Indian leases of individual Indian trust or restricted land and where the owners of a parcel are not restricted interests in the parcel and have submitted applications to the Secretary pursuant to subsection (a) of this section and the Secretary has approved such applications under subsection (d) of this section such owners may without further approval by the Secretary enter into a lease of the parcel for agricultural purposes or a term not to exceed 10 years.

(2) **Rule of construct on**
No such lease shall be effective until it has been executed by the owners of a undivided trust or restricted interests in the parcel.

(d) **Approval of applications for owner management**
(1) **In general**
Subject to the provisions of paragraph (2) the Secretary shall approve an application of owner management submitted by a qualified applicant pursuant to this section unless the Secretary has reason to believe that the applicant is submitting the application as the result of fraud or undue influence. No such application shall be valid or considered valid if it is received by the Secretary prior to the date that is 1 year after the date on which notice is published pursuant to section 2404(4) of the American Indian Probate Reform Act of 2004.

(2) **Commencement of owner-managed status**
Notwithstanding the approval of an application pursuant to paragraph (1) no trust or restricted interest in a parcel or land shall acquire owner-managed status until application of the trust or restricted interest is admitted to and approved by the Secretary pursuant to this section.

(e) **Validity of leases**
No lease of trust or restricted interests in a parcel and that is owner managed under this section shall be valid or enforceable against the owners of such interests or against the interest of the United States unless such lease (1) is consistent with and entered into in accordance with the requirements of this section or (2) has been approved by the Secretary in accordance with other Federal laws applicable to trust or restricted land.

(f) **Lease revenues**
The Secretary shall not be responsible or the co-tenant or accounting for any lease revenues accruing to any interests under a lease authorized by subsection (e) of this section so long as such interests are in owner-managed status under the provisions of this section.

(g) **Jurisdiction on unaffected by status**
(1) **Jurisdiction on unaffected by status**
The Indian tribe with jurisdiction over an interest in trust or restricted land that becomes owner-managed shall continue to have jurisdiction over the interest to the same extent and in a manner as if the interest had not been owner-managed.

acquiring such tribe had prior to the interest. (2) **Persons using easement or otherwise using such interest in, and shall be considered to consent to the jurisdiction of the Indian tribe referred to in paragraph (1) including such tribes laws and regulations in any way relating to the use and any effects associated with the use of the interest.**

(h) **Consent must on of owner-managed status; revocation**
(1) **In general**
Subject to the provisions of paragraph (2) a trust or restricted interest in a parcel and have been approved by the Secretary pursuant to subsection (d) of this section each subsequent conveyance of the interest in trust or restricted status to another person or trust or restricted status by estate or intestate succession to 1 or more heirs.

(2) **Revocation**
Owner-managed status of an interest may be revoked upon written request of the owners (including the parents or legal guardians of minors or incompetent owners) of a trust or restricted interest in the parcel submitted to the Secretary under subsection (d). The revocation shall become effective as of the date on which the request is received by the Secretary.

(3) **Effect of revocation**
Revocation of owner-managed status under paragraph (2) shall not affect the validity of any lease made in accordance with the provisions of this section prior to the effective date of the revocation provided that a trust or restricted interest becomes effective the Secretary shall be responsible for the collection and accounting of any future lease revenues accruing to the trust or restricted interests in the parcel from and after such effective date.

(4) **Deferral terms**
(1) For purposes of subsection (d)(1) of this section the term qualified applicant means (A) a person over the age of 18 who owns a trust or restricted interest in a parcel and (B) the parent or legal guardian of a minor or incompetent person who owns a trust or restricted interest in a parcel and (2) For purposes of this section the term owner-managed status means with respect to a trust or restricted interest that (A) the interest is a trust or restricted interest in a parcel and on which applications covering a trust or restricted interest in the parcel have been submitted to and approved by the Secretary pursuant to subsection (d) of this section.

(5) **See References in Text**

(B) the interest may be eased without ap-  
 prova o the Secretary pursuant to and in a  
 manner that is consistent with the require-  
 ments o this section and  
 (C) no revocation has occurred under sub  
 section (b)(2) o this section

( ) **Secretarial approval of other transact ions**  
 Except with respect to the sped ic ease trans  
 action described in paragraph (1) o subsection  
 (c) o this section interests that acquire owner  
 managed status under the provisions o this sec  
 tion sha continue to be subject to a Federa  
 aws requiring the Secretary to approve trans  
 actions involving trust or restricted and (in  
 cluding easas with terms o a duration in excess  
 o 10 years) that wou d otherwise apply to such  
 interests. If the interests had not acquired  
 owner managed status under this section

(k) **Effect of sect ion**  
 Subject to subsections (c) ( ) and (h) o this  
 section nothing in this section diminishes or  
 otherwise acts any authority or responsibility  
 o the Secretary with respect to an interest in  
 trust or restricted and  
 (Pub L 97 459 tit e § 221 as added Pub L  
 108 374 § 5 Oct 27 2004 118 Stat 1795 amended  
 Pub L 110 453 tit e § 207(e) Dec 2 2008 122  
 Stat 5033 )

REFERENCES IN TEXT

Sec o 8(a)(4) o e Ame ca da P o a e Re  
 om Ac o 2004 e e ed o s sec (d)( ) s sec o  
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AMENDMENTS

2008 S. sec (a) P 0 453 se ed "ow e o  
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§ 2221. Annual not ce and f l ng; current where-  
 abouts of interest owners

On at east an annua basis the Secretary  
 sha inc ude a ong with other regu ar reports to  
 owners o trust or restricted interests in and  
 and individua ndian money account owners a  
 change o name and address orm by means o  
 which the owner may con firm or update the  
 owner s name and address The change o name  
 and address orm sha inc ude a section in  
 which the owner may con firm and update the  
 owner s name and address  
 (Pub L 97 459 tit e § 222 as added Pub L  
 108 374 § 7 Oct 27 2004 118 Stat 1809 )

CHAPTER 25 OLD AGE ASSISTANCE CLAIMS  
 SETTLEMENT

Sec o f  
 2302 Payme o ca ms  
 2303 No ce  
 2304 de ca o o f o payme a de pe  
 2305 d ed ca m payme  
 2306 s a g e a d a e o ca ms  
 2307 A ca o o opp op a o s  
 T ea me o de

§ 2301. Def n t ions

For purposes o this chapter the term  
 (1) "Secretary" means the Secretary o the  
 (2) "unauthorized disbursement" means a  
 disbursement made rom the trust estate o a  
 deceased ndian which was made by the Sec  
 retary to a State or a po litica subdivision o  
 a State or the purpose o reimbursing the  
 State or po litica subdivision or any o d age  
 assistance made to the deceased ndian be ore  
 death in v i o a t i o n o Federa aws governing  
 ndian trust property P o v i d e d That except  
 or purposes o section 2303 o this tit e the  
 term a so inc ludes the reimbursements or  
 we are payments inc luded in either the isc  
 o 50 o the Federa Register as mod ied or  
 tunc 50 o the Federa Register as mod ied or  
 amended on November 13 1985 at page 46855 o  
 v o me 50 o the Federa Register or the ist  
 pub lished on March 31 1983 at page 13698 o  
 v o me 48 o the Federa Register as mod ied  
 or amended on November 7 1983 at page 61204  
 o v o me 48 o the Federa Register and  
 (3) "trust estate" means that portion o the  
 estate that consists o rea or persona prop  
 erty tit e to which is he d by the tit ed  
 States or the bene fit o the ndian or which  
 may not be a tenated without the consent o  
 the Secretary

(Pub L 98 500 § 2 Oct 19 1994 98 Stat 2317  
 Pub L 100 133 § 5 Nov 5 1987 101 Stat 886 )

AMENDMENTS

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 S i m e r T r u s t

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 "T a s Ac fe sec f sc ap e l may e c ed is  
 e "O d Age Ass s a ce C a ms Se eme Ac

§ 2302. Payment of cla ms

(a) Author ty of Secretary

The Secretary is authorized and directed to  
 determine the portion o any unauthorized dis  
 bursement to which any individua under this  
 chapter is entit ed and to pay to such individ  
 ua the amount which the Secretary determines  
 such individua to be entit ed Any payment  
 under this provision sha inc ude interest at a  
 rate o 5 per centum per annum simp e interest  
 rom the date on which such disbursement was  
 made rom the trust estate o the deceased n  
 dian

(b) M n num amount for payment

No payment sha be made to a person under  
 subsection (a) o this section with respect to any  
 unauthorized disbursement rom the trust estate  
 o a deceased ndian if the amount o unauthorized dis  
 bursements rom such trust estate was ess  
 than \$50 or  
 (2) the payment (not inc luding interest)  
 wou d be ess than \$10

(Pub L 98 500 § 3 Oct 19 1994 98 Stat 2317  
 Pub L 100 581 tit e § 201 Nov 1 1988 102  
 Stat 2938 )



THE SECRETARY OF THE INTERIOR  
WASHINGTON

ORDER NO. 3325

Subject: Land Buy-Back Program for Tribal Nations

**Sec. 1 Purpose.** This Order establishes the Land Buy-Back Program for Tribal Nations (Buy-Back Program) in the Office of the Secretary to ensure implementation of all land consolidation aspects of the Settlement Agreement in *Cobell v. Salazar*, No. 96-CV-1285-JR.

**Sec. 2 Background.** The *Cobell* Settlement Agreement (as confirmed by the Claims Resolution Act of 2010 (Pub. L. No. 111-291) and approved with finality after appeals were exhausted to the U.S. Supreme Court (Settlement)), provides for a \$1.9 billion Trust Land Consolidation Fund (Fund). The Settlement charges the Department of the Interior (Department) with the responsibility to expend the Fund within a 10-year period to acquire, at fair market value, fractional interests in trust or restricted land that individuals are willing to sell to the Department. Acquired interests will remain in trust or restricted status and be consolidated for beneficial use by tribal communities. As an additional incentive to participate in the Buy-Back Program, the Settlement provides that a portion of the Fund will be contributed to an Indian Education Scholarship Fund for American Indian and Alaska Native students when individuals sell fractional interests under the Buy-Back Program. As provided in the Settlement, administrative costs, including support for the Secretarial Commission on Trust Reform, must not exceed 15 percent of the Fund. Given the size, limited duration, and importance of the Fund and Buy-Back Program, the Buy-Back Program will be established in the Office of the Secretary, subject to the oversight of the Deputy Secretary, to facilitate coordinated engagement and accountability within the Department and streamlined projects and the prioritization of resources.

**Sec. 3 Authority.** This Order is issued under the authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended; and the Settlement.

**Sec. 4 Consultation.** The Department recognizes its obligation to engage in government-to-government consultation with Tribal Nations in connection with the Settlement. Consultation has been underway since 2011, before final approval of the Settlement, and the Department will continue consultations regarding the implementation of the Buy-Back Program.

**Sec. 5 Goals and Priorities of the Buy-Back Program.** The Buy-Back Program is a collaborative endeavor that will depend upon the expertise and direct involvement of all relevant bureaus and offices of the Department, as well as tribes, in order to realize the historic



opportunities afforded by the Settlement. The Buy-Back Program has the following goals and priorities:

- a. Reduce the number of fractional interests in trust or restricted lands, giving priority to the most highly fractionated tracts of land in accordance with the Settlement;
- b. Increase the number of trust or restricted acres in tribal land bases by focusing on cost-effective acquisitions, which will promote tribal sovereignty and self-determination;
- c. Increase the number of trust or restricted tracts in which the tribe has majority ownership in order to facilitate economic development or other uses;
- d. Target fractionated tracts that are amenable to cost-efficient valuation techniques;
- e. Actively consult with tribes to realize opportunities for tribal participation and assistance and to identify and accommodate their acquisition priorities to the fullest extent practicable consistent herewith;
- f. Actively report progress and communicate with Indian country throughout the life of the Buy-Back Program;
- g. Provide clear, concise information and guidance to individual Indian land owners concerning their fractional interests and the opportunity to voluntarily participate in the Buy-Back Program; and
- h. Manage administrative expenses in the most cost-efficient manner possible, in a way that facilitates effective, long-term trust management and systems integration.

**Sec. 6 Responsibilities and Functions.** The Buy-Back Program will draw on the expertise and capabilities throughout the Department, including, in particular, the Assistant Secretary – Indian Affairs; Bureau of Indian Affairs; Office of the Special Trustee for American Indians; Assistant Secretary – Land and Minerals Management; Office of the Solicitor; the Assistant Secretary – Policy, Management and Budget; and the Office of the Secretary. New positions, including those referenced herein, will be established to ensure accountability. The high-level board described in Section 6.b will provide oversight.

a. **Buy-Back Program Manager and Tribal Liaison.** The Buy-Back Program is headed by a Program Manager in the Office of the Secretary who reports to the Deputy Secretary. The Program Manager provides leadership, coordination, communication, management, reporting, and oversight; maintains strong, collaborative government-to-government relationships with tribes, in part by establishing cooperative agreements with tribes

and by active consultation, which will be managed by a Tribal Liaison; manages the Fund in accordance with the Settlement; and establishes performance-based reimbursable support agreements or memorandums of understanding to facilitate Fund expenditures by bureaus and offices.

b. **Tribal Nations Land Buy-Back Oversight Board (Board).** A Board is hereby established to provide policy guidance, ideas for improvement, oversight, and other assistance to the Buy-Back Program. The Secretary, or the Deputy Secretary as designee, shall chair the Board, which shall include the following members: Solicitor; Assistant Secretary – Indian Affairs; Special Trustee for American Indians (or the Principal Deputy Special Trustee as designee); Director, Bureau of Indian Affairs; Deputy Assistant Secretary – Technology, Information & Business Services; and Director, Bureau of Land Management.

c. **Bureaus and Offices.** The Buy-Back Program will be accomplished with the direct participation and full cooperation of the bureaus and offices reporting to the Assistant Secretary – Indian Affairs; Special Trustee for American Indians; the Assistant Secretary – Policy, Management and Budget; and the Assistant Secretary – Land and Minerals Management. Bureaus and offices will implement the Buy-Back Program in a manner that ensures tracking and accountability for use of the Fund.

(1) Bureau of Indian Affairs will have an Acquisition Director with primary responsibility for planning and executing land acquisition and title related functions of the Buy-Back Program.

(2) Office of the Special Trustee for American Indians will have primary responsibility for determining fair market values for trust or restricted tracts with fractional ownership interests, which will be managed by a Deputy Director for Valuations; and developing an accountable process to post payments from the Fund to individual Indian money accounts for the acquisition of fractional interests.

## Sec. 7 **Buy-Back Program Requirements.**

a. In coordination with the Program Manager, the heads of all bureaus and offices identified in Section 6.c will ensure that performance measures and standards regarding the Buy-Back Program are included in employee performance appraisal plans for the employees that directly support the Buy-Back Program and that ratings reflect input received from the Program Manager.

b. Each bureau and office with primary responsibility will coordinate with and report regularly to the Program Manager regarding their implementation of the Buy-Back Program as may be further outlined in written agreements or memorandums of understanding.

c. Bureaus and offices will provide the Program Manager or a designee with access to all records, systems, documents, files, and other material, as well as to any officer and employee or contractor thereof, as the Program Manager deems necessary for Buy-Back Program implementation.

d. The Program Manager, bureaus, and offices will ensure that proper internal controls are in place, funds are expended appropriately, and auditors have access to all pertinent records and financial reports.

**Sec. 8 Delegations.** All of the authority necessary to carry out the responsibilities and functions of the Buy-Back Program is delegated to the Program Manager. This authority may be further delegated. Officials in the bureaus and offices described in Section 6 are delegated the authority necessary to carry out the responsibilities and functions herein.

**Sec. 9 Expiration Date.** This Order is effective immediately. It will remain in effect until its provisions are converted to the Departmental Manual or until it is amended, superseded, revoked, or until the Fund is fully expended or the time period expires, whichever occurs first.

  
Secretary of the Interior

Date: **DEC 17 2012**

# STATUS REPORT



U.S. DEPARTMENT OF THE INTERIOR

November 20, 2014

## PROGRAM MILESTONES

<b>2009</b>	Dec 7	<i>Cobell v. Salazar</i> Settlement Agreement signed
<b>2010</b>	Dec 8	Claims Resolution Act of 2010 signed into law by President Barack Obama
<b>2011</b>	July – Oct	Department conducts tribal consultations (various locations)
<b>2012</b>	Jan	Department publishes Draft Plan
	Nov 24	Final Approval of the Settlement after appeals exhausted to U.S. Supreme Court; ten-year period begins
	Dec 17	Department establishes Land Buy-Back Program for Tribal Nations through <a href="#">Secretarial Order No. 3325</a>
	18	Department releases Initial Implementation Plan
<b>2013</b>	Jan – Feb	Department conducts tribal consultations (various locations)
	Oct 29	Department releases Valuation Plan following review by The Appraisal Foundation
	Nov 8	Department releases Updated Implementation Plan
	14	Department hosts Program information sharing session at the White House Tribal Nations Conference
	15	Department initiates open solicitation period for submissions of cooperative agreement applications or expressions of interest from locations representing 90 percent of all fractionated land
	Dec 11	Principal Deputy Assistant Secretary – Indian Affairs Larry Roberts testifies before the United States Senate Committee on Indian Affairs
	18	Department mails first offers to landowners with interests at the Pine Ridge Reservation
<b>2014</b>	Jan 15	Secretary Sally Jewell announces Board of Trustee selections for the Cobell Education Scholarship Fund
	April 2	Department announces scholarship transfer (of nearly \$580,000) to the Cobell Education Scholarship Fund
	3	Principal Deputy Assistant Secretary – Indian Affairs Larry Roberts testifies before United States House Committee on Natural Resources
	May 15	Department announces implementation schedule through the end of calendar year 2015
	29	Deputy Secretary Mike Connor and Assistant Secretary – Indian Affairs Kevin Washburn hold Listening Session for tribal leaders and landowners in Portland, Oregon
	July 2	Department announces quarterly transfer (of nearly \$3 million) to the Cobell Education Scholarship Fund
	16	Deputy Secretary Mike Connor testifies before the United States Senate Committee on Indian Affairs
	29	Principal Deputy Assistant Secretary – Indian Affairs Larry Roberts testifies before the United States House Committee on Natural Resources
	Sept 8	Department reaches \$100 million in payments to American Indian landowners with fractional interests
	Oct 1	Department announces quarterly transfer (of nearly \$1 million) to the Cobell Education Scholarship Fund
	Nov 5	Department reaches \$200 million in payments to American Indian landowners with fractional interests

## LETTER FROM SECRETARY JEWELL

This has been a year of significance for our work in Indian Country and for the Land Buy-Back Program for Tribal Nations (Program). In 2014, we turned the words of the Cobell Settlement into actions. I appreciate the extensive time, effort, and teamwork that have gone into making more than \$750 million in offers to individual landowners since last December, and am proud of the hard work and accomplishments that are detailed in this report.

President Obama has a deep commitment to strengthening tribal sovereignty, and the Program is one of many steps this Administration is taking to fulfill his pledge to Indian Country. The Program reinforces the priorities set forth by the President's national policy initiative to build effective partnerships with American Indian communities that promote sustainable economic development and protect trust lands. The goals of the Program are complementary:

- (1) we are working to expand tribal homelands held in trust status by consolidating fractionated ownership interests into tribal ownership through voluntary individual transfers;
- (2) we are continually refining our Program processes so that those who participate in land consolidation receive efficient, clearly communicated services; and
- (3) we are facilitating land use planning for tribal communities and individual tribal members.

The Program – developed in partnership with Cobell plaintiffs – is a rare land consolidation opportunity that cannot be overlooked. We are committed to learning from every sale at every location and making adjustments where necessary that are transparent and fair to ensure that landowners are given every opportunity to make informed decisions about the potential sale of their land at fair market value. This report includes critical observations from tribal communities regarding our implementation activities, suggested improvements, and notes additional opportunities for increased feedback and input.

Since becoming Secretary, I have been fortunate to visit more than 20 tribal communities, thereby enhancing my understanding of the nuances across Indian Country and the need to craft policies and procedures that uplift and strengthen tribal sovereignty and self-determination. The Program remains flexible, adapting to different circumstances and needs of individual tribal communities. This is why our discussions with each tribal government are critically important and the outreach strategies for each location must be carefully and collaboratively developed.

Thank you for your interest in the Program. We look forward to our continued and productive engagement with tribal leaders and individuals. Your partnership is key to the continued success of this Program.



*Photo credit:* U.S. Department of the Interior

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## SUMMARY

The *Cobell* Settlement Agreement (Settlement) provides for a \$1.9 billion Trust Land Consolidation Fund (Consolidation Fund) to be expended over a 10-year period ending in November 2022.<sup>1</sup> The Settlement makes the Consolidation Fund available to the U.S. Department of the Interior (Department) to acquire fractional interests in trust or restricted land from individuals who are willing to sell their interests for fair market value. In 2012, the Secretary of the Interior established the Land Buy-Back Program for Tribal Nations (Buy-Back Program or Program) to implement the land consolidation aspects of the Settlement.

The principal goal of the Buy-Back Program is to reduce the number of fractional interests through voluntary land sales that will place purchased interests into trust for tribes. These transfers will consolidate trust land bases for conservation, stewardship, or other uses deemed beneficial by sovereign tribal nations.

The Buy-Back Program began land consolidation purchases in December 2013 and has thus far made offers totaling more than \$750 million for interests at 11 locations. As a result, it has paid landowners a total of more than \$209 million and created or increased tribal ownership in more than 7,500 tracts of land – with 265 of those tracts reaching 100 percent tribal ownership. The Program has transferred the equivalent of more than 350,000 acres of land to tribal trust ownership.<sup>2</sup> The Program is efficiently using the limited amount of money identified in the Settlement for implementation costs, expending approximately \$13.55 for every \$100 paid to landowners.

This Status Report, which builds on and replaces the Updated Implementation Plan released in November

***“We now have a chance to restore our land base, and with proper oversight and use, we will begin to make ourselves whole again.”***

Chuck Sams, Director of Communications,  
Confederated Tribes of the Umatilla Indian  
Reservation (High Country News, July 21, 2014)

***“By gaining development control over the land, we think that the tribe – as well as private individuals working with the tribe – will have a greater opportunity to create and build businesses or homes at many of these locations.”*** Denise Mesteth, Director, Oglala Sioux Tribe Land Office (Federal Reserve Bank of Minneapolis, June 1, 2014)

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1. The Settlement was confirmed by the Claims Resolution Act of 2010 and approved with finality on November 24, 2012, after appeals were exhausted through the U.S. Supreme Court. The 10-year period occurs from November 24, 2012 (the date of Final Approval of the Settlement) to November 24, 2022.

2. Equivalent acres purchased represents only the undivided ownership interest acquired in a tract. To illustrate, assume that the Program purchases 25 percent ownership interests in a 200-acre tract from 2 different individual owners and that the remaining three individual owners choose not to sell. The equivalent acres purchased would be 100 acres, and the tribe has a portion of the undivided ownership in the entire 200-acre tract (a 50 percent undivided ownership interest), not a separate 100-acre tract wholly owned by the tribe. The 3 remaining individual owners have a 50 percent undivided ownership interest in the entire 200-acre tract as well.



2013, summarizes the key parameters of the Settlement and the corresponding implementation approach and processes of the Program. It also provides an overview of progress and expenditures to date, identifies a number of lessons learned, and responds to feedback from tribes and individuals through answers to frequently asked questions (See [Appendix A](#)). Moreover, the Report includes additional and updated fractionation data in response to tribal requests for more information (See [Appendix B](#)). Finally, the Report sets forth a number of key next steps including an updated schedule that includes 21 more locations and an additional tribal consultation in March 2015. The sections of the Report are summarized below:

Goals and Priorities. As noted in the Initial and Updated Implementation Plans, the Department identified the following primary goals and priorities for the Buy-Back Program:

- Reduce fractionation by consolidating interests for tribes, ensuring that land stays in trust;
- Effectively manage implementation costs;
- Maximize tribal participation; and
- Establish and maintain clear communications with tribes, landowners, and the public.

Primary Processes. There are four phases of the land consolidation process – outreach, land research, valuation, and acquisition – which are defined briefly below:

- *Outreach* refers to the process of communicating with landowners regarding the potential opportunity to sell their fractional interests and to address their questions and concerns. Outreach also includes planning, information sharing, and consultation with tribes.
- *Land research* includes the development of mapping, land use, and other data necessary to establish fair market value for the tracts containing fractional interests.
- *Valuation* is the process of appraising fractionated tracts to determine their fair market value.
- *Acquisition* is the process of extending offers to landowners in an effort to acquire interests from those interested in selling.

Lessons Learned. As the Program enters its third year, the Department continues to identify opportunities for improvement and establish lessons learned. The Department is committed to continuous assessment of Program processes and results in order to make improvements. This Report identifies lessons learned thus far in the areas of outreach, land research, valuation, and acquisition.

Measuring Program Performance. The Program developed performance metrics related to the goals and priorities outlined above. These metrics cover various aspects of Program implementation, and the Program will continue to communicate this information through status reports going forward. While the Program has already made offers exceeding \$750 million, significant work still lies ahead.

Next Steps. The Buy-Back Program continues to work with tribes to implement the Program through cooperative agreements and other arrangements (Agreements). While the primary focus of the Program over the next few years will still be to reduce fractionation in locations that hold the highest amount of purchasable fractional interests, the Program will pursue implementation activities with a limited number of tribes at locations that are less fractionated.

In May 2014, the Program identified 21 locations where work was expected to begin through calendar year 2015. The Program is working closely with tribes at these locations to conduct outreach, complete land research activities, appraise land, and plan for or process sales. In conjunction with this Status Report, the Department is now announcing 21 additional locations where it expects work will soon commence and continue through the middle of calendar year 2017. As time and capacity allow, the Program will continue to add additional locations based on severity of fractionation, degree of ownership overlap, geographic diversity, appraisal complexity, tribal interest and readiness, willing sellers, and cost and time efficiency.

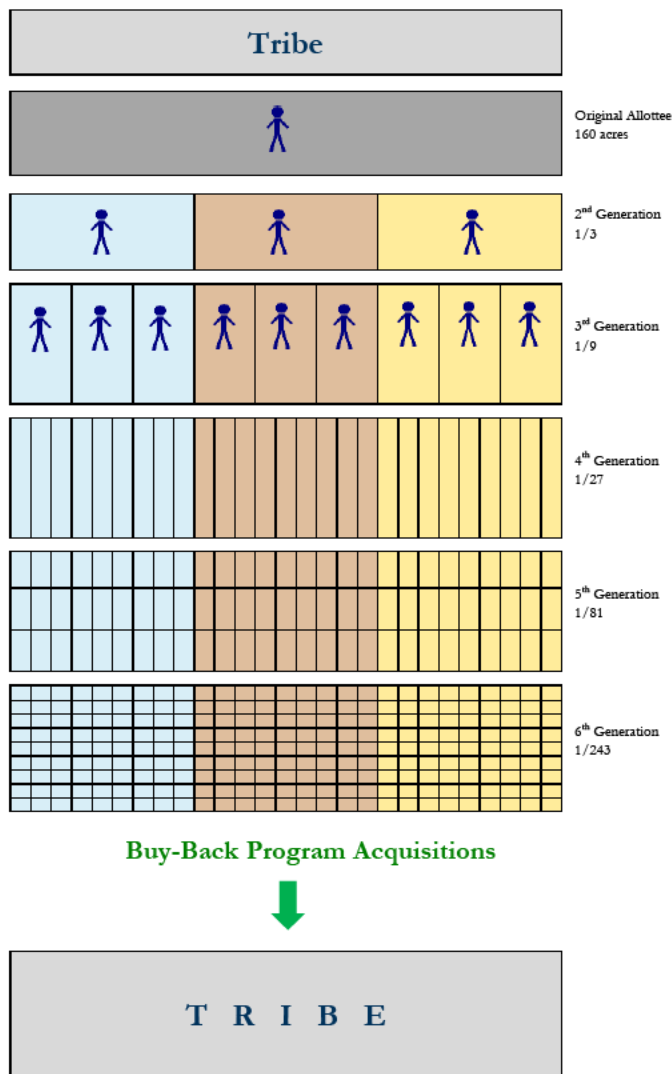
The Program continues to welcome and pursue active engagement with Indian Country. Tribes and individuals may provide feedback during the upcoming March 2015 Listening Session, tribe-specific meetings, and outreach events. Tribes, individual owners, and others may also provide written feedback by email to [buybackprogram@ios.doi.gov](mailto:buybackprogram@ios.doi.gov) or by mail (U.S. Department of the Interior Land Buy-Back Program for Tribal Nations, 1849 C Street NW, MS-5552-MIB, Washington, DC 20240). The next Listening Session will be held on March 19, 2015, at the Vee Quiva Hotel in Laveen, Arizona (outside Phoenix). Feedback received from tribes and individuals has led directly to many of the measures incorporated into this Status Report. In addition, many of the issues are covered in the Frequently Asked Questions in [Appendix A](#).



*Photo credit:* U.S. Department of the Interior

## INTRODUCTION

Fractionation results from the repudiated policy of breaking up tribal homelands into individual allotments or tracts and then the division of ownership among more and more owners after the death of the original owner or allottee. Although the land itself is not divided physically, the children, spouses, and other relatives of the original and successive landowners come to have undivided common ownership interests in the land. Fractionation has grown exponentially over generations. As a result, many allotted tracts now have hundreds or even thousands of individual owners. For example, there are more than 1,200 owners on a single tract of land on the Crow Creek Reservation in South Dakota. Lease and other income received for use of the land is divided among the owners, such that each owner often receives only a nominal amount based on his or her undivided ownership interest. More than half of the approximately 245,000 individual owners received \$25 or less in land-related income during Fiscal Year 2014.



*Figure 1. Fractionation and Restoration*

The Department holds approximately 56 million acres of land in trust or restricted status. More than 10 million acres are held for individual Indians and nearly 46 million acres are held for Indian tribes. More than 200,000 tracts are currently held in trust by the Department. Of those, approximately 95,200 tracts have multiple owners with fractional interests that are subject to purchase and consolidation through the Buy-Back

Program. Table 1 (below) shows current fractionation data for ten Bureau of Indian Affairs (BIA) regions<sup>3</sup> as of September 30, 2014; additional details are provided in [Appendix B](#).

Unless an individual or a tribe owns a controlling interest in a fractionated tract, they must obtain approval from co-owners for land transactions, including leasing or economic development.<sup>4</sup> When tracts have

hundreds or thousands of co-owners, it is difficult to obtain the required approvals for leases or other uses of such lands. As a result, many highly-fractionated tracts are unoccupied and unavailable for any purpose. It is estimated that approximately 81 percent of the 95,200 fractionated tracts generated no income during Fiscal Year 2014.

As a result of the fractionated ownership of the allotted lands, combined with the checkerboarded nature of land ownership patterns on many reservations, tribes are

experiencing major challenges that impact tribal sovereignty and self-determination. For example:

- Land access issues can preclude access to sacred and cultural sites, making it harder for future generations to remain rooted in tribal culture.

*Table 1. Fractionation by Region*

BIA Region	Fractionated Tracts	Fractional Interests	Associated Acres
Great Plains	29,054	958,915	4,214,078
Rocky Mountain	20,789	701,291	3,410,879
Western	9,521	325,274	301,106
Northwest	13,359	278,193	1,025,730
Navajo	4,160	256,229	658,761
Southern Plains	7,332	196,368	567,758
Midwest	2,452	132,775	136,635
Eastern Oklahoma	6,591	49,437	395,010
Pacific	1,505	31,076	26,364
Southwest	440	11,361	55,262
<b>Total</b>	<b>95,203</b>	<b>2,940,919</b>	<b>10,791,584</b>

3. The Eastern and Alaska Regions are not represented as the Eastern Region contains no fractionated lands held in trust, and the Buy-Back Program is barred by statute from purchasing fractional interests located within the Alaska Region. See 25 U.S.C. § 2219. In addition, the tracts, interests, and acres listed in the table may not all be purchasable. The figures in this table correspond to columns F, H, and G of the Appendix B report. Refer to Appendix B for definitions and more details.

4. For applicable approval requirements, see 25 U.S.C. § 2218(b).

- The checkerboard ownership pattern also creates jurisdictional challenges and ties up land within the reservation boundaries, making it difficult to pursue much needed economic development, such as activities that require a right-of-way.
- Income received from the land, such as lease income, can be so divided that individual owners may receive just pennies based on their fractional interest share. Also, because many landowners live outside the reservation, the income is received and spent away from or outside the reservation, instead of within the Indian communities that need it most.

The Settlement provides a unique opportunity to have a substantial impact on fractionation in Indian Country. The Buy-Back Program is much more expansive than any previous land consolidation effort. It focuses on a large number of tracts and owners at once without requiring an application from owners. It also allows for efficient and effective purchases that will reduce fractionation in the locations where it is most prevalent.

All interests purchased by the Buy-Back Program will be held in trust for the recognized tribe that exercises jurisdiction over the land, increasing the tribe's ability to use or protect the land for purposes it deems appropriate for the community as a whole. For example, on the Pine Ridge Indian Reservation, Oglala Sioux Lakota Housing staff members, tribal leaders, and Department of Housing and Urban Development representatives recently broke ground on projects to add 63 new 3-bedroom homes at the reservation. With 230,000 equivalent acres of land that has been secured through the Buy-Back Program, the Tribe is pursuing efforts to build additional, much-needed housing.



*Figure 2. Pine Ridge Breaks Ground on \$9 Million Housing Project (Rapid City Journal)*

## LAND BUY-BACK PROGRAM FOR TRIBAL NATIONS

### Key Parameters

The *Cobell* Settlement guides the design and implementation of the Buy-Back Program. It establishes a \$1.9 billion Trust Land Consolidation Fund (Consolidation Fund) that will be available to the Secretary for the purchase of fractional interests in trust or restricted lands during a period of no more than 10 years, starting on November 24, 2012. The Settlement limits the use of the Consolidation Fund to acquiring fractional interests, implementing land consolidation activities, and paying the costs related to the work of the Secretarial Commission on Trust Reform.

Additionally, the Buy-Back Program will contribute up to \$60 million of the \$1.9 billion to the Cobell Education Scholarship Fund (Scholarship Fund), which will provide financial assistance to American Indian and Alaska Native students attending post-secondary vocational schools or institutions of higher education. The Scholarship Fund is administered by the American Indian College Fund in Denver, Colorado, with 20 percent allotted to the American Indian Graduate Center in Albuquerque, New Mexico. As of October 2014, the Program had contributed more than \$4.5 million to the Scholarship Fund.

Thus, the Consolidation Fund has various components, summarized as follows:

Acquiring Fractional Interests (minimum available for purchase payments)	\$1,555,000,000
Implementation Costs (capped at 15 percent)	\$285,000,000
Scholarship Fund (maximum available, depending on interests sold)	<u>\$60,000,000</u>
<b>Total</b>	<b>\$1,900,000,000</b>

The four overarching parameters that guide the design and implementation of the Buy-Back Program are highlighted below.

First, the Department identified approximately 2.9 million fractional interests across approximately 150 locations that may be purchasable (See [Appendix B](#)) by the Buy-Back Program. These fractional interests are concentrated within a few regions in Indian Country. Nearly 90 percent of these fractional interests are located within about 40 of the approximately 150 locations (this subset is noted in [Appendix B](#)). On the other hand, a consistent theme expressed through tribal consultation and public comment is a desire for land consolidation purchases to benefit as many reservations as possible. To ensure that the Program is implemented at as many locations as possible, including less-fractionated locations, flexible purchase estimates are used to plan and protect against premature exhaustion of funds.



Second, as indicated above, the Settlement limits the amount of money that the Department may use for costs associated with the various phases of implementing the Program (e.g., outreach, land research, valuation, and acquisition). By law, no more than 15 percent of the Consolidation Fund (\$285 million) may be used for implementation costs in order to maximize the amount available for purchasing fractional interests. Furthermore, the Settlement requires that the Consolidation Fund be expended by November 24, 2022. The Program must achieve cost-efficiency and act expeditiously when administering the Consolidation Fund. Given these terms, the Program is working to enter into Agreements with as many tribes as possible. These Agreements will provide funding to tribes from the implementation portion of the Consolidation Fund in order to support their active participation in implementation activities at their reservations. Implementing the Program using Agreements will minimize implementation costs and improve overall effectiveness and efficiency.

#### **Owner Spotlight: Sales Benefit Owners and Tribes**

A landowner recently sold fractional interests in order to pay off agricultural loans. In this particular tract, the Tribe went from a 1 percent ownership to a 94 percent ownership.

Third, despite the large size of the Consolidation Fund, it probably does not supply sufficient capital to purchase all fractional interests across Indian Country. It is likely that the value of the land corresponding to the 2.9 million fractional interests will exceed \$1.555 billion. Accordingly, the Program will focus on those acquisitions that best reduce fractionation, address the effect of allotment, promote tribal sovereignty, and facilitate economic development. It also is imperative that the Consolidation Fund be used thoughtfully and fairly, on cost-effective acquisitions, to have maximum impact. The Program will actively communicate with tribes to determine which acquisitions should be prioritized to meet these goals.



*Figure 3. Secretary Jewell and Senator Jon Tester Visit the Confederated Salish and Kootenai Tribes*

Fourth, it is unclear how many of the approximately 245,000 individual owners<sup>5</sup> will choose to sell fractional interests. Implementation at initial locations confirms that not all owners will choose to sell. Response rates thus far for completed offer sets are summarized in the following table.

*Table 2. Response Rates for Completed Offer Sets*

Number of Offers	Number of Offers Accepted	Amount of Offers Mailed	Amount Accepted
37,856	15,539	\$392,330,904	\$162,670,304

The weighted average dollar response rate thus far is approximately 41 percent. Response rates do vary from location to location. For one location, only 13 percent of the offers mailed were returned with a response to sell, while 64 percent of the offers for 2 other locations were returned with a response to sell. Additional details are provided in Table 3 on page 13, including more than \$360 million in offers with upcoming response deadlines (Crow and Lake Traverse Indian Reservations).

Full use of the Consolidation Fund depends on the number of individual owners who decide to sell their interests. The active participation of tribal leaders in explaining the Program and what land consolidation means on their reservations is a key to landowners becoming involved in the Program. The Program is still in its early stages and response rates may change over time, especially as outreach continues to expand, bringing greater awareness of the unique opportunities associated with the Program and the potential benefits to Indian Country. The Program will continue to gather and learn from response rate data. The Program also recognizes that success is dependent on effective outreach and maximizing the number of offer opportunities to individuals because landowner participation is ultimately a voluntary decision.

Given that the Consolidation Fund is a finite, time-limited resource, the Department has pursued a balanced approach that features flexibility and careful purchase planning measures. The Buy-Back Program must be implemented according to prioritized criteria that effectively utilize the purchasing power of the Consolidation Fund, while obeying the 15 percent implementation cost limit.

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5. The whereabouts of approximately 31,550 (13 percent) of these individuals is currently unknown. In addition to the approximately 245,000 individuals, there are 2 groups of owners that have 1 or more fractional interests in the 150 reservations but that are not a current focus of the Program: approximately 25,000 deceased individuals with estates and approximately 5,970 individuals under a legal disability (non-compos mentis or minors). Moreover, there are additional individual or tribal owners in allotted land with interests that will not be acquired by the Program, such as owners of fee interests or full (1/1) ownership interests.



## Operational Approach

Offer Methodology and Results. Consultations between Departmental, Program, and tribal leaders led to the policy decision to express purchase ceiling amounts within the Initial Implementation Plan (2012 Plan) and Updated Implementation Plan (2013 Plan). The underlying concept is to approximate the potential portion of the Consolidation Fund available to pay owners who choose to sell fractional interests at a given location, based on a formula that considers a location's proportional share of fractionation across Indian Country. The term purchase ceiling has proved, however, to be inaccurate description, so the Program will instead now use purchase estimate, which will better reflect the intent and use of the concept. As before, purchase estimates help achieve broad use of the Consolidation Fund and assist with the planning and development of offer sets. Key principles associated with purchase estimates:

- Seek to maximize the number of reservations that could participate in the Buy-Back Program and prevent expenditure of the available purchase funds in just a few locations.
- Reflect the need for a flexible approach, given that the effort involves hundreds of thousands of individual Indian beneficiaries across the country and that the total amount that could be paid for interests at a given location depends on various circumstances that a formula cannot easily capture. Each sovereign nation has unique lands, histories, laws, cultures, traditions, and governments. For example:
  - Per acre amounts will vary, as will the number of purchasable fractional interests and the number of individuals that are willing to sell.
  - Land consolidation programs have been operational for decades at some locations, where many individuals could have already decided to sell, while those with interests at other locations are considering land consolidation for the first time.
  - Acceptance rates may vary from location to location for various reasons, such as in the application of tribal acquisition priorities.
- Are by nature approximate calculations, which are subject to change and refinement, and do not set a final, minimum, or maximum total dollar amount for interests at any particular location.

### How are the Purchase Estimates Determined?

For each of the three data points (i.e., tracts, interests, and acres), the Program will calculate the proportion of the total for each reservation. The 3 proportions are then averaged to produce the evenly weighted proportion. That proportion is then multiplied by, e.g., the minimum purchase amount of the Trust Land Consolidation Fund (\$1.555 billion) to produce a purchase estimate amount for a location.

To illustrate, consider the Pine Ridge Reservation. The approximately 1.2 million purchasable acres associated with its fractionated tracts are 11.2 percent of all such acres across Indian Country. Its 6,028 fractionated tracts with purchasable interests are 6.4 percent of all such tracts in Indian Country, and its 195,862 purchasable fractional interests are 6.6 percent of all such interests. These proportions average out to 8.1 percent, which, once multiplied by \$1.555 billion, would provide an initial purchase estimate of \$125.4 million for the Reservation. (Note that the data in this example uses 2013 data, before the Program was implemented on the Reservation.)

For relevant definitions, see [Appendix B](#).

A location may not reach the purchase estimate due to a variety of factors, including limited appraisals or a lack of sufficient willing sellers. Consistent with the 2012 and 2013 Plans, if an entire purchase estimate cannot be timely captured, the Program will promptly make unused funds available to support offers at other locations. Moreover, it is possible that the actual sale amounts for interests at a particular location will exceed a purchase estimate. Again, flexibility in the total amount paid for interests at each location is fundamental.

To make sure the Consolidation Fund is used before November 2022, the Program will implement various other measures, including the following:

1. *Leverage Efficient Use of Mass Appraisal Efforts.* The Program will leverage mass appraisals to help ensure that a greater number of landowners with interests may have the opportunity to sell their land. Moreover, by using mass appraisals, the Program stays within the implementation cost limits of the Settlement. This increases the number of locations where the Program can be implemented.
2. *Create Opportunities for Willing Sellers.* Willing sellers may continue to register with the Trust Beneficiary Call Center (Call Center), even after Program implementation has moved to other locations. As mass appraisal values are updated and/or available, the Program will look to make offers to these landowners using unused funds from previous waves.
3. *Site-Specific Appraisals.* Some locations will not be amenable to mass appraisal. Site-specific or other appraisals may be necessary, but they are not as efficient as mass appraisal. The Program will remain open to focused site-specific appraisal work for targeted tribal acquisition priorities at locations where mass appraisal is not applicable and the purchase estimate will inform the number of appraisals to be completed. Moreover, focused site-specific appraisals may be used to appraise additional land at a given location, even those that have used mass appraisal, in order to address key tribal acquisition priorities.

### How do Purchase Estimates Work?

Purchase estimates seek to maximize the number of reservations that could participate in the Buy-Back Program and are designed to be flexible. The following example illustrates some implications of how the approach may work at a hypothetical location.

Purchase estimate	\$50 million
Mass appraisal results	\$250 million in total tract values, five times the purchase estimate
Potential offers	\$225 million (reflects application of policy criteria, such as exclusion of interests held by tribes or minors)
Actual offers	\$122 million
Actual sales	\$59 million

**Explanation.** Since mailing \$250 million in offers would likely cause the location to far exceed the \$50 million purchase estimate, the Program will use existing response rates to help determine the size of the offer mailing. Assume the expected response rate is approximately 40 percent. Therefore, the Program would seek to construct a single offer set totaling approximately \$122 million. The Program and the tribe will work together to determine which individuals will receive offers considering several factors, such as: selection of tribal priority tracts; tracts without existing tribal ownership; and tracts that are contiguous to those already owned by the tribe.

Because the Program will typically process completed offer packages returned by the due date, even after the purchase estimate has been reached, actual sales may exceed the purchase estimate. Thus, in this particular example, assume that the actual response rate within the 45-day response period exceeds 40 percent; as a result, approved sales from willing sellers reach \$59 million, and unused or unallocated purchase funds must accommodate the \$9 million more than the \$50 million purchase estimate for this location.

4. *Make a Single Wave of Offers.* The Program aims to send a single offer set (wave) to landowners. A single wave will ideally enable sales to reach a location's purchase estimate. A single wave has several advantages. It allows the tribe and the Program to conduct focused outreach and clearly communicate offer due dates. One wave also provides landowners with the ability to consider their property in a single offer rather than a series of offers, which would entail multiple visits to a notary public. From an operational perspective, a single wave is more efficient as it allows for a simpler obligation process and minimizes the period of time when regular realty transactions are paused for Buy-Back Program activities. Clear tribal acquisition priorities and carefully timed appraisal work is necessary to achieve success using a single wave. The particular offers to be included in each wave will be determined by tribal acquisition priorities, level of fractionation, and percentage of tribal ownership, among other criteria.
5. *Continually Learn from Experience and Data.* The Program will continue to use experience and data to estimate the scope of site-specific appraisal work and to determine the size of offer amounts. Total offer amounts can be based on an estimated rate of owner and offer amount acceptance that is consistent with past results. Offer results, as of November 7, 2014, are summarized in Table 3 below. The total amount offered for landowner interests in the wave will comprise a certain multiplier (based on an anticipated response rate) of the reservation's total purchase estimate. In some cases, the total offer set amount may be higher to realize a single wave or to leverage mass appraisal work. Such measures may help the Program address instances where sales fall below estimates to ensure full use of the Consolidation Fund by November 2022. This type of analysis is dynamic and will continue to evolve throughout the life of the Program.
6. *Apply Guiding Factors.* The determination of how to best expend funds will continue to be guided by the standards set forth – as a result of tribal consultations – in the Initial and Updated Implementation Plans. That includes consideration of factors such as the following: level of interested or documented willing sellers; availability of valuation related-information; tribal readiness or interest; severity of fractionation; cost and time efficiency; promotion of tribal sovereignty and self-determination; economic, spiritual, and/or cultural value for the community, as evidenced by well-articulated tribal priorities; and loss of historical reservation land as a result of allotment.

These important steps allow the Program to allocate unused dollars to tribal communities while affording additional reservations the opportunity to participate in the Program. Also, by documenting consideration of the guidelines and factors in the Initial and Updated Implementation Plans, as summarized above, the Program will determine how to best expend unused purchase estimates in a manner that is transparent, fair, flexible, and consistent with the mandates of the Settlement and the authorizing legislation.

**Table 3. Offer Data Through November 7, 2014**

Location	Number of Offers Mailed /Dollars	Number of Offers Accepted	% of Offers Accepted	Acres Purchased (equivalent)	Amount of Offers Accepted	% of Total \$ Offered Purchased
Pine Ridge Reservation (of the Oglala Sioux Tribe)	18,264 / \$227,827,000	8,742	48%	233,487	\$81,724,515	36%
Rosebud Indian Reservation	10,978 / \$49,046,759	3,006	27%	31,139	\$14,277,047	29%
Makah Indian Reservation	666 / \$1,779,281	282	42%	64	\$975,150	55%
Fort Belknap Reservation <sup>a</sup>	105 / \$186,275	25	24%	66	\$24,413	13%
Quapaw Reservation <sup>a, b</sup>	20 / \$69,486	-	-	-	-	-
Gila River Indian Reservation	1,836 / \$77,680,366	946	52%	1,011	\$49,879,464	64%
Northern Cheyenne Indian Reservation	2,296 / \$18,027,584	871	38%	13,163	\$6,525,411	36%
Flathead Reservation (of the Confederated Salish and Kootenai Tribes)	1,902 / \$8,275,532	454	24%	3,989	\$5,321,087	64%
Umatilla Indian Reservation	1,789 / \$9,438,621	573	32%	3,966	\$3,943,217	42%
Crow Reservation <sup>c</sup>	3,924 / \$298,142,376	676	17%	60,928	\$32,979,761	11%
Lake Traverse Reservation (of the Sisseton-Wahpeton Oyate) <sup>c</sup>	2,793 / \$63,551,701	611	22%	3,940	\$14,181,649	22%
<b>Total</b>	<b>44,573 / \$754,024,981</b>	<b>16,186</b>	<b>36%</b>	<b>351,753</b>	<b>\$209,831,715</b>	<b>28%</b>

Notes: <sup>a</sup> Partial implementation for existing appraisals.  
<sup>b</sup> Sales pending resolution of unique circumstances.  
<sup>c</sup> Offers are still within the 45-day window (Crow: 11/21/2014; Lake Traverse: 11/24/2014).

**Implementation Strategy.** The Program cannot make offers immediately at all locations with fractional interests. As a result, the Program will continue to focus most of its initial implementation efforts on the most fractionated locations. Proceeding in this manner ensures that the Program focuses its attention on the locations where fractionation is most prevalent, consistent with the Updated Implementation Plan.

The Department held an open solicitation period at the beginning of Fiscal Year 2014. Tribes with jurisdiction over the more fractionated reservations were encouraged to submit expressions of interest, thereby signaling readiness to participate in the Program. Less-fractionated locations also had the opportunity to signal readiness and interest in the Program. By using this approach, tribes helped determine the timing of initial Program implementation.

While the implementation strategy keeps the Program focused on the most highly fractionated locations for the next few years, the Program has involved less-fractionated locations as well. By including some less-fractionated locations in early implementation efforts, the Program has gained experience and input that helps inform implementation at future less-fractionated locations.

The Program used and will continue to use various criteria to determine the best sequence of implementation, including the following:

- Severity of fractionation (e.g., as reflected by the three factors used to determine the initial purchase estimates described above);
- Degree of ownership overlap between locations or geographic proximity;
- Diversity of geographic locations to maximize efficiency, resources, and learning opportunities, especially for initial efforts in order to facilitate learning;
- Appraisal complexity;
- Overall interest of the tribe as demonstrated through the Agreement application process and open solicitation period;
- Number of owners who have demonstrated an interest in selling fractional interests; and
- Cost and time efficiency.

In May 2014, the Department announced a schedule for continued implementation that identifies locations representing more than half of the fractional interests and half of the owners across Indian Country. The Buy-Back Program identified the following tribal communities where land consolidation activities – such as planning, outreach, mapping, minerals evaluations, appraisals, or acquisitions – were expected to begin through the end of calendar year 2015. Table 4 shows the status of work at those locations:

*Table 4. Buy-Back Program Status as of November 7, 2014*

Location	Agreement (Y/N)	Base Mapping	Minerals	Appraisals	Acquisitions	Sales to Date (\$ as of 11/7/14)
Pine Ridge Reservation (of the Oglala Sioux Tribe)	Y	Complete	Complete	Complete	Complete	\$81,724,515
Makah Indian Reservation	Y	Complete	Complete	Complete	Complete	\$975,150
Rosebud Indian Reservation	Pending	Complete	Complete	Complete	Complete	\$14,277,047
Fort Belknap Reservation <sup>a</sup>	Y	Complete	Complete	Complete	In Progress <sup>a</sup>	\$24,413
Quapaw Reservation <sup>a</sup>	Pending	Complete	Complete	Complete	In Progress <sup>a</sup>	\$0 <sup>b</sup>
Gila River Indian Reservation	Y	Complete	Complete	Complete	In Progress	\$49,879,464
Northern Cheyenne Indian Reservation	Y	Complete	Complete	Complete	In Progress	\$6,525,411
Flathead Reservation (of the Confederated Salish and Kootenai Tribes)	Y	Complete	Complete	Complete	In Progress	\$5,321,087
Umatilla Reservation	Y	Complete	Complete	Complete	In Progress	\$3,943,217
Crow Reservation	Y	Complete	Complete	Complete	In Progress	\$32,979,761
Lake Traverse Reservation (of the Sisseton-Wahpeton Oyate)	Y	Complete	Complete	Complete	In Progress	\$14,181,649
Coeur D'Alene Reservation	Y	Complete	Complete	Complete	Planning	-
Squaxin Island Reservation	Pending	Complete	Complete	Complete	Planning	-
Prairie Band Potawatomi Nation	Pending	Complete	Complete	In Progress	Planning	-
Cheyenne River Reservation	Pending	Complete	Complete	In Progress	Planning	-
Standing Rock Sioux Reservation	Y	Complete	In Progress	Planning	Planning	-
Fort Peck Indian Reservation (of the Assiniboine and Sioux Tribes)	Y	Complete	Complete	In Progress	Planning	-
Quinault Reservation	Pending	Complete	In Progress	Planning	Planning	-
Swinomish Reservation	Pending	Complete	Planning	Planning	Planning	-
Lummi Reservation	Pending	Complete	Planning	In Progress	Planning	-
Navajo	Pending	Complete	Planning	Planning	Planning	-
Notes:						
Future offers possible where additional appraisal work is underway or for locations amenable to mass appraisal.						
<sup>a</sup> Partial implementation for existing appraisals						
<sup>b</sup> Sales pending resolution of unique circumstances.						

The Program is now adding 21 more tribal communities for implementation activities through the middle of calendar year 2017. In addition to those listed above, the Program is also beginning work at the following locations:

- Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California
- Arapaho Tribe of the Wind River Reservation, Wyoming and Shoshone Tribe of the Wind River Reservation, Wyoming
- Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin
- Blackfeet Tribe of the Blackfeet Indian Reservation of Montana
- Cabazon Band of Mission Indians, California
- Confederated Tribes and Bands of the Yakama Nation
- Confederated Tribes of the Colville Reservation
- Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota
- Fond du Lac Band of the Minnesota Chippewa Tribe, Minnesota
- Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota
- Nez Perce Tribe
- Ponca Tribe of Indians of Oklahoma
- Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona
- Round Valley Indian Tribes, Round Valley Reservation, California
- Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona
- Shoshone-Bannock Tribes of the Fort Hall Reservation
- The Osage Nation
- Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota
- Turtle Mountain Band of Chippewa Indians of North Dakota
- Winnebago Tribe of Nebraska
- Yankton Sioux Tribe of South Dakota

The 42 total locations, including those above and the 21 announced in May 2014, entail the following:

- 83 percent of outstanding fractional interests
- 67 percent of eligible landowners
- 9 of the 10 Bureau of Indian Affairs regions
- 15 of the 19 states with fractional interests

The Program plans to schedule additional locations as capacity and resources allow.

Given limited implementation funding and timing, practical considerations such as limited appraisal validity period or shelf life, efficiency, and Departmental capacity, the Buy-Back Program is unable to actively implement the Program at all locations immediately. Although the Program will be active at multiple reservations simultaneously, it will be active at each location for a limited period. As the Buy-Back Program completes land consolidation activities at initial locations, it will start operations at successive locations. The Program will regularly analyze its ability to conduct operations at additional reservations throughout implementation.

In addition to focusing implementation of the Program at reservations with approximately 90 percent of the purchasable fractional interests, the Department is also committed to working with less-fractionated locations. Currently, the Department expects that the Buy-Back Program will have an increased focus on



less-fractionated reservations beginning in 2017. The Department may use various criteria or factors to guide use of remaining purchase funds at additional less-fractionated locations, including those noted above, as well as information gathered from initial efforts. Consistent with the Updated Implementation Plan, the number of interested sellers will likely be an important factor for less-fractionated locations to ensure that the expenditure of implementation costs are well founded. The Department seeks input from tribes and landowners on the most effective way to work with these less-fractionated locations.

The Program may also pursue other strategies to fully expend the Consolidation Fund within the ten-year timeframe. In particular, the Program may be able to further tailor outreach efforts based on an examination of results thus far and future experience. In addition, depending on tribal feedback and additional planning and analysis, the Program may, for example, seek to purchase interests at probate or acquire interests owned by individuals whose whereabouts are unknown and cannot be located (See [Appendix E](#) for more information on whereabouts unknown).

Tribal Involvement – Cooperative Agreements. The Department is committed to partnering with tribes to complete Program implementation on their reservations. The Program has entered into two types of agreements with tribes. First, it has used cooperative agreements, which are legal instruments similar to a grant, that represent the relationship between the Federal Government (i.e., Buy-Back Program) and a recipient. Its principle purpose is to transfer a thing of value (e.g., funding) to a recipient to carry out a public purpose of support or stimulation, as authorized by the Federal Government. Second, the Program has entered into memoranda of agreement (also known as memoranda of understanding) with several tribes; these are used when there is an agreement to exchange information or coordinate programs but no funding is provided.

Agreements include activities associated with outreach, land research, and valuation. Cooperative agreement funding currently supports approximately 30 tribal staff (full time equivalents) in any given year. The continued use of Agreements allows tribes to carry out various aspects of the Buy-Back Program. In particular, tribes are able to perform some of the most important functions of the Buy-Back Program based on their interests and capacities, including identifying landowners and conducting outreach efforts.

There are a number of steps that tribes can take before entering an Agreement with the Program. While there are limits to the number of locations where Program activities can operate simultaneously, tribes may prepare for the Buy-Back Program by completing tasks such as the following:

- Establish a team and point of contact to plan for land consolidation, to include review of the [Program's website](#), which contains answers to frequently asked questions and guidance documents related to tribal involvement;



- Work with the Program to access geographic information system (GIS) and other data;
- Determine tribal acquisition priorities;
- Submit a formal written request to the Program for landowner name and address information, ideally through a tribal resolution;
- Reach out to leaders of tribes where the Program has started implementation to discuss lessons learned;
- Identify individual landowners who are interested in selling their fractional interests, educate them about the Program, and encourage them to update their address information by contacting the Call Center at (888) 678-6836;
- Attend general outreach meetings, webinars, or regional events; and
- Provide information to the Buy-Back Program about the tribe's land consolidation programs and current capacities, capabilities, readiness, and interest in the Program.

Agreements will not include all phases of the Buy-Back Program. For example, Agreements will not include base mapping activities because

those are being performed efficiently by BIA and Bureau of Land Management (BLM) for immediate sharing with tribes. The Program may, however, fund other GIS or mapping related work by tribes in support of land research and valuation. A second example is activities in the acquisition phase. This phase is being implemented by the Buy-Back Program due to the necessarily centralized processes in

Departmental systems of record, like the Trust Asset and Accounting Management System (TAAMS). Currently, the Program is able to print and mail up to approximately 2,000 offers in a single day and pay owners promptly that choose to consolidate their fractional interests (since December 2013, the Program has paid owners an average total of more than \$700,000 per business day). Payments for accepted offers are deposited directly into Individual Indian Money (IIM) accounts. This type of automation is necessary to stay within the implementation cost limits of the Settlement.

#### Land Consolidation for the Gila River Utility Corridor

At the Gila River Indian Reservation, tribal leaders identified acquisition priorities that focused buy-back efforts on a significant economic development project known as the Price Road utility corridor. The proposed corridor includes the development of a 230kV transmission line that would supply power for an ambulatory care facility and various tribal development projects.

The Gila River Indian Community entered into a Memorandum of Agreement with the Buy-Back Program. The Tribe completed appraisals for Program review. By identifying acquisition priorities early on in the process, appraisal work was completed quickly and efficiently. More than 1,800 individuals received offers with sales exceeding \$49 million as of November 7, 2014.

*Photo credit:* <http://www.gricua.net/>



It is important to note that Agreements are not mandatory for participation in the Program, and tribes may request the Department implement all phases of the land consolidation activities on their reservations. The Buy-Back Program will continue to coordinate closely with tribes that choose this approach to maximize tribal involvement in implementation.

## Primary Processes

The Program's planning efforts have organized land consolidation processes into four phases: outreach, land research, valuation, and acquisition. When a reservation is scheduled for implementation, the Program conducts outreach with the tribal communities so that individuals are aware of the opportunity to sell fractional interests. The outreach phase will also entail consultation with the tribe about various planning matters such as tribal priorities and tribal involvement. As outreach is occurring, research concerning reservation lands will happen simultaneously. Once the research has been completed, the Program will value as many fractionated tracts of land as possible within a reasonable amount of time using various appraisal valuation techniques (mass appraisals, project reports, or site-specific appraisals). Finally, once fair market value determinations of the land have been made, the Program will develop an offer set and mail offer packages to eligible individuals and seek to acquire those interests that individuals are willing to sell. The Program began sending offers at the end of the 2013 calendar year and as of November 7, 2014, had sent offers to landowners with interests at 11 locations.

Outreach. During this phase, the Program disseminates information to increase overall awareness of the land consolidation aspects of the Settlement. In addition to broad outreach, the Program conducts more extensive communications with tribes in the months before and during implementation.

The outreach phase has two primary functions – outreach to individuals and outreach to tribal leadership. Foremost, individuals owning fractional interests within a reservation must be informed that they may be able to sell their fractional interests. It is critical that landowner questions and concerns are addressed promptly so that owners are equipped to make informed decisions. Landowner outreach also will explain the timeframes in which the Buy-Back Program expects to complete its work for the reservation and how individuals may take advantage of the opportunity to sell their fractional interests. In addition, landowner outreach involves helping individuals understand their options, as well as promoting financial awareness to help owners make an informed decision

### Outreach by the Numbers

106,922 postcards mailed to owners

37 press releases published to build awareness of Program activities, deadlines, contact information, and other resources such as the Program's website

Over 22,000 incoming calls to the Call Center

9,915 willing sellers documented at the Office of the Special Trustee (OST) agency offices and Call Center

2 webinars held

about what they will do with the money received if they choose to sell fractional interests, especially because payments can be sizeable (e.g., there have been more than 500 individual payments exceeding \$50,000).

Communication with tribal leadership is also a part of the outreach phase. The Program is meeting with tribes to discuss tribal priorities for acquisition, decide how best to conduct tailored outreach on the reservation, and determine the tribes' interest and capacity to conduct Buy-Back Program operations through Agreements.

Tribes often have efficient methods to conduct outreach with their tribal members, many of whom own fractional interests. The Program will mail offer packages to individuals owning fractional interests in tracts that have been valued, and many individuals may receive this information without expressing a prior interest to sell. It is imperative to provide clear information about the Program and instructions on how to complete the offer package for interested landowners. Informative outreach to individual owners is often best performed by tribes. The Department has utilized Agreements with 12 tribes to conduct outreach activities.

Some successful outreach practices have included identifying a primary point of contact at the tribe, working closely with tribes to identify individuals whose whereabouts are unknown, providing landowner assistance and notaries for the completion of offer packages, interpreting materials into native languages, and developing maps that can be shared during outreach events.

Through Agreements, tribes work closely with staff from various Departmental offices. Buy-Back Program Senior Advisors for Tribal Relations serve as the first point of contact for tribes, while the Call Center within OST may be the first point of contact for landowners. The OST – Regional Trust Administrators and field operations staff, especially Fiduciary Trust Officers (FTOs), take the lead in performing pre-offer and post-offer outreach to individual landowners, in coordination with the tribe with jurisdiction. The OST will coordinate with the Program,

### Helping Landowners Make Informed Decisions

Selling land through the Program is a personal decision and completely voluntary. The OST provides individuals with information needed to make their decision including an explanation of their fraction owner interest, who tracts were inherited from, and current lease income. In addition, FTOs provide landowners with options for their property, such as gift deeds or creating a will. The OST also shares information on financial topics such as budgeting, spending plans, predatory lending, general investing information, and balancing of accounts. OST offers financial education courses [online](#) and throughout the country and has partnerships with other financial education organizations such as the Lakota Fund on the Pine Ridge Reservation, and the Seven Sisters and Four Bands on the Cheyenne River Reservation.



*Figure 4. Agreement Signing Ceremony*

BIA, and participating tribes to provide a presence and perform outreach at tribal and local events, such as powwows, urban Indian center events, and off-reservation events. The BIA will also support outreach to individual landowners, in coordination with Program Staff, OST, and the tribe with jurisdiction. In addition, the Program conducts national outreach efforts to reach landowners who do not live on or near reservations.

Once the Program schedules implementation at a location, the tribe and Program work together to gather and assess landowner information, in order to target outreach accordingly. The Program has found that roughly 35 percent of total unique owners hold about 95 percent of the dollar value of the land at the most fractionated locations. As a result, the Program is making phone calls to some landowners who own a significant amount of land. The purpose of these calls is to make sure that the landowner received his or her packet and to educate the landowner about the decision, which includes discussing other options available.

#### **Outreach Efforts at Makah**

The Makah Indian Tribe held several outreach events during the winter and spring of 2014. Staff from the Makah Realty Office and OST presented an overview of the Program, answered questions from landowners, and provided informational handouts. Landowners were able to access notary services and complete their offer packages at the events.

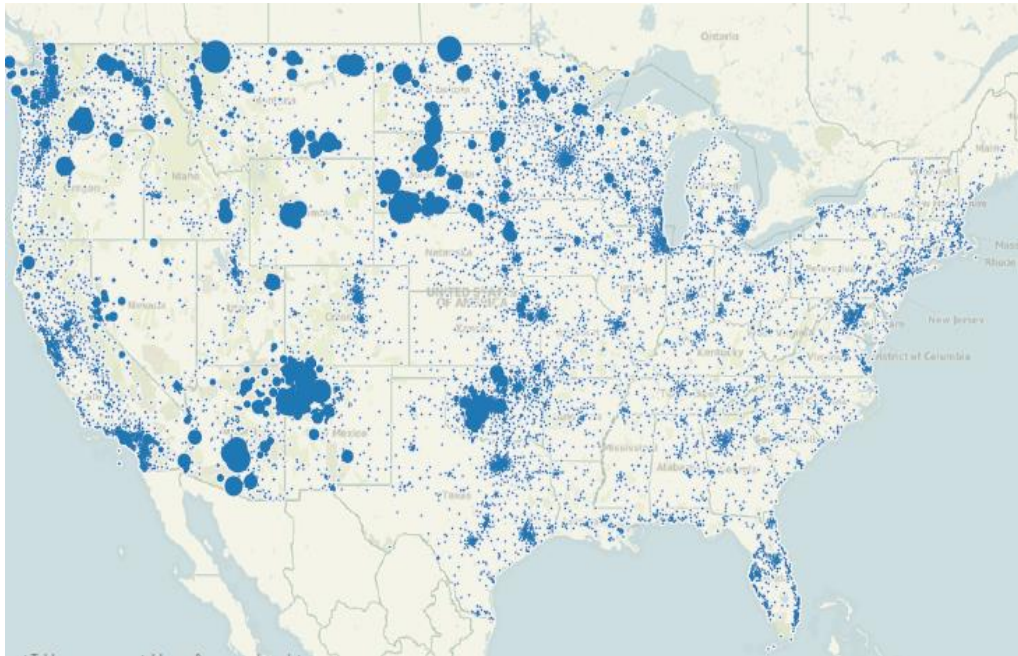
Although Makah agreed to fund outreach costs and did not seek a cooperative agreement, the Tribe and the Program collaborated throughout the process.

Tribes play an important role in locating owners and, identifying and verifying owner name and addresses. By working together to reduce the number of owners whose whereabouts are unknown, tribes and the Program can maximize the number of individuals able to receive offers. Between 2012 and 2014, there was an approximately 50 percent reduction in the number of owners whose whereabouts are unknown. This reduction can be attributed to many factors including the *Cobell* Settlement payments and Buy-Back Program outreach efforts. (See [Appendix E](#) for more information on whereabouts unknown.)

Early implementation efforts also found that owners are often geographically dispersed. For example, landowners at the Pine Ridge Reservation were located in all 50 states, 3 territories, and 11 countries. The map below (Figure 5) illustrates the geographic distribution of landowners across the approximately 150 locations within the continental United States.



*Figure 5. Location of Owners with Fractional Interests*



As described below, the Program uses various resources and activities to support outreach efforts, including a call center, website, print materials, events, postcards, and media such as public service announcements.

*Call Center.* The OST Call Center is the primary contact responsible for receiving inquiries from landowners regarding the Program. The Call Center, located in Albuquerque, New Mexico, is a nationwide

***“...the OST staff broke down all the information and explained it in a way that I can understand...I am very satisfied with the outcome... I know the tribe will benefit...”*** Excerpt from a letter from a Pine Ridge landowner who visited the OST Office in Rapid City, South Dakota

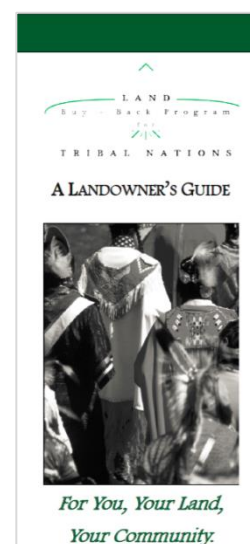
call center that provides a convenient one-stop service for beneficiary inquiries. Using a toll free telephone number, beneficiaries can easily access information regarding their trust assets as well as request updates to, or disbursements from, their IIM accounts. The Call Center also serves as the primary point of contact for the Buy-Back Program where beneficiaries can update their address information and request: a) information on purchase offers; b) assistance with completing a purchase offer package; c) replacement purchase offer packages; d) the status of a returned purchase offer package; and e) conveyed interests report.

Landowners may contact the Call Center at (888) 678-6836. If the Call Center is unable to answer questions, it will escalate issues to the BIA acquisition center or the appropriate FTO. The acquisition center coordinates with FTOs on issue resolution, as well as organizes and participates in local outreach events.

The Program's staff includes Senior Advisors for Tribal Relations who provide high-level outreach support across reservations and directly contact tribes.<sup>6</sup>

The Call Center also documents willing sellers. As of November 15, 2014, the Call Center documented 6,539 willing sellers, with an additional 3,376 documented by OST Agencies. The FTOs and tribal staff help document willing sellers and encouraging individuals to contact the Call Center. Inquiries to the Call Center increased following offer mailings, press releases, and postcards, and before offer due dates.

*Website* ([www.doi.gov/buybackprogram](http://www.doi.gov/buybackprogram)). The Program has a comprehensive website designed to provide landowners, tribes, and the public with information about the Program. The site includes a detailed list of frequently asked questions, outreach materials, instructions for completing the deed, cooperative agreement guidance and instructional documents, and Program presentations, among other items.



**Figure 6. Brochure**

*Print Materials.* The Program developed several print materials for use at outreach events and these are available in regional and local offices. Outreach materials (available at [www.doi.gov/buybackprogram/tribes/outreach-materials.cfm](http://www.doi.gov/buybackprogram/tribes/outreach-materials.cfm)) include a brochure, poster, fact sheets, sample deed, and event announcements. In addition, the Program worked with the Indian Land Tenure Foundation to develop a pamphlet, *Informing Indian Landowners on the Land Buy-Back Program*. This pamphlet serves as a resource for landowners completing their purchase offers. The Program will continue to work with partner organizations and tribes to develop new material or tailor existing material for specific locations.

*Events.* In-person interactions at conferences and other events allow landowners to learn about the Program, meet staff, ask questions, and even complete their offer packages on site. The number and locations of pre-offer and post-offer events is determined by offer set size, location of landowners, available resources, tribal outreach efforts, and other pertinent factors.

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6. Between October 1, 2012, and July 31, 2014, the Call Center responded to 181,316 beneficiary inquiries. The current responsiveness metrics for the Call Center are: an average answering speed of 1:12 (mm:ss), an abandoned rate of 9.6 percent, an average handle time of 3:45 (mm:ss), and a rate of first line resolution of 98 percent.

*Postcards.* Implementation efforts at early locations have shown that postcards are an extremely effective way of communicating with landowners. Postcard mailings frequently generated an increase in Call Center and website activity. The Program had mailed more than 100,000 postcards to landowners.

*Media Coverage.* Buy-Back Program media coverage has included articles, op-eds, press releases, public service announcements, and advertising. Public service announcements from Departmental and tribal leaders have been disseminated to tribal and local radio stations, and aired in partnership with the Indian Health Service. The Program regularly issues press releases on milestones and offer opportunities and publishes opinion editorials throughout Indian Country. Each announcement is distributed to the media and tribes eligible to participate in the Program, and to tribal and allottee organizations. The Program has also purchased advertisements in brochures for national events and in local newspapers. Senior Advisors for Tribal Relations and outreach staff have and continue to work closely with tribes to identify the most effective media outlets to reach their respective landowners and tailor communications accordingly.



**Figure 7. Sample Postcard**

### **Informed Decisionmaking**

The Program seeks to help individual landowners make informed decisions about the future of their land. By sharing information and identifying options, the Program hopes to help individuals make the best decision for themselves.

For example, in July 2014 the Palm Springs FTO met with an Oglala Sioux beneficiary who asked for help with her purchase offer. After reviewing her ownership interest in each tract, the beneficiary advised the FTO which interests she wanted to sell. The two factors that influenced her decision to sell or to retain her land interests were based on who she received the land from and the value of the land (so as not to affect the benefits she was receiving from the state). The FTO helped the beneficiary complete the deed and get it notarized.

*Contact and Tract Tool.* The Program developed a contact and tract tool (CATT), a data file that contains information that facilitates tribal involvement in outreach activities, such as the fractionated tracts on a reservation along with the contact information of owners holding an interest in each tract. Upon written request, the data file is provided to the tribe. The data file allows the user to search by various criteria including tract number, tract name, tract location, and owner name and address to locate a desired tract or owner. Once a desired tract is selected, the user will be able to view details about the tract, including the individuals that own interests within the tract and their available contact information. Address information has been aggregated from various data sources and systems including the Trust Funds Accounting System

(TFAS) and TAAMS. Additionally, the tool allows users to add new contact data for an owner if the information provided is outdated or incorrect, which can be used to facilitate official updates.<sup>7</sup> An advanced version of this tool is expected to be available to tribes in 2015.

**Land Research.** During this phase, the Program collects the data necessary to establish the fair market value for the tracts containing fractional interests that may be acquired.<sup>8</sup>

Implementing the Buy-Back Program on the scale established by the Settlement requires information for thousands of tracts to be generated from TAAMS and other sources to provide the necessary data for determining fair market value. The Settlement provides that the Department offer to purchase land at fair market value. Fair market value is established by the Department's Office of Appraisal Services (OAS) and is a licensed appraiser's estimate of what a property would sell for in an open and competitive market. The OAS completes appraisals of fractionated tracts by assessing the value of the tract as if it were a single-owner fee status tract, and comparing this tract to similar tracts that have recently sold in the area. Adjustments, based upon market conditions, are made to account for differences between the tract being appraised and recent sales (e.g., the presence of water on grazing land for cattle would make a tract of land more desirable and therefore have increased value). To determine fair market value, OAS compiles adequate information about the tracts that will be valued during the Land Research phase.

The land research effort includes an identification of the fractionated tracts within reservations that contain purchasable interests. In particular, using data from TAAMS and other sources, BLM creates mapping data and GIS layers to depict the tracts within the reservations. Mapping data facilitates the valuation process by

#### Land Research by the Numbers

56 maps completed and made available to tribes

20 minerals evaluations completed



*Figure 8. Program Open House during 2013 White House Tribal Nations Conference*

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7. Changes to CATT contact information will not update the system of record. Owners should call the Call Center or their FTO to update their contact information.

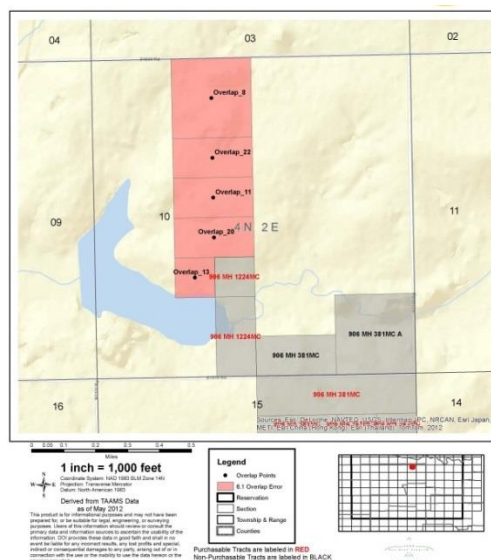
8. The Indian Land Consolidation Act provides that the Secretary may develop a system for establishing fair market value, including a system based on geographic units. See 25 U.S.C. § 2214.



enabling tract land use categorization (e.g., range, dry crop, and irrigated crop), geographical analysis, and comparison to surrounding uses and values.<sup>9</sup> While tribes can participate in some mapping activities, base mapping efforts will be completed by BLM for efficiency and consistency purposes.

The Department’s Office of Valuation Service’s Division of Minerals Evaluations (DME) conducts minerals assessments in three stages. Stage 1 parcels are located in areas with no viable economic mineralization or within viable economic mineralization zones where an estimated commodity value can be readily established. Stage 2 parcels require more research, data, and time to estimate; and Stage 3 parcels are associated with demonstrable commodity reserves, requiring intensive analysis. The DME examines parcels associated with the Program for a given reservation. However, some parcels requiring more detailed analysis will occur at the later stages of the Program as resources and time allow. As of September 30, 2014, the Program had completed initial mapping at 56 locations and minerals evaluations for 20 locations.

**Figure 9. Tribes should prioritize tracts that are purchasable and mappable for completion of Buy-Back appraisals.**



Some tracts may require additional information outside of TAAMS before values can be determined. For example, additional information could be required to clarify legal descriptions. Most information will be gathered during the land research phase. However, some tracts may require additional research that cannot be conducted with the rest of the reservation because it would diminish the efficiency and cost-effectiveness of the Program. The Program will work with tribes to include tribal priorities in the valuation request to the greatest extent possible.

9. In addition, mapping data may be utilized to create visual layers that will depict the status and progress of the Buy-Back Program and help identify acquisition priorities.

**Valuation.** The Program determines the fair market value of fractionated tracts at each reservation, which provides the primary foundation for individual offer amounts as required by the Settlement. The Program uses several types of appraisal methodologies. A mass appraisal approach is used to value properties that are similar in use and have active and consistent markets or have comparable sales data. Mass appraisals allow for greater efficiency and consistency in valuations. Individual or site-specific appraisals may be used on tracts that are difficult to value simultaneously with tracts amenable to mass appraisal. The Program relies most heavily on mass appraisal valuation techniques, such as automated valuation models using statistical analysis, market studies, and project appraisal reports. Site-specific valuations and other appropriate methods and techniques are used as warranted and as costs permit. Appraisal methods conform to the Uniform Standards of Professional Appraisal Practice (USPAP). To ensure that the valuation methods and techniques meet industry standards, the Department obtained a third-party review of its valuation techniques from The Appraisal Foundation. The Appraisal Foundation is a non-profit, non-partisan organization, authorized by Congress, dedicated to the development of appraisal standards in the United States and to establishing qualifications criteria for appraisers. The Appraisal Foundation's analysis, the Department's response to specific recommendations, and the plan outlining the Program's appraisal methodologies are available on the [Program's website](#).

#### Valuation by the Numbers

- 10,644 tracts appraised
- 13 locations
- 6 mass appraisal models development
- 368 site-specific appraisals completed

***“We...wanted to perform the appraisal function because we knew our land and had developed priorities. We are happy that the process has been going forward and believe we are helping the Land Buy Back Program develop sound processes for future tribes entering cooperative agreements.”***

William Tovey, Director of Economic and Community Development, Confederated Tribes of the Umatilla Indian Reservation

The Program estimates that the majority of tracts within many of the most highly fractionated reservations will be amenable to mass appraisal valuation techniques. More complicated tracts may be difficult to value simultaneously with the rest of the reservation without diminishing the efficiency and cost effectiveness of the Buy-Back Program. An inability to value certain tracts may preclude individuals from selling all of their interests or the acquisition of some tribal priorities. Tribal acquisition priorities are vitally important to achieve a foundational goal of the Program, to strengthen tribal sovereignty, and to promote consolidated trust land bases for conservation, stewardship, and beneficial use by sovereign tribal nations. Although the Program cannot guarantee that it will be able to purchase all tribal priorities given its financial and authorized operational constraints, it continues to encourage tribes to identify their priorities. The Program will actively work with tribes to accommodate those priorities to the fullest extent possible. Again, tribes should identify tribal priority tracts as soon as possible to allow the Program to assess the resources required to determine fair

market values for those tracts and plan accordingly. However, there may be instances where a particular tract cannot be valued in a timely and cost-effective manner.

Tribes seeking Agreements to determine fair market values must demonstrate the ability to perform reservation-wide valuations in a manner that is efficient and cost-effective. Tribes that currently perform valuation or appraisal work for the Department may be better positioned to provide fair market values for the Program through an Agreement. The Program must review and approve valuations performed by a tribe.

### **Appraisal Work by the Confederated Tribes of the Umatilla Indian Reservation**

The Confederated Tribes of the Umatilla Indian Reservation were among the first tribes to conduct appraisal work for the Buy-Back Program through a cooperative agreement. The Tribe worked on their priority tract list for 2 years before submitting their cooperative agreement application. When the cooperative agreement was awarded, tribal staff members, Mae Koko Hufford and Rachel Matamoros, worked diligently to prepare the Tribe's appraiser to start the valuation process. They gathered comparable sales information at the county courthouse and took photos of priority tracts. This extensive effort assisted the appraiser to determine the fair market value for each of the tracts in the Tribe's first wave of offers. The OAS reviewed the appraisals. This joint effort enabled the Program to send approximately \$9.4 million in purchase offers to nearly 1,800 landowners.

Acquisition. Once fair market value determinations are made, the Program seeks to consolidate fractional interests in those tracts that were valued by mailing purchase offer information to the eligible individual owners of the tract, including postcards, an offer package, and an informational pamphlet. To make the acquisitions process efficient, dedicated BIA personnel use TAAMS to automatically generate offer packages, which include the following documents (available on the [Program's website](#)):

- Cover Letter
- Instructions for completing inventory and deed
- Deed
- Purchasable Interests Inventory (Inventory): The Inventory lists ownership interests in each tract of trust or restricted land that is eligible for purchase under the Buy-Back Program, and the value of interests in each tract.
- Maps: Maps show the general location of the tracts of land in which you own fractional interests.
- Self-Addressed Return Envelope

### **Tracts and Parcels**

A tract of land, as referenced throughout this Report, is the real property trust asset in which an individual or tribe has an ownership interest. It is a defined area, often the boundary of an original allotment, and can include the surface estate, mineral estate, or both. A tract can be owned by one or more individuals and tribes. A tract with multiple owners is considered a fractionated tract.

A tract of land can be composed of one or more parcels. Parcels also have defined areas, but are not necessarily adjoining plots of land. In other words, a tract may be composed of just one single parcel of land, multiple adjacent parcels, and in some instances multiple non-adjacent parcels that are separated by other tracts or parcels of land. A landowner owns an interest in a tract, not in a particular parcel.

Offers for the Buy-Back Program are made at the tract level. If a tract contains a parcel that cannot be appraised, then offers for interests in the whole tract cannot be made.

Individuals have 45 calendar days to sell some or all of their fractional interests for which an offer has been made.

Individuals voluntarily decide whether to sell their fractional interests.

The sale price may have up to three components: (1) appraised fair market value; (2) minimum amount for subsurface ownership; and (3) a base payment. The hypothetical example in Table 5 illustrates these components. It assumes that the owner has a 1/100 (1 percent) undivided fractional ownership interest in three distinct 160-acre tracts, each with a different bundle of ownership rights (it is further assumed the subsurface ownership rights associated with 2 of the tracts has been determined to have no economic value). The offer to the owner for his or her interest in the 3 tracts would be \$1,239 as follows:

### Base Payments and Scholarship Contributions

Offer packages provided to individual landowners include a **base payment of \$75 per accepted offer** (not per interest), regardless of the value of the land. The base payment will help to offset the time and costs that owners may incur in responding to purchase offers. The \$75 base payment paid to individuals comes out of the land purchase portion of the Consolidation Fund.

Offers also include information about **scholarship contributions**. Up to \$60 million of the Consolidation Fund will be used as contributions to the Cobell Education Scholarship Fund. For an interest purchased for less than \$200, a contribution of \$10 will be made; for an interest between \$200 and \$500, a contribution of \$25 will be made; for an interest of more than \$500, a contribution of 5 percent of the purchase price will be made. The scholarship contribution does not come out of the landowner's payment amount.

**Table 5. Sample Illustration of Offer Amount**

<b>1. Appraised Values</b>		
Tract 1 (Surface and Subsurface)	\$ 640	(1 percent owner of \$64,000 surface tract value; see also 2a. below)
Tract 2 (Surface only)	\$ 500	(1 percent owner of \$50,000 tract value)
Tract 3 (Subsurface only)	\$ 0	(see 2b. below)
2a. Addition for Tract 1 Subsurface	\$ 12	(1 percent of 160 acres x \$7.50/acre minimum)
2b. Addition for Tract 3 Subsurface	\$ 12	(1 percent of 160 acres x \$7.50/acre minimum)
3. Base Payment	\$ 75	(per offer, not interest)
<b>Total Offer Amount</b>	<b>\$ 1,239</b>	

The Program strives to make the offer package documents as clear and user friendly as possible. Following the first set of offers to Pine Ridge landowners, BIA made several changes to the deed to reduce common errors by landowners and notaries and increase processing speed.

The Program also clarified the Cover Letter and Instructions to address frequent questions and recurring errors. Subsequent offers sets for Pine Ridge and Makah landowners indicated that the changes to the offer package documents did in fact make the process more efficient.

### Acquisition by the Numbers

44,573 offers mailed

\$209 million paid to individuals

351,753 equivalent acres consolidated

During the acquisition phase, the Program may also provide the notice required by the Settlement to purchase those interests from individuals whose whereabouts are unknown. The Program decided not to exercise this authority because it is possible that a location's purchase estimate amount may be reached by purchasing interests from individuals with a current address or that can be located and provided with an offer package. The Program may, however, reconsider this approach in light of the results achieved and exercise the authority in the time contemplated under the Settlement to ensure that the Consolidation Fund is used in its entirety. As of the release of this report, the Program has not purchased interests owned by individuals whose whereabouts remain unknown. (See [Appendix E](#) for additional information regarding whereabouts unknown.)

### Buy-Back Program Eligibility and Purchasable Criteria

What makes a **tract** eligible for the Buy-Back Program?

- Tract has more than one owner
- Tract has at least one trust or restricted interest
- Recognized tribe exercises jurisdiction over the tract
- Tract must have appraised values
- Tract must be mappable (i.e., legal description of a tract does not require further research)
- Tract must not be 100 percent owned by a combination of ineligible interests

What makes an **interest** eligible for the Buy-Back Program?

- Interest must be located within a tract eligible for the Buy-Back Program
- Interest must be individually owned in trust or restricted status

What makes an **interest** not eligible for purchase?

- Interest is owned in fee status or by the tribe
- Interest is subject to Life Estate or Joint Tenancy
- Interest is in probate proceedings
- Interest is owned by a minor
- Interest is owned by an individual unable to make decisions on their own behalf – under a legal disability (based on restricted status of landowner's IIM account)
- Interest is owned by an individual whose whereabouts are unknown (current policy)

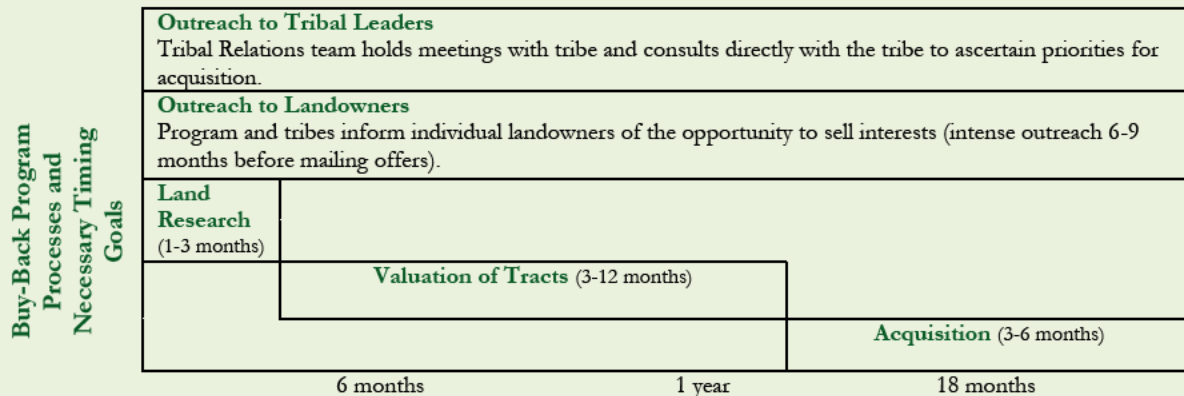


## EXAMPLE OF PROGRAM PHASES

To illustrate the 4 Buy-Back Program phases, consider an example reservation with 3,000 tracts that contain 90,000 fractional interests owned by 10,000 individuals.

- 1. Outreach.** In cooperation with the tribe, outreach must occur to inform the 10,000 individuals that the Buy-Back Program will be valuing tracts and purchasing fractional interests from those who desire to voluntarily sell their interest(s). During this time, the Program will consult directly with the tribe to ascertain acquisition priorities the tribe may have. Direct tribal involvement through Agreements will be key to acquiring lands, including tribal priorities.
- 2. Land Research.** While the Buy-Back Program and tribe are conducting outreach in the communities, BIA and other Department agencies will be gathering data necessary to determine the fair market values of the 3,000 fractionated tracts within the reservation. For a number of reasons, a tract may require extensive research to determine its fair market value. For this example, assume ten percent of the tracts require extensive research that would require excessive time or cost to complete. To remain efficient and cost effective, the Buy-Back Program would simply initiate a valuation request for 2,700 tracts, omitting those 300 tracts that require further data or extensive analysis before values can be determined (it is recognized that such an omission will necessarily preclude the Program from acquiring all the interests owned by certain individuals). The Program will work with the tribe to ensure that as many tribal priorities as possible are included in the valuation request.
- 3. Valuation.** At this point, OAS will receive a request to value 2,700 tracts within the reservation. To achieve efficiency and cost-effectiveness, OAS will utilize mass-valuation techniques. The number of tracts these techniques may capture will vary between reservations, but for this example, only 80 percent of those tracts are amenable to some mass appraisal valuation technique. Thus, the Buy-Back Program can expect fair market values for 2,160 of the 3,000 tracts.
- 4. Acquisition.** Now that the Program has received the fair market value for 2,160 tracts, it can send offer packages to individuals who own interests in those tracts and who are eligible to receive offers. At most, offer packages would go to all 10,000 individuals who own fractional interests within the reservation (or a subset because some of those 10,000 individuals may own interests only in the 840 tracts that were not valued). Offer packages will have a specific response deadline date (i.e., 45 calendar days after BIA mails the package). One goal of the acquisition phase is to provide landowners with a clear set of instructions so return offers are completed correctly, avoiding the need to provide replacement packages or follow up with landowners. The acquisition phase is highly automated and centralized to reduce implementation costs and increase efficiency. This phase is carried out by the Program.

The Program, through OST and BIA utilization of TAAMS and other existing operations and systems, will mail offer packages to owners, receive and process completed offers, and post payments to IIM accounts. However, the Program welcomes tribal participation working with landowners during the acquisition phase. If too few individuals sell their interests at this reservation, the Program will seek to use the remaining purchase estimate amount at other locations. See the following diagram for an illustration of these processes.



The Program will be active at any one location only for as long as it takes to complete the phases of the process. Once the four phases have been completed at the reservation, the Program will focus its efforts on the next location.

## Lessons Learned

The Buy-Back Program is committed to continuous improvement. The Program encourages employees and partners to share their ideas on how to improve the Program's operations. In addition, the Program is learning a great deal through our Agreements with tribes. Tribal leaders understand the unique qualities associated with tribal homelands and landowner sentiments. Through experience at initial locations and collaboration with tribes to date, the Program has identified opportunities for improvement in all four phases and the Agreement process.

Outreach. The Program and tribal leaders will continue working together to ensure that Indian landowners are aware of this voluntary opportunity to sell their fractional interests and have the information and assistance they need to make informed decisions and complete the conveyance documents if they choose to sell. It is also important to reach landowners with information about the Program as early as possible so landowners have ample time to consider selling their land, ask questions, seek more information, and contact the Call Center.

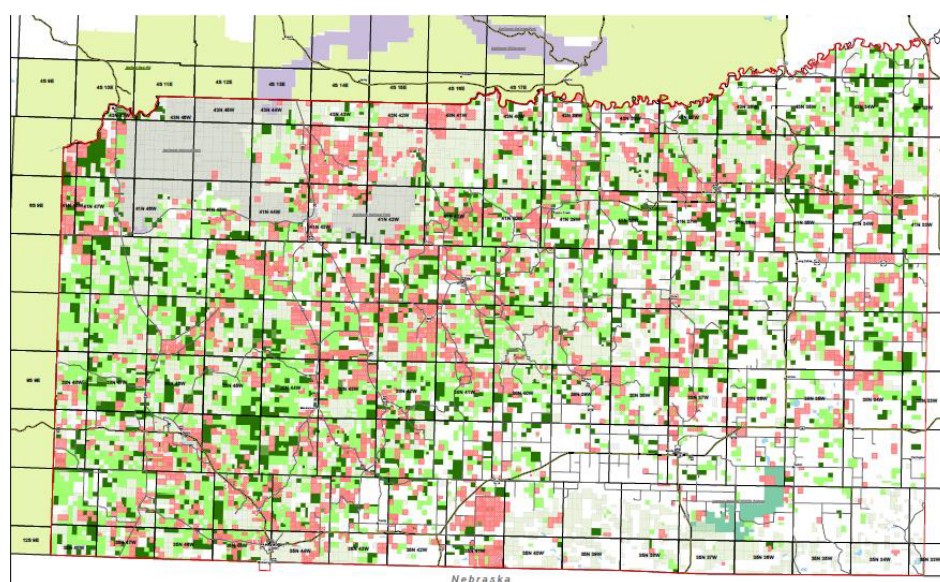
Initial implementation highlighted the importance of national, regional, and local outreach. For many locations, landowners resided all over the country. The Program learned that it needed to reach landowners through various communication methods including print advertisements, events, and mailings. One of the most effective methods of outreach has been postcards, mailed both before and after offers.

Tribal readiness, including the review of available information – such as mapping information – and the identification of priority tracts, is a critical component of outreach. Experience at initial locations has shown the importance of the tribe identifying their priorities as early as possible so the tracts can be appraised and included in the offer set. The Program will also provide tribes with a list of purchasable tracts to be appraised early in the process so tribes can tailor outreach efforts.

The Program recognizes, as tribal representatives have pointed out, that tribes need ready access to landowner information to effectively conduct outreach and other land consolidation activities. Privacy of beneficiaries is also a vital concern. In order to release names and addresses of landowners, as well as other data pertinent to an owner, the Program must follow Federal information and privacy laws that restrict the disclosure of certain information. The Program may share (upon written request under [25 U.S.C. 2216](#)) owner name and mailing address information with tribes. The Program also may share information on the location of the land and the percentage interest owned under this authority. To share additional information, the Program must follow Federal information and privacy laws that restrict the disclosure of certain information. For example, the Privacy Act requires that the Department publish a System of Record Notice (SORN) in the Federal Register. In an effort to facilitate sharing of information with authorized tribal

representatives, while observing legal restrictions, the Program has prioritized the publication of updated SORNs for OST and BIA. Publication of the updated SORNs, which concern OST and BIA trust fund and trust land related systems containing individuals' information, will make it easier to share information, such as individuals' offer status, with tribal governments working to help implement land consolidation activities in cooperation with the Buy-Back Program. This effort responds to comments and feedback received during government-to-government consultations, implementation of cooperative agreements thus far, and the Program's Listening Session hosted by Deputy Secretary Connor in May 2014, in which tribal representatives expressed the need for better information sharing.

Tribes also have expressed the desire for updates on sales progress and information on the tracts in which the Program has acquired interests for the tribe. For example, the Program provided the Oglala Sioux Tribe (of the Pine Ridge Reservation), one of the Nation's most fractionated locations, with a mapping product that depicts acquisition status. As shown below in Figure 10 (and at [Appendix D](#)), many tracts have seen an increase in tribal ownership (light green) and several now have 50 percent or more tribal ownership (dark green). The Program intends to provide such maps and other useful information for future locations.



*Figure 10. Increases in Oglala Sioux Tribal Ownership at the Pine Ridge Reservation*

Land Research. Land research includes collecting the data necessary to establish fair market value for the tracts containing fractional interests. This phase covers activities such as mapping and minerals analysis.

One of the key lessons learned in this area is the importance of sharing mapping information with tribes before Program implementation. This is essential for tribes that wish to participate in land research or



valuation activities, but also important for tribes to identify their priorities. Mapping also helps to identify tracts that have non-contiguous parcels. In the valuation process, it is important to ensure that all parcels associated with a tract – especially non-contiguous parcels – are considered in developing the fair market value. The identification of the non-contiguous parcels early on in the process helps to ensure that the parcels associated with a tract are valued so that as many tracts as possible can be part of the offer. To address the need for improved communication regarding mapping, the Program has developed, in coordination with BLM, a file sharing site, where large data files, such as GIS data, can be downloaded. As data becomes available, a tribal point of contact works with the Program to gain access to the data. The Program will also develop mapping training sessions, host an information session at the Tribal Land Staff Conference in March 2015, and continue to distribute available mapping data.

The Program is also reviewing its policy regarding tracts with structural improvements. Previous offer sets have excluded tracts with structural improvements, but the Program is now exploring whether fractional interests associated with some of those tracts may be included in purchase offers. The structural improvement would, however, retain non-trust status.

Valuation. The Program identified valuation lessons learned through its completion of appraisals and work with tribes interested in completing appraisals themselves. Mass appraisal is the preferred approach whenever possible because it is the most cost-effective way to appraise large amounts of land. The breadth, scale, limited funding, and limited life span of the Program necessitates the use of mass appraisal methods where appropriate. Appraisal work to date has shown that the use of mass appraisals results in greater efficiency and consistency in valuations, enabling the Program to value many acres simultaneously.

Efforts thus far have demonstrated the importance of technology. In order to deliver a large number of appraisals in a constricted time frame, OAS developed a state-of-the-art Mass Appraisal Valuation System (MAVS). The system was developed in-house through a collaborative process between OAS and OST's information technology department. The system capitalizes on GIS technologies, using aerial photography, oblique pictometry, and robust data management capabilities to gather hundreds of data points at each individual property level. Through the sharing of existing GIS data layers, OAS can acquire soil, hydrographical, topographical, utilities, and road data from various Federal, state, and local agencies to use in its analysis. To date, a total of 6 reservations have been appraised through MAVS, representing more than 10,000 tracts and close to 2 million acres of land.

### Valuation work at the Flathead Reservation (of the Confederated Salish and Kootenai Tribes or CSKT)

CSKT completed site-specific appraisals as part its cooperative agreement. CSKT expressed interest in being part of early implementation efforts and wanted to work collaboratively with the Buy-Back Program to help carry-out the Program and to share lessons learned, best practices, and other ideas and information with other tribes and landowners.

Several lessons learned as a result of cooperative efforts, include the following:

1. The effective date for tribal and third-party appraisals should be carefully planned to ensure that adequate reviewers are available and can complete the work in a timely fashion to ensure that the effective date is as close as possible to the offer date.
2. Appraisal effective dates should be as uniform as possible to achieve the goal of efficient “one offer per individual per reservation” land consolidation and to simplify application of the 9-month appraisal validity period in relation to acquisition efforts.
3. Early review of mapping information will ensure that appraisal work is focused on appropriate tracts.

Acquisition. In the Acquisition phase, BIA performs the following: examines and checks the tracts with values to confirm acreage amounts and identify which tracts meet the purchasable criteria as of that date (See [Appendix B](#)); identifies landowners with interests who are eligible to receive purchase offers; generates and mails offers; and processes returned offers. Initial implementation activities for Pine Ridge and Makah landowners identified some challenges associated with the offer letter and deed. The BIA subsequently revised [purchase offer materials](#) and worked with the Indian Land Tenure Foundation to develop a useful publication, *Informing Indian Landowners on the Land Buy-Back Program*.

During the implementation at early locations, the Program also experienced some challenges with including maps in offer packages. The Program is working to include maps in as many offer packages as possible and improve the quality of the maps. It is also important that maps be available in local offices so landowners can ask questions and view the maps on a larger scale.

Currently, fractional interests that are held in Joint Tenancy or subject to a Life Estate are excluded from purchase offers. If a tract is 100 percent Joint Tenancy or Life Estate, the entire tract is excluded from purchase offers. Landowners with interests that are in Joint Tenancy or subject to Life Estate have come forward expressing strong interest in participating in the Program. To reiterate, the Program is for willing sellers with the goal of allowing as many eligible owners to participate as possible. We continue to coordinate with BIA Agencies that may see an increase in requests from landowners to dissolve Joint Tenancy or Life Estates before the Program implements at that location.

Agreements. The Program has identified lessons learned during the Agreement process since first seeking to partner with tribes to implement land consolidation activities. For example, the Program made changes to

the cooperative agreement process in response to tribal feedback to reduce the time to create such agreements. Whenever feasible, the Program now addresses any questions about a tribe's submitted application in the terms and conditions of the cooperative agreement award, thereby eliminating the need for a tribe to make adjustments to its application and making the award process more efficient. In addition, key positions have been added to make more staff resources available to tribes during the application process. Also, recognizing that clear and helpful information about the application process and the application requirements is key, the Program has continued to improve its website and the cooperative agreement guides and instructional documents available to tribes. Finally, payment request processes have been streamlined to ensure that tribes can access agreement funds quickly and easily after the award.

Beginning outreach activities as early as possible will provide landowners ample time to consider selling their land. The Program is now seeking to enter Agreements earlier in the implementation process – six to nine months before offers are made – to ensure adequate tribal ramp-up time and to support pre-offer outreach. The Program learned that a cooperative agreement may not be appropriate in all instances (i.e., when a tribe does not request funding), and therefore has other arrangements (e.g., memoranda of agreement) with some tribes. The Program will continue to work closely with tribal leaders to ensure that the Agreement process is as streamlined as possible, while still meeting programmatic and regulatory requirements.

## **Measuring Program Performance and Progress**

The Buy-Back Program actively tracks and monitors performance to ensure that tasks performed are achieving the goals of the Program. Partner offices and tribes regularly report results and metrics, which the Program evaluates in order to make improvements. Similarly, the Program monitors funding by comparing and reconciling budgeted estimates with actuals in order to make adjustments based on outcomes achieved. This helps ensure that there is a clear correlation between funding and results. Performance results are shared regularly to continue transparency into the Program through various multiple such as this Status Report and the following occasions:

- Presentations at various conferences and events (e.g., Indian Tribal Land Staff Conference, National Congress of American Indians (NCAI), White House Tribal Nations Conferences, Coalition of Large Tribes (COLT), Montana-Wyoming Tribal Leaders Council, BIA Midwest Region Partners in Action Conference, Sovereignty Symposium in Oklahoma City);
- Listening Sessions (e.g., Portland, Oregon in May 2014); and
- Congressional Hearings.

In the Updated Implementation Plan, the Program said that it would evaluate its performance in achieving key goals. The following table summarizes progress towards those goals as of September 30, 2014 (the Program has purchased additional interests since that date as reflected elsewhere in this report).

Goal	Tracking	Value
Reduce fractionation, increasing amount of land held in trust for tribes	<p>The Program tracks this goal by dividing the number of fractional interests the Buy-Back Program purchases by the total level 1 interests (see <a href="#">Appendix B</a> for various definitions of interests, tracts, and acres). This metric reflects the reduction of fractional interests. (Formula: fractional interests purchased/level 1 interests = percent reduction in fractional interests.)</p> <p>The Program will also track:</p> <ul style="list-style-type: none"> <li>· Total number of equivalent acres purchased for tribes, and</li> <li>· Total number of tracts that experienced an increase in tribal ownership.</li> </ul>	<p>3.2 percent reduction in fractional interests</p> <p>279,381 equivalent acres purchased</p> <p>Interests in 7,553 tracts purchased (5,060 of these tracts increased to 50 plus percent tribal ownership; 265 of these tracts increased to 100 percent tribal ownership)</p>
Effectively manage implementation costs	<p>The Buy-Back Program will track this by using a modified cost performance index (Index). The Index uses the percentage of the land purchase portion of the Trust Land Consolidation Fund (\$1.555 billion) expended, divided by the percentage of implementation costs (\$285 million) expended. The resulting figure indicates how efficient the Program is purchasing land in proportion to implementation costs:</p> <ul style="list-style-type: none"> <li>· Index &gt; 1 indicates efficient performance</li> <li>· Index = 1 indicates Program is on track</li> <li>· Index &lt; 1 indicates inefficient expenditure</li> </ul> <p>Currently, the Program's index is above 1, indicating efficient performance, but is expected to trend toward 1 over the long term as sales from the larger locations are exhausted. (Formula: percent of land purchase fund expended/percent of implementation fund expended = cost performance index.)</p> <p>This goal is also measured by the percent of implementation costs expended. (Formula: expended/\$285 million.)</p>	<p>Cost Performance Index of 1.35</p> <p>6.7 percent implementation costs expended</p>
Maximize tribal participation in the Program	<p>The Buy-Back Program is structured in a manner that provides the flexibility to allow as much opportunity for tribal participation and assistance as practical at scheduled locations. This goal is tracked by the number of Agreements with tribes.</p>	<p>12 Agreements</p>

Goal	Tracking	Value
Establish and maintain clear communications with tribes, landowners, and the public	The Program will actively consult with tribes to identify and accommodate tribal priorities as much as possible. The Program will report progress and communicate with Indian Country by providing clear, concise information, options, and guidance to individual landowners about their fractional land holdings and the opportunity to participate in the Buy-Back Program at their discretion.	106,922 postcards 37 press releases Listening Session White House Tribal Nations Conference Distributed 19,387 Indian Land Tenure Brochures Fielded more than 22,735 incoming calls to the call center Made more than 250 outgoing outreach calls to landowners during the months of July, August, and September 2014

One of the Program’s goals is to effectively manage implementation costs. As of the end of Fiscal Year 2014, the Program has spent approximately \$19.2 million of the \$285 million authorized for implementation costs through November 2022. These costs are described below in the context of the other uses of the Consolidation Fund. Some of these expenditures include one-time, up-front costs such as mapping, equipment, and system updates. The acquisition implementation amount below also includes offer processing capacity for future years.

**Table 6. Consolidation Fund Expenditures as of September 30, 2014**

Category	Expended
<i>Land Sales (payments to individuals)</i>	\$141,894,362
<i>Scholarship Fund Contributions</i>	\$4,555,083
<i>Implementation Costs</i>	
Outreach	\$3,998,977
Land Research	\$2,492,748
Valuation	\$3,132,292
Acquisition	\$7,187,091
Cooperative Agreements	\$1,487,980
Other <sup>10</sup>	\$933,584
Total	\$19,232,672

10. Other expenditures authorized by the Settlement but not captured in the four phases such as Trust Commission expenditures.

## NEXT STEPS

The Program has purchased land in multiple locations and is working closely with many additional tribes to plan, share information, finalize Agreements, appraise land, and conduct pre-offer outreach. The implementation strategy this year focused on the most highly fractionated reservations while providing some less-fractionated locations with an opportunity to participate during the early years of implementation. Within the next six months, the Program expects to make offers at several additional locations.



*Figure 11. Agreement Signing Ceremony*

*Photo credit: U.S. Department of the Interior*

The Department will focus on the next steps listed below:

- Continue working with tribes with the most highly fractionated locations, which represent approximately 90 percent of the fractional interests, and work with tribes at a limited number of less-fractionated locations, to secure Agreements to the extent possible;
- Communicate with landowners to educate them on their options (update the [Program's website](#) as needed, distribute information, host workshops and events);
- The BIA will continue to process ownership transactions and update title records in TAAMS to facilitate acquisitions as part of ongoing trust operations;
- Actively access and manage risk based on results thus far and new developments or performance;
- Complete additional land mapping and valuation efforts;
- Mail offers and process sales at as many locations as possible; and
- Share performance measures and expenditure information.

The Buy-Back Program is committed to continuous consultations in compliance with the letter and spirit of Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) and Secretarial Order 3314 (Department of the Interior Policy on Consultation with Indian Tribes). Since 2011, Department officials have conducted extensive consultation with tribes across Indian Country to determine how to move forward with a process that will provide an efficient and fair way for landowners to participate in the



Program, maximize tribal involvement, and offer the greatest flexibility for each tribal nation to implement the Program in the manner that is in the best interest of its community.

Since the inception of the Program, the Department has had individual contact with more than 80 tribes, including in May 2014, when the Program held a Listening Session in Portland, Oregon. Additional tribal consultation will occur as the program plans to hold another session on March 19, 2015, near Phoenix, Arizona. In the coming months and years, the Program will continue to meet with tribes, actively seek their feedback, and welcome their involvement and participation.

While the Department welcomes feedback related to any aspect of the Program, the following areas are of particular interest:

- **Implementation at Less-Fractionated Locations.** There are about 110 less-fractionated locations that collectively contain approximately 10 percent of the outstanding fractional interests nationwide. Of the 42 locations announced, 10 are less fractionated. The Program continues to explore ways for additional less-fractionated locations to participate in efforts in an efficient and cost-effective manner. For example, the Buy-Back Program has received requests from tribes for reimbursement of past and future purchases of fractionated interests acquired under tribal or other land consolidation efforts. To date, no reimbursement requests have been awarded through the Buy-Back Program. Until the Program renders a decision on such reimbursement requests, none will be granted. The Program encourages the submission of comments or ideas on whether and how reimbursements might work.
- **Whereabouts Unknown.** Whereabouts unknown (WAO) is the term used to describe IIM account holders without current address information on file with OST. The Settlement provides for an outreach effort to locate landowners whose whereabouts are unknown as of the date of final approval of the Settlement. The Program has not exercised WAO purchases thus far and is seeking input from tribes and individuals on whether and how it should implement the provision. Since the Program's inception, the focus has been on locating WAO through outreach efforts so the individuals can receive and consider an offer.
- **Improvements.** Where structural improvements exist on a tract, a number of issues may complicate the acquisition of fractional interests in the tract. While the Program will not acquire structural improvements, which are non-trust property, the Program seeks additional feedback from landowners and tribes about acquiring interests in tracts with structural improvements, including instances in which the Program might choose to acquire interests. The Program continues to work with its Federal partners to determine the feasibility of making offers on tracts with structures.
- **Public Domain.** Under the Settlement, fractional interests acquired by the Program will be held in trust for the recognized tribe that exercises jurisdiction over the land. When identifying the locations with fractional interests that may be consolidated, the Program excludes land area names that include the term "public domain" or "off reservation" because these terms indicate that there may be no recognized tribe that exercises jurisdiction over the land. The Program has encouraged feedback, however, on the list of locations: "In particular, if tribes or others have reason to believe that any of the information is inaccurate or that a reservation is excluded in error, they should provide written feedback [to the Program]." (See Appendix B to the Initial and Updated Implementation Plans.) Since then,

the Program has received feedback from several tribes suggesting that certain land areas should be included. The Program is now seeking general feedback on whether and if so how the Program should incorporate public domain or off reservation land areas into the Program, including any suggested standards or processes that could be applied.



*Figure 12. National Congress of American Indians:  
Secretary Jewell Meets with Southern Ute Youth*

*Photo credit:* U.S. Department of the Interior



## APPENDIX A. FREQUENTLY ASKED QUESTIONS

### *I. Background and Overview Information*

#### **1. What is fractionation? Why is it an issue?**

Fractionation refers to divided ownership of Indian lands and is the result of land parcels (allotments) passing to numerous heirs over generations. The land itself is not physically divided; rather, the heirs of an original allottee own undivided interests in the allotment. Many allotments now have hundreds and even thousands of individual owners. Divided ownership makes it difficult, if not impossible, to use the land for any beneficial purpose because consent from at least 50 percent of the owners must first be obtained. As a result, fractionated allotments often lie idle rather than being utilized for agricultural, recreational, cultural, commercial, or even residential purposes. Even when consent can be obtained to lease an allotment, highly divided ownership often results in individual owners receiving only nominal lease returns. Approximately 64 percent of Indian landowners earn \$25 or less in annual income from their fractional interests in allotments.

There are approximately 150 reservations with fractionated tracts of land with more than 245,000 unique individual owners.

#### **2. What is the Land Buy-Back Program for Tribal Nations?**

The Secretary of the Interior established the Land Buy-Back Program for Tribal Nations (Buy-Back Program) to give individual landowners an opportunity to help address the problem of fractionation. The Program has \$1.9 billion available to purchase fractional interests in trust or restricted land from willing sellers at fair market value within a 10-year period. Individuals who choose to sell their interests receive payments directly into their Individual Indian Money (IIM) accounts. Consolidated interests are then immediately restored to tribal trust ownership for uses benefiting the reservation community and tribal members.

#### **3. Who is involved in the Land Buy-Back Program?**

The Buy-Back Program operates from within the Office of the Secretary of the Interior. The Buy-Back Program is working closely with the Office of the Special Trustee for American Indians (OST), the Bureau of Land Management (BLM), and the Bureau of Indian Affairs (BIA) to implement the Program across Indian Country. In addition, the Program is working with tribal representatives to ensure the best information is available to willing sellers. Tribes participating in the Buy-Back Program will have an opportunity to enter into cooperative agreements with the Program to access potential resources to assist in Program implementation.

#### **4. What lands are purchasable?**

The Buy-Back Program will only purchase interests from landowners who are willing to sell their fractional interests. There are approximately 150 reservations with 2.9 million purchasable fractional interests owned by approximately 245,000 individuals (the whereabouts of approximately 13 percent of these individuals are currently unknown). A fractionated tract is a

tract held in trust or restricted status that has two or more owners. The Program will be purchasing fractional interests in trust or restricted land. The Program will not be purchasing fee lands.

## **5. What reservations will be involved?**

There are approximately 150 reservations with fractionated tracts of land with more than 245,000 unique owners.

Following government-to-government consultations, the Department refined the key criteria that will guide initial implementation of the Program and the locations where offers will be made. The Buy-Back Program considers a number of factors as it moves forward, including severity of fractionation, degree of ownership overlap between locations, geographic location to maximize efficiency and resources, appraisal complexity, and readiness or availability of tribal staff. In particular, the Program has involved various types of tribal communities with different levels of tribal involvement at the outset of the Program – including locations with relatively fewer fractionated lands. A list of reservations where implementation has already occurred is available on the Program’s website: <http://www.doi.gov/buybackprogram>.

Once a reservation is scheduled for implementation, the Program conducts outreach (events, community meetings, Public Service Announcements, and other media engagement) on the reservation and releases further information to individuals owning interests within that reservation to ensure that individuals are aware of the opportunity to participate in the Buy-Back Program.

## **6. How is the order for implementation being determined?**

Approximately 90 percent of the purchasable fractional interests are located within about 40 of the 150 plus locations with purchasable fractional interests. For efficiency, the Department is focusing initial efforts among these highly fractionated locations. The Buy-Back Program held an open solicitation from November 8, 2013, through March 14, 2014, during which tribes with jurisdiction over the most fractionated locations were invited to submit letters of interest or cooperative agreement applications for participation in the Program. The more than 50 submissions that were received helped to inform an initial implementation schedule, announced in May 2014 (<http://www.doi.gov/news/pressreleases/deputy-secretary-connor-announces-next-implementation-schedule-for-1-9-billion-land-buy-back-program.cfm>), for the Buy-Back Program through 2015. These locations represent more than half of the fractional interests and unique owners across Indian Country.

The Department will continue to pursue implementation activities with tribes at locations that represent the approximately 110 locations with the remaining 10 percent of the fractionated land. In fact, efforts are already underway at several less-fractionated locations including the Makah, Coeur d’Alene, Squaxin Island, Swinomish, Prairie Band Potawatomi, Quapaw, and Lummi Indian Reservations.

## **7. How does the Program determine what interests it will seek to acquire?**

The Buy-Back Program will send offers to as many individuals as possible considering the following purchase factors to identify tracts:

- Completed appraisal,
- Tribal priority tracts,
- Level of fractionated ownership,
- Tract values, and/or
- Interested/willing sellers.

There is no fixed formula. The purchase factors and associated values/rates will be different for each reservation. The Buy-Back Program will continuously analyze and adjust the purchase factors during the time it spends at each reservation to obtain the most benefit for both the willing seller and the tribe.

## **8. How much money is expected to be spent buying back fractional interests in land?**

The Claims Resolution Act of 2010 states that \$1.9 billion dollars will be placed in the Trust Land Consolidation Fund (Consolidation Fund). After implementation costs and the establishment of an Indian Education Scholarship Fund, a minimum of \$1.555 billion will be available to pay individual owners fair market value for the fractional interests they voluntarily decide to sell.

## **9. How are reservation purchase estimates determined?**

To maximize the number of reservations participating in the Buy-Back Program, the Department uses initial purchase estimates at each reservation where the Program is active. In particular, the Department will apply a formula that considers three factors relevant to fractionation, including: the total number of purchasable fractional interests within a reservation, the number of fractionated tracts within a reservation, and the number of acres related to those fractional interests. This formula establishes an initial, maximum amount of the Consolidation Fund that could be used to purchase fractional interests within any one reservation.

## **10. What happens to land after it is purchased?**

Interests sold will remain in trust, but ownership will be transferred to the tribe with jurisdiction over the land. This effort strengthens tribal sovereignty by unifying tribal lands for tribal benefit and use, such as economic development, housing, and cultural preservation.

## **11. When will individuals be able to sell their interests?**

The Buy-Back Program began implementing the Program and purchasing interests at a small number of reservations in late 2013, beginning with Pine Ridge, the most highly fractionated reservation in the United States. The Program has proceeded in 2014 with implementation at more than ten locations, including the Rosebud, Makah, Fort Belknap, Quapaw, Gila River, Northern Cheyenne, Flathead (Confederated Salish and Kootenai Tribes), Umatilla, Coeur d'Alene, Lake Traverse (of the Sisseton-Wahpeton Oyate) and Crow Indian Reservations.

The Buy-Back Program will continue to expand to other reservations over the next several years, and individual owners will receive information about how they can participate in the Program when a reservation in which they own fractional interests is scheduled for implementation. The Buy-Back Program will use purchase estimates to ensure that as many reservations and individuals as possible will be able to participate in the Program.

**12. How long does the Department have to implement the Buy-Back Program?**

Per the terms of the Cobell Settlement Agreement, the Department has ten years from final approval of the settlement, which occurred on November 24, 2012.

**13. What steps is the Program taking to ensure that the Program will be completed in ten years?**

The Department is committed to implementing the Program in the most efficient and cost-effective manner possible, consistent with the goals set by the Cobell Settlement Agreement.

During the first year of the Program, the Department focused on joint planning with tribes, cooperative agreements, staffing, and designing and laying out the strategy, methods, and key systems for this ten-year Program. As of mid-September 2014, transactions worth more than \$125 million were successfully concluded by the Program, restoring the equivalent of more than 270,000 acres of land to tribes.

One approach that the Department is using to expend the Consolidation Fund in a timely manner is the use of mass appraisal techniques. The breadth, scale, limited funding, and bounded life span of the Program necessitate the use of mass appraisal methods where appropriate. The Department intends to implement the Program fairly and equitably, moving quickly to reach as much of Indian Country as possible during this ten-year period. Mass appraisal is an efficient way to quickly determine fair market value for a significant number of fractionated tracts. By using the mass appraisal method where applicable, the Program can maximize the number of owners who receive offers and the number of interests consolidated under tribal ownership.

**14. How long does the Program plan to spend at each location?**

Due to limitations on implementation costs as set forth by the Cobell Settlement Agreement, the Program cannot support a long-term presence at each location. The Program plans to spend 12 to 18 months at each location; however, this timeframe may be adjusted. Tribes may work with the Department to determine an appropriate timeframe based on their individual needs while negotiating their cooperative agreements with the Buy-Back Program.

**15. Is the Indian Land Consolidation Program still reaching out to landowners?**

The Land Buy-Back Program is a separate program from the Indian Land Consolidation Program (ILCP). As of October 2013, the ILCP is no longer acquiring fractional interests.

## **16. How much will individuals get for selling their fractional interests?**

Willing sellers will receive fair market value for the interests they choose to sell. The Office of the Special Trustee for American Indians (OST) - Office of Appraisal Services (OAS) will conduct an appraisal to determine the fair market value for each tract of land that meets the criteria for purchase by the Program.

The value of specific fractional interests will be based on the interest's proportion to the whole tract. For example, if you own a five percent interest in a fractionated tract, then you would receive five percent of the fair market value of the whole tract if you decide to sell.

If there are mineral or timber rights associated with a property, they will be included in the valuation process. For those situations where mineral rights have a very small or no contributory value, a payment of \$7.50 per acre will be included in the total value of the land to account for the conveyance of the mineral rights.

In addition, to facilitate sales, the Buy-Back Program will provide landowners with a base payment of \$75 per offer, regardless of the value of the land, based on the estimated time and effort required for individual landowners to complete their conveyance documents. The \$75 Base Payment paid to individuals comes out of the Land Purchase portion of the Consolidation Fund.

More information is available in the Appraisal section of this document.

## **17. Why do interested sellers receive an extra base payment?**

The Buy-Back Program will provide landowners with a base payment of \$75 per offer, regardless of the value of the land, to reflect the estimated time and effort required for individual landowners to complete their conveyance documents.

## **18. What is the Program doing to protect landowners – particularly elderly landowners – who may receive large amounts of money from sales?**

It is important that landowners think strategically about how to use the funds they receive from selling their fractional interests as these are one-time large payments and lease income generated from these lands will no longer be received by the seller. The Program encourages landowners to understand their options and provides resources to assist with decision making. The Office of the Special Trustee for American Indians, in collaboration with First Nations Development Institute (FNDI), provides financial training that includes but is not limited to budgeting, investing, planning for the future, fraud scams, power of attorney risks, and what landowners do on day one with a large payment, which empowers individuals to grow and sustain personal wealth. In addition, this financial training encourages landowners to confirm the status of their IIM account (e.g., voluntary hold or unrestricted/auto-disburse, check or debit card or direct deposit, names and addresses are proper and current) before the Buy-Back Program funds are posted to the account and held on deposit or disbursed.

For more information on financial awareness, landowners can visit their nearest OST office, call the Trust Beneficiary Call Center at (888) 678-6836, or go to the OST's financial empowerment website at:

[http://www.doi.gov/ost/individual\\_beneficiaries/financial\\_empowerment/index.cfm](http://www.doi.gov/ost/individual_beneficiaries/financial_empowerment/index.cfm).

## **19. How does the Cobell Education Scholarship Fund relate to the Buy-Back Program?**

The Cobell Settlement provides for a Scholarship Fund that will make financial assistance available to Native American students attending post-secondary vocational and college institutions. Transfers to this fund are made according to the following formula:

- For every purchase of a fractional tract interest costing less than \$200, \$10 will be added to the Scholarship Fund.
- For every purchase of a fractional tract interest costing between \$200 and \$500, \$25 will be added to the Scholarship Fund.
- For purchases of a fractional tract interest over \$500, five percent of the purchase price will be added to the Scholarship Fund.

Funds placed into the Scholarship Fund do not come from the purchase amount paid to landowners and will not reduce the amount that an owner will receive on a purchase.

The Settlement authorizes a five-member Board of Trustees to govern the Scholarship Fund, and the Scholarship Fund is administered by the non-profit organization the American Indian College Fund(AICF). The Scholarship Fund is designed to permit 20 percent of the Fund's portfolio to support directly graduate students through the American Indian Graduate Center (AIGC). Both AICF and AIGC developed an application process to begin awarding scholarships.

## **20. Why are scholarship funds not being returned specifically to the location where the land was purchased?**

The Settlement authorizes a five-member Board of Trustees to govern the Cobell Education Scholarship Fund, which is managed separately by two non-profit organizations: the American Indian College Fund (AICF) and the American Indian Graduate Center (AIGC). These organizations are dedicated to providing financial assistance to Native American students attending post-secondary vocational and college institutions across the country. The Settlement does not direct funds back specifically to locations, but instead gives AIGF and AIGC the power to manage the solicitation for and distribution of funds for Indian students in need nationwide.

## ***II. Tribes***

### **21. What opportunity is there for tribes to play an active role in the implementation of the Buy-Back Program?**

The success of the Program hinges on tribal leadership, tribal participation, and tribal facilitation. The Buy-Back Program is interested in partnering with tribes to gain their direct participation in land consolidation efforts. Tribes have the opportunity to actively participate in the process, including identifying acquisition priorities, conducting appraisals, and leading owner outreach

and education. Tribes are encouraged to become involved in the Program and funds are available to support tribal involvement through cooperative agreements.

Tribes are not required to enter into cooperative agreements to participate in the Program. In certain cases, such as when a tribe is not seeking funding to partner with the Department on land consolidation efforts, it may be unnecessary and other vehicles, such as memorandums of agreements (MOA), may be used. More information is available on the Program website at: <http://www.doi.gov/buybackprogram/tribes/agreements.cfm>.

## **22. How much funding can tribes expect to receive through a cooperative agreement?**

The Department recognizes the uniqueness of each location and tribe. The Program will continue to consult with tribes individually, and will continue to evaluate each tribal proposal before initiating Buy-Back Program activities on the respective reservations. The Program's Tribal Relations Advisors are responsible for working closely with each tribe to understand its concerns and goals. Each cooperative agreement between the Program and individual tribes is unique in time, scope and responsibilities based on the expressed interests of the tribe. Amounts provided to tribes under a cooperative agreement will be based on approved budgets that estimate the costs associated with the specific services, products and deliverables to be provided by the tribe. The Department will partially advance or fully reimburse cooperative agreement funds to the tribe for costs incurred in accordance with the tribe's submitted application and the applicable award terms and conditions.

## **23. How are cooperative agreements evaluated?**

The Department has developed and posted a comprehensive cooperative agreement template and guidance documents, including a list of frequently asked questions, on the Program website (<http://www.doi.gov/buybackprogram/tribes/agreements.cfm>) to assist tribes with the cooperative agreement application process. These documents also describe the land consolidation phases and tasks that tribes may elect to participate in through cooperative agreements.

Tribal cooperative agreement applications will receive every consideration. The Department will use several criteria to evaluate cooperative agreement applications. Criteria may include:

- Completeness of the application package;
- The tribe's capacity to perform the tasks and meet the task-specific requirements outlined in the Scope of Work;
- The tribe's proposed budget; and
- Other considerations as appropriate.

## **24. Which tribes have entered into agreements with the Buy-Back Program so far?**

The Department has entered into agreements with ten tribes (Coeur d'Alene Tribe, Confederated Salish and Kootenai Tribes of the Flathead Reservation, Confederated Tribes of the Umatilla Indian Reservation, Fort Belknap Indian Community of the Fort Belknap Reservation of Montana, Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Oglala Sioux Tribe of the Pine



Ridge Reservation, Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, Standing Rock Sioux Tribe of North and South Dakota, and Crow Tribe of Montana). The Department also has a Memorandum of Agreement with Gila River Indian Community of the Gila River Indian Reservation and an informal working agreement with Makah Indian Tribe of the Makah Indian Reservation.

**25. Will liens be imposed on interests acquired and transferred to tribes?**

No, unlike fractional interests previously acquired under the Indian Land Consolidation Program, no liens are placed on interests that are acquired and transferred to tribal ownership under the Buy-Back Program.

**26. When will participating tribes have access to the Department's data for landowner outreach?**

Due to the limited timeframe and funding available, the Program will not be able to provide the necessary security, training and infrastructure to enable every tribe to access TAAMS. Access to TAAMS is also restricted due to security requirements mandated by the Privacy Act of 1974. Although the Program is continuing its efforts to provide access to tribes that have contracted or compacted with BIA Real Estate Services, the Program will provide other tribes that do not have TAAMS access with an owner contact and tract tool (CATT) to obtain the land ownership information needed for identifying tribal priorities and planning outreach activities. The Department is also working to make necessary updates to its tracking systems (system of record notices or SORNs) so that it can better facilitate sharing of data with tribal representatives.

**27. What can our Tribal Nation and/or staff do now until the Buy-Back Program is implemented on our reservation?**

There are several things that tribal leaders can do to prepare for the Buy-Back Program. One important activity is to become familiar with the four land consolidation phases. In particular, tribal staff can be identifying tribal participation activities they would like included in a cooperative agreement, determining tribal acquisition priorities, and encouraging interested and willing sellers to register their contact information with the Trust Beneficiary Call Center. More information and resources are available on the Program website at:  
<http://www.doi.gov/buybackprogram/tribes/preparation.cfm>.

Please note that additional frequently asked questions specifically related to cooperative agreements can be found at <http://www.doi.gov/buybackprogram/tribes/agreements.cfm>.

### ***III. Legislative Proposals***

**28. There have been requests from Tribal Nations that the Buy-Back Program invest the money for the Program so that additional funds can be returned to Indian Country. Why is this not already being implemented?**

The Department has no authority to invest the Consolidation Fund. Under the terms of the Cobell Settlement, unexpended funds revert to the Department of the Treasury if not expended



within ten years. The Department of the Interior has no authority to utilize, disperse, retain or invest any portion of the Consolidation Fund in a manner inconsistent with the mandates of the Settlement, as ratified by the United States Congress through the Claims Resolution Act of 2010.

**29. Congress is currently considering legislation that would change the Cobell Settlement to allow tribes to contract with the Buy-Back program under the Indian Self-Determination and Education Assistance Act (using contracts or compacts). How would this change impact the Program?**

The Department strongly supports the spirit of self-determination and self-governance. Although the Cobell Settlement Agreement and the Claims Resolution Act do not allow the use of Indian Self-Determination and Education Assistance Act (ISDEAA) agreements to operate Buy-Back Program activities, the Program gains the benefit of tribal participation by entering into cooperative agreements and more informal arrangements with tribes to undertake land consolidation tasks.

The Department and the Obama Administration are strong supporters of the ISDEAA. However, any proposed changes to the Buy-Back Program must take into account the progress the Program has made thus far, and the inevitable delays that new disruptions will cause. Authorization of a new process will cause unwanted delays as the Program addresses implementation of the provisions, and such changes would necessitate additional funding for implementation.

If the ISDEAA were extended to the Buy-Back Program, the ten-year deadline established by the Settlement would likely need to be extended to provide the Program, and tribes, the additional time necessary:

- to consult with tribes to determine an appropriate method for allocating implementation costs under ISDEAA agreements;
- to provide training and conduct security clearances for tribal staff at each location that seeks to accept responsibility for the Program's acquisition phase through an ISDEAA agreement;
- for tribes that choose to use a site-specific appraisal approach rather than a mass appraisal approach; and
- for the Buy-Back Program to transition to any amendment to ensure that it has proper staff and intra-agency agreements in place to implement the law. Even if every tribe chose to utilize ISDEAA agreements, the Program would need to maintain staff to provide final approval of appraisals and land transfers.

Moreover, acquisition and payment processing time may vary from tribe to tribe under ISDEAA agreements. Currently, the Department is able to mail and print 2,000 offer packages per day and pay owners who sell their fractional interests promptly (since December 2013, the Program has paid owners an average total of more than \$700,000 per day). The process integrates land title and trust fund systems of record, which enables landowners to receive their purchase offer packages shortly after appraisal completion. Payments for accepted offers are deposited directly into their Individual Indian Money (IIM) accounts typically within an average of five days of receiving a complete, accepted offer package.

#### ***IV. Participation & Eligibility***

##### **30. What is staff doing to ensure that landowners get timely information about the Buy-Back Program?**

While the Program welcomes the active participation by tribes, staff recognize our commitment to ensure that individual landowners have the information they need to make informed decisions about their land. The Program has held outreach events, launched advertisements in national and regional media outlets, developed and aired Public Service Announcements on tribal radio stations, and worked to achieve story placement in prominent Indian and regional publications. In addition to the purchase offer package, each landowner receives two postcards – one prior to receiving the Package and one after – to alert them to the upcoming opportunity. The Program has also partnered with tribal and allottee organizations on events, publications and speaking opportunities to reach as many landowners as possible.

##### **31. Why should I sell my fractional land interests?**

It is your choice whether to sell some, all, or none of your fractional land interests. If you choose to sell any portion of your interests, you will be paid fair market value for your interests – interests which may be of little or no economic benefit to you now. Many individuals have a strong personal and cultural connection to land which transcends economic value. By selling your interests through the Buy-Back Program, you help to preserve the Indian land base because interests purchased by the Program and restored to tribes will remain in trust forever.

Selling your interests results in land consolidation, which enables tribes to manage and use reservation lands for the benefit of the tribal community and generations to come. Tribes are able to utilize consolidated lands for purposes consistent with the values and needs of their members, whether for housing, community centers or businesses, or for recreational or cultural purposes. Reducing fractionation reinforces the cultural and economic future of tribes, and every interest you choose to sell reduces fractionation.

##### **32. What is the process for individuals to be able to sell their fractional interests in land?**

Once a reservation is scheduled for Buy-Back Program implementation and fair market values have been determined, individuals owning fractional interests in purchasable tracts on the reservation will receive a purchase offer package with the required documents and instructions for selling their interests.

Information on selling fractional interests will be distributed through outreach events and local media outlets prior to and during the actual Buy-Back Program implementation at each reservation. Each landowner will also receive at least two postcards alerting them to the purchase offer and pending deadline.

**33. Will the Buy-Back Program purchase land interests that I own in fee status?**

No, the Buy-Back Program may only purchase interests held in trust or restricted status.

**34. Will the Buy-Back Program purchase life estate or joint tenancy interests?**

No. Life estate and joint tenancy interests are not purchasable interests under the Buy-Back Program. Joint tenancy is a form of ownership by two or more persons of the same property who share equal ownership of the property and have the equal, undivided right to keep or dispose of the property. Land is not purchasable under the Program if joint tenancy applies to 100 percent of the tract.

**35. Will the Program purchase tracts with Operations and Maintenance liens?**

Yes. If a landowner's Individual Indian Money (IIM) account is restricted and has a credit hold due to outstanding irrigation Operations and Maintenance charges and the landowner chooses to sell any or all interests included in the purchase offer, the outstanding charges may be deducted from the purchase price before funds are deposited into their IIM account. To determine how outstanding O&M charges could impact a willing seller's accepted offer, the landowner should confirm whether their IIM account is restricted and has a credit hold due to outstanding irrigation O&M charges. If the landowner's account is unrestricted, there will be no deductions from the purchase offer.

**36. Can an individual who only owns mineral rights sell?**

Yes, a landowner who owns only mineral rights can sell those rights through the Buy-Back Program to the tribe with jurisdiction.

**37. Can a seller retain their mineral rights while selling the surface?**

Not under this Program. The Buy-Back Program will only purchase the whole interest (mineral and surface), which supports the Program's goal of consolidating fractional interests.

**38. Do I have to sell my land to the Buy-Back Program?**

No. Participation in the Buy-Back Program is voluntary.

**39. Do I have to sell everything?**

No. You may decide to sell some, none or all of your interests. If you decide not to sell any of the tracts listed on the Inventory, you don't need to do anything. Neither the deed nor the Inventory has to be returned if you decide not to sell.

**40. What if I change my mind about selling?**

Be sure to carefully consider your decision before returning your documents for processing. Selling your owner interests in tracts of land that produce lease income means that you will no longer receive that income. Once your documents are processed, the conveyance is approved, and funds are transferred into your Individual Indian Money (IIM) account, the sale is final.

#### **41. If I sell some of my interests, can I later decide to sell more of them?**

Be sure to carefully consider your decision before returning your documents for processing. If you choose to sell only some of your interests, you may not be able to sell the rest at a later date. Once you submit your offer package to the Program for processing, you cannot submit a duplicate set of documents for additional interests that may have been included in the Purchasable Interest Inventory that is part of your package. The Program cannot process multiple sales for a landowner under the same offer set.

However, if you have already sold some of your interests by returning your offer package and later wish to sell more, you can register as a willing seller with the Trust Beneficiary Call Center at (888) 678-6836. If you do this, you may receive a second offer package for your remaining interests if and when a subsequent wave of offers is made at your location.

#### **42. Is this income taxable?**

No. Under the Internal Revenue Service Ruling 57-407, income derived by an Indian from the sale of trust property is not subject to Federal Income Tax.

#### **43. Will funds from the sale be considered a source of income that affects my ability to participate in assistance and social service benefit programs?**

Individuals participating in any type of government assistance program should find out how funds received from the sale of their trust or restricted land interest may be counted by the assistance program. Each state and federal program sets forth its own eligibility requirements. Please refer your case worker to the relevant part of the Claims Resolution Act of 2010, P.L. 111-291 (Section 101(f)) (<http://www.gpo.gov/fdsys/pkg/PLAW-111publ291/pdf/PLAW-111publ291.pdf>) that discusses impacts on assistance programs.

#### **44. What happens to my Individual Indian Money (IIM) account after I sell?**

If you sell all interests that you hold, then your Individual Indian Money (IIM) account may be closed because selling your owner interests in tracts of land that produce revenue means that you will no longer receive revenue from those tracts. Please note that the account may only be closed after you receive payment for the sale of all of your interests and there are no other reasons that your IIM account should remain active. You will receive one final Statement of Performance showing the transaction of sale to the tribe. If you inherit new interests and your account was closed, your IIM account will be re-opened with the same account number. If you retain some of your interests your IIM account will remain open and you will continue to receive your Statement of Performance showing the land interests you retain and any income generated as a result of those interests.

#### **45. If I choose not to sell my interests, how do I make sure my heirs get this land?**

The Office of the Special Trustee for American Indians (OST) can provide more information on estate planning options under the American Indian Probate Reform Act. Information is also available on their website: <http://www.doi.gov/ost/index.cfm>.

Information is also available from the Division of Probate at <http://www.bia.gov/WhoWeAre/BIA/OTS/Probate/index.htm>.

#### **46. What happens to the land interests for Whereabouts Unknowns (WAU)?**

The Cobell Settlement authorizes the purchase of these interests. However, the Buy-Back Program hopes to identify only willing sellers whose addresses are current to actively participate in the Program. The following applies to purchases of WAU interests:

- The Cobell Land Settlement Agreement and enacting legislation require the Department to make stringent notifications and undertake efforts to locate WAU landowners of trust or restricted property.
- If after five years these owners cannot be located, they shall automatically be deemed to have consented to the conveyance of fractionated interests that are located on a parcel of highly fractionated land.
- Any interests purchased from WAU individuals will be paid for at fair market value and the funds will be deposited in the individual's Individual Indian Money (IIM) account.

#### **47. How will the Buy-Back Program affect me if I have a Home Site Lease or another type of lease on any of the tracts in which I have an owner interest?**

If you are currently living on or utilizing the land in which you own an interest, and do not have a lease or permit, you should contact your local BIA Realty Office before selling your ownership interest. Existing leases will run their term.

**It is important to note:** by selling your fractional interests in income producing tracts of land (e.g., tracts with a lease, contract, or permit), you will no longer receive revenue from those tracts. Future revenue will be paid to the tribe with jurisdiction as the new interest owner.

#### **48. What happens if I own fractionated shares at several different locations?**

If you own land on more than one reservation, you may receive multiple offer packages over the course of the ten-year Program. Offers are generated by location.

#### **49. Does selling my land impact my ability to receive individual settlement payments from the Cobell Settlement?**

No, selling your interests under the Buy-Back Program does not impact your eligibility to receive individual settlement payments from the Cobell Settlement, which are being handled by the Garden City Group. Inquiries regarding Settlement payments should be directed to (800) 961-6109, and more information is available at <http://www.indiantrust.com>.

### ***V. Willing Sellers***

#### **50. I am interested in selling my owner interests. What is required?**

Landowners do not need to wait until the Buy-Back Program begins implementation to get more information. If you are interested in registering as a willing seller, learning more about how the Program works, understanding the appraisal process, or receiving financial training and resources

to think strategically about how to use funds you may receive, please visit <http://www.doi.gov/buybackprogram> or call the Trust Beneficiary Call Center at (888) 678-6836.

When you call the Call Center, you should make sure your Individual Indian Money (IIM) account information is current and let the operator know that you are interested in selling your interests. The Call Center will need your name, Social Security Number, IIM account number, and current address. The Call Center can then identify you as an interested seller and will make sure your current name and contact information are on file.

Owners will not receive a purchase offer until:

- The reservation containing their fractional owner interests is scheduled for implementation;
- Appraisal work has been completed; and
- The analysis of the purchase criteria for the Buy-Back Program on the reservation is completed.

#### **51. When and how will I receive a purchase offer?**

You will only receive a purchase offer if: (1) the reservation on which you own fractional interests is scheduled for implementation; (2) you have been identified as owning an interest in a fractionated tract of land (defined as a tract in trust or restricted status with two or more owners); (3) the tract has been appraised; and (4) your interests meet the purchase criteria for the reservation.

If these conditions are met, you will receive a purchase offer package in the mail. Please see Section VII for questions about this process.

#### **52. Can you tell me if my relative is going through with the sale or how much they received? Can my husband or other relative call in for me?**

No. The Privacy Act of 1974 prevents us from sharing personal information without written permission from the individual landowner.

### ***VI. Appraisals***

#### **53. What is fair market value?**

Fair market value is the amount in cash, or on terms reasonably equivalent to cash, for which in all probability the property would have sold on the effective date of the appraisal, after a reasonable exposure time on the open market, from a willing and reasonably knowledgeable seller to a willing and reasonably knowledgeable buyer, with neither acting under any compulsion to buy or sell, giving due consideration to all available economic uses of the property at the time of the appraisal (Interagency Indian Land Acquisition Conference, Uniform Appraisal Standards for Federal Land Acquisition, 5th ed. (Appraisal Institute 2000)).

#### **54. How is the value of the land determined?**

Value estimates for the Buy-Back Program are performed by a licensed appraiser. An appraisal is the act or process of developing an opinion of value. A determination of value is developed and reported by a licensed appraiser researching many factors, including location, local market values and sales patterns, condition of the property, and zoning. One of the methods to calculate an accurate value is to use sales of comparable properties located near the subject property, which have recently sold. The subject property is compared to the sales to see how it aligns or differs with the comparable sales in many factors which may include size, location, access, utilities, etc. The appraiser then analyzes and makes adjustments to compensate for differences between the comparable sales and the subject property and reconciles for a final opinion of value.

The appraiser values land as if it is non-fractionated (single owner) and in fee status.

#### **55. How is the calculation determined for the purchase offer I received?**

An appraisal will determine the fair market value that will be offered for purchase of individual interests in various trust or restricted Indian lands.

#### **56. Is the fair market value the same for each tract in which I have an owner interest?**

The fair market value may vary for each tract depending on a variety of factors, including land use, location, acreage, access, and local market conditions. For example, you may own an interest in a 50-acre agriculture tract that is planted in dry crop (wheat). You might also own an interest in another tract that is a 50-acre agricultural tract, but this tract is an irrigated apple orchard. Upon researching the market, the appraiser may find comparable sales of irrigated orchards in the area running at \$3,000 per acre and dry crop running at \$500 per acre. Another example is that you may have two 50-acre tracts adjacent to each other and each is dry crop running at \$500 per acre. There is a high probability the value will be the same. Each property is unique and may have a different value.

#### **57. Why is the Program using mass appraisal techniques?**

The breadth, scale, limited funding, and limited life-span of the Program necessitates the use of mass appraisal methods where appropriate. Such use will result in greater efficiency and consistency in valuations, enabling the Program to value many acres simultaneously. It will also assist in ensuring effective, efficient and expeditious use of the Consolidation Fund, and reduces the risk of being required to return some portion of the Consolidation Fund to the Treasury.

The Program will use market studies or mass appraisal techniques to appraise homogeneous, non-complex, vacant lands that have comparable land sales available. In many highly fractionated Indian ownership areas, it is common to have agricultural properties that are similar in use and have active/consistent markets or comparable sales data that the Department can use in its appraisals. The Program will use the mass appraisal approach in these situations as appropriate.



The Program will not use mass appraisals for commercial or other lands within urbanized zones where greater variation may exist.

**58. What reviews has the Department undertaken to evaluate the appraisal method being used?**

Appraisal methods used by the Buy-Back Program will conform to the Uniform Standards of Professional Appraisal Practice. This ensures that there is no subjective analysis or conflicts of interest in the Program's appraisal process. To ensure that the valuation methods and techniques meet industry standards, the Department also obtained a third-party review of its valuation techniques from The Appraisal Foundation (TAF). TAF is a non-profit, non-partisan organization, authorized by Congress, dedicated to the development of appraisal standards in the United States and to establishing qualifications criteria for appraisers. TAF's analysis, the Department's response to specific recommendations, and the plan outlining the Program's appraisal methodologies, are available on the Program's website at:

<http://www.doi.gov/buybackprogram/appraisals.cfm>.

**59. When are the appraisals for the Buy-Back Program completed?**

Appraisals are completed as close to the offer date as can be reasonably managed for each location. The appraisal completion dates will vary for each reservation depending on the schedule.

**60. What is the shelf life of the fair market value for my tracts?**

Because continual reassessment of market values is not feasible given the Program's limited time frame and limited implementation funds, the Program has established an administrative appraisal validity period of up to nine months from the date of valuation. Each offer will explicitly identify the appraisal date, and the owner can obtain information about how the fair market value was assessed at that time. If the owner believes the appraisal is out of date, the owner can decline to sell.

**61. Where can I find out what the fair market value is for each tract in which I hold an owner interest?**

This information can be found within the Purchasable Interests Inventory, which is included with the purchase offer package.

**62. Why is the amount of my offer more/less than ILCP offers made in the past?**

The Buy-Back Program is a separate program from the Indian Land Consolidation Program (ILCP). As of October 2013, the ILCP is no longer acquiring fractional interests. The ILCP also purchased interests from willing sellers at fair market value, but it was at the value at the time those interests were purchased. Fair market value is based on the current market and circumstances, and it changes over time. As a result, the values the Program is now offering under the Buy-Back Program for interests in a tract may not be the same as previous ILCP values for interests in the tract.



**63. Will my mineral and timber rights be included in the valuation?**

Yes, if there are mineral or timber rights associated with a property, they will be included in the valuation process. Please note, these rights may have very small or no contributory value if there are no minerals or timber present or if there is no market for the minerals or timber. For those situations where the mineral rights have a very small or no contributory value, a payment of \$7.50 per acre will be included with the total value of the land to account for the conveyance of the mineral rights.

**64. Will improvements be included in the valuation?**

As a general rule, the Department considers permanent improvements to be non-trust property. There may be circumstances, however, where improvements to property have a material effect on the highest and best use of a fractionated tract. Where the appraiser determines that improvements have changed the highest and best use, and there are not sufficient comparable properties to allow for mass appraisal, such properties may not be included in mass appraisal. These properties will be set aside for consideration depending upon tribal priorities, timing, and availability of funding for a site-specific appraisal or other work.

**65. If a person believes there is something valuable beneath the surface of their land, are they responsible for a separate valuation?**

No, the landowner is not responsible for a separate valuation. The federal government is responsible for the valuation of the property (surface and subsurface rights). If that same person owns the combined estate (mineral and surface), then the mineral values are considered in the highest and best use scenario. The owner of any rights can confirm that they are being paid for all their rights and that all those rights were considered in the valuation by checking the purchase offer package.

**66. Can I request an appraisal?**

The Program is working with tribal representations at each location to identify which lands to appraise. If you are interested in participating in the Program, please see the answer to Question 48 on steps to take to ensure OST has your updated contact information.

**67. Will individuals be able to negotiate the value of the land?**

No. Due to implementation time and cost constraints as set forth by the Cobell Settlement Agreement, the Program does not have the time or resources to negotiate each sale price. If an owner is not satisfied with the amount offered for the sale of their interests, they may decline to sell. Additionally, individuals can sell some of their interests but keep others.

## VII. *Selling Your Land*

### 68. What is included in the purchase offer package?

A purchase offer package includes:

1. **Cover Letter**
2. **Instructions:** The instructions explain how to fill out the documents necessary for the sale of your fractional ownership interests.
3. **Deed:** The deed is the legal document for the conveyance of any fractional ownership interests you choose to sell, as reflected on the Purchasable Interests Inventory included in the offer package. Completing and returning the deed and Purchasable Interests Inventory signifies your acceptance of the Purchase Offer in whole or in part. If you decide to sell some or all of your interests, you must sign your name exactly as it is typed on the deed in front of a Notary Public, and the Notary must completely fill out and place their seal on the lower portion of the deed.
4. **Purchasable Interests Inventory (Inventory):** The Inventory lists your ownership interests in each tract of trust or restricted land that is eligible for purchase under the Buy-Back Program, and the value of your interests in each tract. There are two parts to the Inventory: a SUMMARY and a DETAIL section. Additional information, including a legal description of each tract and the Scholarship Fund contribution for each of your interests, is included in the DETAIL section. Use the “Item” number for cross reference between the SUMMARY and the DETAIL section. If you decide to sell some or all of your interests, all pages of both sections of the Inventory must be returned.
5. **Map(s):** Maps show the general location of the tracts of land in which you own fractional interests.
6. **Self-Addressed Return Envelope:** The Package includes an envelope to allow you to return the completed Purchase Offer free of charge for processing by the Bureau of Indian Affairs (BIA).

The Program’s website has a section to help landowners become familiar with offer package materials at: <http://www.doi.gov/buybackprogram/landowners/offer-docs.cfm>. The Trust Beneficiary Call Center is available to assist you if you have any questions at (888) 678-6836.

The Indian Land Tenure Foundation has also produced a useful brochure to help landowners walk through offer package documents, which is available at:  
[http://www.doi.gov/buybackprogram/landowners/upload/ILTF\\_Pamphlet\\_Final.pdf](http://www.doi.gov/buybackprogram/landowners/upload/ILTF_Pamphlet_Final.pdf).

### 69. What do I do when I receive a purchase offer package?

There are four key steps to take when considering your purchase offer:

1. First, review the deed and Purchasable Interests Inventory (Inventory) to assure your name and personal information are correct, and then determine whether to sell any or all of your ownership interests listed on the Inventory. If your name or other personal

information is not correct, **do not complete and return the deed and Inventory**. Instead, contact the Trust Beneficiary Call Center at (888) 678-6836 or visit your local Office of the Special Trustee for American Indians (OSTI) office to get any necessary corrections made, after which you will be provided with a new purchase offer package.

2. If opting to sell, use the Inventory to fill in the bubble adjacent to each ownership interest you wish to sell, or select the “Sell All Tracts” bubble if you wish to sell all interests.
3. In front of a Notary Public, sign the deed exactly as your name is typed. A Notary Public is required in order to validate the signature and to serve as the official witness. Make sure the Notary completely fills out and places a visible seal on the lower portion of the deed.
4. Return the original signed and notarized deed, along with all pages of the Inventory (both the SUMMARY and the DETAIL sections), in the self-addressed, postage paid envelope provided. **You must return the original documents in order for the sale to be processed.**

**70. Does my deed need to be notarized in the state in which my ownership interests are being sold?**

No, the deed may be notarized in any state.

**71. Can I make changes to the deed?**

No. The deed is a legal document. It must be filled out neatly and completely. White out, cross outs, or stray markings will void the document. If necessary, a new deed may be requested. The Trust Beneficiary Call Center can assist with fulfilling this request at (888) 678-6836.

**72. Will I get a copy of the deed that I returned?**

The seller may make a copy of the signed, notarized deed and Purchasable Interests Inventory before returning them. **You must return the original documents in order for the sale to be processed.** A copy of the deed can be requested from any BIA Realty Office but will not be provided by the Program once the conveyance is completed.

**73. Will I be contacted when the sale/conveyance is complete?**

An Acknowledgement Notice will be mailed to each seller upon approval of the sale. The Notice specifies the amount deposited to the seller’s Individual Indian Money account for the interests sold, and the amount contributed by the Program to the Cobell Scholarship Fund on the seller’s behalf. The contribution is not deducted from the seller’s payment.

**74. Who did I inherit interests from?**

Individuals may contact the Trust Beneficiary Call Center at (888) 678-6836 for assistance in determining who their interests were inherited from.

**75. Will the tracts listed on my Purchasable Interest Inventory be the same as those listed on my Statement of Performance?**

Not all of the tracts on your Statement of Performance may be listed on your Purchasable Interests Inventory. The Inventory will only list those tracts that the Program is offering to purchase.

**76. I need more specific information about my land ownership interests. Where can I obtain additional assistance?**

Individuals may contact the Trust Beneficiary Call Center at (888) 678-6836 for more information about their interests, or visit the local Bureau of Indian Affairs or Office of the Special Trustee for American Indians office for further assistance.

**77. How long do I have to decide whether to sell all or some of my interests?**

Purchase offers are valid for 45 calendar days from the date of the Cover Letter in the offer package. Signed and notarized deeds and the corresponding Purchasable Interests Inventory must be post-marked by the deadline indicated in the Cover Letter.

**78. What happens if I return my package and it's incomplete?**

In order for your package to be processed, the required documents must be filled out correctly and returned to the Program within 45 days. Required documents include the Purchasable Interests Inventory (both the SUMMARY and DETAIL sections) and the signed and notarized deed. If any of the required documents are missing, or if the documents are filled out incorrectly, the Program may provide you with new documents to complete if time and resources allow. If time and resources don't allow, your sale will be declined, but you may receive a new offer if a second wave of offers is made for the location.

**79. I returned my purchase offer package and have received an Acknowledgement of Conveyance Letter. What does it mean?**

An Acknowledgement Notice is mailed to each seller upon closing of the Sale/Conveyance. The Notice will list the amount deposited into the seller's Individual Indian Money account for the purchase of the owner interests that the seller selected on the Purchasable Interests Inventory. The letter lists:

- Base Payment of \$75;
- Total Payment Amount; and
- Amount disbursed to Indian Education Scholarship Fund

**80. When and how will I be paid?**

When your completed purchase package is received by the Program within the established timeframe, the Buy-Back Program has 60 days to process your payment. When BIA approves the purchase, payment will be made to your Individual Indian Money account.

**81. I received a “reminder” postcard from DOI. What does it mean?**

Approximately half way through each 45-day window, the Program will send “reminder” postcards to landowners who already received a purchase offer package. If you have already returned your purchase offer package, you do not need to do anything further. If you received a postcard, but did not receive a purchase offer package, please contact the Trust Beneficiary Call Center at (888) 678-6836 immediately so they can help you receive a replacement package.

## APPENDIX B. FRACTIONATION STATISTICS

### Overview

The fractionation related data and statistics used throughout this document were generated primarily from the Trust Asset and Accounting Management System (TAAMS) as of September 30, 2014 (except for Appendix C). The land areas, data, and approximations in this document are subject to change. The Department will continue to refine its analysis of fractional interests and the owners thereof. Feedback is encouraged. In particular, if tribes or others have reason to believe that any of the information is inaccurate or that a reservation is excluded in error, they should provide written feedback to [buybackprogram@ios.doi.gov](mailto:buybackprogram@ios.doi.gov) or by mail (U.S. Department of Interior Land Buy-Back Program for Tribal Nations, 1849 C St. NW, MS-5552-MIB, Washington, DC 20240). Please refer to the [Program's website](#) to find direct contact information for the Program's Senior Advisors for Tribal Relations.

The primary difference between the figures in this document and those within the Initial and Updated Implementation Plans is the passage of time during which additional transactions have occurred. To ensure consistent reporting going forward, the Buy-Back Program will continue to utilize the definitions and data queries used to generate this document and will post updated data to the [Program's website](#) as available.

### Definitions and Explanations

Aggregated and Segregated – It is important to distinguish “aggregated” and “segregated” interest counts. There are many instances where a single individual owns multiple fractional interests in the same tract of land. Such multiple ownership occurs when an individual inherits interests on the same tract of land at different times. For example, an individual may receive an interest on a tract of land when their father passes, and the individual may receive an additional interest in that same tract upon their mother's passing. This document combines/adds these multiple “segregated” interests and represents them as a single “aggregated” interest. Aggregated interest counts will be used going forward.

Appendix B Field Descriptions – The table below provides definitions for each field within the Appendix B report. “Levels” are used to categorize types of data. Level 1 includes data extracted before the application of policy decisions regarding which tracts and owners may receive offers. The data in Appendix B is at Level 1. Level 2 data is extracted before operating on a reservation and excludes interests that would not receive an offer based on prior policy exclusions. Level 2 data excludes interests held by non-compos mentis; interests held by minors; interests in probate proceedings; interests held by individuals whose whereabouts are unknown; interests held in joint tenancy; and interests held in life estates. The data in Appendix C is at Level 2.

*Table 7. Appendix B Field Descriptions*

Column		Definition
Tract, Interest, and Acre Data	Land Area Name	<p>A</p> <p>Federally Recognized Tribe with Jurisdiction.</p> <p>Each tribe typically has a unique tribal code within TAAMS that corresponds to a single land area code (LAC). Due to state borders and other factors, however, some tribes may have multiple land area codes. Moreover, in a few instances, the report currently lists multiple tribes for one land area code. The report of locations seeks to group related land areas under a single tribe and additional work is necessary to identify lands to a particular recognized tribe.</p> <p>LAC's with "public domain" or "off reservation" in the land area name are excluded from the report. Locations that are not fractionated are also excluded.</p>
	Land Area Code(s)	<p>B</p> <p>Land area code(s) for the tribe.</p>
	100% Tribally Owned	<p>C</p> <p>Number of tracts 100 percent tribally owned.</p> <p>If a tract has a surface interest (S) and separate mineral interest (M), the tract is counted as two separated tracts here.</p>
	100% IIM Owned	<p>D</p> <p>Number of tracts 100 percent individually owned (single Individual Indian Money account holder).</p> <p>If a tract has a surface interest (S) and separate mineral interest (M), the tract is counted as two separated tracts here.</p>
	Fractionated Tracts	<p>E</p> <p>Number of tracts held in trust or restricted status that has two or more unique owners (one of which may be the tribe). A "fractionated tract" is a tract with two or more fractional interests, each being less than a 100 percent interest (the sum of the fractional interests equals 100 percent).</p> <p>Columns C, D, and E sum to the total number of tracts held in trust or restricted status.</p>
Level 1 Fractionated Tracts	<p>F</p> <p>A subset of Column E above, this column <u>excludes</u> the following tracts:</p> <ul style="list-style-type: none"> <li>· tracts owned 100 percent by fee interests</li> <li>· tracts with 100 percent joint tenancy</li> <li>· tracts with 100 percent life estates</li> </ul> <p>The term "interest" is an aggregated fractional interest in a fractionated tract that is held in trust or restricted status (i.e., not a fee interest) where a recognized tribal government exercises jurisdiction, excluding interests owned by a tribe or the Government. The criteria for this column are based on title records.</p> <p>This column <u>includes</u> the following fractionated tracts with:</p> <ul style="list-style-type: none"> <li>· interests held by non-compos mentis;</li> <li>· interests held by minors;</li> <li>· interests held by individuals in probate proceedings; and/or</li> <li>· interests held by individuals whose whereabouts are unknown.</li> </ul> <p>For example, if a tract is owned by minors (e.g., two individuals, age 16 and 15, each own 50 percent), the tract would be included in this preliminary count even though by policy, the Program will not purchase such interests. However, if the Program</p>	

Column		Definition	
		<p>is implemented on the reservation in this example in four years, then these minors will have become adults and may receive offers for their interests at that time</p> <p><i>This column is one of the three data points used to calculate purchase estimates.</i></p>	
Acres Associated w/ Level 1 Fractionated Tracts	G	<p>Associated acres for Column F above.</p> <p>The acreage number is the sum of the acres of surface-only, mineral-only, and combined (both surface and sub-surface estate) acreages. For example, if the surface and mineral estates encompassing the same 80-acre tract of land have been severed or split, the acreage count would include them as 160 total acres.</p> <p>Not all of the acres may be purchasable because a portion may be owned by the tribe or by owners that are not eligible to participate in the Program.</p> <p><i>This column is one of the three data points used to calculate purchase estimates.</i></p>	
Level 1 Fractional Interests	H	<p>Number of aggregated interests within a tract. Excludes:</p> <ul style="list-style-type: none"> <li>· Interests that are owned by tribe</li> <li>· Interests owned in fee</li> </ul> <p>Includes:</p> <ul style="list-style-type: none"> <li>· Interests in joint tenancy that are less than 100 percent of the tract</li> <li>· Interests in life estates that are less than 100 percent of the tract</li> <li>· Interests held by WAU, minors, and non-compos mentis</li> </ul> <p><i>This column is one of the three data points used to calculate purchase estimates.</i></p>	
<5% Level 1 Interests	I	<p>Number of interests with less than 5 percent individual ownership.</p> <p>The American Indian Probate Reform Act (AIPRA) creates a “single heir rule” that applies to interests which are less than five percent of the entire undivided ownership of the parcel of land which such interest is a part. See 25 U.S.C. § 2006.</p>	
Equivalent Acres Associated Only with Level 1 Interests	J	<p>A subset of Column G. This column includes only the acreage associated with Level 1 fractional interests, not the acreage associated with the tract as a whole. This column excludes acreage associated with fee and tribal interests.</p>	
Tracts with Tribal Ownership	< 50 %	K	<p>Includes the number of Level 1 tracts with less than 50 percent tribal ownership in fractionated tracts.</p>
	> = 50 % and < 100 %	L	<p>Includes the number of Level 1 tracts with equal to or more than 50 percent and less than 100 percent tribal ownership in fractionated tracts.</p>
Individuals	Unique Individuals owning Level 1 Fractional Interests	M	<p>Number of distinct owners that own fractional interests for the LAC. This figure includes all types of owners (WAU, minors, etc.) for any land that is not 100 percent owned within the location. This column includes individual owners that are deceased.</p> <p>This column cannot be summed across land area codes since many individuals own land on more than one land area code.</p> <p>For example, a tract is owned by minors (e.g., two individuals, age 16 and 15, each own 50 percent), the tract would be included</p>



Column			Definition
			in this preliminary count even though it is not technically purchasable once the Program develops offers at a particular reservation.
Whereabouts Unknown	WAU Level 1 Fractional Interest Owners	N	Number of owners who are whereabouts unknown (WAU).
	% of Landowners that are WAU	O	Number of owners who are WAU (Column N) divided by Unique Individuals owning Fractional Interests (Column M).
Level 1 Fractional Interest Owners Under Legal Disability		P	Number of individuals holding fractional interests under legal disability (e.g., non-compos mentis or minors).

Table 8. Appendix B Data

The data below is as of September 30, 2014.

Row	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
	Land Area Name	Land Area Code(s)	Tract, Interest, and Acre Data										Individuals			
			Tracts Held in Trust or Restricted Status			Level 1 Fractionated Tracts	Acres Associated w/ Level 1 Fractionated Tracts	Level 1 Fractional Interests	<5% Level 1 Interests	Equivalent Acres Associated Only w/ Level 1 Interests	Tracts with Tribal Ownership		Unique Individuals owning Level 1 Fractional Interests	WAU		Level 1 Fractional Interest Owners Under Legal Disability
			100% Tribally Owned	100% IIM Owned	Fractionated Tracts						<50%	>=50%		WAU Level 1 Fractional Interest Owners	% of landowners that are WAU	
<b>Eastern Oklahoma Region</b>																
1	Cherokee Nation, Oklahoma (905)	905	68	589	593	538	18,747	2,553	547	11,791	535	3	1,354	347	26%	1
2	Chickasaw Nation, Oklahoma (906) *	906	176	357	1,966	1,911	113,043	15,120	2,521	58,239	1,911	0	3,793	636	17%	7
3	Choctaw Nation of Oklahoma (907) *	907	50	270	745	674	46,994	3,456	765	25,591	674	0	1,660	372	22%	3
4	Muscogee (Creek) Nation, Oklahoma (908)*	908	98	492	1,755	1,533	83,281	10,984	1,876	52,416	1,533	0	3,155	543	17%	4
5	Seminole Nation of Oklahoma (909)*	909	7	212	1,011	984	38,069	9,167	1,415	21,076	984	0	1,922	378	20%	4
6	Quapaw Tribe of Indians, Oklahoma (920)	920	11	53	228	220	16,135	3,382	346	9,038	214	6	388	16	4%	2
7	Eastern Shawnee Tribe of Oklahoma (921)	921	11	7	30	29	435	263	130	321	29	0	160	4	3%	1
8	Seneca-Cayuga Tribe of Oklahoma (923)	923	23	59	83	72	2,808	1,476	637	2,028	71	1	766	74	10%	15
9	Osage Nation, Oklahoma (formerly the Osage Tribe) (930)*	930	9,466	468	678	630	75,497	3,036	304	64,956	620	10	701	34	5%	28
<b>Great Plains Region</b>																
10	Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota (301)*	301	4,668	1,561	3,345	3,260	469,014	92,709	4,458	416,851	3,057	203	5,037	271	5%	115
11	Standing Rock Sioux Tribe of North & South Dakota (302)*	302	2,803	880	6,406	6,345	773,630	232,990	20,028	434,339	3,978	2,367	20,749	2,186	11%	730
12	Spirit Lake Tribe, North Dakota (303)*	303	280	109	982	943	56,703	60,765	5,632	41,939	779	164	5,842	442	8%	118
13	Turtle Mountain Band of Chippewa Indians of North Dakota (304)*	304	116	646	623	605	33,376	27,587	8,242	30,085	598	7	8,837	902	10%	86
14	Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota (340)*	340 & 360	6,323	1,837	4,235	4,141	750,571	69,093	8,040	647,967	3,770	371	8,615	769	9%	187
15	Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota (342)*	342	588	253	932	924	100,277	44,287	8,496	77,254	762	162	8,820	676	8%	179
16	Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota (343)*	343	1,061	71	665	596	76,637	30,530	4,772	38,941	307	289	4,963	460	9%	82
17	Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota (344)*	344	3,821	2,247	5,996	5,878	1,178,792	128,328	17,493	507,005	2,594	3,284	18,999	2,331	12%	487

Row	A Land Area Name	B Land Area Code(s)	C, D, E, F, G, H, I, J Tract, Interest, and Acre Data										K, L, M, N, O, P Individuals			
			Tracts Held in Trust or Restricted Status			Level 1 Fractionated Tracts	Acres Associated w/ Level 1 Fractionated Tracts	Level 1 Fractional Interests	<5% Level 1 Interests	Equivalent Acres Associated Only w/ Level 1 Interests	Tracts with Tribal Ownership		Unique Individuals owning Level 1 Fractional Interests	WAU		Level 1 Fractional Interest Owners Under Legal Disability
			100% Tribally Owned	100% IIM Owned	Fractionated Tracts						<50%	>=50%		WAU Level 1 Fractional Interest Owners	% of landowners that are WAU	
			100% Tribally Owned	100% IIM Owned	Fractionated Tracts	Level 1 Fractionated Tracts	Acres Associated w/ Level 1 Fractionated Tracts	Level 1 Fractional Interests	<5% Level 1 Interests	Equivalent Acres Associated Only w/ Level 1 Interests	<50%	>=50%	Unique Individuals owning Level 1 Fractional Interests	WAU Level 1 Fractional Interest Owners	% of landowners that are WAU	Level 1 Fractional Interest Owners Under Legal Disability
18	Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota (345)*	345	3,419	394	3,225	3,133	575,525	79,987	13,017	149,090	680	2,453	13,663	1,746	13%	316
19	Yankton Sioux Tribe of South Dakota (346)*	346	184	61	786	777	45,244	38,871	6,495	27,203	545	232	6,672	474	7%	102
20	Sisseton - Wahpeton Oyate of the Lake Traverse Reservation, South Dakota (347)*	347	405	259	1,330	1,320	92,900	53,493	4,800	55,830	959	361	5,046	370	7%	90
21	Omaha Tribe of Nebraska (380)*	380	141	37	425	422	22,062	21,856	2,645	20,138	395	27	2,757	333	12%	51
22	Santee Sioux Nation, Nebraska (382)	382	58	12	73	67	3,494	3,892	1,780	2,563	55	12	1,854	150	8%	27
23	Winnebago Tribe of Nebraska (383)*	383	71	26	647	643	35,856	74,527	4,181	21,992	480	163	4,266	404	9%	76
<b>Midwest Region</b>																
24	Minnesota Chippewa - Bois Forte Band	404	221	6	203	200	15,505	15,472	1,865	8,408	157	43	1,926	160	8%	20
25	Minnesota Chippewa - Fond du Lac Band*	405	221	12	378	352	21,574	28,353	4,666	9,196	195	157	4,759	692	15%	52
26	Minnesota Chippewa - Grand Portage Band	406	361	0	125	116	8,380	5,543	604	4,144	72	44	616	53	9%	5
27	Minnesota Chippewa - Leech Lake Band	407	324	59	262	253	12,533	19,670	6,431	10,687	237	16	6,633	744	11%	69
28	Minnesota Chippewa - Mille Lacs Band	410	298	4	32	30	154	763	188	143	29	1	230	23	10%	3
29	Minnesota Chippewa - White Earth Band	408	706	4	51	41	2,511	4,235	3,139	2,393	41	0	3,231	346	11%	25
30	Upper Sioux Community, Minnesota (401)	401	9	1	2	2	52	44	36	52	2	0	44	4	9%	0
31	Red Lake Band of Chippewa Indians, Minnesota (409)	409	1,549	0	1	1	102	2	1	15	0	1	2	0	0%	0
32	Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin (430)	430	480	201	640	624	29,511	21,021	4,867	9,782	249	375	5,008	888	18%	50
33	Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin (431)	431	363	116	327	313	20,516	18,295	3,787	4,400	75	238	3,889	894	23%	52
34	Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin (432)	432	277	28	203	199	12,355	5,108	1,221	1,648	23	176	1,292	159	12%	19
35	Oneida Tribe of Indians of Wisconsin (433)	433	309	115	37	25	230	358	263	136	23	2	333	100	30%	0
36	Forest County Potawatomi Community, Wisconsin (434)	434	61	0	10	8	400	327	168	321	8	0	186	20	11%	3
37	Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin (435)	435	73	3	38	36	1,804	3,522	1,511	503	11	25	1,524	208	14%	16

Row	A Land Area Name	B Land Area Code(s)	C-P Tract, Interest, and Acre Data										M-P Individuals			
			Tracts Held in Trust or Restricted Status			Level 1 Fractionated Tracts	Acres Associated w/ Level 1 Fractionated Tracts	Level 1 Fractional Interests	<5% Level 1 Interests	Equivalent Acres Associated Only w/ Level 1 Interests	Tracts with Tribal Ownership		Unique Individuals owning Level 1 Fractional Interests	WAU		Level 1 Fractional Interest Owners Under Legal Disability
			100% Tribally Owned	100% IIM Owned	Fractionated Tracts						<50%	>=50%		WAU Level 1 Fractional Interest Owners	% of landowners that are WAU	
			Navajo Region													
38	Stockbridge Munsee Community, Wisconsin (438)	438	145	8	4	3	19	33	16	19	3	0	26	6	23%	0
39	Ho-Chunk Nation of Wisconsin (439)	439	68	46	105	104	3,130	3,195	1,468	2,367	98	6	1,605	142	9%	34
40	Menominee Indian Tribe of Wisconsin (440)	440	1,275	3	12	1	1	2	0	1	1	0	2	2	100%	0
41	Saginaw Chippewa Indian Tribe of Michigan (472)	472	92	7	25	25	723	1,011	687	676	25	0	732	44	6%	3
42	Keweenaw Bay Indian Community, Michigan (475)	475 & 476	119	24	129	119	7,135	5,821	2,417	2,133	50	69	2,406	363	15%	34
Navajo Region																
43	Navajo Nation, Arizona, New Mexico & Utah (780)*	722-724 & 790-792	1,104	781	4,504	4,391	691,083	263,059	35,017	673,402	4,378	13	33,910	3,546	10%	321
Northwest Region																
44	Confederated Tribes of the Colville Reservation, Washington (101)*	101	3,019	960	2,455	2,176	170,942	38,615	5,270	116,205	1,499	677	6,132	544	9%	138
45	Spokane Tribe of the Spokane Reservation, Washington (102)*	102	635	267	432	390	24,349	8,908	1,939	21,611	373	17	2,207	156	7%	47
46	Kalispell Indian Community of the Kalispell Reservation, Washington (103)	103	54	38	76	76	2,376	1,034	208	2,036	55	21	241	17	7%	4
47	Confederated Tribes of the Chehalis Reservation, Washington (105)	105	30	43	64	64	1,395	2,160	734	1,258	62	2	804	33	4%	11
48	Lummi Tribe of the Lummi Reservation, Washington (107)	107	69	709	361	346	5,449	6,961	1,753	4,296	342	4	2,025	201	10%	32
49	Makah Indian Tribe of the Makah Indian Reservation, Washington (108)	108	348	99	266	257	1,963	5,402	1,073	1,498	217	40	1,243	103	8%	13
50	Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington (109)	109	62	195	82	81	1,431	2,030	681	1,262	79	2	845	64	8%	7
51	Nisqually Indian Tribe of the Nisqually Reservation, Washington (110)	110	45	5	19	17	899	1,081	673	765	15	2	707	34	5%	11
52	Nooksack Indian Tribe of Washington (111)	111	14	82	57	50	2,214	1,212	559	2,058	50	0	614	60	10%	2
53	Suquamish Indian Tribe of the Port Madison Reservation, Washington (114)	114	51	114	71	66	2,275	1,663	1,001	1,860	62	4	1,121	107	10%	30

Row	A Land Area Name	B Land Area Code(s)	C-P Tract, Interest, and Acre Data										M-P Individuals			
			Tracts Held in Trust or Restricted Status			Level 1 Fractionated Tracts	Acres Associated w/ Level 1 Fractionated Tracts	Level 1 Fractional Interests	<5% Level 1 Interests	Equivalent Acres Associated Only w/ Level 1 Interests	Tracts with Tribal Ownership		Unique Individuals owning Level 1 Fractional Interests	WAU		Level 1 Fractional Interest Owners Under Legal Disability
			100% Tribally Owned	100% IIM Owned	Fractionated Tracts						<50%	>=50%		WAU Level 1 Fractional Interest Owners	% of landowners that are WAU	
54	Puyallup Tribe of the Puyallup Reservation, Washington (115)	115	52	73	19	16	19	94	26	19	15	1	71	4	6%	3
55	Quileute Tribe of the Quileute Reservation, Washington (116)	116	26	9	30	30	5	571	227	4	30	0	307	11	4%	6
56	Quinault Tribe of the Quinault Reservation, Washington (117)*	117	299	345	1,473	1,430	104,352	37,053	3,965	90,499	1,361	69	4,507	304	7%	42
57	Sauk-Suiattle Indian Tribe of Washington (119)	119	7	21	38	33	1,173	1,614	477	947	30	3	522	40	8%	10
58	Skokomish Indian Tribe of the Skokomish Reservation, Washington (120)	120	32	20	82	81	2,528	3,489	1,014	2,279	79	2	1,058	63	6%	4
59	Squaxin Island Tribe of the Squaxin Island Reservation, Washington (121)	121	26	1	21	20	1,014	1,337	717	566	17	3	732	36	5%	6
60	Swinomish Indians of the Swinomish Reservation, Washington (122)	122	34	46	84	80	3,848	3,234	1,139	3,558	79	1	1,190	90	8%	22
61	Tulalip Tribes of the Tulalip Reservation, Washington (123)	123	121	354	173	146	3,313	1,863	700	2,772	143	3	939	83	9%	24
62	Confederated Tribes and Bands of the Yakama Nation, Washington (124)*	124	3,151	954	2,393	2,276	181,121	58,965	4,595	140,960	1,898	378	5,058	241	5%	80
63	Confederated Tribes of the Siletz Indians of Oregon (previously listed as the Confederated Tribes of the Siletz Reservation) (142)	142	53	6	3	1	47	3	0	47	1	0	3	0	0%	0
64	Confederated Tribes of the Umatilla Reservation, Oregon (143)*	143	207	309	1,035	1,007	66,438	18,415	2,632	55,976	948	59	3,070	130	4%	53
65	Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon (144)	144	4	6	76	75	11,938	1,806	208	10,285	75	0	236	8	3%	2
66	Confederated Tribes of the Warm Springs Reservation, Oregon (145)	145	1,793	96	418	387	43,701	4,080	835	12,684	132	255	976	44	5%	28
67	Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho (180)*	180	1,439	1,206	2,662	2,613	269,318	51,736	2,810	220,128	2,074	539	3,201	167	5%	87
68	Coeur D'Alene Tribe of the Coeur D'Alene Reservation, Idaho (181)	181	796	69	313	299	38,374	3,194	864	28,853	246	53	1,064	60	6%	14
69	Nez Perce Tribe, Idaho (previously listed as Nez Perce Tribe of Idaho) (182)*	182	196	150	644	623	44,627	12,555	1,881	31,520	495	128	2,106	103	5%	24
70	Kootenai Tribe of Idaho (183)	183	12	0	24	23	1,821	218	62	680	20	3	63	1	2%	5

Row	A Land Area Name	B Land Area Code(s)	C, D, E, F, G, H, I, J Tract, Interest, and Acre Data										K, L, M, N, O, P Individuals			
			Tracts Held in Trust or Restricted Status			Level 1 Fractionated Tracts	Acres Associated w/ Level 1 Fractionated Tracts	Level 1 Fractional Interests	<5% Level 1 Interests	Equivalent Acres Associated Only w/ Level 1 Interests	Tracts with Tribal Ownership		Unique Individuals owning Level 1 Fractional Interests	WAU		Level 1 Fractional Interest Owners Under Legal Disability
			100% Tribally Owned	100% IIM Owned	Fractionated Tracts						<50%	>=50%		WAU Level 1 Fractional Interest Owners	% of landowners that are WAU	
			Pacific Region													
71	Confederated Salish & Kootenai Tribes of the Flathead Reservation, Montana (203)*	203	2,107	892	894	696	38,799	8,900	2,354	24,483	537	159	2,937	269	9%	48
72	Big Sandy Rancheria of Mono Indians of California (506)	506	4	4	4	3	31	15	9	15	3	0	15	5	33%	0
73	Big Valley Band of Pomo Indians of the Big Valley Rancheria, California (507)	507	5	9	13	12	7	58	6	7	12	0	50	24	48%	0
74	Cloverdale Rancheria of Pomo Indians of California (510)	510	0	0	2	2	13	8	0	13	2	0	4	4	100%	0
75	Robinson Rancheria of Pomo Indians of California (516)	516	3	7	6	4	53	20	5	23	4	0	10	5	50%	0
76	Guidiville Rancheria of California (505)	520	1	0	1	1	2	3	0	2	1	0	3	3	100%	0
77	Hopland Band of Pomo Indians of the Hopland Rancheria, California (521)	521	7	5	13	11	44	105	48	33	11	0	74	22	30%	0
78	Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California (525)	525	4	14	30	28	88	254	72	78	28	0	106	48	45%	0
79	Northfork Rancheria of Mono Indians of California (532)	532	1	0	1	1	80	7	0	80	1	0	7	4	57%	0
80	Picayune Rancheria of Chukchansi Indians of California (534)	534	5	0	3	1	26	6	0	17	1	0	6	1	17%	0
81	Pinoleville Pomo Nation, California (formerly the Pinoleville Rancheria of Pomo Indians of California) (535)	535	1	4	6	6	28	16	0	26	6	0	16	6	38%	0
82	Redwood Valley Rancheria of Pomo Indians of California (539)	539	2	2	2	2	5	38	19	3	2	0	19	3	16%	2
83	Round Valley Indian Tribes of the Round Valley Reservation, California (540)	540	114	49	199	186	5,023	6,987	1,545	4,560	184	2	1,671	440	26%	12
84	Greenville Rancheria of Maidu Indians of California (545)	545	0	1	1	1	1	8	7	0	1	0	8	0	0%	0
85	Table Mountain Rancheria of California (551)	551	10	0	6	1	6	4	0	6	1	0	4	3	75%	0
86	Karuk Tribe (formerly the Karuk Tribe of California) (555)	555	26	0	2	1	14	7	0	14	1	0	7	1	14%	0
87	Blue Lake Rancheria, California (558)	558	12	2	6	4	7	10	0	4	4	0	10	5	50%	0



Row	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
	Land Area Name	Land Area Code(s)	Tract, Interest, and Acre Data										Individuals			
			Tracts Held in Trust or Restricted Status			Level 1 Fractionated Tracts	Acres Associated w/ Level 1 Fractionated Tracts	Level 1 Fractional Interests	<5% Level 1 Interests	Equivalent Acres Associated Only w/ Level 1 Interests	Tracts with Tribal Ownership		Unique Individuals owning Level 1 Fractional Interests	WAU		Level 1 Fractional Interest Owners Under Legal Disability
			100% Tribally Owned	100% IIM Owned	Fractionated Tracts						<50%	>=50%		WAU Level 1 Fractional Interest Owners	% of landowners that are WAU	
88	Elk Valley Rancheria, California (559)	559	8	4	2	2	10	7	0	10	2	0	7	3	43%	0
89	Hoopa Valley Tribe, California (561)	561	187	158	102	98	622	1,029	279	579	97	1	464	63	14%	5
90	Yurok Tribe of the Yurok Reservation, California (562)	562	35	20	167	165	4,097	4,615	1,190	3,627	165	0	1,334	438	33%	10
91	Quartz Valley Indian Community of the Quartz Valley Reservation of California (563)	563	3	0	3	2	23	5	0	23	2	0	5	2	40%	0
92	Smith River Rancheria, California (564)	564	14	16	15	9	24	28	0	22	9	0	28	6	21%	0
93	Augustine Band of Cahuilla Indians, California (formerly the Augustine Band of Cahuilla Mission Indians of the Augustine Reservation) (567)	567	2	0	4	3	120	18	4	58	1	2	18	2	11%	1
94	Cabazon Band of Mission Indians, California (568)	568	3	10	9	9	211	120	45	208	9	0	59	2	3%	4
95	La Jolla Band of Luiseno Mission Indians, California (formerly the La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation) (576)	576	10	24	46	43	423	578	241	373	43	0	298	18	6%	2
96	Morongo Band of Mission Indians, California (formerly the Morongo Band of Cahuilla Mission Indians of the Morongo Reservation) (582)	582	54	435	227	203	715	3,074	784	643	202	1	1,016	67	7%	28
97	Pala Band of Luiseno Mission Indians of the Pala Reservation, California (583)	583	47	172	259	238	870	5,672	783	813	238	0	901	64	7%	16
98	Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California (584)	584	77	228	176	173	8,185	1,148	119	8,069	173	0	232	14	6%	12
99	Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California (586)	586	14	38	107	105	1,353	3,833	799	1,082	104	1	913	74	8%	11
100	Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California (587)	587	4	48	52	43	171	549	193	152	43	0	248	11	4%	2
101	Sycuan Band of the Kumeḡayay Nation (formerly the Sycuan Band of Diegueno Mission Indians of California) (594)	594	11	0	20	19	321	551	151	199	14	5	168	12	7%	2

Row	A Land Area Name	B Land Area Code(s)	Tract, Interest, and Acre Data										Individuals			
			Tracts Held in Trust or Restricted Status			Level 1 Fractionated Tracts	Acres Associated w/ Level 1 Fractionated Tracts	Level 1 Fractional Interests	<5% Level 1 Interests	Equivalent Acres Associated Only w/ Level 1 Interests	Tracts with Tribal Ownership		Unique Individuals owning Level 1 Fractional Interests	WAU		Level 1 Fractional Interest Owners Under Legal Disability
			100% Tribally Owned	100% IIM Owned	Fractionated Tracts						<50%	>=50%		WAU Level 1 Fractional Interest Owners	% of landowners that are WAU	
			C	D	E	F	G	H	I	J	K	L	M	N	O	P
102	Torres Martinez Desert Cahuilla Indians, California (formerly the Torres-Martinez Band of Cahuilla Mission Indians of California) (595)	595	19	86	126	123	3,782	2,285	459	3,573	123	0	547	47	9%	15
103	California Valley Miwok Tribe, California (formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California) (628)	628	0	0	1	1	1	2	0	1	1	0	2	0	0%	0
104	Habematoel Pomo of Upper Lake, California (formerly the Upper Lake Band of Pomo Indians of Upper Lake Rancheria of California) (636)	636	1	3	6	5	11	16	0	11	5	0	16	5	31%	0
<b>Rocky Mountain Region</b>																
105	Blackfeet Tribe of the Blackfeet Indian Reservation of Montana (201)*	201	5,305	1,455	5,083	4,859	899,406	193,985	7,311	814,307	4,720	139	7,903	607	8%	116
106	Crow Tribe of Montana (202)*	202 & 208	3,690	1,831	4,993	4,907	931,954	182,617	5,121	842,737	4,678	229	4,983	224	4%	167
107	Fort Belknap Indian Community of the Fort Belknap Reservation of Montana (204)*	204	811	1,414	3,137	3,050	575,974	57,913	3,467	513,513	2,843	207	4,090	282	7%	104
108	Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana (206)*	206	1,492	1,345	4,644	4,535	725,358	115,391	10,153	638,408	4,340	195	11,025	898	8%	276
109	Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana (207)*	207	1,049	519	888	874	102,978	13,437	2,584	59,245	553	321	2,984	273	9%	117
110	Arapahoe Tribe of the Wind River Reservation, Wyoming (281) & Shoshone Tribe of the Wind River Reservation, Wyoming (282)*	280	1,766	871	2,669	2,564	175,209	137,948	7,015	142,294	2,294	270	7,403	512	7%	265
<b>Southern Plains Region</b>																
111	Cheyenne & Arapaho Tribes, Oklahoma (801)*	801	14	173	1,147	1,138	97,517	40,191	6,145	84,719	1,136	2	6,536	441	7%	211
112	Kiowa Indian Tribe of Oklahoma (802), Comanche Nation, Oklahoma (808) & Apache Tribe of Oklahoma (809)	802	86	1,439	3,027	3,001	251,865	56,609	7,965	222,728	2,986	15	9,575	675	7%	203
113	Fort Sill Apache Tribe of Oklahoma (803)	803	4	23	50	49	3,017	637	215	2,434	49	0	274	10	4%	5



Row	A Land Area Name	B Land Area Code(s)	Tract, Interest, and Acre Data										Individuals			
			Tracts Held in Trust or Restricted Status			F Level 1 Fractionated Tracts	G Acres Associated w/ Level 1 Fractionated Tracts	H Level 1 Fractional Interests	I <5% Level 1 Interests	J Equivalent Acres Associated Only w/ Level 1 Interests	K Tracts with Tribal Ownership		M Unique Individuals owning Level 1 Fractional Interests	N WAU		O Level 1 Fractional Interest Owners Under Legal Disability
			C 100% Tribally Owned	D 100% IIM Owned	E Fractionated Tracts						<50%	>=50%		WAU Level 1 Fractional Interest Owners	% of landowners that are WAU	
114	Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma (804), Caddo Nation of Oklahoma (806) & Delaware Nation formerly Delaware Tribe of Western OK (807)	804	17	233	854	845	73,860	16,551	2,308	63,873	844	1	2,767	144	5%	46
115	Otoe-Missouria Tribe of Indians, Oklahoma(811)	811	21	81	361	361	25,890	12,649	1,890	21,717	360	1	2,072	179	9%	47
116	Pawnee Nation of Oklahoma (812)	812	2	82	368	364	26,666	10,051	1,832	23,026	363	1	2,010	142	7%	23
117	Ponca Tribe of Indians of Oklahoma (813)*	813	12	79	409	405	20,894	25,347	2,694	18,240	404	1	2,807	267	10%	68
118	Tonkawa Tribe of Indians of Oklahoma (814)	814	4	0	8	7	321	273	100	251	7	0	115	10	9%	2
119	Absentee Shawnee Tribe of Indians of Oklahoma (820)	820	20	161	267	263	15,740	8,664	2,106	14,320	263	0	2,238	163	7%	22
120	Citizen Potawatomi Nation, Oklahoma (821)	821	49	10	64	63	5,059	2,369	1,351	3,184	61	2	1,458	146	10%	6
121	Iowa Tribe of Oklahoma (822)	822	7	8	50	50	2,077	2,610	797	1,776	47	3	845	64	8%	17
122	Kickapoo Tribe of Oklahoma (823)	823	12	75	132	130	5,696	3,365	930	5,213	129	1	1,100	138	13%	23
123	Sac & Fox Nation, Oklahoma (824)	824	14	130	248	248	18,069	5,685	1,311	16,344	248	0	1,528	131	9%	17
124	Iowa Tribe of Kansas and Nebraska (860)	860	34	11	5	5	180	144	97	78	4	1	104	7	7%	0
125	Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas (861)	861	50	72	79	78	2,843	1,492	523	2,507	72	6	628	30	5%	13
126	Prairie Band of Potawatomi Nation, Kansas (862)	862	141	134	325	323	18,004	9,618	1,960	15,371	310	13	2,204	144	7%	34
127	Sac & Fox Nation of Missouri in Kansas and Nebraska (863)	863	6	0	2	2	62	113	107	41	2	0	113	7	6%	1
<b>Southwest Region</b>																
128	Pueblo of Acoma (703)	703	37	0	3	1	320	3	0	320	1	0	3	0	0%	0
129	Laguna (707)	707	36	3	30	29	3,372	729	371	3,298	28	1	440	49	11%	3
130	Pueblo of San Felipe (712)	712	34	0	2	1	71	43	36	71	1	0	43	0	0%	0
131	Zuni Tribe of the Zuni Reservation, New Mexico (721)	721	28	3	13	12	1,861	566	464	1,791	12	0	500	42	8%	6
132	Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado (750)	750	478	93	117	108	9,499	2,189	776	6,916	92	16	875	24	3%	27

Row	A Land Area Name	B Land Area Code(s)	C-P Tract, Interest, and Acre Data										M-P Individuals			
			C Tracts Held in Trust or Restricted Status			D Level 1 Fractionated Tracts	E Acres Associated w/ Level 1 Fractionated Tracts	F Level 1 Fractional Interests	G <5% Level 1 Interests	H Equivalent Acres Associated Only w/ Level 1 Interests	I Tracts with Tribal Ownership		J Unique Individuals owning Level 1 Fractional Interests	K-P WAU		
			C 100% Tribally Owned	D 100% IIM Owned	E Fractionated Tracts						I <50%	J >=50%		K WAU Level 1 Fractional Interest Owners	L % of landowners that are WAU	M Level 1 Fractional Interest Owners Under Legal Disability
133	Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah (751)	754	33	8	63	58	7,818	1,001	315	7,094	54	4	361	37	10%	12
<b>Western Region</b>																
134	Colorado River Indian Tribe of the Colorado River Indian Reservation, Arizona and California (603)	603	212	143	541	529	5,202	8,634	1,250	4,096	442	87	1,531	136	9%	23
135	Fort Mojave Indian Tribe of Arizona California & Nevada (604)	604	22	0	6	2	160	22	7	160	2	0	11	0	0%	0
136	Hopi Tribe of Arizona (608)	608	15	0	11	11	220	974	522	215	11	0	544	58	11%	5
137	Tohono O'odham Nation of Arizona (610)	611	14	17	281	281	39,097	13,971	1,695	36,095	281	0	1,762	81	5%	52
138	Gila River Indian Community of the Gila River Indian Reservation, Arizona (614)*	614	139	724	4,787	4,724	84,280	174,045	9,906	78,602	4,667	57	10,580	843	8%	243
139	Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona (615)*	615	62	362	1,430	1,428	21,828	49,200	5,325	21,193	1,421	7	5,811	359	6%	106
140	Ely Shoshone Tribe of Nevada (644)	644	2	0	2	1	160	24	13	160	1	0	24	2	8%	0
141	Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon (646)	646	12	0	4	4	145	562	458	142	4	0	468	66	14%	5
142	Walker River Paiute Tribe of the Walker River Reservation, Nevada (656)	656	18	133	354	348	6,634	6,717	1,211	6,272	342	6	1,443	169	12%	12
143	Yomba Shoshone Tribe of the Yomba Reservation, Nevada (661)	661	4	0	5	5	352	107	86	322	5	0	102	15	15%	2
144	Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodsford Community, Stewart Community, & Washoe Ranches) (672)	672	9	69	412	409	59,310	14,114	1,203	54,316	397	12	1,280	121	9%	6
145	Ute Indian Tribe of the Uintah & Ouray Reservation, Utah (687)*	687	954	51	1,094	1,059	76,758	43,576	2,242	60,871	917	142	2,316	131	6%	85
146	Quechan Tribe of the Fort Yuma Indian Reservation, California (696)	696	26	155	725	720	6,960	13,328	1,365	6,730	708	12	1,657	79	5%	45
<b>TOTAL</b>			<b>74,010</b>	<b>32,633</b>	<b>98,419</b>	<b>95,203</b>	<b>10,791,584</b>	<b>2,940,919</b>	<b>327,354</b>	<b>8,045,501</b>	<b>79,733</b>	<b>15,470</b>				
* Most fractionated location.																

## APPENDIX C. RESOURCE CODE STATISTICS

Appendix C Field Descriptions – The table below provides definitions for each field within the Appendix C report. “Levels” are used to categorize types of data. Level 1 includes data extracted before the application of policy exclusions (e.g., minors) regarding which tracts and owners may receive offers. The data in Appendix B is at Level 1. Level 2 data is extracted before operating on a reservation and excludes interests that would not receive on offer based on such policy exclusions. Level 2 data excludes interests held by non-compos mentis; interests held by minors; interests in probate proceedings; interests held by individuals whose whereabouts are unknown; interests held in joint tenancy; and interests held in life estates. The data in Appendix C is at Level 2.

*Table 9. Appendix C Field Descriptions*

Column			Definition
	Land Area Name	Q	Federally Recognized Tribe with Jurisdiction.  Each tribe typically has a unique tribal code within TAAMS that corresponds to a single land area code (LAC). Due to state borders and other factors, however, some tribes may have jurisdiction over multiple land area codes. Moreover, in a few instances, the report currently lists multiple tribes for one land area code. The report of locations seeks to group related land areas under a single tribe and additional work is necessary to identify lands to a particular recognized tribe.  LAC's with “public domain” or “off reservation” in the land area name are excluded from the report. Locations that are not fractionated are also excluded.
	Land Area Code(s)	R	Land area code(s) for the tribe.
Tract Resource	Level 2 Tracts – Surface (S)	S	Number of surface (S) only resource code tracts. This is a subset of Column F in Appendix B.
	Level 2 Equivalent Acres – Surface (S)	T	Number of acres associated with the tracts in Column S. This is a subset of Column G in Appendix B. This column includes only the acreage associated with Level 2 interests, not the acreage associated with the tract as a whole. This column excludes acreage associated with fee and tribal interests.
	Level 2 Tracts – Minerals (M)	U	Number of mineral (M) only resource code tracts. This is a subset of Column F in Appendix B.
	Level 2 Equivalent Acres – Minerals (M)	V	Number of acres associated with the tracts in Column U. This is a subset of Column G in Appendix B. This column includes only the acreage associated with Level 2 interests, not the acreage associated with the tract as a whole. This column excludes acreage associated with fee and tribal interests.
	Level 2 Tracts – Both (S & M)	W	Number of surface and mineral (S & M) only resource code tracts. This is a subset of Column F in Appendix B.

Column			Definition
Level 2 Equivalent Acres – Both (S & M)	X		Number of acres associated with the tracts in Column W. This is a subset of Column G in Appendix B. This column includes only the acreage associated with Level 2 interests, not the acreage associated with the tract as a whole. This column excludes acreage associated with fee and tribal interests.
Level 2 Tracts – Other Resources	Y		Number of other tract resource codes excluding surface (S), minerals (M), and both (S & M). This includes less common resource codes such as coal (C) and is a subset of Column F in Appendix B.
Level 2 Equivalent Acres – Other Resources	Z		Number of acres associated with the tracts in Column Y. This is a subset of Column G in Appendix B. This column includes only the acreage associated with Level 2 interests, not the acreage associated with the tract as a whole. This column excludes acreage associated with fee and tribal interests.
Level 2 Tracts – Total	AA		The sum of Columns S, U, W, and Y.
Level 2 Equivalent Acres - Total	AB		The sum of Columns T, V, X, and Z.

**Table 10. Appendix C Data**

The land data below is as of October 31, 2014, and the owner data is as November 14, 2014. Locations are grouped by Region and then by land area code within each Region. Land area names are hyperlinked to the tribe's website (if available).

	Q	R	S	T	U	V	W	X	Y	Z	AA	AB
	Land Area Name	Land Area Code(s)	Tract Resource – Level 2									
			Surface (S)		Minerals (M)		Both (S & M)		Other Resources		Total	
			Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres
<b>Eastern Oklahoma Region</b>												
1	<a href="#">Cherokee Nation, Oklahoma (905)</a>	905	11	328	85	785	128	1,618	0	0	224	2,732
2	<a href="#">Chickasaw Nation, Oklahoma (906)</a>	906	157	3,303	1,055	17,428	244	10,057	1	0	1,457	30,788
3	<a href="#">Choctaw Nation of Oklahoma (907)</a>	907	38	1,241	263	6,514	102	2,844	0	0	403	10,599
4	<a href="#">Muscogee (Creek) Nation, Oklahoma (908)</a>	908	221	4,790	730	15,922	234	7,056	1	20	1,186	27,788
5	<a href="#">Seminole Nation of Oklahoma (909)</a>	909	209	3,029	490	5,541	83	1,788	0	0	782	10,358
6	<a href="#">Quapaw Tribe of Indians, Oklahoma (920)</a>	920	55	1,787	105	3,238	59	3,591	1	17	220	8,633
7	<a href="#">Eastern Shawnee Tribe of Oklahoma (921)</a>	921	6	24	12	138	8	105	0	0	26	268
8	<a href="#">Seneca-Cayuga Tribe of Oklahoma (923)</a>	923	6	14	12	181	51	1,455	0	0	69	1,650
9	<a href="#">Osage Nation, Oklahoma (formerly the Osage Tribe) (930)</a>	930	613	58,808	0	0	2	183	0	0	615	58,991
<b>Great Plains Region</b>												
10	<a href="#">Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota (301) (Mandan, Hidatsa &amp; Arikara)</a>	301	1,075	111,331	1,163	138,935	252	26,226	761	113,425	3,251	389,917
11	<a href="#">Standing Rock Sioux Tribe of North &amp; South Dakota (302)</a>	302	937	71,550	3,534	182,938	1,849	132,381	0	0	6,320	386,870
12	<a href="#">Spirit Lake Tribe, North Dakota (303)</a>	303	219	7,599	338	14,621	385	15,205	0	0	942	37,424
13	<a href="#">Turtle Mountain Band of Chippewa Indians of North Dakota (304)</a>	304	202	9,818	266	11,970	135	4,852	0	0	603	26,641
14	<a href="#">Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota (340)</a>	340 & 360	967	130,857	2,772	397,286	373	52,355	0	0	4,112	580,498
15	<a href="#">Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota (342)</a>	342	103	6,549	524	43,485	294	17,624	0	0	921	67,658
16	<a href="#">Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota (343)</a>	343	95	4,256	439	25,912	36	3,091	8	164	578	33,424
17	<a href="#">Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota (344)</a>	344	1,020	82,909	1,916	139,797	2,799	188,487	0	0	5,735	411,193
18	<a href="#">Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota (345)</a>	345	576	16,130	1,361	60,008	1,089	39,604	0	0	3,026	115,741
19	<a href="#">Yankton Sioux Tribe of South Dakota (346)</a>	346	252	4,194	387	16,381	136	3,821	0	0	775	24,396

	Q	R	S	T	U	V	W	X	Y	Z	AA	AB
	Land Area Name	Land Area Code(s)	Tract Resource – Level 2									
			Surface (S)		Minerals (M)		Both (S & M)		Other Resources		Total	
			Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres
20	Sisseton - Wahpeton Oyate of the Lake Traverse Reservation, South Dakota (347)	347	127	4,809	179	6,527	1,009	37,991	2	15	1,317	49,341
21	Omaha Tribe of Nebraska (380)	380	43	1,196	98	3,798	277	12,157	0	0	418	17,151
22	Santee Sioux Nation, Nebraska (382)	382	14	308	22	832	31	941	0	0	67	2,082
23	Winnebago Tribe of Nebraska (383)	383	173	4,924	206	6,830	261	7,457	0	0	640	19,211
<b>Midwest Region</b>												
24	Minnesota Chippewa - Bois Forte Band	404	41	1,064	50	1,465	105	3,599	0	0	196	6,128
25	Minnesota Chippewa - Fond du Lac Band	405	99	1,714	103	2,026	146	2,452	0	0	348	6,192
26	Minnesota Chippewa - Grand Portage Band	406	26	712	34	1,354	55	1,527	0	0	115	3,593
27	Minnesota Chippewa - Leech Lake Band	407	14	420	23	984	209	5,746	0	0	246	7,149
28	Minnesota Chippewa - Mille Lacs Band	410	6	22	6	21	18	61	0	0	30	104
29	Minnesota Chippewa - White Earth Band	408	0	0	0	0	40	1,362	0	0	40	1,362
30	Upper Sioux Community, Minnesota (401)	401	0	0	0	0	2	52	0	0	2	52
31	Red Lake Band of Chippewa Indians, Minnesota (409)	409	0	0	0	0	1	11	0	0	1	11
32	Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin (430)	430	11	85	23	184	553	6,290	0	0	587	6,559
33	Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin (431)	431	4	49	5	120	292	3,085	0	0	301	3,254
34	Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin (432)	432	1	1	8	89	175	1,230	(1)	0	183	1,319
35	Oneida Tribe of Indians of Wisconsin (433)	433	1	3	1	3	23	94	0	0	25	101
36	Forest County Potawatomi Community, Wisconsin (434)	434	0	0	0	0	8	264	0	0	8	264
37	Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin (435)	435	0	0	0	0	36	364	0	0	36	364
38	Stockbridge Munsee Community, Wisconsin (438)	438	0	0	0	0	3	8	0	0	3	8
39	Ho-Chunk Nation of Wisconsin (439)	439	2	46	7	122	95	1,868	0	0	104	2,035
40	Menominee Indian Tribe of Wisconsin (440)	440	0	0	0	0	1	1	0	0	1	1
41	Saginaw Chippewa Indian Tribe of Michigan (472)	472	0	0	1	8	24	550	0	0	25	557
42	Keweenaw Bay Indian Community, Michigan (475)	475 & 476	0	0	5	54	112	1,515	0	0	117	1,569
<b>Navajo Region</b>												
43	Navajo Nation, Arizona, New Mexico & Utah (780)	722-724 & 790-792	208	23,830	293	32,567	3,863	437,053	1	128	4,365	493,578



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<b>Northwest Region</b>												
44	Confederated Tribes of the Colville Reservation, Washington (101)	101	372	14,193	1,307	59,837	430	23,190	1	29	2,110	97,250
45	Spokane Tribe of the Spokane Reservation, Washington (102)	102	22	1,059	81	3,728	267	13,515	0	0	370	18,302
46	Kalispell Indian Community of the Kalispell Reservation, Washington (103)	103	0	0	0	0	76	1,805	0	0	76	1,805
47	Confederated Tribes of the Chehalis Reservation, Washington (105)	105	1	10	7	137	55	936	0	0	63	1,083
48	Lummi Tribe of the Lummi Reservation, Washington (107)	107	1	4	19	426	312	3,174	0	0	332	3,605
49	Makah Indian Tribe of the Makah Indian Reservation, Washington (108)	108	0	0	3	12	246	1,270	0	0	249	1,282
50	Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington (109)	109	0	0	16	410	64	728	0	0	80	1,138
51	Nisqually Indian Tribe of the Nisqually Reservation, Washington (110)	110	0	0	6	141	11	549	0	0	17	690
52	Nooksack Indian Tribe of Washington (111)	111	0	0	4	112	46	1,686	0	0	50	1,799
53	Suquamish Indian Tribe of the Port Madison Reservation, Washington (114)	114	0	0	1	108	65	1,369	0	0	66	1,476
54	Puyallup Tribe of the Puyallup Reservation, Washington (115)	115	0	0	0	0	16	17	0	0	16	17
55	Quileute Tribe of the Quileute Reservation, Washington (116)	116	0	0	0	0	29	4	0	0	29	4
56	Quinalt Tribe of the Quinalt Reservation, Washington (117)	117	10	422	163	8,528	1,230	68,644	0	0	1,403	77,594
57	Sauk-Suiattle Indian Tribe of Washington (119)	119	0	0	5	52	27	702	0	0	32	754
58	Skokomish Indian Tribe of the Skokomish Reservation, Washington (120)	120	0	0	2	15	79	1,972	0	0	81	1,987
59	Squaxin Island Tribe of the Squaxin Island Reservation, Washington (121)	121	0	0	3	40	17	411	0	0	20	451
60	Swinomish Indians of the Swinomish Reservation, Washington (122)	122	1	9	16	964	62	2,015	0	0	79	2,988
61	Tulip Tribes of the Tulip Reservation, Washington (123)	123	3	6	42	1,087	96	589	0	0	141	1,682
62	Confederated Tribes and Bands of the Yakama Nation, Washington (124)	124	120	6,103	310	10,150	1,797	94,626	0	0	2,227	110,879

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63	Confederated Tribes of the Siletz Indians of Oregon (previously listed as the Confederated Tribes of the Siletz Reservation) (142)	142	0	0	0	0	1	47	0	0	1	47
64	Confederated Tribes of the Umatilla Reservation, Oregon (143)	143	56	2,558	201	4,856	719	37,430	0	0	976	44,844
65	Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon (144)	144	0	0	11	903	64	8,464	0	0	75	9,367
66	Confederated Tribes of the Warm Springs Reservation, Oregon (145)	145	0	0	1	69	375	10,396	0	0	376	10,465
67	Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho (180)	180	312	15,524	783	38,635	1,487	146,797	0	0	2,582	200,956
68	Coeur D'Alene Tribe of the Coeur D'Alene Reservation, Idaho (181)	181	1	74	0	0	5	280	292	25,540	298	25,894
69	Nez Perce Tribe, Idaho (previously listed as Nez Perce Tribe of Idaho) (182)	182	17	602	53	2,082	545	24,944	0	0	615	27,628
70	Kootenai Tribe of Idaho (183)	183	0	0	0	0	23	557	0	0	23	557
71	Confederated Salish & Kootenai Tribes of the Flathead Reservation, Montana (203)	203	67	997	394	12,241	224	4,966	0	0	685	18,204
<b>Pacific Region</b>												
72	Big Sandy Rancheria of Mono Indians of California (506)	506	0	0	0	0	2	5	0	0	2	5
73	Big Valley Band of Pomo Indians of the Big Valley Rancheria, California (507)	507	0	0	0	0	12	5	0	0	12	5
74	Cloverdale Rancheria of Pomo Indians of California (510)	510	0	0	0	0	2	13	0	0	2	13
75	Robinson Rancheria of Pomo Indians of California (516)	516	0	0	0	0	4	11	0	0	4	11
76	Guidiville Rancheria of California (505)	520	0	0	0	0	1	2	0	0	1	2
77	Hopland Band of Pomo Indians of the Hopland Rancheria, California (521)	521	0	0	0	0	10	20	0	0	10	20
78	Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California (525)	525	0	0	0	0	25	31	0	0	25	31
79	Northfork Rancheria of Mono Indians of California (532)	532	0	0	0	0	1	45	0	0	1	45
80	Picayune Rancheria of Chukchansi Indians of California (534)	534	0	0	0	0	1	15	0	0	1	15



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81	Pinoleville Pomo Nation, California (formerly the Pinoleville Rancheria of Pomo Indians of California) (535)	535	0	0	0	0	5	17	0	0	5	17
82	Redwood Valley Rancheria of Pomo Indians of California (539)	539	0	0	0	0	2	3	0	0	2	3
83	Round Valley Indian Tribes of the Round Valley Reservation, California (540)	540	3	105	14	193	167	2,712	0	0	184	3,010
84	Greenville Rancheria of Maidu Indians of California (545)	545	0	0	0	0	1	0	0	0	1	0
85	Table Mountain Rancheria of California (551)	551	0	0	0	0	1	2	0	0	1	2
86	Karuk Tribe (formerly the Karuk Tribe of California) (555)	555	0	0	0	0	1	12	0	0	1	12
87	Blue Lake Rancheria, California (558)	558	0	0	0	0	2	2	0	0	2	2
88	Elk Valley Rancheria, California (559)	559	0	0	0	0	1	7	0	0	1	7
89	Hoopa Valley Tribe, California (561)	561	4	3	9	41	79	343	1	0	93	388
90	Yurok Tribe of the Yurok Reservation, California (562)	562	10	73	66	909	79	652	1	18	156	1,653
91	Quartz Valley Indian Community of the Quartz Valley Reservation of California (563)	563	0	0	0	0	2	21	0	0	2	21
92	Smith River Rancheria, California (564)	564	0	0	0	0	9	18	0	0	9	18
93	Augustine Band of Cahuilla Indians, California (formerly the Augustine Band of Cahuilla Mission Indians of the Augustine Reservation) (567)	567	0	0	0	0	3	41	0	0	3	41
94	Cabazon Band of Mission Indians, California (568)	568	0	0	0	0	9	165	0	0	9	165
95	La Jolla Band of Luiseno Mission Indians, California (formerly the La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation) (576)	576	0	0	0	0	43	333	0	0	43	333
96	Morongongo Band of Mission Indians, California (formerly the Morongongo Band of Cahuilla Mission Indians of the Morongongo Reservation) (582)	582	15	32	28	79	156	459	0	0	199	569
97	Pala Band of Luiseno Mission Indians of the Pala Reservation, California (583)	583	20	74	27	98	189	512	1	2	237	686
98	Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California (584)	584	2	74	12	475	158	7,079	1	30	173	7,658
99	Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California (586)	586	29	229	30	243	43	332	1	10	103	814
100	Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California (587)	587	3	7	3	7	37	104	0	0	43	119

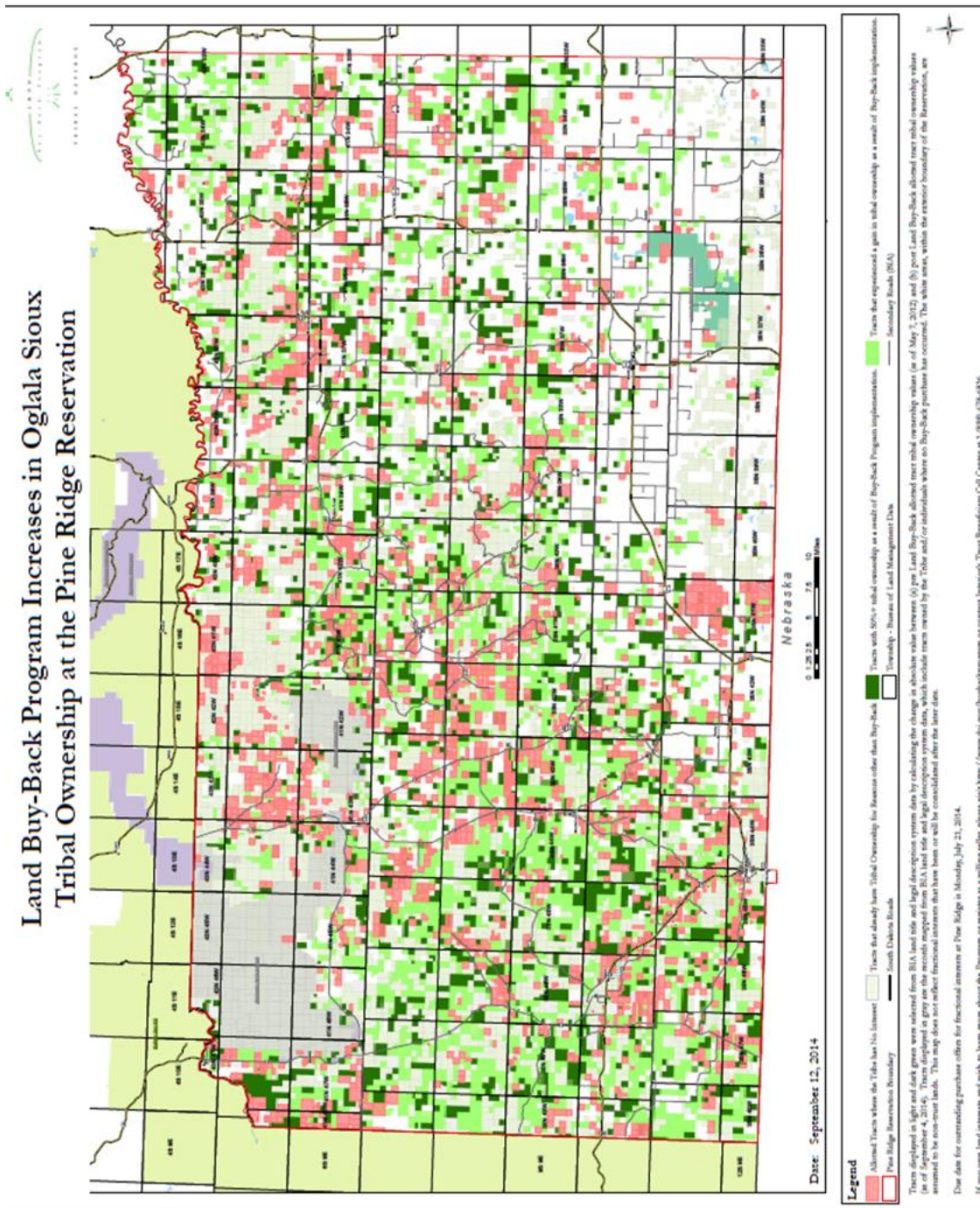
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101	Sycuan Band of the Kumeyaay Nation (formerly the Sycuan Band of Diegueno Mission Indians of California) (594)	594	3	13	3	24	13	108	0	0	19	145
102	Torres Martinez Desert Cahuilla Indians, California (formerly the Torres-Martinez Band of Cahuilla Mission Indians of California) (595)	595	2	32	18	356	102	2,656	0	0	122	3,044
103	California Valley Miwok Tribe, California (formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California) (628)	628	0	0	0	0	1	1	0	0	1	1
104	Habematolel Pomo of Upper Lake, California (formerly the Upper Lake Band of Pomo Indians of Upper Lake Rancheria of California) (636)	636	0	0	0	0	5	7	0	0	5	7
<b>Rocky Mountain Region</b>												
105	Blackfeet Tribe of the Blackfeet Indian Reservation of Montana (201)	201	2,808	379,635	1,847	324,555	197	29,460	0	0	4,852	733,649
106	Crow Tribe of Montana (202)	202 & 208	2,480	529,263	1,707	144,683	695	56,727	0	0	4,882	730,674
107	Fort Belknap Indian Community of the Fort Belknap Reservation of Montana (204)	204	941	115,197	1,770	290,449	317	65,629	0	0	3,028	471,275
108	Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana (206)	206	808	82,816	2,240	284,902	1,473	218,004	2	291	4,523	586,013
109	Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana (207)	207	845	46,196	0	0	0	0	0	0	845	46,196
110	Arapahoe Tribe of the Wind River Reservation, Wyoming (281) & Shoshone Tribe of the Wind River Reservation, Wyoming (282)	280	862	34,102	1,339	74,319	353	19,120	0	0	2,554	127,541
<b>Southern Plains Region</b>												
111	Cheyenne & Arapaho Tribes, Oklahoma (801)	801	202	15,540	427	25,543	509	37,763	0	0	1,138	78,847
112	Kiowa Indian Tribe of Oklahoma (802), Comanche Nation, Oklahoma (808) & Apache Tribe of Oklahoma (809)	802	521	36,153	1,075	65,741	1,384	101,525	1	19	2,981	203,437
113	Fort Sill Apache Tribe of Oklahoma (803)	803	7	202	25	975	17	1,067	0	0	49	2,244
114	Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma (804), Caddo Nation of Oklahoma (806) & Delaware Nation formerly Delaware Tribe of Western OK (807) <sup>d</sup>	804	120	9,290	286	18,075	435	32,162	0	0	841	59,527
115	Otoe-Missouria Tribe of Indians, Oklahoma (811)	811	40	2,390	152	7,122	167	10,075	0	0	359	19,587
116	Pawnee Nation of Oklahoma (812)	812	45	2,613	122	6,336	197	12,413	0	0	364	21,361

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117	Ponca Tribe of Indians of Oklahoma (813)	813	68	3,447	151	5,930	184	7,099	0	0	403	16,477
118	Tonkawa Tribe of Indians of Oklahoma (814)	814	0	0	1	36	6	194	0	0	7	230
119	Absentee Shawnee Tribe of Indians of Oklahoma (820)	820	40	1,731	91	5,031	132	6,100	0	0	263	12,862
120	Citizen Potawatomi Nation, Oklahoma (821)	821	11	489	23	793	28	1,324	0	0	62	2,605
121	Iowa Tribe of Oklahoma (822)	822	10	332	15	522	25	721	0	0	50	1,575
122	Kickapoo Tribe of Oklahoma (823)	823	14	288	31	852	85	3,242	0	0	130	4,382
123	Sac & Fox Nation, Oklahoma (824)	824	34	1,822	70	3,767	140	8,530	0	0	244	14,119
124	Iowa Tribe of Kansas and Nebraska (860)	860	0	0	0	0	5	73	0	0	5	73
125	Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas (861)	861	10	383	11	390	57	1,536	0	0	78	2,310
126	Prairie Band of Potawatomi Nation, Kansas (862)	862	24	962	46	1,865	251	10,779	0	0	321	13,606
127	Sac & Fox Nation of Missouri in Kansas and Nebraska (863)	863	0	0	2	38	0	0	0	0	2	38
<b>Southwest Region</b>												
128	Pueblo of Acoma (703)	703	1	320	0	0	0	0	0	0	1	320
129	Laguna (707)	707	1	406	0	0	28	2,465	0	0	29	2,870
130	Pueblo of San Felipe (712)	712	0	0	0	0	1	65	0	0	1	65
131	Zuni Tribe of the Zuni Reservation, New Mexico (721)	721	0	0	1	145	11	1,249	0	0	12	1,394
132	Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado (750)	750	34	1,153	63	4,647	9	461	0	0	106	6,262
133	Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah (751)	754	3	323	3	326	52	5,565	0	0	58	6,214
<b>Western Region</b>												
134	Colorado River Indian Tribe of the Colorado River Indian Reservation, Arizona and California (603)	603	4	20	6	21	510	3,359	0	0	520	3,400
135	Fort Mojave Indian Tribe of Arizona California & Nevada (604)	604	0	0	1	117	1	1	0	0	2	118
136	Hopi Tribe of Arizona (608)	608	0	0	0	0	11	172	0	0	11	172
137	Tohono O'odham Nation of Arizona (610)	611	0	0	0	0	281	31,521	0	0	281	31,521
138	Gila River Indian Community of the Gila River Indian Reservation, Arizona (614)	614	2	13	1	1	4,714	66,814	0	0	4,717	66,829
139	Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona (615)	615	0	0	0	0	1,425	18,444	0	0	1,425	18,444
140	Ely Shoshone Tribe of Nevada (644)	644	0	0	0	0	1	138	0	0	1	138

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141	Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon (646)	646	0	0	0	0	4	75	0	0	4	75
142	Walker River Paiute Tribe of the Walker River Reservation, Nevada (656)	656	5	89	9	131	332	5,033	0	0	346	5,253
143	Yomba Shoshone Tribe of the Yomba Reservation, Nevada (661)	661	0	0	1	14	4	135	0	0	5	149
144	Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodsford Community, Stewart Community, & Washoe Ranches) (672)	672	11	723	25	1,433	371	43,519	0	0	407	45,675
145	Ute Indian Tribe of the Uintah & Ouray Reservation, Utah (687)	687	210	4,235	728	46,384	112	4,445	0	0	1,050	55,064
146	Quechan Tribe of the Fort Yuma Indian Reservation, California (696)	696	20	164	18	143	678	5,861	0	0	716	6,168
<b>TOTAL</b>			<b>18,787</b>	<b>1,870,202</b>	<b>32,441</b>	<b>2,600,308</b>	<b>40,334</b>	<b>2,317,699</b>	<b>1,075</b>	<b>139,708</b>	<b>92,637</b>	<b>6,927,916</b>



# APPENDIX D. LAND BUY-BACK PROGRAM INCREASES IN OGLALA SIOUX TRIBAL OWNERSHIP AT THE PINE RIDGE RESERVATION



## APPENDIX E. WHEREABOUTS UNKNOWN

Whereabouts Unknown (WAU) is the term used to describe IIM account holders without current address information on file with the Office of the Special Trustee for American Indians (OST). The whereabouts of approximately 31,550 (13 percent) of the 245,000 individuals unique owners is currently unknown. The Settlement provides for an outreach effort to locate landowners whose whereabouts are unknown as of the date of final approval of the Settlement. According to the Settlement:

Whereabouts Unknown. For those owners of fractional interests in trust or restricted land whose whereabouts are deemed unknown by Interior Defendants as of the date of Final Approval of this [Settlement] Agreement, Interior Defendants shall undertake the following additional efforts to attempt to locate such owners:

- a. Additional Service. In addition to the class notice requirements under this [Settlement] Agreement, the Interior Defendants shall use due diligence to provide all owners whose whereabouts are unknown with actual notice of the opportunity to convey their fractionated interests through the best means available.
- b. Notice. The Notice shall contain a general description of the Land Consolidation Program, the fractionated interests that the Interior Defendants wish to acquire, the proposed purchase price for such interests, the mailing address and a toll-free number for inquiries and clarifications regarding the Land Consolidation Program, and the process for responding to the offer to purchase.
- c. Returned Notice. In the event the written notice to an owner is returned undelivered, the Interior Defendants shall attempt to obtain a current address for such owner by conducting a reasonable search (including a reasonable search of records maintained by local, State, Federal and tribal governments and agencies) and by inquiring with the Indian tribe with jurisdiction over the subject parcel, and, if different from that tribe, the Indian tribe of which the owner is a member, if applicable, and, if successful in locating any such owner, send written notice in accordance with subparagraphs (a) and (b) above.
- d. Notice by Publication. The Interior Defendants shall give notice to all owners that the Secretary was unable to provide notice pursuant to subparagraphs (a) thru (c) above, by publication of the opportunity to convey fractionated interests as follows:
  - (1) at least two (2) times in a newspaper of general circulation in the county or counties where the subject parcel of land is located or, if there is an Indian tribe with jurisdiction over the parcel of land and that tribe publishes a tribal newspaper or newsletter at least once every month, one (1) time in such newspaper of general circulation and one (1) time in such tribal newspaper or newsletter for a period of six (6) months;
  - (2) posting such notice in a conspicuous place in the tribal headquarters or administration building (or such other tribal building determined by the Interior Defendants to be most appropriate for giving public notice) of the Indian tribe with jurisdiction over the parcel of land, if any; and
  - (3) in addition to the foregoing, in the Interior Defendants' discretion, publishing notice in any other place or means that the Interior Defendants determine to be appropriate.

If owners are not located after the Department undertakes the outreach effort and the passage of five years, the landowners shall be deemed to have consented to the conveyance of fractional interests that are located on a parcel of highly fractionated Indian land. This provision relates to WAU as to the date of final approval of the Settlement, not individuals that become WAU after final approval. In the event such WAU purchases are made, they will be for fair market value with the money deposited into an IIM account as detailed in the Settlement Agreement. Landowners may find out if they have an account on the WAU list by visiting the OST website. It is important to note that the WAU provisions are not applicable to a non-WAU landowner who receives an offer and chooses not to respond.

The Program has not exercised WAU purchases thus far, and is seeking input from tribes and individuals on whether and how it should implement the provision. Since the Program's inception, the focus has been locating WAU through outreach efforts so the individuals can receive offers and make informed decisions. The table below depicts WAU reduction by region between October 2012 and August 2014. Tribes are encouraged to help locate WAU as part of their outreach activities.

<b>BIA Region</b>	<b>Individuals owning Fractional Interests who are WAU (10-10-12)</b>	<b>Individuals owning Fractional Interests who are WAU (8-31-14)</b>	<b>WAU Reduction*</b>	<b>Percent Reduction</b>
Northwest	7,484	2,949	4,535	61%
Midwest	9,938	4,485	5,453	55%
Western	4,142	1,946	2,196	53%
Eastern Oklahoma	5,246	2,543	2,703	52%
Southern Plains	5,011	2,573	2,438	49%
Southwest	7,504	3,938	3,566	48%
Great Plains	22,143	11,784	10,359	47%
Pacific	2,466	1,412	1,054	43%
Rocky Mountain	5,098	2,958	2,140	42%

\* WAUs who own fractional interests at more than one location may be counted more than once.

Original Implementation Schedule	Order of Fractionation	Official Tribe Name (Tribal Code)	General Information										Land Research			Appraisals			Target Offer Date		Notes
			Location/Reservation Name	Land Area Code	BIA Region	State(s)	ILCP Purchases? (ILCP Status and Issues 2011 document)	OST Agency	FTO or (Acting FTO/POC)	OST-Outreach Specialist	RTA	Estimated Initial Purchase Ceiling	Purchase Estimate as % of Total (\$1,553B)	Unique Owners (2014 Status Report Appendix B Column M)	Senior Advisor	Initial Mapping Available	DME Complete	Appraisal Type	Date Completed	Timber (as of 4/16/14)	
1	1	Ojibwa Sioux Tribe (144)	Pine Ridge Reservation	344	Great Plains	SD	Y	Pine Ridge	Jewel Penny Weasel	Tammy Valdez	Melvin Burch	\$125,427,372	8.07%	18,999	MR	Y	2nd Update Y	Mass	11/18/2013 Wave 4: 1/9/2015	N	Wave 1: Dec-13 Wave 2: March-14 Wave 3: 6/16/14 Wave 4: 2/24/15 Wave 5: 6/16/15
2	n/a	Makah Indian Tribe of the Makah Indian Reservation (108)	Makah Indian Reservation	108	Northwest	WA	N	Taholah	(Gino Ozazi - NWRO)	Tescha Hawley	Catherine Ragon	\$2,524,111	0.16%	1,243	KG	Y	Y	Individual site-specific	11/9/2013 Wave 2: 2/15/2014 Wave 3: 10/30/2015	Y	Wave 1: Dec-13, 2013 Wave 2: April-14 Wave 3: 11/23/2015
3	8	Roosebud Sioux Tribe of the Rosebud Indian Reservation (345)	Rosebud Indian Reservation	345	Great Plains	SD	Y	Rosebud	Jim Corley	Tammy Valdez	Melvin Burch	\$60,773,153	3.91%	15,663	MR	Y	3rd Update Y	Mass	11/18/2013 Wave 3: 1/9/2015	N	Wave 1: Dec-13 Wave 2: 7/2/14 Wave 3: 1/17/15 Wave 4: 6/15/15
4	11	Fort Belknap Indian Community of the Fort Belknap Reservation of Montana (204)	Fort Belknap Reservation of Montana	204	Rocky Mountain	MT	N	Fort Belknap	(Carnie Hags)	Tescha Hawley	Thomas Reynolds	\$54,285,469	3.49%	4,990	MR	Y	Y	Wave 1: Individual site-specific Wave 2: Mass	Wave 1: 5/21/2014 Wave 2: 4/24/2015 (effective date: 4/2/2015)	N	Wave 1: 7/13/14 Wave 2: 6/3/2015
5	n/a	The Quapaw Tribe of Indians (920)		920	Eastern Oklahoma	OK	Y	Eastern Okla Region	(Loretta Carter - Cherokee)	Terry Obago	Rob Craff	\$2,629,296	0.17%	388	MR	Y	6/26/2013 Y: 13 parcels	Individual site-specific	Wave 1: 8/15/2014 Wave 2: TBD	N	Wave 1: 8/8/2014 Wave 2: TBD
6	9	Gila River Indian Community of the Gila River Indian Reservation (614)	Gila River Indian Reservation	614	Western	AZ	Y	Pima	Cecelia Henry	Terry Obago	Catherine Ragon	\$60,276,434	3.88%	10,580	SL	Y	Y	Individual site-specific	Wave 1: 8/8/2014 Wave 2: 3/30/2016	N	Wave 1: 8/21/2014 Wave 2: 10/13/2014 Wave 3: 4/18/2015
7	26	Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation (207)	Northern Cheyenne Indian Reservation	207	Rocky Mountain	MT	N	Northern Cheyenne	Lynette Verlanic	Tescha Hawley	Thomas Reynolds	\$12,682,196	0.82%	2,984	MR	Y	Y	Mass	8/15/2014	Y	Wave 1: 9/11/2014 Wave 2: 1/14/15
8	38	Confederated Salish and Kootenai Tribes of the Flathead Reservation (203)	Flathead Reservation	203	Northwest	MT	Y	(Compacted)	(Gustav Kerns - Ft. Hall)	Tescha Hawley	Catherine Ragon	\$7,321,385	0.47%	2,937	KG	Y	4th Update: 8/15/2014	Individual site-specific	Wave 1: 8/20/2014 Wave 2: 6/12/15 (4 appraisals)	Y	Wave 1: 9/5/2014 Wave 2: Week of 8/17
9	28	Confederated Tribes of the Umatilla Indian Reservation (143)	Umatilla Indian Reservation	143	Northwest	OR	N	Umatilla	Kevin Marie Moore	Tescha Hawley	Catherine Ragon	\$12,113,252	0.78%	3,070	SL	Y	Y	Individual site-specific	Wave 1: 8/25/2014 Wave 2: 1/15/2015 Wave 3: 11/30/2015	Y	Wave 1: 9/11/2014 Wave 2: 2/10/15 Wave 3: TBD
10	4	Crow Tribe of Montana (202)	Crow Reservation	202, 208	Rocky Mountain	MT	Y	Crow	(Lynette Verlanic - Northern Cheyenne)	Tescha Hawley	Thomas Reynolds	\$102,998,163	6.62%	4,983	MR	Y	Y	Mass	9/2/2014	Y (Caded: N)	10/3/2014
11	16	Sisseton Wahpeton Oyate of the Lake Traverse Reservation (347)	Lake Traverse Reservation	347	Great Plains	ND, SD	Y	Sisseton	Timothy Lake	Tammy Valdez	Melvin Burch	\$21,090,308	1.36%	5,046	MR	Y	Y	Mass	9/15/2014	N	10/10/2014
12	n/a	Coeur d'Alene Tribe (181)	Coeur d'Alene Reservation	181	Northwest	ID	N	Northern Idaho	Daniel Via	Tescha Hawley	Catherine Ragon	\$4,064,318	0.26%	1,064	KG	Y	Y	Mass	9/4/2014	Y	Wave 1: 12/15/14 Wave 2: 1/27/15
13	n/a	Squaxin Island Tribe of the Squaxin Island Reservation (121)	Squaxin Island Reservation	121	Northwest	WA	N	Puget Sound	Marianne Jones	Tescha Hawley	Catherine Ragon	\$395,710	0.03%	732	KG	Y	Y	Individual site-specific	9/22/2014	Y	12/8/2014
14	n/a	Prairie Band Potawatomi Nation (862)	Prairie Band Potawatomi Reservation	862	Southern Plains	KS	N	Horton	Acting: Gayla Bennett	Zan Sparlock	Rob Craff	\$4,352,826	0.28%	2,204	KG	Y	Y	Project	3/23/2015	N	4/24/2015
15	7	Cheyenne River Sioux Tribe of the Cheyenne River Reservation (340)	Cheyenne River Reservation	340, 360	Great Plains	SD	N	Cheyenne River	James Murray	Tammy Valdez	Melvin Burch	\$69,491,699	4.47%	8,615	MR	Y	1st Update: 6/30/2015	Mass	3/6/2015	N	5/15/2015
16	2	Standing Rock Sioux Tribe of North & South Dakota (302)	Standing Rock Sioux Reservation	302	Great Plains	ND, SD	Y	Standing Rock	Edward Grant	Tammy Valdez	Melvin Burch	\$111,361,180	7.16%	20,749	MR	Y	Y	Mass	3/6/2015	N	4/17/2015
17	6	Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation (206)	Fort Peck Indian Reservation	206	Rocky Mountain	MT	N	Fort Peck	Charles Knowlton	Tescha Hawley	Thomas Reynolds	\$79,842,140	5.13%	11,025	MR	Y	Y	Mass	4/24/2013 (effective date: 4/2/2015)	N	6/15/2015
18	17	Quinalt Indian Nation (117)	Quinalt Indian Reservation	117	Northwest	WA	Y	Taholah	(Gino Ozazi - NWRO)	Tescha Hawley	Catherine Ragon	\$19,263,655	1.24%	4,307	MR	Y	Y	Mass	10/30/2015	Y	Week of 10/26/2015
19	n/a	Swinomish Indian Tribal Community (122)	Swinomish Indian Reservation	122	Northwest	WA	N	Puget Sound	Marianne Jones	Tescha Hawley	Catherine Ragon	\$1,169,133	0.08%	1,190	MR	Y	Y	Individual site-specific	9/30/2015	Y	Week of 11/2/15
20	n/a	Lummi Tribe of the Lummi Reservation (107)	Lummi Reservation	107	Northwest	WA	N	Puget Sound	Marianne Jones	Tescha Hawley	Catherine Ragon	\$3,360,586	0.22%	2,025	KG	Y	Y	Individual site-specific	9/1/2015	Y	Week of 9/28/15
21	5	Navajo Nation (780)	Navajo Reservation	722, 723, 724, 790, 791, 792	Navajo	AZ, UT, NM	Y (Eastern Navajo)	Navajo	Virginia Moore Elizabeth Sparks (LNavajo) Peter Frederick (Ramah)	Zan Sparlock	Margaret Williams	\$102,452,432	6.59%	33,910	SL	Y	Ramali: Y Alame: Y AZ: 11/30/2015	Mass	11/30/2015	N	Week of 12/14/15
22	22	Salt River Pima-Maricopa Indian Community of the Salt River Reservation (615)	Salt River Reservation	615	Western	AZ	N	Salt River	(Cecelia Henry - Pima)	Terry Obago	Catherine Ragon	\$17,391,229	1.12%	5,811	SL	Y	2nd Update Y	Individual site-specific	Wave 1: 12/30/2014 Wave 2: 6/1/2015 (4 tracts)	N	Wave 1: 1/12/2015 Wave 2: Week of 7/27/2015
23	37	The Osage Nation (930)	Osage Nation Reservation	930	Eastern Oklahoma	OK	N	Osage	Acting: Stephen Gait	Terry Obago	Rob Craff	\$7,435,102	0.48%	701	SL	Y	N	Mass	3/30/2016	N	Week of 9/14/15
24	15	Confederated Tribes of the Colville Reservation (101)	Colville Reservation	101	Northwest	WA	N	Colville	Margaret Hutchinson	Tescha Hawley	Catherine Ragon	\$25,676,304	1.65%	6,132	MR	Y	Y	Mass	TBD	Y	TBD
25	13	Shoshone-Bannock Tribes of the Fort Hall Reservation (180)	Fort Hall Reservation	180	Northwest	ID	N	Fort Hall	Gustav Kerns	Tescha Hawley	Catherine Ragon	\$36,267,732	2.33%	3,201	MR	Y	7/1/2015	Mass	10/29/2015	N	Week of 11/30/15
26	27	Lower Brule Sioux Tribe of the Lower Brule Reservation (343)	Lower Brule Reservation	343	Great Plains	SD	N	Lower Brule	Sheela Farmer-Rapid City	Tammy Valdez	Melvin Burch	\$12,262,618	0.79%	4,963	KG	Y	N	Mass	1/6/2016	N	Week of 2/1/16
27	23	Crow Creek Sioux Tribe of the Crow Creek Reservation (342)	Crow Creek Reservation	342	Great Plains	SD	N	Crow Creek	Sheela Farmer-Rapid City	Tammy Valdez	Melvin Burch	\$17,378,622	1.12%	8,820	KG	Y	6/26/2015	Mass	1/6/2016	N	Week of 2/8/16
28	n/a	Agua Caliente Band of Caballia Indians of the Agua Caliente Indian Reservation (584)	Agua Caliente Indian Reservation	584	Pacific	CA	N	Palm Springs	Teresa Stella	Zan Sparlock	Thomas Reynolds	\$1,539,292	0.10%	232	SL	Y	8/1/2015	Individual site-specific	12/30/2015	N	Week of 1/18/16
29	n/a	Cabazon Band of Mission Indians (568)	Cabazon Indian Reservation	568	Pacific	CA	N	Southern California	(Teresa Stella - Palm Springs)	Zan Sparlock	Thomas Reynolds	\$80,742	0.01%	99	SL	Y	8/1/2015	Individual site-specific	12/30/2015	N	Week of 1/18/16
30	n/a	Round Valley Indian Tribes, Round Valley Reservation (340)	Round Valley Reservation	340	Pacific	CA	N	Pacific Region	Diana Warrth	Zan Sparlock	Thomas Reynolds	\$2,456,371	0.16%	1,671	SL	Y	N	Individual site-specific	1/30/2016	Y	Week of 2/22/16
31	30	Turtle Mountain Band of Chippewa Indians of North Dakota (304)	Turtle Mountain Indian Reservation	304	Great Plains	ND	N	Turtle Mountain	Richard LaFramboise	Tammy Valdez	Melvin Burch	\$9,422,680	0.61%	8,837	SL	Y	N	Mass or Project (TBD)	2/28/2016	N	Week of 3/21/16
32	35	Ponca Tribe of Indians of Oklahoma (813)	Ponca Reservation	813	Southern Plains	OK	N	Ponca	Stephen Gait	Zan Sparlock	Rob Craff	\$7,627,685	0.49%	2,807	KG	Y	N	Mass or Project (TBD)	4/30/2016	N	Week of 4/18/16
33	25	Yankton Sioux Tribe of South Dakota (346)	Yankton Reservation	346	Great Plains	SD	N	Yankton	Howard Valandra - Santee	Tammy Valdez	Melvin Burch	\$13,229,709	0.85%	6,672	KG	Y	9/1/2015	Mass	6/30/2016	N	Week of 6/20/16
34	33	Minnesota Chippewa Tribe- Fond du Lac Band (405)	Fond du Lac Reservation	405	Midwest	MN	Y	Minnesota	Roger Hager	Tammy Valdez	Thomas Reynolds	\$7,837,753	0.50%	4,759	SL	Y	7/17/2015	Project	11/30/2015	Y	Week of 11/11/16



35	32	Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation (430)	Bad River Reservation	430	Midwest	WI	Y	Great Lakes	Jewel VonFang	Tammy Valdez	Thomas Reynolds	\$8,470,939	0.54%	5,008	SL	Y	2016/2017	Individual or Project (TBD)	5/31/2016	Y	Week of 5/31/16
36	20	Winnebago Tribe of Nebraska (383)	Winnebago Indian Reservation	383	Great Plains	NE	Y	Winnebago	Eileen McBride	Tammy Valdez	Melvin Burch	\$18,090,714	1.16%	4,266	KG	Y	N	Mass	12/30/2017	N	Week of 1/23/17
37	14	Confederated Tribes and Bands of the Yakama Nation (124)	Yakama Nation Reservation	124	Northwest	WA	N	Yakama	Justice Rhodes	Tescha Hawley	Catherine Ragon	\$30,164,180	1.94%	5,058	MR	Y	N	Mass	8/30/2016	Y	Week of 7/25/16
38	n/a	Ho-Chunk Nation of Wisconsin (439)		439	Midwest	WI	Y	Great Lakes	Jewel VonFang	Tammy Valdez	Thomas Reynolds	\$1,275,801	0.08%	1,605	TBD	Y	N	Individual site-specific	TBD	TBD	TBD
39	12	Arapaho Tribe of the Wind River Reservation and Shoshone Tribe of the Wind River Reservation (282)	Wind River Reservation	280	Rocky Mountain	WY	N	Wind River	Richard Onie	Tescha Hawley	Thomas Reynolds	\$46,256,563	2.97%	7,403	KG	Y	2016/2017	Mass	9/30/2016	N	Week of 8/22/16
40	40	Quechan Tribe of the Fort Yuma Indian Reservation (696)	Fort Yuma Indian Reservation	696	Western	CA	N	Colorado River	Davetta Hill	Terry Obago	Catherine Ragon	\$6,541,285	0.42%	1,657	SL	Y	N	Mass	12/30/2016	N	Week of 9/26/16
41	34	Nez Perce Tribe (182)	Nez Perce Reservation	192	Northwest	ID	N	Northern Idaho	Daniel Vis	Tescha Hawley	Catherine Ragon	\$7,711,587	0.50%	2,106	KG	Y	2016/2017	Mass	11/30/2016	Y	Week of 12/19/17
42	3	Blackfeet Tribe of the Blackfeet Indian Reservation of Montana (201)	Blackfeet Indian Reservation of Montana	201	Rocky Mountain	MT	N	Blackfeet	Lisa Buhse	Tescha Hawley	Thomas Reynolds	\$103,353,167	6.65%	7,903	MR	Y	N	Mass	10/31/2016	Y	Week of 9/19/16
43	10	Three Affiliated Tribes of the Fort Berthold Reservation (301)	Fort Berthold Reservation	301	Great Plains	ND	N		TBD	#N/A	#N/A	\$56,589,204	3.64%	5,037	MR	Y	N	Mass or Project (TBD)	2/28/2017	N	Week of 2/20/17
44	19	The Chickasaw Nation (906)		906	Eastern Oklahoma	OK	N	Chickasaw	(Warren Austin - Tulsa)	Terry Obago	Rob Craff	\$18,250,812	1.17%	3,793	TBD	Y	N	Individual site-specific	TBD	N	
45	24	Ute Indian Tribe of the Uintah & Ouray Reservation (687)	Uintah & Ouray Reservation	687	Western	UT	N	U & O	(Michelle Franklin)	Tescha Hawley	Catherine Ragon	\$17,134,573	1.10%	2,316	TBD	Y	N	Individual site-specific	TBD	N	
46	18	Spirit Lake Tribe (303)	Spirit Lake Tribe Indian Reservation	303	Great Plains	ND	N	Fort Totten	(Richard LaFramboise - Turtle Mtn)	Tammy Valdez	Melvin Burch	\$18,322,626	1.18%	5,842	TBD	Y	2016/2017	Mass	TBD	N	
47	21	Cheyenne and Arapaho Tribes (801)	Cheyenne and Arapaho Tribes Reservation	801	Southern Plains	OK	N	Gocho	Henry Ware	Zan Spudlock	Rob Craff	\$17,947,881	1.15%	6,536	TBD	Y	N	Individual site-specific	TBD	N	
48	31	The Seminole Nation of Oklahoma (909)		909	Eastern Oklahoma	OK	N	Eastern Okla Region	(Loretta Carter - Cherokee)	Terry Obago	Rob Craff	\$8,581,615	0.55%	1,922	TBD	Y	N	Individual site-specific	TBD	N	
49	36	Washoe Tribe of Nevada & California (Carson Colony, Dunderberg Colony, Woodford Community, Steward Community, & Washoe Ranches) (672)		672	Western	NV, CA	N	Western Nevada	Raylene Swan	Terry Obago	Catherine Ragon	\$7,573,730	0.49%	1,280	TBD	Y	N	Individual site-specific	TBD	N	
50	29	The Muscogee (Creek) Nation (908)		908	Eastern Oklahoma	OK	N	Eastern Okla Region	(Loretta Carter - Cherokee)	Terry Obago	Rob Craff	\$11,714,118	0.75%	3,155	TBD	Y	N	Individual site-specific	TBD	N	
51	39	Omaha Tribe of Nebraska (380)	Omaha Indian Reservation	380	Great Plains	NE	N	Winnebago	Eileen McBride	Tammy Valdez	Melvin Burch	\$7,138,768	0.46%	2,757	TBD	Y	N	Mass	TBD	N	
TBD	n/a	Absentee-Shawnee Tribe of Indians of Oklahoma (820)		820	Southern Plains	OK	N		TBD	TBD	TBD	\$3,701,594	0.24%	2,238	Test S. Adv	Y		TBD	TBD	TBD	
TBD	n/a	Augustine Band of Caballa Indians (567)	Augustine Reservation	567	Pacific	CA	N		TBD	TBD	TBD	\$25,319	0.00%	18	TBD			TBD	TBD	TBD	
TBD	n/a	Big Sandy Rancheria of Western Mono Indians of California (506)		506	Pacific	CA	N		TBD	TBD	TBD	\$20,643	0.00%	15	TBD			TBD	TBD	TBD	
TBD	n/a	Big Valley Band of Pomo Indians of the Big Valley Rancheria (507)		507	Pacific	CA	N		TBD	TBD	TBD	\$76,666	0.00%	50	TBD			TBD	TBD	TBD	
TBD	n/a	Blue Lake Rancheria (558)		558	Pacific	CA	N		TBD	TBD	TBD	\$23,445	0.00%	10	TBD			TBD	TBD	TBD	
TBD	n/a	Burns Paiute Tribe (144)	Burns Paiute Reservation	144	Northwest	OR	N		TBD	TBD	TBD	\$1,301,989	0.08%	256	TBD	Y		TBD	TBD	TBD	
TBD	n/a	California Valley Miwok Tribe (628)		628	Pacific	CA	N		TBD	TBD	TBD	\$5,912	0.00%	2	TBD			TBD	TBD	TBD	
TBD	n/a	Cherokee Nation (905)		905	Eastern Oklahoma	OK	N		TBD	TBD	TBD	\$2,205,074	0.14%	1,354	TBD			TBD	TBD	TBD	
TBD	n/a	Citizen Potawatomi Nation (821)		821	Southern Plains	OK	N		TBD	TBD	TBD	\$1,005,792	0.06%	1,458	TBD			TBD	TBD	TBD	
TBD	n/a	Clovelake Rancheria of Pomo Indians of California (510)		510	Pacific	CA	N		TBD	TBD	TBD	\$13,038	0.00%	4	TBD			TBD	TBD	TBD	
TBD	n/a	Colorado River Indian Tribes of the Colorado River Indian Reservation (603)		603	Western	AZ, CA	N		TBD	TBD	TBD	\$4,663,631	0.30%	1,531	TBD			TBD	TBD	TBD	
TBD	n/a	Confederated Tribes of the Chehalis Reservation (105)		105	Northwest	WA	N		TBD	TBD	TBD	\$788,736	0.05%	804	TBD			TBD	TBD	TBD	
TBD	n/a	Confederated Tribes of the Siletz Indians of Oregon (142)		142	Northwest	OR	N		TBD	TBD	TBD	\$8,326	0.00%	3	TBD			TBD	TBD	TBD	
TBD	n/a	Confederated Tribes of the Warm Springs Reservation of Oregon (145)		145	Northwest	OR	N		TBD	TBD	TBD	\$4,956,365	0.32%	976	TBD			TBD	TBD	TBD	
TBD	n/a	Eastern Shawnee Tribe of Oklahoma (921)		921	Eastern Oklahoma	OK	N		TBD	TBD	TBD	\$238,242	0.02%	160	TBD			TBD	TBD	TBD	
TBD	n/a	Elk Valley Rancheria (559)		559	Pacific	CA	N		TBD	TBD	TBD	\$6,327	0.00%	7	TBD			TBD	TBD	TBD	
TBD	n/a	Ely Shoshone Tribe of Nevada (644)		644	Western	NV	N		TBD	TBD	TBD	\$17,430	0.00%	24	TBD			TBD	TBD	TBD	
TBD	n/a	Forest County Potawatomi Community (434)		434	Midwest	WI	N		TBD	TBD	TBD	\$109,940	0.01%	186	TBD			TBD	TBD	TBD	
TBD	n/a	Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation (525)		525	Pacific	CA	N		TBD	TBD	TBD	\$202,939	0.01%	106	TBD			TBD	TBD	TBD	

TBD	n/a	Port McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation (646)		646	Western	NV, OR	N		TBD	TBD	TBD	\$126,096	0.01%	468	TBD			TBD	TBD	TBD		
TBD	n/a	Port Mojave Indian Tribe of Arizona, California & Nevada (604)		604	Western	AZ, CA, NV	N		TBD	TBD	TBD	\$22,602	0.00%	11	TBD			TBD	TBD	TBD		
TBD	n/a	Port Sill Apache Tribe of Oklahoma (803)		803	Southern Plains	OK	N		TBD	TBD	TBD	\$536,637	0.03%	274	TBD			TBD	TBD	TBD		
TBD	n/a	Greenville Rancheria (545)		545	Pacific	CA	N		TBD	TBD	TBD	\$6,934	0.00%	8	TBD			TBD	TBD	TBD		
TBD	n/a	Gridville Rancheria of California (505)		520	Pacific	CA	N		TBD	TBD	TBD	\$6,130	0.00%	3	TBD			TBD	TBD	TBD		
TBD	n/a	Hahemandel Pomo of Upper Lake (636)		636	Pacific	CA	N		TBD	TBD	TBD	\$25,063	0.00%	16	TBD			TBD	TBD	TBD		
TBD	n/a	Hoopa Valley Tribe (561)		561	Pacific	CA	N		TBD	TBD	TBD	\$746,997	0.05%	464	TBD			TBD	TBD	TBD		
TBD	n/a	Hopi Tribe of Arizona (608)		608	Western	AZ	N		TBD	TBD	TBD	\$240,515	0.02%	544	TBD			TBD	TBD	TBD		
TBD	n/a	Hopland Band of Pomo Indians (521)		521	Pacific	CA	N		TBD	TBD	TBD	\$81,101	0.01%	74	TBD			TBD	TBD	TBD		
TBD	n/a	Iowa Tribe of Kansas and Nebraska (860)		860	Southern Plains	NE	N		TBD	TBD	TBD	\$62,557	0.00%	104	TBD			TBD	TBD	TBD		
TBD	n/a	Iowa Tribe of Oklahoma (822)		822	Southern Plains	OK	N		TBD	TBD	TBD	\$829,109	0.05%	845	TBD			TBD	TBD	TBD		
TBD	n/a	Ka'upulele Indian Community of the Kalahele Reservation (103)		103	Northwest	WA	N		TBD	TBD	TBD	\$706,875	0.05%	241	TBD			TBD	TBD	TBD		
TBD	n/a	Karak Tribe (555)		555	Pacific	CA	N		TBD	TBD	TBD	\$7,391	0.00%	7	TBD			TBD	TBD	TBD		
TBD	n/a	Keweenaw Bay Indian Community (475)		475 & 476	Midwest	MI	Y		TBD	TBD	TBD	\$2,003,667	0.13%	2,406	TBD			TBD	TBD	TBD		
TBD	n/a	Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas (861)		861	Southern Plains	KS	N		TBD	TBD	TBD	\$825,669	0.05%	628	TBD			TBD	TBD	TBD		
TBD	n/a	Kickapoo Tribe of Oklahoma (823)		823	Southern Plains	OK	N		TBD	TBD	TBD	\$1,570,038	0.10%	1,100	TBD			TBD	TBD	TBD		
TBD	n/a	Kiowa Indian Tribe of Oklahoma (802) Comanche Nation (808) Apache Tribe of Oklahoma (809)		802	Southern Plains	OK	N		TBD	TBD	TBD	\$38,348,096	2.47%	9,575	TBD			TBD	TBD	TBD		
TBD	n/a	Kootenai Tribe of Idaho (183)		183	Northwest	ID	N		TBD	TBD	TBD	\$253,275	0.02%	63	TBD			TBD	TBD	TBD		
TBD	n/a	La Jolla Band of Luiseno Indians (576)		576	Pacific	CA	N		TBD	TBD	TBD	\$330,337	0.02%	298	TBD			TBD	TBD	TBD		
TBD	n/a	Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin (431)		431	Midwest	WI	Y		TBD	TBD	TBD	\$5,899,216	0.38%	3,889	TBD			TBD	TBD	TBD		
TBD	n/a	Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin (432)		432	Midwest	WI	Y		TBD	TBD	TBD	\$2,586,018	0.17%	1,292	TBD			TBD	TBD	TBD		
TBD	n/a	Menominee Indian Tribe of Wisconsin (440)		440	Midwest	WI	N		TBD	TBD	TBD	\$84,125	0.01%	2	TBD			TBD	TBD	TBD		
TBD	n/a	Minnesota Chippewa Tribe- Bois Forte Band	Bois Forte Reservation	404	Midwest	MN	Y		TBD	TBD	TBD	\$4,537,945	0.29%	1,926	TBD	Y		TBD	TBD	TBD		
TBD	n/a	Minnesota Chippewa Tribe- Grand Portage Band		406	Midwest	MN	Y		TBD	TBD	TBD	\$2,008,648	0.13%	616	TBD			TBD	TBD	TBD		
TBD	n/a	Minnesota Chippewa Tribe- Leech Lake Band		407	Midwest	MN	N		TBD	TBD	TBD	\$5,358,425	0.34%	6,633	TBD			TBD	TBD	TBD		
TBD	n/a	Minnesota Chippewa Tribe- Mille Lacs Band		410	Midwest	MN	N		TBD	TBD	TBD	\$292,669	0.02%	230	TBD			TBD	TBD	TBD		
TBD	n/a	Minnesota Chippewa Tribe- White Earth Band		408	Midwest	MN	N		TBD	TBD	TBD	\$1,051,094	0.07%	3,231	TBD			TBD	TBD	TBD		
TBD	n/a	Monongu Band of Mission Indians (582)		582	Pacific	CA	N		TBD	TBD	TBD	\$1,681,571	0.11%	1,016	TBD			TBD	TBD	TBD		
TBD	n/a	Muckleshoot Indian Tribe (109)		109	Northwest	WA	N		TBD	TBD	TBD	\$828,158	0.05%	845	TBD			TBD	TBD	TBD		
TBD	n/a	Nisqually Indian Tribe (110)		110	Northwest	WA	N		TBD	TBD	TBD	\$324,777	0.02%	707	TBD			TBD	TBD	TBD		
TBD	n/a	Nooksack Indian Tribe (111)		111	Northwest	WA	N		TBD	TBD	TBD	\$586,812	0.04%	614	TBD			TBD	TBD	TBD		
TBD	n/a	Northfork Rancheria of Mono Indians of California (532)		532	Pacific	CA	N		TBD	TBD	TBD	\$10,606	0.00%	7	TBD			TBD	TBD	TBD		
TBD	n/a	Ojibwa Tribe of Indians of Wisconsin (433)		433	Midwest	WI	N		TBD	TBD	TBD	\$207,868	0.01%	333	TBD			TBD	TBD	TBD		
TBD	n/a	Otoe-Missouria Tribe of Indians (811)		811	Southern Plains	OK	N		TBD	TBD	TBD	\$5,392,963	0.35%	2,072	TBD			TBD	TBD	TBD		
TBD	n/a	Pala Band of Luiseno Mission Indians of the Pala Reservation (583)		583	Pacific	OK	N		TBD	TBD	TBD	\$2,303,589	0.15%	901	TBD			TBD	TBD	TBD		
TBD	n/a	Pawnee Nation of Oklahoma (812)		812	Southern Plains	OK	N		TBD	TBD	TBD	\$5,029,091	0.32%	2,010	TBD	Y		TBD	TBD	TBD		

TBD	n/a	Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation (586)		586	Pacific	CA	N		TBD	TBD	TBD	\$1,281,415	0.08%	913	TBD			TBD	TBD	TBD		
TBD	n/a	Picayune Rancheria of Chukchansi Indians of California (534)		534	Pacific	CA	N		TBD	TBD	TBD	\$7,629	0.00%	6	TBD			TBD	TBD	TBD		
TBD	n/a	Pineville Pomo Nation (535)		535	Pacific	CA	N		TBD	TBD	TBD	\$36,915	0.00%	16	TBD			TBD	TBD	TBD		
TBD	n/a	Pueblo of Acoma (703)		703	Southwest	NM	N		TBD	TBD	TBD	\$21,518	0.00%	3	TBD			TBD	TBD	TBD		
TBD	n/a	Pueblo of Laguna (707)		707	Southwest	NM	N		TBD	TBD	TBD	\$447,619	0.03%	440	TBD			TBD	TBD	TBD		
TBD	n/a	Pueblo of San Felipe (712)		712	Southwest	NM	N		TBD	TBD	TBD	\$16,431	0.00%	43	TBD			TBD	TBD	TBD		
TBD	n/a	Puyallup Tribe of the Puyallup Reservation (115)		115	Northwest	WA	N		TBD	TBD	TBD	\$105,241	0.01%	71	TBD			TBD	TBD	TBD		
TBD	n/a	Quartz Valley Indian Community of the Quartz Valley Reservation of California (563)		563	Pacific	CA	N		TBD	TBD	TBD	\$13,044	0.00%	5	TBD			TBD	TBD	TBD		
TBD	n/a	Quileute Tribe of the Quileute Reservation (116)		116	Northwest	WA	N		TBD	TBD	TBD	\$264,034	0.02%	307	TBD			TBD	TBD	TBD		
TBD	n/a	Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin (433)		433	Midwest	WI	Y		TBD	TBD	TBD	\$885,387	0.06%	1,324	TBD			TBD	TBD	TBD		
TBD	n/a	Red Lake Band of Chippewa Indians (409)		409	Midwest	MN	N		TBD	TBD	TBD	\$10,810	0.00%	2	TBD			TBD	TBD	TBD		
TBD	n/a	Redwood Valley or Little River Band of Pomo Indians of the Redwood Valley Rancheria California (539)		539	Pacific	CA	N		TBD	TBD	TBD	\$17,871	0.00%	19	TBD			TBD	TBD	TBD		
TBD	n/a	Rincon Band of Luiseno Mission Indians of the Rincon Reservation (587)		587	Pacific	CA	N		TBD	TBD	TBD	\$303,300	0.02%	248	TBD			TBD	TBD	TBD		
TBD	n/a	Robinson Rancheria (516)		516	Pacific	CA	N		TBD	TBD	TBD	\$28,128	0.00%	10	TBD			TBD	TBD	TBD		
TBD	n/a	Sac & Fox Nation (824)		824	Southern Plains	OK	N		TBD	TBD	TBD	\$3,223,131	0.21%	1,328	TBD	Y		TBD	TBD	TBD		
TBD	n/a	Sac & Fox Nation of Missouri in Kansas and Nebraska (863)		863	Southern Plains	KS,NE	N		TBD	TBD	TBD	\$33,690	0.00%	113	TBD			TBD	TBD	TBD		
TBD	n/a	Saginaw Chippewa Indian Tribe of Michigan (472)		472	Midwest	MI	N		TBD	TBD	TBD	\$348,909	0.02%	732	TBD			TBD	TBD	TBD		
TBD	n/a	Santee Sioux Nation (382)		382	Great Plains	NE	N		TBD	TBD	TBD	\$1,191,652	0.08%	1,854	TBD			TBD	TBD	TBD		
TBD	n/a	Sauk-Sisseton Indian Tribe (119)		119	Northwest	WA	N		TBD	TBD	TBD	\$516,702	0.03%	522	TBD			TBD	TBD	TBD		
TBD	n/a	Seneca-Cayuga Nation (923)		923	Eastern Oklahoma	OK	N		TBD	TBD	TBD	\$784,737	0.05%	766	TBD			TBD	TBD	TBD		
TBD	n/a	Skokomish Indian Tribe (120)		120	Northwest	WA	N		TBD	TBD	TBD	\$1,182,686	0.08%	1,058	TBD			TBD	TBD	TBD		
TBD	n/a	Smith River Rancheria (564)		564	Pacific	CA	N		TBD	TBD	TBD	\$55,695	0.00%	28	TBD			TBD	TBD	TBD		
TBD	n/a	Southern Ute Indian Tribe of the Southern Ute Reservation (750)		750	Southwest	CO	N		TBD	TBD	TBD	\$1,434,096	0.09%	875	TBD			TBD	TBD	TBD		
TBD	n/a	Spokane Tribe of the Spokane Reservation (102)	Spokane Reservation	102	Northwest	WA	N		TBD	TBD	TBD	\$4,845,914	0.31%	2,207	TBD	Y		TBD	TBD	TBD		
TBD	n/a	Stockbridge-Munsee Community (438)		438	Midwest	WI	N		TBD	TBD	TBD	\$23,236	0.00%	26	TBD			TBD	TBD	TBD		
TBD	n/a	Suquamish Indian Tribe of the Port Madison Reservation (114)		114	Northwest	WA	N		TBD	TBD	TBD	\$765,022	0.05%	1,121	TBD			TBD	TBD	TBD		
TBD	n/a	Sycuan Band of the Kumeyaay Nation (594)		594	Pacific	CA	N		TBD	TBD	TBD	\$210,615	0.01%	168	TBD			TBD	TBD	TBD		
TBD	n/a	Table Mountain Rancheria of California (531)		531	Pacific	CA	N		TBD	TBD	TBD	\$6,510	0.00%	4	TBD			TBD	TBD	TBD		
TBD	n/a	The Choctaw Nation of Oklahoma (907)		907	Eastern Oklahoma	OK	N		TBD	TBD	TBD	\$4,924,462	0.32%	1,660	TBD			TBD	TBD	TBD		
TBD	n/a	Tobono O'odham Nation of Arizona (610)		611	Western	AZ	N		TBD	TBD	TBD	\$5,889,827	0.38%	1,762	TBD	Y		TBD	TBD	TBD		
TBD	n/a	Tonkawa Tribe of Indians of Oklahoma (814)		814	Southern Plains	OK	N		TBD	TBD	TBD	\$101,609	0.01%	115	TBD			TBD	TBD	TBD		
TBD	n/a	Tones Martinez Desert Cahuila Indians (595)		595	Pacific	CA	N		TBD	TBD	TBD	\$1,224,445	0.08%	547	TBD			TBD	TBD	TBD		
TBD	n/a	Tulalip Tribes of Washington (123)		123	Northwest	WA	N		TBD	TBD	TBD	\$1,290,954	0.08%	939	TBD			TBD	TBD	TBD		
TBD	n/a	Upper Sioux Community (401)		401	Midwest	MN	N		TBD	TBD	TBD	\$21,207	0.00%	44	TBD			TBD	TBD	TBD		
TBD	n/a	Ute Mountain Tribe of the Ute Mountain Reservation (751)		754	Southwest	CO,NM,UT	N		TBD	TBD	TBD	\$886,028	0.06%	361	TBD			TBD	TBD	TBD		
TBD	n/a	Walker River Paiute Tribe of the Walker River Reservation (656)		656	Western	NV	N		TBD	TBD	TBD	\$3,398,733	0.22%	1,443	TBD			TBD	TBD	TBD		

TBD	n/a	Wichita and Affiliated Tribes (Wichita, Keechi, Wato & Tawakoni) (807)		804	Southern Plains	OK	N		TBD	TBD	TBD	\$11,085,770	0.71%	2,767	TBD	(Wichita, Caddo)		TBD	TBD	TBD		
TBD	n/a	Yomba Shoshone Tribe of the Yomba Reservation (661)		661	Western	NV	N		TBD	TBD	TBD	\$63,379	0.00%	102	TBD			TBD	TBD	TBD		
TBD	n/a	Yank Tribe of the Yank Reservation (562)		562	Pacific	CA	N		TBD	TBD	TBD	\$1,920,349	0.12%	1,334	TBD			TBD	TBD	TBD		
TBD	n/a	Zuni Tribe of the Zuni Reservation (721)		721	Southwest	NM	N		TBD	TBD	TBD	\$248,372	0.02%	500	TBD			TBD	TBD	TBD		

**LAND BUY-BACK PROGRAM FOR TRIBAL NATIONS  
WEEKLY REPORT FOR THE OVERSIGHT BOARD**

June 18, 2015

**I. Key Topics**

Program Progress: To date, the Program has expended **31%** (nearly \$476 million) of the Fund available for purchasing fractional interests. The Program has expended **10%** of the \$285 million allocated for implementation costs. The Program is **26%** (two years and six months) through the ten-year Settlement timeframe. The Program has sent offers to landowners with interests at **33%** (13 of the 40) of the most fractionated locations.

	<b>Fund (\$1.555B) Balance</b>	<b>Implementation Costs (\$285M) Balance</b>	<b>Scholarship Transfer*</b>	<b>10-Year Timeframe</b>	<b>FY15 Goal (\$300M)</b>	<b>FY15 Timeframe</b>
% Expended	31%	10%	29%	26%	111%	71%
\$/Time Expended	\$475,841,826	\$28,287,140	\$17,395,828	2.6 years	\$333,947,464	260
Remaining	\$1,079,158,174	\$256,712,860	\$42,604,172	7.4 years	<b>FY15 Goal Met</b>	104

\*This figure measures the quarterly transfers to the American Indian Graduate Center.

Income Generation Report by Tribe and Year: The Program, through BIA and OST, is able to generate the below report. The report details the income posted to each tribe's Trust Fund Accounting (TFAS) accounts for interests the Program purchased by year. This income reflects revenue the tribe would not have otherwise obtained without the result of the Program's land consolidation efforts. The Program is able to generate this report as needed.

<b>Tribal Land Buy Back TFAS Income Report - As of June 1, 2015 (By Calendar Year)</b>					
<b>Tribe</b>	<b>Account ID</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>Total Receipts</b>
Umatilla	143T000037		\$ 15,281.05	\$ 2,066.67	\$ 17,347.72
Couer D'Alene	181T000037			\$ 9,687.95	\$ 9,687.95
Crow	202T000037		\$ 50,106.82	\$ 34,165.45	\$ 84,272.27
CSKT	203T000037		\$ 1,339.12	\$ 1,176.63	\$ 2,515.75
Ft. Belknap	204T000037			\$ 376.50	\$ 376.50
No. Cheyenne	207T000037		\$ 2,538.54	\$ 44,894.76	\$ 47,433.30
Standing Rock	302T000037			\$ 2,493.65	\$ 2,493.65
Oglala Sioux	344T000037	\$ 196.66	\$ 807,899.29	\$ 54,273.42	\$ 862,369.37
Rosebud Sioux	345T000037		\$ 77,886.72	\$ 148,592.45	\$ 226,479.17
Sisseton-Wahpeton	347T000037		\$ 9,730.54	\$ 3,210.34	\$ 12,940.88
Gila River	614T000037		\$ 8,575.72	\$ 45,893.29	\$ 54,469.01
Prairie Band Potawatomi	862T000037			\$ 157.49	\$ 157.49
<b>Total</b>		<b>\$ 196.66</b>	<b>\$ 973,357.80</b>	<b>\$ 346,988.60</b>	<b>\$ 1,320,543.06</b>

Challenges transferring BLM file sharing site: BIA is encountering challenges transferring the BLM Secure File Transfer Application (SFTA) to BIA. This process requires a substantial amount of paperwork and technical expertise to adhere to the necessary security procedures. However, Beth Wenstrom Chief, Division of Land Titles and Records and her staff are still on schedule to meet the Program deadline to have the site operational by 7/15. BIA, BLM, and additional Program representatives are working together to address the issues.

Offers sent to Landowners at the Fort Peck Indian Reservation: This week the Program sent more than \$128 million in purchase offers to nearly 8,500 landowners with fractional interests at the Fort Peck Indian Reservation. There are an additional 705 owners that could get offers, but their whereabouts are currently

unknown; if these individuals are located, nearly \$4 million more in offers could be extended. Interested sellers will have 45 days to return accepted offers in the pre-paid postage envelopes provided.

Program Meeting with the Eastern Navajo Land Commission: The Program Manager and Santee Lewis, Senior Advisor for Tribal Relations will meet with the Eastern Navajo Land Commission on 6/18.

Offers sent to Landowners at the Rosebud Indian Reservation: This week the Program sent more than \$9 million in purchase offers to nearly 1,600 landowners with fractional interests at the Rosebud Indian Reservation included in the fourth offer set. There are an additional 672 owners that could get offers, but their whereabouts are currently unknown; if these individuals are located, more than \$2 million more in offers could be extended. Interested sellers will have 45 days to return accepted offers in the pre-paid postage envelopes provided.

Offers sent to Landowners at the Pine Ridge Reservation: This week the Program sent more than \$47 million in purchase offers to more than 9,000 landowners with fractional interests at the Pine Ridge Reservation included in the fifth offer set. Interested sellers will have 45 days to return accepted offers in the pre-paid postage envelopes provided.

Offer Response: Since the inception of the Program, landowners have **accepted** nearly **30,500 offers**. The total amount of sales is nearly **\$476 million**, with more than **795,000 equivalent acres** purchased. See attached Table 1: Buy-Back Program Cumulative Sales through June 12, 2015 for sales details.

## **II. Agreements with Tribes**

The Program reviewed a cooperative agreement application from the Fond du Lack Band of the Minnesota Chippewa Tribe last week and is addressing a number of follow-up items. The Program received draft cooperative agreement documents from the Shoshone-Bannock Tribes of the Fort Hall Reservation and will provide feedback to the tribe on these documents. The Program continues to work on memorandums of agreement with the Crow Creek Sioux Tribe of the Crow Creek Reservation and the Lower Brule Sioux Tribe of the Lower Brule Reservation. The Program continues to work towards agreements at several locations where implementation is scheduled for later this year.

To date, the Program has entered into agreements or other arrangements with 20 tribes; memorandums of agreement with the Gila River Indian Community of the Gila River Indian Reservation, the Salt River Pima-Maricopa Indian Community of the Salt River Pima-Maricopa Reservation, and the Squaxin Island Tribe of the Squaxin Island Reservation. The Program has entered into 19 cooperative agreements (Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Cheyenne River Sioux Tribe, Coeur d'Alene Tribe, Confederated Salish and Kootenai Tribes of the Flathead Reservation [CSKT], Crow Tribe of Montana, Fort Belknap Indian Community of the Fort Belknap Reservation of Montana [two agreements], Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Oglala Sioux Tribe [two agreements], Prairie Band Potawatomi Nation, Sisseton Wahpeton Oyate of the Lake Traverse Reservation, Standing Rock Sioux Tribe of North & South Dakota [Standing Rock Sioux Tribe], Confederated Tribes of the Umatilla Indian Reservation, Swinomish Indian Tribal Community, Lummi Nation, Navajo Nation, The Osage Nation, and the Makah Indian Tribe of the Makah Indian Reservation).

## **III. Outreach**

General Outreach: The Program Manager sent a letter to tribal leaders outlining the key details about the policy decision to issue offers on tracts with improvements and notifying leaders of the updated frequently asked questions (FAQs) and the Listening Session presentation and transcript on the website. The Program continues to place advertisements with media sources and work with tribes to provide outreach materials as needed.

Trust Beneficiary Call Center (TBCC): To date, the TBCC has received 50,961 total Program inquiries, with 1,780 of those occurring last week. In addition, the TBCC has received 7,002 calls in FY2015 from individuals specifically calling to be categorized as willing sellers from multiple locations.

**IV. Updates from Partner Bureaus and Offices**

**Bureau of Indian Affairs (BIA)**: BIA continues to process and approve offers submitted by landowners with fractional interests at locations where the Program is active and appraisals remain valid. BIA mailed offers to landowners with interests at the Pine Ridge Reservation included in the fifth offer set this week. BIA completed printing and mailing offers to landowners with interests at the Fort Peck Indian Reservation and Rosebud Indian Reservation last week.

**Bureau of Land Management (BLM)**: BLM continues to work on remapping efforts and initial mapping work for a number of locations. BLM continues to work with the Program to resolve mapping discrepancies for tribal priority tracts for the Lummi Tribe of the Lummi Reservation. To date, BLM has completed 58 Public Land Survey System (PLSS) geodatabases, 67 initial maps, and 20 final maps, in addition to remapping efforts. BLM continues to experience challenges with the quality and timely delivery of Trust Asset and Accounting Management System (TAAMS) data. These difficulties may have a significant impact on the delivery of mapping deliverables.

**Office of Appraisal Services (OAS)**: OAS continues to conduct appraisal work, including traveling to inspect properties, meet with tribes, and gather sales data. OAS completed the CSKT appraisals on 51 tracts last week. OAS continues to work closely with the respective TRAs and the Confederated Tribes of the Umatilla Indian Reservation and Lummi Tribe of the Lummi Reservation on the tribes’ priority tract listings. OAS received the Quinault Indian Nation’s priority tract list. OAS is also working with the Lummi Tribe on mapping issues. OAS completed four appraisals for the Salt River Pima- Maricopa Indian Community of the Salt River Reservation and is working with the Program on the final list of additional appraisals. OAS requests that the Program approve timber work for Colville, so BIA Forestry can proceed with timber valuations. OAS delayed the appraisal completion for the Quinault Indian Reservation one month to 10/30/15.

**Department of Minerals Evaluation (DME)**: DME continues to conduct mineral evaluation work. DME worked closely with Program Office staff to address concerns from landowners with fractional interests at the Standing Rock Sioux Reservation and Cheyenne River Reservation. DME expects to complete the mineral review for the Quapaw Reservation in the upcoming weeks. DME has completed 13 total mineral evaluations this fiscal year.

**Office of Special Trustee (OST) Field Operations**: Outreach Specialists continue to support outreach efforts at the Fort Belknap Reservation of Montana, Fort Peck Indian Reservation, Cheyenne River Reservation, and Rosebud Indian Reservation. OST staff attended a Fort Belknap Indian Community post-offer outreach event in Havre, MT last week and assisted approximately 200 landowners with offer packages and questions. Outreach Specialists and OST staff plan to make phone calls to landowners who received an offer in the Rosebud Indian Reservation fourth offer set.

**V. Travel**

Travel may occur in the coming months to attend key outreach/collaboration opportunities, including the following:

June 15-19	Phoenix, AZ	BIA Superintendents Boot Camp
16	Ferndale, WA	Lummi Nation Pre-offer Outreach Event

20	Rapid City, SD	Oglala Sioux Tribe & Cheyenne River Sioux Tribe Post-offer Outreach Event
23-25	Baraboo, WI	BIA Midwest Region Partners in Action Conference
24-25	Poplar, MT	LBBP Kick-off Event for the Assinboine and Sioux Tribes of the Fort Peck Indian Reservation
26-27	Cloquet, MN	Fond du Lac Band of the Minnesota Chippewa Tribe Pre-offer Outreach Event
June 28- July 1	St. Paul, MN	NCAI 2015 Mid-year Conference and Marketplace
July 11	Crownpoint, NM	Navajo Nation Pre-offer Outreach Event
18	Winslow, AZ	Navajo Nation Pre-offer Outreach Event
25	Farmington, NM	Navajo Nation Pre-offer Outreach Event

## VI. Upcoming Locations

Over the next nine months, the Program expects to send offers to the following locations in chronological order:

• Salt River Reservation
• Flathead Reservation (of the Confederated Salish and Kootenai Tribes)
• Lummi Reservation
• Swinomish Indian Reservation
• Makah Indian Reservation
• Fort Hall Reservation
• Quinault Indian Reservation
• Navajo Reservation
• Fond du Lac Reservation
• Agua Caliente Indian Reservation
• Cabazon Indian Reservation
• Lower Brule Reservation
• Crow Creek Reservation
• Round Valley Reservation



**Table 1: Buy-Back Program Cumulative Sales through June 12, 2015**

Below are the cumulative results as of June 12, 2015. The locations in **blue** indicate offer sets that are open and active in the TAAMS (i.e., within the 90-day period).

**LBBTN Cumulative Sales through June 12, 2015**

Location (LAC)	Purchase Estimate	Offers Made		Offer Response							\$ Purchase Estimate Remaining
		Number of Individuals	\$ Amount	Returned	Return Rate	Accepted	Accepted Rate	\$ Amount Accepted	\$ Capture Rate	Equivalent Acres Purchased	
Pine Ridge (344) Due Date: 4/20/15 & 7/31/15	\$ 125,427,372	19,009	\$ 302,847,739	11,093	58%	10,780	57%	\$ 97,850,117	32%	269,349	\$ 27,577,255
Rosebud (345) Due Date: 5/16/15 & 7/31/15	\$ 60,773,152	12,391	\$ 89,113,968	4,835	39%	4,469	36%	\$ 19,313,701	22%	41,583	\$ 41,459,451
Makah (108)	\$ 2,524,111	666	\$ 1,779,281	315	47%	282	42%	\$ 975,150	55%	64	\$ 1,548,961
Fort Belknap (204) Due Date: 7/18/15	\$ 54,285,469	3,278	\$ 104,578,061	42	1%	27	1%	\$ 74,663	0%	215	\$ 54,210,806
Quapaw (920)	\$ 2,629,296	20	\$ 69,486	9	45%	9	45%	\$ 27,799	40%	2	\$ 2,601,497
Gila River (614)	\$ 60,276,434	1,850	\$ 77,680,366	989	53%	979	53%	\$ 51,456,006	66%	1,053	\$ 8,820,428
No. Cheyenne (207) Due Date: 5/21/15	\$ 12,682,196	2,425	\$ 31,224,006	1,426	59%	1,387	57%	\$ 9,843,989	32%	20,106	\$ 2,838,207
CSKT (203)	\$ 7,321,585	1,917	\$ 8,275,532	513	27%	474	25%	\$ 5,402,075	65%	4,197	\$ 1,919,510
Umatilla (143) Due Dates: 3/30/15, 4/13/15 & 6/12/15	\$ 12,113,252	2,124	\$ 22,884,922	1,303	61%	1,236	58%	\$ 9,539,104	42%	7,542	\$ 2,574,148
Crow (202/208) Due Date: 3/2/15 & 3/28/15	\$ 102,998,163	3,982	\$ 301,736,343	2,580	65%	2,560	64%	\$ 130,477,270	43%	244,484	\$ (27,479,107)
Sisseton (347)	\$ 21,090,308	2,807	\$ 63,551,701	1,379	49%	1,358	48%	\$ 31,622,761	50%	8,748	\$ (10,532,453)
Squaxin (121)	\$ 395,710	625	\$ 1,516,037	230	37%	208	33%	\$ 725,972	48%	155	\$ (330,262)
Coeur D'Alene (181) Due Date: 3/23/15 & 4/15/15	\$ 4,064,318	492	\$ 13,074,369	232	47%	225	46%	\$ 5,207,475	40%	2,578	\$ (1,143,157)
Salt River (615) Due Date: 4/9/15	\$ 17,391,229	1,215	\$ 20,841,394	515	42%	511	42%	\$ 13,938,723	67%	113	\$ 3,452,506
Cheyenne River (340) Due Date: 6/29/15	\$ 69,491,699	6,643	\$ 150,654,187	1,458	22%	572	9%	\$ 17,232,764	11%	54,297	\$ 52,258,935
Standing Rock (302) Due Date: 6/1/15	\$ 111,361,180	16,327	\$ 196,611,843	5,793	35%	4,971	30%	\$ 78,771,182	40%	139,202	\$ 32,589,998
Prairie Band Potawatomi (862) Due Date: 6/8/15	\$ 4,352,826	1,581	\$ 10,394,608	512	32%	397	25%	\$ 3,383,072	33%	2,168	\$ 969,754
Fort Peck (206) Due Date: 7/30/15	\$ 79,842,140	8,486	\$ 127,448,301	2	0%		0%		0%		\$ 79,842,140
<b>Grand Totals to Date</b>	<b>\$ 749,020,440</b>	<b>85,838</b>	<b>\$ 1,524,282,144</b>	<b>33,226</b>	<b>39%</b>	<b>30,445</b>	<b>35%</b>	<b>\$ 475,841,826</b>	<b>31%</b>	<b>795,857</b>	<b>\$ 273,178,614</b>

**LAND BUY-BACK PROGRAM FOR TRIBAL NATIONS  
WEEKLY REPORT FOR THE OVERSIGHT BOARD**

June 11, 2015

**I. Key Topics**

Program Progress: To date, the Program has expended **30%** (more than \$473 million) of the Fund available for purchasing fractional interests. The Program has expended **10%** of the \$285 million allocated for implementation costs. The Program is **25%** (two years and six months) through the ten-year Settlement timeframe. The Program has sent offers to landowners with interests at **33%** (13 of the 40) of the most fractionated locations.

	<b>Fund (\$1.555B) Balance</b>	<b>Implementation Costs (\$285M) Balance</b>	<b>Scholarship Transfer*</b>	<b>10-Year Timeframe</b>	<b>FY15 Goal (\$300M)</b>	<b>FY15 Timeframe</b>
% Expended	30%	10%	29%	25%	110%	70%
\$/Time Expended	\$473,020,618	\$27,744,083	\$17,395,828	2.5 years	\$331,126,256	253
Remaining	\$1,081,979,382	\$257,255,917	\$42,604,172	7.5 years	<b>FY15 Goal Met</b>	111

\*This figure measures the quarterly transfers to the American Indian Graduate Center.

Oversight Board Meeting: The Program Manager and Senior Advisor met with the Oversight Board on 6/11 to discuss the status of the Program. The main topic of discussion was the strategy for implementing the Program post 2017.

Buy-Back Program Partnering with the Office of Policy Analysis: The Program is working with the Office of Policy Analysis (PPA) to measure the Program’s economic impact on Indian Country. PPA provides cross-cutting analysis and coordination to support decision-making and policies across the Department. PPA is conducting a study to analyze the Program’s economic impact at the national, state, and local level. The Program plans to use the results of the study in the 2015 Status Report.

Income Generation Information Available: The Program through BIA and OAS is now able to generate a report that reflects the income posted to tribal Trust Fund Accounting System (TFAS) accounts for interests the Program has purchased. This amount reflects the income that tribes collect as a result of the Program transferring and consolidating land to tribal trust ownership. The Program is working on further developing a report that may estimate potential income that would be generated based on implementing the Program. This report would be a useful tool to engage tribes the prospect of land consolidation.

Offers sent to Landowners at the Fort Peck Indian Reservation: This week the Program sent more than \$127 million in purchase offers to more than 8,400 landowners with fractional interests at the Fort Peck Indian Reservation. Interested sellers will have 45 days to return accepted offers in the pre-paid postage envelopes provided.

Offer Response: Since the inception of the Program, landowners have **accepted** nearly **30,200 offers**. The total amount of sales is more than **\$473 million**, with more than **784,000 equivalent acres** purchased. See attached Table 1: Buy-Back Program Cumulative Sales through June 10, 2015 for sales details.

## II. Agreements with Tribes

The Program received draft cooperative agreement documents from the Shoshone-Bannock Tribes of the Fort Hall Reservation. The Program is reviewing a cooperative agreement application from the Fond du Lac Band of the Minnesota Chippewa Tribe this week. The Program is working on memorandums of agreement with the Crow Creek Sioux Tribe of the Crow Creek Reservation and the Lower Brule Sioux Tribe of the Lower Brule Reservation. The Program continues to work towards agreements at several locations where implementation is scheduled for later this year.

To date, the Program has entered into agreements or other arrangements with 20 tribes; memorandums of agreement with the Gila River Indian Community of the Gila River Indian Reservation, the Salt River Pima-Maricopa Indian Community of the Salt River Pima-Maricopa Reservation, and the Squaxin Island Tribe of the Squaxin Island Reservation. The Program has entered into 19 cooperative agreements (Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Cheyenne River Sioux Tribe, Coeur d'Alene Tribe, Confederated Salish and Kootenai Tribes of the Flathead Reservation [CSKT], Crow Tribe of Montana, Fort Belknap Indian Community of the Fort Belknap Reservation of Montana [two agreements], Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Oglala Sioux Tribe [two agreements], Prairie Band Potawatomi Nation, Sisseton Wahpeton Oyate of the Lake Traverse Reservation, Standing Rock Sioux Tribe of North & South Dakota [Standing Rock Sioux Tribe], Confederated Tribes of the Umatilla Indian Reservation, Swinomish Indian Tribal Community, Lummi Nation, Navajo Nation, The Osage Nation, and the Makah Indian Tribe of the Makah Indian Reservation).

## III. Outreach

General Outreach: The Program sent post-offer postcards to landowners with interests at the Cheyenne River Reservation last week. The Program issued a press release on 6/8 announcing the offers sent to landowners with interests at the Fort Belknap Reservation of Montana and the Fort Peck Indian Reservation. The press release also addressed the Program's updated policy to issue offers on tracts with improvements. The Program has also updated the frequently asked questions (FAQs) located on the website and posted the Listening Session presentation and transcript on the website. The Program continues to place advertisements with media sources and work with tribes to provide outreach materials as needed.

Trust Beneficiary Call Center (TBCC): To date, the TBCC has received 49,181 total Program inquiries, with 1,936 of those occurring last week. In addition, the TBCC has received 6,841 calls in FY2015 from individuals specifically calling to be categorized as willing sellers from multiple locations.

## IV. Updates from Partner Bureaus and Offices

**Bureau of Indian Affairs (BIA):** BIA continues to process and approve offers submitted by landowners with fractional interests at locations where the Program is active and appraisals remain valid. BIA mailed offers to landowners with interests at the Rosebud Indian Reservation included in the fourth offer set this week. BIA plans to complete printing and mailing offers to landowners with interests at the Fort Peck Indian Reservation this week. BIA also plans to begin printing and mailing offers to landowners with interests at the Pine Ridge Reservation included in the fifth offer set this week.

**Bureau of Land Management (BLM):** BLM continues to work on remapping efforts and initial mapping work for a number of locations. BLM is working with the Program to resolve mapping discrepancies for tribal priority tracts for the Lummi Tribe of the Lummi Reservation, CSKT, and Quinault Indian Nation. BLM completed a Public Land Survey System (PLSS) geodatabase and initial map for the Spokane Reservation. BLM also completed a final map for the Fort Hall Reservation. To date, BLM has completed 58 PLSS geodatabases, 67 initial maps, and 20 final maps, in addition to remapping efforts. BLM continues to

experience difficulties with TAAMS data and receiving timely responses for additional requested data. These difficulties are affecting BLM's ability to meet Program scheduling deadlines.

**Office of Appraisal Services (OAS):** OAS continues to conduct appraisal work, including traveling to inspect properties, meet with tribes, and gather sales data. OAS plans to complete its review of CSKT appraisal reports this week. OAS is working with the Confederated Tribes of the Umatilla Indian Reservation, Quinault Indian Nation, and the Lummi Tribe of the Lummi Reservation on their priority tract listings. OAS is also working with the Lummi Tribe on mapping issues. The Fond du Lac Band of the Minnesota Chippewa Tribe provided its priority tract list to OAS and the Program, and OAS is working with the Program to communicate with the tribe regarding which tracts it will appraise. OAS requests that the Program approve timber work for Colville, so BIA Forestry can proceed with timber valuations. OAS delayed the appraisal completion for the Swinomish Indian Reservation three months to 9/30/15 due to the addition of two tracts.

**Department of Minerals Evaluation (DME):** DME continues to conduct mineral evaluation work. DME completed mineral reviews for the Navajo Reservation (Alamo) on 6/4 and the Swinomish Indian Reservation on 6/5. DME has completed 13 total mineral evaluations this fiscal year.

**Office of Special Trustee (OST) Field Operations:** Outreach Specialists continue to support outreach efforts at the Fort Belknap Reservation of Montana, Fort Peck Indian Reservation, and the Cheyenne River Reservation. OST staff plan to attend a Fort Belknap Indian Community post-offer outreach event in Havre, MT this week, and local BIA staff also plan on attending.

## V. Travel

Travel may occur in the coming months to attend key outreach/collaboration opportunities, including the following:

June 15-19	Phoenix, AZ	BIA Superintendents Boot Camp
16	Ferndale, WA	Lummi Nation Pre-offer Outreach Event
20	Rapid City, SD	Oglala Sioux Tribe & Cheyenne River Sioux Tribe Post-offer Outreach Event
23-25	Baraboo, WI	BIA Midwest Region Partners in Action Conference
24	Poplar, MT	LBBP Kick-off Event for the Assinboine and Sioux Tribes of the Fort Peck Indian Reservation
26	Cloquet, MN	Fond du Lac Band of the Minnesota Chippewa Tribe Pre-offer Outreach Event
June 28- July 1	St. Paul, MN	NCAI 2015 Mid-year Conference and Marketplace
July 11	Crownpoint, NM	Navajo Nation Pre-offer Outreach Event
18	Winslow, AZ	Navajo Nation Pre-offer Outreach Event
25	Farmington, NM	Navajo Nation Pre-offer Outreach Event

## VI. Upcoming Locations

Over the next nine months, the Program expects to send offers to the following locations in chronological order:

• Pine Ridge Reservation (of the Oglala Sioux Tribe)
• Salt River Reservation
• Flathead Reservation (of the Confederated Salish and Kootenai Tribes)
• Osage Nation Reservation

• Lummi Reservation
• Quinault Indian Reservation
• Swinomish Indian Reservation
• Makah Indian Reservation
• Fort Hall Reservation
• Navajo Reservation
• Fond du Lac Reservation
• Agua Caliente Indian Reservation
• Cabazon Indian Reservation
• Lower Brule Reservation
• Crow Creek Reservation

**Table 1: Buy-Back Program Cumulative Sales through June 10, 2015**

Below are the cumulative results as of June 10, 2015. The locations in blue indicate offer sets that are open and active in the Trust Asset and Accounting Management System (TAAMS) (i.e., within the 90-day period).

**LBBTN Cumulative Sales through June 10, 2015**

Location (LAC)	Purchase Estimate	Offers Made		Offer Response							\$ Purchase Estimate Remaining
		Number of Individuals	\$ Amount	Returned	Return Rate	Accepted	Accepted Rate	\$ Amount Accepted	\$ Capture Rate	Equivalent Acres Purchased	
Pine Ridge (344) Due Date 4/20/15 & 7/31/15	\$ 125,427,372	19,009	\$ 302,847,739	11,093	58%	10,779	57%	\$ 97,849,908	32%	269,348	\$ 27,577,464
Rosebud (345) Due Date 5/16/15 & 7/31/15	\$ 60,773,152	12,389	\$ 89,110,560	4,829	39%	4,453	36%	\$ 19,287,988	22%	41,534	\$ 41,485,164
Makah (108)	\$ 2,524,111	666	\$ 1,779,281	315	47%	282	42%	\$ 975,150	55%	64	\$ 1,548,961
Fort Belknap (204) Due Date 7/18/15	\$ 54,285,469	3,274	\$ 104,578,061	31	1%	27	1%	\$ 74,663	0%	215	\$ 54,210,806
Quapaw (920)	\$ 2,629,296	20	\$ 69,486	9	45%	9	45%	\$ 27,799	40%	2	\$ 2,601,497
Gila River (614)	\$ 60,276,434	1,850	\$ 77,680,366	989	53%	979	53%	\$ 51,456,006	66%	1,053	\$ 8,820,428
No Cheyenne (207) Due Date 5/21/15	\$ 12,682,196	2,425	\$ 31,224,006	1,426	59%	1,387	57%	\$ 9,843,989	32%	20,106	\$ 2,838,207
CSKT (203)	\$ 7,321,585	1,917	\$ 8,275,532	513	27%	474	25%	\$ 5,402,075	65%	4,197	\$ 1,919,510
Umatilla (143) Due Dates 3/30/15, 4/13/15 & 6/12/15	\$ 12,113,252	2,124	\$ 22,884,922	1,302	61%	1,229	58%	\$ 9,504,621	42%	7,511	\$ 2,608,631
Crow (202/208) Due Date 3/2/15 & 3/28/15	\$ 102,998,163	3,982	\$ 301,736,343	2,579	65%	2,560	64%	\$ 130,477,270	43%	244,484	\$ (27,479,107)
Sisseton (347)	\$ 21,090,308	2,807	\$ 63,551,701	1,379	49%	1,358	48%	\$ 31,622,761	50%	8,748	\$ (10,532,453)
Squaxin (121)	\$ 395,710	625	\$ 1,516,037	230	37%	208	33%	\$ 725,972	48%	155	\$ (330,262)
Coeur D'Alene (181) Due Date 3/23/15 & 4/15/15	\$ 4,064,318	492	\$ 13,074,369	232	47%	225	46%	\$ 5,207,475	40%	2,578	\$ (1,143,157)
Salt River (615) Due Date 4/9/15	\$ 17,391,229	1,215	\$ 20,841,394	515	42%	511	42%	\$ 13,938,723	67%	113	\$ 3,452,506
Cheyenne River (340) Due Date 6/29/15	\$ 69,491,699	6,639	\$ 150,654,187	1,298	20%	465	7%	\$ 14,886,309	10%	43,600	\$ 54,605,390
Standing Rock (302) Due Date 6/1/15	\$ 111,361,180	16,321	\$ 196,591,652	5,678	35%	4,895	30%	\$ 78,356,835	40%	138,373	\$ 33,004,345
Prairie Band Potawatomi (862) Due Date 6/8/15	\$ 4,352,826	1,577	\$ 10,390,096	504	32%	397	25%	\$ 3,383,072	33%	2,168	\$ 969,754
Fort Peck (206) Due Date 7/30/15	\$ 79,842,140	8,480	\$ 127,440,794		0%		0%		0%		\$ 79,842,140
<b>Grand Totals to Date</b>	<b>\$ 749,020,440</b>	<b>85,812</b>	<b>\$ 1,524,246,526</b>	<b>32,922</b>	<b>38%</b>	<b>30,238</b>	<b>35%</b>	<b>\$ 473,020,618</b>	<b>31%</b>	<b>784,249</b>	<b>\$ 275,999,822</b>

**LAND BUY-BACK PROGRAM FOR TRIBAL NATIONS  
WEEKLY REPORT FOR THE OVERSIGHT BOARD**

June 4, 2015

**I. Key Topics**

Program Progress: To date, the Program has expended **30%** (more than \$459 million) of the Fund available for purchasing fractional interests. The Program has surpassed its fiscal year 2015 (FY15) target of \$300 million in fractional interest sales, purchasing more than \$317 million in FY15 to date. The Program has expended **10%** of the \$285 million allocated for implementation costs. The Program is **25%** (two years and six months) through the ten-year Settlement timeframe. The Program has sent offers to landowners with interests at **30%** (12 of the 40) of the most fractionated locations.

	<b>Fund (\$1.555B) Balance</b>	<b>Implementation Costs (\$285M) Balance</b>	<b>Scholarship Transfer*</b>	<b>10-Year Timeframe</b>	<b>FY15 Goal (\$300M)</b>	<b>FY15 Timeframe</b>
% Expended	30%	10%	29%	25%	101%	68%
\$/Time Expended	\$459,817,502	\$27,502,826	\$17,395,828	2.5 years	\$303,511,099	246
Remaining	\$1,095,182,498	\$257,497,174	\$42,604,172	7.5 years	<b>Goal Met</b>	118

\*This figure measures the quarterly transfers to the American Indian Graduate Center.

Offers sent to Landowners at the Fort Belknap Reservation of Montana: This week the Program sent more than \$101 million in purchase offers to more than 3,200 landowners with fractional interests at the Fort Belknap Reservation of Montana. Interested sellers will have 45 days to return accepted offers in the pre-paid postage envelopes provided. There are an additional 233 owners that could get offers, but their whereabouts are currently unknown; if these individuals are located, more than \$2.8 million more in offers could be extended.

Program entered into a Cooperative Agreement with Makah Indian Tribe: The Makah Indian Tribe of the Makah Indian Reservation signed a cooperative agreement with the Program last week. The Program previously had a working arrangement with the Makah Indian Tribe. Each agreement between the Program and individual tribes is unique in time, scope and responsibilities based on the expressed interests of the tribe.

Program Meeting with the Shoshone-Bannock Tribes of the Fort Hall Reservation: Morgan Rodman, Senior Advisor for Tribal Relations, and Office of Appraisal Services (OAS) representatives are meeting with the Shoshone-Bannock Tribes of the Fort Hall Reservation this week. They will share appraisal information, establish timelines for Program implementation, and discuss the cooperative agreement application process. Morgan Rodman will also meet with local Office of the Special Trustee for American Indians (OSTI) and Bureau of Indian Affairs (BIA) staff.

Oversight Board Meeting: The Program Manager will be meeting with the Oversight Board on 6/11 to discuss the status of the Program. The main topic of discussion will be the strategy for implementing the Program post 2017.

Offer Response: Since the inception of the Program, landowners have **accepted** more than **29,400 offers**. The total amount of sales is more than **\$459 million**, with more than **750,000 equivalent acres** purchased. See attached Table 1: Buy-Back Program Cumulative Sales through June 3, 2015 for sales details.

Program Risk Management Update: The Buy-Back Program recently conducted a risk workshop with leadership (Program Manager, Deputy Program Manager, and Senior Advisor for Performance, Evaluation, and Improvement). Following the risk workshop, the Program held smaller group meetings with individual offices and key stakeholders, including representatives from the BIA Acquisitions team, OAS, Buy-Back Program staff (Tribal Relations Advisors, Cooperative Agreement Specialist), and OST.

After conducting the meetings, the Program completed the Department's Integrated Risk Rating Tool (IRRT). The Program considered risks in the following areas: program specific, human capital, information technology (IT) and records management, finance, business process efficiency, compliance, valuation, budget, and acquisition/financial assistance. For each category, the management team identified key risk events and assessed how likely it was that the event would occur within the Program and how strongly the event would impact the Buy-Back Program. Based on the IRRT results, program specific and human capital were the highest risk areas. IT and records management, finance, business process efficiency, and compliance were also identified as potentially high-risk areas. The Program is currently identifying and prioritizing next steps for risk management based on the IRRT results.

## **II. Agreements with Tribes**

The Program received draft cooperative agreement applications from the Quinault Indian Nation and Fond du Lac Band of the Minnesota Chippewa Tribe. The Program also is working on a memorandum of agreement with Crow Creek Sioux Tribe of the Crow Creek Reservation. The Program continues to work towards agreements at several locations where implementation is scheduled for later this year.

To date, the Program has entered into agreements or other arrangements with 20 tribes; memorandums of agreement with the Gila River Indian Community of the Gila River Indian Reservation, the Salt River Pima-Maricopa Indian Community of the Salt River Pima-Maricopa Reservation, and the Squaxin Island Tribe of the Squaxin Island Reservation. The Program has entered into 19 cooperative agreements (Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Cheyenne River Sioux Tribe, Coeur d'Alene Tribe, Confederated Salish and Kootenai Tribes of the Flathead Reservation [CSKT], Crow Tribe of Montana, Fort Belknap Indian Community of the Fort Belknap Reservation of Montana [two agreements], Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Oglala Sioux Tribe [two agreements], Prairie Band Potawatomi Nation, Sisseton Wahpeton Oyate of the Lake Traverse Reservation, Standing Rock Sioux Tribe of North & South Dakota [Standing Rock Sioux Tribe], Confederated Tribes of the Umatilla Indian Reservation, Swinomish Indian Tribal Community, Lummi Nation, Navajo Nation, The Osage Nation, and the Makah Indian Tribe of the Makah Indian Reservation).

## **III. Outreach**

General Outreach: The Program issued a press release announcing the cooperative agreement with The Osage Nation last week. The Program plans to send post-offer postcards to landowners with interests at the Cheyenne River Reservation next week. The Program has updated the envelope image on postcards to better reflect the current offer package envelopes. The Program is also working with Good Health TV to place Buy-Back Program advertisements in health centers on reservations. The Program continues to place advertisements with media sources and work with tribes to provide outreach materials as needed.

Trust Beneficiary Call Center (TBCC): To date, the TBCC has received 47,245 total Program inquiries, with 2,075 of those occurring last week. In addition, the TBCC has received 6,605 calls in FY2015 from individuals specifically calling to be categorized as willing sellers from multiple locations.



#### IV. Updates from Partner Bureaus and Offices

**Bureau of Indian Affairs:** BIA continues to process and approve offers submitted by landowners with fractional interests at locations where the Program is active and appraisals remain valid. BIA plans to deploy the Trust Asset and Accounting Management System (TAAMS) enhancements this week. BIA plans to complete mailing offers to landowners with interests at the Fort Belknap Reservation of Montana included in the second offer set this week. BIA also plans to start printing and mailing offers to landowners with interests at the Fort Peck Indian Reservation this week. BIA's printing contractor continues to experience challenges.

**Bureau of Land Management (BLM):** BLM continues to work on remapping efforts and initial mapping work for a number of locations. BLM is discussing anticipated staff retirements in upcoming months with the Program. BLM completed Public Land Survey System (PLSS) geodatabases and initial maps for Sac and Fox Nation and the Tohono O'odham Nation of Arizona. To date, BLM has completed 57 PLSS geodatabases, 66 initial maps, and 19 final maps, in addition to remapping efforts.

**Office of Appraisal Services:** OAS continues to conduct appraisal work, including traveling to inspect properties, meet with tribes, and gather sales data. OAS, Program representatives, and BIA Forestry met with the Confederated Tribes of the Umatilla Reservation on 5/29 to discuss timber valuations. OAS staff continues to collect sales data for the Colville Reservation appraisals. OAS is meeting with Shoshone-Bannock Tribes of the Fort Hall Reservation this week. OAS delayed the appraisal completion for Round Valley one month, to 1/30/16, due to BIA Forestry scheduling.

**Department of Minerals Evaluation (DME):** DME continues to conduct mineral evaluation work. Last week, DME uploaded tract values for the Swinomish Indian Reservation per the Office of Appraisal Services Information System (OASIS) request. DME reviewed maps for Sac and Fox Nation and the Tohono O'odham Nation of Arizona. DME also reviewed the tribal priority list changes for the Swinomish Indian Reservation last week. DME plans to complete mineral reviews in the coming weeks for the Swinomish Indian Reservation and Navajo Reservation (Alamo). DME has completed 11 total mineral evaluations this fiscal year.

**Office of Special Trustee Field Operations:** Outreach Specialists continue to support outreach efforts at the Fort Belknap Reservation of Montana, Fort Peck Indian Reservation, Northern Cheyenne Indian Reservation, Prairie Band Potawatomi Reservation, and Standing Rock Sioux Reservation. Outreach Specialists attended the joint outreach event with the Standing Rock Sioux Tribe and Cheyenne River Sioux Tribe from 5/27-5/28 at the Grand River Casino in Mobridge, SD. Tammy Valdez, Outreach Specialist, is participating in outreach activities this week at the Cheyenne River Reservation. Tesha Hawley, Outreach Specialist, is assisting with outreach efforts at the Fort Peck Indian Reservation and the Fort Belknap Reservation of Montana. Zan Spurlock, Outreach Specialist, is attending a post-offer outreach event at the Prairie Band Potawatomi Casino and Hotel in Wabeno, WI from 6/4-6/5.

#### V. Travel

Travel may occur in the coming months to attend key outreach/collaboration opportunities, including the following:

June 4-6	Wabeno, WI	Prairie Band Potawatomi Nation Post-offer Outreach Event
9	Winnebago, NE	Winnebago Tribal Council Meeting
15-19	Phoenix, AZ	BIA Superintendents Boot Camp
16	Ferndale, WA	Lummi Nation Pre-offer Outreach Event
20	Rapid City, SD	Oglala Sioux Tribe & Cheyenne River Sioux Tribe Post-offer Outreach Event

23-25	Baraboo, WI	BIA Midwest Region Partners in Action Conference
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**VI. Upcoming Locations**

Over the next nine months, the Program expects to send offers to the following locations in chronological order:

• Fort Peck Reservation (of the Assiniboine and Sioux Tribes)
• Pine Ridge Reservation (of the Oglala Sioux Tribe)
• Rosebud Indian Reservation
• Flathead Reservation (of the Confederated Salish and Kootenai Tribes)
• Swinomish Indian Reservation
• Salt River Reservation
• Osage Nation Reservation
• Lummi Reservation
• Quinault Indian Reservation
• Makah Indian Reservation
• Fort Hall Reservation
• Navajo Reservation
• Fond du Lac Reservation
• Agua Caliente Indian Reservation
• Cabazon Indian Reservation
• Lower Brule Reservation
• Crow Creek Reservation

**Table 1: Buy-Back Program Cumulative Sales through June 3, 2015**

Below are the cumulative results as of June 3, 2015. The locations in **blue** indicate offer sets that are open and active in TAAMS (i.e., within the 90-day period).

**LBBTN Cumulative Sales through June 3, 2015**

Location (LAC)	Purchase Estimate	Offers Made		Offer Response							\$ Purchase Estimate Remaining
		Number of Individuals	\$ Amount	Returned	Return Rate	Accepted	Accepted Rate	\$ Amount Accepted	\$ Capture Rate	Equivalent Acres Purchased	
Pine Ridge (344) Due Date: 4/20/15	\$ 125,427,372	18,439	\$ 302,847,739	11,084	60%	10,779	58%	\$ 97,849,908	32%	269,348	\$ 27,577,464
Rosebud (345) Due Date: 5/16/15	\$ 60,773,152	12,242	\$ 81,046,302	4,707	38%	4,391	36%	\$ 19,162,736	24%	41,283	\$ 41,610,416
Makah (108)	\$ 2,524,111	666	\$ 1,779,281	315	47%	282	42%	\$ 975,150	55%	64	\$ 1,548,961
Fort Belknap (204) Due Date: 7/18/15	\$ 54,285,469	3,265	\$ 104,578,061	25	1%	25	1%	\$ 24,413	0%	66	\$ 54,261,056
Quapaw (920)	\$ 2,629,296	20	\$ 69,486	9	45%	9	45%	\$ 27,799	40%	2	\$ 2,601,497
Gila River (614)	\$ 60,276,434	1,850	\$ 77,680,366	989	53%	979	53%	\$ 51,456,006	66%	1,053	\$ 8,820,428
No Cheyenne (207) Due Date: 5/21/15	\$ 12,682,196	2,425	\$ 31,224,006	1,425	59%	1,387	57%	\$ 9,843,989	32%	20,106	\$ 2,838,207
CSKT (203)	\$ 7,321,585	1,917	\$ 8,275,532	513	27%	474	25%	\$ 5,402,075	65%	4,197	\$ 1,919,510
Umatilla (143) Due Dates: 3/30/15, 4/13/15 & 6/12/15	\$ 12,113,252	2,124	\$ 22,884,831	1,288	61%	1,220	57%	\$ 9,402,955	41%	7,459	\$ 2,710,297
Crow (202/208) Due Date: 3/2/15 & 3/28/15	\$ 102,998,163	3,982	\$ 301,736,343	2,578	65%	2,560	64%	\$ 130,477,270	43%	244,484	\$ (27,479,107)
Sisseton (347)	\$ 21,090,308	2,807	\$ 63,551,701	1,379	49%	1,358	48%	\$ 31,622,761	50%	8,748	\$ (10,532,453)
Squaxin (121)	\$ 395,710	625	\$ 1,516,037	230	37%	208	33%	\$ 725,972	48%	155	\$ (330,262)
Coeur D'Alene (181) Due Date: 3/23/15 & 4/15/15	\$ 4,064,318	492	\$ 13,074,369	232	47%	225	46%	\$ 5,207,475	40%	2,578	\$ (1,143,157)
Salt River (615) Due Date: 4/9/15	\$ 17,391,229	1,215	\$ 20,841,394	515	42%	511	42%	\$ 13,938,723	67%	113	\$ 3,452,506
Cheyenne River (340) Due Date: 6/29/15	\$ 69,491,699	6,618	\$ 150,213,253	301	5%	209	3%	\$ 8,686,886	6%	23,651	\$ 60,804,813
Standing Rock (302) Due Date: 6/1/15	\$ 111,361,180	16,305	\$ 196,546,649	4,867	30%	4,468	27%	\$ 72,025,371	37%	125,156	\$ 39,335,809
Prairie Band Potawatomi (862) Due Date: 6/8/15	\$ 4,352,826	1,574	\$ 10,385,275	408	26%	369	23%	\$ 2,988,009	29%	1,934	\$ 1,364,817
Fort Peck (206) Due Date: 7/30/15	\$ 79,842,140	8,480	\$ 127,440,794		0%		0%		0%		\$ 79,842,140
<b>Grand Totals to Date</b>	<b>\$ 749,020,440</b>	<b>85,046</b>	<b>\$ 1,515,691,419</b>	<b>30,865</b>	<b>36%</b>	<b>29,454</b>	<b>35%</b>	<b>\$ 459,817,502</b>	<b>30%</b>	<b>750,398</b>	<b>\$ 289,202,938</b>

**LAND BUY-BACK PROGRAM FOR TRIBAL NATIONS  
WEEKLY REPORT FOR THE OVERSIGHT BOARD**

May 28, 2015

**I. Key Topics**

Program Progress: To date, the Program has expended **28%** (nearly \$438 million) of the Fund available for purchasing fractional interests. The Program has expended **10%** of the \$285 million allocated for implementation costs. The Program is **25%** (two years and six months) through the ten-year Settlement timeframe. The Program has sent offers to landowners with interests at **30%** (12 of the 40) of the most fractionated locations.

	<b>Fund (\$1.555B) Balance</b>	<b>Implementation Costs (\$285M) Balance</b>	<b>Scholarship Transfer*</b>	<b>10-Year Timeframe</b>	<b>FY15 Goal (\$300M)</b>	<b>FY15 Timeframe</b>
% Expended	28%	10%	29%	25%	94%	66%
\$/Time Expended	\$437,178,672	\$27,417,821	\$17,395,828	2.5 years	\$295,284,310	239
Remaining	\$1,117,821,328	\$257,582,179	\$42,604,172	7.5 years	\$4,715,690	125

\*This figure measures the quarterly transfers to the American Indian Graduate Center.

Cooperative Agreement Reached with Osage Nation: The Program has signed a cooperative agreement with the Osage Nation to implement the Program. To date, the Program has entered into cooperative or other agreements with 20 sovereign tribal nations. Each agreement between the Program and individual tribes is unique in time, scope and responsibilities based on the expressed interests of the tribe.

Program Meeting with the Chairman of the Makah Indian Tribe: On 5/28, Katy Grounds, Senior Advisor for Tribal Relations, is meeting with the Makah Indian Tribe Chairman and point of contact regarding the tribe's cooperative agreement application.

Program Meeting with Lummi Tribe Staff: On 5/29 Katy Grounds, Senior Advisor for Tribal Relations, will meet with Lummi Tribe of the Lummi Reservation staff in Bellingham, WA.

Offer Response: Since the inception of the Program, landowners have **accepted** more than **28,200 offers**. The total number of sales is nearly **\$438 million**, with more than **703,900 equivalent acres** purchased. See attached Table 1: Buy-Back Program Cumulative Sales through May 27, 2015 for sales details.

**II. Agreements with Tribes**

The Program sent a cooperative agreement award to the Makah Indian Tribe of the Makah Indian Reservation last week. The Program received draft cooperative agreement applications from the Quinault Indian Nation and Fond du Lac Band of the Minnesota Chippewa Tribe. The Program also is working on a memorandum of agreement with Crow Creek Sioux Tribe of the Crow Creek Reservation. The Program continues to work towards agreements at several locations where implementation is scheduled for later this year.

To date, the Program has entered into agreements or other arrangements with 20 tribes; memorandums of agreement with the Gila River Indian Community of the Gila River Indian Reservation, the Salt River Pima-Maricopa Indian Community of the Salt River Pima-Maricopa Reservation, and the Squaxin Island Tribe of the Squaxin Island Reservation; a working arrangement that has enabled the Program to be implemented on the Makah Indian Reservation. The Program has entered into 18 cooperative agreements (Assiniboine and

Sioux Tribes of the Fort Peck Indian Reservation, Cheyenne River Sioux Tribe, Coeur d'Alene Tribe, Confederated Salish and Kootenai Tribes of the Flathead Reservation [CSKT], Crow Tribe of Montana, Fort Belknap Indian Community of the Fort Belknap Reservation of Montana [two agreements], Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Oglala Sioux Tribe [two agreements], Prairie Band Potawatomi Nation, Sisseton Wahpeton Oyate of the Lake Traverse Reservation, Standing Rock Sioux Tribe of North & South Dakota [Standing Rock Sioux Tribe], Confederated Tribes of the Umatilla Indian Reservation, Swinomish Indian Tribal Community, Lummi Nation, Navajo Nation, and Osage Nation).

### III. Outreach

General Outreach: The Program sent post-offer postcards to landowners with interests at the Standing Rock Sioux Reservation on 5/20. The Program also sent additional postcards to landowners in North Dakota and South Dakota with interests at the Standing Rock Sioux Reservation and/or interests at the Cheyenne River Reservation; the postcards contained details about the joint outreach event in Mobridge, SD on 5/27-5/28. The Program plans to issue a press release announcing the cooperative agreement with The Osage Nation this week. The Program continues to place advertisements with media sources and work with tribes to provide outreach materials as needed.

Trust Beneficiary Call Center (TBCC): To date, the TBCC has received 45,170 total Program inquiries, with 1,966 of those occurring last week. In addition, the TBCC has received 6,410 calls in fiscal year 2015 from individuals specifically calling to be categorized as willing sellers from multiple locations.

### IV. Updates from Partner Bureaus and Offices

**Bureau of Indian Affairs (BIA):** BIA continues to process and approve offers submitted by landowners with fractional interests at locations where the Program is active and appraisals remain valid. BIA plans to print and mail offers to landowners with interests at the Fort Belknap Reservation of Montana included in the second offer set this week subject to contractor printing challenges.

**Bureau of Land Management (BLM):** BLM continues to work on remapping efforts and initial mapping work for a number of locations. BLM is discussing ways to improve the content and delivery of mapping trainings with the Program. BLM completed Public Land Survey System (PLSS) geodatabases and initial maps for Bois Forte Reservation and the Pawnee Nation of Oklahoma. To date, BLM has completed 55 PLSS geodatabases, 64 initial maps, and 19 final maps in addition to remapping efforts.

**Office of Appraisal Services (OAS):** OAS continues to conduct appraisal work, including traveling to inspect properties, meet with tribes, and gather sales data. OAS is beginning to collect sales data for the Fort Hall Reservation appraisals. OAS staff appraisers have started preliminary market research for the Fond du Lac Reservation, and OAS has requested the priority tract list from the Program. Last week, the Cabazon Band of Mission Indians provided their priority tract list of four tracts to OAS, two of which are mappable.

**Department of Minerals Evaluation (DME):** DME continues to conduct mineral evaluation work. DME is reviewing the schedule scenarios provided by OAS for remaining reservations. Last week, DME uploaded tract values for the Flathead Reservation per the Office of Appraisal Services Information System (OASIS) request. DME plans to complete the mineral review in the coming weeks for the Swinomish Indian Reservation and Navajo Reservation (Alamo). DME has completed 11 total mineral evaluations this fiscal year.

**Office of Special Trustee (OST) Field Operations:** Outreach Specialists continue to support outreach efforts at the Fort Belknap Reservation of Montana, Fort Peck Indian Reservation, Northern Cheyenne Indian Reservation, Prairie Band Potawatomi Reservation, and Standing Rock Sioux Reservation. Outreach Specialists assisted the Standing Rock Sioux Tribe and Cheyenne River Sioux Tribe in planning a joint

outreach event for 5/27-5/28 at the Grand River Casino in Mobridge, SD; Outreach Specialists are attending the event this week. Additionally, Horton Agency staff is attending a Prairie Band Potawatomi Nation outreach event at the Elder Center in Mayetta, KS this week. Last week, Tescha Hawley, Outreach Specialist, trained notaries near the Fort Belknap Reservation of Montana.

**V. Travel**

Travel may occur in the coming months to attend key outreach/collaboration opportunities, including the following:

May 29	Bellingham, WA	Meeting with Lummi Tribe staff
29	Sacramento, CA	Pacific Regional Office - BIA
June 1-2	Lapwai, ID	Umatilla Post-offer Outreach Event
9	Winnebago, NE	Winnebago Tribal Council
15-19	Phoenix, AZ	BIA Superintendents Boot Camp
16	Ferndale, WA	Lummi Nation Pre-offer Outreach Event
23-25	Baraboo, WI	BIA Midwest Region Partners in Action Conference

**VI. Upcoming Locations**

Over the next nine months, the Program expects to send offers to the following locations in chronological order:

• Fort Belknap Reservation of Montana
• Fort Peck Reservation (of the Assiniboine and Sioux Tribes)
• Pine Ridge Reservation (of the Oglala Sioux Tribe)
• Rosebud Indian Reservation
• Flathead Reservation (of the Confederated Salish and Kootenai Tribes)
• Swinomish Indian Reservation
• Salt River Reservation
• Osage Nation Reservation
• Lummi Reservation
• Quinault Indian Reservation
• Makah Indian Reservation
• Fort Hall Reservation
• Navajo Reservation
• Fond du Lac Reservation
• Agua Caliente Indian Reservation
• Cabazon Indian Reservation
• Round Valley Reservation

**Table 1: Buy-Back Program Cumulative Sales through May 27, 2015**

Below are the cumulative results as of May 27, 2015. The locations in **blue** indicate offer sets that are open and active in the Trust Asset and Accounting Management System (TAAMS) (i.e., within the 90-day period).

**LBBTN Cumulative Sales through May 27, 2015**

Location (LAC)	Purchase Estimate	Offers Made		Offer Response							\$ Purchase Estimate Remaining
		Number of Individuals	\$ Amount	Returned	Return Rate	Accepted	Accepted Rate	\$ Amount Accepted	\$ Capture Rate	Equivalent Acres Purchased	
Pine Ridge (344) Due Date: 4/20/15	\$ 125,427,372	18,439	\$ 302,847,739	11,081	60%	10,772	58%	\$ 97,832,264	32%	269,316	\$ 27,595,108
Rosebud (345) Due Date: 5/16/15	\$ 60,773,152	12,242	\$ 81,046,302	4,642	38%	4,316	35%	\$ 18,820,819	23%	40,737	\$ 41,952,333
Makah (108)	\$ 2,524,111	666	\$ 1,779,281	315	47%	282	42%	\$ 975,150	55%	64	\$ 1,548,961
Fort Belknap (204) Due Date: 7/18/15	\$ 54,285,469	3,265	\$ 104,578,061	25	1%	25	1%	\$ 24,413	0%	66	\$ 54,261,056
Quapaw (920)	\$ 2,629,296	20	\$ 69,486	9	45%	9	45%	\$ 27,799	40%	2	\$ 2,601,497
Gila River (614)	\$ 60,276,434	1,836	\$ 77,680,366	989	54%	979	53%	\$ 51,456,006	66%	1,053	\$ 8,820,428
No Cheyenne (207) Due Date: 3/7/15 & 3/28/15	\$ 12,682,196	2,425	\$ 31,224,006	1,422	59%	1,386	57%	\$ 9,827,009	31%	20,073	\$ 2,855,187
CSKT (203)	\$ 7,321,585	1,902	\$ 8,275,532	513	27%	474	25%	\$ 5,402,075	65%	4,197	\$ 1,919,510
Umatilla (143) Due Dates: 3/15/15, 3/30/15 & 4/13/15	\$ 12,113,252	2,124	\$ 22,884,831	1,269	60%	1,199	56%	\$ 9,191,183	40%	7,340	\$ 2,922,069
Crow (202/208) Due Date: 3/2/15 & 3/28/15	\$ 102,998,163	3,982	\$ 301,736,343	2,578	65%	2,560	64%	\$ 130,477,270	43%	244,484	\$ (27,479,107)
Sisseton (347)	\$ 21,090,308	2,793	\$ 63,551,701	1,379	49%	1,358	49%	\$ 31,622,761	50%	8,748	\$ (10,532,453)
Squaxin (121)	\$ 395,710	622	\$ 1,484,676	230	37%	208	33%	\$ 725,972	49%	155	\$ (330,262)
Coeur D'Alene (181) Due Date: 3/23/15 & 4/15/15	\$ 4,064,318	492	\$ 13,074,369	232	47%	225	46%	\$ 5,207,475	40%	2,578	\$ (1,143,157)
Salt River (615) Due Date: 4/9/15	\$ 17,391,229	1,215	\$ 20,841,394	515	42%	511	42%	\$ 13,938,723	67%	113	\$ 3,452,506
Cheyenne River (340) Due Date: 5/21/15 & 6/29/15	\$ 69,491,699	6,602	\$ 150,127,048	69	1%	56	1%	\$ 4,432,653	3%	7,540	\$ 65,059,046
Standing Rock (302) Due Date: 6/1/15	\$ 111,361,180	16,297	\$ 196,528,658	4,427	27%	3,541	22%	\$ 54,715,544	28%	95,840	\$ 56,645,636
Prairie Band Potawatomi (862) Due Date: 6/8/15	\$ 4,352,826	1,570	\$ 10,376,750	379	24%	305	19%	\$ 2,501,553	24%	1,616	\$ 1,851,273
<b>Grand Totals to Date</b>	<b>\$ 669,178,300</b>	<b>76,492</b>	<b>\$ 1,388,106,543</b>	<b>30,074</b>	<b>39%</b>	<b>28,206</b>	<b>37%</b>	<b>\$ 437,178,672</b>	<b>31%</b>	<b>703,924</b>	<b>\$ 231,999,628</b>



L A N D

B u y - B a c k P r o g r a m

f o r



T R I B A L N A T I O N S

Tribal-Interior Budget Council (TIBC)

May 21, 2015



[www.doi.gov/buybackprogram](http://www.doi.gov/buybackprogram)



# Table of Contents

**Background, Priorities, and Phases**

**Accomplishments**

**Next Steps**

# What is the Buy-Back Program?

Created to implement the **land consolidation** component of the **Cobell Settlement Agreement**.

The Settlement provided a **\$1.9 billion fund** to purchase:

- fractionated interests
- in trust or restricted land
- at fair market value
- from willing sellers
- within a 10-year period

Keeps land in trust - purchased interests are immediately held in trust for the recognized tribe that exercises jurisdiction over the land.



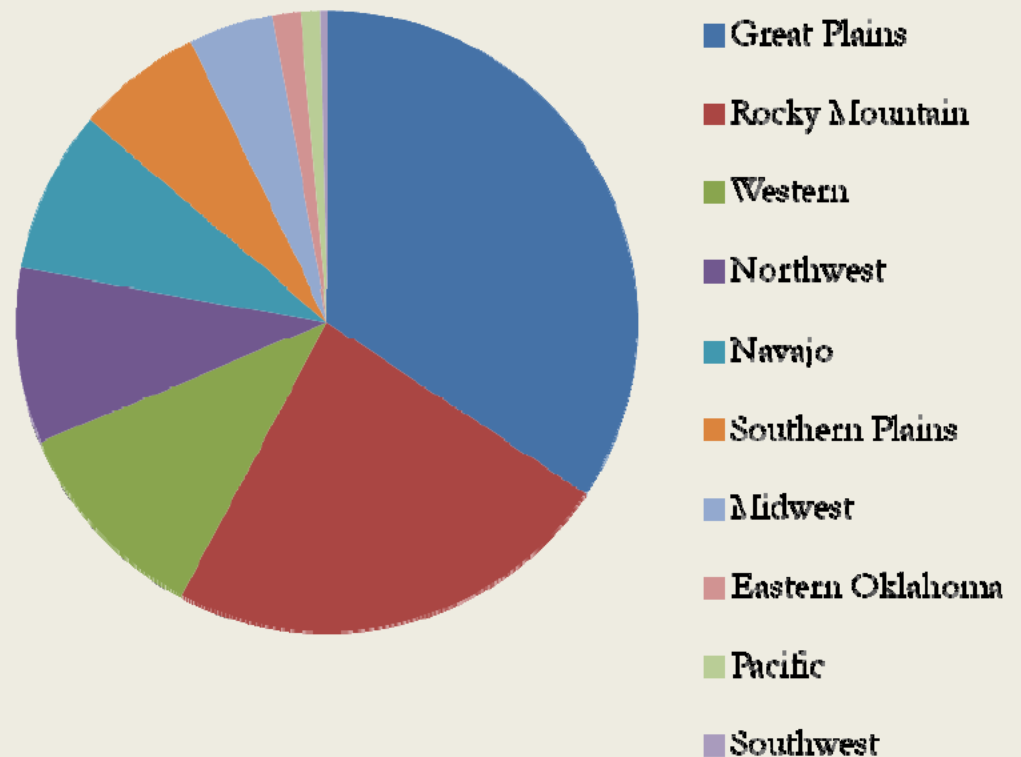
President Barack Obama with the late American Indian Activist Elouise Cobell

# What lands are involved in the Program?

- Interior holds in trust more than **56 million acres** for tribes and individual American Indians.
- This land is held in more than 200,000 tracts, of which **about 93,500** contain fractional ownership, involving approximately **150 reservations**.
- Approximately **243,000 unique owners** spread across the U.S.
- Approximately **90%** of the fractionated lands available to purchase are in **40** of the 150 locations.

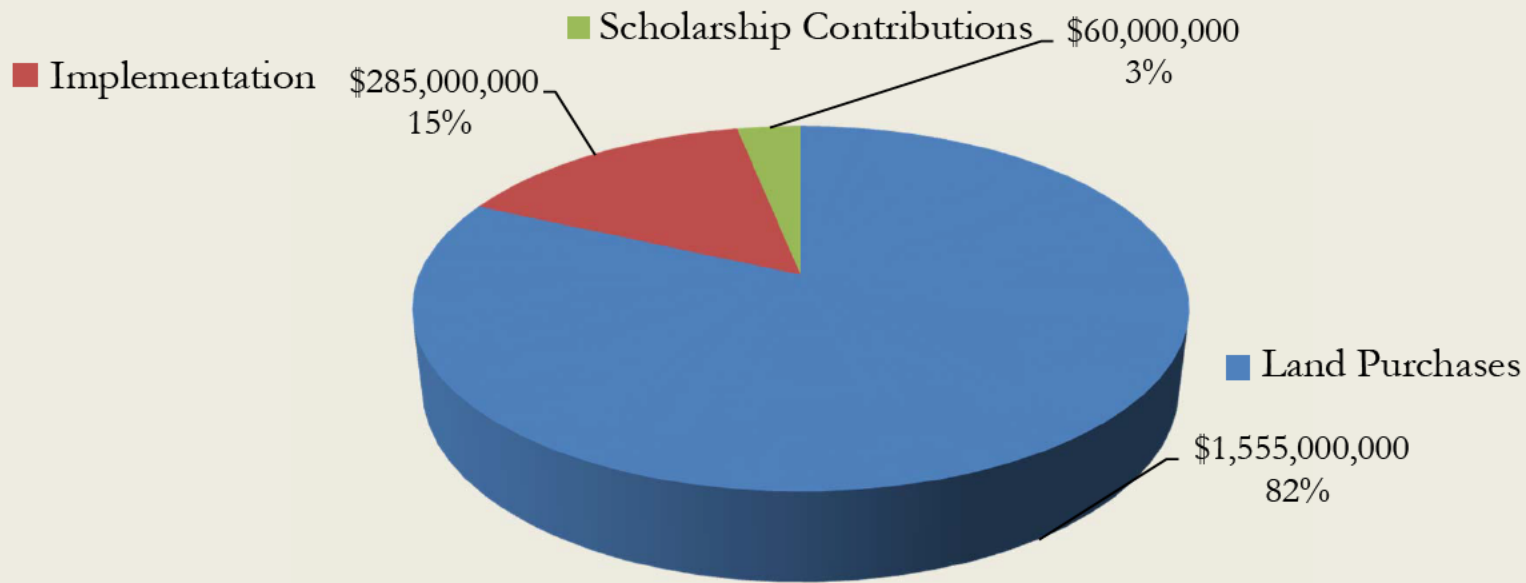
## Fractional Interests by Region

Total: 2,971,612



# What are the components of Trust Land Consolidation Fund?

Acquiring Fractional Interests (min. available for payment to owners)	\$1,555,000,000
Implementation/Administrative Costs (capped at 15 percent)	285,000,000
Scholarship Fund (max. available, keyed to interests sold)	<u>60,000,000</u>
Total	\$1,900,000,000



## What are the Program Priorities?

1. **Individuals.** Promoting landowner awareness and education to facilitate informed landowner decision making. Maximizing landowner opportunities to participate.
2. **Tribes.** Strengthening partnerships and respecting and upholding tribal sovereignty. Tailoring the effort to each location based on tribal involvement and priorities.
3. **Timely Use of the Fund.** Expending Trust Land Consolidation Fund by purchasing interests from landowners to reduce fractionation and expand tribal ownership. Remain flexible and open to constant learning and improvement.

# What are the major phases of the Program?

1. **Outreach** to inform landowners about the Buy-Back Program; answer questions; find willing sellers; and collaborate with tribes via cooperative agreements to implement culturally-specific approaches.
2. **Land Research** to collect data necessary to establish fair market value for fractionated tracts that might be acquired.
3. **Land Valuation** to determine the fair market value of tracts where Interior will offer to buy fractional interests.
4. **Land Acquisition** to purchase interests in fractionated tracts valued in the land valuation phase that individuals would like to voluntarily sell.

# Accomplishments

## Agreements w/ Tribes

- Entered into agreements or other arrangements with 19 tribes

## Shared information with tribes and landowners

- Expanded Call Center to answer questions, update addresses, and log “interested sellers”
- Launched website ([www.doi.gov/buybackprogram](http://www.doi.gov/buybackprogram)) and public service announcements
- Generated more than 230 million impressions across TV, radio, print and digital platforms thus far
- Updated System of Records Notices (SORNs) to facilitate information sharing with tribes

# Accomplishments

## **Consolidated land**

- More than \$410 million in land sales (payments to individuals)
- Consolidated about 665,000 acres of fractionated land at 17 locations
- Achieved an average acceptance rate of approximately 40%
- Exceed purchase goals within 45 days at 4 locations
- 4,052 tracts have reached at least 50% tribal ownership

## **Managed Implementation Costs**

- Expended 9.5% of the \$285 million authorized for implementation costs

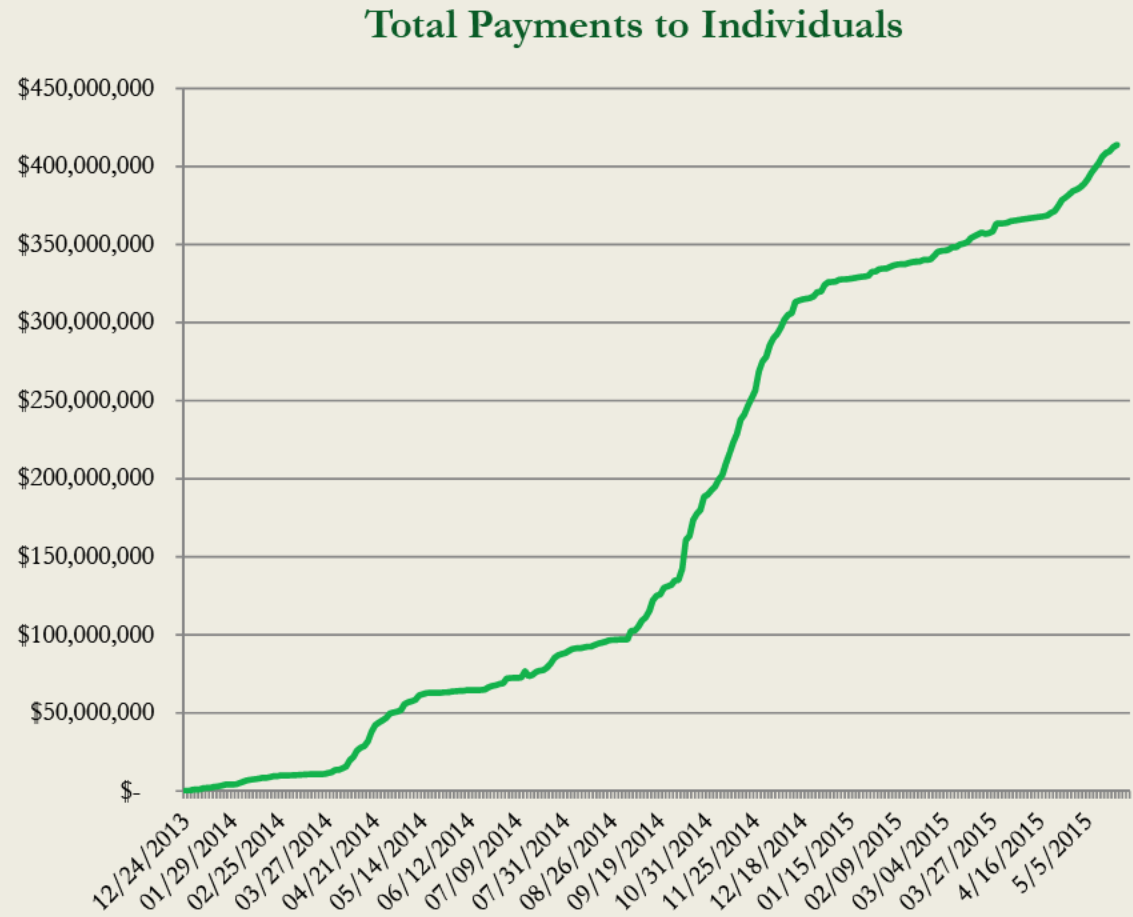
## **Contributed to Scholarship Fund**

- Transferred \$17 million thus far



# Accomplishments - Sales to Date (as of May 15, 2015)

	Total to Date
Individuals receiving offers <sup>1</sup>	73,269
Offers received (rate) <sup>2</sup>	28,959 (40%)
Offers accepted (rate) <sup>3</sup>	26,733 (36%)
Amount purchased (cumulative)	665,162 equivalent acres
Total value of offers mailed	\$1,283,308,118
\$ Amount of offers accepted	\$414,875,295



<sup>1</sup>This total sums the number of individuals receiving offers at the 17 locations. Therefore, individuals receiving offers for two or more locations are counted two or more times in this figure.

<sup>2</sup>This rate is calculated by dividing the number of returned offers by the number of individuals who received offers.

<sup>3</sup>This rate is calculated by dividing the number of accepted offers by the number of individuals who received offers.

## Accomplishments (as of May 15, 2015)

Location	Agreement or other arrangement (Y/N)	Sales	Acceptance Rate <sup>†</sup>
Pine Ridge Reservation (Oglala Sioux)*	Y	\$97,436,722	58%
Makah Indian Reservation	Y	\$975,150	42%
Rosebud Indian Reservation*	N	18,191,594	34%
Fort Belknap Reservation of Montana	Y	\$24,413	24%
Quapaw Reservation	Pending	\$27,799	45%
Gila River Indian Reservation	Y	\$51,456,006	53%
Northern Cheyenne Indian Reservation*	Y	\$9,790,621	57%
Flathead Reservation (Confederated Salish and Kootenai Tribes)	Y	\$5,402,075	25%
Umatilla Indian Reservation*	Y	\$9,073,264	56%
Crow Reservation*	Y	\$130,477,270	64%
Lake Traverse Reservation (Sisseton Wahpeton Oyate)	Y	\$31,622,761	49%
Squaxin Island Reservation	Y	\$725,972	33%
Coeur d'Alene Reservation*	Y	\$5,207,475	46%
Salt River Reservation*	Y	\$13,938,723	42%
Prairie Band Potawatomi Reservation	Y	\$1,530,774	tbd
Cheyenne River Reservation	Y	\$3,015,732	tbd
Standing Rock Sioux Reservation	Y	\$35,978,942	tbd
Ft Peck Indian Reservation (Assiniboine and Sioux)	Y	tbd	tbd
Swinomish Indian Reservation	Y	tbd	tbd
Lummi Reservation	Y	tbd	tbd
Navajo Reservation	Y	tbd	tbd
Quinault Indian Reservation	Pending	tbd	tbd

\*Offers are still processing for these locations.

<sup>†</sup>This figure is calculated by dividing the number of accepted offers by the number of individuals who received offers.

# Fund Expenditures

<i>(as of May 15, 2015, unless noted)</i>	Expended
Land Sales (payments to individuals)	\$414,875,295
Scholarship Fund Contributions	\$17,395,828
<b>Implementation Costs <i>(as of April 30, 2015)</i></b>	
Outreach	\$6,133,377
Land Research	\$3,569,994
Valuation	\$4,932,634
Acquisition	\$8,604,123
Cooperative Agreements	\$2,735,430
Other*	<u>\$933,584</u>
<b>Total Implementation Costs</b>	<b>\$26,909,142</b>

\*Other expenditures authorized by the Settlement but not captured in the four phases such as Trust Commission expenditures.

# Next Steps

## Open Comment Period – Topics of Interest

- Ideas for Improvement
- Ways to Increase Landowner Outreach
- Implementation at Less-Fractionated Locations
- Structural Improvements

Comments were due 4/20/15; Program developing responses

## Continue Implementation Efforts – Offer Response Due Dates

Status Report identifies 42 locations for implementation activities

- 83% of outstanding fractional interests
- 67% of eligible landowners
- 15 of the 19 states with fractional interests

Through 2017

## Getting Prepared – Tailoring Efforts to Specific Locations

- Share information, such as GIS data and landowner location
- How can land consolidation help tribes achieve land-related goals?
- What are tribal acquisition priorities?
- Inform landowners and identify interested or willing sellers

Ongoing

# Next Steps

**Deadlines are approaching** for over 20,000 owners of fractional land interests

Owners must respond soon to accept and return purchase offers (including a signed, notarized deed)

- **Standing Rock Indian Reservation (deadline: June 1)**
- **Prairie Band Potawatomi Nation (deadline: June 8)**
- **Umatilla Indian Reservation (deadline: June 12)**
- **Cheyenne River Indian Reservation in South Dakota (deadline: June 29)**

## Missed a Deadline?

- **Option 1:** Return your offer and signed, notarized deed even though it is past the deadline. This late submission will be reviewed based on capacity, appraisal expiration, and availability of funds. We cannot guarantee acceptance of late submissions.
- **Option 2:** Call the TBCC and indicate you are a Willing Seller. The Program may send offers to landowners who are interested in selling their interests after the Program's offer response deadline for a particular location provided there is a current appraisal and funds are available.

# Implementation Schedule – through middle 2017

**In November 2014, the Program added 21 additional locations for implementation activities.**

- Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California
- Arapaho Tribe of the Wind River Reservation, Wyoming and Shoshone Tribe of the Wind River Reservation, Wyoming
- Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin
- Blackfeet Tribe of the Blackfeet Indian Reservation of Montana
- Cabazon Band of Mission Indians, California
- Confederated Tribes and Bands of the Yakama Nation
- Confederated Tribes of the Colville Reservation
- Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota
- Fond du Lac Band of the Minnesota Chippewa Tribe, Minnesota
- Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota
- Nez Perce Tribe
- Ponca Tribe of Indians of Oklahoma
- Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona
- Round Valley Indian Tribes, Round Valley Reservation, California
- Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona
- Shoshone-Bannock Tribes of the Fort Hall Reservation
- The Osage Nation
- Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota
- Turtle Mountain Band of Chippewa Indians of North Dakota
- Winnebago Tribe of Nebraska
- Yankton Sioux Tribe of South Dakota



# ORGANIZATIONAL CHART

Updated: May 11, 2015

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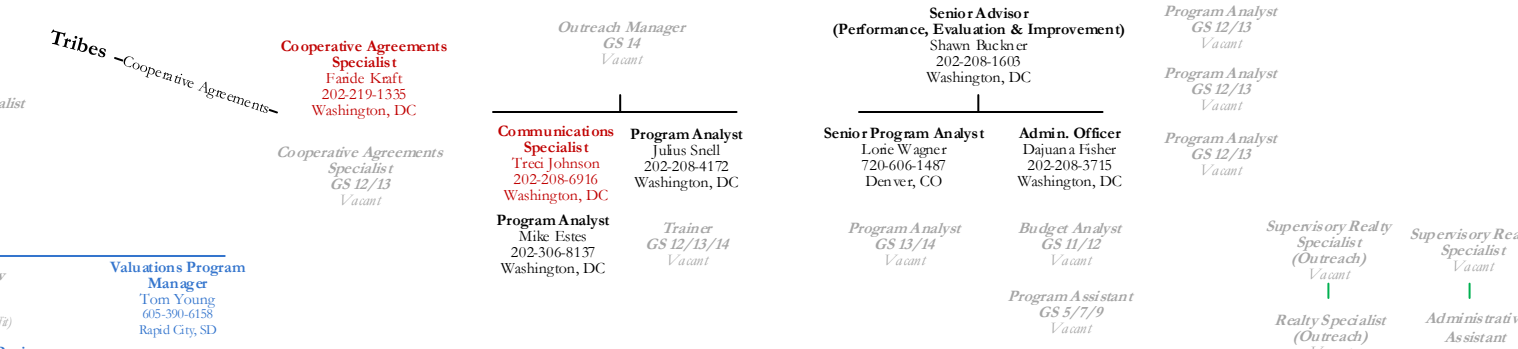
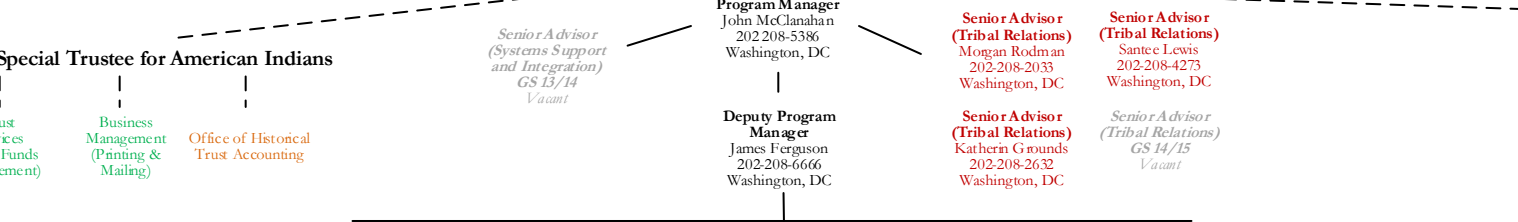
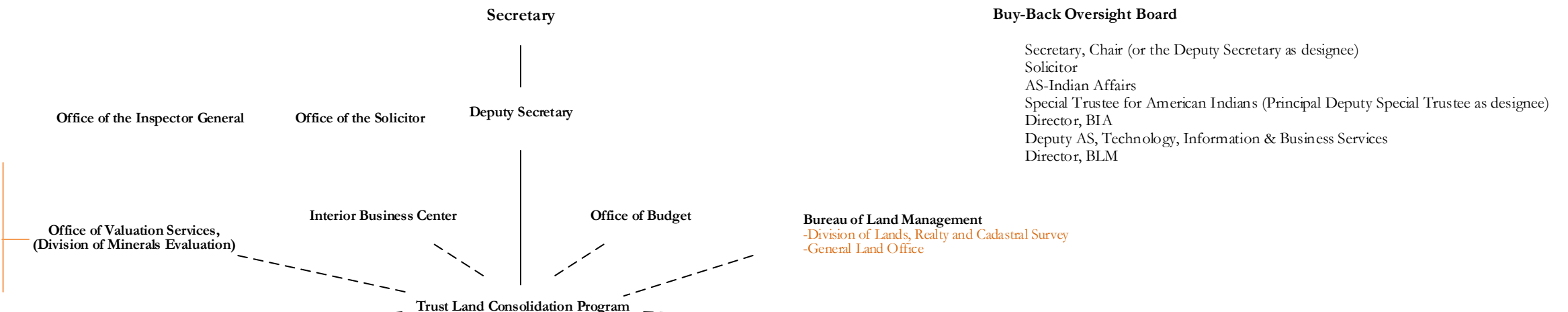
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<b>Mass Appraisal Model Development &amp; Maintenance</b>	<b>Administration &amp; Contact Support</b>	<b>Appraisal Review &amp; Approval</b>	<b>Information Systems</b>
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BIA Region	Number of Reservations with Fractionated Interests
Great Plains	14
Rocky Mountain	7
Western	13
Northwest	28
Navajo	5
Southern Plains	17
Midwest	20
Eastern Oklahoma	9
Pacific	33
Southwest	7
<b>Total</b>	<b>153</b>

- LAND CONSOLIDATION PHASES**
- OUTREACH** Cooperative agreements, publications, community meetings, and answering of questions via the call center
  - LAND RESEARCH** Mapping, mineral assessments, and assignment of acreage type(s)
  - VALUATION** Mass valuation, market studies, appraisal reports, and reviewing of appraisals
  - ACQUISITION** Generation of offers, printing and mailing of offers; opening and scanning of returned documents, approval and updating of titles, and posting of payments to IIM Accounts

**Buy-Back Oversight Board**

Secretary, Chair (or the Deputy Secretary as designee)  
 Solicitor  
 AS-Indian Affairs  
 Special Trustee for American Indians (Principal Deputy Special Trustee as designee)  
 Director, BIA  
 Deputy AS, Technology, Information & Business Services  
 Director, BLM

**NOTES**

Secretarial Order No. 3325 established the Land Buy-Back Program for Tribal Nations on December 17, 2012, and sets forth pertinent responsibilities, functions, and requirements for the bureaus and offices involved in the Buy-Back Program.

Specific number and type of positions subordinate to Director and Deputy Director level subject to change and specification in MOUs/RSAs.

----- MOUs/RSAs



# Top Things to Know

## About the Land Buy-Back Program for Tribal Nations

***Our Purpose:*** Putting Indian lands back in the hands of tribes.

The Land Buy-Back Program for Tribal Nations was established as a result of the Cobell Settlement Agreement and the Claims Resolution Act of 2010, which provided for a \$1.9 billion Trust Land Consolidation Fund (“Fund”) to consolidate fractional land interests across Indian Country. The Program must abide by the terms of the Settlement.

### **Reducing Fractionation**

As tracts (or “allotments”) of tribal lands are passed down through generations, they gain more and more individual owners – in fact, many allotments now have hundreds and even thousands of individual owners. Many tracts have more owners than acres. Because it is difficult to gain landowner consensus for how to use the land, these allotments often lie idle and can’t be used for any beneficial purpose for the landowner or community.

The Buy-Back Program will work with tribes to consolidate fractionated lands, which will be transferred directly to the tribe that has jurisdiction over the fractionated tracts and held in trust, preventing further fractionation. The tribe can then use this land to benefit its community – for example, to build homes, community centers or businesses, or for cultural or environmental preservation.

***Your Choice:*** Participation in the Program is strictly voluntary.

Although selling one’s land through the Buy-Back Program has the potential to greatly benefit tribal communities, landowners who receive offers can choose to sell all, some, or none of their fractionated interests.

### **Compensation for willing sellers**

Those who choose to sell their land will be offered fair market value for their land interests, plus \$75 per offer packet to compensate sellers for their time and effort. Funds will be deposited into the seller’s Individual Indian Money (IIM) account.

### **Purchasing Mineral Rights**

Mineral rights are included as part of the land appraisal. Because mineral rights are not severed from the whole sale of the land, owners who choose to sell their interests are also selling the mineral rights associated with the land. Even if the subsurface rights have little or no economic value, the Program will pay \$7.50 per acre for those rights.



***Moving Forward:*** As the Program and tribes work together to address the issue of fractionation across Indian country, there are several factors which will guide the Program's strategy.

### **Maximizing Time**

As set forth in the terms in the Cobell Settlement Agreement, the Department must implement the Program within a 10-year period (by 2022). Because of this, we must work together – government-to-government – to ensure that the Program is carried out as efficiently as possible at each location.

### **Conserving Resources**

Although the Program may use up to 15% of the Fund to administer the Program by performing tribal outreach, land research, appraisals, and land acquisition, the Department of the Interior is committed to keeping administrative costs to a minimum. This is to ensure the maximum amount of dollars is used to purchase fractionated interests.

***Helping the Next Generation:*** By selling land, individuals have the opportunity to give back to their communities and help American Indian students attend college.

Each purchase of a fractionated interest will add funds to the Indian Education Scholarship Fund for American Indians and Alaska Natives, up to \$60 million. This funding is in addition to purchase amounts being paid to individual sellers, so it will not reduce the amount landowners will receive for his/her interests. This fund, which will provide financial assistance for Native American students attending post-secondary vocational and college institutions, will be the largest scholarship fund ever established on behalf American Indian and Alaska Native students.

Funds placed into the Scholarship Fund will not reduce the amount that an owner will receive on a purchase.

### ***Contact Information:***

The Trust Beneficiary Call Center (1-888-678-6836) is available 7 a.m. to 6 p.m. (Mountain Time) Monday through Friday, and 8 a.m. to Noon (Mountain Time) on Saturday to answer questions. The Call Center has access to various trust systems and operations staff in order to provide comprehensive account information to beneficiaries.

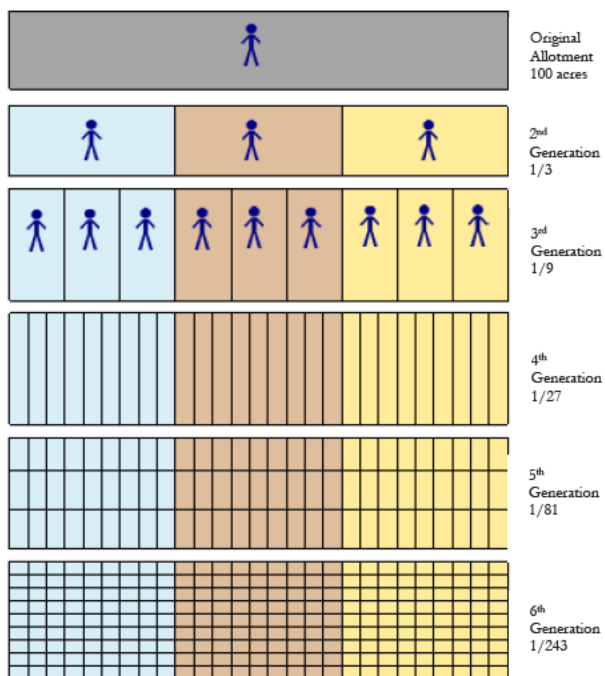
Additional information is available to landowners on the Land Buy-Back Program website:

[www.doi.gov/buybackprogram](http://www.doi.gov/buybackprogram)

# FRACTIONATION

A serious problem facing tribal communities

As tracts (or “allotments”) of tribal lands are passed down through generations, they gain more and more individual owners.



The example above is an illustration of the fractionation of a possible allotment of land over six generations. It assumes only three heirs per generation and shows the fractional share for each generation.

Many allotments now have hundreds and even thousands of individual owners. Because it is difficult for owners to agree on how to use the land, these allotments often lie idle and cannot be used for any economically beneficial purpose.

Currently, there are approximately 150 locations with fractionated tracts of land, with approximately 243,000 unique owners.

## What can we do TOGETHER?

LAND CONSOLIDATION PROGRAMS HAVE MADE A DIFFERENCE IN TRIBAL COMMUNITIES:

**Rosebud** developed 10 housing units that injected **\$1.9 million** into the local economy and housed families who had previously been homeless.

**Quapaw** developed a tribal business that created **hundreds of jobs** and boosted the local economy.

**Bad River** built new homes and businesses that are projected to increase revenue by **\$1.1 million** (one development in progress shown below).



### Questions?

Call the Trust Beneficiary Call Center: **888.678.6836**

Visit our website for updates and more information:  
[www.doi.gov/buybackprogram](http://www.doi.gov/buybackprogram)

(Publication Revised 12/11/13)

## LAND Buy - Back Program for TRIBAL NATIONS

### A LANDOWNER'S GUIDE



*For You, Your Land,  
Your Community.*

# THE LAND BUY-BACK PROGRAM FOR TRIBAL NATIONS

## A Brief History

The Land Buy-Back Program for Tribal Nations works to unify fractionated tribal land bases that resulted from the failed historical policy of allotment. Fractionation affects approximately 150 locations and results in tracts of land with potentially hundreds of owners. Over the next decade, the Program and tribes will partner to help communities consolidate these lands across Indian Country.



### Cobell Settlement Agreement

The Cobell Settlement Agreement provides for a \$1.9 billion Trust Land Consolidation Fund to be used over a ten-year period to purchase fractional interests.

The Secretary of the Interior established the Land Buy-Back Program for Tribal Nations to utilize this fund. This Program, in cooperation with tribes, seeks to combat the historic fractionation problem and unify tribal lands for you, your land, and your community.

## Working for...

### YOU

#### When and how can I sell my land?

The Program will work with tribes to visit many locations over the course of a decade to appraise land and make offers to landowners. If your tribe chooses to participate in the Program, you may receive an offer packet describing your land's appraised value as well as instruction on how to sell your land.

#### How will I be paid for my land and how much?

You will receive fair market value for any land interests you decide to sell, based on your share in the whole tract, plus \$75 per offer packet. Funds will be deposited into your Individual Indian Money (IIM) account.

#### Do I have to sell my land?

No. Participation in the Program is strictly voluntary.

#### What are my next steps?

The first step is to contact the Trust Beneficiary Call Center (888-678-6836) to register your desire to sell your interests, provide your current contact information, and ask any questions you may have.

### YOUR LAND

#### What happens to my land if I choose to sell?

By selling your interests through the Program, you may create opportunities to make Indian lands more productive for tribes and the communities they serve.

Any land interests you sell will remain in trust, but ownership will be transferred to the tribe with jurisdiction over the land.

### YOUR COMMUNITY

#### Tribal development

Selling your land for tribal consolidation will allow your tribe to develop previously unusable land for economic and tribal growth. Tribes could use the land to build homes, community centers or businesses, or for other uses, such as tribal preservation.

#### Scholarships for Indian students

For each land sale, the Department of the Interior will contribute a percentage of the proceeds (up to **\$60 million**) to the Indian Education Scholarship Fund for American Indian and Alaska Native students.

*Visit our website for updates and more information: [www.doi.gov/buybackprogram](http://www.doi.gov/buybackprogram)*



## Frequently Asked Questions

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## ***I. Background and Overview Information***

### **1. What is fractionation? Why is it an issue?**

Fractionation refers to divided ownership of Indian lands and is the result of land parcels (allotments) passing to numerous heirs over generations. The land itself is not physically divided; rather, the heirs of an original allottee own undivided interests in the allotment. Many allotments now have hundreds and even thousands of individual owners.

Divided ownership makes it difficult, if not impossible, to use the land for any beneficial purpose because consent from 50-90 percent of the owners must first be obtained (level of consent depends on the number of owners on a tract). As a result, fractionated allotments often lie idle rather than being utilized for agricultural, recreational, cultural, commercial or even residential purposes. Even when consent can be obtained to lease an allotment, highly divided ownership often results in individual owners receiving only nominal lease returns. A significant portion of landowners earn \$25 or less in annual income from their fractional interests in allotments.

There are approximately 150 reservations with 2.9 million purchasable fractional interests owned by approximately 245,000 individuals outlined in the 2014 Status Report's [Appendix B](#) (as of September 2014, the whereabouts of approximately 13 percent of these individuals were unknown).

### **2. What is the Land Buy-Back Program for Tribal Nations?**

The Secretary of the Interior established the Land Buy-Back Program for Tribal Nations (Buy-Back Program) to give individual landowners an opportunity to help address the problem of fractionation, as part of the *Cobell* Settlement. The Program has \$1.9 billion available to purchase fractional interests in trust or restricted land from willing sellers at fair market value within a 10-year period, which ends in November 2022. Individuals who choose to sell their interests receive payments directly into their Individual Indian Money (IIM) accounts. Consolidated interests are then immediately restored to tribal trust ownership for uses benefiting the reservation community and tribal members.

### **3. Who is involved in the Land Buy-Back Program?**

The Buy-Back Program operates from within the Office of the Secretary of the Interior. The Program works closely with the Office of the Special Trustee for American Indians (OST), the Bureau of Land Management (BLM), and the Bureau of Indian Affairs (BIA) to implement the Program across Indian Country.

An Oversight Board, chaired by the Deputy Secretary, also works to ensure the Program is carried out effectively and efficiently. The Board is comprised of key Departmental leadership, including the Solicitor, Assistant Secretary for Indian Affairs, and Director for the Bureau of Indian Affairs.

In addition, the Program is working with tribes to ensure the best information is available to landowners. Tribes participating in the Buy-Back Program have an opportunity to enter into



cooperative agreements or other arrangements with the Program to access potential resources to assist in Program implementation. For more information, see the Tribal Government section on page 7.

#### **4. What reservations may be involved?**

There are approximately 150 reservations with fractionated tracts of land as outlined in the 2014 Status Report's [Appendix B](#).

Following government-to-government consultations, the Department refined the key criteria that guides its implementation of the Program and the locations where offers will be made. The Buy-Back Program considers a number of factors as it moves forward, including severity of fractionation, degree of ownership overlap between locations, geographic location to maximize efficiency and resources, appraisal complexity, and readiness or availability of tribal staff. In particular, the Program has involved various types of tribal communities with different levels of tribal involvement at the outset of the Program – including locations with relatively fewer fractionated lands. A list of reservations where implementation has already occurred is available on the Program's website: <http://www.doi.gov/buybackprogram>.

Once a reservation is scheduled for implementation, the Program conducts outreach (events, community meetings, Public Service Announcements, and other media engagement) on the reservation and releases further information to individuals owning interests within that reservation to ensure that individuals are aware of the opportunity to participate in the Buy-Back Program.

#### **5. How is the order for implementation being determined?**

The Buy-Back Program held an open solicitation from November 8, 2013, through March 14, 2014, during which tribes with jurisdiction over the most fractionated locations were invited to submit letters of interest or cooperative agreement applications for participation in the Program. The more than 50 submissions that were received helped to inform an initial implementation schedule.

In November 2014, the Department [announced 42 locations](#) where land consolidation activities such as planning, outreach, mapping, mineral evaluations, appraisals, or acquisitions are expected to take place through the middle of 2017. These communities represent 83 percent of all outstanding fractional interests across Indian Country. Details are available in the Program's [2014 Status Report](#).

The Buy-Back Program will continue to expand to other reservations over the next several years, and individual owners will receive information about how they can participate in the Program when a reservation in which they own fractional interests is scheduled for implementation.

#### **6. How does the Program determine what interests it will seek to acquire?**

The Buy-Back Program will send offers to as many individuals as possible considering the

following purchase factors to identify tracts:

- Completed appraisal;
- Tribal priority tracts;
- Level of fractionated ownership;
- Tract values; and/or
- Interested/willing sellers.

There is no fixed formula. The purchase factors and associated values/rates will be different for each reservation. The Buy-Back Program will continuously analyze and adjust the purchase factors during the time it spends at each reservation to obtain the most benefit for both the willing seller and the tribe. For more information, see [page 30](#) in the Program's 2014 Status Report.

**7. How much money is expected to be spent buying back fractional interests in land?**

The Claims Resolution Act of 2010 provides for a \$1.9 billion Trust Land Consolidation Fund. After implementation costs and the establishment of the Cobell Education Scholarship Fund, a minimum of \$1.555 billion will be available to pay individual owners fair market value for the fractional interests they voluntarily decide to sell.

**8. What happens to land after it is purchased?**

Interests sold will remain in trust, but ownership will be transferred to the tribe with jurisdiction over the land. This effort strengthens tribal sovereignty by unifying lands for tribal benefit and use, such as economic development, housing and cultural preservation.

**9. What steps is Interior taking to ensure the Program will be completed in 10 years?**

The Department is committed to implementing the Buy-Back Program in the most efficient and cost-effective manner possible, consistent with the goals set by the *Cobell* Settlement Agreement. The Department intends to implement the Program fairly and equitably, moving quickly to reach as much of Indian Country as possible during this ten-year period.

One approach that the Department is using to expend the Consolidation Fund in a timely manner is the use of mass appraisal techniques. The breadth, scale, limited funding, and bounded life span of the Program necessitate the use of mass appraisal methods where appropriate. Mass appraisal is an efficient way to quickly determine fair market value for a significant number of fractionated tracts. By using the mass appraisal method where applicable, the Program can maximize the number of owners who receive offers and the number of interests consolidated under tribal ownership. For more information, see the Appraisal portion of this document.

**10. How is the Program ensuring that it won't run out of money?**

Interior is using flexible purchase estimates to help make sure that the Program will be implemented at as many locations as possible, and that all available funds are not expended at just a few locations. These payment estimates fairly and flexibly target available dollars for paying owners at each reservation based on the proportional degree of fractionation. These

guidelines are only estimates, which are subject to change and do not set a final or minimum total dollar amount for interests at any particular location.

We know that a location may not reach their purchase estimate due to a variety of factors, including lack of sufficient willing sellers. If that occurs, the Program will promptly make unused funds available to support offers at other locations. At other locations, it is possible that the actual sale amounts for interests will exceed a purchase estimate. Offer amounts for some locations may also be set higher to ensure that the Program fully expends the available funding by 2022.

**11. How are reservation purchase estimates determined?**

To maximize the number of reservations participating in the Buy-Back Program, the Department uses initial purchase estimates at each reservation where the Program is active. In particular, the Department will apply a formula that considers three factors relevant to fractionation, including: the total number of purchasable fractional interests within a reservation, the number of fractionated tracts within a reservation, and the number of acres related to those fractional interests. This formula establishes an estimated amount of the Consolidation Fund that could be used to purchase fractional interests within any one reservation.

**12. How long does the Program plan to spend at each location?**

Due to limitations on implementation costs as set forth by the *Cobell* Settlement Agreement, the Program cannot support a long-term presence at each location. The Program plans to spend 12 to 18 months at each location; however, this timeframe may be adjusted. Tribes may work with the Department to determine an appropriate timeframe based on their individual needs while negotiating their cooperative agreements with the Buy-Back Program.

**13. Is the Indian Land Consolidation Program still reaching out to landowners?**

The Land Buy-Back Program is a separate program from the Indian Land Consolidation Program (ILCP). As of October 2013, the ILCP is no longer acquiring fractional interests.

**14. How much will individuals get for selling their fractional interests?**

Willing sellers will receive fair market value for the interests they choose to sell. The Office of the Special Trustee for American Indians (OST) - Office of Appraisal Services (OAS) will conduct an appraisal to determine the fair market value for each tract of land that meets the criteria for purchase by the Program. The value of specific fractional interests will be based on the interest's proportion to the whole tract. More information is available in the Appraisal section of this document.

**15. What is the Program doing to protect landowners – particularly elderly landowners – who may receive large amounts of money from sales?**

It is important that landowners think strategically about how to use the funds they receive from selling their fractional interests as these are one-time large payments and lease income



generated from these lands will no longer be received by the seller. The Program encourages landowners to understand their options and provides resources to assist with decision making.

The Office of the Special Trustee for American Indians (OST), in collaboration with First Nations Development Institute (FNDI), provides financial training that includes but is not limited to budgeting, investing, planning for the future, fraud scams, power of attorney risks, and what landowners can do on day one with a large payment, which empowers individuals to grow and sustain personal wealth. In addition, this financial training encourages landowners to confirm the status of their Individual Indian Money (IIM) account (e.g., voluntary hold or unrestricted/auto-disburse, check or debit card or direct deposit, names and addresses are proper and current) before Buy-Back Program funds are posted to the account and held on deposit or disbursed.

For more information on financial awareness, landowners can visit their nearest OST office, call the Trust Beneficiary Call Center at (888) 678-6836, find more information at <http://www.doi.gov/buybackprogram/landowners/financial-awareness.cfm> or go to the OST's financial empowerment website at: [http://www.doi.gov/ost/individual\\_beneficiaries/financial\\_empowerment/index.cfm](http://www.doi.gov/ost/individual_beneficiaries/financial_empowerment/index.cfm).

#### **16. What happens to land interests for Whereabouts Unknowns (WAU) landowners?**

The *Cobell* Settlement authorizes the purchase of interests for WAU individuals. However, the Buy-Back Program hopes to identify only willing sellers whose addresses are current to actively participate in the Program. The following applies to purchases of WAU interests:

- The Cobell Land Settlement Agreement and enacting legislation require the Department to make stringent notifications and undertake efforts to locate WAU landowners of trust or restricted property.
- If after five years these owners cannot be located, they shall automatically be deemed to have consented to the conveyance of fractionated interests that are located on a parcel of highly fractionated land.
- Any interests purchased from WAU individuals will be paid at fair market value and the funds will be deposited in the individual's Individual Indian Money (IIM) account.

## ***II. Cobell Education Scholarship Fund***

#### **17. How does the Cobell Education Scholarship Fund relate to the Buy-Back Program?**

The *Cobell* Settlement provides for a Scholarship Fund that will make financial assistance available to American Indian and Alaska Native students wishing to pursue post-secondary and graduate education and training. Transfers to this fund are made according to the following formula:

- For every purchase of a fractional tract interest costing less than \$200, \$10 will be added to the Scholarship Fund.
- For every purchase of a fractional tract interest costing between \$200 and \$500, \$25 will be added to the Scholarship Fund.

- For purchases of a fractional tract interest over \$500, five percent of the purchase price will be added to the Scholarship Fund.

Funds placed into the Scholarship Fund do not come from the purchase amount paid to landowners and will not reduce the amount that an owner will receive on a purchase.

The Scholarship Fund is administered by the American Indian Graduate Center (AIGC). In addition, the Settlement authorizes a five-member Board of Trustees to govern the Cobell Education Scholarship Fund. The Board is responsible for the oversight and supervision of the activities of the fund's administering organization. AIGC hopes to begin providing scholarships for the fall 2015 term. Interested applicants should consult the AIGC website at [www.AIGCS.org](http://www.AIGCS.org).

**18. Why are scholarship funds not being returned specifically to the location where the land was purchased?**

The Settlement envisioned the Scholarship Fund as an opportunity for tribal youth across Indian Country. It does not direct funds back specifically to locations, but instead gives the Board of Trustees and AIGC the power to manage the solicitation for and distribution of funds for American Indian and Alaska Native students in need nationwide.

**III. *Engagement with Tribal Governments***

**19. What opportunity is there for tribes to play a role in the implementation of the Buy-Back Program?**

The success of the Program hinges on tribal leadership, tribal participation, and tribal facilitation. The Buy-Back Program is interested in partnering with tribes to gain their direct participation in land consolidation efforts. Tribes have the opportunity to actively participate in the process, including identifying acquisition priorities, conducting appraisals, and leading owner outreach and education. Tribes are encouraged to become involved in the Program and funds are available to support tribal involvement through cooperative agreements.

Tribes are not required to enter into cooperative agreements to participate in the Program. In certain cases, such as when a tribe is not seeking funding to partner with the Department on land consolidation efforts, it may be unnecessary and other vehicles, such as memorandums of agreements (MOA), may be used. More information is available on the Program website at: <http://www.doi.gov/buybackprogram/tribes/agreements.cfm>.

**20. Why isn't a formal consultation occurring before the implementation process on each reservation?**

The Department held seven tribal consultations in the summer and fall of 2011 open to tribal leaders, landowners and the general public to provide an overview of the *Cobell* Settlement, introduce concepts for land consolidation, and solicit feedback from Indian Country on strategies that could be used to drive program performance. The criteria used to develop the Program's schedule was discussed at these consultations, and is a product of those discussions. The criteria were further outlined in the Program's Initial Implementation Plan in December

2012. In an effort to seek feedback on this Plan from Indian Country, the Program held three additional tribal consultations in early 2013, which were open to tribal leaders, landowners and the general public. The Program also held a Listening Session in May 2014, and another in March 2015.

The Buy-Back Program has also engaged on a one-on-one basis with more than 80 tribes regarding the Program to discuss mapping information, answer questions, collaborate on implementation and tribal priorities, receive feedback on progress, and detail how the Department will further engage landowners. These discussions often covered scheduling, tribal acquisition priorities, strategies for utilizing purchase estimate amounts, and appraisal processes, among other topics.

**21. How much funding can tribes expect to receive through a cooperative agreement?**

The Department recognizes the uniqueness of each location and tribe. The Program will continue to consult with tribes individually, and will continue to evaluate each tribal proposal before initiating Buy-Back Program activities on the respective reservations. The Program's Tribal Relations Advisors are responsible for working closely with each tribe to understand its concerns and goals.

Each cooperative agreement between the Program and individual tribes is unique in time, scope and responsibilities based on the expressed interests of the tribe. Amounts provided to tribes under a cooperative agreement will be based on approved budgets that estimate the costs associated with the specific services, products and deliverables to be provided by the tribe. The Department will partially advance or fully reimburse cooperative agreement funds to the tribe for costs incurred in accordance with the tribe's submitted application and the applicable award terms and conditions.

Cooperative agreements present an opportunity for tribes and the Program to move forward together by providing funding for tribes to perform certain tasks, such as outreach to the landowners. While much can be accomplished through these agreements, cooperative agreement funding should be viewed as a short-term resource to achieve the much larger and more valuable goal of land consolidation.

**22. Will tribes be reimbursed for pre-cooperative agreement activities?**

The Buy-Back Program is limited by regulation as to what pre-award costs, or costs that are incurred by tribes prior to the award of the cooperative agreement, it can pay for. Regulations limit allowable pre-award costs to the following:

1. Those directly pursuant to the negotiation of the award;
2. Those necessary to comply with performance timeframe;
3. Those that would be allowable if they were incurred after the award; and
4. Those approved by the awarding agency.

Because of the regulatory limitations on the payment of pre-award costs, and because the Buy-Back Program would prefer that tribes engage with it before beginning any land consolidation activities, the Program will only consider pre-award costs on a very limited, case-by-case basis.

Tribes seeking to incur pre-award costs must obtain prior written approval from the Buy-Back Program Manager. Tribal requests to incur pre-award costs must establish that the requested costs are in full compliance with the applicable regulatory language governing pre-award costs.

**23. What is the process if my Tribal Nation agrees to conduct appraisals?**

Tribes seeking cooperative agreements or other arrangements to determine fair market value must demonstrate the ability to perform reservation-wide appraisals in a manner that is efficient and cost-effective. Tribes that currently perform valuation work for the Department may be better positioned to provide fair market values for the Program. The Office of the Special Trustee for American Indians (OST) - Office of Appraisal Services (OAS) must review and approve valuations performed by a tribe. This may involve communication with the tribe and the potential for revisions to appraisals based on OAS feedback.

**24. Why are indirect costs capped at 15 percent despite the fact that some tribal indirect cost rates have negotiated much higher rates?**

The Department considered extensive tribal input on this issue and explored various options to determine which indirect costs rates might be charged to implement the Buy-Back Program. The *Cobell* Settlement limits the amount of funding that may be used for administrative and other expenses (up to 15 percent) in order to maximize the amount of funds available for purchase of fractional interests. While some tribes may have previously negotiated higher indirect cost rates for other financial assistance awards, existing policy circulars recognize that agencies may establish different rates to address specific program needs or circumstances. Thus, to help ensure that the Program limits administrative expenditures consistent with Settlement requirements, it has capped the amount of indirect costs that will be paid by both external as well as internal partners.

**25. How are cooperative agreements evaluated?**

The Department has developed and posted a comprehensive cooperative agreement template and guidance documents, including a list of frequently asked questions, on the Program website at: <http://www.doi.gov/buybackprogram/tribes/agreements.cfm> to assist tribes with the cooperative agreement application process. These documents also describe the land consolidation phases and tasks that tribes may elect to participate in through cooperative agreements.

The Department will use several criteria to evaluate cooperative agreement applications. Criteria may include:

- Completeness of the application package;
- The tribe's capacity to perform the tasks and meet the task-specific requirements outlined in the Scope of Work;
- The tribe's proposed budget; and
- Other considerations as appropriate.

**26. Will liens be imposed on interests acquired and transferred to tribes?**

No, unlike fractional interests previously acquired under the Indian Land Consolidation Program, no liens are placed on interests that are acquired and transferred to tribal ownership under the Buy-Back Program.

**27. What data does the Program have to aid in decisions about tribal acquisition?**

Tribal representatives have pointed out that they need greater and simpler access to landowner information to effectively conduct outreach and other land consolidation activities. However, the Program must follow federal laws that restrict the disclosure of certain information. In an effort to better facilitate sharing of information with authorized tribal representatives, while observing pertinent restrictions, the Program has published information in the *Federal Register* that will update the system of record notices (SORNs) for the Office of the Special Trustee for American Indians (OSTI) and the Bureau of Indian Affairs (BIA). The updated SORNs will make it easier to exchange information with tribal governments working to help implement land consolidation activities in cooperation with the Buy-Back Program.

The Program will work with tribes to provide them with two ArcGIS geodatabases. There are tables within these databases that include tract characteristics such as acreage, tribal ownership percentage, individual ownership percentage, fee ownership percentages, number of owners, resource code, and legal description for tribal and allotted trust tracts.

**28. What mapping content may tribes receive to help determine tribal priorities?**

Two ArcGIS geodatabases are available to tribal staff. One of the geodatabases contains a digital representation of the Public Land Survey System (PLSS) derived from the Bureau of Land Management's official survey records. The other geodatabase contains polygons of all mappable tribal and allotted trust tracts derived from legal descriptions in the Bureau of Indian Affairs' Trust Asset and Accounting Management System (TAAMS). These two geodatabases, along with the tracts' associated data, allow a tribe to develop unique maps to help determine tribal priorities for land acquisition.

Also available are large wall maps depicting tribal and allotted trust surface tracts and their associated tribal ownership percentage to further assist in determining tribal priorities for land acquisition.

**29. After consolidation, why are tribal governments not getting the land deeds following Program implementation?**

In order to effectively implement the Program within the allotted time period and in a large scale manner, the Department made an administrative decision to automate the conveyance process to include the review and approval of conveyances. The approved deeds are stored electronically in the Bureau of Indian Affairs' Trust Asset and Accounting Management System (TAAMS) and copies are available upon request at the Agency or Region.

**30. What can our Tribal Nation and/or staff do now until the Buy-Back Program is implemented on our reservation?**

There are several things that tribal leaders can do to prepare for the Buy-Back Program. One important activity is to become familiar with the four land consolidation phases. In particular, tribal staff can be identifying tribal participation activities they would like included in a cooperative agreement, determining tribal acquisition priorities, and encouraging interested and willing sellers to register their contact information with the Trust Beneficiary Call Center.

More information and resources are available at:  
<http://www.doi.gov/buybackprogram/tribes/preparation.cfm>.

Additional information related to cooperative agreements can be found at:  
<http://www.doi.gov/buybackprogram/tribes/agreements.cfm>.

***IV. Landowner Participation & Eligibility***

**31. What is Interior doing to ensure that landowners get timely information about the Buy-Back Program?**

While the Program welcomes the active participation by tribes, staff recognize our commitment to ensure that individual landowners have the information they need to make informed decisions about their land.

The Program is holding outreach events, running advertisements in national and regional media outlets, developing and airing [Public Service Announcements](#) on tribal radio stations, and working to achieve story placement in prominent Indian and regional publications. In addition to the purchase offer package, each landowner receives two postcards – one prior to receiving the Package and one after – to alert them to the upcoming opportunity. The Program has also partnered with tribal and allottee organizations on events, publications and speaking opportunities to reach as many landowners as possible.

**32. Do I have to sell my land to the Buy-Back Program?**

No. Participation in the Buy-Back Program is completely voluntary.

**33. Why should I sell my fractional land interests?**

It is your choice whether to sell some, all or none of your fractional land interests. If you choose to sell any portion of your interests, you will be paid fair market value for your interests – interests which may be of little or no economic benefit to you now. Selling your interests results in land consolidation, which enables tribes to manage and use reservation lands for the benefit of the tribal community and generations to come. Tribes are able to utilize consolidated lands for purposes consistent with the values and needs of their members, whether for housing, community centers or businesses, or for recreational or cultural purposes. Reducing fractionation reinforces the cultural and economic future of tribes, and every interest you choose to sell reduces fractionation.



Many individuals have a strong personal and cultural connection to land which transcends economic value. By selling your interests through the Buy-Back Program, you help to preserve the Indian land base because interests purchased by the Program and restored to tribes will remain in trust forever.

### **34. What is the process for individuals to be able to sell their fractional interests in land?**

Once a reservation is scheduled for Buy-Back Program implementation and fair market values have been determined, individuals owning fractional interests in purchasable tracts on the reservation may receive a purchase offer package with the required documents and instructions for selling their interests.

Information on selling fractional interests will be distributed through outreach events and local media outlets prior to and during the actual Buy-Back Program implementation at each reservation. Each landowner will also receive at least two postcards alerting them to the purchase offer and pending deadline.

A step-by-step video is available at <http://www.doi.gov/buybackprogram/tribes/the-purchase-offer-process.cfm> to help assist individuals with identifying critical information included in their Offer Package and completing the necessary forms. Additional information is also available in the Selling Your Land portion of this document.

### **35. Do I have to sell everything?**

No. You may decide to sell some, none or all of your interests. If you decide not to sell any of the tracts listed on the Purchasable Interests Inventory included with your offer package, you don't need to do anything (neither the deed nor the Inventory need to be returned).

If you choose not to sell your land, it is important to consider how to best utilize the property during your lifetime and how to most efficiently pass it to your intended beneficiaries upon your death. There are certain federal rules and tribal codes that govern the estate planning options that may be available to you and some of these options cannot be rescinded or changed after a decision is made. Thus, it is critically important to get as much information as possible to make careful and informed decisions about your land interests and estate planning options.

The Office of the Special Trustee for American Indians (OST) has partnered with a number of tribal organizations, legal aid services, and law schools to help provide Indian trust beneficiaries with resources to assist with estate planning. For more information, go to: <http://www.doi.gov/buybackprogram/landowners/financial-awareness.cfm>.

### **36. What if I change my mind about selling?**

Be sure to carefully consider your decision before returning your documents for processing. Selling your owner interests in tracts of land that produce lease income means that you will no longer receive that income. Once your documents are processed, the conveyance is approved, and funds are transferred into your Individual Indian Money (IIM) account, the sale is final.

**37. If I sell some of my interests, can I later decide to sell more of them?**

Be sure to carefully consider your decision before returning your documents for processing. If you choose to sell only some of your interests, you may not be able to sell the rest at a later date. Once you submit your offer package to the Program for processing, you cannot submit a duplicate set of documents for additional interests that may have been included in the Purchasable Interest Inventory that is part of your package. The Program cannot process multiple sales for a landowner under the same offer set.

However, if you have already sold some of your interests by returning your offer package and later wish to sell more, you can register as a willing seller with the Trust Beneficiary Call Center at (888) 678-6836. If you do this, you may receive a second offer package for your remaining interests if and when a subsequent wave of offers is made at your location.

**38. I am interested in selling my owner interests. What is required?**

Landowners do not need to wait until the Buy-Back Program begins implementation to get more information. If you are interested in registering as a willing seller, learning more about how the Program works, understanding the appraisal process, or receiving financial training and resources to think strategically about how to use funds you may receive, please visit <http://www.doi.gov/buybackprogram> or call the Trust Beneficiary Call Center at (888) 678-6836.

When you call the Call Center, you should make sure your Individual Indian Money (IIM) account information is current and let the operator know that you are interested in selling your interests. The Call Center will need your name, Social Security Number, IIM account number, and current address. The Call Center can then identify you as an interested seller and will make sure your current name and contact information (address, phone number(s), and email address) are on file.

Owners will not receive a purchase offer until:

- The reservation containing their fractional owner interests is scheduled for implementation;
- Appraisal work has been completed; and
- The analysis of the purchase criteria for the Buy-Back Program on the reservation is completed.

**39. When and how will I receive a purchase offer?**

You will only receive a purchase offer if: (1) the reservation on which you own fractional interests is scheduled for implementation; (2) you have been identified as owning an interest in a fractionated tract of land (defined as a tract in trust or restricted status with two or more owners); (3) the tract has been appraised; and (4) your interests meet the purchase criteria for the reservation (for more detail, see Question 7).

If these conditions are met, you will receive a purchase offer package in the mail. Please see the final section of this document for questions about this process.



**40. Is this income taxable?**

No. Under the Internal Revenue Service Ruling 57-407, income derived by an Indian from the sale of trust property is not subject to Federal Income Tax.

**41. Will funds from the sale be considered a source of income that affects my ability to participate in assistance and social service benefit programs?**

Individuals participating in any type of government assistance program should find out how funds received from the sale of their trust or restricted land interest may be counted by the assistance program. Each state and federal program sets forth its own eligibility requirements. Please refer your case worker to the relevant part of the Claims Resolution Act of 2010, P.L. 111-291 (Section 101(f)) (<http://www.gpo.gov/fdsys/pkg/PLAW-111publ291/pdf/PLAW-111publ291.pdf>) that discusses impacts on assistance programs.

**42. What happens to my Individual Indian Money (IIM) account after I sell?**

If you sell all interests that you hold, then your Individual Indian Money (IIM) account may be closed because selling your owner interests in tracts of land that produce revenue means that you will no longer receive revenue from those tracts. Please note that the account may only be closed after you receive payment for the sale of all of your interests and there are no other reasons that your IIM account should remain active. You will receive one final Statement of Performance showing the transaction of sale to the tribe. If you inherit new interests and your account was closed, your IIM account will be re-opened with the same account number. If you retain some of your interests, your IIM account will remain open and you will continue to receive your Statement of Performance showing the land interests you retain and any income generated as a result of those interests.

**43. If I choose not to sell my interests, how do I make sure my heirs get this land?**

The Office of the Special Trustee for American Indians (OST) can provide more information on estate planning options under the American Indian Probate Reform Act. Information is also available on their website: <http://www.doi.gov/ost/index.cfm>.

Information is also available from the Division of Probate at <http://www.bia.gov/WhoWeAre/BIA/OTS/Probate/index.htm>.

OST has partnered with a number of tribal organizations, legal aid services, and law schools to help provide Indian trust beneficiaries with resources to assist with estate planning. For more information, go to: <http://www.doi.gov/buybackprogram/landowners/financial-awareness.cfm>.

**44. What happens if I own fractionated shares at several different locations?**

Offers are generated by location. If you own land on more than one reservation, you may receive multiple offer packages over the course of the ten-year Buy-Back Program.

**45. Does selling my land impact my ability to receive individual settlement payments from the *Cobell* Settlement?**

No, selling your interests under the Buy-Back Program does not impact your eligibility to receive individual settlement payments from the *Cobell* Settlement, which are being handled by the Garden City Group. Inquiries regarding Settlement payments should be directed to (800) 961-6109, and more information is available at <http://www.indiantrust.com>.

**46. Why do interested sellers receive an extra base payment?**

The Buy-Back Program will provide landowners with a base payment of \$75 per offer, regardless of the value of the land, to reflect the estimated time and effort required for individual landowners to complete their conveyance documents.

**47. Can you tell me if my relative is going through with the sale or how much they received? Can my husband or other relative call in for me?**

No. The Privacy Act of 1974 prevents us from sharing personal information without written permission from the individual landowner.

**48. Will the Buy-Back Program purchase land interests that I own in fee status?**

No, the Buy-Back Program may only purchase interests held in trust or restricted status.

**49. Will the Buy-Back Program purchase life estate or joint tenancy interests?**

No. Life estate and joint tenancy interests are not purchasable interests under the Buy-Back Program. Joint tenancy is a form of ownership by two or more persons of the same property who share equal ownership of the property and have the equal, undivided right to keep or dispose of the property. Land is not purchasable under the Program if joint tenancy applies to 100 percent of the tract.

**50. Will the Program purchase tracts of landowners whose IIM accounts are restricted due to an encumbrance?**

Yes. If your Individual Indian Money (IIM) account is restricted due to an encumbrance, and the landowner chooses to sell any or all interests included in the purchase offer, the outstanding amount on the encumbrance may be deducted from the purchase price per the encumbrance plan before funds are disbursed from your IIM account. To determine how an encumbrance could impact an accepted offer, you should confirm whether your IIM account is restricted due to an encumbrance. If your account is unrestricted, there will be no deductions from the purchase offer.

**51. Can an individual who only owns mineral rights sell?**

Yes, a landowner who owns only mineral rights can sell those rights through the Buy-Back Program to the tribe with jurisdiction.

**52. Can a seller retain fractional interests in mineral rights while selling the surface interest?**

No. The Buy-Back Program will only purchase the whole ownership interest (mineral and surface), which supports the Program's goal of consolidating fractional interests. The Program is not severing mineral rights from the surface rights.

**V. *Land Appraisals***

**53. How is the value of the land determined?**

An appraisal is the act or process of developing an opinion of value. Value estimates for the Buy-Back Program are performed by a licensed appraiser. A determination of value is developed and reported by a licensed appraiser researching many factors, including location, local market values and sales patterns, condition of the property, and zoning. One of the methods to calculate an accurate value is to use sales of comparable properties located near the subject property, which have recently sold. The subject property is compared to the sales to see how it aligns or differs with the comparable sales in many factors which may include size, location, access, utilities, etc. The appraiser then analyzes and makes adjustments to compensate for differences between the comparable sales and the subject property and reconciles for a final opinion of value.

The appraiser values land as if it is non-fractionated (single owner), vacant and in fee status. An appraisal will then determine the fair market value that will be offered for purchase of individual interests in various trust or restricted Indian lands.

**54. What is fair market value?**

Fair market value is the amount in cash, or on terms reasonably equivalent to cash, for which in all probability the property would have sold on the effective date of the appraisal, after a reasonable exposure time on the open market, from a willing and reasonably knowledgeable seller to a willing and reasonably knowledgeable buyer, with neither acting under any compulsion to buy or sell, giving due consideration to all available economic uses of the property at the time of the appraisal.

**55. Is the fair market value the same for each tract in which I have an owner interest?**

The fair market value may vary for each tract depending on a variety of factors, including land use, location, acreage, access and local market conditions. For example, you may own an interest in a 50-acre agriculture tract that is planted in dry crop (wheat). You might also own an interest in another tract that is a 50-acre agricultural tract, but this tract is an irrigated apple orchard. Upon researching the market, the appraiser may find comparable sales of irrigated orchards in the area running at \$3,000 per acre and dry crop running at \$500 per acre. Another example is that you may have two 50-acre tracts adjacent to each other and each is dry crop running at \$500 per acre. There is a high probability the value will be the same. Each property is unique and may have a different value.

**56. Why is the Buy-Back Program using mass appraisal techniques?**

The breadth, scale, limited funding, and limited life-span of the Program necessitates the use of mass appraisal methods where appropriate. Such use will result in greater efficiency and consistency in valuations, enabling the Program to value many acres simultaneously. It will also assist in ensuring effective, efficient and expeditious use of the Consolidation Fund.

The mass appraisal technique used by the Program entails detailed consideration of each tract of land.

The Program will use market studies or mass appraisal techniques to appraise homogeneous, non-complex, vacant lands that have comparable land sales available. In many highly fractionated Indian ownership areas, it is common to have agricultural properties that are similar in use and have active/consistent markets or comparable sales data that the Department can use in its appraisals. The Program will use the mass appraisal approach in these situations as appropriate.

The Program will not use mass appraisals for commercial or other lands within urbanized zones where greater variation may exist.

**57. What reviews has the Program undertaken to evaluate its appraisal?**

Appraisal methods used by the Buy-Back Program will conform to the Uniform Standards of Professional Appraisal Practice. This ensures that there is no subjective analysis or conflicts of interest in the Program's appraisal process.

To ensure that the valuation methods and techniques meet industry standards, the Department also obtained a third-party review of its valuation techniques from The Appraisal Foundation (TAF). TAF is a non-profit, non-partisan organization, authorized by Congress, dedicated to the development of appraisal standards in the United States and to establishing qualifications criteria for appraisers. TAF's analysis, the Department's response to specific recommendations, and the plan outlining the Program's appraisal methodologies, are available on the Program's website at: <http://www.doi.gov/buybackprogram/appraisals.cfm>.

**58. What is the shelf life of the fair market value for my tracts?**

Because continual reassessment of market values is not feasible given the Program's limited time frame and limited implementation funds, the Program has established an administrative appraisal validity period of up to nine months from the date of valuation. Each offer will explicitly identify the appraisal date, and the owner can obtain information about how the fair market value was assessed at that time.

**59. When are the appraisals for the Buy-Back Program completed?**

Appraisals are completed as close to the offer date as can be reasonably managed for each location. The appraisal completion dates will vary for each reservation depending on the schedule.

**60. Where can I find out what the fair market value is for each tract in which I hold an owner interest?**

This information can be found within the Purchasable Interests Inventory, which is included with the purchase offer package.

**61. Will individuals be able to negotiate the value of the land?**

No. Due to implementation time and cost constraints as set forth by the *Cobell* Settlement Agreement, the Program does not have the time or resources to negotiate each sale price. If an owner is not satisfied with the amount offered for the sale of their interests, they may decline to sell. Additionally, individuals can sell some of their interests but keep others.

**62. How does the Buy-Back Program define improvements?**

Improvements are buildings or structures located on or attached to the land. Improvements may include, but are not limited to, buildings (including residential homes), structures, sidewalks, sewers, and utilities. Please see the Tracts with Improvements section of this document for further details.

**63. Will improvements be included in the valuation?**

All tracts of land, regardless of whether there may be an improvement located on it, are appraised as vacant. Improvements are not valued or included for purchase in Program offers, but are considered in determining the fair market value of the underlying tract of land. Improvements are taken into consideration in determining the highest and best use of the land. For example, it's possible that the existence of the improvements (like the availability of utilities or roads) might alter its categorization (residential v. agriculture).

**64. What does "highest and best use" mean?**

This refers to the most probable and legal use of vacant land or an improved property that is physically possible, financially feasible, and appropriately supportable from the market to yield the highest possible value.

**65. Will my offer amount be increased if I own an improvement?**

Not necessarily. Improvements are not valued or included for purchase in Program offers, but are considered in determining the fair market value of the underlying tract of land. Offers for fractional interests will not include any separate amount for the improvement because the improvement is non-trust property, and the Buy-Back Program is not acquiring such property.

**VI. *Mineral Rights & Tracts with Improvements***

**66. Will my mineral and timber rights be included in the valuation?**

Yes, if there are mineral or timber rights associated with a property, they will be included in the valuation process. Please note, these rights may have very small or no contributory value if there are no minerals or timber present or if there is no market for the minerals or timber. For

those situations where the mineral rights have a very small or no contributory value, an administrative payment of \$7.50 per acre will be included with the total value of the land to account for the conveyance of the mineral rights.

**67. Why is the administrative payment set at \$7.50? Why not as a percentage of surface value, or increased over time?**

The \$7.50 per acre amount continues the past practice of the Indian Land Consolidation Program (ILCP), in which an administrative payment of \$7.50 per acre was provided for mineral rights determined to not have a current economic value contribution to the overall value of the property. The payment is not based on the value of the commodity (because the tract is determined not to have minerals of current economic value), but instead is intended as a payment to compensate for conveying mineral rights. While the minerals, if any exist, may have no current economic value, it is still important that the right be transferred so that the Program has clear title to all rights associated with the property.

The market for surface land rights and subsurface minerals are unique. Each are driven by different factors and the relationship between surface and minerals markets may vary widely. Mineral markets depend on many factors, such as the type of mineral (sand and gravel, oil & gas, etc.), the infrastructure to support mineral development, closeness to markets, etc. It would be inequitable to compensate for minerals based on surface values. For example, grazing land with access to water may be valued much higher than adjacent grazing land without water. If minerals existed, the value of the surface would have no bearing on the value of the minerals. Consequently, there is no basis to support a percentage of surface value.

**68. Why might a tract be determined to have minerals with no economic contribution to overall value?**

A tract with mineral rights (including either both surface and mineral rights, or mineral rights already separate from the surface) may not have minerals of economic value, or may have minerals of such low value that the contribution to overall tract value is negligible. In order for a mineral deposit to add contributory value to the property, there needs to be a market for the mineral(s) (i.e. demand), and the market price for the mineral(s) needs to be higher than the cost of extracting and delivering the mineral to the market. The drivers for determination of value include: (a) existence of the mineral(s); (b) market for the mineral(s); (c) the market price of the mineral(s); (d) cost of extracting the mineral(s), and (e) costs associated with delivery of the minerals(s) to the market.

For example, a tract may have sand and gravel but may not be close enough to markets (e.g. major highway construction, or large metropolitan areas) to make it economic to transport the material. In some cases, there may be other existing sand and gravel operations which are closer to those markets.

As an additional example, there may be a tract that has a one foot thick coal seam that is 200 feet below the surface. In order to market that coal, the owner would need to remove the overburden, and transport the coal to market. In this case the cost of extracting the coal (e.g. the additive costs of purchasing and/or maintaining equipment to remove the overburden, the

cost of building new rail line or trucking the coal to an existing rail line), is much greater than the market value for that coal.

In summary, if a mineral exists, but no market exists, or the cost of extraction is high, or the location is so distant from the markets that delivery costs are prohibitive, then the mineral may have no contributory value to the property. However, to ensure conveyance of mineral rights as a part of full title to the tract, the Program is offering \$7.50 per acre for those rights.

**69. Who makes the determination of whether minerals of current economic value exist?**

The Division of Minerals Evaluation (DME), part of the Office of Valuation Services in the Department of the Interior, is responsible for evaluating the existence of economically viable minerals. The professional geologists, minerals economists, and engineers in DME extensively review the known geology of a location to determine if minerals are known to exist, evaluate mining activity in the area of that tract, identify markets for any known minerals and whether extraction of any minerals can be completed cost effectively. Most tracts will not have minerals of current economic value; where tracts are identified that may have current economic mineral value, those tracts are set aside because further analysis would be required to begin to estimate the economic value of the minerals.

In addition, the valuation approach employed by the Office of Appraisal Services (OAS) also considers how mineral rights are traded in the local market. As part of its approach, OAS searches for current and historical land sale data to see what similar land has actually sold for in the pertinent locale (commonly known as “comparable sales” data). The comparable sales gathered include properties where surface and subsurface rights are sold together. Using these comparable sales is another way in which the Program’s offer amount is able to properly reflect the fair market value associated with the transfer of the surface as well as any subsurface minerals.

**70. If a person believes there is something valuable beneath the surface of their land, are they responsible for a separate valuation?**

No, the landowner is not responsible for a separate valuation. The federal government conducts a detailed analysis to ensure that the offer amount reflects fair market value the tract (surface and subsurface rights). Mineral values are considered in the highest and best use scenario for tracts with a combined estate (mineral and surface) and through the analysis of past and current land sales of similar properties. The owner of any mineral rights may also perform whatever analysis they would like to determine whether they agree with the offer amount.

Owners must make a decision over whether they think the mineral rights will eventually have value. The Buy-Back Program relies upon the best data available to evaluate mineral economics, and a determination that no current economic value exists for minerals interests is based on solid research and analysis. It is up to interest owners to determine whether to accept their purchase offer, or take a chance on future discoveries or changes to the market.



**71. Will the Buy-Back Program make offers on fractionated tracts that contain improvements?**

Yes. Offers on tracts with improvements may be made if a lease (including a residential lease, sometimes referred to as a homesite lease) is recorded by the BIA or, in the case of tracts without a recorded lease, if the tribal government provides a resolution requesting offers on tracts with improvements and indicating that the tribe will provide lease opportunities to individuals living on the land. The Program will be acquiring fractional interests only in the land, not in the improvements themselves. Improvements are not valued or included for purchase in Program offers, but are considered in determining the fair market value of the underlying tract of land.

**72. Will the Buy-Back Program make offers on fractionated tracts of land held in restricted fee status that contain improvements?**

The Program is considering whether to make offers on fractionated tracts held in restricted fee status that contain improvements and will update landowners in the event that a decision is made to make such offers.

**73. Are improvements located on trust land considered trust property?**

No, the Department considers improvements to be non-trust property. Improvements are not included for purchase in Program offers, but are considered in determining the fair market value of the underlying tract of land.

**74. May I sell my improvements to the Buy-Back Program?**

No, the Program will be acquiring fractional interests only in land, not in the improvements themselves. Improvements are not valued or included for purchase in Program offers, but are considered in determining the fair market value of the underlying tract of land.

**75. How will the Buy-Back Program affect me if I have a lease on any of the tracts in which I have an owner interest?**

Any purchases or transfers of fractional interests are subject to the terms of existing leases and encumbrances on the land. Existing leases on fractionated tracts will run their term. If you are currently living on or utilizing the land in which you own a fractional interest and you do not have a lease or permit, you should contact the local BIA Realty Office before selling your ownership interest.

**76. Is a lease required for a Buy-Back Program sale to occur?**

No, although tribes must have approved a tribal resolution that provides a leasing opportunity to those individuals living in un-leased residences on allotted tracts. Landowners who do not have a lease should contact their local BIA Realty Office to inquire about the process before accepting their purchase offer.



**77. If I live in or own an improvement on trust or restricted land, should I have a lease?**

Yes, a lease provides clarity on the use of the land and any improvements. You may obtain a lease from the co-owners of the trust and restricted interests in the land, unless all of the owners have given you permission to take or continue in possession without a lease. The Code of Federal Regulations provides detailed leasing requirements. See Title 25, Part 162, of the Code of Federal Regulations, especially the general lease provisions (at [Subpart A](#)) and those regarding residential leases (at [Subpart C](#)).

**78. If I want to obtain a residential lease, how many of the landowners on the tract(s) must consent?**

As indicated in the below table, the answer depends on the number of individual owners who have an undivided ownership interest in the allotted tract of land. For additional details, see [25 U.S.C. § 2218](#).

Number of undivided interest owners	Required percentage of ownership that must consent in writing
5 or fewer	90 percent
6 - 10	80 percent
11 - 19	60 percent
20 or more	50 percent

**79. How do I contact the co-owners of the land in which I have an interest.**

By submitting a written request to the local BIA office, you may obtain the names and mailing addresses of the owners of any interest in trust or restricted lands on a particular reservation, including the percentage of undivided interest owned by each individual.

**80. Will I receive an offer if I have outstanding debt on improvements that are located on the land that I want to sell?**

Interior does not maintain nor conduct any inventory on improvements, as they are non-trust property. Therefore, any debt or any other existing agreements regarding improvements will not be considered when making any offers. Any outstanding debt or contractual agreements for improvements will remain the responsibility of the improvement's individual owner.

**81. What if an improvement is not inhabited?**

The Program's policy for improvements is the same regardless of whether or not they are inhabited. Improvements are not valued or included for purchase in Program offers, but are considered in determining the fair market value of the underlying tract of land.

## VII. *Selling Your Land*

### 82. What is included in the purchase offer package?

A purchase offer package includes:

1. **Cover Letter**
2. **Instructions:** The instructions explain how to fill out the documents necessary for the sale of your fractional ownership interests.
3. **Deed:** The deed is the legal document for the conveyance of any fractional ownership interests you choose to sell, as reflected on the Purchasable Interests Inventory included in the offer package. Completing and returning the deed and Purchasable Interests Inventory signifies your acceptance of the Purchase Offer in whole or in part. If you decide to sell some or all of your interests, you must sign your name exactly as it is typed on the deed in front of a Notary Public, and the Notary must completely fill out and place their seal on the lower portion of the deed.
4. **Purchasable Interests Inventory (Inventory):** The Inventory lists your ownership interests in each tract of trust or restricted land that is eligible for purchase under the Buy-Back Program, and the value of your interests in each tract. There are two parts to the Inventory: a SUMMARY and a DETAIL section. Additional information, including a legal description of each tract and the Scholarship Fund contribution for each of your interests, is included in the DETAIL section. Use the “Item” number for cross reference between the SUMMARY and the DETAIL section. If you decide to sell some or all of your interests, all pages of both sections of the Inventory must be returned.
5. **Map(s):** Maps show the general location of the tracts of land in which you own fractional interests.
6. **Self-Addressed Return Envelope:** The Package includes an envelope to allow you to return the completed Purchase Offer free of charge for processing by the Bureau of Indian Affairs (BIA).

The Buy-Back Program’s website has a section to help landowners become familiar with offer package materials at: <http://www.doi.gov/buybackprogram/landowners/offer-docs.cfm>. A step-by-step video is available at <http://www.doi.gov/buybackprogram/tribes/the-purchase-offer-process.cfm> to help assist individuals with identifying critical information included in their Offer Package and completing the necessary forms.

The Trust Beneficiary Call Center is also available to assist you if you have any questions at (888) 678-6836.

The Indian Land Tenure Foundation has produced a useful brochure to help landowners walk through offer package documents, which is available at: [http://www.doi.gov/buybackprogram/landowners/upload/ILTF\\_Pamphlet\\_Final.pdf](http://www.doi.gov/buybackprogram/landowners/upload/ILTF_Pamphlet_Final.pdf).

### **83. What do I do when I receive a purchase offer package?**

There are four key steps to take when considering your purchase offer:

1. First, review the deed and Purchasable Interests Inventory (Inventory) to assure your name and personal information are correct, and then determine whether to sell any or all of your ownership interests listed on the Inventory.

If your name or other personal information is not correct, do not complete and return the deed and Inventory. Instead, contact the Trust Beneficiary Call Center at (888) 678-6836 or visit your local Office of the Special Trustee for American Indians (OST) office to get any necessary corrections made, after which you will be provided with a new purchase offer package. **Do not make handwritten corrections, use white-out, or place any other marks on the deed or Inventory, as this will delay or prevent processing of your sale.**

2. If opting to sell, use the Inventory to fill in the bubble adjacent to each ownership interest you wish to sell, or select the “Sell All Tracts” bubble if you wish to sell all interests.
3. In front of a Notary Public, sign the deed exactly as your name is typed. A Notary Public is required in order to validate the signature and to serve as the official witness. Make sure the Notary completely fills out and places a visible seal on the lower portion of the deed. You can contact your local BIA or OST office for information about how to find a notary.
4. Return the original signed and notarized deed, along with all pages of the Inventory (both the SUMMARY and the DETAIL sections), in the self-addressed, postage paid envelope provided. You must return the original documents in order for the sale to be processed.

### **84. Does my deed need to be notarized in the state in which my ownership interests are being sold?**

No, the deed may be notarized in any state. You can contact your local BIA or OST office for information about how to find a notary.

### **85. Can I make changes to the deed?**

No. The deed is a legal document. It must be filled out neatly and completely. White out, cross outs, or stray markings will void the document. If necessary, a new deed may be requested. The Trust Beneficiary Call Center can assist with fulfilling this request at (888) 678-6836.

### **86. Will I get a copy of the deed that I returned?**

The seller may make a copy of the signed, notarized deed and Purchasable Interests Inventory before returning them. You must return the original documents in order for the sale to be processed. A copy of the deed can be requested from any BIA Realty Office but will not be provided by the Program once the conveyance is completed.

**87. Will I be contacted when the sale/conveyance is complete?**

An Acknowledgement Notice will be mailed to each seller upon approval of a sale. The Notice specifies the amount deposited to the seller's Individual Indian Money (IIM) account for the interests sold, and the amount contributed by the Program to the Cobell Education Scholarship Fund on the seller's behalf. The Scholarship Fund contribution is not deducted from the seller's payment. For more details about the Scholarship Fund, see the above section in this document.

**88. Will the tracts listed on my Purchasable Interest Inventory be the same as those listed on my Statement of Performance?**

Not all of the tracts on your Statement of Performance may be listed on your Purchasable Interests Inventory. The Inventory will only list those tracts that the Program is offering to purchase.

**89. I need more specific information about my land ownership interests. Where can I obtain additional assistance?**

Individuals may contact the Trust Beneficiary Call Center at (888) 678-6836 for more information about their interests, or visit the local Bureau of Indian Affairs or Office of the Special Trustee for American Indians office for further assistance.

**90. Who did I inherit interests from?**

Individuals may contact the Trust Beneficiary Call Center at (888) 678-6836 for assistance in determining who their interests were inherited from.

**91. How long do I have to decide whether to sell all or some of my interests?**

Purchase offers are valid for 45 calendar days from the date of the Cover Letter in the offer package. Signed and notarized deeds and the corresponding Purchasable Interests Inventory must be post-marked by the deadline indicated in the Cover Letter. Landowners are strongly encouraged to review their land interests and consider if they are interested in participating in the Buy-Back Program prior to receiving their purchase offer.

**92. What happens if I return my package and it's incomplete?**

In order for your package to be processed, the required documents must be filled out correctly and returned to the Program within 45 days. Required documents include the Purchasable Interests Inventory (both the SUMMARY and DETAIL sections) and the signed and notarized deed. If any of the required documents are missing, or if the documents are filled out incorrectly, the Program may provide you with new documents to complete if time and resources allow. If time and resources don't allow, your sale will be declined, but you may receive a new offer if a second wave of offers is made for the location.

**93. I returned my purchase offer package and have received an Acknowledgement of Conveyance Letter. What does it mean?**

An Acknowledgement Notice is mailed to each seller upon closing of the Sale/Conveyance. The Notice will list the amount deposited into the seller's Individual Indian Money (IIM) account for the purchase of the owner interests that the seller selected on the Purchasable Interests Inventory. The letter lists:

- Base Payment of \$75;
- Total Payment Amount; and
- Amount disbursed to Cobell Education Scholarship Fund

**94. When and how will I be paid?**

When your completed purchase package is received by the Program within the established timeframe, the Buy-Back Program has 60 days to process your payment. When the purchase is approved, payment will be made to your Individual Indian Money (IIM) account.

**95. I received a “reminder” postcard from DOI. What does it mean?**

Approximately halfway through each 45-day window, the Program will send “reminder” postcards to landowners who received a purchase offer package. If you have already returned your purchase offer package, you do not need to do anything further. If you received a postcard, but did not receive a purchase offer package, please contact the Trust Beneficiary Call Center at (888) 678-6836 immediately so they can help you receive a replacement package.

**96. What if I miss the 45-day deadline to accept my offer?**

If you own fractional land interests on a reservation and missed the 45-day deadline to accept your offer, you may:

- Return your offer (including a signed, notarized deed) even though it is past the deadline. This late submission will be reviewed based on capacity, appraisal expiration, and the availability of funds. We cannot guarantee acceptance of late submissions.
- Call the Trust Beneficiary Call Center at (888) 678-6836 and indicate you are a Willing Seller. As resources allow, the Buy-Back Program may send offers to landowners who are interested in selling their interests after the Program's offer response deadline for a particular location provided there is a current appraisal and funds are available.

## Announcements Archive

### Interior Offers \$230 Million for Fractional Land Interests on Tracts with Improvements at Fort Belknap and Fort Peck

MON, JUNE 8, 2015, 11:23 AM EST

Interior Deputy Secretary Michael Connor today announced that more than \$230 million in purchase offers have been sent to nearly 12,000 landowners with fractional interests at the Fort Belknap and Fort Peck Indian Reservations in Montana. [Read More >](#)

### Osage Nation Becomes 20th Tribe to Partner with Interior to Implement the Land Buy-Back Program

THU, MAY 28, 2015, 09:14 AM EST

Interior Deputy Secretary Michael Connor announced today that the Department has signed a cooperative agreement with the Osage Nation to implement the Land Buy-Back Program for Tribal Nations. [Read More >](#)

### Interior Department Sends 150 Million in Purchase Offers to 6,500 Landowners with Fractional Interests at Cheyenne River

THU, MAY 7, 2015, 02:55 PM EST

Interior Deputy Secretary Michael Connor today announced that almost \$150 million in purchase offers have been sent to more than 6,500 landowners with fractional interests at the Cheyenne River Indian Reservation in South Dakota. [Read More >](#)

### Interior Department, Navajo Nation Partner to Implement Land Buy-Back Program

MON, APRIL 20, 2015, 02:21 PM EST

WASHINGTON, D.C. – Interior Deputy Secretary Michael Connor announced today that the Department has entered a cooperative agreement with the Navajo Nation to further implement the Land Buy-Back Program for Tribal Nations (Buy-Back Program). [Read More >](#)

### Almost \$200 Million in Purchase Offers Mailed to Landowners with Fractional Interests at Standing Rock Indian Reservation

MON, APRIL 6, 2015, 04:03 PM EST

The Department of the Interior today announced that its Land Buy-Back Program for Tribal Nations has sent \$195 million in purchase offers to more than 16,000 landowners with fractional interests at the Standing Rock Indian Reservation. [Read More >](#)

### Interior Makes Largest Transfer to Date to Cobell Education Scholarship Fund

THU, APRIL 2, 2015, 01:05 PM EST

The Department of the Interior today announced it has transferred more than \$12 million to the

Cobell Education Scholarship Fund, bringing the total amount transferred so far to \$17 million. [Read More >](#)

## **Interior Hosts Land Buy-Back Program 2015 Listening Session**

FRI, MARCH 20, 2015, 01:46 PM EST

More than 150 tribal leaders and individual landowners joined Department of the Interior Deputy Secretary Michael Connor and Assistant Secretary-Indian Affairs Kevin Washburn at the Land Buy-Back Program for Tribal Nations 2015 Listening Session. [Read More >](#)

## **Lummi Nation Partners with Department of the Interior in Land Buy-Back Program for Tribal Nations**

MON, MARCH 9, 2015, 11:52 AM EST

U.S. Deputy Secretary of the Interior Michael L. Connor today announced that the Lummi Tribe of the Lummi Reservation in Washington State has signed a cooperative agreement with the U.S. Department of the Interior. [Read More >](#)

## **More Than \$100 Million Available as Land Buy-Back Program Deadlines Approach for Thousands of Indian Landowners**

MON, FEBRUARY 23, 2015, 04:22 PM EST

More than 10,000 owners of fractional interests in trust or restricted land in Indian Country are facing fast approaching deadlines for \$100 million in purchase offers from the Land Buy-Back Program for Tribal Nations. [Read More >](#)

## **Two Additional Tribal Nations Sign Cooperative Agreements with Interior to Reduce Land Fractionation in Indian Country**

FRI, JANUARY 30, 2015, 01:35 PM EST

In the latest step of the Interior Department's work to strengthen tribal sovereignty across Indian Country, Interior today announced two additional agreements have been signed with tribal nations to guide implementation of the Land Buy-Back Program. [Read More >](#)

## **Interior's Land Buy-Back Program Sends \$20 Million in Purchase Offers to Members of the Salt River Pima-Maricopa Indian Community**

FRI, JANUARY 16, 2015, 06:06 PM EST

Interior's Land Buy-Back Program Sends \$20 Million in Purchase Offers to Members of the Salt River Pima-Maricopa Indian Community [Read More >](#)

## **Interior Signs Agreements with Two Tribal Nations in Washington State to Reduce Land Ownership Fractionation in Indian Country**

TUE, JANUARY 13, 2015, 06:15 PM EST

Deputy Secretary of the Interior Michael Connor today announced that the Department has signed two additional agreements with tribal nations in Washington State through the Land Buy-Back Program for Tribal Nations (Buy-Back Program). [Read More >](#)

## **UPDATE Federal Register Notice: Interior Updating Systems of Records Notices to Facilitate Information Sharing with Tribes Implementing the Land Buy-Back Program**

THU, JANUARY 8, 2015, 12:27 PM EST

In a Federal Register notice published today, the Bureau of Indian Affairs (BIA) announced that it is updating the existing system of record notices (SORNs). [Read More >](#)

## **Interior Wraps Year with Total Transfer of \$5 Million to Cobell Education Scholarship Fund as a Result of Land Buy-Back Program**

TUE, DECEMBER 30, 2014, 11:58 AM EST

The Scholarship Fund will provide financial assistance through scholarships to American Indian and Alaska Native students wishing to pursue post-secondary education and training.

[Read More >](#)

## **Interior Sends \$9 million in Purchase Offers to Indian Landowners with Fractional Interests at Coeur d'Alene Reservation**

WED, DECEMBER 17, 2014, 03:39 PM EST

Deputy Secretary Mike Connor announced that nearly \$9 million in purchase offers have been sent to more than 400 landowners with fractional interests at the Coeur d'Alene Reservation in Idaho. [Read More >](#)

## **Interior Sends Nearly \$1.5 Million in Purchase Offers to Landowners with Fractional Interests at Squaxin Island Indian Reservation**

WED, DECEMBER 10, 2014, 04:00 PM EST

Deputy Secretary Mike Connor today announced that nearly \$1.5 million in purchase offers have been sent to more than 600 landowners with fractional interests at the Squaxin Island Indian Reservation in Washington through the Land Buy-Back Program. [Read More >](#)

## **Op-Ed: Making Strides to Restore Native American Homelands**

THU, DECEMBER 4, 2014, 03:15 PM EST

As President Obama hosted the 6th Annual Tribal Nations Conference this week, the Administration capped a year of continued progress in strengthening the government-to-government relationship with Indian Country. [Read More >](#)

## **Deputy Secretary Connor Outlines Accomplishments, Next Tribal Locations for \$1.9 Billion Land Buy-Back Program**

THU, NOVEMBER 20, 2014, 03:17 PM EST

Department's Land Buy-Back Program for Tribal Nations (Buy-Back Program) has paid more than \$225 million to individual American Indians for restoring the equivalent of 375,000 acres to tribal governments during the Program's first year of sending offers. [Read More >](#)



## **NOTICE: Information for Landowners with Fractional Interests Wishing to Participate in the Land Buy-Back Program**

THU, NOVEMBER 6, 2014, 09:39 AM EST

For landowners who wish to sell their interests, a new step-by-step video is now available to help assist people with identifying critical information included in their Offer Package and completing the necessary forms. [Read More >](#)

## **Nearly 2,800 Landowners with Fractional Interests at Lake Traverse Indian Reservation Receive \$63.5 Million in Purchase Offers through Interior's Land Buy-Back Program**

FRI, OCTOBER 10, 2014, 12:35 PM EST

Building off of sustained momentum from the U.S. Department of the Interior's Land Buy-Back Program for Tribal Nations (Buy-Back Program), Deputy Secretary Mike Connor today announced that purchase offers worth more than \$63.5 million [Read More >](#)

## **Interior Sends More than \$298 Million in Purchase Offers to 4,000 Landowners with Fractional Interests at Crow Reservation in Montana**

MON, OCTOBER 6, 2014, 04:56 PM EST

WASHINGTON, DC – Deputy Secretary of the Interior Mike Connor today announced that the Department's Land Buy-Back Program for Tribal Nations (Buy-Back Program) has sent purchase offers worth more than \$298 million to nearly 4,000 landowners [Read More >](#)

## **Interior Transfers Another \$1 Million from Land Buy-Back Program to Cobell Education Scholarship Fund**

WED, OCTOBER 1, 2014, 12:34 PM EST

WASHINGTON, D.C. – The U.S. Department of the Interior today announced that an additional \$1 million has been transferred to the Cobell Education Scholarship Fund, bringing the total transferred in 2014 to more than \$4.5 million. [Read More >](#)

## **Interior Offers More Than \$9.4 Million to Nearly 1,800 Landowners with Fractional Interests at Umatilla Indian Reservation**

TUE, SEPTEMBER 16, 2014, 12:33 PM EST

Deputy Secretary of the Interior Mike Connor today announced that purchase offers have been sent to nearly 1,800 landowners with fractional interests on the Umatilla Indian Reservation [Read More >](#)

## **Land Buy-Back Program Tops \$100 Million in Payments to American Indian Landowners with Fractionated Interests**

MON, SEPTEMBER 8, 2014, 11:27 AM EST

WASHINGTON, DC – Following Secretary of the Interior Sally Jewell's recent visit with the Confederated Salish and Kootenai Tribes of the Flathead Reservation, Deputy Secretary of the Interior Mike Connor today announced that more than \$8.3 million [Read More >](#)

## Interior Offers Nearly \$100 Million to More Than 4,000 Landowners with Interests at Gila River and Northern Cheyenne Indian Reservations to Reduce Fractionation of Tribal Lands

THU, AUGUST 28, 2014, 12:19 PM EST

The Department of the Interior today announced that purchase offers have been sent to more than 4,000 individual landowners with fractional interests at the Gila River Indian Reservation in Arizona and the Northern Cheyenne Indian Reservation in Montana. [Read More >](#)

## Due Date Approaching for Landowners with Fractional Interests at Rosebud Indian Reservation

MON, AUGUST 4, 2014, 08:40 AM EST

The Department of the Interior has sent purchase offers exceeding \$50 million to more than 11,000 landowners with fractional interests at the Rosebud Indian Reservation. These offers provide landowners the opportunity to... [Read More >](#)

## Interior, Standing Rock Sioux Tribe Sign Agreement to Reduce Land Ownership Fractionation in Indian Country

WED, JULY 16, 2014, 11:57 AM EST

WASHINGTON, DC – As part of President Obama's continuing effort to help American Indian leaders build strong, resilient communities, Deputy Secretary of the Interior Mike Connor today announced the Department has signed a cooperative agreement [Read More >](#)

## Three More Tribal Nations Sign Agreements with Interior to Reduce Fractionation in Indian Country

WED, JULY 9, 2014, 02:48 PM EST

In the latest step in the successful implementation of the Land Buy-Back Program for Tribal Nations (Buy-Back Program), Deputy Secretary of the Interior Michael Connor today announced that the Department has signed three additional agreements with... [Read More >](#)

## Deadline Approaching for Landowners with Fractional Interests at Pine Ridge Reservation

MON, JULY 7, 2014, 09:00 AM EST

The Department of the Interior has sent purchase offers exceeding \$100 million to more than 21,000 landowners with fractional interests at the Pine Ridge Reservation. [Read More >](#)

## Interior Transfers Nearly \$3 Million from Land Buy-Back Program to Cobell Education Scholarship Fund

TUE, JULY 1, 2014, 10:50 AM EST

WASHINGTON, DC – The Department of the Interior today announced that \$2.9 million has been transferred to the Cobell Education Scholarship Fund. [Read More >](#)

## Interior Announces More Than \$50 Million in Purchase Offers for Nearly 11,000 Landowners with Interests at Rosebud Reservation

WED, JUNE 25, 2014, 02:10 PM EST

In another step to fulfill President Obama's commitment to help strengthen Indian communities, the Department of the Interior today announced that offers have been sent to nearly 11,000 individual landowners with fractional interests at the Rosebud... [Read More >](#)

## President Obama Op-Ed: On My Upcoming Trip to Indian Country

THU, JUNE 5, 2014, 03:54 PM EST

Six years ago, I made my first trip to Indian country. I visited the Crow Nation in Montana—an experience I'll never forget. I left with a new Crow name, an adoptive Crow family, and an even stronger commitment to build a future that honors... [Read More >](#)

## Interior Signs Agreements with Three Additional Tribal Nations to Reduce Fractionation in Indian Country

THU, MAY 29, 2014, 02:42 PM EST

Deputy Secretary of the Interior Michael Connor today announced that the Department has signed three additional agreements to facilitate the purchase of individual interests in fractionated trust lands and consolidate ownership for the tribes with [Read More >](#)

## Interior Extends Buy-Back Program Implementation for Landowners with Fractionated Interests at Pine Ridge Reservation

TUE, MAY 20, 2014, 02:35 PM EST

Noting that the Pine Ridge Reservation is one of the most highly-fractionated land ownership locations in Indian Country, the U.S. Department of the Interior's Buy-Back Program today extended its implementation on the reservation. [Read More >](#)

## Deputy Secretary Connor Announces Next Implementation Schedule for \$1.9 Billion Land Buy-Back Program

THU, MAY 15, 2014, 01:48 PM EST

Deputy Secretary of the Interior Michael Connor today announced a schedule through 2015 for the continued implementation of the Land Buy-Back Program for Tribal Nations (Program) that identifies locations representing more than half of all the fractional [Read More >](#)

## Deadline Approaching for Landowners with Fractionated Interests at Pine Ridge Reservation

FRI, APRIL 18, 2014, 10:57 AM EST

The Department of the Interior has sent purchase offers totalling more than \$100 million to nearly 16,000 landowners with fractionated interests at the Pine Ridge Reservation. [Read More >](#)

## Buy-Back Program Launches Public Service Announcements with

## Tribal Leaders to Inform Landowners of Opportunity to Sell Fractionated Interests

FRI, APRIL 18, 2014, 10:57 AM EST

The Buy-Back Program today launched two new Public Service Announcements (PSAs) as part of the continuing effort to inform Indian landowners about the opportunity to consolidate fractionated interests into tribal trust ownership. [Read More >](#)

## Interior Sends Additional \$1.2 Million in Purchase Offers to Nearly 600 Landowners with Fractional Interests at Makah Reservation

TUE, APRIL 15, 2014, 10:35 AM EST

The U.S. Department of the Interior announced that the Land Buy-Back Program has sent additional purchase offers totaling approximately \$1.2 million to nearly 600 individual landowners with fractional interests in parcels at the Makah Reservation. [Read More >](#)

## Interior Signs Cooperative Agreement with Sisseton-Wahpeton Oyate as Next Step in Land Buy-Back Program

TUE, APRIL 8, 2014, 02:04 PM EST

As part of President Obama's commitment to help strengthen Native American communities, U.S. Secretary of the Interior Sally Jewell today announced the latest step in the implementation of the Land Buy-Back Program for Tribal Nations [Read More >](#)

## Interior Announces First Transfer from Land Buy-Back Program to Cobell Education Fund

WED, APRIL 2, 2014, 12:22 PM EST

The Department of the Interior today announced that quarterly transfers of funds to the Cobell Education Scholarship Fund are set to begin this week with a first transfer of nearly \$580,000 to the American Indian College Fund. [Read More >](#)

## Op-Ed - Land Buy-Back Program: Important Facts for Landowners

WED, APRIL 2, 2014, 09:13 AM EST

Principal Deputy Assistant Secretary - Indian Affairs Larry Roberts takes a moment to highlight some important facts about the Land Buy-Back Program to help landowners make informed decisions about their participation. [Read More >](#)

## Interior Announces More Than \$100 Million in Purchase Offers to Nearly 16,000 Landowners with Fractionated Interests at Pine Ridge Reservation

WED, MARCH 19, 2014, 10:50 AM EST

In another step to fulfill President Obama's commitment to strengthen Indian communities, the U.S. Department of the Interior today announced that the Land Buy-Back Program for Tribal Nations has sent purchase offers to nearly 16,000 individual landowners [Read More >](#)

## **Interior Announces Next Cooperative Agreements Under Land Buy-Back Program for Tribal Nations**

THU, JANUARY 30, 2014, 12:03 PM EST

Secretary Jewell and Assistant Secretary – Indian Affairs Washburn announced cooperative agreements with the Confederated Salish and Kootenai Tribes of the Flathead Reservation and the Northern Cheyenne Tribe, both located in Montana [Read More >](#)

## **Secretary Jewell Announces Board of Trustee Selections for Cobell Education Scholarship Fund**

WED, JANUARY 15, 2014, 11:45 AM EST

Secretary Jewell today announced her selection of Dr. Jean O'Brien of the University of Minnesota, and Pamela Agoyo, of the University of New Mexico, to serve as the Secretary's appointees to the Board of Trustees for the Cobell Education scholarship fund [Read More >](#)

## **Interior Announces First Purchase Offers to Facilitate Cobell Land Consolidation Efforts**

WED, DECEMBER 18, 2013, 02:15 PM EST

In a major step toward fully implementing the historic Cobell settlement, the Department of the Interior announced today that it has sent initial purchase offers to consolidate ownership of highly fractionated trust lands. [Read More >](#)

## **Interior, Oglala Sioux Tribe Announce First Cooperative Agreement to Facilitate Purchase of Fractionated Land under Cobell Settlement**

MON, DECEMBER 9, 2013, 03:23 PM EST

The Department of the Interior today announced that it has finalized the first cooperative agreement to facilitate the purchase of individual interests in highly fractionated trust lands to consolidate ownership for tribes. [Read More >](#)

## **Interior Expands Land Buy-Back Process Across Indian Country**

FRI, NOVEMBER 8, 2013, 11:24 AM EST

As part of President Obama's commitment to help strengthen Indian communities, and following nation-to-nation consultations with tribal leaders, the Department is expanding the implementation strategy for the Land Buy-Back Program for Tribal Nations. [Read More >](#)

## **Interior Releases Valuation Plan for Land Buy-Back Program; Reviewed, Strengthened by The Appraisal Foundation**

TUE, OCTOBER 29, 2013, 01:33 PM EST

As part of President Obama's commitment to help strengthen American Indian communities, the Department of the Interior today released its revised Land Buy-Back Program Valuation Plan. [Read More >](#)

## **Op-Ed - Asst. Secretary for Indian Affairs Explains Interior's Land**

## Buy-Back Plan

MON, AUGUST 19, 2013, 10:53 AM EST

Every year thousands of acres of land go out of trust simply because fractionated interests are passed on to non-Indian heirs. The Land Buy-Back Program will stop this loss of Indian lands by transferring those interests to the tribe... [Read More >](#)



## THE COBELL SETTLEMENT

The long running *Cobell v. Salazar* class action lawsuit involving the trust administration of Individual Indian Money (IIM) Accounts was finally settled in December 2009 after 14 years of litigation. The Cobell Settlement was approved by Congress and the Claims Resolution Act of 2010 was signed by President Obama on December 8, 2010. The Settlement became effective on November 24, 2012, after appeals were exhausted through the U.S. Supreme Court.

It is important to understand that the Cobell Settlement is a two-sided agreement. For their part, Indian people who either currently have or have had in the past an IIM account, or owned an interest in trust land may share in a payment of \$1.5 billion. The Department of the Interior (DOI) for its part of the Settlement received \$1.9 billion to be used for two things—\$1.5 billion for purchasing undivided trust interests in trust allotments owned by individual Indians and return those interests to the tribe with jurisdiction plus up to \$285 million for program implementation (including \$60 million for scholarships for Indian students that would be generated as a matching amount from the purchase of the trust interests, and funds to support the work of the Trust Reform Commission for developing recommendations for future changes in trust management.)

## LAND BUY-BACK PROGRAM FOR TRIBAL NATIONS

As part of the Cobell Settlement, this program is aimed at reducing the level of fractionation in trust allotment land titles. The Program will only purchase undivided trust and restricted fee interests from individual owners who are willing to sell and return those interests to the tribe with jurisdiction over the allotment. The Program has until November, 2022 to purchase \$1.5 billion of these interests. As currently designed, the Program will work reservation-by-reservation conducting appraisals and making offers to individual land-interest holders.

## WHY THIS PUBLICATION

Part of the mission of the Indian Land Tenure Foundation is to inform individual Indian landowners so that they can make wise decisions regarding their land ownership and management. While the Foundation does not take a position on whether a landowner should sell or not sell their interests, we do believe understanding the forms that you will receive from the Department of Interior is the first step in your decision making. This publication has been created to assist you in understanding those forms.

## Important Documents to Know About:

### OFFER PACKET DOCUMENTS

- Cover Letter and Instructions
- Deed
- Exhibit A: Purchasable Interests Inventory
- Tract Maps

### POST PURCHASE DOCUMENTS

- Acknowledgement Notice

### AVAILABLE UPON REQUEST

- Landowner Income Report
- Exhibit B: Approval of Conveyance
- Conveyed Interests Report

## Cover Letter and Instructions

### YOU MUST DECIDE QUICKLY

The offer is only good for the 45 days after this date on the letter.

### YOUR GRANTOR ID NUMBER AND NAME

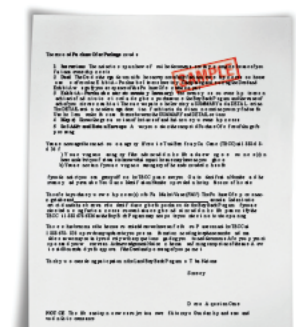
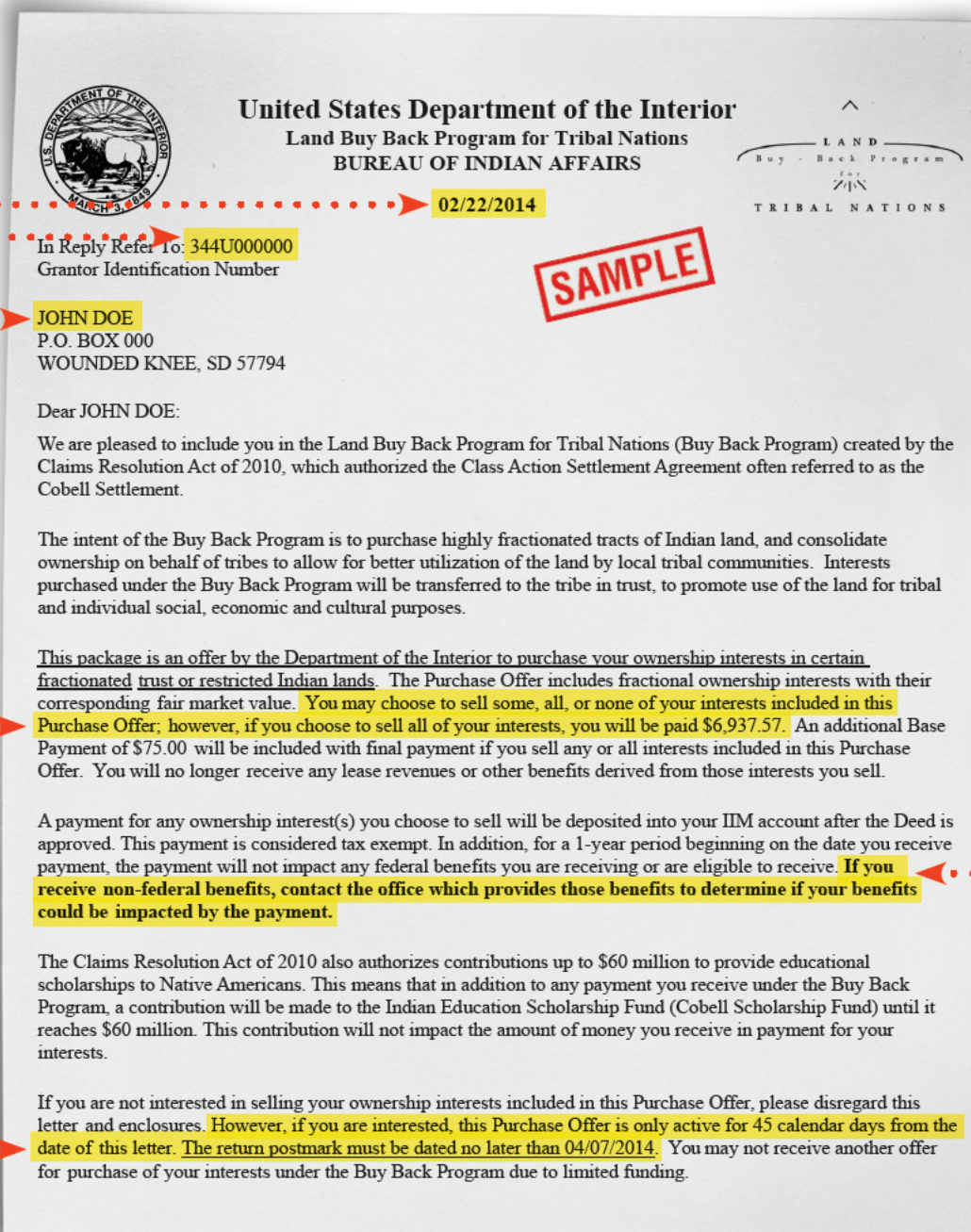
- The ID number and name must both be correct or you should contact the Trust Beneficiary Call Center (TBCC) immediately at 1-888-678-6836.

### YOUR DECISION

- If you choose to sell none of your interests, you do not need to do anything further.
- If you choose to sell some, but not all, of your interests listed on the Purchasable Interest Inventory, you will be paid fair market value for the tracts you choose to sell, plus an additional payment of \$75 for your time in completing the package.
- If you choose to sell all of the interests listed on the Purchasable Interest Inventory, you will be paid the fair market value shown in this line, plus an additional \$75 for your time in completing the package.

### IF YOU CHOOSE TO SELL

- The completed package must be postmarked by the date shown here in the letter. If postmarked later, it will not be processed.



Page 2 of letter



Instructions

### NON-FEDERAL BENEFITS

- This would include state and county support benefits.

### USE PRE-PAID ENVELOPE PROVIDED

- Use the postage-paid envelope to submit the completed offer packet.

### LANDOWNER INCOME REPORT (not pictured)

- This report will show your income (excluding oil and gas royalties) on leased tracts in which you own interest.
- You may request this report from the Trust Beneficiary Call Center (TBCC) at 1-888-678-6836.





# How to Complete the Buy Back Deed

**YOUR NAME, ID NUMBER, AND NAME ON SIGNATURE LINE**

- Check all three items to be sure each is accurate.
- The names should be your full legal name.
- If the typed information is incorrect, contact TBCC at 1-888-678-6836 for instructions.

**DO NOT SIGN THE DEED UNTIL YOU ARE WITH THE NOTARY PUBLIC**

When the notary asks you to, sign your name exactly as it appears on the deed.

**NOTARIES AVAILABLE**

- Notaries are available at no cost at OST offices.

**BRING YOUR ID AND THE DEED TO A NOTARY PUBLIC**

- Ask the Notary if their commission is current.
- Remember to bring your ID.
- The Notary Public will complete the remainder of this form **after** they see you sign it.

**DO NOT SEND COPIES**

- You must return the **original** signed and notarized deed for the sale to be processed.
- You may make a copy of the deed for your records if you wish.

**BE AWARE**

- If you're not the person named on the deed, you cannot sign the deed.

Land Buy Back Program for Tribal Nations

**SAMPLE**

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

Offer No: 100  
Deed ID: 345 400000001

**DEED TO RESTRICTED INDIAN LAND**

THIS DEED is entered into by and between **JOHN DOE**, Identification No.: 344U000000, DOB: 00/00/0000, residing at PO BOX 000, WOUNDED KNEE, SD 57794, referred to herein as Grantor, and the United States of America in Trust for the ROSEBUD SIOUX TRIBE, referred to herein as Grantee.

The Grantor, for and in consideration for the dollar amount(s) shown on the attached Exhibit A, sells and conveys unto the Grantee the interests in real estate shown on the attached Exhibit A, under the jurisdiction of 345 - ROSEBUD, to have and to hold said interests unto the Grantee United States of America in Trust for the ROSEBUD SIOUX TRIBE forever.

This conveyance is made pursuant to the provisions of the Indian Land Consolidation Act Amendments of 2000, Public Law 106-462, as amended by the American Indian Probate Reform Act of 2004, Public Law 108-374, and the Claims Resolution Act of 2010, Public Law 111-291.

Grantor and his or her heirs, executors, and administrators, hereby agrees that he or she will forever warrant and defend the title of the Grantee in said premises against the claim of all persons, claiming or to claim by, through or under him or her only.

**Do NOT sign until the Notary asks you to** (SEAL)

**JOHN DOE**

---

**ACKNOWLEDGEMENT**

STATE OF State COUNTY OF County

BE IT REMEMBERED, That on this Day day of Month, 20 Year

before the undersigned, a Notary Public in and for the County and State aforesaid,

personally appeared: JOHN DOE

to me personally known to be the identical person who executed the within instrument of writing, and such person duly acknowledges the execution of the same and acknowledges the execution of the same as his or her free and voluntary act.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal on day and year hereinabove written.

(Notary Seal Here)

**Notary Seal must be placed here and appear clearly**

Notary signs name here Notary Public

Notary prints name here

My Commission Expires: Notary fills in expiration date here

**FOR OFFICIAL USE ONLY:** Any person who, knowingly and willfully, uses any false writing, makes any materially false statement, fraudulent representation, covers up a material fact, or commits fraud, is subject to federal prosecution, fines and no more than five years imprisonment as provided in 18 USCS § 1001 .

# Exhibit A: Purchasable Interests Inventory

**SAMPLE**

Land Buy Back Program for Tribal Nations

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

Exhibit A - Purchasable Interests Inventory (PII) - SUMMARY

DATE: 02/22/2014 PAGE: 1 of 1  
Grantor ID: 344U000000 Offer ID: 100  
Grantor Name: DOE, JOHN

**Base Payment:** You will be compensated for time spent completing this package in the amount of \$75.00 in addition to the price offered for any, all or some of the interests listed in this report and chosen by you to sell.

● **Example:** Please use **black** or **blue ink** and fill in the circle(s) completely on the individual interests you wish to sell, or fill in the circle next to "Sell All Tracts Listed Below" to sell all interests.

Sell All Tracts Listed Below - Total of All Owner Interests Value: \$6,937.57

Sell	Item	Tract ID	Interest	Interest Value
<input checked="" type="radio"/>	1	345 M 0000	.0003819444	\$95.49
<input checked="" type="radio"/>	2	345 0001	.0023437500	\$468.75
<input checked="" type="radio"/>	3	345 0002	.0333333334	\$6,373.33

Land Buy Back Program for Tribal Nations

Grantor ID: 344U000000  
Grantor Name: DOE, JOHN

Item	Tract ID	Tract
1	345 M 0000	BEAR F
	State County	Sec
	SD TODD	6
Item	Tract ID	Tract
2	345 0001	FAST R
	State County	Sec
	SD TODD	9
Item	Tract ID	Tract
3	345 0002	SALLY
	State County	Sec
	SD TRIPP	20

**CHOOSE WHAT YOU WANT TO SELL**

- Only fill in the bubble(s) for the tract(s) which you want to sell.
- Use only blue or black ink.
- Mark this bubble only if you want to sell all interests listed below.

**CORRESPONDING TRACTS**

- These item numbers and tract ID numbers correspond on the two forms.

**SEND ALL PAGES**

- You must return the **original pages of both parts of the Inventory** for the sale to be processed.
- Keep a copy for your records.

**ACREAGE**

- This column indicates the total acreage of the tract or allotment that you have an interest in.



# Acknowledgement Notice

POST PURCHASE DOCUMENT

**United States Department of the Interior**  
Land Buy Back Program for Tribal Nations  
BUREAU OF INDIAN AFFAIRS  
02/26/2014

In Reply Refer To: 344U000000  
Grantor Identification Number

JOHN DOE  
P.O. BOX 000  
WOUNDED KNEE, SD 57794

**ACKNOWLEDGEMENT NOTICE - LAND BUY BACK PROGRAM**

Dear JOHN DOE:

Thank you for your participation in the Land Buy-Back Program for Tribal Nations. The recent sale of your interests through the Land Buy-Back Program will not only help to create opportunities such as cultural, residential, government, or economic growth for the Tribe and the community it serves, but also to address and reduce fractionalization of Indian Lands.

This notice acknowledges the value compensated to you for purchase of your land owner interest in each tract, the matching amount also disbursed to the Indian Education Scholarship Fund for American Indian and Alaska Native students \$353.67, the Base Payment of \$75.00 for completing the purchase offer package and deed, and the Total Payment Amount to you of **\$7,012.57**.

It is important to note that these land owner interests will no longer be reflected on the Quarterly Asset Statement you may receive due to the transfer of title to the Tribe having jurisdiction over the reservation/land area.

Feel free to contact the Trust Beneficiary Call center at 888-678-6836 if you have any questions.

Sincerely,  
Director, Acquisition Center

**SAMPLE**

# Exhibit B: Approval of Conveyance

AVAILABLE FROM BIA REALTY OFFICE UPON REQUEST

Land Buy Back Program for Tribal Nations  
Offer No: 100  
Deed ID: 345 4000000001  
Grantor ID: 344U000000  
Grantor Name: JOHN DOE

**"Exhibit B-Approval of Conveyance"**

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
02/26/2014

The within deed is hereby approved in accordance with authority delegated to the Assistant Secretary - Indian Affairs by 209 DM 8; to the Director, Bureau of Indian Affairs by 235 DM 1, through the Deputy Bureau Director - Tract Services by 3 288 6; and to the Director, Buy Back Program Bureau of Indian Affairs Acquisition Center by 3 288 11. Consideration to be made to the Grantor for purchase of the ownership interests as reflected in Exhibit A is **\$7,012.57**.

Approval Date: 02/26/2014  
Director, Acquisition Center

In compliance with the National Environmental Policy Act (NEPA), BIA has determined that the purchase of the fractionalized interests under this deed is categorically excluded from 216 DM 15.5.1. BIA has evaluated the purchase to determine whether it meets any of the extraordinary circumstances in 43 C.F.R. § 46.215, and has determined that any extraordinary circumstances would not be affected because the land use of the purchased interests would not change. Any future change in land use that requires a major federal action would require further NEPA review.

## APPROVAL OF PROPERTY TRANSFER

- You may request and review your Approval of Conveyance and Conveyed Interest Report —this is your receipt.
- This amount should be the total sum of the interests you chose to sell.

# Conveyed Interests Report

AVAILABLE FROM BIA REALTY OFFICE UPON REQUEST

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
Conveyed Interests Report

Grantor ID: 344U000000  
Grantor Name: DOE, JOHN

Date: 02/26/2014  
Page: 1 of 1  
Offer Number: 100  
Deed ID: 345 4000000001

ITM	Tract ID	Tract Name	Tract Acreage	Owner Interest	Interest Value	Scholarship Contribution	Tract Appraisal Date	
1	345 M 0000	BEAR FOLLOWS	320.000	.0003819444	\$95.49	\$10.00	11/19/2013	
		State County Sec Twp Rng Meridian					Resource	
		SD T20E06	6	035.00N	031.00W	Sixth Principal	E	Minerals Only

## YOU MAY REQUEST THIS REPORT

- You may call the TBCC at 1-888-678-6836 to request your Approval of Conveyance and Conveyed Interest Report.
- Review your Conveyed Interests Report carefully for details about the land title interests that you sold and keep for your records.

## CONFIRMATION OF YOUR SALE OF INTERESTS

- If all forms are returned on time and have been completed correctly, the sale will be processed within 60 days of receipt and you will receive an Acknowledgement Letter confirming the sale.
- Keep this letter for your records.

## TOTAL OF SALE

- This is the total sum paid for the interests you chose to sell plus \$75.

## FAIR MARKET VALUE

- This column shows the fair market value for your ownership interest as determined through an appraisal.
- This is the value that you are being offered for selling this interest and it is non-negotiable.
- To determine the value of the entire allotment, divide the interest value by the ownership interest (Example: \$95.49 divided by .000381944 equals approx. \$250,000).

## SCHOLARSHIP FUND

- This column shows the contribution that will be made from the Settlement Fund to the Scholarship fund on your behalf if you decide to sell this interest.
- This does not affect the amount that you will receive.

## WHEN THE APPRAISAL HAPPENED

- This shows the date of the approved appraisal that was used to determine the value the tract or allotment.
- You may call the TBCC to request a copy of the appraisal report.

## INTERESTS HELD AND OFFERED TO PURCHASE

- This shows the interest you own that the Program is offering to buy. **Not all interests may be listed in this Inventory.** If you are interested in selling additional interestes, call the TBCC and identify yourself as a willing seller.
- There are three possibilities: surface only, minerals only, and both mineral and surface.
- Mineral and surface ownership cannot be separated in this Program—if you choose to sell a tract with both Minerals and Surface interests, both interests will be sold together.**
- If you want to know whether you are earning lease income from any of the listed interests, you may call the TBCC at 1-888-678-6836 to get the information or request a copy of your Landowner Income Report.

## PORTION OF INTEREST YOU OWN

- This column shows the share of the tract that you hold, converted to a decimal.
- If you would like to understand that in terms of acreage, you can multiply the total acres in the tract by the ownership interest (Example: 320 acres x .0003819 equals approx. 0.12 acres).
- Keep in mind that your interest is undivided from all others in the same tract so the land is not physically divided into small pieces. You hold a share of the tract; you do not own specific acres in it.

**SAMPLE**

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
Exhibit A - Purchasable Interests Inventory (PII) **DETAIL**

Date: 02/22/2014  
Page: 1 of 1  
Offer Number: 100  
Deed ID: 345 4000000001

Name	Tract Acreage	Owner Interest	Interest Value	Scholarship <sup>1</sup> Contribution	Tract Appraisal Date
FOLLOWS	320.000	.0003819444	\$95.49	\$10.00	11/19/2013
Twn Rng	Meridian	Legal Description	Resource		
035.00N 031.00W	Sixth Principal	E	Minerals Only		
Name	Tract Acreage	Owner Interest	Interest Value	Scholarship Contribution	Tract Appraisal Date
UNNER	320.000	.0023437500	\$468.75	\$10.00	11/19/2013
Twn Rng	Meridian	Legal Description	Resource		
036.00N 032.00W	Sixth Principal	W	Surface Only		
Name	Tract Acreage	Owner Interest	Interest Value	Scholarship Contribution	Tract Appraisal Date
BLUE SHIELD	160.000	.0333333334	\$6,373.33	\$318.67	11/19/2013
Twn Rng	Meridian	Legal Description	Resource		
002.00N 078.00W	Fifth Principal	NE	Both (Mineral and Surface)		





Indian Land Tenure Foundation  
151 East County Road B2  
Little Canada, MN 55117-1523

## Informing Indian Landowners On the Land Buy-Back Program

Look inside for helpful information  
on the Land Buy-Back Program  
offer packets...



### Summary of Highlights

- The offer to sell your ownership interests is **strictly voluntary**—you decide if you want to sell.
- All completed and notarized original forms need to be returned/postmarked **within the 45-day deadline** in order for the sale to be processed.
- Fill out the Deed, but **don't sign it** until you're in front of the Notary Public. Be sure to sign your name **exactly** as it is typed on the deed.
- Return the **original** signed and notarized deed, and all **original** pages of both parts of Exhibit A: Purchase Interests Inventory, in the self-addressed postage prepaid envelope provided in your offer package.
- Once your complete forms are received, it may take up to 60 days to complete the sale, after which you will receive an Acknowledgment Notice.
- You may request your Conveyed Interests Report. Review carefully for details about the land title interests that you sold—this is your receipt.

### Resources

#### LAND BUYBACK PROGRAM

Land Buy-Back Program for Tribal Nations  
[www.doi.gov/buybackprogram](http://www.doi.gov/buybackprogram)

Trust Beneficiary Call Center (TBCC)  
1-888-678-6836  
Hours of Operation: M-F 7:00 am - 6:00 pm  
Sat. 8:00 am - Noon, Mountain Time

Fiduciary Trust Officer at your agency  
can be found at:  
[www.doi.gov/ost/fto/ftoRegions.cfm#1](http://www.doi.gov/ost/fto/ftoRegions.cfm#1)

#### COBELL SETTLEMENT INFORMATION

Indian Trust Settlement  
P.O. Box 9577,  
Dublin, OH 43017-4877  
1-800-961-6109  
[www.cobellsettlement.com](http://www.cobellsettlement.com)  
[www.indiantrust.com](http://www.indiantrust.com)  
[info@IndianTrust.com](mailto:info@IndianTrust.com)

#### WHEREABOUTS UNKNOWN

Make sure your IIM account information is up to date. Call the TBCC (1-888-678-6836) or visit the OST website ([www.doi.gov/ost](http://www.doi.gov/ost)) if your name or address has changed. Tell your friends and relatives to do the same.

#### OTHER RELATED RESOURCES

Indian Land Consolidation Act  
(Cornell Law Website)  
[www.law.cornell.edu/uscode/text/25/chapter-24](http://www.law.cornell.edu/uscode/text/25/chapter-24)

AIPRA  
(Tribal Court Clearinghouse website)  
[www.tribal-institute.org/lists/understanding.htm](http://www.tribal-institute.org/lists/understanding.htm)

The Indian Land Tenure Foundation (ILTF) is a national, community-based organization focused on American Indian land recovery and management. ILTF's primary aim is to ensure that all reservation and important off-reservation lands are owned and managed by Indian people and Indian nations.

As a community foundation, ILTF relies on funding from private foundations and donations from Indian nations, corporations and individuals to support its programming in Indian Country. Please consider making a donation to the Indian Land Tenure Foundation today.

To learn more about our work and programs and to make a donation, visit our website at: [www.iltf.org](http://www.iltf.org).



**STAY CONNECTED! WWW.ILTF.ORG**

Sign up for email updates on our website and follow us on Twitter, Facebook, LinkedIn and YouTube.



**Indian Land Tenure  
FOUNDATION.**

151 East County Road B2  
Little Canada, MN 55117  
651-766-8999  
[www.iltf.org](http://www.iltf.org)

## Mass Appraisal Summary

Mass appraisal is the process of valuing a group of properties to determine a parcel's value. It is one of several types of real estate appraisals and is generally used to value homogenous, non-complex, vacant lands that have an abundance of comparable land sales. The process relies on market studies and statistical models such as multiple regression analysis or geographic information systems. Mass appraisals are used to value real estate when it is not possible or efficient to perform an individual appraisal for each property.<sup>1</sup>

In order to achieve the goals of the Land Buy-Back Program for Tribal Nations, the program will target fractionated tracts that are amenable to cost-efficient, mass appraisal techniques.

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<sup>1</sup> OAS Commonly Asked Questions

[http://en.wikipedia.org/wiki/Real\\_estate\\_appraisal#Mass\\_appraisal\\_and\\_automated\\_valuation\\_models](http://en.wikipedia.org/wiki/Real_estate_appraisal#Mass_appraisal_and_automated_valuation_models)

<http://www.iaao.org/uploads/standardonmassappraisal.pdf>

[http://poconnor.com/Property\\_Tax\\_Glossary.asp](http://poconnor.com/Property_Tax_Glossary.asp)



# United States Department of the Interior

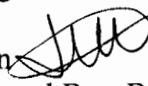
OFFICE OF THE SECRETARY  
Washington, DC 20240

**OCT 25 2013**

## DECISION MEMORANDUM FOR THE SECRETARY

AB

Through: Alletta Belin, Counselor to the Deputy Secretary  
Land Buy-Back Program for Tribal Nations Oversight Board

From: John H. McClanahan   
Program Manager, Land Buy-Back Program for Tribal Nations

Subject: Secretarial determination of a method for establishing fair market value for acquisition of interests in trust or restricted land by the Land Buy-Back Program for Tribal Nations pursuant to 25 U.S.C. § 2214 and the Cobell Settlement Agreement

### I. RECOMMENDATION

I recommend that you approve the attached Valuation Plan, and the supporting decisions described in this decision memorandum regarding determination of fair market value for fractional interests in trust or restricted lands in accordance with 25 U.S.C. § 2214 and the Cobell Settlement Agreement.

### II. SECRETARY'S DECISION

APPROVE

DISAPPROVE

COMMENTS:

Date:

**OCT 28 2013**

  
\_\_\_\_\_  
Sally Jewell



# United States Department of the Interior

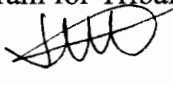
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From: John H. McClanahan   
Program Manager, Land Buy-Back Program for Tribal Nations

Subject: Secretarial determination of a method for establishing fair market value for acquisition of interests in trust or restricted land by the Land Buy-Back Program for Tribal Nations pursuant to 25 U.S.C. § 2214 and the Cobell Settlement Agreement

### I. BACKGROUND

The Department of the Interior (Department) has been charged with developing and implementing valuation methods and techniques to complete valuations of Indian trust lands to facilitate implementation of the Cobell Settlement Agreement (Agreement). The Agreement provides that the Department “shall offer fair market value in accordance with 25 U.S.C. § 2214 to owners” of fractional interests in trust or restricted lands.<sup>1</sup> Under 25 U.S.C. § 2214, the Secretary has authority to:

“...develop a system for establishing fair market value of various types of lands and improvements. Such a system may include determinations of fair market value based on appropriate geographic units as determined by the Secretary.”

The Office of Valuation Services (OVS), the Office of Appraisal Services (OAS), and the Office of Mineral Evaluation (OME) have developed the attached plan entitled Land Buy Back Program for Tribal Nations Real Estate Appraisal Methodologies (Valuation Plan) for establishing fair market value for the Land Buy-Back Program for Tribal Nations (Buy-Back Program). The Valuation Plan underwent a comprehensive review by The Appraisal Foundation (TAF) in June 2013 (*see attached*) to ensure the Valuation Plan’s methods were sound and in accordance with the *Uniform Standards of Professional Appraisal Practice* (USPAP). TAF made recommendations on the Valuation Plan, and those recommendations were incorporated into the Valuation Plan (*see attached* Department Responses to Recommendations). The Appraisal Foundation is a non-profit, non-partisan organization that has been authorized by Congress to issue national appraisal standards, set appraiser qualifications, and provide guidance on valuation matters.

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1. See Cobell Settlement Agreement at ¶ F (3), p. 35.



This document summarizes the Valuation Plan’s methods for establishing fair market value for the purposes of the Buy-Back Program and other decisions related to determining the amount to offer to landowners for their interests in trust or restricted land.

## II. DEFINITION OF “FAIR MARKET VALUE”

Given that the Settlement Agreement mandates that the Department offer fair market value in accordance with the Indian Land Consolidation Act (ILCA) (25 U.S.C. § 2214), the Buy-Back Program relies on the definition of market value the Department previously applied in interpreting the Indian Land Consolidation Program under ILCA, which is:

The amount in cash, or on terms reasonably equivalent to cash, for which in all probability the property would have sold on the effective date of the appraisal, after a reasonable exposure time on the open market, from a willing and reasonably knowledgeable seller to a willing and reasonably knowledgeable buyer, with neither acting under any compulsion to buy or sell, giving due consideration to all available economic uses of the property at the time of the appraisal.<sup>2</sup>

The OAS will determine fair market value using cost-efficient USPAP-compliant appraisal methodologies that take into consideration the number of tracts and parcels involved, the timeframe necessary to effectively administer the Buy-Back Program, and the budget constraints of available funding. To help ensure that the individual sellers have reasonable knowledge, the Bureau of Indian Affairs (BIA) will include, in the materials delivered to the sellers, one or more maps to depict the land interests encompassed by each offer.

## III. VALUATION METHODOLOGIES

### a) *General Approach*

The OAS and, in some instances, those tribes who wish to perform appraisals through cooperative agreements will provide appraisals of the fair market value of trust or restricted land. The appraisals will also consider the contributory value of the mineral estate when a fee simple or combined surface and mineral estate is being appraised. OME will review the completed appraisals where mineral estates are involved, or when requested, OME can provide the estimated minerals contributory value to the appraisals. The BIA will incorporate the values into the purchase documents to be provided to individual owners of fractional interests.

As undivided fractional interests face an inherently illiquid market and may be of no or only nominal value, the most effective means of acquiring interests is to base offers on the value represented by the proportionate interest of the property as a whole, assuming single “1/1” ownership, rather than on the value of each undivided interest. This assumption also is consistent with the intended result of land consolidation, which is to consolidate fractional interests into a single owner – the recognized tribe with jurisdiction.

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2. Interagency Indian Land Acquisition Conference, Uniform Appraisal Standards for Federal Land Acquisition, 5th ed. (Appraisal Institute 2000).

consistent with the intended result of land consolidation, which is to consolidate fractional interests into a single owner – the recognized tribe with jurisdiction.

In order to complete the appraisals required for an effective, timely Buy-Back Program, several valuation methodologies will be employed, as detailed below. These methodologies will be applied in cascading order at the discretion of the Buy-Back Program to meet program objectives.

#### b) *Appraisal Methodologies*

- Market Studies - A market study process begins with a gathering of market data by location, size, and land type. Based on analysis of the market data, a set value is determined for size and/or land class. A geographic area is defined by the appraiser and private land transactions within the defined real estate market are analyzed for factors that affect market value. These factors typically include market conditions, size, land types, and land uses. The market study is developed by a Certified General Appraiser.
- Mass Appraisal – Mass Appraisal Valuation System (MAVS) – The mass appraisal model is based upon and expanded from a system that OAS already utilizes in the Great Plains Region.<sup>3</sup> The mass appraisal method is applicable in geographic areas with homogeneous property types and uses and can be adapted to apply to other OAS Regions in the context of the Buy-Back Program. Once implemented and maintained, this mass appraisal system can continue to serve the Buy-Back Program and tribal nations for valuation and economic planning purposes.
  - Mass appraisal is the process of valuing a group of properties as of a given date using common data, standardized methods, and statistical testing.<sup>4</sup> To determine the value of an individual property, the appraiser completing the assignment must rely on valuation equations, tables, and schedules developed through mathematical analysis of market data. This type of valuation is typically used by local assessment officials when determining values for property tax purposes.
- Project Appraisals - Valuation assignments may require the valuation of a large number of parcels of real property, and individual appraisers may be assigned to value a number of these parcels at the same time. It may be logical to include several appraisals in one appraisal report. This is known as a project appraisal report.
- Property Specific Appraisals (individual): Under certain circumstances, it may be determined necessary to complete a property-specific appraisal where the tract to be acquired has priority under the objectives of the Buy-Back Program yet the property characteristics are not amenable to one of the foregoing methodologies. In such cases,

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3. This system has been developed over the past five years and has gone through significant development and testing. OAS has successfully deployed MAVS in the Great Plains Region specifically for the ILCA program, as well as for other analyses.

4. “*The Dictionary of Real Estate Appraisal*,” 4<sup>th</sup> Ed. Appraisal Institute, Chicago, IL. 2002

the Buy-Back Program Manager may request, subject to the availability of funding for the appraisal assignment, the OAS Buy-Back Program Deputy Director to direct that a Property Specific appraisal be completed. An example of this situation might be a property where there is clear commercial development potential and where that potential is unique to this property or a small group of similar properties. It is anticipated that individual appraisals will be the exception as the time and expense involved are significantly greater than with the foregoing methodologies.

The use of individual market studies, mass appraisal, project appraisals, and property-specific appraisals for purposes of 25 U.S.C. § 2214 was authorized by the Office of the Special Trustee for American Indians (OST) Directive number 120 OM 1, dated January 19, 2010. All four of these methods comply with USPAP. The applicable methodology for specific regions, states, or reservations, should be determined by OAS after reviewing the purchasable tracts for potential acquisition, as identified by the Buy-Back Program Manager. The appropriate method will be dependent upon the availability of market data and the degree of analysis necessary to produce credible results. The Buy-Back Program and OAS may adjust or refine the methods in order to implement lessons learned or address new issues or circumstances that may arise.

#### *c) Mineral Evaluation*

The OME will undertake the following steps in determining whether there are minerals with economic potential associated with a tract. Using the same GIS data and maps as OAS (from BLM and/or BIA), OME will evaluate the geology, leases, supply and demand, markets, and potential for development of the area to determine the economic mineral potential of tracts and parcels. Where no such potential is identified, OME will report that result to OAS and/or (for minerals-only estates) to BIA. If economic potential is identified, such parcels or tracts will be eligible for a second stage of analysis, at the discretion of the Buy-Back Program Manager. If a second review occurs, OME will review current markets, current leases and related information to develop an estimate of the economic potential and will report that to OAS and BIA for consideration into the offer for the fractionated interests.

#### IV. SUPPORTING DECISIONS

A number of other decisions will be necessary to support the valuation process and to determine the amount to offer to individual owners for fractional interests in order to achieve the overall goals of the Buy-Back Program. These decisions are either inherent in the scope of work for the appraisal or should occur after the appraised value has been determined.

#### *a) Improvements to Trust Property*

Improvements to trust properties are not generally part of the estate owned by the fractional interest holder, i.e., improvements are not part of the trust property.<sup>5</sup>

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5. As a general rule, the Department considers permanent improvements to be non-trust-property. 76 Fed. Reg. 7,500, 7,501 (Feb. 10, 2011).



There may be circumstances, however, where improvements to property have a material effect on the highest and best use of a property. Where the appraiser determines that improvements have changed the highest and best use, and there are not sufficient like properties to allow for mass appraisal, such properties will not be included in mass appraisal but will be set aside for consideration – depending upon tribal priorities and availability of funding – for a site-specific appraisal.

Improved properties have unique complexities that will increase both time and costs for appraisals. The Buy-Back Program has made an administrative decision that such properties will be set aside pending tribal priorities and the cost of evaluation of the impact on the trust land's value attributable to the improvement(s).

b) *Administrative Appraisal Validity (Appraisal "Shelf-Life")*

The Program is establishing an administrative appraisal validity period of up to nine months from the date of valuation in order to provide for effective acquisition of fractionated interests at each designated reservation. The administrative appraisal validity period simply means a defined interval of time necessary to carry out the Program before OAS or tribal appraisers are required to reevaluate appraised values. For administrative efficiency, establishing this range allows for the Program's timely implementation at reservations while setting a date certain upon which property values must be reevaluated if market conditions warrant such a review.<sup>6</sup> The administrative appraisal validity period may vary for different reservations based on an area's market stability or volatility. For example, the Gila River Reservation may have a shorter administrative appraisal validity period than the Pine Ridge Reservation due to the market volatility for the land in the Gila River Reservation area.

Ideally, the date of the offers would be proximate with the date of valuation; however, market values can change and a continual reassessment of market values would be untenable given the Program's limited timeframe and limited administrative funds. Fair market value for any tract could change shortly after a completed appraisal or remain the same for several months or even years. As long as an offer is explicit, however, about when the appraisal was conducted and informs the owner about how the fair market value was assessed at that time for the owner's interest, then the offer's value would not have to change. If the owner believes the appraisal is out of date, the owner could simply refuse to sell or request an updated appraisal (which may or may not be granted given administrative considerations).

At the end of the administratively established timeframe for appraisal validity at each implementation site, the Program will be required to ask OAS to evaluate whether market conditions have changed. If new information suggests that values have changed, then new appraisals would be required. If market conditions indicate no change, then the original

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6. The Buy Back Program may want to request from OAS an indication of the market activity or volatility in evaluating whether the administratively determined validity period is appropriate.

appraisals – upon appraisal approval – can continue to be used as needed for the Program subject to another administratively defined valuation period.

*c) Base Payment*

The Program will be providing a base payment of \$75 per offer (not per interest) to willing sellers of fractionated interests. This decision resulted largely from tribal feedback the Program received during tribal consultations. The base payment will help offset any costs the landowners may incur in accepting the offers. Without this minimum offer, many fractional interest owners may determine that it is not in their interest to take the time to complete paperwork when their interest may be so fractional as to have little value. The Program assessed various options and amounts for a base payment and calculated the financial impact of the options. Based on the analysis, the Program decided to offer a base payment of \$75.00 per offer, regardless of the value of the land. This amount is consistent with hourly wage information associated with the estimated time it would take an owner to complete an offer package. The amount is also in line with tribal comments that recommended amounts ranging from \$50.00 to \$100.00 per offer and demonstrates the Department's willingness to act on tribal feedback. The Program announced the base payment in a press release on June 18, 2013.

*d) Nominal Mineral Value*

The Buy-Back Program offers will reflect an additional \$7.50 per acre only for those mineral interests where the economic values of such interests are determined to be nominal through assessment and analysis by OME. BIA's Indian Land Consolidation Project (ILCP) has a policy of offering an administratively set minimum value-per-acre for mineral interests where the economic value of such interests was nominal in order to acquire these non-economic interests and reduce fractionation. The \$7.50 per acre value used by the ILCP remains in place and will continue to be used by the Buy-Back Program.

e) *Illustrative Example*

The following example illustrates application of the method and supporting decisions. It assumes that the owner has a 1/100 (1 percent) fractional interest in three distinct 160 acre tracts, each with a different bundle of ownership rights (it is further assumed the subsurface ownership rights associated with two of the tracts has been determined to have no economic value). The offer to the owner for his or her interest in all three tracts would be \$1,239 as follows:

Appraised Values		
Tract 1 (Surface and Subsurface)	\$ 640	(1 percent owner of \$64,000 tract value)
Tract 2 (Surface only)	500	(1 percent owner of \$50,000 tract value)
Tract 3 (Subsurface only)	0	
Addition for Tract 1 Subsurface	12	(1 percent of 160*\$7.50)
Addition for Tract 3 Subsurface	12	(1 percent of 160*\$7.50)
Base Payment	<u>75</u>	(per offer, not interest)
Total	\$1,239	

V. RECOMMENDATION

I recommend approval of the attached Valuation Plan as the Buy-Back Program's method for establishing fair market value and the supporting administrative decisions described in this decision memorandum. The Valuation Plan relies on the definition of market value previously used by the Department in implementing the Indian Land Consolidation Act (ILCA), which satisfies the Settlement's mandate of establishing fair market value in accordance with 25 U.S.C. § 2214. The appraisal methodologies described in the Valuation Plan are USPAP-compliant, approved by The Appraisal Foundation, and represent an efficient and methodologically-sound valuation approach.

## TAAMS Summary

The Trust Asset & Accounting Management System (TAAMS) is an information technology (IT) system developed by CGI Group Inc. (CGI). CGI first began developing TAAMS in 1998 and the system includes several modules. TAAMS supports the management of trust title ownership, encumbrance, and land records through a centralized bureau-wide system. TAAMS also supports Trust Reform goals identified by the Department of the Interior (DOI) and the Bureau of Indian Affairs (BIA), as well as multiple strategic goals, including honoring trust responsibilities to Indian Tribes. BIA is in the process of developing additional module(s) for the Land Buy-Back Program for Tribal Nations to automate and streamline the acquisition activities of the program.

Prior to TAAMS, the Land Title and Records Offices (LTROs) could not record title documents (e.g. deeds, leases, probates) received from agencies / field offices with the speed required to certify and issue Title Status Reports (TSRs). Therefore, agencies could not successfully complete trust asset transactions. Before TAAMS, the agency offices manually created and mailed title documents to LTROs, who manually recorded, microfilmed, and entered data into the title system to maintain title documents and chain-of-title to produce TSRs and manually validate their accuracy. The agency and LTRO processes were so time and labor-intensive that significant backlogs existed for document recording, data entry, and issuance of certified TSRs and probate inventories.<sup>1</sup>

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<sup>1</sup> <https://itdashboard.gov/investment?buscid=646>  
[http://www.doi.gov/ost/Trust\\_IT/taams.cfm](http://www.doi.gov/ost/Trust_IT/taams.cfm)  
<http://www.cgi.com/en/bureau-indian-affairs-outsources-technology-and-support-land-trust-management-to-cgi>

## **TFAS Summary**

The Congress has designated the Secretary of the Interior as the trustee delegate with responsibility for approximately 55 million surface acres of land, 57 million acres of subsurface mineral interests, and nearly \$4.4 billion that is held in trust by the Federal Government on behalf of American Indians, Alaska Natives, and federally recognized Indian Tribes. OST's trust management of these assets includes conserving, maintaining, accounting, investing, disbursing, and reporting to individual Indians and federally recognized Tribes and tribal organizations on asset transactions generated from sales, leasing and other commercial activities on these lands.

OST contracts with SEI Investments, Inc. for the Trust 3000 (TFAS) trust funds accounting system. Trust 3000, an industry standard trust accounting system includes automated processing of investment portfolio data management, daily pricing of financial assets, asset reconciliation, financial asset custodian services, trade settlement, financial asset income collection, monthly income factor calculation, cash management, scheduled disbursements, principal and income asset held portfolios, cycled statement production, investment performance reporting, archival services, liability processing, and numerous other functions.

Every individual that owns land in trust and receives income on this land has an account in TFAS. Should individuals choose to sell their land the proceeds from the sale will be deposited into their TFAS account.



**United States Department of the Interior**  
**Land Buy Back Program for Tribal Nations**  
**BUREAU OF INDIAN AFFAIRS**

02/05/2015



In Reply Refer To: 344U000000  
Grantor Identification Number

JOHN DOE  
P.O. BOX 000  
WOUNDED KNEE, SD 57794

Dear JOHN DOE:

We are pleased to include you in the Land Buy-Back Program for Tribal Nations (Buy-Back Program), which is part of Class Action Settlement Agreement often referred to as the Cobell Settlement. The intent of the Buy-Back Program is to consolidate highly fractionated tracts of Indian land, allowing for better utilization of the land for social, economic, or cultural purposes benefitting the tribal community. Interests purchased under the Buy-Back Program will be transferred to the Tribe in trust.

**Offer Amount.** This package is an offer to purchase your ownership interests in certain fractionated trust or restricted Indian lands. The offer includes fractional ownership interests with their corresponding Fair Market Value, and is non-negotiable. **Please note that this offer may not include all of your ownership interests**, as not all Indian trust or restricted lands have been valued or identified as eligible for purchase under the Buy-Back Program. You may choose to sell some, all, or none of your interests included in this offer. If you choose to sell all of your listed interests, you will be paid \$6,937.57. An additional base payment of \$75.00 will be included with final payment if you sell any or all interests included in the offer. You will no longer receive lease revenues or other benefits derived from those interests you sell.

**Voluntary and Time-Limited Program.** Participation in the Buy-Back Program is voluntary; if you are not interested in selling your fractional ownership interests, please disregard this letter and enclosures. However, if you are interested, this offer is active for 45 calendar days from the date of this letter. **You must return your completed documents on or before 03/23/2015.** If you do not, the Buy-Back Program may not be able to purchase your interests and you might not receive another offer due to limited funding.

**Taxation and Other Benefits.** Payment for any ownership interests you choose to sell will be deposited into your Individual Indian Money (IIM) account after we approve the sale. Under the Claims Resolution Act of 2010, Pub. L. No. 111-291, Section 101(f), this payment is considered tax exempt. Also, for a one year period starting on the date you receive payment, the payment will not impact benefits you receive or are eligible to receive under any federal or federally-assisted program. **If you receive non-federal benefits, contact the providing office to see if your benefits could be impacted by the payment.** Be sure to make the office aware of the Claims Resolution Act of 2010, or provide a copy of this letter.

**Package Contents.** Enclosed you will find **Instructions** for completing the required documents, a one-page **Deed**, an **Inventory** of your interests eligible for sale, **Maps** showing the general location of the tracts of land in which you own an interest, and a **Business Reply Mail Envelope** for returning your completed documents. Please read the instructions carefully before filling out your documents.

Processing Information. This package has been mailed to the most current address we have on file for you. Please contact the Trust Beneficiary Call Center (Call Center) at **1-888-678-6836** to provide any updates to your personal information, including telephone number and email address, so we may contact you directly with any questions regarding your returned documents. After your payment is processed, you will receive an acknowledgement notice in the mail confirming completion of the sale. **Allow at least 60 calendar days for approval of the sale and processing of your payment.** You may want to consider setting up direct deposit, so the payment for your interests is securely transferred to your bank account and available to you more quickly. The Call Center can assist you with this.

Do You Live on the Land, or Want to Sell Additional Interests? If you currently live on or utilize any of the tracts of land included in this offer and wish to sell your interests in these tracts, contact your local Bureau of Indian Affairs (BIA) office, or the Call Center at **1-888-678-6836**, for information on what impact, if any, the sale will have on you. If you own and are interested in selling additional interests not included in this offer, contact the Call Center to register as a willing seller. If you do contact your local BIA office or the Call Center, please be prepared to provide your Grantor Identification Number, which is located in the top right corner of this letter.

Scholarship Contribution. As an additional incentive for landowners to participate in the Buy-Back Program, the Cobell Settlement provides for the establishment of a \$60 million educational scholarship fund for Native American students. For each fractional ownership interest purchased, the Buy-Back Program will make a contribution to the Cobell Scholarship Fund until it reaches \$60 million. **The Program's contribution to the Fund will not impact the payment you receive for your interests.**

Financial Planning. Financial planning assistance is available through the Office of the Special Trustee for American Indians (OST). If you are interested in information on savings, budgeting, managing credit or debt, avoiding scams and fraud, or estate planning, we encourage you to contact your local OST office or the Call Center at **1-888-678-6836**.

Some Important Terms of Sale. Finally, the closing of your sale is contingent upon our verification of the information in this offer, including but not limited to legal descriptions and any ownership interests you choose to sell. Any changes to this information may render all or part of the offer and/or your acceptance null and void. In such an instance, the Buy-Back Program may revoke all or part of the offer before acceptance, or cancel all or part of an accepted offer. In either case, the Program may proceed to close and pay you for the parts not revoked or cancelled, and you may be provided with a corrected offer. If the Buy-Back Program determines a completed sale was based on incorrect information, we reserve the right to recoup any overpayment made.

Thank you for considering participation in the Land Buy-Back Program for Tribal Nations.

Sincerely,



Director, Acquisition Center

**NOTICE:** This offer is not open to landowners who have been determined to be incapable of managing their affairs and whose IIM accounts are restricted as a result, including but not limited to landowners subject to a Guardianship. The offer is null and void under those circumstances.

# Instructions

Please read all of these instructions carefully before completing any of the enclosed documents.

1. Review the enclosed documents, including:
  - **Deed:** The Deed must reflect your legal name, correct ID number and date of birth, and your current mailing address. If any of this information is incorrect, DO NOT complete and return your documents. Instead, contact the Trust Beneficiary Call Center (Call Center) at **1-888-678-6836** or your local OST office to update the information and obtain new documents. If your name has recently changed, be prepared to provide documentation to the Call Center, such as a marriage certificate or divorce decree.
  - **Exhibit A-Purchasable Interests Inventory (Inventory):** The Inventory lists the interests you own in tracts of trust or restricted land which the Buy Back Program is offering to purchase, and the Fair Market Value of each interest. There are two parts to the Inventory: a SUMMARY and corresponding DETAIL page(s). Select the interests you wish to sell on the SUMMARY as explained below. A legal description of each tract and additional information you may find useful is provided on the DETAIL page(s). Use the “Item” number for cross reference between the two parts of the Inventory.
  - **Map(s):** Showing the general location of the tracts of land in which you own an interest.
  - **Business Reply Mail Envelope:** Allows you to return your completed documents free of charge.
2. If you want to sell *some but not all* of your listed interests, select the interest(s) you wish to sell by filling in the bubble  next to the Item number on the SUMMARY part of the Inventory. You must use black or blue ink and fill in the bubble(s) completely. Example:
3. If you want to sell *all* of your listed interests, fill in the bubble at the top next to “Sell All Tracts Listed Below.” You do not need to fill in the rest of the bubbles.
4. After you have selected the interest(s) you wish to sell, take the Inventory and the Deed to a Notary Public. You must sign the Deed in front of a Notary Public. Be prepared to provide legal identification such as your Driver’s License or other Federal, State, or Tribal identification.
5. DO NOT make handwritten corrections, use white-out, or place any other marks on the Inventory or Deed. If you make a mistake on or misplace your documents, or if your personal information is incorrect on the Deed, contact the Call Center or visit your local OST or BIA office to obtain replacement documents. Any alterations you make to the Inventory or Deed will result in delay and may prevent us from processing your sale. If you make alterations that prevent processing, you might not have another opportunity to sell your interests under the Buy Back Program.
6. Return the original signed and notarized Deed and all pages of the Inventory in the enclosed Business Reply Envelope no later than the date provided in your cover letter. Copies cannot be accepted. You may wish to make a copy of the documents for your records. If you return copies or miss the return deadline, we may not be able to process your sale and you might not have another opportunity to sell your interests under the Buy Back Program. DO NOT include any additional notes, letters, or documents with your Deed and Inventory; this will delay or prevent processing.
7. Please remember that it is your choice whether to participate in the Buy Back Program. Be sure of your decision and use great care in completing your documents before returning them. Once the sale is processed and title transfers to the Tribe, it cannot be reversed.

Have Questions? Need More Information? Call 1-888-678-6836 or visit [www.doi.gov/buybackprogram](http://www.doi.gov/buybackprogram)



**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS**

**DEED TO RESTRICTED INDIAN LAND**

THIS DEED is entered into by and between JOHN DOE, Identification No.: 344U000000, DOB: 00/00/0000, residing at PO BOX 000, WOUNDED KNEE, SD 57794, referred to herein as Grantor, and the United States of America in Trust for the ROSEBUD SIOUX TRIBE, referred to herein as Grantee.

The Grantor, for and in consideration for the dollar amount(s) shown on the attached Exhibit A, sells and conveys unto the Grantee the interests in real estate shown on the attached Exhibit A, under the jurisdiction of 345 - ROSEBUD, to have and to hold said interests unto the Grantee United States of America in Trust for the ROSEBUD SIOUX TRIBE forever.

This conveyance is made pursuant to the provisions of the Indian Land Consolidation Act Amendments of 2000, Public Law 106-462, as amended by the American Indian Probate Reform Act of 2004, Public Law 108-374, and the Claims Resolution Act of 2010, Public Law 111-291.

Grantor and his or her heirs, executors, and administrators, hereby agrees that he or she will forever warrant and defend the title of the Grantee in said premises against the claim of all persons, claiming or to claim by, through or under him or her only.

\_\_\_\_\_  
JOHN DOE (SEAL)

**ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

BE IT REMEMBERED, That on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

before the undersigned, a Notary Public in and for the County and State aforesaid,

personally appeared: JOHN DOE

to me personally known to be the identical person who executed the within instrument of writing, and such person duly acknowledges the execution of the same and acknowledges the execution of the same as his or her free and voluntary act.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my seal on day and year hereinabove written.

(Notary Seal Here)

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**FOR OFFICIAL USE ONLY:** Any person who, knowingly and willfully, uses any false writing, makes any materially false statement, fraudulent representation, covers up a material fact, or commits fraud, is subject to federal prosecution, fines and no more than five years imprisonment as provided in 18 USCS § 1001 .



100140000000011344U0000001A1A10713451R001



**UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS**  
Exhibit A - Purchasable Interests Inventory (PII) **DETAIL**

Offer Number: 100  
Deed ID 345 4000000001

Grantor ID: 344U000000  
Grantor Name: DOE, JOHN

Item	Tract ID	Tract Name	Tract Acreage	Owner Interest	Interest Value	Scholarship <sup>1</sup> Contribution	Tract Appraisal Date
1	345 M 0000	BEAR FOLLOWS	320.000	.0003819444	\$95.49	\$10.00	11/19/2013
	State County	Sec Twn Rng	Meridian	Legal Description		Resource	
	SD TODD	6 035.00N 031.00W	Sixth Principal	E		Minerals Only	
2	345 0001	FAST RUNNER	320.000	.0023437500	\$468.75	\$10.00	11/19/2013
	State County	Sec Twn Rng	Meridian	Legal Description		Resource	
	SD TODD	9 036.00N 032.00W	Sixth Principal	W		Surface Only	
3	345 0002	SALLY BLUE SHIELD	160.000	.0333333334	\$6,373.33	\$318.67	11/19/2013
	State County	Sec Twn Rng	Meridian	Legal Description		Resource	
	SD TRIPP	20 102.00N 078.00W	Fifth Principal	NE		Both (Mineral and Surface)	

<sup>1</sup> The Claims Resolution Act of 2010 authorized matching contributions up to \$60 million, made to the Indian Education Scholarship Fund for each ownership interest purchased. A zero dollar amount in this column indicates that the Fund has reached \$60 million and no further contributions are being made.



10014000000001344U0000003A3A30733453R001

Exhibit A - Purchasable Interests Inventory (PII) - SUMMARY

DATE: 02/22/2014

PAGE:

1 of 1

Grantor ID: 344U000000

Offer ID:

100

Grantor Name: DOE, JOHN

**Base Payment:** You will be compensated for time spent completing this package in the amount of \$75.00 in addition to the price offered for any, all or some of the interests listed in this report and chosen by you to sell.

**Example:** Please use **black** or **blue ink** and fill in the circle(s) completely on the individual interests you wish to sell, or fill in the circle next to "Sell All Tracts Listed Below" to sell all interests.

Sell All Tracts Listed Below - Total of All Owner Interests Value: \$6,937.57

Sell Item	Tract ID	Interest	Interest Value
-----------	----------	----------	----------------

<input type="radio"/> 1	345 M 0000	.0003819444	\$95.49
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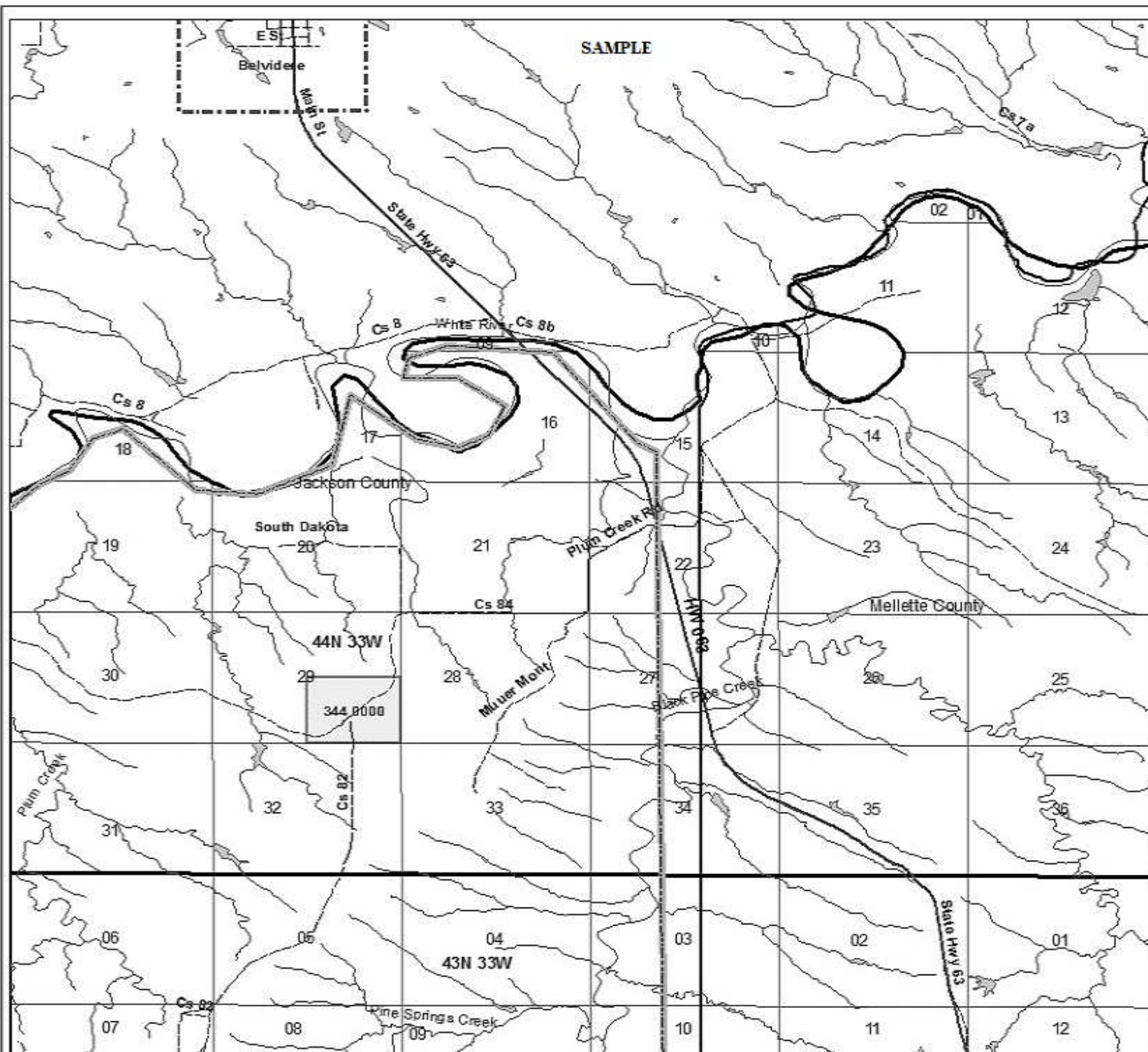
<input type="radio"/> 2	345 0001	.0023437500	\$468.75
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<input type="radio"/> 3	345 0002	.0333333334	\$6,373.33
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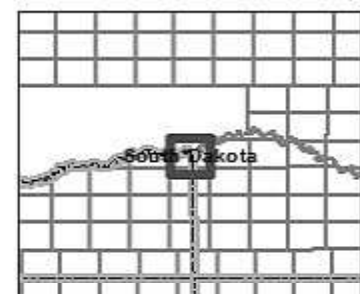
100:344U000000:A:A:07:345:R001





**Pine Ridge**  
**Land Status**  
**12/13/2013**  
**Township: 44N 33W**

- Reservation
- City Limits
- County Roads
- Tract ID(s)
- Water Body
- Streams
- State Highways
- Townships
- Sections



**Locator Map**

This map is intended to represent the general location of the tract(s) in which your purchasable interests are located.

**U.S. Department of the Interior**  
**Bureau of Indian Affairs**

**Land Buy Back Program**  
**for Tribal Nations**





**United States Department of the Interior**  
**Land Buy Back Program for Tribal Nations**  
**BUREAU OF INDIAN AFFAIRS**

02/20/2015



In Reply Refer To: 344U000000  
Grantor Identification Number

JOHN DOE  
P.O. BOX 000  
WOUNDED KNEE, SD 57794

**ACKNOWLEDGEMENT NOTICE – LAND BUY-BACK PROGRAM**

Dear JOHN DOE:

Thank you for your participation in the Land Buy-Back Program for Tribal Nations. The recent sale of your fractional ownership interest(s) through the Program will help to reduce fractionation of Indian lands, allowing for better utilization of the land for social, economic, or cultural purposes benefitting the tribal community.

This notice confirms the completion of your sale. A payment of \$7,012.57 for the ownership interest(s) you sold has been deposited into your Individual Indian Money (IIM) account. The deposited amount includes a \$75.00 base payment for your time and effort. Based on the sale of your interest(s), the Buy-Back Program will make a contribution of \$353.67 to the Cobell Scholarship Fund, which provides financial assistance to Native American students.

Title to the ownership interest(s) you sold has transferred in trust to the Tribe with jurisdiction over the Reservation. It is important to note that the interest(s) you sold will no longer be reflected on your Quarterly Asset Statement.

Feel free to contact the Trust Beneficiary Call Center at 1-888-678-6836 if you have any questions.

Sincerely,

Director, Acquisition Center

**From:** Stern, Adam  
**To:** [Clement, Joel](#); [Shawn Buckner](#)  
**Cc:** [Noah Van Gilder](#); [Vanitha Sivarajan](#); [Ann Tihansky](#); [Indur Goklany](#)  
**Subject:** New Draft - PPA Vision, Mission, Goals and Values  
**Date:** Monday, January 09, 2017 8:29:17 AM  
**Attachments:** [PPA vision, mission, goals, values 1 3 17.docx](#)

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Hi Joel and Shawn,

Here is an updated version of the PPA Vision, Mission, Goals and Values. Our changes are relatively minor. We propose two versions of the "vision;" one internal and one external. Let us know if you have any comments or edits. Thank you!

Best,

Adam

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Adam Stern - Economist, Office of Policy Analysis, U.S. Department of the Interior, 202-208-4488

## Vision - Internal

We envision a well-informed, well-coordinated DOI that has access to expert policy, economic and program capacity to achieve its mission.

## Vision - External

The Office of Policy Analysis has the experience, skills, and objectivity to help decision makers by identifying policy issues, conducting economic analysis, considering policy options, and developing and coordinating feasible, cost-effective solutions that cut across bureau and agency jurisdictions.

The Department of the Interior's Office of Policy Analysis is a key resource for objective, bureau-neutral, Department-wide policy analysis, economic analysis, and program coordination. We envision a well-informed, well-coordinated DOI that has the policy, economic and program knowledge to achieve its mission. This cross-cutting role in the Office of the Secretary helps promote cohesive, consistent, and effective Departmental policies. Work products are of excellent quality and considered to be accurate and reliable; leadership for program coordination is highly professional, experienced and collaborative. This Office provides the analysis, expertise, and long-term vision to inform the Department's decision-making about our Nation's natural and cultural resources now and into the future.

## Mission

We provide objective, bureau-neutral, Department-wide policy analysis, economic analysis, and program coordination to inform and implement the decisions made by acting on behalf of the Secretary and Departmental leadership.

The Office of Policy Analysis (PPA) provides cross-cutting analysis and coordination to support decision making and policies across a highly decentralized agency. PPA provides expertise and leadership to evaluate Departmental programs, develop and coordinate new programs, conduct studies of policies and programs, and conduct relevant economic analyses. PPA coordinates and guides inter-agency and multi-bureau program development and policy analysis tasks, and undertakes issue analysis and decision documents on behalf of the Secretary, Deputy Secretary, and Assistant Secretary for Policy, Management and Budget (the official responsible for oversight of PPA). The Office also coordinates the Department's activities related to invasive species, tribal water settlements, and ocean, coastal, and Great Lakes resource management.

## Goals

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1. ~~Ensure that PPA is~~ To be recognized, both within and outside the Department, as a resource for high-quality, accurate, ~~and reliable~~ and objective economic and policy analysis in support of key decision-making processes.
2. ~~Ensure that PPA products and analyses are made available to Departmental leaders in support of key decision-making processes~~
- 3-2. ~~To p~~Proactively identify topics, ~~and undertake analyses, as requested, for the AS/PMB and that~~ provide Departmental leaders with ~~leaders with~~ insight into trends and emerging issues that will have a significant effect upon Departmental resources and responsibilities. ~~into the future~~
- 4-3. ~~To serve as a key resource for~~ Serve as a key resource for bureau-neutral, objective program coordination and program review.

## Core Values

The Office of Policy Analysis embraces the following set of core values associated with its analysis, work products, staff, professional relationships, and coordination activities:

- **Objectivity.** PPA work products are based on objective analysis, responsive to decision makers' needs, free of bias and bureau-neutral, well-written, and intellectually honest. Neutral competency is essential to the integrity of the office.
- **Quality.** PPA staff are held to high standards and have the ability to approach work assignments in an analytic, systematic, and task-oriented fashion. They are able to work independently or as part of a team. ~~can~~ handle multiple assignments simultaneously, and ~~are able to~~ proactively respond to emerging issues.
- **Opportunity.** The PPA leadership team believes in a level playing field for all staff and ensures that ~~staff its~~ members are valued and recognized for their contributions. ~~They provide staff~~ Staff members ~~with have~~ short- and long-term opportunities to ~~strengthen build~~ their intellectual capital both through work assignments and training. ~~they seek~~ PPA fosters cognitive diversity ~~in and~~ provide an open, interactive work environment to facilitate the free exchange of ideas. ~~Leadership provides mentorship for; they mentor~~ junior staff with an eye to developing the leaders of the future, and in general endeavor to establish an office that is seen as a good career move for emerging leaders.
- **Effective Coordination.** PPA leadership and staff are encouraged to develop productive professional relationships both ~~internal within~~ and external to the office, including but not limited to engaging in collaborative work with the bureaus, other DOI offices, other government agencies, and academia.
- **Breadth Multi-Disciplinary Capacity.** ~~PPA has the diversity and intellectual capacity to effectively address the broad range of issues faced by the Department and its diverse bureau responsibilities. We have a diverse background and capacity in order to work on topics across disciplines.... TO BE FLUSHED OUT,~~
- **Integrity.** ~~PPA staff demonstrates integrity through honesty, efficiency and reliability.~~

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Commented [SAR2]:

Commented [SAR3R2]: Potential for onboarding document. Perhaps delete from core values...

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**From:** Clement, Joel  
**To:** [Benjamin M. Simon](#); [Shawn Buckner](#); [Liza Johnson](#); [Hilary Smith](#); [Jonathan Steele](#); [Indur M. Goklany](#)  
**Subject:** Fwd: Information Request to OES and Compliance with January 20 WH Memo re: Regulatory Freeze Pending Review  
**Date:** Monday, January 23, 2017 11:54:59 AM  
**Attachments:** [Attachment A-WH Regulatory Memo 1-20-2017.pdf](#)  
[K.Haugrud DOI Regulatory Freeze Implementation Memo.pdf](#)

---

Let me know, thanks!

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

**From:** **Glomb, Steve** <[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)>  
**Date:** Mon, Jan 23, 2017 at 11:34 AM  
**Subject:** Fwd: Information Request to OES and Compliance with January 20 WH Memo re: Regulatory Freeze Pending Review  
**To:** Joel Clement <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)>, Michaela Noble <[michaela\\_noble@ios.doi.gov](mailto:michaela_noble@ios.doi.gov)>, Karen Senhadji <[karen\\_senhadji@ios.doi.gov](mailto:karen_senhadji@ios.doi.gov)>, Jamie Reaser <[jamie\\_reaser@ios.doi.gov](mailto:jamie_reaser@ios.doi.gov)>, Kaiini Kaloi <[kaiini\\_kaloi@ios.doi.gov](mailto:kaiini_kaloi@ios.doi.gov)>, Stanton Enomoto <[stanton\\_enomoto@ios.doi.gov](mailto:stanton_enomoto@ios.doi.gov)>, Shawn Buckner <[shawn\\_buckner@ios.doi.gov](mailto:shawn_buckner@ios.doi.gov)>, Mary Josie Blanchard <[maryjosie\\_blanchard@ios.doi.gov](mailto:maryjosie_blanchard@ios.doi.gov)>, David Downes <[david\\_downes@ios.doi.gov](mailto:david_downes@ios.doi.gov)>, Barbara Pitkin <[barbara\\_pitkin@ios.doi.gov](mailto:barbara_pitkin@ios.doi.gov)>  
**Cc:** Mark Huston <[mark\\_huston@ios.doi.gov](mailto:mark_huston@ios.doi.gov)>

Do any of your offices have anything that has been sent to the Federal Register that has not been published? I saw nothing from DAS-PIA on the attached list, but need to double check. If your office does have something pending at FR, we have been directed to withdraw it pending review by the new administration.

Thanks for checking on this..

Steve  
202-208-4863  
[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)

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

**From:** **Holley, Amy** <[amy\\_holley@ios.doi.gov](mailto:amy_holley@ios.doi.gov)>  
**Date:** Mon, Jan 23, 2017 at 11:26 AM  
**Subject:** Fwd: Information Request to OES and Compliance with January 20 WH Memo re: Regulatory Freeze Pending Review  
**To:** Olivia Ferriter <[Olivia\\_Ferriter@ios.doi.gov](mailto:Olivia_Ferriter@ios.doi.gov)>, Harry Humbert <[harry\\_humbert@ios.doi.gov](mailto:harry_humbert@ios.doi.gov)>, Mary Pletcher <[Mary\\_Pletcher@ios.doi.gov](mailto:Mary_Pletcher@ios.doi.gov)>, Elena Gonzalez <[maria\\_gonzalez@ios.doi.gov](mailto:maria_gonzalez@ios.doi.gov)>, Steve Glomb <[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)>, Greg Gould <[greg.gould@onrr.gov](mailto:greg.gould@onrr.gov)>

All:

Please see below and attached. Let me know if you have questions--or anything to add.

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

From: **Lillie, Juliette** <[juliette\\_lillie@ios.doi.gov](mailto:juliette_lillie@ios.doi.gov)>

Date: Sun, Jan 22, 2017 at 5:59 PM

Subject: Information Request to OES and Compliance with January 20 WH Memo re: Regulatory Freeze Pending Review

To: Kevin Haugrud <[jack.haugrud@sol.doi.gov](mailto:jack.haugrud@sol.doi.gov)>, Edward Keable <[edward.keable@sol.doi.gov](mailto:edward.keable@sol.doi.gov)>, Amy Holley <[amy\\_holley@ios.doi.gov](mailto:amy_holley@ios.doi.gov)>, Richard Cardinale <[Richard\\_Cardinale@ios.doi.gov](mailto:Richard_Cardinale@ios.doi.gov)>, Kerry Rae <[kerry\\_rae@ios.doi.gov](mailto:kerry_rae@ios.doi.gov)>, Maureen Foster <[maureen\\_foster@ios.doi.gov](mailto:maureen_foster@ios.doi.gov)>, Michael Black <[Mike.Black@bia.gov](mailto:Mike.Black@bia.gov)>, David Murillo <[dmurillo@usbr.gov](mailto:dmurillo@usbr.gov)>, Kristin Bail <[kbail@blm.gov](mailto:kbail@blm.gov)>, Deb Dumontier <[debra\\_dumontier@ost.doi.gov](mailto:debra_dumontier@ost.doi.gov)>

Cc: Mark Lawyer <[mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)>, Juliette Lillie <[juliette\\_lillie@ios.doi.gov](mailto:juliette_lillie@ios.doi.gov)>

Good evening: On behalf of Jack, I am sending this memo describing DOI's actions to comply with the Administration's current request regarding regulations at the Federal Register. The memo from Chief of Staff Priebus is a separate attachment to this email entitled Attachment A-White House Regulatory Memo 1-20-1017. By 10:30 a.m. tomorrow, Monday, January 23, we are asking you to review the regulations listed in the attached memo from Jack for accuracy and to let OES (me) know if any of your regulation actions satisfy the named exceptions in the WH memo.

Thank you,  
Julie

Juliette Lillie  
Director Executive Secretariat and Regulatory Affairs  
Department of the Interior  
1849 C St. NW  
Washington DC 20240

Email: [juliette\\_lillie@ios.doi.gov](mailto:juliette_lillie@ios.doi.gov)  
Ph: 202-219-7724

THE WHITE HOUSE

WASHINGTON

January 20, 2017

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Reince Priebus  
Assistant to the President and Chief of Staff

SUBJECT: Regulatory Freeze Pending Review

The President has asked me to communicate to each of you his plan for managing the Federal regulatory process at the outset of his Administration. In order to ensure that the President's appointees or designees have the opportunity to review any new or pending regulations, I ask on behalf of the President that you immediately take the following steps:

1. Subject to any exceptions the Director or Acting Director of the Office of Management and Budget (the "OMB Director") allows for emergency situations or other urgent circumstances relating to health, safety, financial, or national security matters, or otherwise, send no regulation to the Office of the Federal Register (the "OFR") until a department or agency head appointed or designated by the President after noon on January 20, 2017, reviews and approves the regulation. The department or agency head may delegate this power of review and approval to any other person so appointed or designated by the President, consistent with applicable law.

2. With respect to regulations that have been sent to the OFR but not published in the *Federal Register*, immediately withdraw them from the OFR for review and approval as described in paragraph 1, subject to the exceptions described in paragraph 1. This withdrawal must be conducted consistent with OFR procedures.

3. With respect to regulations that have been published in the OFR but have not taken effect, as permitted by applicable

law, temporarily postpone their effective date for 60 days from the date of this memorandum, subject to the exceptions described in paragraph 1, for the purpose of reviewing questions of fact, law, and policy they raise. Where appropriate and as permitted by applicable law, you should consider proposing for notice and comment a rule to delay the effective date for regulations beyond that 60-day period. In cases where the effective date has been delayed in order to review questions of fact, law, or policy, you should consider potentially proposing further notice-and-comment rulemaking. Following the delay in effective date:

(a) for those regulations that raise no substantial questions of law or policy, no further action needs to be taken; and

(b) for those regulations that raise substantial questions of law or policy, agencies should notify the OMB Director and take further appropriate action in consultation with the OMB Director.

4. Exclude from the actions requested in paragraphs 1 through 3 any regulations subject to statutory or judicial deadlines and identify such exclusions to the OMB Director as soon as possible.

5. Notify the OMB Director promptly of any regulations that, in your view, should be excluded from the directives in paragraphs 1 through 3 because those regulations affect critical health, safety, financial, or national security matters, or for some other reason. The OMB Director will review any such notifications and determine whether such exclusion is appropriate under the circumstances.

6. Continue in all circumstances to comply with any applicable Executive Orders concerning regulatory management.

As used in this memorandum, "regulation" has the meaning given to "regulatory action" in section 3(e) of Executive Order 12866, and also includes any "guidance document" as defined in section 3(g) thereof as it existed when Executive Order 13422 was in effect. That is, the requirements of this memorandum apply to "any substantive action by an agency (normally published in the *Federal Register*) that promulgates or is expected to lead to the promulgation of a final rule or

regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking," and also covers any agency statement of general applicability and future effect "that sets forth a policy on a statutory, regulatory, or technical issue or an interpretation of a statutory or regulatory issue."

This regulatory review will be implemented by the OMB Director. Communications regarding any matters pertaining to this review should be addressed to the OMB Director.

The OMB Director is authorized and directed to publish this memorandum in the *Federal Register*.

A large, stylized handwritten signature in black ink, likely belonging to the OMB Director mentioned in the text. The signature is highly cursive and difficult to decipher, but it appears to start with a large 'O' and end with a long, sweeping tail.



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

JAN 22 2017

## Memorandum

To: Chiefs of Staff, Bureaus and Offices,  
From: K. Jack Haugrud  
Subject: Compliance with January 20, 2017 R. Priebus Memo re: Regulatory Freeze  
Pending Review

On January 20, 2017, Mr. Reince Priebus, Assistant to the President and Chief of Staff, issued a memo to all Federal agencies. The memo (Attachment A) asks agencies to take immediate actions with regards to regulations at or needing to go to the Federal Register. The memo specifically asks that agencies:

1. Subject to any exceptions the Director or Acting Director of the Office of Management and Budget (the "OMB Director") allows for emergency situations or other urgent circumstances relating to health, safety, financial, or national security matters, or otherwise, send no regulation to the Office of the Federal Register (the "OFR") until a department or agency head appointed or designated by the President after noon on January 20, 2017, reviews and approves the regulation
2. With respect to regulations that have been sent to the OFR but not published in the Federal Register, immediately withdraw them from the OFR for review and approval as described in paragraph 1, subject to the exceptions described in paragraph 1. This withdrawal must be conducted consistent with OFR procedures.
3. With respect to regulations that have been published in the OFR but have not taken effect, as permitted by applicable law, temporarily postpone their effective date for 60 days from the date of this memorandum, subject to the exceptions described in paragraph 1, for the purpose of reviewing questions of fact, law, and policy they raise. Where appropriate and as permitted by applicable law, you should consider proposing for notice and comment a rule to delay the effective date for regulations beyond that 60-day period. In cases where the effective date has been delayed in order to review questions of fact, law, or policy, you should consider potentially proposing further notice-and-comment rulemaking. Following the delay in effective date:
  - (a) for those regulations that raise no substantial questions of law or policy, no further action needs to be taken; and

(b) for those regulations that raise substantial questions of law or policy, agencies should notify the OMB Director and take further appropriate action in consultation with the OMB Director.

**4. Exclude from the actions requested in paragraphs 1 through 3 any regulations subject to statutory or judicial deadlines and identify such exclusions to the OMB Director as soon as possible.**

5. Notify the OMB Director promptly of any regulations that, in your view, should be excluded from the directives in paragraphs 1 through 3 because those regulations affect critical health, safety, financial, or national security matters, or for some other reason. The OMB Director will review any such notifications and determine whether such exclusion is appropriate under the circumstances.

6. Continue in all circumstances to comply with any applicable Executive Orders concerning regulatory management.

To comply with this memo, I have asked the Office of the Executive Secretariat (OES) to provide the following information:

1. A list of all regulations that will be published on Monday, January 23 (Attachment B)
2. A list of all regulations scheduled for public inspection on Monday, January 23 (Attachment B)
3. A list of all regulations scheduled for public inspection and publication the week of January 23<sup>rd</sup> (Attachment C)
4. A list of all regulations currently at the FR but not yet scheduled for publication (Attachment D).
5. A list of all published regulations that have not yet gone into effect (Attachment E).

In order to comply with the White House's request, OES will notify the Office of Federal Register before noon on Monday, January 23, 2017, that the Department is withdrawing from publication the regulations not yet scheduled for publication. OES will also withdraw from publication all those documents scheduled but not yet published (numbers 2 and 3 above), unless the regulation clearly falls into one of the exceptions set out in the Chief of Staff's memorandum. I am asking that you take the immediate following actions and provide OES with the following information:

1. **By 10:30 a.m. on Monday**, please identify any of the regulations listed in attachments B, C, and D that are needed to meet statutory or judicial deadlines, or that you believe fall into the exception for emergency situations or other urgent circumstances relating to health, safety, financial, or national security matters. Please indicate which exception you believe applies. Please also identify any rules not shown in the attachments that you expect to be scheduled for public inspection or publication during the week of January 23<sup>rd</sup>.

2. Also by 10:30 a.m. on Monday, please review the list of rules not yet in effect (Attachment E) for accuracy and provide OES with your determination of whether any of the identified exceptions in the memo should apply to extending the comment period for 60 days beyond January 20, 2017.

In addition to the above, **any document that was approved for publication in the Federal Register prior to January 20<sup>th</sup>, but has not been delivered to the Federal Register is no longer considered approved. Until further notice**, any document that must be published in the Federal Register, must be cleared through the Office of the Executive. Please see the memo from OES dated January 20, 2017.

cc: Regulatory Contacts Bureaus and Offices



## **ATTACHMENT B**

### **LIST OF REGULATIONS SCHEDULED FOR PUBLICATION ON JANUARY 23 and LIST OF REGULATIONS SCHEDULED FOR PUBLIC INSPECTION ON JANUARY 23, 2017**

#### **I. LIST OF RULES SCHEDULED FOR PUBLICATION ON JANUARY 23**

##### Bureau of Indian Affairs:

- Final Rule: 2017 Civil Penalties Inflation Adjustments; Annual Adjustments

##### FWS

- OMB Approved Information Collection Requirement (ICR): OMB approved ICR for final rule on eagle permits that published on 12/16/2016 and became effective on 1/17/2017.

Both of these rules become effective immediately upon publication.

#### **II. LIST OF RULES SCHEDULED FOR PUBLIC INSPECTION ROOM ON JANUARY 23**

##### BSEE

- Final Rule: 2017 Civil Penalty Inflation Adjustments; Annual Adjustments

##### FWS

- Final Rule: Correcting Amendments for the Designation of Critical Habitat for the Dakota Skipper and Poweshiek Skipperling;
  - Replacing a map, including a map, and correcting an erroneous map

## ATTACHMENT C

### LIST OF ALL REGULATIONS SCHEDULED FOR PUBLIC INSPECTION OR PUBLICATION THE WEEK OF JANUARY 23 (As of January 22, 2017)

None currently scheduled other than the two rules set out in attachment B, which are scheduled for publication on Tuesday, January 24, 2017:

#### BSEE

- Final Rule: 2017 Civil Penalty Inflation Adjustments; Annual Adjustments

#### FWS

- Final Rule: Correcting Amendments for the Designation of Critical Habitat for the Dakota Skipper and Poweshiek Skipperling;
  - Replacing a map, including a map, and correcting an erroneous map

**ATTACHMENT D**

**RULES DELIVERED TO THE FEDERAL REGISTER THAT HAVE NOT BEEN SCHEDULED AS OF JANUARY 22, 2017**

Bureau	Title	Action	Regulation Identifier Number (RIN)	Approved to go to Office of the Federal Register (OFR)	Delivered to OFR (or not)	Scheduled/ Publication Date
BLM	Oil Shale Management -- General	Final Rule	1004-AE28	01/10/2017	Yes	Not yet scheduled
BOEM	Oil, Gas & Sulphur Operations in the OCS - Civil Penalties Inflation Adjustments 2017	Final Rule	1010-AD95	01/10/2017	No data	No data
FWS	Migratory Bird Subsistence Harvest in Alaska; Harvest Regulations for Migratory Birds in Alaska During the 2017 Season	Proposed Rule	1018-BB71	12/30/2016	Yes (01/09/2017)	Not yet scheduled
FWS	Migratory Bird Subsistence Harvest in Alaska; Use of Inedible Bird Parts in Authentic Alaska Native Handicrafts for Sale	Final Rule	1018-BB24	12/30/2016	Yes (01/09/2017)	Not yet scheduled
OSMRE	Civil Monetary Penalty Inflation Adjustments	Final Rule	1029-AC74	01/10/2017	Yes	Not yet scheduled

**ATTACHMENT E**  
**LIST of ALL PUBLISHED REGULATIONS THAT ARE NOT EFFECTIVE AS**  
**OF JANUARY 20, 2017**

Bureau	Title	Action	Regulation Identifier Number (RIN)	Scheduled/Publication Date	Effective Date
BLM	Onshore Order 1 – Final Rule	Final Rule (Order)	1004-AE37	01/10/2017 (82 FR 2906)	02/09/2017
FWS	Endangered and Threatened Wildlife and Plants; Endangered Species Status for the Rusty Patched Bumble Bee (final listing rule under the Endangered Species Act)	Final Rule	1018-BB66	01/11/2017 (82 FR 3186)	02/10/2017
FWS	Revisions to the Regulations for Candidate Conservation Agreements with Assurances	Final Rule	1018-BB25	12/27/2016 (81 FR 95053)	01/26/2017
FWS	Candidate Conservation Agreements with Assurances Policy	Notice		12/27/2016 (81 FR 95164)	01/26/2017
NPS	Alaska Region Subsistence Collections	Final Rule	1024-AE28	01/12/2017 (82 FR 3626)	02/13/2017

**From:** Roberts, Ronald  
**To:** [Goklany, Indur](#)  
**Subject:** Re: Assets Pending CPO Action  
**Date:** Wednesday, January 25, 2017 3:31:43 PM  
**Attachments:** [2017 Inventory T Bratton.xlsx](#)  
[Building Inventories in FBMS by Ronald Roberts \(1\) \(1\) \(1\) \(1\).docx](#)

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Attachment below are assets in fbms for CPO Tiera Bratton. We are only interested in your laptops, CPU'S weapons and any asset with a thresh hold of \$5000.00. I only transferred your computer equipment and assets with a cost over \$5000.00 to your custodial. All other equipment should be added to your 105. The assets that I transferred to takes 24 hours to update. I'm also sending you step by step instructions on building inventories in fbms, give it a try.

On Wed, Jan 25, 2017 at 1:20 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:  
Yes, I have access.

On Wed, Jan 25, 2017 at 12:48 PM, Roberts, Ronald <[ronald\\_roberts@ios.doi.gov](mailto:ronald_roberts@ios.doi.gov)> wrote:  
Locate the laptops first

On Wed, Jan 25, 2017 at 12:46 PM, Roberts, Ronald <[ronald\\_roberts@ios.doi.gov](mailto:ronald_roberts@ios.doi.gov)> wrote:  
Do you have access to fbms?

On Wed, Jan 25, 2017 at 12:39 PM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:  
Hi Ronald,

I'd like to visit with you to figure out what I need to do next. I'm new at this, and doing it only temporarily. Thanks.

I have one other e-mail with about 5 additional entries.

Indur (202-208-4951)

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

**From:** **BIO Assets Team DO Batch** <[FBMS\\_PP@ios.doi.gov](mailto:FBMS_PP@ios.doi.gov)>  
**Date:** Wed, Jan 25, 2017 at 6:03 AM  
**Subject:** Assets Pending CPO Action  
**To:** [INDUR\\_GOKLANY@ios.doi.gov](mailto:INDUR_GOKLANY@ios.doi.gov)

The following property asset(s) is/are assigned to you as Custodial Property Officer.

\* \* \* Please do not respond to this notification. This is a computer-generated e-mail.  
\* \* \*

Please contact your Property Manager -ROBERTS RONALD R, if you need assistance.

Using the following portal path, execute the transaction in FBMS to accept/reject the accountability for the property listed below:

Property-->Assets-->Master Data-->CPO Acceptance

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Asset No.	Sub#	Received On	Description Line 1	Description
Line 2			Inventory No.	Days Pending
1137767	0000	01/10/2017	LAPTOP / NOTEBOOK COMPUTER D054520	15
1137997	0000	01/10/2017	LAPTOP / NOTEBOOK COMPUTER D054483	15
1137998	0000	01/10/2017	LAPTOP / NOTEBOOK COMPUTER D054601	15
1137999	0000	01/10/2017	LAPTOP / NOTEBOOK COMPUTER D054461	15
1138000	0000	01/10/2017	LAPTOP / NOTEBOOK COMPUTER D054255	15

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	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
1	Backgr ound Filter:														
2															
3														Key Figures	
4	APO Org Name	Inventory no.	Asset Nu	Asset	Manu factur er Name	Model	Serial numbe r	Location	Room	Cost Center	Resp. cost cntr	APO Name	CPO Name	Aquisition Cost	
5	NATIVE HAWAII AN RELA	DB004716 8	1105576	0 : NON-IT PRINTING/DUP PLICATE/BOOKBI ND EQUIP ALL TYPES	TBD	TBD	OC4- 019452	D000/#	#	DS6140 0000	DS61400 000	KAIINI J KALOI	TIERA N BRATTON	\$ 16,844.00	
6	POLICY ANALYS IS	D053256	1041323	0 : NON-IT PRINTING/DUP PLICATE/BOOKBI ND EQUIP ALL TYPES	TBD	MPC55 03	5990	D000/#	#	DS6120 0000	DS64700 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 10,164.00	
7		D14862	619967	0 : STANDARD DESKTOP COMPUTER	DELL	1703FP S	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 350.00	
8		D14PC002 12	989068	0 : COMPUTER SOFTWARE COMMERCIAL (COTS)	TBD	Not assigne d	TBD	D000/#	#	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 52,500.00	
9		D15943	619955	0 : STANDARD DESKTOP COMPUTER	DELL	1704FP VS	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 350.00	
10		D15PC001 82	1023946	0 : COMPUTER SOFTWARE COMMERCIAL (COTS)	TBD	Not assigne d	TBD	D000/#	#	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 26,250.00	

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
11		D16070	619945	0 : STANDARD DESKTOP COMPUTER	DELL	OPTIPL EX 960	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 1,500.00	
12		D16071	619946	0 : STANDARD DESKTOP COMPUTER	HP	SDGOB- 0506	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 500.00	
13		D16072	619948	0 : STANDARD DESKTOP COMPUTER	DELL	E2310 HC	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 350.00	
14		D16073	619947	0 : STANDARD DESKTOP COMPUTER	BLAC KBER RY SYSTE M IN	BOLD 9560	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 250.00	
15		D16074	619980	0 : STANDARD DESKTOP COMPUTER	BLAC KBER RY SYSTE M IN	BOLD 9650	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 250.00	
16		D16075	619949	0 : STANDARD DESKTOP COMPUTER	DELL	OPTIPL EX 760	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 1,500.00	
17		D16076	619951	0 : STANDARD DESKTOP COMPUTER	DELL	OPTIPL EX 760	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 1,500.00	
18		D16077	619956	0 : STANDARD DESKTOP COMPUTER	EPSO N	J271B GT-S50	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 250.00	
19		D16078	619958	0 : STANDARD DESKTOP COMPUTER	DELL	E2310 HC	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 350.00	
20		D16079	619960	0 : STANDARD DESKTOP COMPUTER	DELL	2009W T	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 350.00	



	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
21		D16080	619961	0 : STANDARD DESKTOP COMPUTER	DELL	190FPC	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 350.00	
22		D16081	619962	0 : STANDARD DESKTOP COMPUTER	DELL	OPTIPL EX 760	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 1,500.00	
23		D16082	619963	0 : STANDARD DESKTOP COMPUTER	HP	LASERJ ET 1320	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 500.00	
24		D16083	619968	0 : STANDARD DESKTOP COMPUTER	HP	C6180	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 500.00	
25		D16084	619971	0 : STANDARD DESKTOP COMPUTER	DELL	1908FP C	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 350.00	
26		D16085	619973	0 : STANDARD DESKTOP COMPUTER	DELL	2009W T	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 350.00	
27		D16086	619974	0 : STANDARD DESKTOP COMPUTER	DELL	P190ST	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 350.00	
28		D16087	619977	0 : STANDARD DESKTOP COMPUTER	DELL	2009W T	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 350.00	
29		D16088	619978	0 : STANDARD DESKTOP COMPUTER	DELL	1908FP C	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 350.00	
30		D16089	619994	0 : STANDARD DESKTOP COMPUTER	DELL	E2310 HC	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 350.00	
31		D16090	619996	0 : STANDARD DESKTOP COMPUTER	DELL	E2310 HC	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 350.00	
32		D16091	619984	0 : STANDARD DESKTOP COMPUTER	DELL	2009HT	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 350.00	

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
33		D16092	619981	0 : STANDARD DESKTOP COMPUTER	DELL	OPTIPL EX 960	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 1,500.00	
34		D16093	619982	0 : STANDARD DESKTOP COMPUTER	DELL	E2310 HC	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 350.00	
35		D16094	619986	0 : STANDARD DESKTOP COMPUTER	DELL	1703FP S	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 350.00	
36		D16095	619992	0 : STANDARD DESKTOP COMPUTER	DELL	1704FP VS	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 350.00	
37		D16096	619990	0 : STANDARD DESKTOP COMPUTER	HP	LASERJ ET 1320	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 500.00	
38		D16099	619964	0 : STANDARD DESKTOP COMPUTER	BLAC KBER RY SYSTE M IN	8520 CURVE	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 250.00	
39		D16782	619989	0 : STANDARD DESKTOP COMPUTER	DELL	1702FP	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 350.00	
40		D17026	619975	0 : STANDARD DESKTOP COMPUTER	EPSO N	PERFEC TION 1650	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 250.00	
41		D18169	618882	0 : DISK ARRAY	DELL	OPTIPL EX 745	2NQLR C1	D000/#	MIB 1351	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 250.00	
42		D18194	619991	0 : STANDARD DESKTOP COMPUTER	DELL	OPTIPL EX 745	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 1,500.00	
43		D18198	619953	0 : STANDARD DESKTOP COMPUTER	DELL	OPTIPL EX 745	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 1,500.00	

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
44		D18199	619966	0 : STANDARD DESKTOP COMPUTER	DELL	OPTIPL EX 745	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 1,500.00	
45		D18207	619969	0 : STANDARD DESKTOP COMPUTER	DELL	OPTIPL EX 745	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 1,500.00	
46		D18399	619952	0 : STANDARD DESKTOP COMPUTER	DELL	1704FP VS	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 350.00	
47		D18410	619954	0 : STANDARD DESKTOP COMPUTER	DELL	1704FP V+	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 350.00	
48		D18577	619950	0 : STANDARD DESKTOP COMPUTER	IBM CORP	9419- HB7	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 350.00	
49		D18578	619970	0 : STANDARD DESKTOP COMPUTER	IBM CORP	9419- HB7	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 350.00	
50		D19344	619976	0 : STANDARD DESKTOP COMPUTER	DELL	OPTIPL EX 755	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 1,500.00	
51		D19346	619957	0 : STANDARD DESKTOP COMPUTER	DELL	OPTIPL EX 755	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 1,500.00	
52		D19365	619959	0 : STANDARD DESKTOP COMPUTER	DELL	OPTIPL EX 755	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 1,500.00	
53		D19402	619985	0 : STANDARD DESKTOP COMPUTER	DELL	OPTIPL EX 755	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 1,500.00	
54		D19479	619972	0 : STANDARD DESKTOP COMPUTER	DELL	LATITU DE E4200	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 1,500.00	
55		D19508	853832	0 : LAPTOP / NOTEBOOK COMPUTER	DELL	03X	7DM6L N1	D000/#	#	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 1,078.81	

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
56		D28639	619995	0 : STANDARD DESKTOP COMPUTER	DELL	LATITU DE E4300	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 1,500.00	
57		D32225	619998	0 : STANDARD DESKTOP COMPUTER	DELL	P190SF	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 350.00	
58		D32226	620001	0 : STANDARD DESKTOP COMPUTER	HP	LASERJ ET P4015 DN	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 500.00	
59		D32227	620002	0 : STANDARD DESKTOP COMPUTER	HP	COLOR LASERJ ET 4650D N	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 500.00	
60		D32228	619965	0 : STANDARD DESKTOP COMPUTER	DELL	N/A	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 1,500.00	
61		D32229	619997	0 : STANDARD DESKTOP COMPUTER	BLAC KBER RY SYSTE M IN	BOLD 9700	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 250.00	
62		D32230	619999	0 : STANDARD DESKTOP COMPUTER	DELL	2009W T	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 350.00	
63		D32231	620000	0 : STANDARD DESKTOP COMPUTER	HP	LASERJ ETP220 15D	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 500.00	
64		D32232	620003	0 : STANDARD DESKTOP COMPUTER	BLAC KBER RY SYSTE M IN	N/A	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 250.00	

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
65		D35533	853803	: 0 : SCANNER - GRAPHIC, OCR, TEXT, IMAGE, ETC.	HP	SCANJET 5590	TBD	D000/#	1201 EYE	DS61200000	DS61200000	JOEL P CLEMENT	TIERA N BRATTON	\$ 250.00	
66		D35534	853804	: 0 : SCANNER - GRAPHIC, OCR, TEXT, IMAGE, ETC.	DELL	OPTIPL EX 745	TBD	D000/#	1201 EYE	DS61200000	DS61200000	JOEL P CLEMENT	TIERA N BRATTON	\$ 1,500.00	
67		D35535	853805	: 0 : SCANNER - GRAPHIC, OCR, TEXT, IMAGE, ETC.	HP	LASERJET 1100	TBD	D000/#	1201 EYE	DS61200000	DS61200000	JOEL P CLEMENT	TIERA N BRATTON	\$ 500.00	
68		D35536	853806	: 0 : SCANNER - GRAPHIC, OCR, TEXT, IMAGE, ETC.	HP	SCANJET 8290	TBD	D000/#	1201 EYE	DS61200000	DS61200000	JOEL P CLEMENT	TIERA N BRATTON	\$ 250.00	
69		D35537	853807	: 0 : SCANNER - GRAPHIC, OCR, TEXT, IMAGE, ETC.	HP	OPTIPL EX 745	TBD	D000/#	1201 EYE	DS61200000	DS61200000	JOEL P CLEMENT	TIERA N BRATTON	\$ 1,500.00	
70		D35538	853808	: 0 : SCANNER - GRAPHIC, OCR, TEXT, IMAGE, ETC.	LEXMARK INTERNATIONAL	Z52	TBD	D000/#	1201 EYE	DS61200000	DS61200000	JOEL P CLEMENT	TIERA N BRATTON	\$ 500.00	
71		D35539	853809	: 0 : SCANNER - GRAPHIC, OCR, TEXT, IMAGE, ETC.	DELL	OPTIPL EX 745	TBD	D000/#	1201 EYE	DS61200000	DS61200000	JOEL P CLEMENT	TIERA N BRATTON	\$ 1,500.00	
72		D35540	853810	: 0 : SCANNER - GRAPHIC, OCR, TEXT, IMAGE, ETC.	DELL	OPTIPL EX 745	TBD	D000/#	1201 EYE	DS61200000	DS61200000	JOEL P CLEMENT	TIERA N BRATTON	\$ 1,500.00	

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
73		D35541	853811	: 0 : SCANNER - GRAPHIC, OCR, TEXT, IMAGE, ETC.	APPL E COM PUTE R	MACPR O	TBD	D000/#	1201 EYE	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 1,500.00	
74		D35542	853812	: 0 : SCANNER - GRAPHIC, OCR, TEXT, IMAGE, ETC.	APPL E COM PUTE R	CINEM A DISPLA Y	TBD	D000/#	1201 EYE	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 350.00	
75		D35543	853813	: 0 : SCANNER - GRAPHIC, OCR, TEXT, IMAGE, ETC.	EPSO N	PICTUR E MATE	TBD	D000/#	1201 EYE	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 500.00	
76		D35547	853814	: 0 : SCANNER - GRAPHIC, OCR, TEXT, IMAGE, ETC.	EPSO N	STYLUS PHOTO RX580	TBD	D000/#	1201 EYE	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 1,500.00	
77		D35548	853815	: 0 : SCANNER - GRAPHIC, OCR, TEXT, IMAGE, ETC.	EPSO N	ARTISA N 800	TBD	D000/#	1201 EYE	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 1,500.00	
78		D35549	853816	: 0 : SCANNER - GRAPHIC, OCR, TEXT, IMAGE, ETC.	BROT HER	HL- 5370D W	TBD	D000/#	1201 EYE	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 500.00	
79		D35550	853817	: 0 : SCANNER - GRAPHIC, OCR, TEXT, IMAGE, ETC.	APPL E COM PUTE R	MACB OOK AIR	TBD	D000/#	1201 EYE	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 1,500.00	
80		D35551	853818	: 0 : SCANNER - GRAPHIC, OCR, TEXT, IMAGE, ETC.	DELL	OPTIPL EX 760	TBD	D000/#	1201 EYE	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 1,500.00	

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
81		D35552	853819	0 : SCANNER - GRAPHIC, OCR, TEXT, IMAGE, ETC.	DELL	OPTIPL EX 745	TBD	D000/#	1201 EYE	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 1,500.00	
82		D35553	853820	0 : SCANNER - GRAPHIC, OCR, TEXT, IMAGE, ETC.	DELL	OPTIPL EX 745	TBD	D000/#	1201 EYE	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 1,500.00	
83		D35554	853821	0 : IT MULTIMEDIA PROJECTOR - ALL TYPES	SHAR P CORP	XR-20S	TBD	D000/#	1201 EYE	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 500.00	
84		D35555	853823	0 : SCANNER - GRAPHIC, OCR, TEXT, IMAGE, ETC.	HP	DESKJET 6940	TBD	D000/#	1201 EYE	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 500.00	
85		D35556	853824	0 : FACSIMILE, TELETYPE, DEX ZAP MAIL MACHINES	PANASONIC	UF-895	TBD	D000/#	1201 EYE	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 250.00	
86		DB00076478	619993	0 : STANDARD DESKTOP COMPUTER	DELL	LATITUDE E4300	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 1,500.00	
87		DB0007648	619983	0 : STANDARD DESKTOP COMPUTER	DELL	LATITUDE E6400	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 1,500.00	
88		DB00076476	619979	0 : STANDARD DESKTOP COMPUTER	DELL	LATITUDE E4300	TBD	D000/#	MIB 3510	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 1,500.00	
89		DC8187-00018	618878	0 : IT ALL-IN-ONE PRINTER, COPIER, SCANNER - ALL TYPES	HP	PROLISER 580	MY72B 250B7	D000/#	MIB 1349	DS6120 0000	DS61200 000	JOEL P CLEMENT	TIERA N BRATTON	\$ 450.00	

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
90	SECRET ARY'S IMMED IAT	D043898	995796	0 : LAPTOP / NOTEBOOK COMPUTER	DELL	A1396	DLG6SF NDDFJ3	D000/MIB #		DS1010 0000	DS10100 000	BENJAMI N E MILAKOF SK	TIERA N BRATTON	\$ 549.00	
91		D043899	995797	0 : LAPTOP / NOTEBOOK COMPUTER	DELL	A1396	NONE	D000/MIB #		DS1010 0000	DS10100 000	BENJAMI N E MILAKOF SK	TIERA N BRATTON	\$ 549.00	



WBUSAUTH	Business Area by Authorization D000 Departmental Offices
OP_FPER	Period/Fiscal Year 004/2017
WAPO_NM	APO Name
WSAPONUM	APO Number
WAS_CLASS	Asset Class
WRP_FLAG_IND	Asset Type
WCE_NM	CE Name
WCE_NUM	CE Number
OS_CCTR	Cost Center
WCPO_NME	CPO Name TIERA N BRATTON
WCPO_NUM	CPO Number
WDEP_AREAS	Depreciation Area Accountable Property
WDEACT_FLG	Deactivation Flag #
OS_FCTR	Funds Center
WIN_NOTE	Inventory Note
WINV_NUM	Inventory Number
WILASTINVDT	Last Inventory Date
OS_ASSET	Main Asset Number
WAS_MAXID	Maximo ID Number
WPMNAME_VAF	PM Name
WRSP_CCNT	Responsible Cost Center
WEVAL_GR2	User Status

# Building Inventories in FBMS

1) Click on tab **EMIS**

The screenshot shows the FBMS Enterprise Portal in a Windows Internet Explorer browser window. The address bar displays the URL <https://www.fbms.doi.net/irj/portal>. The browser's address bar shows the current page is [Home - FBMS Enterprise Portal](#). The portal's navigation menu includes tabs for HOME, ACQUISITION/FINANCIAL ASSISTANCE, CORE FINANCIALS, **EMIS**, and PROPERTY. The EMIS tab is currently selected. The main content area displays system status information, news, and a list of BIO Podcasts.

**System Status Information**

**FBMS has been opened for FY15 business. Bureau user access is controlled by each bureau and users will be opened as each bureau's discretion.**  
(Updated 10/21/2014 Ruddy Bobbi Ann)

**The September posting period (12) has now been closed for all bureaus.**  
(Updated 10/2/2014 Vlasick Thomas J)

As of FBMS Deployment 8, the systems are only compatible with Internet Explorer (IE) browser version 9 and lower. Please make sure you are using IE v9 if you are having issues.  
(Updated 11/8/2013 Munno Nicole B)

**FBMS News**

**Year End Calendar - FY14 V52**  
11/03/2014  
(by Kallem Dheeram, 11/3/2014)  
[attachment 1](#)

**Scope Definition Quality Gate**  
(by Munno Nicole B, 9/5/2014)  
[attachment 1](#)

**FY2014 Year End Close Summary Schedule**  
(by Munno Nicole B, 7/23/2014)  
[attachment 1](#)

**New URL for Remedy is <https://iosremedy.doi.gov>**  
If you routinely submit Remedy tickets via the Production Portal, please refer to the new work instructions located in the FBMS Help/Training Files. The process changed with the upgrade to Remedy Version 8.1 on July 28, 2014.  
(by Tarigoppula Prashanthi, 7/25/2014)  
[Submit Remedy Ticket](#)

**New URL for Remedy is <https://iosremedy.doi.gov>**  
(by Tarigoppula Prashanthi, 7/25/2014)  
[Remedy 8.1 Changes or New Features for Incident Console Users](#)

**BIO Podcasts**

Name	Changed On
<a href="#">01 Playback Instructions</a>	11/18/13 8:47:55 AM
<a href="#">02 Boot Camps</a>	7/14/14 9:38:36 AM
<a href="#">03 Brown Bag Lunches</a>	11/5/14 8:47:20 AM
<a href="#">04 FBMS Help Video On Demand</a>	7/23/13 9:53:15 AM
<a href="#">Deployment 6 - 8 Archive</a>	9/26/14 11:36:36 AM
<a href="#">FBMS Roadmap</a>	9/18/13 9:32:32 AM
<a href="#">FSALT</a>	7/30/14 9:12:50 AM
<a href="#">Release 9 (R9)</a>	7/30/14 9:12:34 AM
<a href="#">Remedy Training</a>	7/14/14 10:34:27 AM
<a href="#">Training</a>	10/30/14 6:09:48 AM

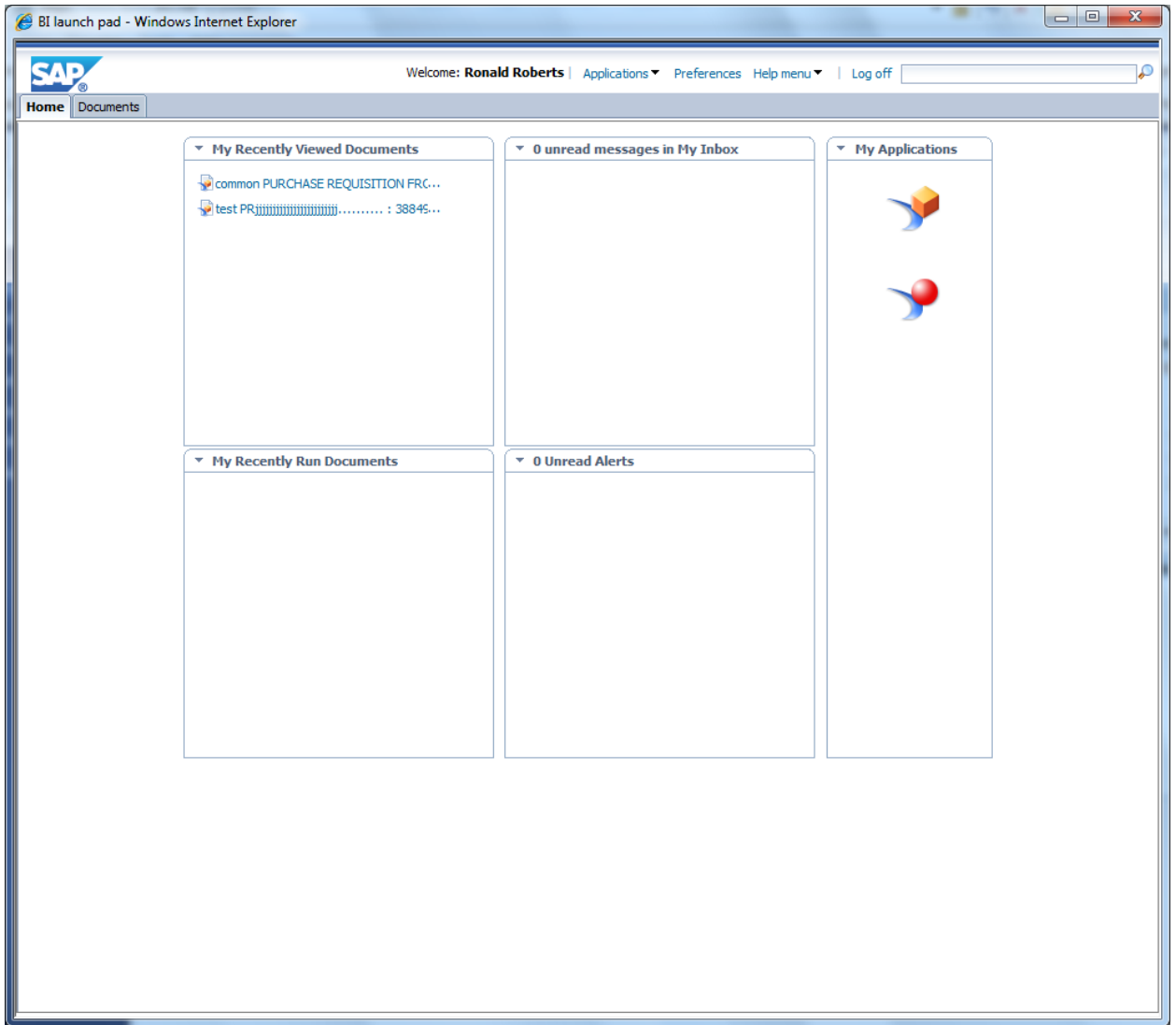
2) Click **BI Launch Pad**

The screenshot shows the EMIS Home - FBMS Enterprise Portal. The browser address bar displays <https://www.fbms.doi.net/rij/portal>. The page has a navigation menu on the left with items like 'EMIS Home', 'BI Launch Pad', 'Audit Files', 'BW Custom Reports', 'EMIS Documentation', 'EMIS FAQs', and 'EMIS Help'. The main content area is titled 'EMIS Home' and contains several sections:

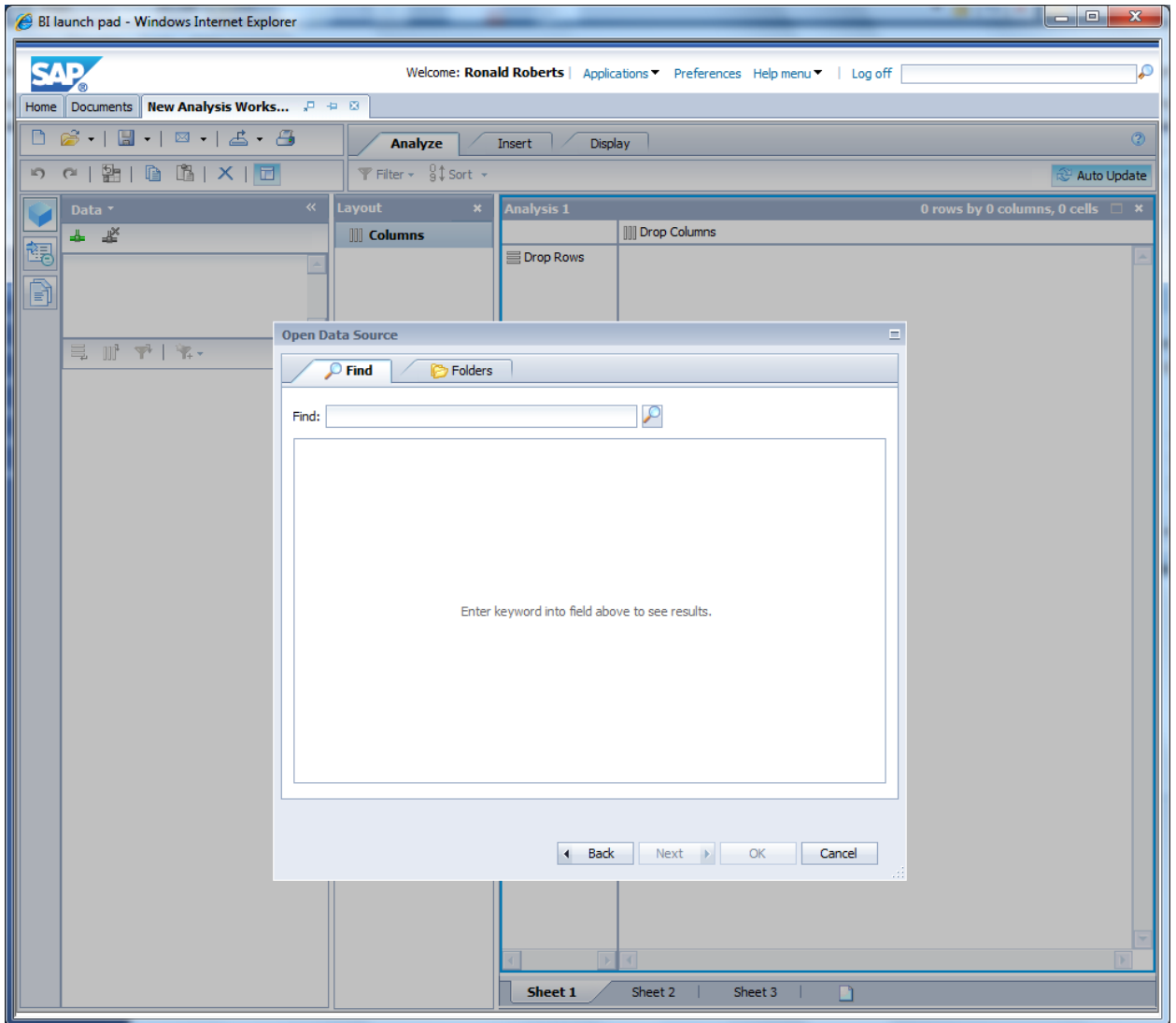
- EMIS Notification/News**:
  - EMIS Production Data Load Status 11/06/2014**: BW is available for reporting (11/06). (by Gudishetty, Praveen, 11/6/2014)
  - Queries with Issues 1-13-2014**: (by Curtis Stan, 1/11/2014)
  - Queries with Issues 1/13/2014**
  - EMIS/BW Daily Loads**: The daily ETL process of data into the EMIS BW system starts at 2:00 AM EST and is usually completed by 8:00 AM EST. If a particular ETL process is delayed a portal message should be posted at that time noting the area that is delayed. Therefore, if you are running any reports prior to 8:00 AM EST and you receive questionable results please rerun your report after the 8:00 AM EST (by Curtis Stan, 2/6/2013)
  - Solution for User Not Authorized error in OLAP Analysis tool**: Change the cost centers (Authorization) variable values on selection screen of the report from "Between" to "Equal" and execute the report. (by Ananthuni Ravi, 11/29/2012)
  - GREATER THAN option - PROMPTS**: Please do not use the "GREATER THAN" option in the PROMPTS section of the Analysis edition for OLAP. All other options can be used except for the "GREATER THAN" (by Pottigari Srikanth, 11/20/2012)
- EMIS Key Dates**: A calendar for November 2014. The date 6th is highlighted in yellow. Below the calendar, it says '0 events'.
- EMIS External Links**: A section for external links, currently empty.

At the bottom of the page, there are links for [Privacy Policy](#), [FOIA](#), [Accessibility](#), [Notices](#), [Disclaimer](#), [USA Gov](#), and [DOI Home Page](#). The status bar at the bottom indicates 'Local intranet | Protected Mode: Off' and '100%' zoom.

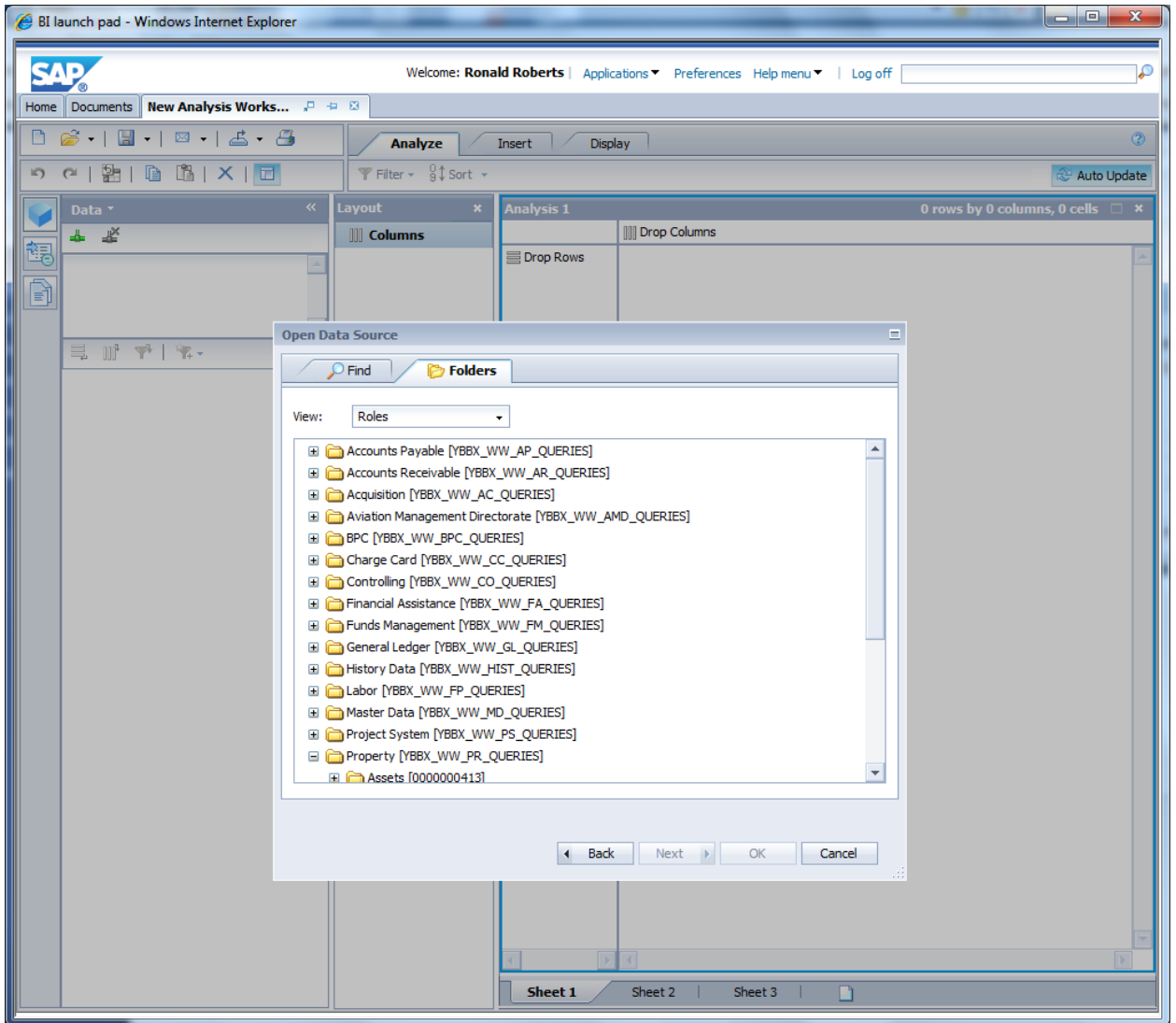
3) Click **Application** (orange squar)



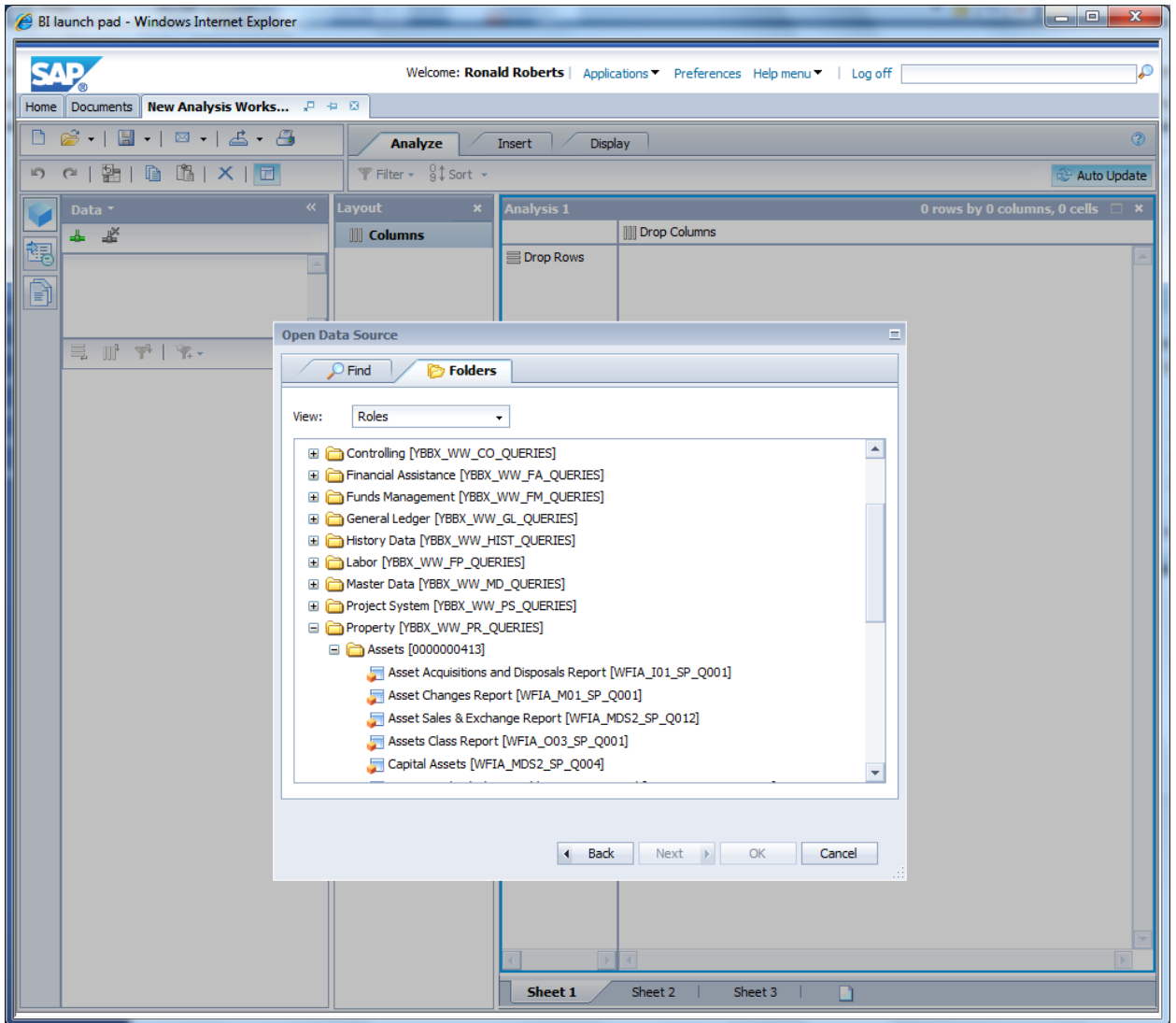
4) Click the **Folder Tab**



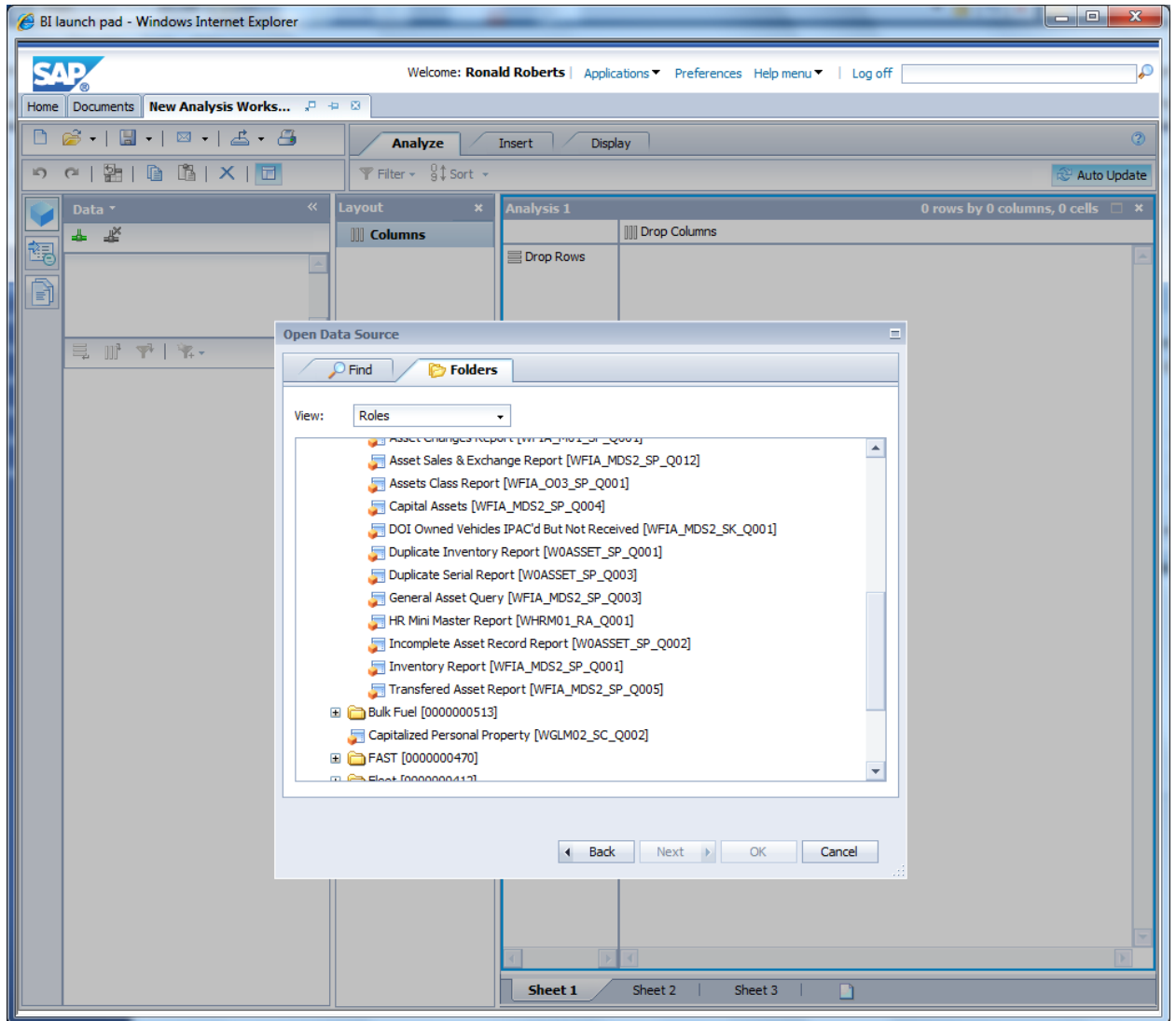
5) Click on **Property**



6) Click on **Assets**

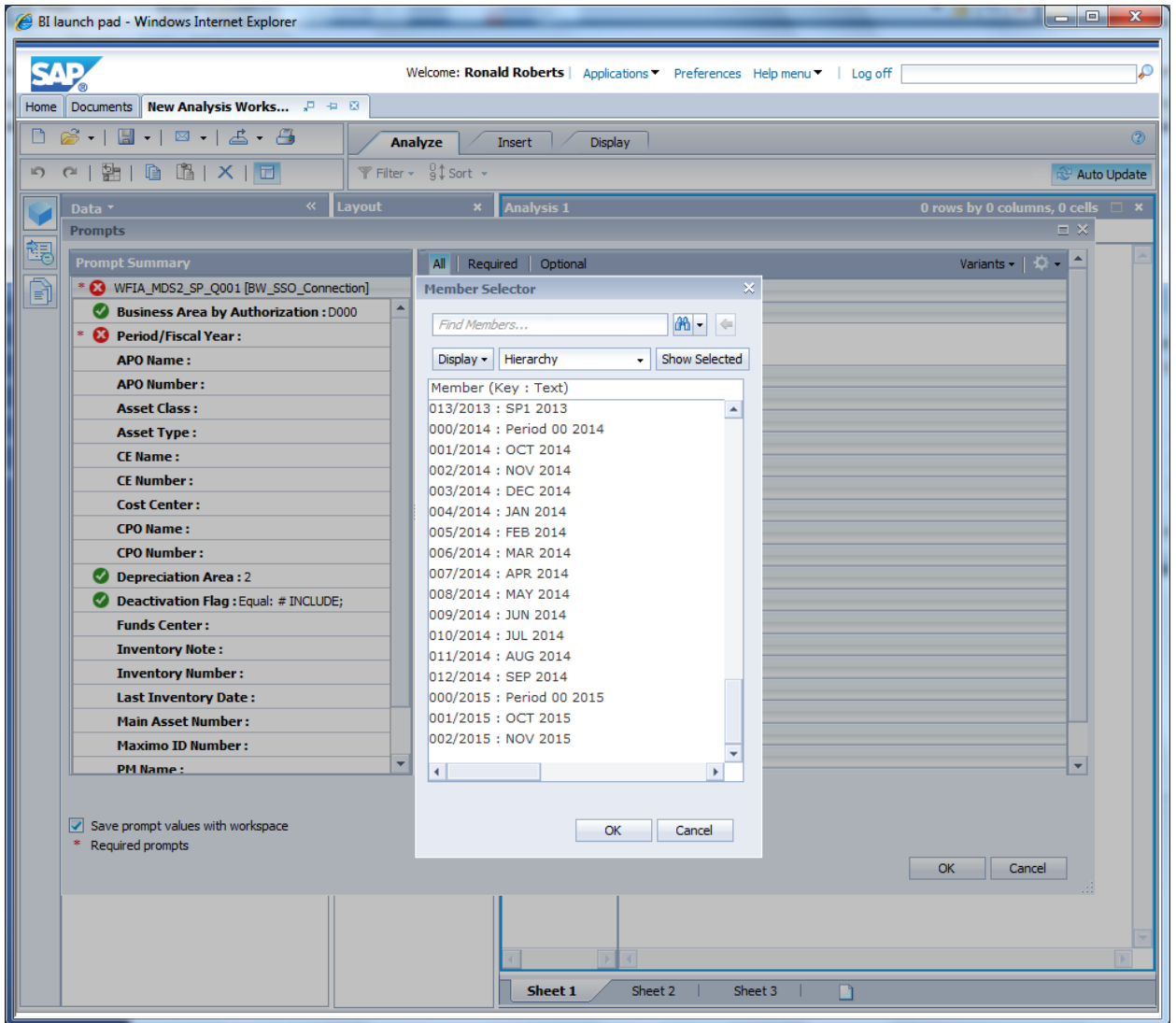


7) Scroll Down to **Inventory Report** and Click

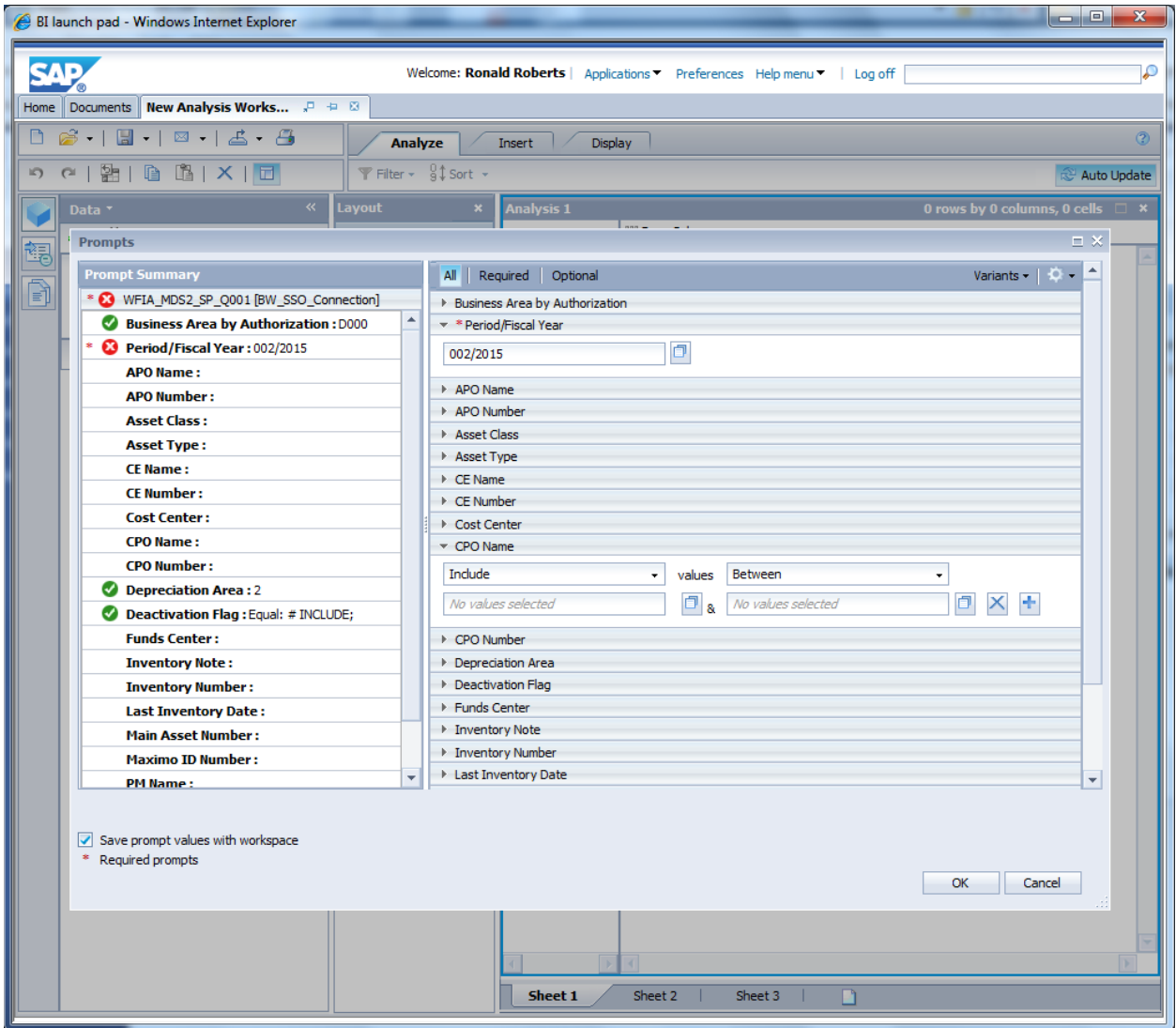


- 8) Go to Period Fiscal Year and Click Box to the right scroll down to the last Fiscal Date Click then click OK

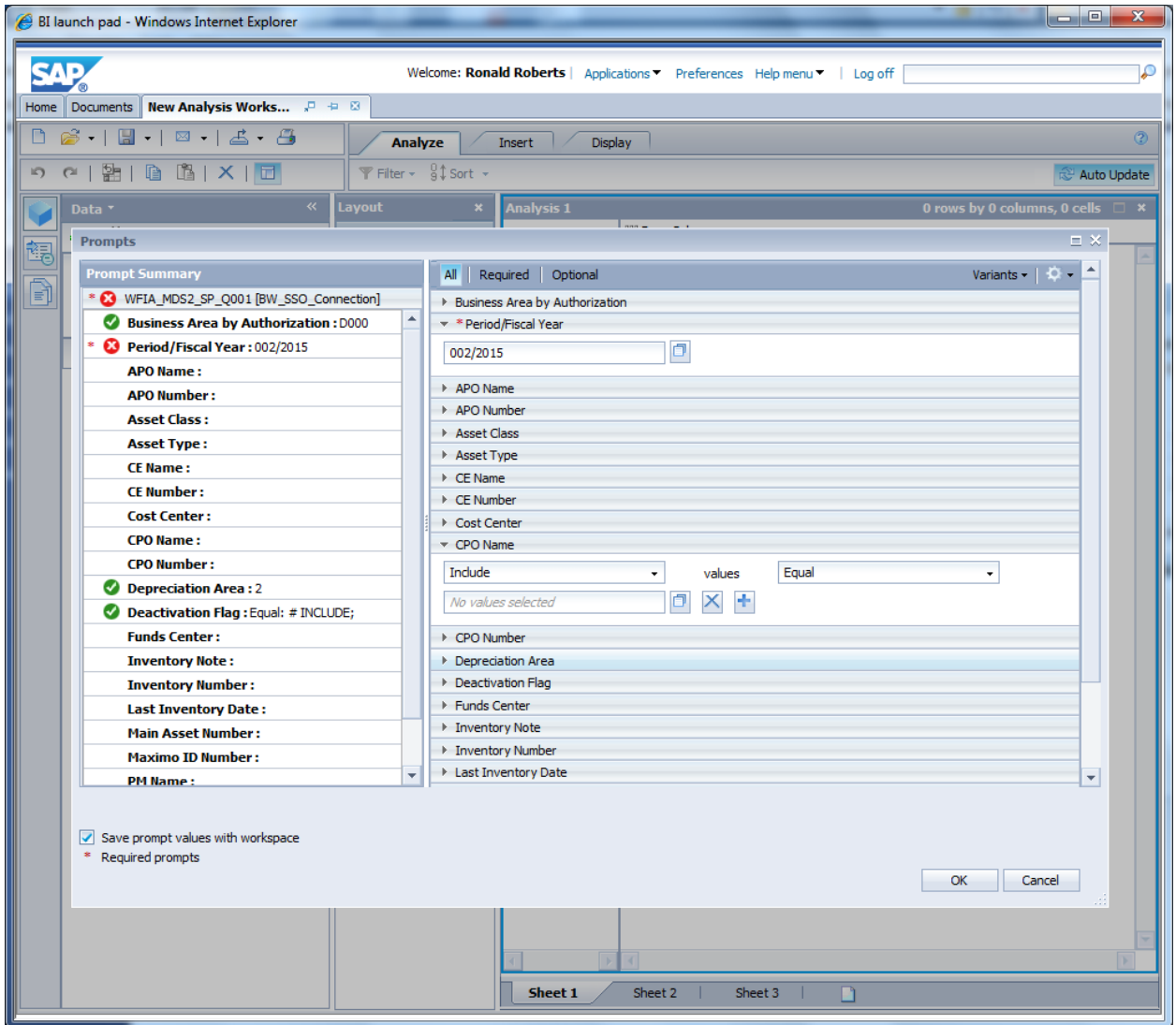




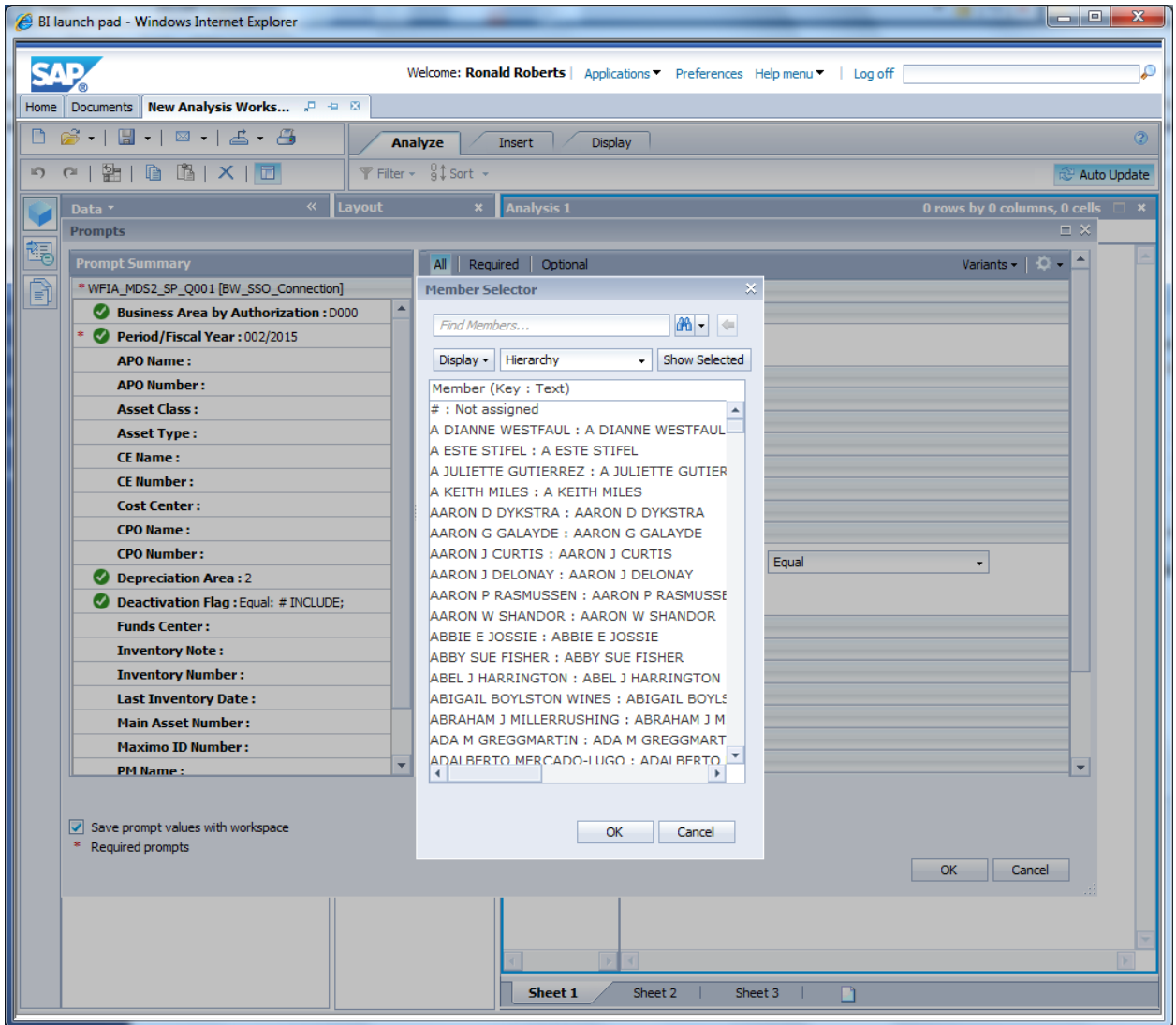
9) Go to CPO Name and Click



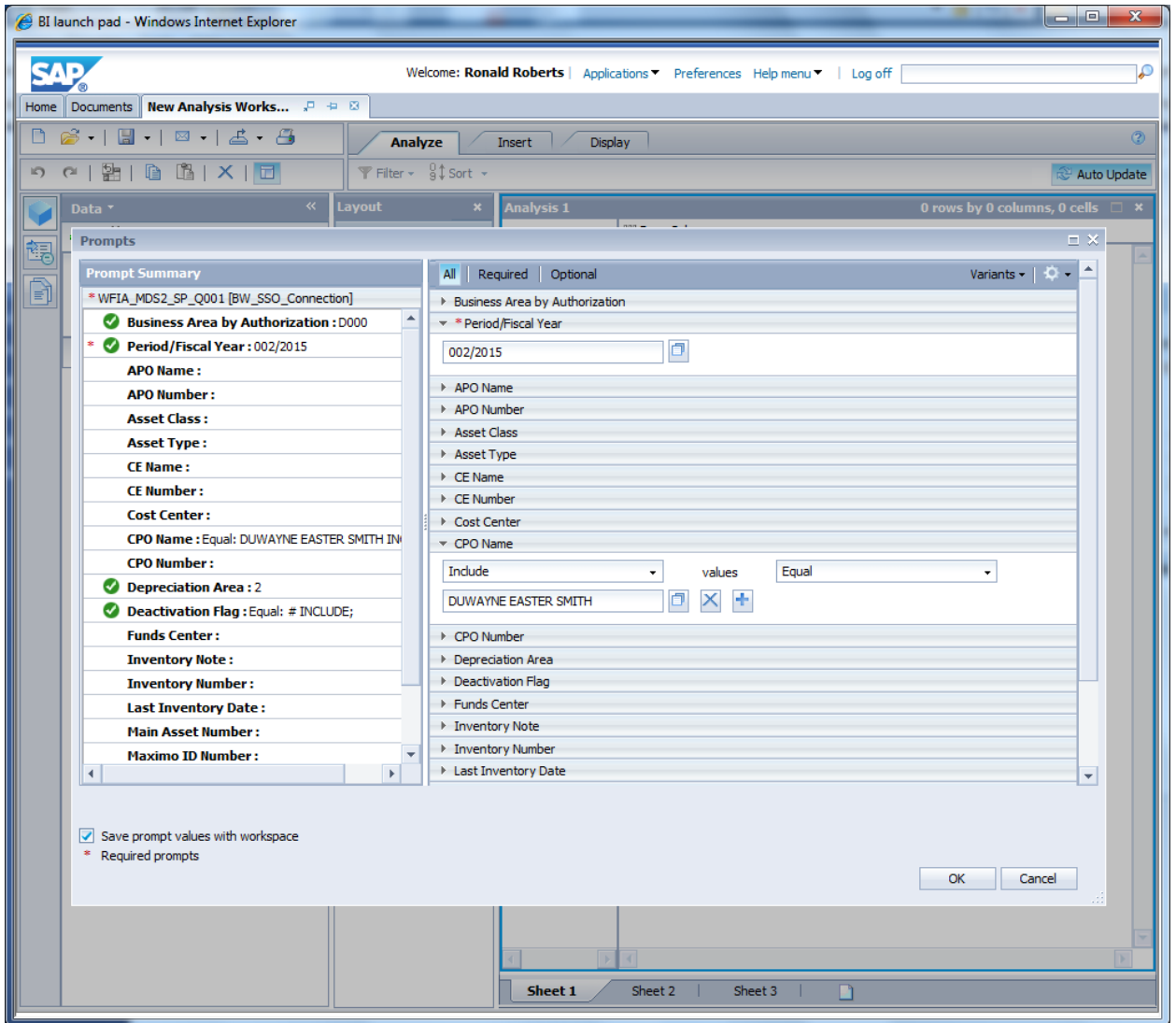
10) Go to **Between** Click Arrow Select Equal



11) Go to Box under Include and Click small Box to your right and search for CPO by adding the CPO's Name to the Box next to the **Binocular's**



12) Look thru the Drop down Menu and Find the **CPO's Name** and Click it  
Then click **OK**



13) To put in Excel format go to the illustration of a printer click the **Arrow to the left of the printer** and click excel

BI launch pad - Windows Internet Explorer

Welcome: **Ronald Roberts** | Applications | Preferences | Help menu | Log off

Home Documents **New Analysis Works...**

Analyze Insert Display

Filter Sort Calculations Conditional Formatting Auto Update

Data Prompts  
WFIA\_MDS2\_SP\_Q001 [BW\_SSO\_Connecti...

Layout

Columns  
Key Figures

Rows  
Inventory no.  
Asset Number  
Asset  
Depreciation Area  
Manufacturer Name  
Model  
Serial number  
Model Year  
Location

Background

Analysis 1 194 rows by 1 columns, 194 cells

Inventory no.	Asset Number	Asset	Asset additional (	Depreciati	Key Figures
					Aquisition Cost
D041076	945631 : LAPTOP	0 : LAPTOP / NOT #		2	\$ 1,27
D041080	952622 : STANDA	0 : STANDARD DE #		2	\$ 92
D042350	945628 : LAPTOP	0 : LAPTOP / NOT #		2	\$ 1,27
D042351	945668 : LAPTOP	0 : LAPTOP / NOT #		2	\$ 1,27
D042644	945617 : LAPTOP	0 : LAPTOP / NOT #		2	\$ 1,27
D046225	945490 : LAPTOP	0 : LAPTOP / NOT #		2	\$ 1,25
D046226	945619 : LAPTOP	0 : LAPTOP / NOT #		2	\$ 1,27
D046227	945621 : LAPTOP	0 : LAPTOP / NOT #		2	\$ 1,27
D046229	945509 : LAPTOP	0 : LAPTOP / NOT #		2	\$ 1,27
D046230	945559 : LAPTOP	0 : LAPTOP / NOT #		2	\$ 1,27
D046231	945505 : LAPTOP	0 : LAPTOP / NOT #		2	\$ 1,25
D046234	945558 : LAPTOP	0 : LAPTOP / NOT #		2	\$ 1,27
D046235	945506 : LAPTOP	0 : LAPTOP / NOT #		2	\$ 1,25
D046236	945569 : LAPTOP	0 : LAPTOP / NOT #		2	\$ 1,27
D046237	945508 : LAPTOP	0 : LAPTOP / NOT #		2	\$ 1,27
D046238	945564 : LAPTOP	0 : LAPTOP / NOT #		2	\$ 1,27
D046240	945495 : LAPTOP	0 : LAPTOP / NOT #		2	\$ 1,25
D046241	945498 : LAPTOP	0 : LAPTOP / NOT #		2	\$ 1,25
D046242	945494 : LAPTOP	0 : LAPTOP / NOT #		2	\$ 1,25
D046243	945563 : LAPTOP	0 : LAPTOP / NOT #		2	\$ 1,27
D046245	945616 : LAPTOP	0 : LAPTOP / NOT #		2	\$ 1,27
D046248	945492 : LAPTOP	0 : LAPTOP / NOT #		2	\$ 1,25
D046249	945561 : LAPTOP	0 : LAPTOP / NOT #		2	\$ 1,27
D046253	945557 : LAPTOP	0 : LAPTOP / NOT #		2	\$ 1,27
D046254	945491 : LAPTOP	0 : LAPTOP / NOT #		2	\$ 1,25
D046256	945556 : LAPTOP	0 : LAPTOP / NOT #		2	\$ 1,27
D046262	945565 : LAPTOP	0 : LAPTOP / NOT #		2	\$ 1,27
D046278	945496 : LAPTOP	0 : LAPTOP / NOT #		2	\$ 1,25

Sheet 1 Sheet 2 Sheet 3

14) Export Box will appear Click OK spread sheet will appear



The screenshot shows a Microsoft Excel spreadsheet titled "2014 Inventory update Duwayne Smith (12) [Protected View]". The spreadsheet has columns A through P. A summary table is visible in the lower right, with columns for Inventory no., Asset Number, Asset, and Asset additional des. A dialog box titled "Background Filter" is open, showing a list of items with columns for Inventory no., Asset Number, Asset, and Asset additional des.

Inventory no.	Asset Number	Asset	Asset additional des
D041076	945631 : LAPTOP / NOTEBOOK COMPUTER	0 : LAPTOP / NOTEBOOK COMPUTER	#
D041080	952622 : STANDARD DESKTOP COMPUTER	0 : STANDARD DESKTOP COMPUTER	#
D042350	945628 : LAPTOP / NOTEBOOK COMPUTER	0 : LAPTOP / NOTEBOOK COMPUTER	#
D042351	945668 : LAPTOP / NOTEBOOK COMPUTER	0 : LAPTOP / NOTEBOOK COMPUTER	#
D042644	945617 : LAPTOP / NOTEBOOK COMPUTER	0 : LAPTOP / NOTEBOOK COMPUTER	#
D046225	945490 : LAPTOP / NOTEBOOK COMPUTER	0 : LAPTOP / NOTEBOOK COMPUTER	#
D046726	945619 : LAPTOP / NOTEBOOK COMPUTER	0 : LAPTOP / NOTEBOOK COMPUTER	#

Inventory no.	Asset Number	Asset	Asset additional des
209	STANDARD DESKTOP COMPUTER		
	952693 : STANDARD DESKTOP COMPUTER		\$ 927.00
210	952694 : LAPTOP / NOTEBOOK COMPUTER	7021 1300	\$ 1,259.00
211	952695 : LAPTOP / NOTEBOOK COMPUTER		\$ 1,276.00
212	952696 : LAPTOP / NOTEBOOK COMPUTER		\$ 1,276.00
213	952697 : LAPTOP / NOTEBOOK COMPUTER		\$ 1,276.00

If you have any questions please call me  
 Ronald Roberts 202-208-3307



**From:** Goklany, Indur  
**To:** [Douglas Domenech](#)  
**Subject:** climate change web page -- draft  
**Date:** Friday, January 27, 2017 3:53:13 PM  
**Attachments:** [Climate Change web page.docx](#)

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Doug,

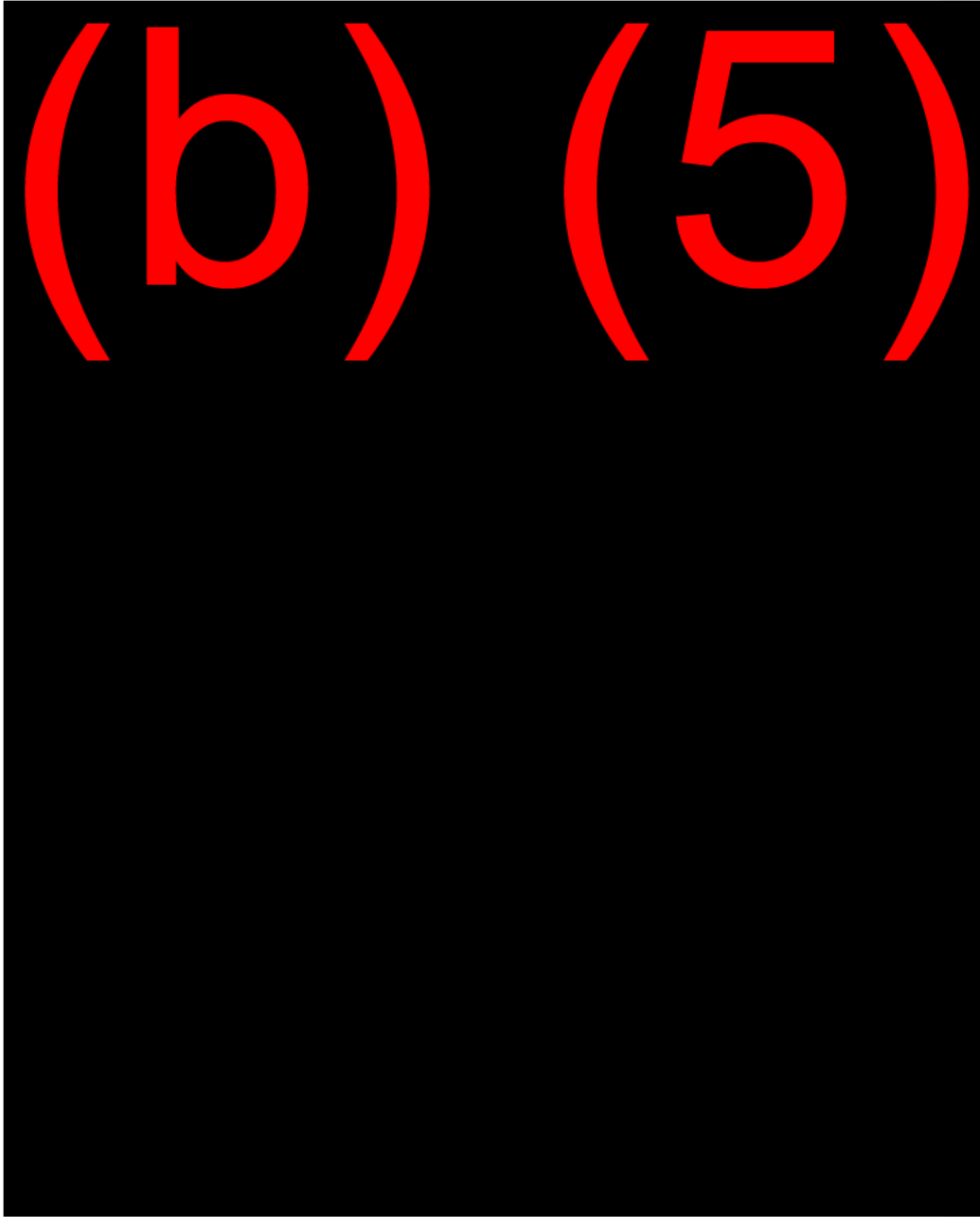
Attached is a draft of the revisions I would make. (b) (5)

The original page is at: <https://www.doi.gov/climate>. It can also be accessed from the DOI home page via "Our Priorities" and then by clicking "Climate Change" under "America's Great Outdoors".

To see the draft without any mark-up, on WORD, go to the "Review" tab and select "No Markup" (to the right of the "Track Changes" box). To see what changes I would make and some comments I have as to why I would make them, select "All Markup".

I'll be leaving the office shortly, but can talk on Monday (or whenever).

Best regards,  
Goks, 202-2084951



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**Commented [GIM1]:** This change is appropriate since it is now the new Admin speaking.

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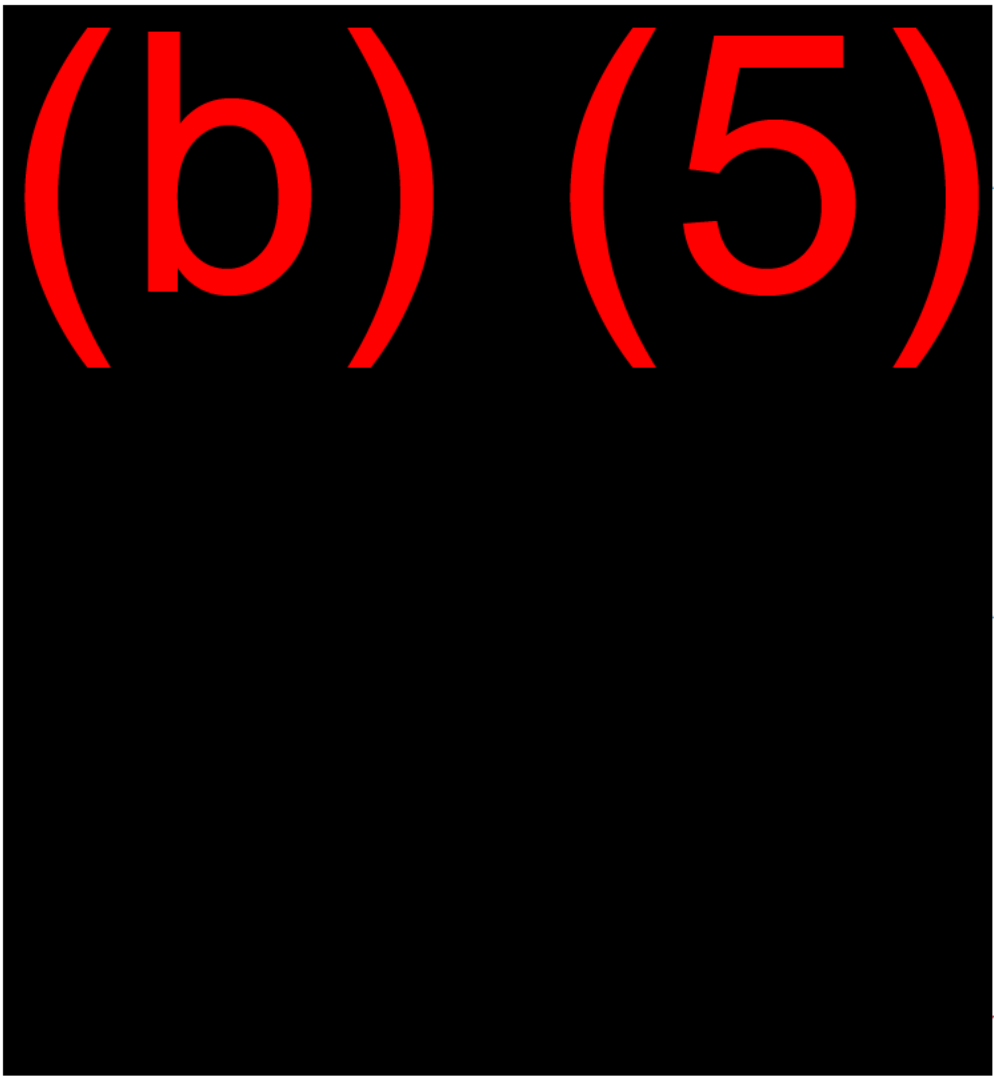
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**Formatted:** No bullets or numbering

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**Commented [GIM2]:** Since this -- and the remainder -- of the web page explicitly refers to the last Administration's policy and how that would be implemented I would get rid of it all.

**From:** Goklany, Indur  
**To:** [Joel Clement](#); [Shawn Buckner](#); [Benjamin Simon](#)  
**Subject:** Fwd: Executive Order on Reducing Regulation and Controlling Regulatory Costs  
**Date:** Tuesday, January 31, 2017 2:44:38 PM  
**Attachments:** [EO dated 1-30-2017 on Reducing Regulation and Controlling Regulatory Costs.pdf](#)

---

fyi

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

**From:** **Lawyer, Mark** <[mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)>

**Date:** Tue, Jan 31, 2017 at 2:08 PM

**Subject:** Executive Order on Reducing Regulation and Controlling Regulatory Costs

**To:** Anissa Craghead <[anissa\\_craghead@fws.gov](mailto:anissa_craghead@fws.gov)>, "Apgar, Megan" <[Megan\\_Apgar@ios.doi.gov](mailto:Megan_Apgar@ios.doi.gov)>, "Appel, Elizabeth" <[Elizabeth.Appel@bia.gov](mailto:Elizabeth.Appel@bia.gov)>, Ashley Fry <[ashley.fry@bia.gov](mailto:ashley.fry@bia.gov)>, "Begay, Amanda" <[amanda.begay@bia.gov](mailto:amanda.begay@bia.gov)>, "Bremner, Faith" <[fbremner@blm.gov](mailto:fbremner@blm.gov)>, "Calhoun, John" <[john\\_calhoun@nps.gov](mailto:john_calhoun@nps.gov)>, Daniel Lind <[daniel.lind@bsee.gov](mailto:daniel.lind@bsee.gov)>, Deanna Meyer-Pietruszka <[deanna.meyer-pietruszka@boem.gov](mailto:deanna.meyer-pietruszka@boem.gov)>, "Epstein, Joshua" <[joshua\\_epstein@oha.doi.gov](mailto:joshua_epstein@oha.doi.gov)>, Ian Senio <[Ian\\_Senio@blm.gov](mailto:Ian_Senio@blm.gov)>, Indur Goklany <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)>, Jennifer Stevenson <[jennifer\\_stevenson@ios.doi.gov](mailto:jennifer_stevenson@ios.doi.gov)>, Jill Nagode <[JNagode@usbr.gov](mailto:JNagode@usbr.gov)>, Kelly Odom <[kelly.odom@bsee.gov](mailto:kelly.odom@bsee.gov)>, Kerry Rodgers <[kerry\\_rodgers@ios.doi.gov](mailto:kerry_rodgers@ios.doi.gov)>, Lakeisha Harrison <[lakeisha.harrison@bsee.gov](mailto:lakeisha.harrison@bsee.gov)>, Loren Thompson <[loren.thompson@boem.gov](mailto:loren.thompson@boem.gov)>, Mark Lawyer <[mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)>, Matt Williams <[matt.williams@onrr.gov](mailto:matt.williams@onrr.gov)>, Michelle Fishburne <[mfishburne@osmre.gov](mailto:mfishburne@osmre.gov)>, "nathan. good" <[nathan.good@bsee.gov](mailto:nathan.good@bsee.gov)>, "North, Arthur" <[AJ\\_North@nps.gov](mailto:AJ_North@nps.gov)>, Rachel Lukens <[rachel\\_lukens@oha.doi.gov](mailto:rachel_lukens@oha.doi.gov)>, Russ\_Wilson <[Russ\\_Wilson@nps.gov](mailto:Russ_Wilson@nps.gov)>, Sara Prigan <[sara\\_prigan@fws.gov](mailto:sara_prigan@fws.gov)>, Shelly Wills <[shelly.wills@boem.gov](mailto:shelly.wills@boem.gov)>, Susan Wilkinson <[susan\\_wilkinson@fws.gov](mailto:susan_wilkinson@fws.gov)>, Tina Campbell <[tina\\_campbell@fws.gov](mailto:tina_campbell@fws.gov)>, "Trelease, John" <[jtrelease@osmre.gov](mailto:jtrelease@osmre.gov)>, Lara Douglas <[ledouglas@blm.gov](mailto:ledouglas@blm.gov)>, Thomas Lillie <[thomas.lillie@bsee.gov](mailto:thomas.lillie@bsee.gov)>, Emily Lindow <[Emily.Lindow@boem.gov](mailto:Emily.Lindow@boem.gov)>, Charisa Morris <[charisa\\_morris@fws.gov](mailto:charisa_morris@fws.gov)>, "Viets, Alexa" <[alexa\\_viets@nps.gov](mailto:alexa_viets@nps.gov)>, Sarah Walters <[sarah\\_walters@ios.doi.gov](mailto:sarah_walters@ios.doi.gov)>, Kerry Rae <[kerry\\_rae@ios.doi.gov](mailto:kerry_rae@ios.doi.gov)>, Maureen Foster <[maureen\\_foster@ios.doi.gov](mailto:maureen_foster@ios.doi.gov)>, "Hess, James" <[jhess@usbr.gov](mailto:jhess@usbr.gov)>, Jennifer Goldblatt <[jennifer.goldblatt@onrr.gov](mailto:jennifer.goldblatt@onrr.gov)>, Richard Cardinale <[richard\\_cardinale@ios.doi.gov](mailto:richard_cardinale@ios.doi.gov)>  
**Cc:** Juliette Lillie <[juliette\\_lillie@ios.doi.gov](mailto:juliette_lillie@ios.doi.gov)>

Yesterday morning, President Trump issued an executive order on managing costs associated with regulations. A copy is attached to this email. Here is a summary of its main provisions:

- Unless prohibited by law, every proposed or final regulation must identify at least two existing regulations to be repealed.
- During each fiscal year, OMB will provide agencies the amount of incremental costs they are allowed for issuing and repealing regulations. For the current fiscal year, the amount is zero.
- No regulation may be issued unless it appeared in the most recent Unified Regulatory Agenda.

You may have questions on how to implement the new Executive Order. We expect to receive further guidance from OMB soon. We will provide information to you as we receive

it.

--

Mark Lawyer

Deputy Director - Policy and Regulatory Affairs  
Executive Secretariat and Regulatory Affairs  
Office of the Secretary  
Department of the Interior

Email: [mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)

Voice: (202) 208-5257

Fax: (202) 219-2100

THE WHITE HOUSE

Office of the Press Secretary

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For Immediate Release

January 30, 2017

EXECUTIVE ORDER

- - - - -

REDUCING REGULATION AND CONTROLLING REGULATORY COSTS

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Budget and Accounting Act of 1921, as amended (31 U.S.C. 1101 *et seq.*), section 1105 of title 31, United States Code, and section 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. Purpose. It is the policy of the executive branch to be prudent and financially responsible in the expenditure of funds, from both public and private sources. In addition to the management of the direct expenditure of taxpayer dollars through the budgeting process, it is essential to manage the costs associated with the governmental imposition of private expenditures required to comply with Federal regulations. Toward that end, it is important that for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.

Sec. 2. Regulatory Cap for Fiscal Year 2017. (a) Unless prohibited by law, whenever an executive department or agency (agency) publicly proposes for notice and comment or otherwise promulgates a new regulation, it shall identify at least two existing regulations to be repealed.

(b) For fiscal year 2017, which is in progress, the heads of all agencies are directed that the total incremental cost of all new regulations, including repealed regulations, to be finalized this year shall be no greater than zero, unless otherwise required by law or consistent with advice provided in writing by the Director of the Office of Management and Budget (Director).

(c) In furtherance of the requirement of subsection (a) of this section, any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least two prior regulations. Any agency eliminating existing costs associated with prior regulations under this subsection shall do so in accordance with the Administrative Procedure Act and other applicable law.

(d) The Director shall provide the heads of agencies with guidance on the implementation of this section. Such guidance shall address, among other things, processes for standardizing the measurement and estimation of regulatory costs; standards

for determining what qualifies as new and offsetting regulations; standards for determining the costs of existing regulations that are considered for elimination; processes for accounting for costs in different fiscal years; methods to oversee the issuance of rules with costs offset by savings at different times or different agencies; and emergencies and other circumstances that might justify individual waivers of the requirements of this section. The Director shall consider phasing in and updating these requirements.

Sec. 3. Annual Regulatory Cost Submissions to the Office of Management and Budget. (a) Beginning with the Regulatory Plans (required under Executive Order 12866 of September 30, 1993, as amended, or any successor order) for fiscal year 2018, and for each fiscal year thereafter, the head of each agency shall identify, for each regulation that increases incremental cost, the offsetting regulations described in section 2(c) of this order, and provide the agency's best approximation of the total costs or savings associated with each new regulation or repealed regulation.

(b) Each regulation approved by the Director during the Presidential budget process shall be included in the Unified Regulatory Agenda required under Executive Order 12866, as amended, or any successor order.

(c) Unless otherwise required by law, no regulation shall be issued by an agency if it was not included on the most recent version or update of the published Unified Regulatory Agenda as required under Executive Order 12866, as amended, or any successor order, unless the issuance of such regulation was approved in advance in writing by the Director.

(d) During the Presidential budget process, the Director shall identify to agencies a total amount of incremental costs that will be allowed for each agency in issuing new regulations and repealing regulations for the next fiscal year. No regulations exceeding the agency's total incremental cost allowance will be permitted in that fiscal year, unless required by law or approved in writing by the Director. The total incremental cost allowance may allow an increase or require a reduction in total regulatory cost.

(e) The Director shall provide the heads of agencies with guidance on the implementation of the requirements in this section.

Sec. 4. Definition. For purposes of this order the term "regulation" or "rule" means an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency, but does not include:

(a) regulations issued with respect to a military, national security, or foreign affairs function of the United States;

(b) regulations related to agency organization, management, or personnel; or

(c) any other category of regulations exempted by the Director.

Sec. 5. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,  
January 30, 2017.

# # #



**From:** Goklany, Indur  
**To:** [Joel Clement](#); [Shawn Buckner](#); [Benjamin Simon](#)  
**Subject:** Fwd: Interim Guidance on the Executive Order "Reducing Regulation and Controlling Regulatory Costs"  
**Date:** Friday, February 03, 2017 7:55:42 AM  
**Attachments:** [Interim guidance on Reducing Regulations EO.pdf](#)  
[EO dated 1-30-2017 on Reducing Regulation and Controlling Regulatory Costs.pdf](#)

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fyi

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

**From:** **Lawyer, Mark** <[mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)>

**Date:** Thu, Feb 2, 2017 at 5:10 PM

**Subject:** Interim Guidance on the Executive Order "Reducing Regulation and Controlling Regulatory Costs"

To: Anissa Craghead <[anissa\\_craghead@fws.gov](mailto:anissa_craghead@fws.gov)>, "Apgar, Megan" <[Megan\\_Apgar@ios.doi.gov](mailto:Megan_Apgar@ios.doi.gov)>, "Appel, Elizabeth" <[Elizabeth.Appel@bia.gov](mailto:Elizabeth.Appel@bia.gov)>, Ashley Fry <[ashley.fry@bia.gov](mailto:ashley.fry@bia.gov)>, "Begay, Amanda" <[amanda.begay@bia.gov](mailto:amanda.begay@bia.gov)>, "Bremner, Faith" <[fbremner@blm.gov](mailto:fbremner@blm.gov)>, "Calhoun, John" <[john\\_calhoun@nps.gov](mailto:john_calhoun@nps.gov)>, Daniel Lind <[daniel.lind@bsee.gov](mailto:daniel.lind@bsee.gov)>, Deanna Meyer-Pietruszka <[deanna.meyer-pietruszka@boem.gov](mailto:deanna.meyer-pietruszka@boem.gov)>, "Epstein, Joshua" <[joshua\\_epstein@oha.doi.gov](mailto:joshua_epstein@oha.doi.gov)>, Ian Senio <[Ian\\_Senio@blm.gov](mailto:Ian_Senio@blm.gov)>, Indur Goklany <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)>, Jennifer Stevenson <[jennifer\\_stevenson@ios.doi.gov](mailto:jennifer_stevenson@ios.doi.gov)>, Jill Nagode <[JNagode@usbr.gov](mailto:JNagode@usbr.gov)>, Kelly Odom <[kelly.odom@bsee.gov](mailto:kelly.odom@bsee.gov)>, Kerry Rodgers <[kerry\\_rodgers@ios.doi.gov](mailto:kerry_rodgers@ios.doi.gov)>, Lakeisha Harrison <[lakeisha.harrison@bsee.gov](mailto:lakeisha.harrison@bsee.gov)>, Loren Thompson <[loren.thompson@boem.gov](mailto:loren.thompson@boem.gov)>, Mark Lawyer <[mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)>, Matt Williams <[matt.williams@onrr.gov](mailto:matt.williams@onrr.gov)>, Michelle Fishburne <[mfishburne@osmre.gov](mailto:mfishburne@osmre.gov)>, "nathan. good" <[nathan.good@bsee.gov](mailto:nathan.good@bsee.gov)>, "North, Arthur" <[AJ\\_North@nps.gov](mailto:AJ_North@nps.gov)>, Rachel Lukens <[rachel\\_lukens@oha.doi.gov](mailto:rachel_lukens@oha.doi.gov)>, Russ\_Wilson <[Russ\\_Wilson@nps.gov](mailto:Russ_Wilson@nps.gov)>, Sara Prigan <[sara\\_prigan@fws.gov](mailto:sara_prigan@fws.gov)>, Shelly Wills <[shelly.wills@boem.gov](mailto:shelly.wills@boem.gov)>, Susan Wilkinson <[susan\\_wilkinson@fws.gov](mailto:susan_wilkinson@fws.gov)>, Tina Campbell <[tina\\_campbell@fws.gov](mailto:tina_campbell@fws.gov)>, "Trelease, John" <[jtrelease@osmre.gov](mailto:jtrelease@osmre.gov)>, Alexa Viets <[alexa\\_viets@nps.gov](mailto:alexa_viets@nps.gov)>, Charisa Morris <[charisa\\_morris@fws.gov](mailto:charisa_morris@fws.gov)>, Emily Lindow <[Emily.Lindow@boem.gov](mailto:Emily.Lindow@boem.gov)>, James Hess <[jhess@usbr.gov](mailto:jhess@usbr.gov)>, Jennifer Goldblatt <[jennifer.goldblatt@onrr.gov](mailto:jennifer.goldblatt@onrr.gov)>, Kerry Rae <[kerry\\_rae@ios.doi.gov](mailto:kerry_rae@ios.doi.gov)>, Lara Douglas <[ledouglas@blm.gov](mailto:ledouglas@blm.gov)>, Maureen Foster <[maureen\\_foster@ios.doi.gov](mailto:maureen_foster@ios.doi.gov)>, Sarah Walters <[sarah\\_walters@ios.doi.gov](mailto:sarah_walters@ios.doi.gov)>, Thomas Lillie <[thomas.lillie@bsee.gov](mailto:thomas.lillie@bsee.gov)>, Kristin Bail <[kbail@blm.gov](mailto:kbail@blm.gov)>, Michael Black <[mike.black@bia.gov](mailto:mike.black@bia.gov)>, Richard Cardinale <[richard\\_cardinale@ios.doi.gov](mailto:richard_cardinale@ios.doi.gov)>, Amy Holley <[Amy\\_Holley@ios.doi.gov](mailto:Amy_Holley@ios.doi.gov)>, Margaret Schneider <[margaret.schneider@bsee.gov](mailto:margaret.schneider@bsee.gov)>, "Cruickshank, Walter" <[walter.cruickshank@boem.gov](mailto:walter.cruickshank@boem.gov)>, John Mcclanahan <[john\\_mcclanahan@ios.doi.gov](mailto:john_mcclanahan@ios.doi.gov)>, Michael Reynolds <[michael\\_reynolds@nps.gov](mailto:michael_reynolds@nps.gov)>, Jim Kurth <[jim\\_kurth@fws.gov](mailto:jim_kurth@fws.gov)>, "Dearman, Tony" <[tony.dearman@bie.edu](mailto:tony.dearman@bie.edu)>, Nikolao Pula <[Nikolao\\_Pula@ios.doi.gov](mailto:Nikolao_Pula@ios.doi.gov)>, "Owens, Glenda H." <[gowens@osmre.gov](mailto:gowens@osmre.gov)>  
**Cc:** Juliette Lillie <[juliette\\_lillie@ios.doi.gov](mailto:juliette_lillie@ios.doi.gov)>, Tim Feeney <[tim\\_feeney@ios.doi.gov](mailto:tim_feeney@ios.doi.gov)>

This afternoon, the Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget (OMB) issued interim guidance implementing Section 2 of the executive order of January 30, 2017, titled "Reducing Regulation and Controlling Regulatory Costs" (the "EO"). This guidance focuses on the current fiscal year and rules that are significant under EO 12866. Copies of the interim guidance and EO are attached. Some of the principal provisions of the guidance are as follows:

- When the EO mentions new rules or regulations, it means "significant" regulations as determined by OIRA under Executive Order 12866.

- Rules under the EO may include significant guidance documents. These will be addressed on a case-by-case basis in consultation with OIRA.
- Regulatory actions that are vacated or remanded by a court generally will not count as a rule that has been repealed for purposes of offsetting the costs of a new regulation.
- Regulatory actions that are overturned by Congress under the Congressional Review Act generally will count as a rule that has been repealed for purposes of offsetting the costs of a new regulation.
- Agencies normally may not use estimated costs from an original Regulatory Impact Analysis (RIA) in determining cost savings. They will need to obtain the most current information available on projected cost savings.
- Agencies may proceed with significant regulatory actions that need to be finalized in order to comply with an imminent statutory or judicial deadline even if they are not able to identify offsetting regulatory actions by the time of issuance. This does not eliminate the requirement to identify actions to be repealed to offset the cost of the new action; it merely delays it.
- Regulatory and deregulatory actions may be bundled in the same regulatory action.
- To the extent feasible, actions selected for repeal should be eliminated on the same schedule as the action they offset.
- Regulatory savings from one bureau may be used to offset a new significant regulatory action from another bureau.

The interim guidance is subject to modification and we may receive further guidance as OIRA and agencies work through the process and issues that arise.

We will be working with bureaus and offices on steps to comply with the EO and guidance.

--

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EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

February 2, 2017

ADMINISTRATOR  
OFFICE OF  
INFORMATION AND  
REGULATORY AFFAIRS

MEMORANDUM FOR: REGULATORY POLICY OFFICERS AT EXECUTIVE DEPARTMENTS AND AGENCIES AND MANAGING AND EXECUTIVE DIRECTORS OF CERTAIN AGENCIES AND COMMISSIONS

FROM: Dominic J. Mancini, Acting Administrator  
Office of Information and Regulatory Affairs

SUBJECT: Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, Titled "Reducing Regulation and Controlling Regulatory Costs"

## I. General Requirements

This interim guidance, in the form of Questions and Answers (Q&As), addresses the requirements in Section 2, "Regulatory Cap for Fiscal Year 2017," of the Executive Order of January 30, 2017, titled "Reducing Regulation and Controlling Regulatory Costs" (EO). Specifically, the guidance explains, for purposes of implementing Section 2 in Fiscal Year 2017, the following requirements:

- 1) "Unless prohibited by law, whenever an executive department or agency . . . publicly proposes for notice and comment or otherwise promulgates a new regulation, it shall identify at least two existing regulations to be repealed." Sec. 2(a).
- 2) "For fiscal year 2017, . . . the heads of all agencies are directed that the total incremental cost of all new regulations, including repealed regulations, to be finalized this year shall be no greater than zero, unless otherwise required by law or consistent with advice provided in writing by the Director of the Office of Management and Budget . . . ." Sec. 2(b).
- 3) "In furtherance of the requirement of subsection (a) of this section, any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least two prior regulations." Sec. 2(c).

In general, executive departments and agencies ("agencies") may comply with those requirements by issuing two "deregulatory" actions (described below) for each new significant regulatory action that imposes costs. The savings of the two deregulatory actions are to fully offset the costs of the new significant regulatory action.



In addition, beginning immediately, agencies planning to issue one or more significant regulatory action on or before September 30, 2017, should for each such significant regulatory action:

- 1) A reasonable period of time before the agency issues that action, identify two existing regulatory actions the agency plans to eliminate or propose for elimination on or before September 30, 2017; and
- 2) Fully offset the total incremental cost of such new significant regulatory action as of September 30, 2017.

Please consult with your Office of Information and Regulatory Affairs (OIRA) Desk Officer if you have any particular questions regarding the applicability or interpretation of the EO not addressed in these Q&As. The Office of Management and Budget (OMB) plans to issue further guidance regarding the application of EO for Fiscal Years 2018 and beyond soon. In addition, OMB may revise these Q&As.

Comments on this interim guidance should be provided to [reducingregulation@omb.eop.gov](mailto:reducingregulation@omb.eop.gov) by February 10, 2017.

## II. Coverage

### ***Q: Which new regulations are covered?***

A: The EO's requirements for Fiscal Year 2017 apply only to those significant regulatory actions, as defined in Section 3(f) of Executive Order 12866, an agency issues between noon on January 20 and September 30, 2017. This includes significant final regulations for which agencies issued a Notice of Proposed Rulemaking before noon on January 20, 2017. Significant guidance documents may also be covered (see below).

Please continue to follow the standard significance determination process outlined in Executive Order 12866. Regulations that affect only other Federal agencies (and not the public); that are issued with respect to a military, national security, or foreign affairs function of the United States; and that are related to agency organization, management, or personnel are not subject to Section 2's requirements.

### ***Q: What about rules that implement Federal spending programs?***

A: In general, Federal spending rules that primarily cause income transfers from taxpayers to program beneficiaries (*e.g.*, rules associated with Pell grants and Medicare spending) are considered "transfer rules" and are not covered by this EO. However, in cases where these rules impose requirements on non-Federal entities, such as reporting or recordkeeping, agencies would need to account for these costs. Please consult with your OIRA Desk Officer on these rules. See OMB Circular A-4 for a discussion of the distinction between transfers and costs generally.

***Q: Do Section 2's requirements apply to significant regulatory actions of independent agencies?***

A: No, the requirements of Section 2 apply only to those agencies required to submit significant regulatory actions to OIRA for review under EO 12866. Nevertheless, we encourage independent regulatory agencies to identify existing regulations that, if repealed or revised, would achieve cost savings that would fully offset the costs of new significant regulatory actions.

***Q: Are new guidance/interpretive documents covered?***

A: New significant guidance or interpretive documents will be addressed on a case-by-case basis. Consult with your OIRA Desk Officer before issuing new significant guidance or regulatory interpretations. Agencies should continue to adhere to OMB's 2007 Memorandum on Good Guidance Practices. As always, agencies should ensure that such documents are the appropriate vehicle for the particular policy goal, and that it is clear that compliance with any agency guidance is voluntary. Any cost savings claimed for guidance or other documents must be specific and verifiable.

***Q: Which existing regulatory actions, if repealed or revised, would be considered deregulatory actions, and thus qualify for savings?***

A: Any existing regulatory action that imposes costs and whose repeal or revision will produce verifiable savings may qualify. Meaningful burden reduction through the repeal or streamlining of mandatory reporting, recordkeeping or disclosure requirements may also qualify. Agencies should also confirm that they will continue to achieve their regulatory objectives after the deregulatory action is undertaken. Please consult with your OIRA Desk Officer regarding information collections or other actions you believe should qualify as deregulatory actions under Section 2.

***Q: Do regulatory actions issued before January 20 that are vacated or remanded by a court after that date qualify for savings?***

A: Generally no, based on the presumption that a court determined these regulatory actions were issued, at least in part, with insufficient legal basis. There may be individual cases, however, where we would consider counting such savings, and specifically request comment on this topic. As one example, the agency may be directed by a court, under remand, to modify a rule through full notice and comment rulemaking, in order address particular issues.

***Q: Do regulatory actions overturned by subsequently enacted laws qualify for savings?***

A: Generally yes. We will consider Acts of Congress that overturn final regulatory actions, such as disapprovals of rules under the Congressional Review Act, to operate in a similar manner as agency deregulatory actions for the purposes of the requirements of Section 2 of the EO.

### III. Accounting Questions

***Q: How should costs be measured?***

A: Costs should be measured as the opportunity cost to society. OMB Circular A-4 defines this concept.

***Q: How should agencies account for deregulatory actions that do not outright repeal existing regulations but revise existing requirements to produce real cost savings?***

A: OMB will address deregulatory actions that continue to allow agencies to meet regulatory goals on a case-by-case basis. Purely deregulatory actions that confer only savings to all affected parties generally will not trigger the requirement under Section 2(a) for the agency to identify two existing regulatory actions to be repealed. However, if such deregulatory actions impose costs on individuals or entities, agencies will need to offset those costs.

***Q: Can effects such as future energy cost savings for rules that require the adoption of more energy efficient technologies be counted against the compliance costs of a regulatory action for purposes of Section 2(b) of the EO?***

A: In most circumstances, such effects would not be counted as offsets to costs according to OIRA's reporting conventions for benefit-cost analysis.

***Q: What about costs that occur over different time periods?***

A: All costs estimates should be annualized in accordance with OMB Circular A-4. While timing issues will be handled on a case-by-case basis, in general, the start and end points for the annualization of costs should be directly comparable across the new and corresponding repealed regulatory actions.

***Q: Can agencies use previously estimated costs from an original Regulatory Impact Analyses (RIA) in determining the cost savings generated by an eliminated regulatory action?***

A: In general, no. While the original RIA may have information that will be useful in calculating cost savings, the most current information available on projected cost savings (e.g., new information on the cost of operating compliance technologies) must be included to the extent feasible. Agencies are also strongly encouraged to use program evaluations and similar techniques to determine the actual cost and other effects of eliminating regulatory actions.

***Q: What costs of existing regulatory actions should be counted as cost savings from a deregulatory action?***

A: All costs that would have occurred after the effective date of the repeal of the existing regulatory action should be the basis for the cost savings estimate. This means, for example, that agencies should not count sunk costs.

***Q: How should costs that duplicate those in another regulatory action be addressed?***

A: In general, costs should be counted only once, in the regulatory action that imposes the legally binding requirement resulting in those costs. Exceptions should be discussed on a case-by-case basis with your OIRA Desk Officer.

***Q: How should agencies treat unquantified costs and cost savings?***

A: These will be handled on a case-by-case basis. As a general matter, the weight assigned to unquantified effects will depend on their significance and degree of certainty. See OMB Circular A-4 for more information on unquantified costs.

#### **IV. Process and Waiver Questions**

***Q: Which significant regulatory actions might qualify for individual waivers?***

A: Emergencies addressing critical health, safety, financial, or national security matters, or for some other compelling reason, may qualify for a waiver from some or all of the requirements of Section 2. Please submit requests for a waiver assessment to your OIRA Desk Officer prior to submitting the rule for OMB review under EO 12866.

Note that Section 2(b) of EO applies “unless otherwise required by law.” Agencies may proceed with significant regulatory actions that need to be finalized in order to comply with an imminent statutory or judicial deadline even if they are not able to identify offsetting regulatory actions by the time of issuance. In the unlikely case where your agency believes other regulatory actions, which are not needed to comply with an imminent statutory or judicial deadline, are required by law, please consult with your OIRA Desk Officer. In all cases, however, agencies should identify additional regulatory actions to be repealed in order to offset the cost of the new significant regulatory action, even if such action is required by law.

***Q: Can regulatory and deregulatory actions be bundled in the same regulatory action?***

A: Yes, under certain circumstances. In practice, many regulatory actions can both impose new requirements, and remove or streamline existing requirements on the same regulated entities and within the same regulatory program. In this case, the agency must clearly identify the specific provisions that are counted within the regulatory and deregulatory portion of the rules, and the costs and cost savings associated with each. The net cost impact (the different

between costs imposed and cost savings) of such rules will generally determine whether they are regulatory actions that need to be offset. Agencies, however, should avoid artificially bundling provisions that are not logically connected in a single regulatory action.

***Q: What must agencies do to “identify” existing regulatory actions to be repealed?***

A: At a minimum, the agency should identify all of the associated regulatory actions to be repealed, along with cost saving estimates, no later than the date of issuance of the corresponding new significant regulatory action. Agencies should confirm that they will continue to achieve their regulatory objectives (such as health or environmental protection). All of the regulatory actions slated for repeal but not yet finalized also must be included in the *Unified Regulatory Agenda*.

***Q: Do deregulatory actions have to be finalized before new regulatory actions can be finalized?***

A: Per Section 2(a), each agency must identify two existing regulatory actions to be repealed. For many significant regulatory actions, the most appropriate place for such an identification is in the preamble of the rule being issued for notice and comment or promulgated. To the extent feasible, regulatory actions should be eliminated before or on the same schedule as the new regulatory action they offset. In cases where finalizing an offsetting regulation is not possible, agencies should provide a plan for finalizing the offsetting regulation. The most appropriate place for such a plan is the preamble of the rule being issued. The plan should include a commitment to include the offsetting regulation in the next addition of the *Unified Regulatory Agenda*, with dates for any required regulatory actions and estimates of the associated cost savings.

***Q: How does this EO interact with other EOs and guidance addressing regulatory activities?***

A: All requirements under other EOs and implementing guidance (e.g., EO 12866 and OMB Circular A-4) remain applicable.

***Q: Can savings be transferred within an agency?***

A: Yes. The requirements of this EO apply agency-wide. Regulatory savings by a component in one agency can be used to offset a regulatory burden by a different component in that same agency.

***Q: Can savings be transferred from other agencies?***

A: Agencies that are not able to generate sufficient savings to account for new regulatory actions they must issue may submit a written request to the Director of OMB to transfer savings from another agency before they submit a regulatory action for review that does not contain the needed offset. However, if the Director does not concur with this request, the Agency must identify adequate offsets absent a waiver.



***Q: How does the regulatory cost cap in Section 2 of the EO affect the consideration of regulatory benefits or other requirements under EO 12866?***

**A:** The regulatory cost cap has no effect on the requirements of EO 12866 or the consideration of regulatory benefits in making regulatory decisions. The goal of the requirement to eliminate two existing regulatory actions for each new significant regulatory action is to provide a mechanism for agencies to identify and repeal outdated, ineffective, or unnecessary regulatory actions. Similar to fiscal spending caps, the goal of the regulatory cost cap is to provide a mechanism for the prudent management and control of regulatory costs imposed on society by agencies attempting to achieve regulatory benefits.

THE WHITE HOUSE

Office of the Press Secretary

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For Immediate Release

January 30, 2017

EXECUTIVE ORDER

- - - - -

REDUCING REGULATION AND CONTROLLING REGULATORY COSTS

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Budget and Accounting Act of 1921, as amended (31 U.S.C. 1101 *et seq.*), section 1105 of title 31, United States Code, and section 301 of title 3, United States Code, it is hereby ordered as follows:

Section 1. Purpose. It is the policy of the executive branch to be prudent and financially responsible in the expenditure of funds, from both public and private sources. In addition to the management of the direct expenditure of taxpayer dollars through the budgeting process, it is essential to manage the costs associated with the governmental imposition of private expenditures required to comply with Federal regulations. Toward that end, it is important that for every one new regulation issued, at least two prior regulations be identified for elimination, and that the cost of planned regulations be prudently managed and controlled through a budgeting process.

Sec. 2. Regulatory Cap for Fiscal Year 2017. (a) Unless prohibited by law, whenever an executive department or agency (agency) publicly proposes for notice and comment or otherwise promulgates a new regulation, it shall identify at least two existing regulations to be repealed.

(b) For fiscal year 2017, which is in progress, the heads of all agencies are directed that the total incremental cost of all new regulations, including repealed regulations, to be finalized this year shall be no greater than zero, unless otherwise required by law or consistent with advice provided in writing by the Director of the Office of Management and Budget (Director).

(c) In furtherance of the requirement of subsection (a) of this section, any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs associated with at least two prior regulations. Any agency eliminating existing costs associated with prior regulations under this subsection shall do so in accordance with the Administrative Procedure Act and other applicable law.

(d) The Director shall provide the heads of agencies with guidance on the implementation of this section. Such guidance shall address, among other things, processes for standardizing the measurement and estimation of regulatory costs; standards

for determining what qualifies as new and offsetting regulations; standards for determining the costs of existing regulations that are considered for elimination; processes for accounting for costs in different fiscal years; methods to oversee the issuance of rules with costs offset by savings at different times or different agencies; and emergencies and other circumstances that might justify individual waivers of the requirements of this section. The Director shall consider phasing in and updating these requirements.

Sec. 3. Annual Regulatory Cost Submissions to the Office of Management and Budget. (a) Beginning with the Regulatory Plans (required under Executive Order 12866 of September 30, 1993, as amended, or any successor order) for fiscal year 2018, and for each fiscal year thereafter, the head of each agency shall identify, for each regulation that increases incremental cost, the offsetting regulations described in section 2(c) of this order, and provide the agency's best approximation of the total costs or savings associated with each new regulation or repealed regulation.

(b) Each regulation approved by the Director during the Presidential budget process shall be included in the Unified Regulatory Agenda required under Executive Order 12866, as amended, or any successor order.

(c) Unless otherwise required by law, no regulation shall be issued by an agency if it was not included on the most recent version or update of the published Unified Regulatory Agenda as required under Executive Order 12866, as amended, or any successor order, unless the issuance of such regulation was approved in advance in writing by the Director.

(d) During the Presidential budget process, the Director shall identify to agencies a total amount of incremental costs that will be allowed for each agency in issuing new regulations and repealing regulations for the next fiscal year. No regulations exceeding the agency's total incremental cost allowance will be permitted in that fiscal year, unless required by law or approved in writing by the Director. The total incremental cost allowance may allow an increase or require a reduction in total regulatory cost.

(e) The Director shall provide the heads of agencies with guidance on the implementation of the requirements in this section.

Sec. 4. Definition. For purposes of this order the term "regulation" or "rule" means an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency, but does not include:

(a) regulations issued with respect to a military, national security, or foreign affairs function of the United States;

(b) regulations related to agency organization, management, or personnel; or

(c) any other category of regulations exempted by the Director.

Sec. 5. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,  
January 30, 2017.

# # #

**From:** Goklany, Indur  
**To:** [Shawn Buckner](#); [Joel Clement](#); [Benjamin Simon](#)  
**Subject:** Fwd: Federal Register document guidance during transition  
**Date:** Friday, February 03, 2017 1:51:39 PM  
**Attachments:** [Briefing Paper Template - Protected - Save under different name before editing.docx](#)

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Attached, courtesy of Mark Lawyer, summarizes events/instructions discussed at the Regulatory Contacts mtg last week, which also includes updates that he provided.

My apologies for neglecting to forward these sooner. [Thanks Shawn, for the reminder.]

BTW, this may not be news to you, but Hazel Wilsonin OES, tells me that the PPA DM chapter was signed

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

This email follows up on our Regulatory Contacts meeting this morning.

- 1) Federal Register notices cleared or sent to the Federal Register under the previous Administration. **No documents**, except those cleared under the current Administration, should be published in the Federal Register. Please make sure all offices are aware of this and please monitor this closely. Please check the public inspection website daily shortly after 8:45am, 11:30am, and 4:15pm. If you receive a scheduling email from the Federal Register for a document that has not been cleared by the Department after January 20, 2017, please withdraw it immediately so it does not appear for public display or publish.
- 2) Prioritizing clearance to publish of documents withdrawn from the Federal Register. **By COB this Thursday, 1/26/2017, please send to Julie Lillie and me a list of all Federal Register documents that have been withdrawn from the Federal Register since January 20th, listed in order of priority to publish.** If any of them are time sensitive, indicate the date they need to be published and the reason they must be published by that date. If there is no specific date but there is urgency, indicate that they are urgent and provide the reason for the urgency.
- 3) Federal Register documents that have been delivered to OES but have not yet cleared the Department. You will need to resubmit to OES all Federal Register clearance packages that have been submitted to OES and not yet cleared by the Department under the current Administration. This means even if we received the package after January 20th it will need to be resubmitted with updated clearance. Please withdraw the current routing to OES REGS and submit a new routing in DTS and a new hard copy. You will need new surnames in cases where the previous surnames were policy staff or leadership during the previous Administration.
- 4) Clearance of Federal Register documents going forward. **All** Federal Register documents must be cleared through OES before going to the Federal Register. This includes all types of documents that were excepted from Departmental clearance under the previous Administration. I have attached a draft briefing paper template that you should use for Departmental clearance. You should save this template and make a copy for each briefing paper before you enter the data. Please feel free to suggest improvements to the template. As we discussed at the meeting, clearance requirements remain unchanged for documents that previously did not go through OES, with the exception they must now go to OES for approval before being published. This means documents such as meeting notices, information

collection notices, and extensions of comment periods that did not previously require SOL surname still do not require SOL surname unless we inform you otherwise.

5) Delaying effective dates. Any effective dates for rules, including policy documents, that fall within 60 days from January 20, 2017 (which is March 21, 2017) will need to be extended 60 days to March 21, 2017. Please let Julie and me know if you have any documents that have effective dates occurring within the next three weeks.

--

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## Briefing Paper Departmental Clearance

Title of Document: [Click here to include the full title as it appears on the Federal Register document.](#)

RIN, if applicable: [Click here to enter a RIN, if applicable.](#)

Popular Short Name, if applicable: [Click here to enter the popular name if the document has one.](#)

Summary (Clearly and very briefly explain what the document does and, if applicable, where the subject of the document is located):

[Click here to enter summary.](#)

Is timing critical?  Yes  No

If yes, date the document must publish or other action must occur: **Click drop down arrow to enter a date.**

What is driving the timing? [Click here to select driver from a list and add any additional information below.](#)

What happens if the deadline is missed?

[Click here to explain timing, including what happens if the deadline is missed.](#)

Background: *[Briefly provide any background information, in understandable language, that will help a reader quickly understand what the document is trying to do and why, along with additional information that is useful. Assume the reader knows little about the subject matter. Minimize use of acronyms or abbreviations and do not use them at all unless they are clearly defined. Is the document a high-profile, litigated matter?]*

[Click here to enter background information.](#)

Issues: *[Controversial? What are the significant issues, who will care, and how strongly will they care?]*

[Click here to identify and explain any issues.](#)

Communications:

[Click here to provide rollout information.](#)

Is there an information collection associated with this document?  Yes  No

If yes, does it have a currently approved OMB Control Number?  Yes  No

OMB Control Number(s): [Click here to enter OMB Control Number.](#)

Does the document require a  new OMB Control Number or  a renewal of an existing approval?

If a new number or renewal is required, what is the current status? [Click here to explain status.](#)

If a regulatory action, has it been on a 90-Day List for the current stage?  Yes  No

If yes, on which 90-Day List did it first appear at the current stage?

[Click here to enter response.](#)

Did OIRA provide comments or change the significance?  Yes  No

If yes, summarize comments and resolution.

[Click here to summarize OIRA comments and DOI response.](#)

This approval is to go to  the Federal Register for publication.  OIRA for review.

**Primary Contact:**

**Name:** [Click here to enter contact name.](#)

**Phone:** [Click here to enter phone.](#)

**Email:** [Click here to enter email.](#)



**From:** Francois, George  
**Cc:** [Jennifer Klang](#); [Judy Din](#); [Mary Lynch](#); [Shyamalika Ghoshal](#); [Carolyn Frenger](#); [Doriann Dawkins](#)  
**Subject:** DOI Library Law Update - January/February 2017 Issue  
**Date:** Tuesday, February 07, 2017 3:41:26 PM  
**Attachments:** [Law Update Jan-Feb 2017.pdf](#)

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Hi Everyone

Attached to this e-mail is the January/February 2017 issue (No. 79) of the DOI Library Law Update . This publication has been compiled by the DOI Library staff to provide DOI Library patrons with news about the Library as well as current information on law-related items of interest to the Department of the Interior.

Materials have been selected from online legal database services and legal publications available to the Library. The selection criteria are based on current legal subject areas of interest and relevance to the Department. In addition to law review articles, the Law Update includes overviews of recent federal and state court cases and Presidential documents of interest to the Department of the Interior.

The DOI Library Law Update is published bimonthly. Please feel free to share this issue with others in your office that may be interested. Please note that a Section 508 compliant edition of the DOI Library Law Update is available to the visually impaired upon request. If you have any questions, please contact the Library by e-mail at [library@ios.doi.gov](mailto:library@ios.doi.gov) or by phone at (202) 208-5815.

George

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# DOI Library Law Update

JANUARY / FEBRUARY 2017

ISSUE NO. 79

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## Welcome!

Welcome to issue no. 79 of the DOI Library Law Update. This bimonthly publication has been compiled by the DOI Library staff to provide the DOI Solicitor's Office and other Library patrons with current information on law-related items of interest to the Department of the Interior.

Materials have been selected from online legal database services and legal publications available to the Library. The selection criteria are based on current legal subject areas of interest and relevance to the De-



partment.

In addition to law review articles, the Law Update includes overviews of recent federal and state court cases of interest to the Department of the Interior and Presidential documents.

Please notify the Reference Staff at the Library with Law Update suggestions, and comments, as well as requests for full-text copies of the items listed in this issue. We can be reached by calling (202) 208-5815 or e-mailing us at [library@ios.doi.gov](mailto:library@ios.doi.gov).

Requests for the items listed in this publication may be obtained by filling out the article request form in this issue and faxing it to (202) 208-6773 or emailing it to [library@ios.doi.gov](mailto:library@ios.doi.gov). You may also mail it to us at Law Update, 1849 C St. NW, MS 1151, Room 2262, Washington, DC 20240.

## Want to Learn More About Ryan Zinke? Use These Library Databases



Former Navy SEAL and Montana Representative Ryan Zinke has been nominated to be the next Secretary of the Interior.

Using subscription databases can help you find reliable information about him. You can access Library databases at <https://www.doi.gov/library/electronic/>

### ProQuest Congressional

On the home page of ProQuest Congressional, there is a search option in the center for Members of Congress. We can enter "Zinke" as our Member search and find such information as a Member Profile, Candidate Summaries from different times, PAC Summaries, Bills Sponsored, and Floor Votes.

To search by a document type or

time frame, use the options on the left hand column to narrow your results. You can also return to the main Search page and look for specific results by running different kinds of searches—this is just the best way to get an overview.

One feature you may not know about is ProQuest Congressional's Political News & Social Media search. You can search by date and filter by the following criteria:

Political News: Washington Post (1987-Present), Roll Call Newspaper (1998–present), and/or CQ Political Transcripts (1995—Current).

Government Social Media and Website Posts: Twitter, Press Release, Facebook, Weblogs, Video.

Choosing these searches can save you time searching these places

individually, and retrieve content you might not otherwise find.

### HeinOnline

Another great place to find information about Mr. Zinke's record in Congress, as well as any references by or to him in law journals, is HeinOnline.

A search of Hein's US Congressional Documents will turn up references to Mr. Zinke's Congressional Record testimony or mentions, bills he has introduced, and hearings transcripts where he has testified. For example, if you are looking for transcripts of his confirmation hearings, Hein is a great place to obtain these.

You can also run a full text search in HeinOnline to find law journals and many other references to Mr. Zinke.

# Tracking Legislation Using LexisAdvance and Govtrack.us

There are several options for tracking legislation using DOI databases as well as public tools.

The most customizable search option you have is *LexisAdvance*, taking advantage of its search capabilities.

You can run your LexisAdvance search, drill down to get the results you want, and then click on the Alerts bell icon next to your search results, in the upper left corner, as seen below.

A box with several options will open and you can choose how and when you want alerts. You can also choose the “Alerts” tool in the upper right

hand side of the search page and enter your criteria there, then run it to check and see if your results are relevant. If you need help setting up a LexisAdvance alert, please contact a librarian for assistance.

Another excellent tool for tracking legislation is via *Govtrack.us*, found at <https://www.govtrack.us/>

Govtrack allows for many different ways of getting alerts about legislative activity. A few alert types include:

*Major Legislative Activity:* Get an update when any bill is scheduled for debate or has major action such as a vote or being enacted.

*Legislation Coming Up:* You will get updates when any bill is scheduled for debate in the week ahead by the House Majority Leader or in the day ahead according to the Senate Floor Schedule.

*New Laws:* You will be alerted every time a law is enacted.

*All Legislative Activity:* Get an update when any bill is introduced, scheduled for debate, or has major action such as a vote or being enacted.

*New Bills and Resolutions:* Get an update whenever a new bill or resolution is introduced.



# The Electoral College: Its Origins and Related Legislation

The U.S. Electoral College was established in Article II, Section I, of the United States Constitution, and was later modified by the Twelfth and Twenty-Third amendments, which clarified the process.

“The Electoral College is a process the founding fathers established in the Constitution as a compromise between election of the President by a vote in Congress and election of the President by a popular vote of qualified citizens.

The Electoral College process consists of the selection of the electors, the meeting of the electors where they vote for President and Vice President, and the counting of the electoral votes by Congress.

The Electoral College consists of 538 electors. A majority of 270 electoral votes is required to elect the President. Your state’s entitled allotment of electors equals the number of members in its Congressional delegation: One for each member in the House of Representatives plus two for your

Senators.

You help choose your state’s electors when you vote for President because when you vote for your candidate you are actually voting for your candidate’s electors. ”

*Source: National Archives and Records Administration’s U.S. Electoral College web page*

The Office of the Federal Register coordinates the functions of the U.S. Electoral College on behalf of the Archivist of the

United States, the States, the Congress, and the American People.

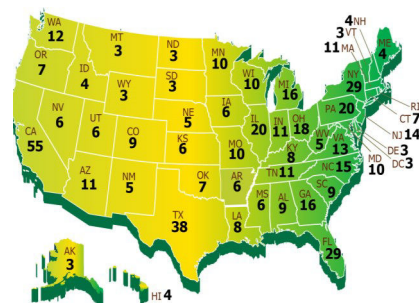
For a more in depth look into the Electoral College and how it works, visit the National Archives and Administration’s U.S. Electoral College web page at <https://www.archives.gov/federal-register/electoral-college/>

*Related Legislation:*

The provisions of law governing Presidential Elections are contained in Chapter I of Title 3, United States Code (62 Stat. 672, as amended).

S. Doc. 112-9 – Constitution of the United States of America: Analysis and Interpretation, June 27, 2016

H. Doc. 113-181 – Article II – Constitution, Jefferson’s Manual, and the Rules of the House of Representatives, 114th Congress



# Upcoming Programs at the DOI Library

## Park Ranger Speaker Series Programs



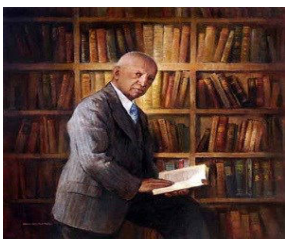
The Interior Library is proud to present a series of programs on the background and history of sites of interest in the Washington, D.C. region, as well as subjects highlighting the history of the United States. The 45-minute programs, presented by National Park Service Rangers, are held in the Stewart L. Udall Department of the Interior Building. For more information about our Park Ranger Speaker Series programs, please contact the Interior Library by phone at (202) 208-5815 or e-mail at [library@ios.doi.gov](mailto:library@ios.doi.gov).

To register for a specific program, please go to the Library's Park Ranger Speaker Series Registration link found via on the Library's homepage at <http://www.doi.gov/library>

*Please note: These programs will be held in the Stewart Lee Udall Department of the Interior Building's Rachel Carson Room, located in the building's basement level next to the cafeteria*

### The Carter G. Woodson National Historic Site

Tuesday, February 21, 2017, 1:00 pm—1:45 pm



The Carter G. Woodson Home National Historic Site highlights Dr. Carter G. Woodson's contributions to the nation. Around the turn of the 20th century as he began his own academic career, Woodson noticed a glaring hole in the educational system in the United States. The public knew very little about the role of African Americans in American history, and schools were not including African American history in their curriculum. He worked tirelessly throughout his life to remedy this problem becoming nationally recognized as "the Father of Black History." Woodson exposed the American public and education system to the lives and history of Americans of African descent and their profound impact on American society through such endeavors as establishing the Association for the Study of Negro Life and History, Inc. and the Associated Publishers, Inc.; starting *The Journal of Negro History*, and founding Negro History Week in 1926, known today as Black History Month.

Please join Park Ranger John T. Fowler, II as he discusses Woodson's life and legacy, as well as how Woodson's office-home became the focal point of the African American history movement.

### The Suffrage Movement and Ratification of the 19th Amendment

Tuesday, March 21, 2017, 1:00 pm—1:45 pm



On August 18, 1920, a successful movement led by Alice Paul and many other female activists would achieve victory when millions of women finally earned the right to vote. The ratification of the 19th Amendment to the Constitution on that historic day was the culmination of the women's suffrage movement in the United States, which had been fought at both state and national levels. It effectively overruled the 1875 *Minor v. Happersett* decision, in which a unanimous Supreme Court ruled that the 14th Amendment did not give women the right to vote. The battle for women's suffrage was a long and arduous process, a fight that would involve three generations of women before achieving ultimate victory. In gaining the right to vote, Alice Paul and members of the National Women's Party set the precedent for a successful, non-violent civil rights campaign in the United States.

Please join Park Ranger Lauren Devore from the Belmont-Paul Women's Equality National Monument for a look at how women fought for the right to vote and the events that took place leading up to the ratification of the 19th Amendment. The program will include a discussion on the history and achievements of the National Women's Party and its longtime leader, Alice Paul.



*The battle for women's suffrage was a long and arduous process, a fight that would involve three generations of women before achieving ultimate victory.*



*Environmental legal research can be very complex. It is not always about that one good case that will provide you with the answer.*

## Upcoming Programs at the DOI Library (Contd.)

### DOI Library Training Sessions



The Interior Library offers regular training sessions to introduce DOI employees and others to its services and to the information sources it makes available through employees' computers or in person. Future Training Sessions will be posted at <https://www.doi.gov/library/programs/training-sessions> as soon as they are scheduled.

For questions about Training Sessions, please call the Interior Library at (202) 208-5815 or send us an e-mail at [library@ios.doi.gov](mailto:library@ios.doi.gov).

To register for a specific program, please go to the Library's Training Sessions Registration link found via on the Library's homepage at <http://www.doi.gov/library>

*Please note: These programs will be held in the temporary Library, located in Room 2262 of the Stewart Lee Udall Department of the Interior Building unless otherwise noted. It is also being offered to remote users as a simultaneous online webinar. Please contact the DOI Library by e-mail at [library@ios.doi.gov](mailto:library@ios.doi.gov) for directions to the Library or for information on how to register for webinar access to the class.*

*Additional Editors Note: Due to the*

*expected move of the Library back into its original Reading Room this spring, Training Sessions for March through May have not yet been scheduled.*

*Please go to our Library Training Sessions website at <https://www.doi.gov/library/programs/training-sessions> for updated information about scheduled Training Sessions.*

### Mastering Federal Regulations

Wednesday, February 8, 2017,  
2:00 pm—3:15 pm



The process of researching the intricacies of federal regulations may seem on the surface to be a daunting task. However, by using a step-by-step procedure to follow them from when they are enacted through official publication, researchers can get a grasp on how the process works. This class will teach attendees how to track the history of regulations. Beginning with the enactment of a law, you will follow regulations as they become part of the Code of Federal Regulations. Real examples – drawn from the Wilderness Act – will also demonstrate how to move from statute to regulation as well as how to use the parallel table of authorities and rules. This useful and interesting presentation will improve your research skills and refresh your knowledge of the executive branch regulations process. Join the library's Head of Reference Services, Jennifer Klang, as she shows you how to master federal regulations.

### Environmental Law Research on WestlawNext

Wednesday, February 15, 2017,  
10:00 am - 11:15 am



Environmental legal research can be very complex. It is not always about that one good case that will provide you with the answer. In addition to legal authorities that apply to situations, there is often scientific, technical and other information to consider. The challenge is to locate and use relevant information in a timely and cost effective manner. WestlawNext has many environmental law resources that are useful in the study and practice of environmental law, including cases, statutes and secondary materials. In this class, a Westlaw trainer will teach attendees how to find environmental cases, statutes, legislative histories, proposed legislation, and administrative materials that are helpful in conducting research on environmental law.



## DOI Reads Book Club - Join Us to Discuss *The Hour of Land* by Terry Tempest Williams on March 8, 2017

The DOI Reads Book Club had a great discussion of *Empire of Mud: The Secret History of Washington D.C.* by J.D. Dickey during its January meeting.

We will meet Wednesday, March 8, 2017 from 12:30—1:30 pm to discuss *The Hour of Land* by Terry Tempest Williams.



### About *The Hour of Land*

America's national parks are breathing spaces in a world in which such spaces are steadily disappearing, which is why more than 300 million people visit the parks each year. Now Terry Tempest Williams, the author of the environmental classic *Refuge* and the beloved memoir *When Women Were Birds*, returns with *The Hour of Land*, a literary celebration of our national parks, an exploration of what they mean to us and what we mean to them.

From the Grand Tetons in Wyoming to Acadia in Maine to Big Bend in Texas and more, Williams creates a series of lyrical portraits that illuminate the unique grandeur of each place while delving into

what it means to shape a landscape with its own evolutionary history into something of our own making.

Part memoir, part natural history, and part social critique, *The Hour of Land* is a meditation and a manifesto on why wild lands matter to the soul of America.

"The Hour of Land is about National Parks as battlegrounds. What it means to hold land in trust, who defines its best uses, the tangibility of park boundaries, and whether and how we will reconcile our history with our present and future, are all tested on these lands . . . It's a heady book. But it is an important one, too, because the chronically underfunded National Park Service—and more broadly, all our public lands—are confronting a staggering list of stressors right now . . . *The Hour of Land* is part of a conversation to kick off the next 100 years."

—Outside Magazine

Please join us for this discussion; you are welcome to bring your lunch. The Library does not have enough copies to lend this book to everyone, so please purchase a copy or borrow one from your local library. We do have a copy on hold that you can read in the Library.

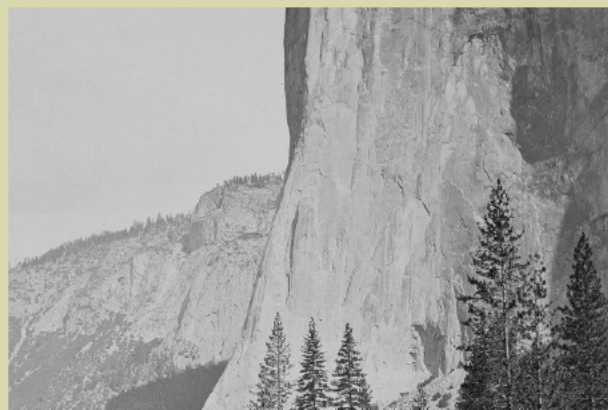
The Department

of Interior Library is located in the Stewart Lee Udall Department of the Interior Building at 1849 C Street, NW, Room 2262 Washington, DC.

Advance RSVPs are welcome but not required. Anyone is welcome to attend—you do not need to finish the book to join us.

To RSVP or for more information about the DOI Reads Book Club and other DOI Library programs, please contact Law Librarian Shannon Lynch, at 202-208-3686 or [Mary\\_Lynch@ios.doi.gov](mailto:Mary_Lynch@ios.doi.gov).

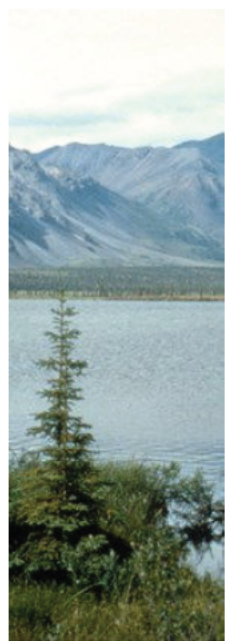
For additional information about the full range of Library services available to DOI employees, please visit the Library's website: <http://www.doi.gov/library> or call (202)208-5815.



# THE HOUR OF LAND

A PERSONAL TOPOGRAPHY OF AMERICA'S NATIONAL PARKS

TERRY TEMPEST WILLIAMS

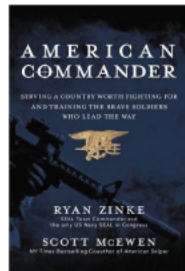


Arctic National Wildlife Refuge, Alaska



# New Books in the DOI Library

The following list is just a sample of new books recently added to the Department of the Interior Library collection. You may stop by the Library or contact the Library by phone at (202) 208-5815 or e-mail at [Library@ios.doi.gov](mailto:Library@ios.doi.gov) for more information about these and other publications in the Library.

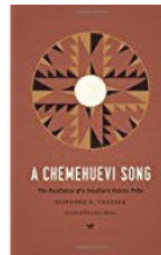


**American Commander: Serving a Country Worth Fighting For and Training the Brave Soldiers Who Lead the Way**

by Ryan Zinke  
Thomas Nelson  
November 29, 2016

For more than half a decade, Ryan Zinke was a commander at the most elite SEAL unit. A 23-year veteran of the US Navy SEALs, Zinke is a decorated officer and earned two Bronze Stars as the acting commander of Joint Special Forces in Iraq. Zinke trained and commanded many of the men who would one day run the covert operations to hunt down Osama bin Laden and save Captain Phillips (*Maersk Alabama*). He also served as mentor to now famous SEALs Marcus Luttrell (*Lone Survivor*) and Chris Kyle (*American Sniper*). *American Commander* also covers Zinke's experience in running for Montana's sole seat in the United States Congress.

Zinke's passion for his country shines as he conveys his vision to revitalize American exceptionalism. Scott McEwen and Ryan Zinke take readers behind the scenes and into the heart of America's most-feared fighting force.

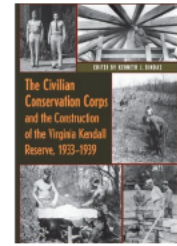


**A Chemehuevi Song: The Resilience of a Southern Paiute Tribe**

by Clifford E. Trafzer  
University of Washington Press  
May 15, 2015

The Chemehuevi of the Twenty-Nine Palms tribe of Southern California stands as a testament to the power of perseverance. This small, nomadic band of Southern Paiute Indians has been repeatedly marginalized by European settlers, other Native groups, and, until now, historical narratives that have all too often overlooked them. A dedicated historian who worked closely with the Chemehuevi for more than a decade, Clifford Trafzer shows how this once-splintered tribe persevered using sacred songs and other cultural practices to maintain tribal identity during the long period when it lacked both a homeland and autonomy. The Chemehuevi believe that their history and their ancestors are always present, and Trafzer honors that belief through his emphasis on indi-

vidual and family stories. In doing so, he not only sheds light on an overlooked tribe but also presents an important new model for tribal history scholarship. A Chemehuevi Song strikes the difficult balance of placing a community-driven research agenda within the latest currents of indigenous studies scholarship. Chemehuevi voices, both past and present, are used to narrate the story of the tribe's tireless efforts to gain recognition and autonomy. The end result is a song of resilience.



**The Civilian Conservation Corps and the Construction of the Virginia Kendall Reserve, 1933-1939**

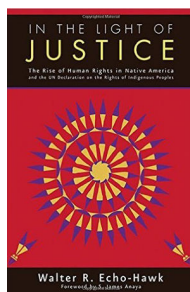
by Kenneth J. Bindas  
Kent State University Press  
September 20, 2013

In the spring of 1933, the United States was in the midst of the worst economic calamity it had ever experienced. Newly inaugurated president Franklin D. Roosevelt asked Congress to approve funding allowing legions of out-of-work young men to find employment reclaiming and developing the nation's natural spaces. The Civilian Conservation Corps became a reality in April 1933 and forever changed the way the American people viewed their parks, rivers, lakes, and other natural areas. This book

Zinke trained  
and  
commanded  
many of the  
men who would  
one day run the  
covert  
operations to  
hunt down  
Osama bin  
Laden and save  
Captain Phillips  
(*Maersk  
Alabama*).

## New Books in the DOI Library (Contd.)

tells the story of the CCC's construction of the Virginia Kendall Reserve, which today is part of the Cuyahoga Valley National Park, in Northeast Ohio. Four hundred and thirty acres of farmland came under the control of the Akron Metropolitan Park District and its director-secretary, Harold Wagner, who immediately applied to the federal government to establish a CCC camp there with the aim of creating a natural recreation landscape open to the public. Author Kenneth Bindas and seven of his students from Kent State University drew upon a wide variety of government documents, oral histories, and other primary sources to place the construction of the Reserve within the larger context of modernism and the emerging 1930s movements whose goals were to protect and open up natural areas. As a case study, the construction of the Virginia Kendall Reserve provides an example of the design, manipulation, and construction used to create so many Civilian Conservation Corps environments.

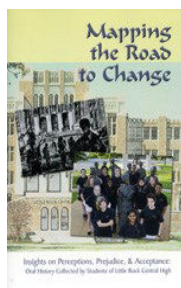


**In the Light of Justice: The Rise of Human Rights in Native America and the UN Declaration on the Rights of Indigenous Peoples**

by Walter C. Echo-Hawk  
Fulcrum Publishing  
July 1, 2013

In 2007 the United Nations approved the United Nations Declaration on the Rights of Indigenous Peoples. United States endorse-

ment in 2010 ushered in a new era of Indian law and policy. This book highlights steps that the United States, as well as other nations, must take to provide a more just society and heal past injustices committed against indigenous peoples. Walter R. Echo-Hawk (Pawnee) is of counsel to the Crowe & Dunlevy law firm of Oklahoma and adjunct Professor of Law at the University of Tulsa College of Law. As a staff attorney for the Native American Rights Fund for thirty-five years, he represented tribes and Native Americans on significant legal issues during the modern era of federal Indian law. In addition to litigation, he worked on major legislation such as the Native American Graves Protection and Repatriation Act, and federal religious freedom legislation. He is a prolific writer whose books include *In The Courts of the Conqueror: The 10 Worst Indian Law Cases Ever Decided* and the award winning *Battlefields and Burial Grounds*.

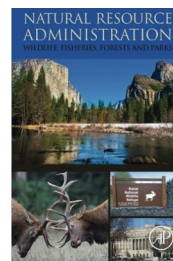


**Mapping the Road to Change : Insights on Perception, Prejudice, & Acceptance: Oral History Collected by Students of Little Rock Central High**

by Little Rock Central High Memory Project  
Little Rock Central High Memory Project  
2012

*Mapping the Road to Change: Insights on Perceptions, Prejudice, & Acceptance* is a collection of oral histories of individuals who have lived

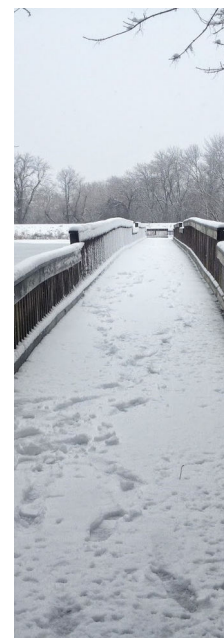
through civil rights struggles, collected and written by Central High School ninth-grade civic students. Senior editors chose the essays in the book from over 300 oral histories reviewed, organized the essays into chapters, selected appropriate artwork, and wrote chapter commentaries under the guidance of three social studies teachers. *Mapping the Road to Change: Insights on Perceptions, Prejudice, & Acceptance* provides insights on perception, prejudice, and acceptance gained through these oral histories and is dedicated to the Little Rock Nine, who first blazed the trail to change. It has been praised by Dr. Judith A. Hayne, associate professor at the University of Arkansas at Little Rock, as a book in which the "stories are moving and poignant, and the conclusions by the young journalists are heart-felt; thus, teens will be drawn into the lives of others who have weathered prejudice and turned it into acceptance."



**Natural Resource Administration: Wildlife, Fisheries, Forests and Parks**

By Donald W. Sparling  
Academic Press  
March 11, 2014

*Natural Resource and Wildlife Administration* presents a clear perspective on natural resource administration in North America, how it developed, how it is currently structured, and where it might be heading. Intertwined areas of natural resources, including wildlife administration, fisheries, forestry, and other competitive land uses, are

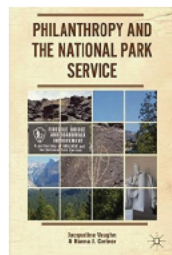


**John Heinz National Wildlife Refuge, Pennsylvania**



## New Books in the DOI Library (Contd.)

heavily discussed. The book covers the history of natural resource management in Europe and North America, proceeding to environmental law; agencies involved in wildlife and natural resource management; and the human dimensions of public relations and economic concerns. *Natural Resource and Wildlife Administration* provides solid background on the history of natural resource conservation, critical laws protecting resources, and the nature of agencies. The interconnectedness among natural resources makes this a useful text for disciplines such as wildlife, fisheries, and forestry. It covers the development of natural resource law and the conservation agencies in North America, and also provides models for international use. Additionally, it examines the roles of diverse federal, state, and non-governmental agencies, and how they cooperate as professionals to accomplish natural resources management. Sparling also leads readers to a greater understanding of the politics and interplay of priorities in professional conservation biology.



### **Philanthropy And The National Park Service**

by Jacqueline Vaughn and Hanna J. Cortner  
Palgrave MacMillan

November 26, 2013

National park partners -- non-profit friends groups and cooperating associations -- are integral to the health of the National Park System in these days of economic malaise and political dogfighting. But is the National Park Service properly leveraging, or even monitoring, those groups? Are the groups functioning in the best interests of the parks? Those are tough questions, questions that need clear answers to benefit both the parks, the Park Service, and the donors to those groups. And an examination of *Philanthropy and the National Park Service*, in this book by the same name, points to problems that not only can arise, but which have actually come up. Park partners are vital to the park system. Formed and supported by park lovers, these groups can help acquire lands for the parks, fund projects such as trail and campground restorations, pay for wildlife research, and underwrite facility construction. They can even help parks afford seasonal help. But, as Jacqueline Vaughn and Hanna J. Cortner found in their research, not all partners are firmly established, some overreach in their ambition, and their aid to the parks could be misconstrued by Congress, which could respond by cutting park funding.



### **Protecting the Wild: Parks and Wilderness, the Foundation for Conservation**

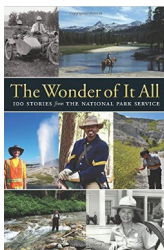
George Wuertner, Eileen Crist,  
and Tom Butler (Eds.)  
Foundation for Deep Ecology  
2015

Protected natural areas have historically been the primary tool of conservationists to conserve land and wildlife. These parks and reserves are set apart to forever remain in contrast to those places where human activities, technologies, and developments prevail. But even as the biodiversity crisis accelerates, a growing number of voices are suggesting that protected areas are passé. Conservation, they argue, should instead focus on lands managed for human use—working landscapes—and abandon the goal of preventing human-caused extinctions in favor of maintaining ecosystem services to support people. If such arguments take hold, we risk losing support for the unique qualities and values of wild, undeveloped nature. *Protecting the Wild* offers a spirited argument for the robust protection of the natural world. In it, experts from five continents reaffirm that parks, wilderness areas, and other reserves are an indispensable—albeit insufficient—means to sustain species, subspecies, key habitats, ecological pro-

... parks and reserves are set apart to forever remain in contrast to those places where human activities, technologies, and developments prevail.

## New Books in the DOI Library (Contd.)

cesses, and evolutionary potential. Using case studies from around the globe, they present evidence that terrestrial and marine protected areas are crucial for biodiversity and human well-being alike, vital to countering anthropogenic extinctions and climate change. A companion volume to *Keeping the Wild: Against the Domestication of Earth*, *Protecting the Wild* provides a necessary addition to the conversation about the future of conservation in the so-called Anthropocene, one that will be useful for academics, policymakers, and conservation practitioners at all levels, from local land trusts to international NGOs.

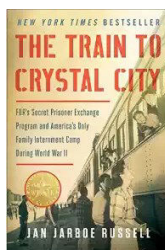


### **Satellites in the High Country: Searching for the Wild in the Age of Man**

by Jason Mark  
Island Press  
September 29, 2015

In New Mexico's Gila Wilderness, 106 Mexican gray wolves may be some of the most monitored wildlife on the planet. Collared, micro-chipped, and transported by helicopter, the wolves are protected and confined in an attempt to appease ranchers and conservationists alike. Once a symbol of the wild, these wolves have come to illustrate the demise of wilderness in this Human Age, where man's efforts shape life in even the most remote corners of the earth. And yet, the howl of an unregistered wolf—half of a rogue pair—splits the night. If you know where to look, you'll find that much remains

untamed, and even today, wildness can remain a touchstone for our relationship with the rest of nature. In *Satellites in the High Country*, journalist and adventurer Jason Mark travels beyond the bright lights and certainties of our cities to seek wildness wherever it survives. In California's Point Reyes National Seashore, a battle over oyster farming and designated wilderness pits former allies against one another, as locals wonder whether wilderness should be untouched, farmed, or something in between. In Washington's Cascade Mountains, a modern-day wild woman and her students learn to tan hides and start fires without matches, attempting to connect with a primal past out of reach for the rest of society. And in Colorado's High Country, dark skies and clear air reveal a breathtaking expanse of stars, flawed only by the arc of a satellite passing—beauty interrupted by the traffic of a million conversations. These expeditions to the edges of civilization's grid show us that, although our notions of pristine nature may be shattering, the mystery of the wild still exists — and in fact, it is more crucial than ever.



### **The Train to Crystal City: FDR's Secret Prisoner Exchange Program and America's Only Family Internment Camp During World War II**

by Jan Jarboe Russell  
Scribner  
January 5, 2015

The New York Times bestselling

dramatic and never-before-told story of a secret FDR-approved American internment camp in Texas during World War II: "A must-read....The Train to Crystal City is compelling, thought-provoking, and impossible to put down" (Star-Tribune, Minneapolis). During World War II, trains delivered thousands of civilians from the United States and Latin America to Crystal City, Texas. The trains carried Japanese, German, and Italian immigrants and their American-born children. The only family internment camp during the war, Crystal City was the center of a government prisoner exchange program called "quiet passage." Hundreds of prisoners in Crystal City were exchanged for other more ostensibly important Americans—diplomats, businessmen, soldiers, and missionaries—behind enemy lines in Japan and Germany. "In this quietly moving book" (The Boston Globe), Jan Jarboe Russell focuses on two American-born teenage girls, uncovering the details of their years spent in the camp; the struggles of their fathers; their families' subsequent journeys to war-devastated Germany and Japan; and their years-long attempt to survive and return to the United States, transformed from incarcerated enemies to American loyalists. Their stories of day-to-day life at the camp, from the ten-foot high security fence to the armed guards, daily roll call, and censored mail, have never been told. Combining big-picture World War II history with a little-known event in American history, *The Train to Crystal City* reveals the war-time hysteria against the Japanese and Germans in America, the secrets of FDR's tactics to rescue high-profile POWs in Germany and Japan, and above all, "is about identity, allegiance, and home, and the difficulty of determining the loyalties that lie in individual human hearts" (Texas Observer).



Cache River National Wildlife Refuge, Arkansas

# Full Text Article/Case Request Form

## Requestor Information

Name: \_\_\_\_\_  
 Bureau/Agency: \_\_\_\_\_  
 Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_  
 E-Mail Address: \_\_\_\_\_

## Article(s)/Case(s) Requested

Please circle the article/case number(s) that you would like a full-text copy of.

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132	133	134							

To request a full-text version of any of the articles or cases in the January/February 2017 edition of the DOI Library Law Update, please fill out this form and fax or e-mail a scanned copy of it to the DOI Library at fax number (202) 208-6773 or library@ios.doi.gov. The Library staff will produce full-text copies of the article(s) requested and either mail, fax, or e-mail those copies to you. If you have any questions, please call the Library at (202) 208-5815

# Journal Articles

Please note that full-text versions of these articles are available upon request to the DOI Library Reference Staff

## 1. THE LEGISLATIVE HISTORY OF THE NATIONAL PARK SERVICE'S CONSERVATION AND NONIMPAIRMENT MANDATE

*Georgetown Environmental Law Review Online* December 20, 2016 12/20/2016 *Geo. Envtl. L. Rev. Online* 1 Caitlin Brown

## 2. THE STATE OF ENVIRONMENTAL AND WORKPLACE SAFETY CRIMINAL ENFORCEMENT IN 2015

*ALI-CLE Course Materials* December 14, 2016 TSYX01 ALI-CLE 61 Steven P. Solow, Anne M. Carpenter, Katherine V. Barajas

## 3. INTO THE ABYSS: RATIONALIZING COMMERCIAL DEEP SEABED MINING THROUGH PRAGMATISM AND INTERNATIONAL LAW

*Tulane Journal of International and Comparative Law* Winter 2016 25 *Tul. J. Int'l & Comp. L.* 127 Luz Danielle O. Bolong

## 4. WE NEED A FRACKING BASELINE

*Louisiana Law Review* Winter, 2016 77 *La. L. Rev.* 545 Ryan King

## 5. PROTECTING SPECIES OR HINDERING ENERGY DEVELOPMENT? HOW THE ENDANGERED SPECIES ACT IMPACTS ENERGY PROJECTS ON WESTERN PUBLIC LANDS

*Environmental Law Reporter News & Analysis* November, 2016 46 *Envtl. L. Rep. News & Analysis* 10924 Melinda Taylor, Romany Webb, Vanessa Puig-Williams

## 6. VISUAL RULEMAKING

*New York University Law Review* November, 2016 91 *N.Y.U. L. Rev.* 1183 Elizabeth G. Porter, Kathryn A. Watts

## 7. UNQUANTIFIED BENEFITS AND THE PROBLEM OF REGULATION UNDER UNCERTAINTY

*Cornell Law Review* November, 2016 102 *Cornell L. Rev.* 87 Jonathan S. Masur, Eric A. Posner

## 8. Canadian Climate Federalism: Parliament's Ample Constitutional Authority to Legislate GHG Emissions through Regulations, a National Cap and Trade Program, or a National Carbon Tax

*National Journal of Constitutional Law* November, 2016 36 *Nat'l J. Const. L.* 331 Nathalie J. Chalifour

## 9. NUTRIENT POLLUTION AND THE GULF OF MEXICO DEAD ZONE: WILL DES MOINES WATERWORKS BE A TURNING POINT?

*Tulane Law Review* November, 2016 91 *Tul. L. Rev.* 157 Amanda L. Crawford

## 10. PROPERTY AND THE ROBERTS COURT

*University of Kansas Law Review* November, 2016 65 *U. Kan. L. Rev.* 1 John G. Sprankling

## 11. RECENT DEVELOPMENTS IN OIL POLLUTION ACT LITIGATION

*Environmental Law Reporter News & Analysis* November, 2016 46 *Envtl. L. Rep. News & Analysis* 10913

## 12. WHAT SHOULD TRIBES EXPECT FROM FEDERAL REGULATIONS? THE BUREAU OF LAND MANAGEMENT'S FRACKING RULE AND THE PROBLEMS WITH TREATING INDIAN AND FEDERAL LANDS IDENTICALLY

*Public Land & Resources Law Review* 2016 37 *Pub. Land & Resources L. Rev.* 1 Monte Mills

## 13. A SACRED RESPONSIBILITY: GOVERNING THE USE OF WATER AND RELATED RESOURCES IN THE INTERNATIONAL COLUMBIA BA-

## SIN THROUGH THE PRISM OF TRIBES AND FIRST NATIONS

*Public Land & Resources Law Review* 2016 37 *Pub. Land & Resources L. Rev.* 157 Matthew J. McKinney, Richard Kyle Paisley, Molly Smith Stenovec

## 14. SHIFTING PUBLIC LAND PARADIGMS: LESSONS FROM THE VALLES CALDERA NATIONAL PRESERVE

*Virginia Environmental Law Journal* 2016 34 *Va. Envtl. L.J.* 1 Melinda Harm Benson

## 15. NO VIRTUE LIKE NECESSITY: DEALING WITH NONPOINT SOURCE POLLUTION AND ENVIRONMENTAL FLOWS IN THE FACE OF CLIMATE CHANGE

*Virginia Environmental Law Journal* 2016 34 *Va. Envtl. L.J.* 255 William L. Andreen

## 16. DRILLING FOR COMMON GROUND: HOW PUBLIC OPINION TRACKS EXPERTS IN THE DEBATE OVER FEDERAL REGULATION OF SHALE OIL & GAS EXTRACTION

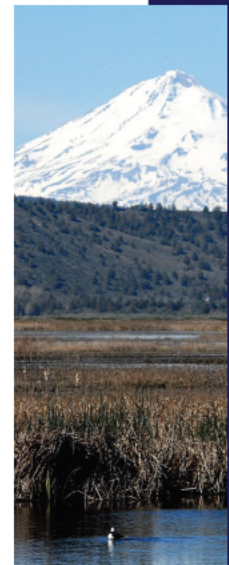
*Virginia Environmental Law Journal* 2016 35 *Va. Envtl. L.J.* 59 Elizabeth Ann Glass Geltman

## 17. FIGHTING FIRE WITH FIRE: HOW DEVELOPING GEOTHERMAL ENERGY PLANTS ON U.S. PROTECTED LAND WILL MINIMIZE THE EFFECTS OF GLOBAL WARMING

*Kentucky Journal of Equine, Agriculture, and Natural Resources Law* 2015-2016 8 *Ky. J. Equine, Agric. & Nat. Resources L.* 183 Joseph B. Rinaldi

## 18. SETTLING FOR NATURAL RESOURCE DAMAGES

*Harvard Environmental Law Review*



Lower Klamath National Wildlife Refuge, California



## Journal Articles (Contd.)

2016 40 *Harv. Envtl. L. Rev.* 211  
Karen Bradshaw

19. A GOAT TOO FAR?: STATE AUTHORITY TO TRANSLOCATE SPECIES ON AND OFF (AND AROUND) FEDERAL LAND

*Kentucky Journal of Equine, Agriculture, and Natural Resources Law* 2015-2016 8 *Ky. J. Equine, Agric. & Nat. Resources L.* 303 Devin Kenney

20. WHAT IS THE FEDERAL RESERVED WATER RIGHTS DOCTRINE, REALLY? ANSWERING THIS QUESTION IN IDAHO'S SNAKE RIVER BASIN ADJUDICATION

*Idaho Law Review* 2016 52 *Idaho L. Rev.* 341 Jeffrey C. Fereday, Christopher H. Meyer

21. EXPLORATORY DRILLING IN THE ARCTIC OUTER CONTINENTAL SHELF

*UCLA Journal of Environmental Law & Policy* 2016 34 *UCLA J. Envtl. L. & Pol'y* 196 Taylor Hoverman

22. UNTANGLING THE WEB: JUVENILE JUSTICE IN INDIAN COUNTRY

*NYU Journal of Legislation and Public Policy* 2016 19 *N.Y.U. J. Legis. & Pub. Pol'y* 49 Addie C. Rolnick

23. INTERSTATE GROUNDWATER LAW REVISITED: MISSISSIPPI v. TENNESSEE

*Virginia Environmental Law Journal* 2016 34 *Va. Envtl. L.J.* 152 Noah D. Hall, Joseph Regalia

24. ENVIRONMENTAL LAW — THE DEPARTMENT OF DEFENSE NATURAL RESOURCES CONSERVATION PROGRAM: HOW MILITARY ENVIRONMENTAL ACTIVISTS CONSERVED THIRTY MILLION ACRES FOR MILITARY USE AND THE PROTECTION OF ENDANGERED SPECIES

*Western New England Law Review* 2016 38 *W. New Eng. L. Rev.* 355 Susan Perkins Stark

25. SURFACE WATERS AND FARMERS: SHARING LAND MANAGEMENT WITH THE FEDERAL GOVERNMENT

*Mitchell Hamline Law Review* 2016 42 *Mitchell Hamline L. Rev.* 1068 Charles M. Carvell, Jennifer L. Verleger

26. A PERMANENT WATER COURT PROPOSAL FOR A POST-GENERAL STREAM ADJUDICATION WORLD

*Idaho Law Review* 2016 52 *Idaho L. Rev.* 17 John E. Thorson

27. LESSONS LEARNED: AVOIDING THE HARDSHIPS OF TRIBAL MINERAL LEASING IN THE DEVELOPMENT OF OKLAHOMA TRIBAL WIND ENERGY

*American Indian Law Review* 2015-2016 40 *Am. Indian L. Rev.* 99 Wyatt Swinford

28. ARIZONA WATER LAW: A PARCHED PUBLIC INTEREST

*Arizona Law Review* 2016 58 *Ariz. L. Rev.* 541 Janet M. Howe

29. ARTICLE 234 OF THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA: THE OVERLOOKED LINCHPIN FOR ACHIEVING SAFETY AND SECURITY IN THE U.S. ARCTIC?

*Harvard National Security Journal* 2016 7 *Harv. Nat'l Sec. J.* 55 Stanley P. Fields

30. LOSING GROUND: A CLARION CALL FOR FARM BILL REFORM TO ENSURE A FOOD SECURE FUTURE

*Columbia Journal of Environmental Law* 2016 42 *Colum. J. Envtl. L.* 59 Laurie Ristino, Gabriela Steier

31. EMULSIFIED PROPERTY

*Pepperdine Law Review* 2016 43 *Pepp. L. Rev.* 945 Jessica A. Shoemaker

32. THE PROCEDURAL IMPACT OF AN ENVIRONMENTAL IMPACT STATEMENT ON JUDICIAL REVIEW

*Boston College Environmental Affairs Law Review* 2016 43 *B.C. Envtl. Aff. L. Rev.* 221 Ashley Poon

33. PICKING WINNERS AND LOSERS: A STRUCTURAL EXAMINATION OF TAX SUBSIDIES TO THE ENERGY INDUSTRY

*Columbia Journal of Environmental Law* 2016 41 *Colum. J. Envtl. L.* 63 Tracey M. Roberts

34. TRANSMISSION AND TRANSPORT OF ENERGY IN THE WESTERN U.S. AND CANADA: A LAW AND POLICY ROAD MAP

*Idaho Law Review* 2016 52 *Idaho L. Rev.* 387 K.K. DuVivier, Nate Larsen, Nick Lawton, Sam Kalen, Stephen R. Miller, Melissa Powers, Tara Righetti, Troy A. Rule, Amelia Schlusser

35. STANDING IN A FEDERAL AGENCY'S SHOES: SHOULD THIRD-PARTY ACTION AFFECT REDRESSABILITY UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT?

*Ecology Law Quarterly* 2016 43 *Ecology L.Q.* 337 Alexander Tom

36. THE DOGMAS OF THE QUIET PAST: POTENTIAL CLIMATE CHANGE IMPACTS ON INTERSTATE COMPACT WATER ALLOCATION

*Virginia Environmental Law Journal* 2016 34 *Va. Envtl. L.J.* 297 Jerome C. Muys, Jr., George William Sherk

37. PROTECTING TRADITIONAL WATER RESOURCES: LEGAL OPTIONS FOR PRESERVING TRIBAL NON-CONSUMPTIVE WATER USE



**Hobe Sound  
National  
Wildlife Ref-  
uge, Florida**

## Journal Articles (Contd.)

*Public Land & Resources Law Review* 2016 37 *Pub. Land & Resources L. Rev.* 89 Julia Guarino

38. CRIMINAL LAW--THE INCREASING APPLICATION OF CRIMINAL LAW IN DISASTERS AND TRAGEDIES: A GLOBAL PHENOMENON

*Western New England Law Review* 2016 38 *W. New Eng. L. Rev.* 313 Denis Binder

39. NOTHING PERSONAL (OR SUBJECT MATTER) ABOUT IT: JURISDICTIONAL RISK AS AN IMPETUS FOR NON-TRIBAL OPT-OUTS FROM TRIBAL ECONOMIES, AND THE NEED FOR ADMINISTRATIVE RESPONSE

*American Indian Law Review* 2015-2016 40 *Am. Indian L. Rev.* 131 Joel Pruett

40. THERE'S SOMETHING IN THE WATER: THE EHB DISREGARDS ITS MANDATE AND DISRESPECTS CONTRACT LAW IN ROBINSON COAL COMPANY V. DEPARTMENT OF ENVIRONMENTAL PROTECTION

*Villanova Environmental Law Journal* 2016 27 *Vill. Envtl. L.J.* 251 Ryan P. Duffy

41. DEVELOPING A LAW OF ASTEROIDS: CONSTANTS, VARIABLES, AND ALTERNATIVES

*Columbia Journal of Transnational Law* 2016 54 *Colum. J. Transnat'l L.* 827 Samuel Roth

42. RESTORING THE NATIVE AMERICAN TRUST?

*Rutgers Race & the Law Review* 2016 17 *Rutgers Race & L. Rev.* 221 Andrew Keenan

43. NO RELIEF: HOW THE NINTH CIRCUIT'S NEW STANDARD FOR INJUNCTIONS

THREATENS THE PRECAUTIONARY NATURE OF THE ENDANGERED SPECIES ACT

*Ecology Law Quarterly* 2016 43 *Ecology L.Q.* 275 Emma Kennedy

44. COMPLIANCE WITH EPA'S CLEAN POWER PLAN USING SOLELY RENEWABLE POWER GENERATION IN THE WESTERN UNITED STATES

*Virginia Environmental Law Journal* 2016 34 *Va. Envtl. L.J.* 347 Richard M. McAllister

45. ENHANCING CONSERVATION OPTIONS: AN ARGUMENT FOR STATUTORY RECOGNITION OF OPTIONS TO PURCHASE CONSERVATION EASEMENTS (OPCES)

*Harvard Environmental Law Review* 2016 40 *Harv. Envtl. L. Rev.* 1 Federico Cheever, Jessica Owley

46. . DISAGGREGATING PREEMPTION IN ENERGY LAW

*Harvard Environmental Law Review* 2016 40 *Harv. Envtl. L. Rev.* 293 Hannah J. Wiseman

47. THE GREAT SIOUX NATION V. THE "BLACK SNAKE": NATIVE AMERICAN RIGHTS AND THE KEYSTONE XL PIPELINE

*Buffalo Human Rights Law Review* 2015-2016 22 *Buff. Hum. Rts. L. Rev.* 67 Cindy S. Woods

48. EVERYTHING OLD IS NEW AGAIN: ENFORCING TRIBAL TREATY PROVISIONS TO PROTECT CLIMATE CHANGE-THREATENED RESOURCES

*Nebraska Law Review* 2016 94 *Neb. L. Rev.* 916 Elizabeth Ann Kronk Warner

49. ADDRESSING THE OLIPHANT IN THE ROOM: DOMESTIC VIO-

LENCE AND THE SAFETY OF AMERICAN INDIAN AND ALASKA NATIVE CHILDREN IN INDIAN COUNTRY

*Widener Law Review* 2016 22 *Widener L. Rev.* 239 Kelly Gaines Stoner, Lauren Van Schilfgaarde

50. DEFENDING THE "HIGHER WALLS" - THE EFFECTS OF U.S. EXPORT CONTROL REFORM ON EXPORT ENFORCEMENT

*Santa Clara Journal of International Law* 2016 14 *Santa Clara J. Int'l L.* 1 James E. Bartlett III, Jonathan C. Poling

51. SPACE SITUATIONAL AWARENESS DATA SHARING: SAFETY TOOL OR SECURITY THREAT?

*Air Force Law Review* 2016 75 *A.F. L. Rev.* 39 Major Brian D. Green

52. "SALMON IS CULTURE, AND CULTURE IS SALMON": REEXAMINING THE IMPLIED RIGHT TO HABITAT PROTECTION AS A TOOL FOR CULTURAL AND ECOLOGICAL PRESERVATION

*Public Land & Resources Law Review* 2016 37 *Pub. Land & Resources L. Rev.* 113 Wesley J. Furlong

53. MAKING RESOURCES, MAKING MANAGEMENT

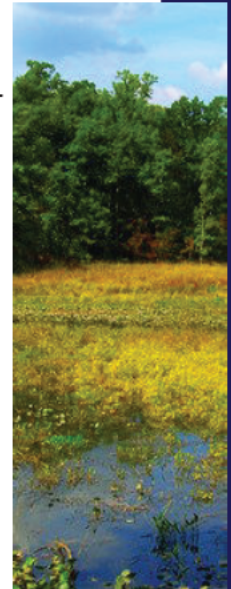
*University of the Pacific Law Review* 2016 47 *U. Pac. L. Rev.* 243 Jacquelyn Amour Jampolsky

54. PUBLIC LAWS AND PRIVATE LAWMAKERS

*Washington University Law Review* 2016 93 *Wash. U. L. Rev.* 615 Kimberly N. Brown

55. THE ENDURING NATURE OF THE CHEVRON DOCTRINE

*Harvard Environmental Law Review* 2016 40 *Harv. Envtl. L. Rev.* 189 John



**Elizabeth Hartwell  
Mason Neck  
National Wildlife  
Refuge,  
Virginia**

## Library Modernization Update



partment of the Interior Building back to its newly modernized space in the first wing of the first floor of the building.

It is expected that the Library staff will be moving back into their renovated offices sometime in March. The Reading Room is also expected to be completed and opened during that time. However, the area of the Library that had contained the old stacks will probably not be completed until May. This is partially due to the fact that new movable shelving needs to be installed in that area. Once the movable shelving is installed and is fully operational, the collection of Library publications currently in storage at an offsite warehouse in Virginia can be reshelved in the Library.

As noted earlier in this issue of the DOI Library Law Update, the Library should soon be moving from its temporary location in Room 2262 of the Stewart Lee Udall De-

The move of the collection may necessitate a temporary closure of the Library to visitors for a short period of time. During any potential closure, the Library staff will be still be available by phone or e-mail to answer any reference questions you may have.

Needless to say, the Library staff is looking forward to returning to our

historic space. Our newly modernized library should provide our staff and patrons with access to all of the materials that could be retrieved before in a vastly more user-friendly and up-to-date environment.

We will keep you updated if there are any changes. Please contact the Library staff by phone at (202) 208-5815 or e-mail at [library@ios.doi.gov](mailto:library@ios.doi.gov) if you have any questions.



## Journal Articles (Contd.)

C. Cruden , Matthew R. Oakes

56. BIOPHILIC LAWS: PLANNING FOR CITIES WITH NATURE

*Virginia Environmental Law Journal* 2016 34 Va. *Envtl. LJ.* 52 James D. Brown

57. RESURRECTING THE PUBLIC

TRUST DOCTRINE: HOW ROLLING EASEMENTS CAN ADAPT TO SEA LEVEL RISE AND PRESERVE THE UNITED STATES COASTLINE

*Boston College Environmental Affairs Law Review* 2016 43 B.C. *Envtl. Aff. L. Rev.* 575 Erica Novack

58. TAKING COSTS INTO ACCOUNT: MAPPING THE BOUNDARIES OF JUDICIAL AND AGENCY DISCRETION

*Harvard Environmental Law Review* 2016 40 *Harv. Envntl. L. Rev.* 87 Daniel A. Farber



# Court Cases

## Federal Courts of Appeals Decisions

Please note that full-text versions of these cases are available upon request to the DOI Library Reference Staff

59. Great Basin Resource Watch v. Bureau of Land Management

*United States Court of Appeals, Ninth Circuit. December 28, 2016 844 F.3d 14-16812*

ENVIRONMENTAL LAW - Clean Air. BLM's failure to quantify cumulative air impacts of proposed open pit mining project violated NEPA.

60. Upstate Citizens for Equality, Inc. v. United States

*United States Court of Appeals, Second Circuit. November 09, 2016 841 F.3d 556 15-1726, 15-1688*

NATIVE AMERICANS - Trusts. United States did not exceed its authority in taking land into trust for Oneida Indian Nation.

61. Central New York Fair Business Association v. Jewell

*United States Court of Appeals, Second Circuit. December 09, 2016 — Fed.Appx. — 16-53-CV*

Plaintiffs appeal from the dismissal of certain claims and the award of summary judgment on others arising from the Department of the Interior's (the "Department") May 2008 decision, pursuant to 25 U.S.C. § 465 and 25 C.F.R. § 151, to accept into trust approximately 13,000 acres of land in New York State for the benefit of the...

62. Miranda v. Jewell

*United States Court of Appeals, Ninth Circuit. December 19, 2016 —*

*Fed.Appx. — 15-55245*

Margaret Miranda and members of her family (collectively, the "Plaintiffs") are the daughters, granddaughters, and great-granddaughter of Rosa Pace, an enrolled member of the Santa Ynez Band of Chumash Mission Indians (the "Band"). Those Plaintiffs who are not already enrolled in the Band applied for enrollment, and those...

63. Japanese Village, LLC v. Federal Transit Administration

*United States Court of Appeals, Ninth Circuit. December 06, 2016 843 F.3d 445 14-56973, 14-56837*

ENVIRONMENTAL LAW - Impact Statements. Proposed mitigation measures listed in EIS, which were designed to combat building subsidence satisfied National Environmental Policy Act (NEPA).

64. Quechan Tribe of the Fort Yuma Indian Reservation v. U.S. Department of the Interior

*United States Court of Appeals, Ninth Circuit. December 21, 2016 — Fed.Appx. — 13-55704*

Quechan Tribe of the Fort Yuma Indian Reservation ("Quechan Tribe") appeals the district court's order granting summary judgment in favor of the Appellees, including the Bureau of Land Management ("BLM"). Quechan Tribe maintains that the BLM violated (1) the California Desert Conservation Area ("CDCA") Plan, (2)...

65. Safari Club International v. Jewell

*United States Court of Appeals, District of Columbia Circuit. December 06, 2016 842 F.3d 1280 15-5170*

ENVIRONMENTAL LAW - Endangered Species. Fish and Wildlife Service's non-detriment and enhancement findings concerning African elephants

were final agency action subject to judicial review. 66. THE PRIVATE PORE SPACE: CONDEMNATION FOR SUBSURFACE WAYS OF NECESSITY

67. Silver State Land, LLC v. Schneider

*United States Court of Appeals, District of Columbia Circuit. December 16, 2016 843 F.3d 982 16-5018*

GOVERNMENT - Public Lands. FLPMA did not supplant BLM's plenary power to terminate invalid modified competitive sale of public land to developer.

68. Sierra Club v. Tahoe Regional Planning Agency

*United States Court of Appeals, Ninth Circuit. November 02, 2016 840 F.3d 1106 14-16513, 14-15998*

ENVIRONMENTAL LAW - Impact Statements. Tahoe Regional Planning Agency's EIS sufficiently addressed significant environmental impacts of regional plan update for Lake Tahoe Region.

69. Coalition of Concerned Citizens To Make Art Smart v. Federal Transit Administration of U.S. Department of Transportation

*United States Court of Appeals, Tenth Circuit. December 13, 2016 843 F.3d 886 16-2192*

ENVIRONMENTAL LAW - Impact Statements. FTA properly concluded that rapid transit project did not significantly involve environmental concerns, warranting categorical exclusion under NEPA.

70. Marilley v. Bonham

*United States Court of Appeals,*



Haleakalā National Park, Hawaii



# Court Cases (Contd.)

*Ninth Circuit. December 21, 2016  
844 F.3d 841 13-17358*

**CIVIL RIGHTS - Privileges and Immunities.** California's higher fees charged to nonresident commercial fishers did not violate Privileges and Immunities Clause.

71. *Atay v. County of Maui*

*United States Court of Appeals, Ninth Circuit. November 18, 2016  
842 F.3d 688 15-16552, 15-16466*

**AGRICULTURE - Food. Plant Protection Act (PPA)** preempted Hawaiian county ordinance banning genetically engineered plants that APHIS regulated.

72. *Catawba Riverkeeper Foundation v. North Carolina Department of Transportation*

*United States Court of Appeals, Fourth Circuit. December 13, 2016  
843 F.3d 583 15-2285*

**ENVIRONMENTAL LAW - Impact Statements.** Conservation groups' action under NEPA challenging environmental analysis conducted for proposed toll road was moot.

73. *Rocky Mountain Helium, LLC v. United States*

*United States Court of Appeals, Federal Circuit. November 16, 2016  
841 F.3d 1320 2016-1278*

**GOVERNMENT CONTRACTS - Performance and Breach.** Settlement agreement met money-mandating requirement of Tucker Act, despite lack of express provision so stating.

74. *United States v. Willis*

*United States Court of Appeals, Third Circuit. December 13, 2016  
844 F.3d 155 15-2264*

**CRIMINAL JUSTICE - Bribery.** Legislature of the Virgin Islands was covered "government agen-

cy," under the federal programs bribery statute.

75. *Confederated Tribes and Bands of Yakama Indian Nation v. Alcohol and Tobacco Tax and Trade Bureau*

*United States Court of Appeals, Ninth Circuit. December 13, 2016  
843 F.3d 810 14-35165*

**TAXATION - Excise.** District Court did not have jurisdiction in Indian tribe's action seeking relief from imposition of federal excise tax on tobacco products.

76. *Alliance for the Wild Rockies v. Christensen*

*United States Court of Appeals, Ninth Circuit. November 01, 2016 —  
Fed.Appx. — 14-35123, 14-35069*

**Background:** Environmental organizations brought action against United States Forest Service and Fish and Wildlife Service (FWS) alleging that proposed projects in national forest violated Endangered Species Act (ESA) and National Environmental Policy Act (NEPA). The United States District Court for the District of Montana, Dana L....

77. *United States v. Bear*

*United States Court of Appeals, Eighth Circuit. December 28, 2016  
844 F.3d 981 15-3671*

**NATIVE AMERICANS - Crimes.** Federal criminal jurisdiction existed over Indian for crime committed on land on reservation that had been opened to homesteading.

78. *United States v. Board of County Commissioners of County of Otero*

*United States Court of Appeals, Tenth Circuit. December 08, 2016  
843 F.3d 1208 15-2210*

**ENVIRONMENTAL LAW - Forests.** State statute and county resolution authorizing board to take action to reduce threat of fires in national

forest were preempted under Supremacy Clause.

## District Court Decisions

79. *Little Traverse Lake Property Owners Association v. National Park Service*

*United States District Court, W.D. Michigan, Southern Division. December 21, 2016  
Slip Copy 1:15-CV-789*

This case presents a challenge under the Administrative Procedure Act, 5 U.S.C. §§551-706, to Defendant National Park Service's adoption of a finding of no significant impact as to one segment, Segment 9, of the Leelanau Scenic Heritage Route Trailway Plan. The trail will be a non-motorized pathway that links southern Leelanau...

80. *Guardians v. Hoover Montana Trappers Association*

*United States District Court, D. Montana, Missoula Division. December 20, 2016  
Slip Copy CV 16-65-M-DWM*

Plaintiff WildEarth Guardians seeks declaratory and injunctive relief against the United States Fish and Wildlife Service of the Department of the Interior (collectively "the Service") for violating the National Environmental Policy Act ("NEPA") in the administration of the Convention on International Trade in Endangered...

81. *Juliana v. United States*

*United States District Court, D. Oregon, Eugene Division. November 10, 2016 --- F.Supp.3d ---- 2016 WL 6661146 6:15-CV-01517-TC*

**ENVIRONMENTAL LAW - Clean Air.** Substantive due process protects a fundamental right to a climate system that sustains human life.

82. *Wild Fish Conservancy v. Irving*

*United States District Court, E.D. Washington. November 22, 2016 — F.Supp.3d*



**Martin Luther King, Jr. National Historic Site, Georgia**

## Court Cases (Contd.)

— 2:14-CV-0306-SMJ

**ENVIRONMENTAL LAW - Endangered Species.** NMFS failed to adequately consider climate change in analyzing the effects of a hatchery's operations and water use.

83. *Water Quality Insurance Syndicate v. United States*

*United States District Court, District of Columbia. December 22, 2016 — F.Supp.3d — CV 15-789 (BAH)*

**ENVIRONMENTAL LAW - Oil and Gas.** National Pollution Funds Center incorrectly defined gross negligence under Oil Pollution Act in denying claim to recover oil spill clean-up costs.

84. *EnerVest, Ltd. v. Jewell*

*United States District Court, D. Utah, Central Division. December 30, 2016 Slip Copy 2:16-CV-01256-DN*

EnerVest, Ltd., EnerVest Institutional GP, Ltd., and EnerVest Operating, LLC (collectively "EnerVest") moves for immediate mandamus relief under 28 U.S.C. §1361 and the Administrative Procedure Act ("APA"), 5 U.S.C. §§701-706 ("Motion"). For the reasons below, the Motion is GRANTED IN...

85. *Oregon Natural Desert Ass'n v. Bureau of Land Management*

*United States District Court, D. Oregon. December 21, 2016 Slip Copy CV 3:08-1271-KI*

Pending before me is an Application for Fees Pursuant to the Equal Access to Justice Act ("EAJA") filed by the Oregon Natural Desert Association ("ONDA") (ECF Nos. 124, 137). ONDA sued the Bureau of Land Management ("BLM") challenging its plan to control juniper expansion on Steens Mountain (the "Juniper...")

86. *Island Operating Co., Inc. v. Jewell*

*United States District Court, W.D. Louisiana, Lafayette Division. December 23, 2016 Slip Copy 6:16-CV-00145*

This matter comes before this Court through trial on the merits by way of briefs. Island Operating Co., Inc. ("Island") appeals an issuance of a Notice of Incident of Noncompliance ("INC") by the Bureau of Safety & Environmental Enforcement ("BSEE"), pursuant to the Administrative Procedure Act, and brings...

87. *Rockies v. Marten*

*United States District Court, D. Montana, Missoula Division. November 22, 2016 Slip Copy CV-15-99-M-BMM*

Plaintiffs Alliance for the Wild Rockies and Native Ecosystems Council ("Alliance") have challenged an agency action and inaction in relation to the Greater Red Lodge Habitat and Vegetation Management Project (the "Project") on the Custer-Gallatin National Forest and the Custer Forest Plan, including the Northern Rocky...

88. *Loa v. Lynch*

*United States District Court, D. Hawai'i. December 07, 2016 Slip Copy CV 16-00446 JMS-KSC*

Pro se Plaintiff Maui Loa ("Maui Loa" or "Plaintiff"), who identifies himself as a native Hawaiian and representative of the Hou 1778 Hawaiians (the "Hou"), brings this action against Defendants Loretta Lynch and Sally Jewell in their official capacities as Attorney General of the United States and Secretary of...

89. *Alabama-Quassarte Tribal Town v. United States*

*United States District Court, E.D. Oklahoma. December 30, 2016 Slip Copy CIV-06-558-RAW*

Before the court are the motion for summary judgment by the Alabama-Quassarte Tribal Town (hereinafter "AQTT") [Docket No. 202] and Defendants' cross-motion for summary judgment [Docket No. 212]. The AQTT argues that it is entitled to judgment as a matter of law because the decision of the Interior Board of Indian Appeal...

90. *In re Camp Lejeune North Carolina Water Contamination Litigation*

*United States District Court, N.D. Georgia, Atlanta Division. December 05, 2016 — F.Supp.3d — 1:11-MD-2218-TWT*

Background: Service members and family members brought action against United States, asserting claims under Federal Tort Claims Act (FTCA), alleging that they were exposed to toxic substances in the water supply while living at military base, and that they suffered illness or death as a result of United States' actions. After suit was...

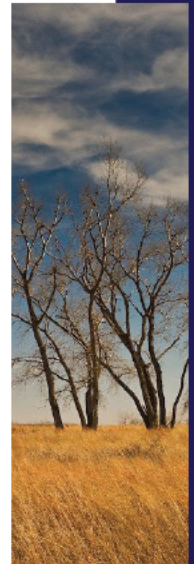
91. *Coastal Conservation League v. United States Army Corps of Engineers*

*United States District Court, D. South Carolina, Florence Division. November 18, 2016 Slip Copy 4:16-CV-03008-RBH*

This case concerns the construction of a road known as International Drive in Horry County, South Carolina. Two public interest environmental organizations—the Coastal Conservation League and the South Carolina Wildlife Federation (collectively, "Plaintiffs")—filed this action challenging a permit issued by the United States...

92. *Sprawldef v. Federal Emergency Management Agency*

*United States District Court, N.D. California, San Francisco Division. November*



**Quivira National Wildlife Refuge, Kansas**

## Court Cases (Contd.)

15, 2016 Slip Copy 15-CV-02331-LB

In this National Environmental Policy Act ("NEPA") case, SPRAWL-DEF and Sierra Club sued over the Federal Emergency Management Agency's ("FEMA") funding of a fire-prevention project in the East Bay Hills of Alameda County, California. The plaintiffs allege that FEMA violated NEPA's public disclosure mandate by adopting a...

93. Cottonwood Environmental Law Center v. U.S. Sheep Experimental Station

*United States District Court, D. Montana, Missoula Division. December 05, 2016 Slip Copy CV 14-192-M-DLC*

Before the Court is Plaintiffs' motion for attorneys' fees and costs filed pursuant to the Endangered Species Act ("ESA"), 16 U.S.C. § 1540(g)(4). For the reasons discussed below, Plaintiffs' motion is granted in part. On June 23, 2014, Plaintiffs brought a lawsuit under the ESA and National Environmental Policy Act...

94. Goelet Development Inc. v. Kemthorne, Secretary of the Interior

*District Court of the Virgin Islands, Division of St. Croix. November 30, 2016 Slip Copy CV 07-50*

This dispute arises out of an action taken by a federal agency that has denied a landowner access to its property. The threshold issue is whether sovereign immunity bars the landowner from suing the federal agency and its officers who took the action. If so, the landowner has no remedy to gain unlimited access to its property. Plaintiff Goelet...

95. Oregon Natural Desert Ass'n v. Cain

*United States District Court, D. Oregon. December 05, 2016 Slip Copy 3:09-CV-00369-PK*

Plaintiff Oregon Natural Desert Association ("ONDA") brings this action arising from the travel management planning process for the Steens Mountain. Now before this Court is ONDA's Motion to Compel Completion of Administrative Record, ECF No. 272. I have reviewed in camera the documents submitted by the BLM pursuant to my Order of...

96. Livingston v. United States

*United States District Court, D. South Carolina, Charleston Division. December 21, 2016 Slip Copy 2:15-CV-00564-DCN*

The following matters are before the court on defendants United States of America, United States Fish and Wildlife Service, Raye Nilus, Sarah Dawsey, and Ryan Wagner's ("defendants") motion to reconsider the court's March 31, 2016 order, and plaintiffs' motion to alter or amend the court's March 31, 2016 order. For the reasons set forth...

97. Western Watersheds Project v. Jewell

*United States District Court, D. Utah. November 23, 2016 — F.Supp.3d — 214CV00731JNPBCW*

ENVIRONMENTAL LAW - Impact Statements. National Park Service did not act arbitrarily or capriciously in categorically excluding grazing permit from environmental analysis.

98. Natural Resources Defense Council v. McCarthy

*United States District Court, N.D. California. November 03, 2016 Slip Copy 16-CV-02184-JST*

Before the Court is a Motion to

Intervene, filed by the San Joaquin Tributaries Authority. ECF No. 45. Defendants have stated that they do not oppose intervention. ECF No. 49. Plaintiffs oppose the motion. ECF No. 50. The Court grants the motion. This case involves revisions to water quality standards adopted by the California State Water Resources...

99. Concerned Pastors for Social Action v. Khouri

*United States District Court, E.D. Michigan, Southern Division. November 10, 2016 — F.Supp.3d — 16-10277*

ENVIRONMENTAL LAW - Clean Water. City and city officials failed to meet their responsibilities under regulations enacted pursuant to SDWA.

### U.S. Court of Federal Claims Decisions

100. Klamath Irrigation v. United States

*United States Court of Federal Claims. December 21, 2016 — Fed.Cl. — 7-19408C, 7-19416C, 7-19404C, 7-19412C, 7-194C, 7-19420C, 7-19409C, 7-19417C, 7-19405C, 7-19413C, 7-19401C, 7-19418C, 7-19406C, 7-19414C, 7-19402C, 7-19410C, 7-19419C, 7-19407C, 7-19415C, 7-19403C, 7-19411C, 1-591L*

REAL PROPERTY - Eminent Domain. Takings claims required analysis as physical takings, rather than regulatory takings, of any water rights of landowners and irrigation districts.

### State Court Decisions

101. Stand Up for California! v. State

*Court of Appeal, Fifth District, California. December 12, 2016 6 Cal.App.5th 686 211 Cal.Rptr.3d 490 F069302*

NATIVE AMERICANS - Gaming. Governor was without authority to concur in decision of Secretary of the Interior to take land into trust for



**Silvio O. Conte National Fish and Wildlife Refuge, Connecticut**



## Court Cases (Contd.)

purposes of gaming under the federal Indian Gaming Regulatory Act (IGRA).

102. United States of America, (Bureau of Land Management) Barthelmess Ranch Corporation

*Supreme Court of Montana. December 28, 2016 — P.3d — DA 15-0533*

REAL PROPERTY - Water. Bureau of Land Management perfected water appropriation claims to watering rights in reservoirs it constructed on federal land.

103. Silver v. Pueblo Del Sol Water Company

*Court of Appeals of Arizona, Division 1. November 08, 2016 241 Ariz. 131 384 P.3d 814 1 CA-CV 14-0811*

REAL PROPERTY - Water. Arizona Department of Water Resources was required to consider federal reserved water right in evaluating private water company's permit application.

104. Keep Michigan Wolves Protected v. State, Dept. of Natural Resources

*Court of Appeals of Michigan. November 22, 2016 Not Reported in N.W.2d 328604*

AGRICULTURE - Animals. Provision of Scientific Fish and Wildlife Management Act allowing free hunting licenses for military members violated state constitution.

105. Mission Bay Alliance v. Office of Community Investment and Infrastructure

*Court of Appeal, First District, Division 3, California. November 29, 2016 6 Cal.App.5th 160 211 Cal.Rptr.3d 327 A148865*

ENVIRONMENTAL LAW - Impact Statements. New arena for Golden

State Warriors in San Francisco complied with CEQA requirements.

106. Property Reserve, Inc. v. Superior Court

*Court of Appeal, Third District, California. December 16, 2016 6 Cal.App.5th 1007 212 Cal.Rptr.3d 22 C067765, C068469, C067758*

REAL PROPERTY - Discovery. Civil Discovery Act applies to proceedings regarding pre-condemnation petitions for entry.

107. Entergy Nuclear Operations, Inc. v. New York State Dept. of State

*Court of Appeals of New York. November 21, 2016 — N.E.3d — 28 N.Y.3d 279 179*

ENVIRONMENTAL LAW - Coastal Areas. Nuclear power plants were not excluded from Coastal Management Program consistency review under grandfathered exclusion.

108. Rios v. Lilley

*Fort Peck Court of Appeals. November 15, 2016 — Am. Tribal Law — AP 696*

NATIVE AMERICANS - Wills. Tribal court abused its discretion when it revoked will and determined that a subsequent will was valid.

109. Mustang Run Wind Project, LLC v. Osage County Board of Adjustment

*Supreme Court of Oklahoma. November 01, 2016 — P.3d — 2016 OK 113 113463*

REAL PROPERTY - Zoning and Planning. County board of adjustment possessed statutory authority to grant conditional use permits to owners of real property located in the county.

110. In re Little Rock Creek

*Court of Appeals of Minnesota. November 28, 2016 Not Reported in N.W.2d 2016 WL 6923602 A16-0123*

ENVIRONMENTAL LAW - Clean Water. Nonpoint and natural background pollutants were properly considered together in creation of total maximum daily load (TMDL) study of watershed area. 146. United Auburn Indian Community of the Auburn Rancheria v. Brown, Jr.

111. City of Asheville v. State

*Supreme Court of North Carolina. December 21, 2016 — S.E.2d — 391PA15*

GOVERNMENT - States. Statute requiring one city to involuntarily transfer public water system to sewerage district was unconstitutional local law.

112. Matter of Petition of South Jersey Gas Company

*Superior Court of New Jersey, Appellate Division. November 07, 2016 447 N.J.Super. 459 149 A.3d 13 A-1685-15T1, A-2706-15T1, A-2705-15T1*

REAL PROPERTY - Zoning and Planning. Sufficient evidence supported Board's decision to waive Municipal Land Use Law and local government regulations for natural gas pipeline project.

113. Connecticut Energy Marketers Association v. Department of Energy and Environmental Protection

*Supreme Court of Connecticut. December 29, 2016 — A.3d — 324 Conn. 362 19620*

Background: Trade association brought action against Department of Energy and Environmental Protection and Public Utilities Regulatory Authority for declaratory and injunctive relief, alleging violations of the Environmental Policy Act for failing to evaluate the environmental impact of



**Minidoka National Historic Site, Washington**

## Court Cases (Contd.)

calling for, and approving plan for, expanding the use...

114. *Tienne v. Shorelines Hearings Board*

*Court of Appeals of Washington, Division 1. November 14, 2016 Not Reported in P.3d 196 Wash.App. 1059 74844-1-1*

Darrell de Tienne owns a 10.74-acre intertidal and subtidal parcel of property located on the north shore of Henderson Bay. The property is designated as a shoreline of statewide significance. In 2005, de Tienne and Chelsea Farms LLC (collectively, de Tienne) applied for a shoreline substantial development permit to operate a commercial...

115. *People v. Lincoln, Ltd.*

*Appellate Court of Illinois, First District, FOURTH DIVISION. December 22, 2016 — N.E.3d — 2016 IL App (1st) 143487 1-14-3487*

**ENVIRONMENTAL LAW** - Solid Waste. Landowner did not "allow" tenant's illegal landfill operation and thus could not be liable for tenant's unpermitted open dumping.

116. *Seascope Surf Estate Management Corp. v. City of Solana Beach*

*Court of Appeal, Fourth District, Division 1, California. December 22, 2016 Not Reported in Cal.Rptr.3d 7406430 D069024*

In 2014, the City of Solana Beach (the City) approved a development by Hitzke Development Corporation (Hitzke) of a ten-unit housing project on a city-owned parking lot (the Project) adjacent to the Seascope Surf condominium complex. The complex's homeowners' association, Seascope Surf Estate Man-

agement Corporation (Seascope), opposed the Project...

117. *Murphy v. Zoning Board of the City of Stamford*

*Superior Court of Connecticut, Judicial District of Stamford-Norwalk at Stamford. November 16, 2016 Not Reported in A.3d FSTCV145014294S*

This is an appeal from the adoption by the Stamford zoning board of an amendment to the text of the zoning regulations by revising the definition of building height by adding a new paragraph which would apply to residential properties located within the official Coastal Boundary Map of the City of Stamford.

118. *Department Of Environmental Quality v. Gomez*

*Court of Appeals of Michigan. November 17, 2016 — N.W.2d — 328033*

Defendants appeal as of right the trial court's judgment—following a grant of summary disposition in favor of plaintiff on the issue of liability and a bench trial on remedies—ordering defendants to remove 1.2 acres of fill material that they placed in a wetland on their property, to restore the area to its previous condition, and to...

119. *Grand Valley Water Users Association v. Busk-Ivanhoe, Inc.*

*Supreme Court of Colorado. December 05, 2016 386 P.3d 452 14SA303*

**ENERGY AND UTILITIES** - Water and Sewer. Decree granting transmountain water rights to municipal corporation did not include implied right to storage of water on eastern slope.

120. *Matter of Petition of South Jersey Gas Company for Authorization to Construct a 24-Inch Pipeline through Maurice River Township in*

Cumberland County

*Superior Court of New Jersey, Appellate Division. November 07, 2016 Not Reported in A.3d A-0151-15T1*

Pinelands Preservation Alliance (PPA) appeals from an order entered by the Board of Public Utilities (Board) dated July 23, 2015, which amended an order entered by the Board on June 21, 2013, pursuant to N.J.A.C. 14:7-1.4, concerning a natural gas pipeline that South Jersey Gas Company (SJG) proposes to construct in three municipalities in...

121. *Lindemann Properties, Ltd. v. Campbell*

*Court of Appeals of Texas, Fort Worth. December 08, 2016 — S.W.3d — 02-15-00392-CV*

**REAL PROPERTY** - Easements. Easement holder had the right to remove and replace radio-transmission tower without terminating its easement.



**Neal Smith  
National  
Wildlife Refuge,  
Iowa**

# Presidential Documents



Please note that full-text versions of these documents are available upon request to the DOI Library Reference Staff.

## Executive Orders

- 122. Executive Order 13746—Advancing the Goals of the Power Africa Initiative to Expand Access to Electricity in Sub-Saharan Africa Through the Establishment of the President's Power Africa Working Group - November 3, 2016
- 123. Executive Order 13748—Establishing a Community Solutions Council — November 16, 2016

- 124. Executive Order 13751—Safeguarding the Nation From the Impacts of Invasive Species — December 5, 2016
- 125. Executive Order 13754—Northern Bering Sea Climate Resilience — December 9, 2016

## Presidential Proclamations

- 126. Presidential Proclamation 9539—Veterans Day, 2016 — November 8, 2016
- 127. Presidential Proclamation 9538—World Freedom Day, 2016 November 8, 2016
- 128. Presidential Proclamation 9543—America Recycles Day, 2016 — November 14, 2016
- 129. Presidential Proclamation 9546—Thanksgiving Day, 2016 — November 23, 2016
- 130. Presidential Proclamation 9550—International Day of Persons With Disabilities, 2016 — Decem-

- ber 2, 2016
- 131. Presidential Proclamation 9551—National Pearl Harbor Remembrance Day, 2016 — December 6, 2016
- 132. Presidential Proclamation 9554—Bill of Rights Day, 2016 — December 14, 2016
- 133. Presidential Proclamation 9558—Establishment of the Bears Ears National Monument December 28, 2016
- 134. Presidential Proclamation 9559—Establishment of the Gold Butte National Monument — December 28, 2016



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and subscription sites where you can find CRS reports.

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The *Homeland Security Digital Library* also provides a link to search its col-

lection of CRS Reports at <https://www.hsdl.org/c/>

Another CRS Report source is *University of North Texas (UNT) Digital Library CRS Reports*, found at <https://digital.library.unt.edu/explore/collections/CRSR/browse/>

It is fully searchable, but there is usually some lag time between the publication of a report and its addition to this digital library.

Please don't hesitate to ask a librarian for help locating a CRS Report! You can reach the Reference Desk at (202) 208-5815 or email us at [library@ios.doi.gov](mailto:library@ios.doi.gov).



# Come Shape the Future: Join the DOI Library User Advisory Council!

Do you love libraries? Reading? History? Community engagement? The DOI Library User Advisory Council (DLAC) is looking for a few new members, and we hope you will join us.

While we operate from our temporary location in Room 2262 of the Stewart Lee Udall Department of the Interior Building (MIB), we would like more patron input as we make decisions on access to resources being used in the temporary library, online databases to pursue as substitutes for print materials, and other ways to get needed resources and information to our Library patrons.

As we transition back to the new, modernized library, currently slated to reopen in February 2017, you can help us make sure Library services are the most effective — by partici-



pating and having a voice on the User Advisory Council.

We would love for the Council to have representation and input from all of the agencies and regions served by the DOI Library.

If you don't work in Washington DC, you can still participate in the Council as meetings will also be held via Webex. Your participation will mean attending a Council meeting once every two months. Library Director George Fran-

chois will chair the meetings.

With careful planning, fresh ideas, and an eye to the future, we can shape the future of the DOI Library while preserving its storied past.

To best serve you and all Library users, we need you to be a part of this momentous move forward. Please contact us using the information below if you are interested. Thank you!

If you are interested in joining the DOI Library User Advisory Council or have any questions, please contact Law Librarian Shannon Lynch at [Mary\\_Lynch@ios.doi.gov](mailto:Mary_Lynch@ios.doi.gov) or (202) 208-3686, or Library Director George Franchois at (202) 208-3796 or [george\\_franchois@ios.doi.gov](mailto:george_franchois@ios.doi.gov).

If you can, please stop by the Library and say hello. We look forward to hearing from you!

## U.S. Department of the Interior Library

**Stewart Lee Udall Department of the Interior Building**  
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**Law Update Co-Editor: George Franchois**

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**From:** Clement, Joel  
**To:** [Shawn Buckner](#); [Indur M. Goklany](#)  
**Subject:** Fwd: Personal Property Inventory Certification for FY 2017  
**Date:** Tuesday, February 07, 2017 5:38:02 PM  
**Attachments:** [FY 17 Property Inventory Certification February 2017.pdf](#)

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incoming

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Joel Clement - Director, Office of Policy Analysis, U.S. Department of the Interior 202.208.3295

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

**From:** Nassar, Joe <[joseph\\_w\\_nassar@ios.doi.gov](mailto:joseph_w_nassar@ios.doi.gov)>  
**Date:** Tue, Feb 7, 2017 at 4:40 PM  
**Subject:** Personal Property Inventory Certification for FY 2017  
**To:** Amy Holley <[Amy\\_Holley@ios.doi.gov](mailto:Amy_Holley@ios.doi.gov)>, Edward Keable <[edward.keable@sol.doi.gov](mailto:edward.keable@sol.doi.gov)>, Richard Cardinale <[richard\\_cardinale@ios.doi.gov](mailto:richard_cardinale@ios.doi.gov)>, Kerry Rae <[kerry\\_rae@ios.doi.gov](mailto:kerry_rae@ios.doi.gov)>, Maureen Foster <[maureen\\_foster@ios.doi.gov](mailto:maureen_foster@ios.doi.gov)>, Nikolao Pula <[nikolao\\_pula@ios.doi.gov](mailto:nikolao_pula@ios.doi.gov)>, "Black, Michael" <[mike.black@bia.gov](mailto:mike.black@bia.gov)>, Deb Dumontier <[Debra\\_dumontier@ost.doi.gov](mailto:Debra_dumontier@ost.doi.gov)>, OS\_PMB\_OfficeHeads <[os\\_pmb\\_officeheads@ios.doi.gov](mailto:os_pmb_officeheads@ios.doi.gov)>  
**Cc:** "Glomb, Steve" <[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)>, Mary Pletcher <[Mary\\_Pletcher@ios.doi.gov](mailto:Mary_Pletcher@ios.doi.gov)>, Greg Gould <[greg.gould@onrr.gov](mailto:greg.gould@onrr.gov)>, Elena Gonzalez <[Elena\\_Gonzalez@ios.doi.gov](mailto:Elena_Gonzalez@ios.doi.gov)>, "Ferriter, Olivia" <[olivia\\_ferriter@ios.doi.gov](mailto:olivia_ferriter@ios.doi.gov)>, Harry Humbert <[harry\\_humbert@ios.doi.gov](mailto:harry_humbert@ios.doi.gov)>, "Bennett, Gregory" <[gregory\\_bennett@ios.doi.gov](mailto:gregory_bennett@ios.doi.gov)>, Scotty Fox <[scotty\\_fox@ios.doi.gov](mailto:scotty_fox@ios.doi.gov)>

All,

Please see the attached memo which will be circulated to your Accountable Property Officers and Custodial Property Officers within the next few days. This is the annual request from the OFAS Property Management team requesting certification of property inventories within 60 days.

Thanks in advance for your continued support.

Joe Nassar  
Director, Office of Facilities and Administrative Services (OFAS)  
Department of the Interior  
Office: 202-208-5617  
Cell: 202-436-2041  
[joseph\\_w\\_nassar@ios.doi.gov](mailto:joseph_w_nassar@ios.doi.gov)

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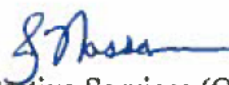
# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

FEB 07 2017

## Memorandum

To: Assistant Secretaries  
Solicitor  
PMB Office Directors

From: Joe Nassar, Director, Office of Facilities and Administrative Services (OFAS) 

Subject: Personal Property Inventory Certification Request for Fiscal Year 2017  
**(Response Due within 60 Days of notification)**

In accordance with Department of the Interior Policy (410 Interior Property Management Directive, Section 114-60.3), all of Office of Secretary (OS) Offices and their Accountable Property Officers (APO's) are required to conduct an inventory of system-controlled and sensitive personal property, reconcile differences and certify property inventories. Over the coming months, designated OS Property Managers (listed below) will notify your Custodial Property Officer's (CPO's) to review their property inventories recorded in the Department's Financial and Business Management System (FBMS), and coordinate certification with APO's.

Accordingly, your APO/CPO's are required to reconcile and certify their inventories **within 60 days**. The lists of actions are:

1. Conduct a physical inventory of all property under your purview, including accounting for 100 percent of all firearms;
2. Document property listed on your inventory that you no longer have and provide a record that this property was disposed of properly (i.e., donated, sent to surplus or recycling) and provide a copy of the DI-103A, Certificate of Unserviceable Property Form;
3. Report any new property not listed on the inventory (i.e., submit DI-102, Receiving Report);
4. Report any missing assets on the DI-103, Report of Survey form;
5. Make a copy of all documents for your records; and
6. Sign an Inventory Certification Form (see how to retrieve it in the next paragraph) and return it along with the inventory document to your designated Property Manager.

For more information on system-controlled and sensitive personal property, and access to the Inventory Certification Form, visit the OFAS Property Management website at:

<https://www.doi.gov/ofas/asd/property>. The OS Property Managers are as follows:

- ONRR: Jesse Campbell, (303) 231-3910 or [jesse.campbell@onrr.gov](mailto:jesse.campbell@onrr.gov)
- OST: David Pradt, (505) 816-1288 or [david\\_pradt@ost.doi.gov](mailto:david_pradt@ost.doi.gov)
- IBC: Peter Solano, (303) 969-5573 or [peter\\_solano@ibc.doi.gov](mailto:peter_solano@ibc.doi.gov)
- SOL: Larry Emanuel, (202) 219-6780 or [larry.emanuel@sol.doi.gov](mailto:larry.emanuel@sol.doi.gov)
- OCIO: Carolanne Jedlink, (303) 251-3964 or [carolanne\\_jedlink@ios.doi.gov](mailto:carolanne_jedlink@ios.doi.gov)

□ ALL OTHER OS OFFICES:

- DeMinche Boyd, OFAS, (202) 208-3995 or [deminche\\_boyd@ios.doi.gov](mailto:deminche_boyd@ios.doi.gov);
- Ronald Roberts, OFAS, (202) 208-3307 or [ronald\\_roberts@ios.doi.gov](mailto:ronald_roberts@ios.doi.gov);
- Michael Crowley, OFAS, (202) 208-3225 or [michael\\_crowley@ios.doi.gov](mailto:michael_crowley@ios.doi.gov); or,
- Contact our general mailbox at: [do\\_property\\_ofas@ios.doi.gov](mailto:do_property_ofas@ios.doi.gov).

If you have any questions or need additional information, please contact your designated Property Manager listed above, or Scotty Fox, OFAS Supervisory Property Management Specialist at (202) 208-1377, or [scotty\\_fox@ios.doi.gov](mailto:scotty_fox@ios.doi.gov).

Thank you in advance for your support.

cc: Deputy Assistant Secretary – Budget, Finance, Performance, and Acquisition  
Deputy Assistant Secretary – Technology, Information, and Business Services  
Deputy Assistant Secretary – Public Safety, Resource Protection, and Emergency Services  
Deputy Assistant Secretary – Human Capital and Diversity  
Deputy Assistant Secretary – Policy and International Affairs  
Deputy Assistant Secretary – Office of Natural Resources Revenue  
Associate Solicitor, Administration – Office of the Solicitor  
Chief of Staff – Policy, Management and Budget  
Chief of Staff – Office of the Special Trustee for American Indians

**From:** Buckner, Shawn  
**To:** [Goklany, Indur](#)  
**Cc:** [Joel Clement](#); [Benjamin Simon](#)  
**Subject:** Fwd: Regulatory Contacts Meeting Tuesday, February 28  
**Date:** Monday, February 27, 2017 12:01:22 PM  
**Attachments:** [Agenda 2-28-2017.docx](#)

---

Hi Goks,

Please attend this meeting.

Shawn

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

**From:** **Lawyer, Mark** <[mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)>  
**Date:** Mon, Feb 27, 2017 at 10:50 AM  
**Subject:** Regulatory Contacts Meeting Tuesday, February 28  
**To:** Regulatory Contacts <[regulatory\\_contacts@ios.doi.gov](mailto:regulatory_contacts@ios.doi.gov)>

I have attached an agenda for our regulatory contacts meeting tomorrow.

**Date:** Tuesday, February 28  
**Time:** 10:00 a.m.  
**Place:** Room 1352 MIB

--

Mark Lawyer

Deputy Director - Policy and Regulatory Affairs  
Executive Secretariat and Regulatory Affairs  
Office of the Secretary  
Department of the Interior

Email: [mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)  
Voice: (202) 208-5257

Fax: (202) 219-2100

--

Shawn M. Buckner  
Office of Policy Analysis  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240  
(202) 208-3664

# Agenda

Regulatory Contacts Meeting  
10:00 a.m., February 28, 2017  
Room 1352, MIB

- I. Clearing Federal Register documents
  - Timeliness
  
  - Briefing papers
  
  - Surnames and other matters
  
- II. OMB reports
  - a. 90-Day List
  
  - b. Agenda
  
- III. Executive Orders, freeze memo, and guidance
  
- IV. Q & A

**From:** Goklany, Indur  
**To:** [Mark Lawyer](mailto:Mark.Lawyer@ios.doi.gov)  
**Subject:** Fwd: Regulatory Contacts Meeting Tuesday, February 28  
**Date:** Monday, February 27, 2017 12:09:56 PM  
**Attachments:** [Agenda 2-28-2017.docx](#)

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Mark,

Could I join this mtg by phone? If so, do you have a phone number I could use? Thanks.

Goks (202-208-4951)

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

**From:** **Buckner, Shawn** <[shawn\\_buckner@ios.doi.gov](mailto:shawn_buckner@ios.doi.gov)>  
**Date:** Mon, Feb 27, 2017 at 12:01 PM  
**Subject:** Fwd: Regulatory Contacts Meeting Tuesday, February 28  
**To:** "Goklany, Indur" <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)>  
**Cc:** Joel Clement <[joel\\_clement@ios.doi.gov](mailto:joel_clement@ios.doi.gov)>, Benjamin Simon <[benjamin\\_simon@ios.doi.gov](mailto:benjamin_simon@ios.doi.gov)>

Hi Goks,

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Shawn

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

**From:** **Lawyer, Mark** <[mark\\_lawyer@ios.doi.gov](mailto:mark_lawyer@ios.doi.gov)>  
**Date:** Mon, Feb 27, 2017 at 10:50 AM  
**Subject:** Regulatory Contacts Meeting Tuesday, February 28  
**To:** Regulatory Contacts <[regulatory\\_contacts@ios.doi.gov](mailto:regulatory_contacts@ios.doi.gov)>

I have attached an agenda for our regulatory contacts meeting tomorrow.

Date: Tuesday, February 28

Time: 10:00 a.m.

Place: Room 1352 MIB

--

Mark Lawyer

Deputy Director - Policy and Regulatory Affairs  
Executive Secretariat and Regulatory Affairs  
Office of the Secretary  
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# Agenda

Regulatory Contacts Meeting  
10:00 a.m., February 28, 2017  
Room 1352, MIB

- I. Clearing Federal Register documents
  - Timeliness
  
  - Briefing papers
  
  - Surnames and other matters
  
- II. OMB reports
  - a. 90-Day List
  
  - b. Agenda
  
- III. Executive Orders, freeze memo, and guidance
  
- IV. Q & A

**From:** Goklany, Indur  
**To:** [Luciano, Lorraine A.](#)  
**Subject:** Ethics Determination Request  
**Date:** Thursday, March 02, 2017 3:05:31 PM  
**Attachments:** [20170302142449997.pdf](#)

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Hello Lorraine,

I am not sure whether we have met. I work as a Senior Advisor in the Office of Policy Analysis, and have been invited to participate in my personal capacity in two panel discussions at the 12th International Conference on Climate Change on March 23-24, 2017, in Washington, DC, hosted by the Heartland Institute, a free market think tank based in Arlington Heights, IL. See the attached letter.

I want to check whether I can participate in these panel discussions without falling afoul of Ethics laws, rules and regulations. I wouldn't be accepting an honorarium or any other compensation, and would be taking leave to participate and prepare for the panels. I don't currently work within the Office of Policy Analysis on any climate change related issues, and have not done so for some years.

I have also advised Joel Clement, Director, Office of Policy Analysis, of the invitation, and he suggested I contact you.

I would appreciate an Ethics determination from your office, keeping in mind that the event is only three weeks away and I should provide the organizers sufficient time to make alternate arrangements, if necessary.

Thanks.

Sincerely,  
Indur Goklany  
Sr. Advisor, Office of Policy Analysis





February 28, 2017

A nonprofit organization devoted to discovering and promoting free-market solutions to social and economic problems.

Indur Goklany  
8726 Old Courthouse Road  
Vienna, VA 22182

Dear Dr. Goklany,

**PUBLISHER OF**

*QPR*  
*Health Care News*  
*Budget & Tax News*  
*School Reform News*  
*Environment & Climate News*

*Climate Change Reconsidered*, a series of peer-reviewed volumes on the science of climate change.

The Heartland Institute will be hosting our 12<sup>th</sup> International Conference on Climate Change on March 23-24, 2017 in Washington, DC. We would be honored if you would consider being a guest speaker for two of our panels, titled "Human Prosperity" and "Sustainability."

The conference (ICCC-12) will draw some 250 scientists, economists, policy experts, Congressional staff, members of the Trump administration, and interested citizens to hear the insight of expert scholars and opinion leaders like you.

The Heartland Institute is a 501(c)3 non-profit, non-partisan research institute founded in 1984. Our mission is to discover, develop, and promote free-market solutions to social and economic problems.

*E-newsletters:*

*Climate Change Weekly*  
*School Choice Weekly*  
*Consumer Power Report*  
*The Leaflet*  
*Heartland Weekly*

Thank you for considering our invitation to participate in ICC-12. If you have any questions or would like to accept our invitation, please don't hesitate to contact me at [jlakely@heartland.org](mailto:jlakely@heartland.org).

**HOST OF**

International Conferences on Climate Change (ICCC)

Emerging Issues Forum

Sincerely,

A handwritten signature in black ink that reads "Jim Lakely". The signature is fluid and cursive, with the first name "Jim" and last name "Lakely" clearly legible.

Jim Lakely  
Director of Communications

**ADDRESS**

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Arlington Heights, IL 60004  
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**From:** Goklany, Indur  
**To:** [Downey Magallanes](#)  
**Subject:** It was a pleasure to meet you last evening.  
**Date:** Friday, March 10, 2017 8:17:29 AM  
**Attachments:** [CO2 benefits.pdf](#)  
[humanity\\_unbound.pdf](#)

---

Apropos of our conversation, attached are a couple of papers I wrote as an Independent Scientist, which Fred Palmer might enjoy.

- [Humanity Unbound: How Fossil Fuels Saved Humanity from Nature and Nature from Humanity](#)
- [Carbon Dioxide: The Good News](#)

The first was published by the Cato Institute, and the second by a UK group, the Global Warming Policy Foundation.

I hope to run into you from time to time.

Best regards,  
Goks

Indur Goklany  
Sr. Advisor, Office of Policy Analysis  
202-208-4951





# CARBON DIOXIDE

# The good news

Indur M. Goklany

With a foreword by Freeman Dyson

The Global Warming Policy Foundation

GWPF Report 18



## **GWPF REPORTS**

Views expressed in the publications of the Global Warming Policy Foundation are those of the authors, not those of the GWPF, its Academic Advisory Council members or its directors

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### **Director**

Benny Peiser

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# **CARBON DIOXIDE**

# **The good news**

Indur M. Goklany



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# Foreword

By Freeman Dyson

Indur Goklany has done a careful job, collecting and documenting the evidence that carbon dioxide in the atmosphere does far more good than harm. To any unprejudiced person reading this account, the facts should be obvious: that the non-climatic effects of carbon dioxide as a sustainer of wildlife and crop plants are enormously beneficial, that the possibly harmful climatic effects of carbon dioxide have been greatly exaggerated, and that the benefits clearly outweigh the possible damage.

I consider myself an unprejudiced person and to me these facts are obvious. But the same facts are not obvious to the majority of scientists and politicians who consider carbon dioxide to be evil and dangerous. The people who are supposed to be experts and who claim to understand the science are precisely the people who are blind to the evidence. Those of my scientific colleagues who believe the prevailing dogma about carbon dioxide will not find Goklany's evidence convincing. I hope that a few of them will make the effort to examine the evidence in detail and see how it contradicts the prevailing dogma, but I know that the majority will remain blind. That is to me the central mystery of climate science. It is not a scientific mystery but a human mystery. How does it happen that a whole generation of scientific experts is blind to obvious facts? In this foreword I offer a tentative solution of the mystery.

There are many examples in the history of science of irrational beliefs promoted by famous thinkers and adopted by loyal disciples. Sometimes, as in the use of bleeding as a treatment for various diseases, irrational belief did harm to a large number of human victims. George Washington was one of the victims. Other irrational beliefs, such as the phlogiston theory of burning or the Aristotelian cosmology of circular celestial motions, only did harm by delaying the careful examination of nature. In all these cases, we see a community of people happily united in a false belief that brought leaders and followers together. Anyone who questioned the prevailing belief would upset the peace of the community.

Real advances in science require a different cultural tradition, with individuals who invent new tools to explore nature and are not afraid to question authority. Science driven by rebels and heretics searching for truth has made great progress in the last three centuries. But the new culture of scientific scepticism is a recent growth and has not yet penetrated deeply into our thinking. The old culture of group loyalty and dogmatic belief is still alive under the surface, guiding the thoughts of scientists as well as the opinions of ordinary citizens.

To understand human behavior, I look at human evolution. About a hundred thousand years ago, our species invented a new kind of evolution. In addition to biological evolution based on genetic changes, we began a cultural evolution based on social and intellectual changes. Biological evolution did not stop, but cultural evo-

lution was much faster and quickly became dominant. Social customs and beliefs change and spread much more rapidly than genes.

Cultural evolution was enabled by spoken languages and tribal loyalties. Tribe competed with tribe and culture with culture. The cultures that prevailed were those that promoted tribal cohesion. Humans were always social animals, and culture made us even more social. We evolved to feel at home in a group that thinks alike. It was more important for a group of humans to be united than to be right. It was always dangerous and usually undesirable to question authority. When authority was seriously threatened, heretics were burned at the stake.

I am suggesting that the thinking of politicians and scientists about controversial issues today is still tribal. Science and politics are not essentially different from other aspects of human culture. Science and politics are products of cultural evolution. Thinking about scientific questions is still presented to the public as a competitive sport with winners and losers. For players of the sport with public reputations to defend, it is more important to belong to a winning team than to examine the evidence. Cultural evolution was centered for a hundred thousand years on tales told by elders to children sitting around the cave fire. That cave-fire evolution gave us brains that are wonderfully sensitive to fable and fantasy, but insensitive to facts and figures. To enable a tribe to prevail in the harsh world of predators and prey, it was helpful to have brains with strong emotional bonding to shared songs and stories. It was not helpful to have brains questioning whether the stories were true. Our scientists and politicians of the modern age evolved recently from the cave-children. They still, as Charles Darwin remarked about human beings in general, bear the indelible stamp of their lowly origin.

In the year 1978, the United States Department of Energy drew up a 'Comprehensive Plan for Carbon Dioxide Effects Research and Assessment', which fixed the agenda of official discussions of carbon dioxide for the next 37 years. I wrote in a memorandum protesting against the plan:

The direct effects of carbon dioxide increase on plant growth and interspecific competition receive little attention. The plan is drawn up as if climatic change were the only serious effect of carbon dioxide on human activities...In a comparison of the non-climatic with the climatic effects of carbon dioxide, the non-climatic effects may be:

1. more certain,
2. more immediate,
3. easier to observe,
4. potentially at least as serious.

...Our research plan should address these issues directly, not as a mere side-line to climatic studies.

My protest received no attention and the Comprehensive Plan prevailed. As a result, the public perception of carbon dioxide has been dominated by the computer climate-model experts who designed the plan. The tribal group-thinking of that group of experts was amplified and reinforced by a supportive political bureaucracy.

Indur Goklany has assembled a massive collection of evidence to demonstrate two facts. First, the non-climatic effects of carbon dioxide are dominant over the climatic effects and are overwhelmingly beneficial. Second, the climatic effects observed in the real world are much less damaging than the effects predicted by the climate models, and have also been frequently beneficial. I am hoping that the scientists and politicians who have been blindly demonizing carbon dioxide for 37 years will one day open their eyes and look at the evidence. Goklany and I do not claim to be infallible. Like the climate-model experts, we have also evolved recently from the culture of the cave-children. Like them, we have inherited our own set of prejudices and blindnesses. Truth emerges when different groups of explorers listen to each other's stories and correct each other's mistakes.

Princeton  
September 2015

*Freeman Dyson FRS, a world-renowned theoretical physicist, is Professor Emeritus of Mathematical Physics and Astrophysics at the Institute of Advanced Study in Princeton where he held a chair for many years. Dyson is the author of numerous widely read science books. He is a member of the GWPF's Academic Advisory Council.*

## **About the author**

Indur Goklany is an independent scholar and author. He was a member of the US delegation that established the IPCC and helped develop its First Assessment Report. He subsequently served as a US delegate to the IPCC, and an IPCC reviewer. He is a member of the GWPF's Academic Advisory Council.

## Summary

1. This paper addresses the question of whether, and how much, increased carbon dioxide concentrations have benefited the biosphere and humanity by stimulating plant growth, warming the planet and increasing rainfall.
2. Empirical data confirms that the biosphere's productivity has increased by about 14% since 1982, in large part as a result of rising carbon dioxide levels.
3. Thousands of scientific experiments indicate that increasing carbon dioxide concentrations in the air have contributed to increases in crop yields.
4. These increases in yield are very likely to have reduced the appropriation of land for farming by 11–17% compared with what it would otherwise be, resulting in more land being left wild.
5. Satellite evidence confirms that increasing carbon dioxide concentrations have also resulted in greater productivity of wild terrestrial ecosystems in all vegetation types.
6. Increasing carbon dioxide concentrations have also increased the productivity of many marine ecosystems.
7. In recent decades, trends in climate-sensitive indicators of human and environmental wellbeing have improved and continue to do so despite claims that they would deteriorate because of global warming.
8. Compared with the benefits from carbon dioxide on crop and biosphere productivity, the adverse impacts of carbon dioxide – on the frequency and intensity of extreme weather, on sea level, vector-borne disease prevalence and human health – have been too small to measure or have been swamped by other factors.
9. Models used to influence policy on climate change have overestimated the rate of warming, underestimated direct benefits of carbon dioxide, overestimated the harms from climate change and underestimated human capacity to adapt so as to capture the benefits while reducing the harms.
10. It is very likely that the impact of rising carbon dioxide concentrations is currently net beneficial for both humanity and the biosphere generally. These benefits are real, whereas the costs of warming are uncertain. Halting the increase in carbon dioxide concentrations abruptly would deprive people and the planet of the benefits of carbon dioxide much sooner than they would reduce any costs of warming.



## **Part I**

# **The benefits of carbon dioxide**





# 1 Introduction

Another process which withdraws carbonic acid [carbon dioxide] from the air is the assimilation of plants. ...[If] the percentage of carbon dioxide be doubled, the absorption by the plants would also be doubled. If, at the same time, the temperature rises by 4°, the vitality will increase in the ratio of 1:1.5, so that the doubling of the carbon dioxide percentage will lead to an increase in the absorption of carbonic acid by the plant approximately in the ratio of 1:3. An increase of the carbon dioxide percentage to double its amount may hence be able to raise the intensity of vegetable life...threefold.

Svante Arrhenius, *Worlds in the Making*

By the influence of the increasing percentage of carbonic acid in the atmosphere, we may hope to enjoy ages with more equable and better climates, especially as regards the colder regions of the earth, ages when the earth will bring forth much more abundant crops than at present, for the benefit of rapidly propagating mankind.

Svante Arrhenius, *Worlds in the Making*<sup>1</sup>

The Swedish chemist Svante Arrhenius, winner of the 1905 Nobel Prize for Chemistry, was the first scientist to develop a quantitative relationship between the increase in atmospheric carbon dioxide and global surface temperature. In 1895 he gave a paper to the Stockholm Physical Society on 'The influence of carbonic acid in the air upon the temperature of the ground'. But this father of anthropogenic global warming theory (AGW) also understood, as should anybody who has ever taken high school biology, that carbon dioxide is plant food and essential to life on earth. From this insight, he deduced that an increase in atmospheric carbon dioxide concentration would benefit mankind by enhancing the growth of plants.

Anyone repeating Arrhenius's conclusion today risks being branded as a 'science denier' by some of the more committed proponents of the dangers of AGW. This group, which tends to see the spectre of global warming in almost every adverse weather event, has arguably had a disproportionate influence on the climate debate because influential elements of the media often conflate, or otherwise fail to sufficiently emphasize the distinction between, their views on global warming and the more nuanced opinions of careful scientists.<sup>2,3,4,5</sup>

This paper will further explore Arrhenius's notion that, apart from its effects on climate, the direct effects of higher carbon dioxide levels may benefit mankind and the natural world. This is a departure from the vast majority of papers on global warming impacts, which focus instead on the potential damage from higher carbon dioxide levels. Based on the sheer volume of such papers, many believe that anthropogenic

greenhouse gas (GHG) emissions will result in rapid warming, that we are already witnessing its impacts, that these impacts are overwhelmingly negative, and that they will only worsen over time.<sup>6,7,8,9,10,11</sup> The alleged impacts include escalating hunger, increases in malaria and other vector-borne diseases, accelerating sea-level rise, more frequent and intense heat waves, storms, droughts, floods and other extreme events, diminished access to water, and species extinctions. These impacts will, it is claimed, reinforce each other, impoverishing populations and leading to a downward spiral in human and environmental wellbeing, which would be further exacerbated as people try to escape their fate through migration or by resorting to force to obtain food and water, the basic necessities of life.

But, as will be shown in Part II of this study, there is little or no empirical evidence that the warming that has occurred – or any changes it may have caused – since the end of the last ice age or since the putative start of manmade warming around 1950 is actually causing net harm or diminishing human or environmental wellbeing. Yes, there have been changes, but a change is not necessarily detrimental. In fact, the changes have frequently been beneficial, as will be discussed in Section 7, which deals with trends in various climate-sensitive indicators of human and environmental wellbeing. Yet these are routinely ignored in discussions of manmade global warming.

This paper argues that the benefits of increasing carbon dioxide have been underestimated, that the risks from increasing carbon dioxide have been overestimated, and that carbon dioxide emission reduction policies will start to reduce the benefits of higher carbon dioxide concentrations immediately, without reducing climate change and its associated costs until much later, if at all.

## **2 Impacts of carbon dioxide on biological productivity**

### **Evidence for enhanced plant growth**

That carbon dioxide is plant food has been known since the publication in 1804 of Nicolas-Théodore de Saussure's *Recherches Chimiques sur la Végétation*.<sup>12</sup> Thousands of experiments since then have shown that the majority of plants grow faster and larger, both above and below ground, if they are exposed to higher carbon dioxide concentrations. The owners of commercial greenhouses routinely pump in carbon dioxide so as to enhance the growth rates of plants, and the optimal level for plant growth is considered to be between 700 and 900 parts per million (ppm),<sup>13</sup> roughly twice today's ambient concentration of 400 ppm. However, plants may continue to respond positively at even higher carbon dioxide levels. For some species such as loblolly pine<sup>14</sup> and cuphea,<sup>15</sup> growth tops out at around 20,000 ppm or more. Indeed, it has been shown that the addition of supplemental carbon dioxide to a greenhouse

enhances the growth of lettuces even if the temperature of the greenhouse is lowered, thus causing a net decrease in the carbon footprint of the operation.<sup>16</sup>

A database of peer-reviewed papers assembled from studies of the effect of carbon dioxide on plant growth by the Center for the Study of Carbon Dioxide and Global Change (CSCDGC) shows that for the 45 crops that account for 95% of global crop production, an increase of 300 ppm of carbon dioxide would increase yields by between 5% and 78%.<sup>17</sup> The median increase for these crops was 41% and the production-weighted yield increase was 34.6%.

Experiments also show that the benefits of carbon dioxide for plants are not restricted to faster and greater growth; the efficiency with which they consume water is also increased. Consequently, all else being equal, under higher carbon dioxide conditions, less water is needed to increase a plant's biomass by any given amount. In other words, higher carbon dioxide levels increase plants' ability to adapt to water-limited (or drought) conditions, precisely the conditions that some environmentalists claim are already occurring – notwithstanding the finding of the Intergovernmental Panel on Climate Change (IPCC) to the contrary – or will occur in the future.

A recent experimental study on grasslands found that elevated levels of carbon dioxide further lengthened the growing season under warming conditions.<sup>18</sup> The reason for the increased adaptability is that the size and density of stomata – tiny pores on the underside of leaves, which allow air, water vapour, and other gases to enter and leave the plant – are typically reduced as carbon dioxide levels increase. Thus higher carbon dioxide levels reduce water loss from the leaves. For the same reason, higher carbon dioxide levels reduce the rate at which ozone and other gases toxic to plants enter the plant, reducing the damage they inflict. In fact, Taub, in a summary article notes, 'Across experiments with all plant species, the enhancement of growth by elevated carbon dioxide is much greater under conditions of ozone stress than otherwise'.<sup>19</sup>

The IPCC AR5 WGI report acknowledges that '[f]ield experiments provide a [sic] direct evidence of increased photosynthesis rates and water use efficiency...in plants growing under elevated carbon dioxide'.<sup>20</sup> It also notes that this effect occurs in more than two thirds of the experiments and that net primary productivity (NPP) increases by about 20–25% if carbon dioxide is doubled relative to the pre-industrial level.<sup>21</sup> Previously it had been argued that these increases might not be sustainable over the long term, but AR5 reports that new experimental evidence from long-term free-air carbon dioxide enrichment (FACE) experiments in temperate ecosystems show that these higher rates of carbon accumulation can be sustained for 'multiple years'.<sup>22</sup>

In AR5, the IPCC says that the reduced carbon dioxide fertilisation effect seen in some experiments and the complete absence in others is 'very likely' due to nitrogen limitation in temperate and boreal ecosystems, and phosphorus limitation in the tropics, with a possible effect due to interaction with deficiencies of other micronu-

trients such as molybdenum.<sup>23</sup> The report concludes, ‘...with high confidence, the carbon dioxide fertilisation effect will lead to enhanced NPP, but significant uncertainties remain on the magnitude of this effect, given the lack of experiments outside of temperate climates’.

But the IPCC protests too much. It overstates the uncertainty regarding the magnitude of the effect under *real world* conditions. Consider managed ecosystems, particularly agriculture and forestry. Nutrient and micronutrient deficiencies are among the many routine challenges faced by farmers and foresters. Managing them is not *terra incognita*. Moreover, adaptations to cope with such deficiencies become more likely as technology inexorably advances and societies become wealthier, as indeed they are projected to become under all IPCC emission scenarios.<sup>24,25</sup> Therefore, farmers and foresters should be able to adapt successfully, unless some technologies are foreclosed under a perverse application of the precautionary principle.<sup>26</sup> Such perversity, however, cannot be ruled out given the antipathy of many environmentalists towards biotechnology. Foreclosing options such as genetically modified (GM) crops that would be more resistant to drought, water logging, or other adverse conditions will increase the likelihood that environmentalists’ warnings – that AGW will lower food production and increase hunger – become self-fulfilling prophecies.

It has also been suggested that carbon dioxide enrichment inhibits the assimilation of nitrate into organic nitrogen compounds, which then may be largely responsible for carbon dioxide acclimation, and a decline in photosynthesis and growth of C3\* plants, as well as a reduction in protein content because of the resulting increase in the carbon/nitrogen ratio.<sup>27,28,29</sup> While the precise cause(s) and biochemical pathway(s) responsible for such acclimation are still being investigated, several approaches have been proposed to limit, if not overcome, such acclimation. These include making more nitrogen available to the plant to match the increase in carbon, for example through increased nitrogen fertilisation, greater reliance on ammonium rather than nitrate fertilizers, or improving nitrogen uptake and nitrogen-use efficiency through the development of new crop varieties via conventional breeding or bioengineering.<sup>30,31</sup>

## **Present-day contribution of carbon dioxide to increases in crop yields**

If more carbon dioxide increases the productivity of plants, how much have crop yields increased so far because of carbon dioxide increases since pre-industrial times?

---

\* The plant kingdom can be divided categorised according to how a species fixes carbon during photosynthesis. C3 is the most common category, including trees, and important crops such as rice, wheat, barley, potatoes and soy. Maize and sugarcane are C4.

Currently, the carbon dioxide level is at 400 ppm (0.04%). By comparison, the pre-industrial level is estimated to have been 277 ppm (0.028%).<sup>32</sup> If one assumes that the carbon dioxide fertilisation effect on productivity increases linearly, then the AR5 estimate of a 20–25% yield increase for a doubling of carbon dioxide levels since pre-industrial times translates into a 9–11% yield increase so far. Alternatively, a 34.6% increase in yield from a 300-ppm increase in carbon dioxide concentration, as calculated by the CSCDGC,<sup>†</sup> translates into a 15% yield increase due to anthropogenic emissions to date. These are underestimates if the growth response to increasing carbon dioxide levels bends downwards at higher concentrations.

These estimates suggest that a portion of the crop yield increases seen in recent decades, which most observers credit to technological change, should actually be credited to carbon dioxide fertilisation. A recent econometric analysis, which pooled sixty years of historical data on US crop yields with output from FACE trials and records of temperature, precipitation, and carbon dioxide levels, estimated that significant proportions of observed yield increases could be attributed to carbon dioxide rather than technological change (see Table 1).<sup>33</sup> These estimates suggest that the beneficial effect of carbon dioxide could be even greater than the 9–15% yield increase estimated by CSCDGC.

**Table 1:** Proportion of yield increases attributable to carbon dioxide

<b>Crop</b>	<b>Proportion %</b>
Cotton	51
Soybeans	15
Wheat	17
Corn	9
Sorghum	1

The same study also found that higher carbon dioxide levels are associated with lower variation in yields for each crop. This is consistent with the notion that increased carbon dioxide levels reduce the sensitivity of yield to other factors (e.g. water shortages and air pollution). All else being equal, lower variation translates into a more stable supply of food, as well as more stable food prices, which benefits all consumers everywhere.

Idso (2013) has attempted to translate these yield increases into a monetary value. He finds that over 50 years the extra produce grown by farmers has been \$274 billion for wheat, \$182 billion for maize and \$579 billion for rice, and that the current value of the carbon dioxide fertilisation effect on all crops is currently about \$140 billion a year. Of course, these numbers cannot be precise, but note that they are based on actual

<sup>†</sup> See p. 5

experimental data and existing yields, so they are far less speculative than monetary measures of the harm due to future climate change and its impacts on food security using models that have not been externally validated (see Section 8).<sup>34</sup>

## **Impact of carbon dioxide enrichment on pests and weeds**

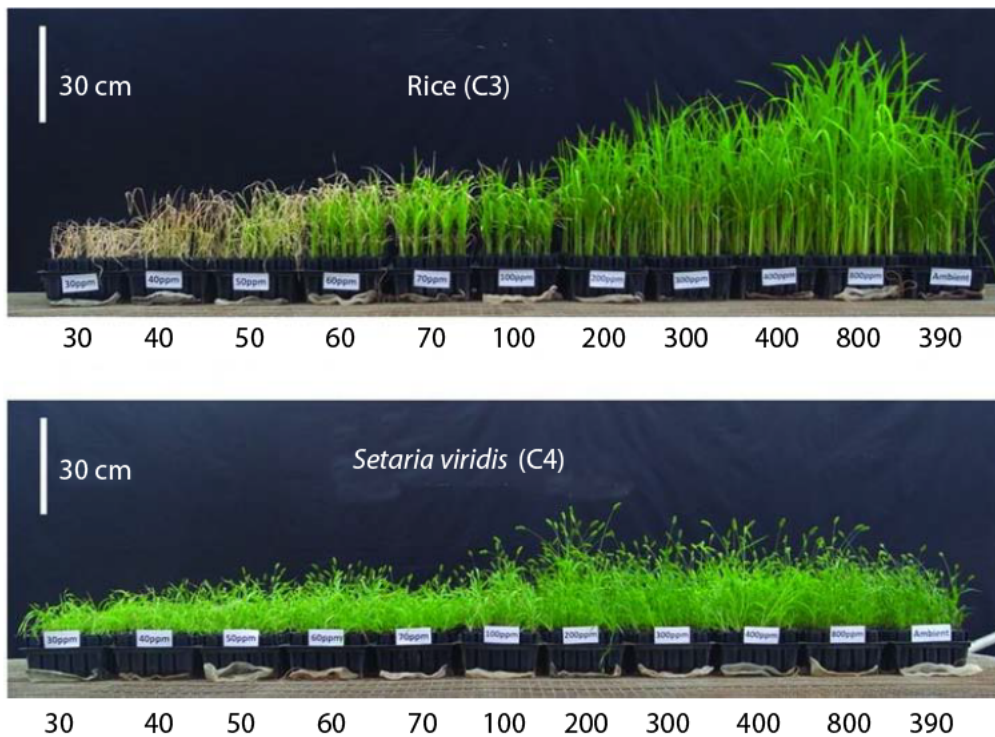
All crops are engaged in a battle of attrition with fungal parasites, insect predators and plant competitors, among other pests. Human intervention to help the crops prevail, using pesticides, genetic modification or by changing agronomic practices, is the main determinant of how much of the crop is lost. However, it is possible that carbon dioxide enrichment can improve the capacity of plants to resist pests.<sup>35</sup> Insects do not grow faster in higher concentrations of carbon dioxide, and while some experiments show that carbon dioxide enrichment reduces crop resistance to pathogens,<sup>36</sup> others show that it can help crops resist such enemies. For example, in one experiment doubling carbon dioxide levels in the air fully compensated for any growth reduction caused by a fungal pathogen in tomatoes.<sup>37</sup> In another study, the parasitic weed *Striga hermonthica*, which devastates many crops in sub-Saharan Africa, was shown to do only half as much damage to rice yields when carbon dioxide concentrations are doubled.<sup>38</sup>

In another study, higher carbon dioxide levels were found to enhance the production of phenolic compounds in rice and, since these are known to inhibit the growth of the most noxious weeds in rice fields, the authors conclude that the rise in the air's carbon dioxide concentration may well 'increase plant resistance to specific weeds, pests and pathogens'.<sup>39</sup>

Moreover, many crops are C3 plants and many weeds are C4 plants, which respond less to carbon dioxide enrichment. Thus as carbon dioxide levels rise, C3 crops may enhance their growth rates more than C4 weeds do. A Chinese experiment tested this idea by enriching carbon dioxide levels over plots of rice to almost twice the ambient level. This enhanced the ear weight of the rice by 37.6% while reducing the growth of a common weed, barnyard grass, by 47.9%, because the faster-growing rice shaded the weeds.<sup>40</sup> Figure 1 illustrates the differing responses to elevated carbon dioxide concentrations of rice, a C3 plant, and the green foxtail *Setaria viridis*, a grass sometimes proposed as a genetic model system to study C4 photosynthesis.<sup>41,42</sup> It is worth noting that the vast majority of plants are C3, perhaps because higher carbon dioxide levels are more the norm in Earth's history.

## **Contribution of carbon dioxide to increases in biological productivity in unmanaged ecosystems**

As early as 1985, Bacastow and colleagues detected a steady increase in the amplitude of seasonal variation in the carbon dioxide levels in the northern hemisphere,<sup>43</sup>

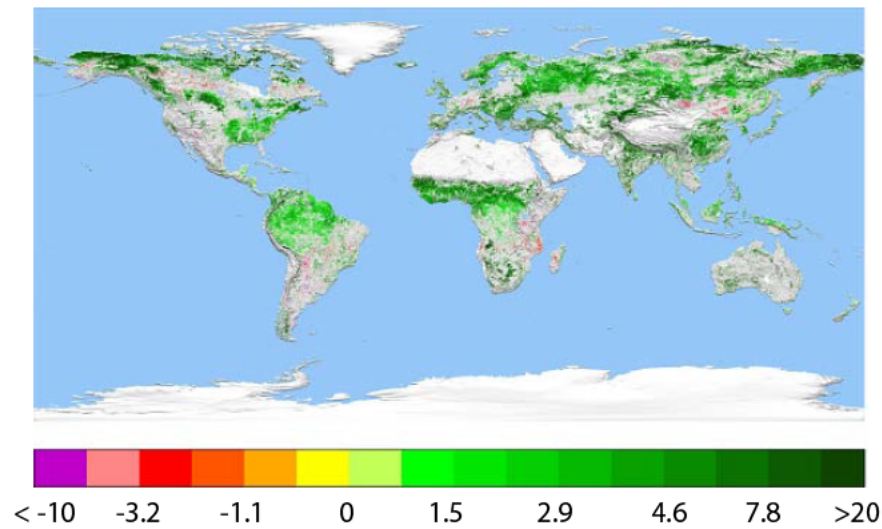


**Figure 1: Carbon dioxide fertilisation of C3 crop and C4 weed**

Source: von Caemmerer et al. (2012).

and deduced that it implied an increase in summer vegetation. This was the first hint of global greening, a phenomenon now established by satellite observations. More recent aircraft-based observations of carbon dioxide above the north Pacific and the Arctic Ocean indicate that between 1958–61 and 2009–11 the seasonal amplitude at altitudes of 3–6 km increased by 25% for the northern hemisphere from 10°N to 45°N, and 50% from 45°N to 90°N.<sup>44</sup> Satellite observations confirm that the increase in greenness of the globe is not confined to managed ecosystems (such as croplands), but is happening in unmanaged and lightly managed ecosystems too. Trend analysis of global greenness using satellite data indicates that from 1982 to 2011 – a period during which atmospheric carbon dioxide concentration increased by 15% – 31% of the global vegetated area became greener while 3% became less green (see Figure 2).<sup>45</sup>

The productivity of global ecosystems has increased by 14% in aggregate. Notably, all vegetation types have greened,<sup>46</sup> including tropical rain forests, deciduous and evergreen boreal forests, scrubland, semi-deserts, grasslands and all other wild ecosystems, including those that do not even have indirect input of man-made nitrogen fertilizer. Some ecosystems show a relatively poorer response in NPP at higher



**Figure 2: Greening of the Earth, 1982–2011**

Trends in gross annual productivity per decade in percentage terms.  
Source: Zhu & Myneni 2014

carbon dioxide levels. The progressive nitrogen limitation (PNL) hypothesis<sup>47</sup> argues that this is due to nitrogen deficiency. However, the human activities that are major emitters of greenhouse gases – fossil fuel consumption and the use of nitrogen fertilizers for agriculture – also emit so-called ‘reactive’ nitrogen, which can be used directly or indirectly by biological organisms to grow. The concentration of N<sub>2</sub>O has risen by 7% over those 30 years. However, the evidence regarding the PNL hypothesis is mixed.<sup>48,49,50,51,52,53,54</sup>

The increased greening detected via satellite and aircraft measurements is consistent with the increases in crop yields seen over the past 50 years or more,<sup>55,56</sup> but also with a bottom-up estimate of changes in the amount of carbon sequestered in forests.<sup>57</sup> These forest stock-and-flux estimates are derived from on-the-ground forest inventory data and long-term ecosystem carbon studies, and represent 3.9 billion hectares of global forests, or 95% of the total. They indicate that from 1990 to 2007 forests served as a net carbon sink, to the tune of 1.1 Pg C per year.<sup>‡</sup>

Other long-term on-the-ground observational records also find increased forest growth. For example, an analysis of data from unmanaged or lightly managed stands in central European forests, going back in some instances to 1870,<sup>§</sup> indicates that the volume of 75-year-old stands of the dominant tree species grew 10–30% faster in 2000 than in 1960.<sup>58</sup> The standing stock volumes were also greater in 2000 than in

<sup>‡</sup> One petagram (1 Pg) is equal to one trillion kilograms.

<sup>§</sup> Norway spruce and European beech.



1960, by 6–7%. Similarly, data ranging over 5–18 years indicate that carbon uptake increased in six out of seven forests across the northeast and midwest United States.<sup>59</sup>

However, the 14% increase in global vegetation cannot be attributed entirely to higher carbon dioxide levels and nitrogen deposition: part of it could also be due to a more equable climate for plant growth, possibly because of AGW.

Donohoe et al. analyzed satellite observations after first processing them to remove the effect of variations in rainfall.<sup>60</sup> Their results showed that the vegetation cover across arid environments, where water is the dominant constraint to growth, increased by 11% during the period 1982–2010, largely because of increased water-use efficiency by plants at higher carbon dioxide concentrations. Unfortunately, estimates of productivity increases solely from carbon dioxide increases are not available for other ecosystems or the globe as a whole.

Of course, increases in plant production are likely to result in increases in aggregate animal biomass too.

In summary, higher carbon dioxide levels increase both crop yields and biosphere productivity more generally.

### **3 Ancillary benefits of increased biospheric productivity**

#### **Improved human wellbeing**

Higher agricultural yields reduce food prices in general. This provides a double dividend for humanity. Firstly, it reduces chronic hunger, but secondly a reduction in chronic hunger is the first step toward improvements in public health.<sup>61,62</sup>

#### **Reduced habitat loss and pressure on biodiversity**

No less important, higher yields also provide a double dividend for the rest of nature. Firstly, they free up habitat for the rest of nature, which reduces the pressure on ecosystems. Had it not been for the increase in yields of 9–15%, global cropland would have had to be increased by a similar amount to produce the same amount of food, all else being equal. That figure means that an area equivalent to the combined area of Myanmar, Thailand and Malaysia has been saved from the plough. Secondly, land that has not been appropriated by humans also produces more food for other species. Consequently, this increases the aggregate biomass – that is, the product of number of species and representatives of each species – that the planet can sustain.

How much would the food available for other species have decreased in the absence of anthropogenic increases in atmospheric carbon dioxide? To calculate this figure, assume that:

- the productivity of unmanaged ecosystems also increased by 9–15% because of higher carbon dioxide concentrations (as estimated for crops)
- human beings currently ‘appropriate’ 25% of the earth’s NPP.<sup>63</sup>

Therefore, had there been no anthropogenic increase in carbon dioxide, satisfying current human demand for food, timber, feed for domesticated animals and other plant-derived product would have required the share of NPP available for the rest of nature to decline by 11–17%. Alternatively, if one assumes that human beings currently use 40% of global NPP<sup>64</sup> and retain the other assumptions intact then the present share of NPP available for the rest of nature would have had to decline by 14–22%. In either case, in the absence of any carbon dioxide fertilisation there would have been a significant increase in the number of species at risk of extinction.

Notably, one of the factors invoked to explain the latitudinal gradient in biodiversity –the greater abundance of species as one moves from the poles to the tropics – is greater ecological productivity.<sup>65</sup> It has also been suggested that an even more important factor might be that metabolic and other processes speed up as temperatures increase, consistent with the Arrhenius rate equation.<sup>66,67</sup> Whatever the explanation, it reminds us that in a world with higher temperatures, at the very least the higher latitudes would support more biomass, other things being equal. The increasing amplitude of the seasonal variation in atmospheric carbon dioxide in these areas is one manifestation of this.<sup>68</sup>

## **4 Impacts of higher carbon dioxide on water availability and irrigation requirements**

It is generally expected that, if the globe warms, evaporation will increase, which should increase the amount of moisture in the atmosphere if relative humidity stays constant, as is generally assumed in climate models. Note, however, that long-term trends in pan evaporation from many areas around the world contradict this assumption.<sup>69</sup> More moisture in the atmosphere ought to increase total precipitation over the Earth’s surface. However, the increased precipitation would be distributed unevenly, so some areas could become wetter, others drier. To exacerbate matters in the latter areas, the increased evaporation should reduce soil moisture, which could reduce the growth of vegetation and crop yields in rain-fed areas, and increase irrigation demand elsewhere. Increased evaporation should also reduce runoff, which would mean a reduction in water available for other human uses. However, each of these negative impacts may be partly, if not wholly, counteracted by the fact that higher carbon dioxide levels, by reducing the size of stomata, generally increase the water-use efficiency of plants. This should enable them to better cope with reduced soil moisture, reduce irrigation demand and, unless increased plant growth compen-

sates for the increased water-use efficiency, increase runoff. Further complicating the overall picture are factors such as the variation of water-use efficiency with nutrient availability, the amount of sunlight exposure, and precipitation, and also the fact that stomatal density usually declines as atmospheric carbon dioxide increases.<sup>70,71</sup>

Analyses of changes in the ratio of carbon isotopes in woody species over time suggest that intrinsic water-use efficiency has increased in many species in recent decades but has plateaued in others and even declined in some instances.<sup>72</sup> A recent study of unmanaged forest sites in the USA and elsewhere around the Northern Hemisphere found that carbon uptake and water-use efficiency had increased at the majority of sites.<sup>73</sup> Increases in the water-use efficiency exceeded projections by a range of biosphere models. Other studies have produced similar results for water-use efficiency:

- increases of 34–52% for two tropical forest species in Brazil from 1850–2000;<sup>74</sup>
- an increase of 29% for rainforest trees in Sabah, Malaysia;<sup>75</sup>
- an increase of 5–20% from 1974–2003 in a pine forest in the dry Mediterranean (Israel);<sup>76</sup>
- an increase of 12% from pre-industrial to post-industrial times in a pine species in Finland.

However, a study of dwarf birch in Sweden and Finland found a plateauing rather than an increase.<sup>77</sup>

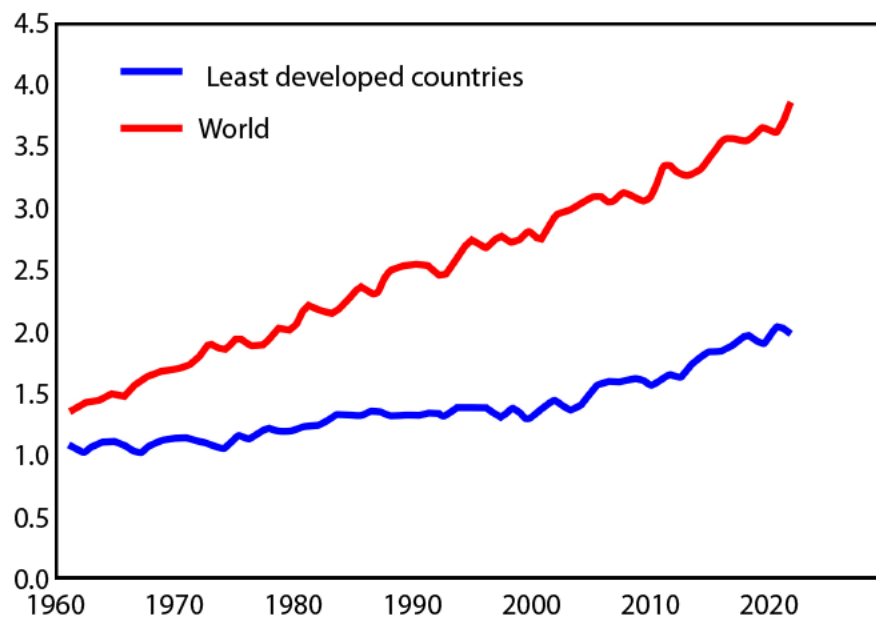
In many cases, growth increases along with water-use efficiency, but there are exceptions.<sup>78</sup> An analysis of data from 47 study sites around the world found that from the 1960s to the 2000s, a period during which carbon dioxide concentrations increased by 50 ppm, intrinsic water-use efficiency in boreal, wet temperate, Mediterranean, semi-arid and tropical biomes increased by 20.5%.<sup>79</sup> However, for the 35 sites for which growth data were estimated, half showed a positive trend in growth, a third showed negative growth and the remainder showed no growth. According to the authors, this could have been due to drought, nutrient limitation or photosynthetic acclimation to carbon dioxide.

Regardless of whether, how and under what conditions carbon uptake and water-use efficiency are related, global ecosystem productivity increased by 14% from 1982–2011 (Figure 1),<sup>80</sup> while vegetation cover increased by 11% in *arid* areas from 1982–2010.<sup>81</sup> And with regard to agricultural productivity, global crop yields have increased. For instance, from 1961 to 2013, cereal yields per hectare increased by 85% in the least developed countries and 185% worldwide. These yield increases show no sustained sign of decelerating (Figure 3).

It is unclear whether the increases in water-use efficiency have helped increase runoff and water availability for human uses.<sup>82</sup> This is because changes in runoff can result from changes in a host of factors in addition to the physiological and morphological responses of stomata due to increased carbon dioxide.<sup>83,84</sup> These include:

- changes in meteorological and climatic factors, such as precipitation, temperature, humidity, solar radiation and wind speed
- changes in land use and land cover
- other human modifications to adapt to or cope with water-related problems, or take advantage of any opportunities.

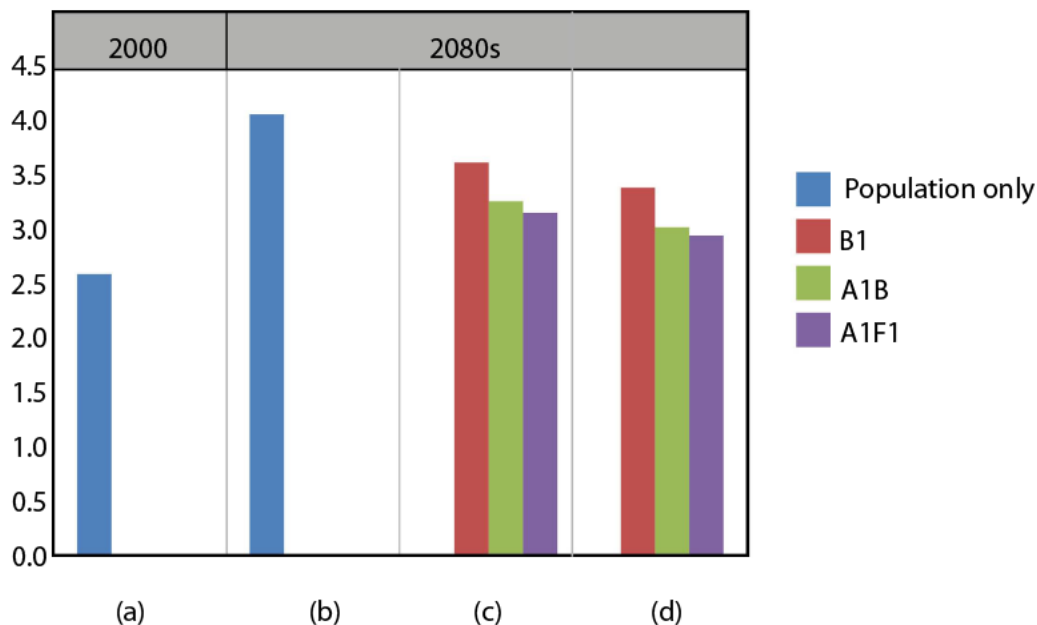
Thus attributing runoff changes, if any, to carbon dioxide relies on computer modelling,<sup>85,86,87</sup> but the results are fraught with uncertainty. Nevertheless, some studies indicate that, all else being equal, higher water-use efficiency could in the future reduce global irrigation demand and increase global runoff, which should reduce water stress.<sup>88,89,90,91</sup> However, none of these studies included any allowance for human adaptation, so they exaggerate the net negative impact (and understate the positive). Konzmann et al. estimate that by the 2080s global irrigation demand will decline by '~17% in the ensemble median, due to a combination of beneficial carbon dioxide effects on plants, shorter growing periods and regional precipitation increases'. With respect to water availability, Wiltshire et al. estimate that the net global population at risk of high water stress will increase from 2.6 billion in 2000 to 4.1 billion in the 2080s because of population growth alone. However, under the IPCC's A1FI scenario (the one with the fastest warming), they expect this number to be reduced to 3.2 billion because of climate change (but ignoring the direct effects of carbon dioxide; see



**Figure 3: Cereal yields, 1961–2013**

Tonnes per hectare. Source: FAOSTAT, October 6, 2014.

Figure 4).<sup>92</sup> Direct carbon dioxide effects should further reduce the net population at risk of high water stress, to 2.9 billion. Notably, as indicated by Figure 4, the warmer the scenario, the greater the reduction in the population at risk of water stress from climate change alone. Similarly, the higher the carbon dioxide levels, the greater that reduction.



**Figure 4: Population at risk of high water stress in the 2080s**

Billions at risk. (a) Baseline per 2000, (b) For 2080 – no climate change but with increased population. (c) For 2080 – increased population and increased temperature. (d) Population, climate and carbon dioxide levels are different from 2000 levels. The B1, A1B and A1FI scenarios correspond to global temperature increases in the 2080s of the order of 1°C, 2°C, and 3°C above the 2000 levels, respectively. Source: Wiltshire et al. (2013).

## 5 Impacts of higher carbon dioxide levels on marine life

Increasing carbon dioxide levels in the atmosphere clearly increase the growth rate of land plants, other things being equal. Is the same true for marine photosynthesisers such as algae, phytoplankton and symbiotic zooxanthellae in corals? Carbon dioxide dissolves in seawater and there is good evidence that this causes enhanced growth rates in many taxa. This is despite the fact that dissolved carbon dioxide forms bicarbonate ions, which slightly decrease the pH of the water, leading to what is often

inaccurately called 'ocean acidification'. There is no likelihood of the ocean's average pH getting anywhere near as low as 7 (neutral) because of elevated carbon dioxide concentrations during the next three centuries. Ocean pH currently averages about 8 and is forecast to fall by 0.2 pH units or so during the present century. This change is considerably smaller than the difference in pH between different parts of the ocean, different days in the same part of the ocean, and even different times of day in coral reef lagoons. An examination of upper-ocean pH for a wide variety of ecosystems ranging from polar to tropical, open-ocean to coastal, kelp forest to coral reefs, indicates that variations in month-long pH spanned a range of 0.024 – 1.430 pH units, and found that many organisms 'are already experiencing pH regimes that are not predicted until 2100.'<sup>93</sup> In other words, the projected change in pH is much smaller than the noise in its natural variation. So it is highly speculative that this small long-term trend will bring problems for marine life that are greater than the benefits of extra carbon dioxide for photosynthetic marine organisms and hence the whole marine biosphere.

Here follow some examples of studies finding positive or neutral impacts of lower pH on different groups of marine photosynthesisers:

**Coccolithophores** Iglesias-Rodriguez et al. found evidence that 'calcification and net primary production in the coccolithophore species *Emiliana huxleyi* are significantly increased by high carbon dioxide partial pressures' in the laboratory while 'field evidence from the deep ocean is consistent with these laboratory conclusions, indicating that over the past 220 years there has been a 40% increase in average coccolith mass.'<sup>94</sup> Coccolithophores are among the most abundant phytoplankton in the oceans. Notably, Duarte et al. classify the evidence for a decline of calcifiers due to ocean acidification for this century as weak.<sup>95</sup>

**Diatoms** In diatoms, 'no significant change in the yield was found between the low and high carbon dioxide levels' and 'increased dissolved carbon dioxide concentration did not affect the mean cell size and cell volume of *Phaeodactylum tricornutum*'.<sup>96</sup>

**Foraminifera** Vogel and Uthicke found that 'the species investigated were still able to build up their calcite skeletons in carbon dioxide conditions predicted for the year 2100 and beyond', and 'contrary to expectations, *M. vertebralis* showed significantly increased growth rates in elevated carbon dioxide.'<sup>97</sup>

**Marine algae and other marine plants** In marine algae, many studies find that enhanced carbon dioxide results in faster growth. In other marine plants such as eel-grasses, Palacios and Zimmermann concluded that 'ocean acidification will stimulate seagrass biomass and productivity, leading to more favorable habitat and conditions for associated invertebrate and fish species.'<sup>98</sup> Indeed, according to Hendriks et al, the carbon dioxide fertilisation effect might reverse acidification: 'sea-grass photosynthetic rates may increase by 50% with increased carbon dioxide, which may deplete

the carbon dioxide pool, maintaining an elevated pH that may protect associated calcifying organisms from the impacts of ocean acidification,<sup>99</sup> at least in their vicinity.

Thus for many primary producers in the ocean, increased levels of dissolved carbon dioxide will stimulate ecosystem productivity with positive implications for the food chain. Studies suggest that this effect will probably outweigh any drawbacks from slightly lower pH.

Could the same be true for corals? Corals build reefs by calcification, depositing calcium carbonate in their skeletons. This process is energetically costly and the energy cost increases at lower pH. However, the energy is supplied by symbiotic zooxanthellae in the corals, which photosynthesise.<sup>100</sup> Thus the limiting factor on coral growth may be biological rather than chemical. Muscatine et al. conclude that 'symbiotic algae may control calcification by... modification of physico-chemical parameters within the coral polyps'.<sup>101</sup> This could explain why the growth rate of coral reefs shows no signs of declining as predicted. As Kleypas et al. argue with respect to benthic corals, '[t]he drawdown of total dissolved inorganic carbon due to photosynthesis and calcification of reef communities can exceed the drawdown of total alkalinity due to calcification of corals and calcifying algae, leading to a net increase in aragonite saturation state'.<sup>102</sup>

The general finding that calcifier organisms do not deposit less calcium when carbon dioxide concentrations increase is borne out by an experimental study by Findlay et al. using three molluscs, one barnacle and a brittle star. They write that 'contrary to popular predictions, the deposition of calcium carbonate can be maintained or even increased in acidified seawater'.<sup>103</sup> Similarly, a 'field growth experiment revealed seven times higher growth and calcification rates of [blue mussel *Mytilus edulis*] at a high carbon dioxide inner fjord field station... in comparison to a low pCO<sub>2</sub> outer fjord station...'.<sup>104</sup>

Recent laboratory experiments to investigate the variation in the coral calcification rate of the scleractinian coral *Siderastrea siderea* – an abundant reef-builder in the Caribbean Sea – with warming and changes in pH found that under a more-or-less constant temperature of 28°C, calcification rates increased as atmospheric carbon dioxide was increased from near-pre-industrial levels of 324 ppm to 447 ppm, remained relatively unchanged at the predicted end-of-century value of 604 ppm and then returned to near-pre-industrial rates at 2500 ppm.<sup>105</sup> It also found that while holding the carbon dioxide level at 488 ppm, calcification rates increased as the temperature increased from 25°C to 28°C, but it declined by 80% when temperature was increased to 32°C. These results suggest that rapid ocean warming will pose a threat to *S. siderea* in the longer term but that ocean acidification will be little or no threat for several centuries. Moreover, the experimentally determined calcification rates might have been adversely affected by the disruption to the coral due to the need to cut,

transplant and prepare it for analysis. No less important is the fact that the changes in pH and temperature were imposed over a period of just a few months. In the real world such changes would occur over a century or more, which means some adaptation cannot be precluded, for example via symbiont shuffling.<sup>106</sup>

By far the largest peer-reviewed meta-analysis of the effect of ocean acidification upon marine life came to a strikingly unfashionable conclusion. Hendriks et al. studied the results of 372 experiments involving raised carbon dioxide levels on 44 species and found 'limited experimental support' for the theoretical predictions of negative impacts of ocean acidification. Marine organisms, they conclude, are 'more resistant to ocean acidification than suggested by pessimistic predictions...,' and thus this phenomenon 'may not be the widespread problem conjured into the 21st century'.<sup>107</sup>

Although some corals are growing more rapidly because of increases in calcification rates perhaps due to, rather than despite, higher sea surface temperatures<sup>108</sup> and, possibly, higher carbon dioxide levels, in other areas they are being lost or degraded. The primary causes for the loss, however, are overfishing, pollution, coastal development, and dredging and blasting rather than manmade global warming.<sup>109,110</sup>

## **6 Conclusion to Part I**

Both satellite and in situ data show that biological productivity has increased globally for a broad range of managed, lightly managed and also unmanaged ecosystems. Although this increase is not universal, in aggregate increased biological productivity has increased food resources per acre over what they would be otherwise for both human beings and the rest of nature. Consequently, the earth is greener, farms are more productive, and the planet can support both a larger biomass and more human beings, precisely as surmised by Arrhenius over a century ago.



## **Part II**

# **Human and environmental wellbeing**



## 7 Empirical trends in climate-sensitive indicators of human wellbeing

Do the benefits of higher carbon dioxide concentrations identified in Part I translate into net benefits for humanity and the environment, or are they overwhelmed by the harmful effects of carbon dioxide? The benefits for the environment have been discussed in Sections 2 and 5. What follows is a brief discussion that compares some major claims<sup>111</sup> about the adverse impacts of global warming on human beings with empirical reality.

### Crop yields

Crop yields have increased (see Figure 3) and global food production, far from declining, has actually increased in recent decades. Between 1990–92 and 2011–13, although global population increased by 31% to 7.1 billion, available food supplies increased by 44%. Consequently, the population suffering from chronic hunger declined by 173 million despite a population increase of 1.7 billion.<sup>112</sup> This occurred despite the diversion of land and crops from production of food to the production of biofuels. According to one estimate, in 2008 such activities helped push 130–155 million people into absolute poverty, exacerbating hunger in this most marginal of populations. This may in turn have led to 190,000 premature deaths worldwide in 2010 alone.<sup>113</sup> Thus, ironically, a policy purporting to reduce AGW in order to reduce future poverty and hunger only magnified these problems in the present day.

### Sea levels

Sea level has risen about 400 feet in the past 20,000 years, and continues to rise, albeit much more slowly than in many times past. That it continues to rise today is unremarkable. Its rise indeed signals a global warming, but not necessarily *anthropogenic* global warming. Anthropogenic global warming should cause an acceleration in sea-level rise but several observational studies have failed to detect one.<sup>114,115,116</sup> IPCC AR5 notes that, 'it is likely that [global mean sea level] rose between 1920 and 1950 at a rate comparable to that observed since 1993'.<sup>117</sup> Some studies actually indicate a recent *deceleration*. For example, Chen et al. find that the global sea level rose at a rate of  $3.2 \pm 0.4$  mm/yr during 1993–2003, but that rate has decelerated since 2004. By 2012, the rate of rise had slowed significantly to  $1.8 \pm 0.9$  mm/yr.<sup>118</sup> Another study, however, suggests that, correcting for interannual variability, there has been no significant change in the rate of SLR.<sup>119</sup> Consonant with this, yet another study indicates that 'it could be several decades before...[there is]...a discernable acceleration in individual tide gauge records'.<sup>120,121</sup>

## Precipitation

According to many climate change activists, wet areas will get wetter while dry areas will get drier.<sup>122,123</sup> Therefore, both floods and droughts should become longer and more intense globally. The IPCC AR5 report confirms that CMIP5 models indicate that this will occur with *high confidence* although it hastens to add that empirical data are 'discordant' and, moreover, 'the models tend to underestimate observed trends in precipitation (Noake *et al.*, 2012) and its observed sensitivity to temperature (Liu *et al.*, 2012)'.<sup>124</sup> (Citations in the original.) The 'discordant' study, a recent analysis of monthly precipitation data over the global land surface from 1940 to 2009, indicates that the dry areas get wetter, while wet areas become drier.<sup>125</sup> Another study, using data from 1940–2005, found that in general there is no relationship one way or another; that is, for the most part dry gets neither drier nor wetter, and neither does wet.<sup>126</sup> Clearly, it is premature to say that 'the science is settled.' Regardless, it is not surprising that, globally, floods and droughts have not followed the climate change script.

## Extreme weather

Although there has been an increase in warm days, accompanied by a decline in cold days, there have been no general increases in the intensity or frequency of other weather extremes, such as hurricanes, tornadoes, floods, or droughts.<sup>127,128,129</sup> Other recent studies confirm this for droughts<sup>130</sup> and floods.<sup>131</sup> Tropical cyclones, a category that includes hurricanes and typhoons, are neither more frequent nor more powerful. Data from 1970 onward indicate that global and Northern Hemisphere accumulated cyclone energy is currently below its long-term average.<sup>132</sup> There has not been a major hurricane landfall in the US since 2005 (as of this writing). Moreover, the average number of strong-to-violent tornadoes over the past few years is lower today than it was in the 1950s, 1960s or early-to-mid-1970s.<sup>133</sup>

More importantly, despite a four-fold rise in population and much more complete reporting of such events, since the 1920s deaths from all extreme weather events, including those caused by extreme heat, have declined by 93%, while death rates have declined by 98%.<sup>134</sup>

There has been no increase in economic losses from extreme weather once one accounts for the growth in aggregate wealth, a factor which automatically increases the economic assets at risk.<sup>135</sup>

## Disease

Claims that vector-borne diseases such as malaria will increase are also not borne out by the facts. The global mortality rate for malaria has declined: from 194 per 100,000

in 1900 to 9 per 100,000 in 2012, a reduction of 95.4%.<sup>136,137</sup> Equally important, it is less prevalent and substantially less endemic in its reduced range.<sup>138</sup>

## **Access to clean water and sanitation**

Despite population increases, the numbers of people with access to cleaner water and improved sanitation have actually increased worldwide.<sup>139</sup> Between 1990 and 2012 an additional 2.3 billion people gained access to safer water, increasing the global population with such access from 75.9% to 89.3%, despite increases in population and any global warming. Over the same period, an additional 2.0 billion people got access to improved sanitation. The benefits of safer water and improved sanitation filter down to improvements in health and life expectancy.

## **Living standards**

Despite claims that human wellbeing will suffer, living standards, measured by GDP per capita, have never been higher globally. Consequently, the absolute poverty rate – the share of population living on less than \$1.25 per day in 2005 dollars – was more than halved between 1981 and 2010. As a result, there were more than 723 million fewer people living in absolute poverty in 2010 than in 1981 although the developing world's population increased by 2,174 million.<sup>140</sup> In low-income countries, life expectancy, probably the single best indicator of human wellbeing, increased from 25–30 years in 1900 to 42 years in 1960 and 62 years today.<sup>141</sup>

# **8 Why are claims of damage failing to materialise?**

Why have the imagined damages from global warming failed to materialize, and why do climate-sensitive indicators of human and environmental wellbeing continue to improve?

## **Reliance on chains of unvalidated models**

### **Chains of models, cascades of uncertainty**

The impacts of global warming are generally estimated using chains of linked computer models. Each chain begins with a climate model, which itself is driven by a set of socioeconomic scenarios based on assumptions for population, economic development and technological change over the entire period of the analysis (often 50–100 years or more). The climate model is followed by various biophysical, economic and other downstream models to estimate changes in different aspects of human

activity or welfare, for example agriculture, forestry, health or biodiversity. The uncertain outputs of each upstream model serve as the inputs of the subsequent downstream model, with the uncertainties cascading down the chain so that the individual streams of uncertainty combine into a regular torrent.

For example, to estimate the impacts on agriculture and food security, the outputs of the climate model are fed into various crop models to estimate yields, which then are linked to economic models to estimate supply and demand for the various crops. Supply and demand are then reconciled via national, regional and global scale trade models.<sup>142</sup> Notably, despite the cascade of uncertainties, to date no climate change impact assessment has provided an objective estimate of the cumulative uncertainty, starting with the socioeconomic scenarios through to the impact estimate. The ranges of uncertainty presented in the IPCC impact reports are generally based on the uncertainties only from using different climate scenarios. But these are much narrower than the true uncertainties that would have been estimated had the full cascade of uncertainties been considered.

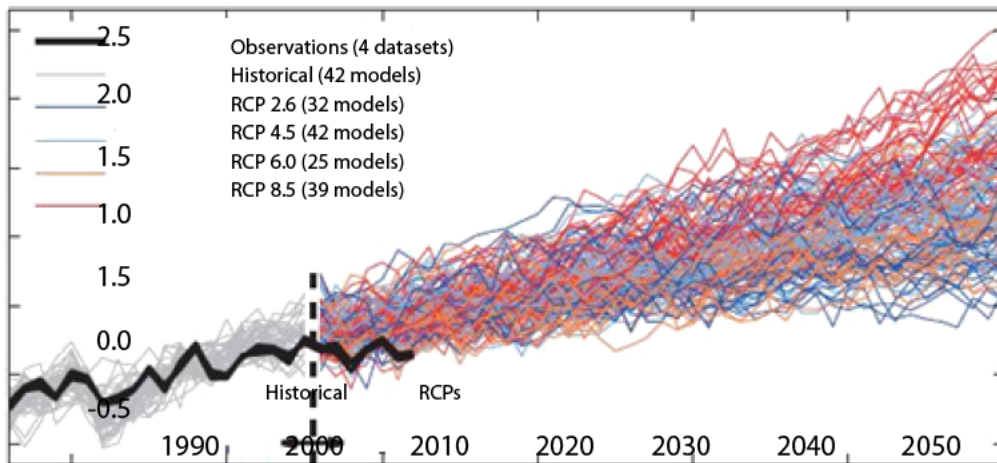
### **Models have not been validated**

One reason that doom-laden predictions about human wellbeing have failed is that orthodox climate scientists have neglected to apply the scientific method: specifically they have not checked their hypotheses and biases embodied in their models against empirical reality. As we have seen, simple reality checks show that environmental and human wellbeing is *not* currently deteriorating. Validation of these models using such reality checks would have limited their divergence from reality, and also reduce the uncertainties that are inevitably compounded as one progresses down the chain of models.

### **Climate models overstate global warming**

Firstly, the global climate has not been warming as rapidly as projected in the IPCC assessment reports. Figure 5 compares observed global surface temperature data from 1986 through 2012 versus modelled results. It confirms that models have been running hotter than reality. But *these* are the projections that governments have relied on to justify global warming policies, including subsidies for biofuels and renewable energy while increasing the overall cost of energy to the general consumer – costs that disproportionately burden those that are poorer.

A comparison of performance of 117 simulations using 37 models versus empirical data from the HadCRUT4 surface temperature data set indicates that the vast majority of the simulations/models have overestimated warming.<sup>143</sup> The models indicated that the average global temperature would increase by  $0.30 \pm 0.02^\circ\text{C}$  per decade during the period from 1993 to 2012 but empirical data show an increase of only



**Figure 5: Models versus reality: global surface temperature anomaly**

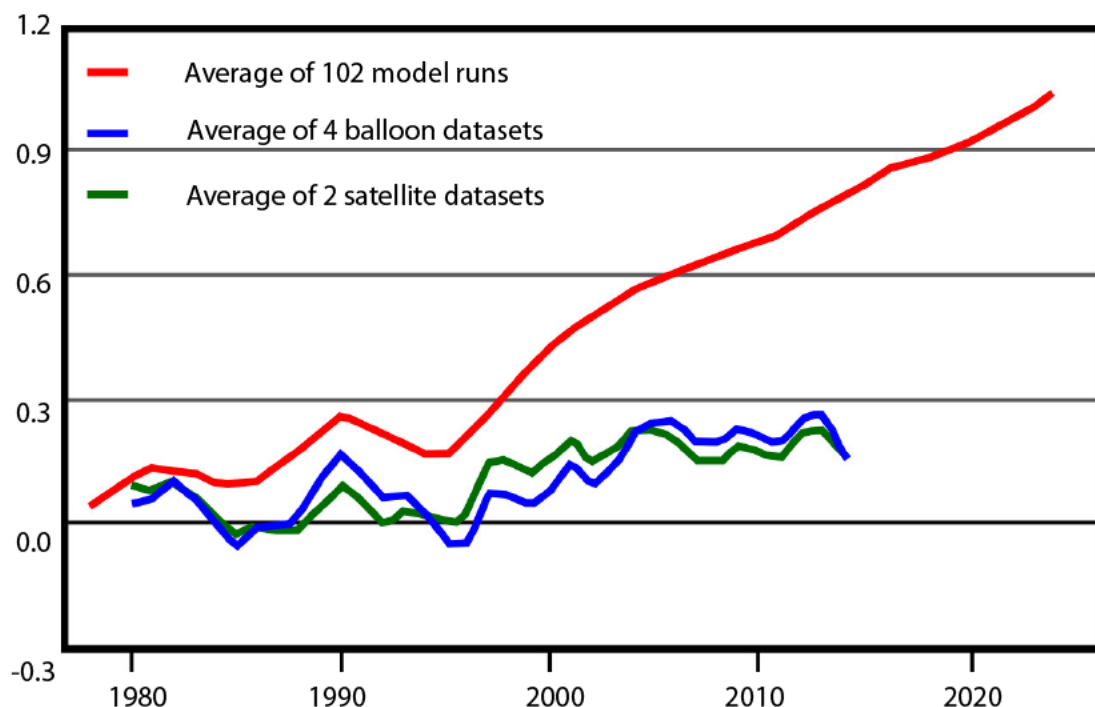
Figures in degrees centigrade. The observations are land-based measurements, 1986–2012. Source: IPCC, AR5 WG1 (2013), p. 1011.

$0.14 \pm 0.06^\circ\text{C}$  per decade.<sup>144</sup> Model performance was even worse for the more recent 15-year period of 1998–2012. Here the average modelled trend was  $0.21 \pm 0.03^\circ\text{C}$  per decade, quadruple the observed trend of  $0.05 \pm 0.08^\circ\text{C}$ . Considering the confidence interval, the observed trend is indistinguishable from no trend at all; that is, warming has, for practical purposes, halted. Even the IPCC acknowledges the existence of this ‘hiatus.’<sup>145</sup> Moreover, the HadCRUT4 temperature database indicates that the global warming rate declined from  $0.11^\circ\text{C}$  per decade from 1951–2012 to  $0.04^\circ\text{C}$  per decade from 1998–2012.<sup>146</sup> This is despite the fact that, per the IPCC, the anthropogenic greenhouse gas forcing for 2010 ( $2.25 \text{ W/m}^2$ ) exceeded what was used in the models for 2010 ( $1.78\text{--}1.84 \text{ W/m}^2$ ) by around 25%.<sup>147</sup>

Some have argued that satellite temperature data should be preferred over surface datasets. In fact, satellite coverage is more comprehensive and more representative of the Earth’s surface than is achievable using surface stations, even if the latter were to number in the thousands. A recent review paper notes that satellites can provide ‘unparalleled global- and fine-scale spatial coverage’ presumably because of ‘more frequent and repetitive coverage over a larger area than other observation means.’<sup>148</sup> In addition, surface measurements are influenced by the measuring stations’ microenvironments, which will vary not only from station to station at any given time, but also over time at the very same station, as vegetation and man-made structures in their vicinity spring up, evolve and change.<sup>149</sup>

Satellite temperature data indicates that the globe has been warming at the rate of  $0.12\text{--}0.14^\circ\text{C}$  per decade since 1979;<sup>150</sup> by contrast, the IPCC assessments over the last 25 years have been projecting a warming trend of  $0.2\text{--}0.4^\circ\text{C}$  per decade.<sup>151,152</sup> The

differences between modelled trends and those from satellites and weather balloons are shown in Figures 6 and 7.<sup>153</sup>

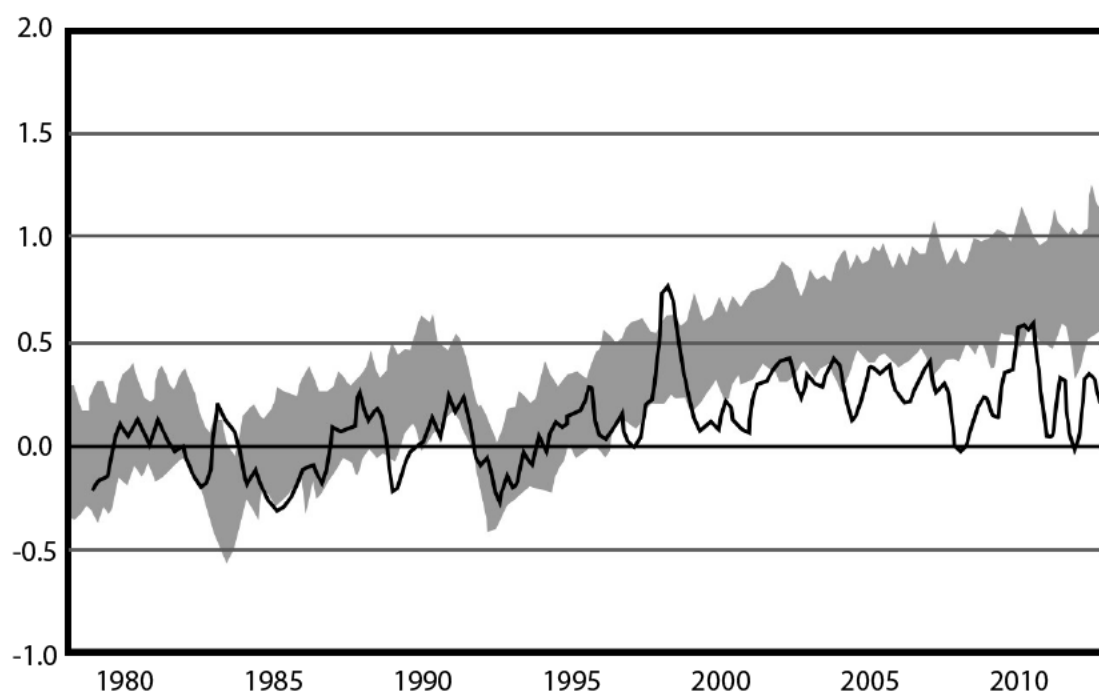


**Figure 6: Models versus reality**

5-year temperature averages (°C) from models versus satellite and balloon data.  
 Source: Redrawn from McNider, Richard, and Christy, John, 'Why Kerry is flat wrong on climate change', *Wall Street Journal*, February 19, 2014.

Nevertheless, based on these chains of unvalidated computer models, orthodox thinkers on climate change claim that global warming will, among other things, lower food production, increase hunger, cause more extreme weather, increase disease, and threaten water supplies. The cumulative impact will, they claim, diminish living standards and threaten species, and if carbon dioxide and other greenhouse gases are not curbed soon, pose an existential threat to humanity and the rest of nature. Some claim it may already be too late.<sup>154</sup> The group 350.org, for instance, agitates for reducing atmospheric carbon dioxide levels, currently at 400 ppm, to 350 ppm, a level the earth last experienced in 1988.<sup>155</sup> But since then, global GDP per capita has increased 60%, infant mortality has declined 48%, life expectancy has increased by 5.5 years, and the poverty headcount has dropped from 43% to 17% despite a population increase of 40%. Nostalgia for a 350 ppm world seems somewhat misplaced, if not downright perverse.<sup>156,157</sup>





**Figure 7: Models versus reality**

Global (80S–80N) departure (°C) from 1979–84 mean temperature of the lower troposphere. Black line: satellite observations (RSS V3.3 MSU/AMSU); grey band: 5-95% range of output from CMIP5 climate models. Source: RSS.

## Climate models don't do local well

It is not clear what logical process was used to arrive at these allegations. It may stem from the fact that orthodox thinkers on climate, in the grip of confirmation bias, are unable or unwilling to acknowledge that, unless a climate or weather event is truly unprecedented then the default assumption – the 'null hypothesis' in scientific parlance – should be that it is part of normal climate variability rather than manmade global warming. Some have used the results of modelling exercises that purport to assess the future impacts, usually in the latter part of this century, and then 'interpolated' these results back to the present day.<sup>158,159,160</sup> The first step in such an exercise relies on climate models to project the future climate. But we have seen that these models have failed the reality test with respect to globally averaged surface temperature over the past two decades or more. To compound matters, the performance of climate models relative to reality worsens as one attempts to project surface temperatures at smaller geographical scales.

## Climate models don't do precipitation well

More importantly, the wellbeing of human beings and the rest of nature is probably more sensitive to changes in precipitation than to temperature, and precipitation is highly variable from spot to spot. But climate models perform even worse for precipitation than they do for temperature, regardless of the geographic scale. In fact, for several areas many models are unable to reliably *hindcast* past precipitation, let alone forecast the future.<sup>161,162</sup> Not surprisingly, precipitation projections using different models often contradict each other. For example, a recent study of annual precipitation changes in California using 25 model projections indicates that '12 projections show drier annual conditions by the 2060s and 13 show wetter.'<sup>163</sup> Thus impact assessments that use as their starting point the outputs of these climate models cannot and should not be relied upon to develop policies, although they may have scientific diagnostic value for improving our understanding of climate mechanisms and processes.

## Adaptation methodology is flawed

**Failure to properly account for adaptation** Even if climate models represented reality perfectly and were able to foretell the future climate, impact assessments would still be suspect. This is because most global warming impact assessments assume little or no endogenous (or autonomous) adaptation. For example, the vast majority of studies of global warming impacts on water resources do not incorporate *any* allowance for adaptive measures that might be taken to reduce those impacts, despite the fact that steps of this nature have been taken since time immemorial.<sup>164,165</sup> For instance, the world's oldest functioning dam, at Lake Homs in Syria, dates back to 1319 BC,<sup>166</sup> and *qanats*, underground canals to convey water for human settlements and irrigation, were built in Persia as long ago as the first millennium BC.<sup>167</sup> Similarly, of the many studies used by the IPCC to estimate future impacts on crop yields, 63% did not consider improvements in the agricultural sector's adaptive capacity.<sup>168</sup>

Moreover, specific adaptive measures used in many global warming impact studies are based on surveys of available technologies from the 1990s. However, today suitable adaptation measures are both more numerous and cheaper.<sup>169</sup> And because we are wealthier, these options are even more affordable.<sup>170</sup> Consequently, our ability to adapt has improved markedly just in the past few decades or so.<sup>171</sup> As proof, consider the previously noted global increases in, for example, crop yields, access to safer water, and life expectancy on one hand, and reductions in poverty and mortality from vector-borne diseases and extreme weather events on the other. These examples suggest that neglecting adaptive capacity and technological change can, over the course of several decades, lead to estimates of impacts that are too pessimistic by an order of magnitude or more.<sup>172</sup>

Another factor that is ignored in impacts assessments is the tremendous increase in our interconnectedness due to the internet, e-mail, text messages, and cell phones. As a result, the dissemination of knowledge is today far faster and wider than what was possible two or three decades ago. This increase in connectivity alone has considerably enhanced humanity's adaptive capacity.<sup>173</sup>

Also ignored is the array of technologies that are collectively called 'precision farming': the growing ability to monitor plant growth, nutrient deficiencies and the environmental conditions at finer scales, combined with techniques that use GPS and drones to more precisely deliver nutrients and water to crops. Today these technologies can be afforded by wealthy farmers in rich countries. Over time, they should, like all other technologies, also diffuse around the world as their costs drop and as rising incomes make them more affordable. Such techniques should reduce agriculture's demand for water. Because agriculture is responsible for about 70% of global water consumption, this ought to free up water for other human uses and substantially reduce water stress.<sup>174</sup> A 20% increase in global agricultural water-use efficiency should, for example, translate into a global increase of 39% in water available for non-agricultural use.

**Failure to fully account for benefits of carbon dioxide** Although some studies of the impacts of global warming on agricultural production and food security include limited technological change, most do not include the beneficial impacts of carbon dioxide on photosynthetic rates or water-use efficiency. The IPCC AR5 synthesis of modelled estimates of the impact of recent climate trends on yields for major staple crops notes, in a remarkable understatement, that '[s]ome included effects of positive carbon dioxide trends...but most did not'.<sup>175</sup> In fact, only 2 of 56 studies considered carbon dioxide increases.<sup>176</sup> For this reason alone the IPCC's claim that the impacts of global warming to date on agricultural productivity and food security are likely negative is suspect. In fact, Lobell et al. (2011), which is one of the few studies that has attempted to estimate the 'historical' (i.e. present-day) impact of warming on agricultural productivity, notes that had their study incorporated the direct effects of carbon dioxide from 1980 to 2008 their results would have shown 'the net effects of higher carbon dioxide and climate change since 1980 have likely been slightly positive for rice and soybean, and negative for wheat and maize'.<sup>177</sup>

**Failure to account for benefits of warming** Finally, assessments of climate change impacts usually give short shrift to the potential positive impacts of anthropogenic global warming. The first part of this paper attempted to provide a partial corrective by focusing on the benefits that increases in atmospheric carbon dioxide concentrations might bring. Note that the analysis and discussion here is focused on the global scale, and only on carbon dioxide increases rather than on warming itself. The benefits of warming, in terms of human health – notably reductions in winter deaths – longer growing seasons and other benefits could be substantial, particularly given

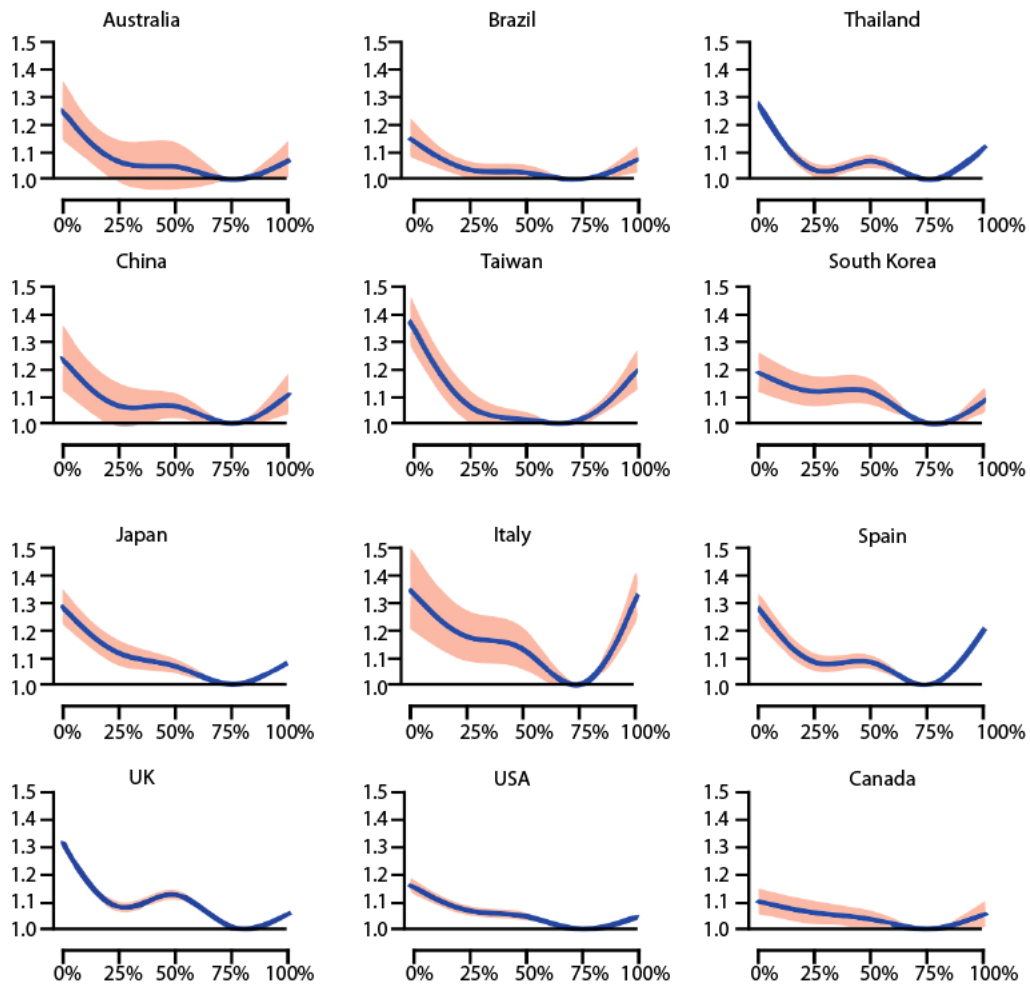
that warming is predicted to occur disproportionately in winter, and at night.

Mortality data from several countries, regions and cities with cold, temperate, sub-tropical and even tropical climates show that average daily mortality is substantially higher in cold months than in warm months.<sup>178,179,180,181,182,183</sup> Figure 8 displays the results of a systematic evaluation of the risk of mortality from non-accidental causes as a function of daily mean temperature for 306 communities in 12 countries.<sup>184</sup> Since additional deaths from exposure to hot or cold temperatures are known to accumulate for several days subsequent to actual exposure, the mortality rate was based on cumulative deaths over 21 days following (and including) exposure. The period over which these deaths accumulate is longer for cold temperatures than for hot ones.<sup>185</sup> The methodology also apparently accounted for 'mortality displacement' or 'harvesting', which is the phenomenon that temperature-related deaths immediately following the temperature exposure are partially offset by fewer deaths in following weeks.<sup>186</sup> The graphs in Figure 8 show that for each country:

- The relative mortality risk is at a minimum between the 66th and 80th percentile of mean temperature. Nine of the twelve countries have an 'optimum' temperature between the 72nd and 76th percentiles.
- Relative mortality risk is substantially higher at the 1st percentile temperature (cold end) than at the 99th percentile (hot end).

Because (a) there are more days during the year that are cooler than the optimum, and (b) relative risk is higher at the cold end than the warm end, more deaths should be associated with temperatures that are colder than optimum than those that are warmer. Hence, if global warming merely slides each curve to the right wholesale, total mortality during the year should drop. This drop should be further magnified by the fact that global warming is supposed to warm winters more than summers, and nights more than days; in both cases the latter are nearly always warmer to begin with.

Remarkably, Figure 8 indicates that the risk of death is higher in the winter not only in countries in cold climates, but also in Thailand and Brazil. It also confirms human beings' general preference for warmer temperatures, something that is also manifested in the migration of retirees to warmer areas (e.g. the US 'Sun Belt' for North Americans or the South of France for the British). In these areas, the seasonal phenomenon of 'excess winter mortality' (EWM) – calculated as the increase in deaths during the four coldest months above what would have occurred had the daily death rate stayed at the average level for the remainder of the year – is substantially higher than either deaths from extreme cold or extreme heat. For example, excess winter mortality claimed 89,300 people annually in the US from 2003–12, whereas extreme heat and cold annually on average killed 550 and 1100 people respectively in 2006–2010.<sup>187,188</sup>



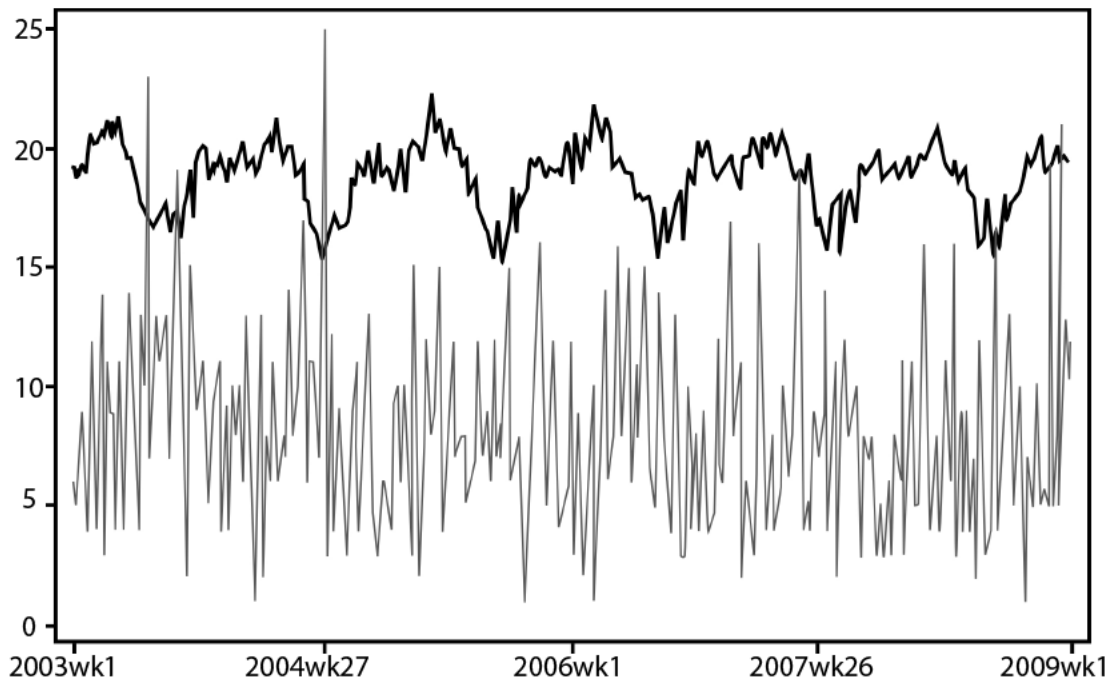
**Figure 8: The risk of higher temperatures**

Relative risk of mortality (y-axis) as a function of mean daily temperature plotted as the percentile of the entire temperature data. Data for each country was pooled. Source: Guo et al. (2014).

Notably, the US EWM alone exceeds the total average annual deaths over the same 2003–12 period attributed *worldwide*, not only to extreme temperatures (both cold *and* hot) – 14,400 – but to *all* extreme weather events – 35,200.<sup>189</sup> It is almost certainly also true for the European Union and Japan.<sup>190</sup> Consequently, because of global warming, a small decrease in global EWM could overwhelm any net increase in mortality from changes in the frequency and magnitude of extreme weather events.

The pattern of a higher death rate in the colder months also holds for all-cause mortality in tropical and subtropical areas in China,<sup>191,192</sup> Bangladesh,<sup>193</sup> Kuwait,<sup>194</sup>

and Tunisia.<sup>195</sup> Mortality rates apparently also peak in winter in Sao Paulo, Brazil; Mexico City and Monterrey, Mexico; Santiago, Chile, Cape Town, South Africa; and Nairobi, Kenya (see Figure 9).<sup>196,197</sup> It is also the case for the southern US states of Florida, Texas, California and even Hawaii.<sup>198</sup> In addition, in Cuba, deaths from heart diseases and cerebrovascular diseases, which account for 37% of all deaths, peak in the colder (winter) months.<sup>199</sup>



**Figure 9: Cold risk in a warm country**

Time series for all-cause (weekly) mortality and temperature (°C) in Nairobi, Kenya. The highest rates of death occur during periods of relative cold, which coincides with high amounts of rainfall. Source: Egondi et al. (2012).

## In summary

The approach used in impacts assessments therefore suffers from three fundamental flaws. Firstly, they rely on climate models that have failed the reality test. Secondly, they do not fully account for the benefits of carbon dioxide. Thirdly, they implicitly assume that the world of 2100 will not be much different from that of the present – except that we will be emitting more greenhouse gases and the climate will be much warmer.<sup>200</sup> In effect, they assume that for the most part our adaptive capacity will not be any greater than today. But the world of 2015 is already quite different from that

of 1990, and the notion that the world of 2100 will be like that of the baseline year verges on the ludicrous. Moreover, this assumption directly contradicts:

- (a) the basic assumption of positive economic growth built into each of the underlying IPCC scenarios
- (b) the experience over the past quarter millennium, of relatively rapid technological change and increasing adaptive capacity.

It is also refuted by any review of the changes that have taken place in the human condition and the ordinary person's life from generation to generation, at least as far back as the start of the Industrial Revolution.<sup>201,202</sup>

## **9 Conclusions to Part II**

Carbon dioxide levels have risen inexorably since the 1700s. Yet despite this, climate-sensitive indicators of human and environmental wellbeing that carbon dioxide affects directly, such as crop yields, food production, prevalence of hunger, access to cleaner water and biological productivity, and those that it affects indirectly, such as living standards and life expectancies, have improved virtually everywhere. In most areas they have never been higher, nor do they show any sustained signs of reversing.<sup>203,204</sup>

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# Policy Analysis

No. 715

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## *Humanity Unbound How Fossil Fuels Saved Humanity from Nature and Nature from Humanity*

by Indur M. Goklany

### Executive Summary

For most of its existence, mankind's well-being was dictated by disease, the elements and other natural factors, and the occasional conflict. Virtually everything it needed—food, fuel, clothing, medicine, transport, mechanical power—was the direct or indirect product of living nature.

Good harvests reduced hunger, improved health, and increased life expectancy and population—until the next inevitable epidemic, crop failure, natural disaster, or conflict. These Malthusian checks ensured little or no sustained growth in population or well-being.

Then mankind began to develop technologies to augment or displace living nature's uncertain bounty. Gradually food supplies and nutrition improved and population, living standards, and human well-being advanced haltingly. The Industrial Revolution accelerated these trends. Mankind broke its Malthusian bonds. Growth became the norm. Population exploded, along with living standards and well-being.

Technologies dependent on cheap fossil fuels enabled these improving trends. Nothing can be made, transported, or used without energy, and fossil fuels provide 80 percent of mankind's energy and 60 percent of its food and clothing. Thus, absent fossil fuels, global cropland would have to increase by 150 percent to meet current food demand, but conversion of habitat to cropland is already the greatest threat to biodiversity. By lowering humanity's reliance on living nature, fossil fuels not only saved humanity from nature's whims, but nature from humanity's demands.

Key to these developments was that these technologies accelerated the generation of ideas that spawned even better technologies through, among other things, greater accumulation of human capital (via greater populations, time-expanding illumination, and time-saving machinery) and faster exchange of ideas and knowledge (via greater and faster trade and communications).

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**Fossil fuels helped transform the human world from one that was dependent on living nature for virtually its entire well-being, and thereby trapped in nature's Malthusian vise, to one that escaped that vise.**

## **Introduction**

For most of mankind's existence, human well-being was defined by climate, weather, disease, other natural factors, and the occasional conflict. Virtually everything that humanity depended on was the recent product of living nature (which the economic historian Edward Wrigley calls "the organic economy").<sup>1</sup> It supplied humanity with all its food, fuel, clothing and skins, and much of its medicine and material products. Living nature also supplied the sustenance for the animals—oxen, horses, donkeys, camels, even elephants—that human beings had drafted to supplement these needs and to serve as beasts of burden to transport themselves and their goods, till the soil, and provide mechanical power.

Food for human beings and feed for animals were, then as now, the direct or indirect product of recent photosynthesis in plants. Virtually all fuel was obtained via woody products. Houses were built from logs and other vegetation, supplemented by clay, earth, and stones. The few worldly goods humans possessed were also mostly from recent photosynthetic products (e.g., wood, natural fiber, skin, or bone), barring the occasional trinket or luxury good made of some exotic metal or stone. No wonder the gods who controlled the weather and rain—Zeus, Jupiter, Indra, Thor—were the mightiest in the pantheons of ancient civilizations.

When climate and weather cooperated, harvests were adequate, hunger was reduced, health improved, more children survived to adulthood, life expectancy increased, and the population grew—until the next epidemic, the next climatic, weather or other natural disaster, or the next war or breakdown of civil order inevitably led to death and disease, disrupted agriculture, or both.

These Malthusian checks—so-called because the Reverend Thomas Robert Malthus identified them in his 1798 essay on population as nature's cruel checks for population growth—ensured that in pre-industrial societies 30 percent or more of the population died

before reaching age 15.<sup>2</sup> Population, therefore, grew at a glacial pace. If population grew too large or living standards outstripped subsistence levels for long, these checks brought them back to subsistence levels. There was, thus, little or no progress in the average person's well-being—best indicated by life expectancy—from one generation to the next.

All this started to change when mankind began to develop technologies that would augment or displace the goods that it received from living nature.<sup>3</sup> Gradually the supply and nutritional quality of food was increased and population growth rates started to rise, as did living standards and human well-being. The Industrial Revolution accelerated those trends. Today, mankind has transcended the Malthusian checks. Its population has exploded, as has its standard of living, yet human well-being has never been higher and it continues to improve.

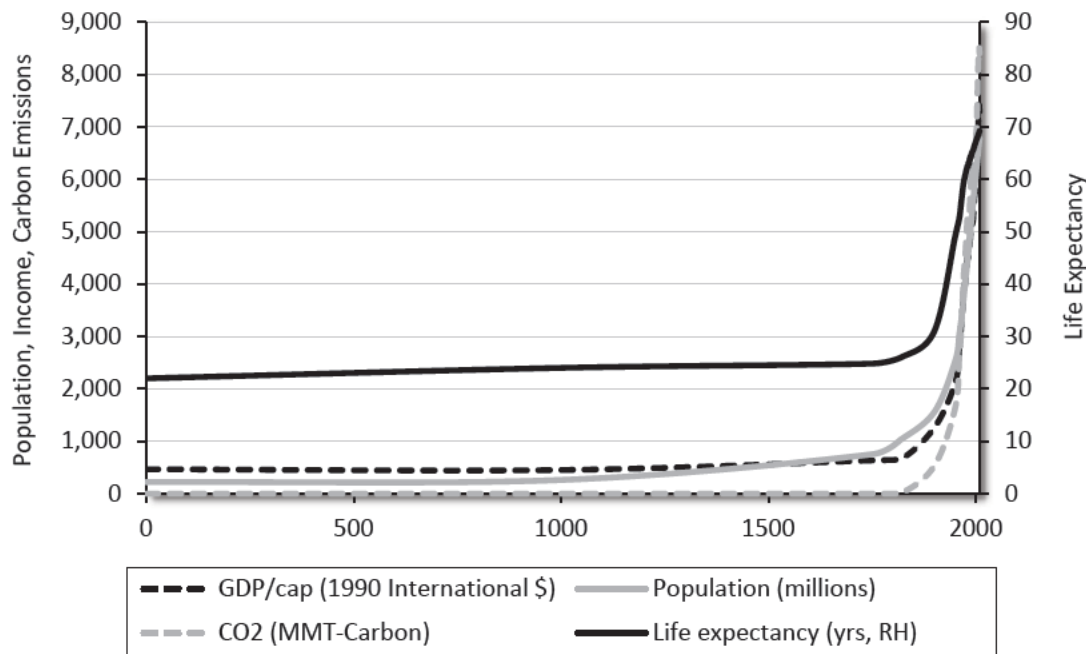
This paper describes how fossil fuels helped accomplish this grand transformation from a world that was dependent on living nature for virtually its entire well-being, and thereby trapped in nature's Malthusian vise, to one in which mankind has escaped this vise. It identifies the technologies that mediated this transformation, how they depend directly or indirectly on fossil fuels to fulfill mankind's hunger for food, energy, and materials, and how they accelerated the generation of ideas that spawned these technologies.

It shows that these technologies, by lowering humanity's reliance on living nature, inevitably ensured that human well-being is much less subject to whims of nature (as expressed through the weather, climate, disease, and other natural disasters) and that the amount of land converted to human use was limited, thereby containing mankind's footprint on the world.

## **A Brief History of Human Progress**

Figure 1 shows trends in four indicators that *collectively* indicate humanity's progress

**Figure 1**  
**Global Progress, 1 A.D.–2009 A.D. (as indicated by trends in world population, gross domestic product per capita, life expectancy, and carbon dioxide [CO<sub>2</sub>] emissions from fossil fuels)**



Sources: Updated from Indur Goklany, “Have Increases in Population, Affluence and Technology Worsened Human and Environmental Well-being?” *Electronic Journal of Sustainable Development* 1, no. 3 (2009); based on Angus Maddison, *Statistics on World Population, GDP and Per Capita GDP, 1-2008 AD*, University of Groningen, 2010, [http://www.ggd.net/MADDISON/Historical\\_Statistics/vertical-file\\_02-2010.xls](http://www.ggd.net/MADDISON/Historical_Statistics/vertical-file_02-2010.xls); World Bank, *World Development Indicators 2011*, <http://databank.worldbank.org/>; T.A. Boden, G. Marland, and R. J. Andres, *Global, Regional, and National Fossil-Fuel CO<sub>2</sub> Emissions*, [http://cdiac.ornl.gov/trends/emis/overview\\_2008.html](http://cdiac.ornl.gov/trends/emis/overview_2008.html).  
 Notes: Data are sporadic until 1960. This figure assumes that trends between adjacent data points are linear.

(or lack of it) through the ages, beginning in 1 A.D. The indicators are global population, average life expectancy (the best single indicator of human health and well-being), and gross economic product per capita, or income, which is the best indicator for the standard of living or material well-being. Elsewhere it has been shown that virtually every indicator of human well-being, such as levels of hunger, infant mortality, life expectancy, education, economic freedom, and child labor—improves as income rises.<sup>4</sup> These improvements are generally non-linear and typically improve with the logarithm of income. They advance very rapidly at low levels of income, after which the improvements are more gradual. Even that nebulous

and most subjective of indicators—happiness—apparently behaves similarly.<sup>5</sup>

Figure 1 also shows that global carbon dioxide emissions from fossil-fuel combustion are correlated with the three indicators of human progress over the last quarter of a millennium. Prior to that, these anthropogenic emissions were, for practical purposes, nil compared with today’s levels.

Examination of the figure suggests that the trajectory of human progress to date can be broken into at least three periods.

*The Malthusian Trap: The World through the Middle Ages.* Life expectancy, the surrogate for human well-being, fluctuated around 20–25 years for much of mankind’s existence. Ancient Greece had a life expectan-

**Virtually every indicator of human well-being—such as levels of hunger, infant mortality, life expectancy, education, economic freedom, and child labor—improves as income rises.**



**During the first millennium A.D., world population grew from 230 million to 270 million, a compounded growth rate of less than 0.02 percent per year.**

cy around 18 years, and Rome had 22 years.<sup>6</sup> From 33 A.D. to 258 A.D., life expectancy in Egypt—Imperial Rome’s breadbasket—averaged 24 years, the same level as global life expectancy in 1000 A.D.<sup>7</sup>

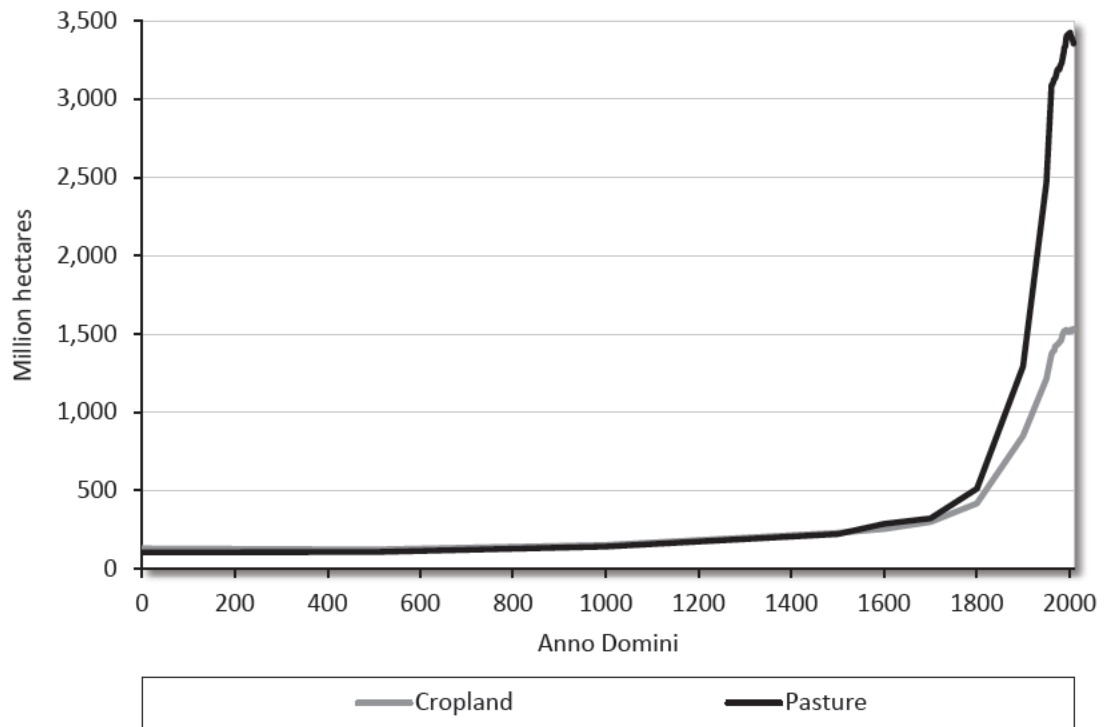
During the first millennium A.D., world population grew from 230 million to 270 million, a compounded growth rate of less than 0.02 percent per year.<sup>8</sup> Average income was largely unchanged. According to the economic historian Angus Maddison, it might even have shrunk marginally, from the equivalent of \$470 in 1 A.D. to \$450 in 1000 A.D.<sup>9</sup> By today’s standards, the world was mired in poverty and, except for brief spells, virtually everyone survived at the subsistence level. Humanity was trapped in Nature’s Malthusian vise.

*Stretching the Malthusian Bonds: From the Middle Ages through the Enlightenment.* Over subsequent centuries, however, humanity

started to stretch its Malthusian bonds—to insulate itself against the vagaries of weather and climate and nature’s other whims, and to manage common diseases.

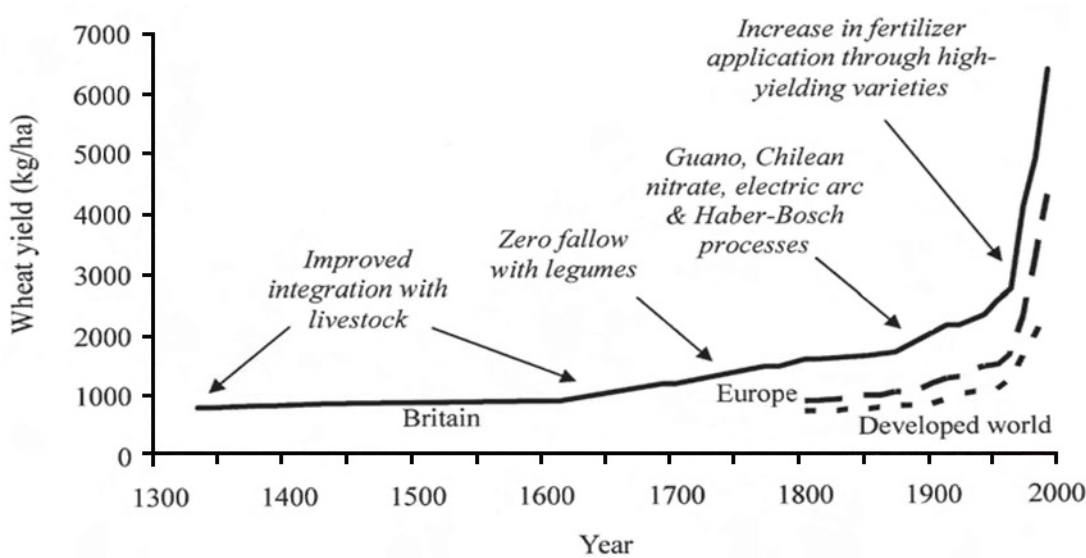
More land was converted to agriculture (Figure 2).<sup>10</sup> Improved cropping techniques and livestock management slowly increased yields (Figure 3).<sup>11</sup> Crops were translocated from one area to another, and adapted to their new homes. Maize, potatoes, yams, manioc, and tomatoes journeyed from the New World to the Old, while wheat, rice, rye, and oats went in the opposite direction.<sup>12</sup> This Columbian Exchange also involved livestock: chicken, cattle, horses, donkeys, and domesticated pigs were introduced to the New World, and turkeys to the Old. More roads were built, canals were constructed, new and more accurate navigation techniques were developed, and shipping technologies were advanced. These advances in

**Figure 2**  
**Global Crop and Pasture Land, 1 A.D.–2009 A.D.**



Sources: Kees Klein Goldewijk et al., “The HYDE 3.1 Spatially Explicit Database of Human-induced Global Land-use Change over the Past 12,000 Years,” *Global Ecology and Biogeography* 20 (2011): 73–86; FAO, FAOSTAT, <http://faostat.fao.org/>.

**Figure 3**  
**Wheat Yield in Britain, Europe, and the Developed World, 1300–1990**



Source: N. B. J. Koning, et al., “Long-term global availability of food: continued abundance or new scarcity?” *NJAS Wageningen Journal of Life Sciences* 55 (2008): 229–292.

\*Britain: Until 1800, England; since 1800, the United Kingdom.

\*\*Europe, excluding Russia.

\*\*\*The developed world, excluding Japan and South Africa.

transportation facilitated greater trade and commerce, including trade in staple grains. These changes combined to increase the amount of food and nutrition available for consumption, which freed a larger portion of the population to engage in tasks other than agriculture, to congregate in towns, and to specialize, all of which increased human capital.

Trade and commerce were advanced further by the invention of the double-entry bookkeeping system, development of banking, insurance, joint-stock companies and stock exchanges, and greater acceptance of paper money.

With the introduction of the printing press in Europe, books began to multiply. In the following half century, the price of books in Europe fell by two-thirds.<sup>13</sup> That helped proliferate knowledge and its offspring, technology, while retarding technological regression.

Such regression is not unusual in the annals of history. It had occurred time and

again over the centuries, such as in Europe in the Dark Ages, following the fall of the Western Roman Empire. Anthropologists have also noted other instances where, through isolation or loss of human capital, societies have regressed technologically. For example, isolated polar Inuits lost the technology for making kayaks and bows and arrows when those with the critical expertise expired during an episode of the plague. These skills, however, were reestablished by migrants from Baffin Island.<sup>14</sup>

The trend toward constant accretion of knowledge was reinforced by an increase in literacy, aided in many areas by the printing press, the Reformation, and replacement of Latin by the vernacular. The replacement of Latin itself signaled a less dogmatic approach toward acquiring and advancing knowledge, which spilled over into the understanding of natural phenomena. Universities were established. People traded not only goods but also ideas, inventions, and methods of thought and analysis—exchang-

**Improvements in agriculture, trade, and technology combined to increase the amount of food available, freeing people from agricultural tasks. As they congregated in towns and specialized, human capital was increased.**

**Average income had increased to \$640 by 1750, only a 0.05 percent increase per year from 1000 A.D.**

es that grew with population density, literacy, the increase in the volume of books and trade. The scientific method was advanced.

New medicines and medical techniques were introduced. The notion of property rights was developed. Technologies to harness wind and water power were improved.

In the meantime, in response to the scarcity of fuel wood from the deforestation caused by the demand for wood for fuel and the construction of ships and buildings, coal—a hitherto niche fuel—was beginning to be used more widely. Initially it was used for heating and cooking in the home and in non-contact (external) heating for manufacturing processes (such as lime manufacturing, glassmaking, or blacksmithing) in the general vicinity of surface coal deposits. By the 18th century, however, coal was being used in England in steam engines to convert heat energy to mechanical energy—a fundamental breakthrough that would eventually allow humanity to reduce, if not dispense with, human and animal power to transport goods and people and to do mechanical work. But because these new-fangled engines were very inefficient, their use was initially restricted to specialized high-value applications, specifically to increase coal output by pumping accumulated water out of coal mines.<sup>15</sup>

Cumulatively, these innovations and developments gradually reinforced the trend toward increased and more nutritious food

supplies and greater economic activity. Most of the advances in food supplies and nutrition, however, went to sustain a larger population. Global life expectancy barely rose from 24 to 25 years from 1000 to 1750, while the world’s population had almost tripled to 760 million. This translates into a compounded increase of 0.14 percent per year since 1000 A.D. Although modest by current standards, this increase was eight times the rate for the previous 1,000 years, as indicated in Table 1.

Average income, however, rose much less rapidly. By 1750 it had increased to \$640, only a 0.05 percent per year increase from 1000 A.D. Carbon emissions from the use of fossil fuel energy, unknown during the first millennium, were at an estimated 3 million metric tons by 1750 (see Figure 4).

Progress, however, was uneven around the world. England had progressed much further than any other nation save the Netherlands. By 1710, coal accounted for half the energy consumed in England and Wales.<sup>16</sup> Their average income grew at an annual rate of 0.36 percent during the 18th century; income reached \$1,710 in 1750.<sup>17</sup> The previous half century had seen their population grow at a relatively healthy rate of 0.25 percent per year and the average life expectancy over the previous quarter century was 35 years, substantially higher than for most other countries.<sup>18</sup> In 1750, most of the global carbon emissions were from coal burned in Britain.<sup>19</sup>

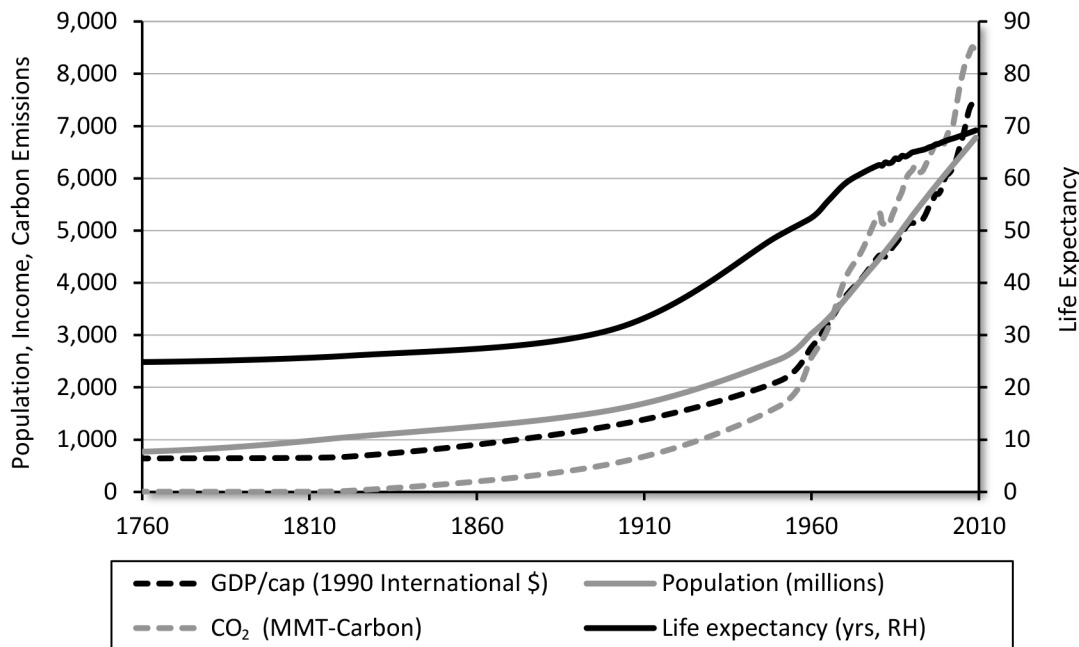
**Table 1**  
**Average Annual Rate of Increase for Various Time Periods**

	1 A.D.–1000 A.D. (%)	1000 A.D.–1750 A.D. (%)	1750 A.D.–2009 A.D. (%)
Life Expectancy	0.01	0.00	0.41
Income	0.00	0.05	0.98
Population	0.02	0.14	0.88
Carbon Dioxide Emissions			3.23

Sources: Angus Maddison, *Statistics on World Population, GDP and Per Capita GDP, 1–2008 AD*, University of Groningen, 2010, [http://www.ggd.net/MADDISON/Historical\\_Statistics/vertical-file\\_02-2010.xls](http://www.ggd.net/MADDISON/Historical_Statistics/vertical-file_02-2010.xls); World Bank, *World Development Indicators 2011*, <http://databank.worldbank.org/>; T. A. Boden, G. Marland, and R. J. Andres, *Global, Regional, and National Fossil-Fuel CO<sub>2</sub> Emissions*, [http://cdiac.ornl.gov/trends/emis/overview\\_2008.html](http://cdiac.ornl.gov/trends/emis/overview_2008.html).



**Figure 4**  
**Global Progress, 1760–2009 (as indicated by trends in world population, GDP per capita, life expectancy, and carbon dioxide (CO<sub>2</sub>) emissions from fossil fuels)**



Sources: Updated from Indur Goklany, “Have Increases in Population, Affluence and Technology Worsened Human and Environmental Well-being?” *Electronic Journal of Sustainable Development* 1, no. 3 (2009); based on Angus Maddison, *Statistics on World Population, GDP and Per Capita GDP, 1–2008 AD*, University of Groningen, 2010, [http://www.ggdc.net/MADDISON/Historical\\_Statistics/vertical-file\\_02-2010.xls](http://www.ggdc.net/MADDISON/Historical_Statistics/vertical-file_02-2010.xls); World Bank, *World Development Indicators 2011*, <http://databank.worldbank.org/>; and T. A. Boden, G. Marland, and R. J. Andres, *Global, Regional, and National Fossil-Fuel CO<sub>2</sub> Emissions*, [http://cdiac.ornl.gov/trends/emis/overview\\_2008.html](http://cdiac.ornl.gov/trends/emis/overview_2008.html).

Notes: Data are sporadic until 1960. This figure assumes that trends between adjacent data points are linear. Life expectancy is a surrogate for human well-being; living standards are depicted by affluence, or GDP per capita; and CO<sub>2</sub> is a proxy for fossil-fuel usage.

Such was the world that Malthus was born into, just as it was stretching—and about to slip—its Malthusian bonds.

**Escaping the Malthusian Trap: The Industrial Revolution and Beyond.** The increases in the rates of growth for population, life expectancy, and material well-being through 1750, virtually imperceptible by today’s norms, were but a harbinger of things to come. Modern economic growth was gathering steam. Its next phase, the Industrial Revolution, was about to explode, and with it population, human well-being, and incomes—first in England, then Western Europe and its various colonies and ex-colonies, and then the rest of the world.

From 1750 to 2009, global life expectancy more than doubled, from 26 years to 69 years; global population increased 8-fold, from 760 million to 6.8 billion; and incomes increased 11-fold, from \$640 to \$7,300. Never before had the indicators of the success of the human species advanced as rapidly as in the past quarter millennium, as shown in Table 1. Concurrently, carbon dioxide emissions grew by 2,800-fold, increasing from 3 million metric tons to 8.4 billion metric tons (Figure 4).

Today, the Industrial Revolution is being succeeded by a post-industrial revolution. Figure 5 illustrates human progress in the United States from 1900 to 2009. Over this

**From 1750 to 2009, global life expectancy more than doubled, global population increased 8-fold, and incomes increased 11-fold.**

**Escaping the Malthusian trap and associated advances in human progress were accompanied by an increase in carbon dioxide emissions of three orders of magnitude. These improvements occurred because of—and not despite—fossil fuels.**

period, population quadrupled, U.S. life expectancy increased from 47 years to 78 years, and incomes (denoted “affluence”) grew 7.5-fold while carbon dioxide emissions increased 8.5-fold. Yet, far from experiencing a Malthusian collapse, Americans now have more creature comforts, they work fewer hours in their lifetimes, their work is physically less demanding, they devote more time to acquiring a better education, they have more options to select a livelihood and live a more fulfilling life, they have greater economic and social freedom, and they have more leisure time and greater ability to enjoy it. And these trends are evident not just in the United States but, for the most part, elsewhere as well.<sup>20</sup>

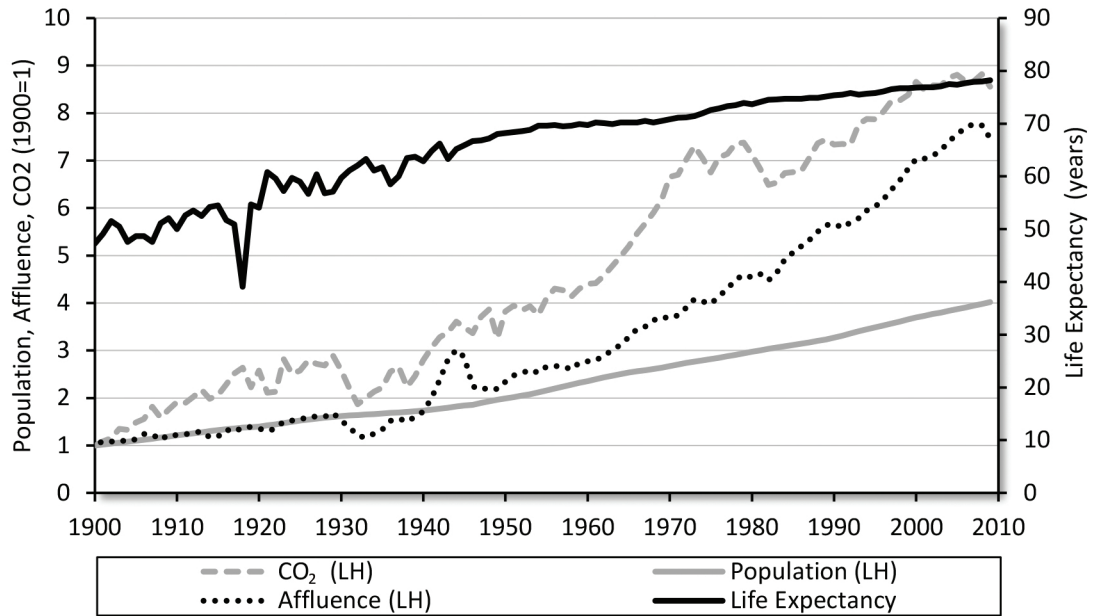
Living standards started to surge worldwide later than in the United States. Since the 1950s, global living standards have been advancing more rapidly than population (see

Figure 4). The population growth rate peaked in the 1960s and, according to most projections, it could start leveling off this century.<sup>21</sup>

More importantly, consistent with the trends in life expectancy and incomes, other major indicators of human well-being—infant, child, and maternal mortality; prevalence of hunger and malnutrition; child labor; job opportunities for women; educational attainment—show that humanity is far better off today than it was before the start of industrialization.<sup>22</sup> Mankind has escaped nature’s Malthusian trap, at least for the time being.

Notably, this escape and the associated advances in human progress were accompanied by an increase in carbon dioxide emissions of three orders of magnitude. I will show below that these improvements occurred, in large part, because of—and not despite—fossil fuels.

**Figure 5**  
**U.S. Carbon Dioxide Emissions, Population, GDP per Capita, and Life Expectancy at Birth, 1900–2009**



Sources: Updated from Indur Goklany. “Have Increases in Population, Affluence and Technology Worsened Human and Environmental Well-being?” *Electronic Journal of Sustainable Development* 1, no. 3 (2009), using the *Statistical Abstract of the United States 2011* and *National Vital Statistics Report 59* (4): 1; T. A. Boden, G. Marland, and R. J. Andres, *Global, Regional, and National Fossil-Fuel CO<sub>2</sub> Emissions*, [http://cdiac.ornl.gov/trends/emis/overview\\_2008.html](http://cdiac.ornl.gov/trends/emis/overview_2008.html); The Conference Board, *Total Economy Database™* (2010), <http://www.conference-board.org/data/economydatabase/>.

Notes: Life expectancy is a surrogate for human well-being; living standards are depicted by affluence, or GDP per capita; and CO<sub>2</sub> is a proxy for fossil-fuel usage.

## Fossil Fuels and the Reduced Dependence on Living Nature

Before humanity extricated itself from the restraints that kept its growth and well-being in check, it had to develop technologies to reduce its dependence on the direct or indirect products of recent photosynthesis. This was enabled by technologies that either amplified nature's bounty or bypassed it altogether for a wide variety of products (and services),<sup>23</sup> supplemented by devices or practices that would store today's products for future use when nature, sooner or later, would fail to deliver.

**Food.** Every activity requires energy. Even human *inactivity* requires a minimum level of energy to keep basic bodily functions going.<sup>24</sup> The amount of energy needed to sustain this inactivity is called the basal metabolic rate (BMR). It takes food to replace this energy.

Insufficient food, which is defined in terms of the BMR, makes populations more susceptible to infections and other diseases, which, ironically, raises the body's demands for more energy (that is, food). Societies where food supplies are inadequate have high rates of infant and maternal mortality, poor health, and low life expectancies. Thus, consuming sufficient food is the first step to human survival and, beyond that, good health.<sup>25</sup>

Increasing food supplies, therefore, was critical to raising humanity's numbers and well-being. This was initiated with the development of agriculture. Over subsequent millennia, humanity increased the amount of land used for crops and pasture (Figure 2) while also improving agricultural practices to increase yields from both crops and livestock (Figure 3).

As shown in Figure 4, the increase in population and improvements in human well-being and living standards commenced before the world started to use fossil fuels in significant amounts. By 1900, an estimated

850 million hectares of cropland were being cultivated to feed a global population of about 1.7 billion people. Since then, although population has quadrupled and the world is much better fed, cropland only increased 80 percent.

This was possible because of the technological augmentation of nature's bounty resulting from tremendous improvements in the productivity of virtually every segment of the food and agricultural sector, from the farmer's field to the consumer's fork. Many of these productivity increases were driven directly or indirectly by fossil fuels.<sup>26</sup>

Agricultural yields on the farm are driven by fertilizers, pesticides, water, and farm machinery. Each of these inputs depends to some extent on fossil fuels. Fossil fuels provide both the raw materials and the energy for the manufacture of fertilizers and pesticides; farm machinery is generally run on diesel or another fossil fuel; and irrigation, where it is employed, often requires large amounts of energy to operate pumps to move water.

To gauge the contribution of fossil fuels to agricultural production, consider that a comprehensive review of fertilizer performance in the *Agronomy Journal* concluded that the "average percentage of yield attributable to fertilizer generally ranged from about 40 to 60% in the USA and England and tended to be much higher in the tropics."<sup>27</sup> Another study in *Nature Geosciences* estimated that, in 2008, fertilizer made from synthetic nitrogen was responsible for feeding 48 percent of the world's population.<sup>28</sup>

As one can see in Figure 3, the acceleration in yields increased around the 1920s, which followed the commercialization of nitrogen fertilizers manufactured via the Haber-Bosch process. This energy-intensive process fixes nitrogen from the air by reacting it under extremely high pressure with hydrogen (obtained from natural gas), generally over an iron catalyst. In recognition of its potential contribution to feeding humanity, the co-inventor of this process, Fritz Haber, received the 1918 Nobel Prize for

**In 2008, fertilizer made from synthetic nitrogen was responsible for feeding 48 percent of the world's population.**

**In 2007, the global food and agricultural system delivered, on average, two and a half times as much food per acre of cropland as in 1961.**

Chemistry,<sup>29</sup> despite the fact that the same process prolonged World War I by allowing Germany to manufacture explosives and ammunitions even after the British Navy had blockaded its access to Chilean saltpeter, which until then had been critical for its manufacture. (Fritz Haber also pioneered Germany's wartime poison-gas effort.)<sup>30</sup>

The distinguished plant scientist, E. C. Oerke, using data for 2001–03, estimates that 50 to 77 percent of the world's wheat, rice, corn, potatoes, and soybean crops would be lost to pests in the absence of pesticides. Pesticides have reduced these losses to 26–40 percent.<sup>31</sup>

Irrigated lands, with average crop yields 3.6 times higher than rain-fed areas, are responsible for a disproportionately high share of production relative to their acreage.<sup>32</sup> Where irrigation is not accomplished entirely through gravity, it can be a very energy-intensive operation.<sup>33</sup> Similarly, the manufacture and operation of farm machinery requires energy. And in today's world, energy for the most part means fossil fuels (see below).

Beyond increasing yields on the farm, fossil fuels have increased food availability in other ways. The food and agricultural system depends on trade within and between countries to move agricultural inputs to farms and farm outputs to markets. In particular, trade allows food surpluses to be moved to areas experiencing food deficits. But transporting these inputs and outputs in the quantities needed and with the speed necessary for such trade to be an integral part of the global food system depends on relatively cheap fossil fuels.<sup>34</sup>

About one-third of the food that is produced is lost or wasted in the food supply chain between the farm and eventual consumption.<sup>35</sup> These losses would have been much higher but for spoilage-reducing technologies such as refrigeration, rapid transport, containers, and plastic packaging.<sup>36</sup> But refrigeration and rapid transport are energy-intensive: plastic, which is ubiquitous in food packaging and storage, is made from petroleum or natural gas, and virtually

every container, whether it is made of clay, glass, metal, cardboard, or wood, requires energy to make and shape. These technologies are often overlooked partly because loss and waste are not included in familiar agricultural statistics such as crop yields or production figures. Nevertheless, lower losses and waste increase available food supplies and the overall efficiency of the food and agricultural system.

Additional CO<sub>2</sub> in the atmosphere should also contribute to higher food production.<sup>37</sup> Although there are uncertainties related to the quantitative relationship between higher yields and higher CO<sub>2</sub> concentrations, there is no doubt that the latter increases yield.<sup>38</sup> This is unsurprising since CO<sub>2</sub> is plant food, a fact established over two centuries ago by Nicolas Théodore de Saussure in his pioneering book, *Recherches Chimiques sur la Végétation*.<sup>39</sup>

Moreover, because the health of the population has improved, the amount of food needed to maintain a healthy weight for each individual has declined. This is because additional food is needed to replace the nutrients lost because of sickness, with some illnesses (e.g., water-borne diseases) reducing them more than others.<sup>40</sup> Mechanical and electrical appliances have also reduced the demand for human effort, which translates into reduced demand for food.

One may get a sense of the cumulative contribution of these technologies to the world food supply if one considers that between 1961 and 2007, global population more than doubled from 3.1 billion to 6.7 billion and food supplies per person increased by 27 percent, yet the total amount of cropland increased by only 11 percent.<sup>41</sup> In effect, in 2007, the global food and agricultural system delivered, on average, two and a half times as much food per acre of cropland as in 1961. New and improved technologies, coupled with greater penetration of existing technologies since 1961, account for 60 percent of total global food supplies.

Had the productivity of this sector not improved since 1961, the world would have



needed to cultivate another 2.2 billion hectares of cropland in 2007 to produce the same amount of food. This is equivalent to the combined land area of South America and the European Union.

Much of this can be attributed directly or indirectly to fossil fuels. However, the full effects of fossil fuels may be even greater because the above calculation does not account for the pre-1961 yield increases from various fossil fuel-dependent technologies identified above. As indicated in Figure 3, the developed world had already captured some of these increases by 1960.

**Clothing and Textiles.** Until the late 19th century, all the clothing, garments and textiles used by mankind were made from the products of living nature, such as plant fiber (e.g., cotton, flax, jute), wool (from goats, sheep, and other livestock), skins, or silk. Synthetic fibers started to become commercial in the first few decades of the 20th century. Today, synthetic fibers such as polyester, nylon, vinyl, and acrylic account for about 60 percent of global fiber production.<sup>42</sup>

Polyester alone accounts for 80 percent of the global market share of synthetic fibers. Nylon, acrylic, and polyolefin (including polyethylene) account for another 18 percent of global synthetic fiber production by volume.<sup>43</sup> Each of these is produced from raw materials derived from petroleum products.

Because of the widespread use of synthetic fibers, skins and furs are widely regarded as outmoded, unfashionable, and unnecessary. This may be partly responsible for the rebound of beavers and other wildlife.

Cotton accounts for 78 percent of natural fibers.<sup>44</sup> However, the production of cotton, like that of other crops, depends heavily on fossil fuels. In addition to being an important consumer of fertilizers, cotton farming has traditionally been a major user of pesticides. For instance, the 6 percent of India's cropland that was devoted to cotton was responsible for 37 percent of its pesticide use.<sup>45</sup>

Based on 2001–03 data, Oerke estimates that because of pesticides, a potential global

cotton crop loss of 82 percent was reduced to 29 percent.<sup>46</sup> The recent widespread adoption of genetically modified cotton that protects itself from plant pests is, however, likely to have reduced the use of pesticides on cotton.

To summarize, just as for food production, it would be impossible to sustain current quantities of production of clothing and other textiles without major additional conversion of habitat to cropland. No less important, for many uses such as water-resistance, insulation, and weight minimization, natural fibers are, for the same cost, inferior to synthetic fibers. For example, synthetic fibers have brought to the masses winter outerwear with properties that even the wealthiest could not afford a century ago.

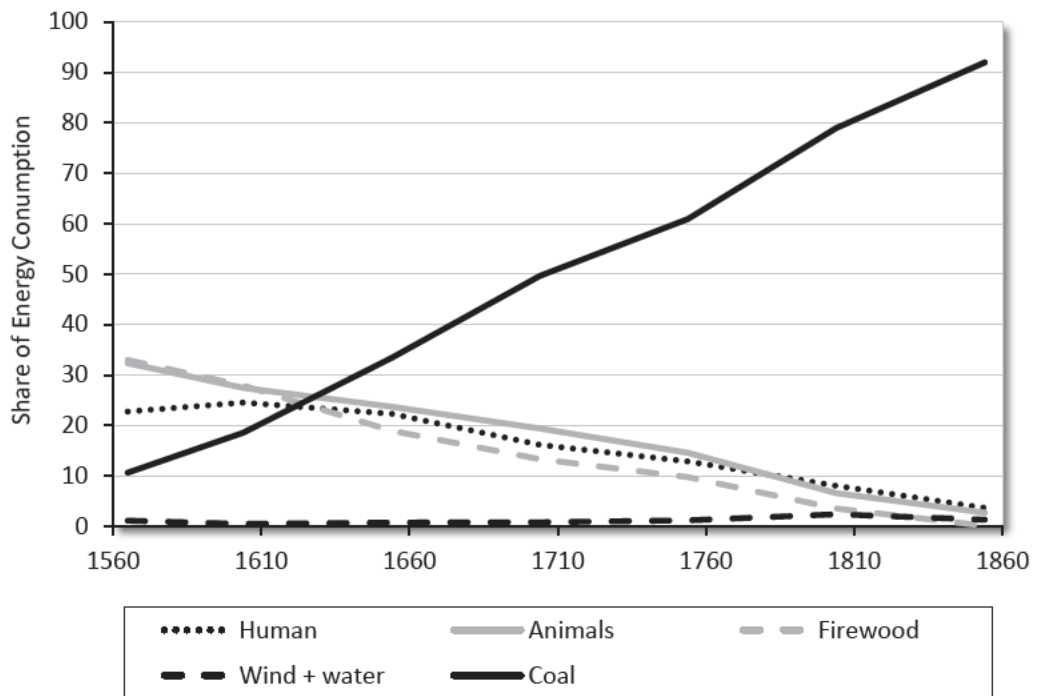
**Fuel and Energy.** Humanity's fuel and energy services were traditionally obtained from human power, animal power, and wood, supplemented in some places by water, wind, and geothermal power (e.g., Iceland).

Figure 6 shows the trend in energy consumption by source for England and Wales from the 1560s through the 1850s. In the 1560s, human power provided 23 percent of energy consumption; animal power, 32 percent; firewood, 33 percent; wind and water, 1 percent; and coal provided 11 percent of the total energy consumed. By the 1750s, the combined contribution of human and animal power had been halved to 28 percent, while coal's contribution had more than quintupled: by the 1860s, coal was responsible for over 90 percent of energy consumption. The share from wind and water was never very high for most places, if data for England and Wales are any guides. In the three centuries examined in the figure, their combined share never exceeded 3 percent of total energy consumption.<sup>47</sup>

England and Wales' turn to coal started in earnest in the late 16th century, long before the Industrial Revolution.<sup>48</sup> This turn commenced because the region was already suffering from a shortage of wood due to the demands of a growing population for wood

**The share of energy from wind and water was never very high for most places. From 1560 to 1860, in England and Wales, their combined share never exceeded 3 percent of total energy consumption.**

**Figure 6**  
**Contribution of Various Forms of Energy to Total Energy Consumption, England and Wales, 1561–70 to 1850–59**



Source: E. A. Wrigley, *Energy and the English Industrial Revolution* (Cambridge: Cambridge University Press, 2010), p. 94.

Note: Based on averages for various decades.

**Since the late 16th century, the mix of fuels has shifted from wood and human- and animal-based energy toward fossil fuels and, to a lesser extent, nuclear power.**

for heating and cooking, timber, and wood charcoal, among other things.<sup>49</sup> Since then, the mix of fuels has shifted from wood and human- and animal-based energy toward fossil fuels and, to a lesser extent, nuclear power.

Other countries benefited from England’s advances in coal-combustion technology and, over the centuries, followed suit, as illustrated for the United States in Figure 7.<sup>50</sup>

Figure 8 shows the contributions of “modern” energy sources to U.S. primary consumption from 1775 to 2009, which excludes the contributions of human and animal power. The split in 1850 was 7 percent for fossil fuels and 93 percent for non-fossil fuels.<sup>51</sup> Today, despite the government’s heavy-handed intervention in the marketplace through subsidies and mandates designed to increase the share of renewable en-

ergy sources, the split is 81 to 19 in favor of fossil fuels. Since 11 of the 19 percent from non-fossil fuels are from nuclear energy, the current nonrenewables to renewables split is 92 to 8, almost exactly the reverse of the situation in 1850.<sup>52</sup>

These splits are similar to that for the world. According to the International Energy Agency, 81 percent of world’s energy comes from fossil fuels, living nature provides 10 percent, 6 percent comes from nuclear, and the remainder comes from other renewables.<sup>53</sup> Thus, for both the United States and the world, energy use, for practical purposes, is synonymous with fossil fuels.

In the absence of fossil fuels, the world would have had to rely on renewables and/or nuclear. Renewables, however, are much more land-intensive, and any effort to increase their use would necessarily have in-

volved massive conversion of land to energy generation.<sup>54</sup> The fact that currently the world relies primarily on fossil fuels rather than renewables, despite relatively generous subsidies and stringent mandates that favor the latter, indicates that renewables are not economically viable on larger scales.

Based on the U.S. Energy Information Administration’s 2011 study on subsidies for electrical generation,<sup>55</sup> the Institute for Energy Research calculates that in 2010, fossil fuels received a subsidy equivalent to \$0.64 per megawatt-hour (MWh) of electricity produced, solar and wind received \$776 and \$56.3 per MWh, respectively, and nuclear received \$3.14.<sup>56</sup>

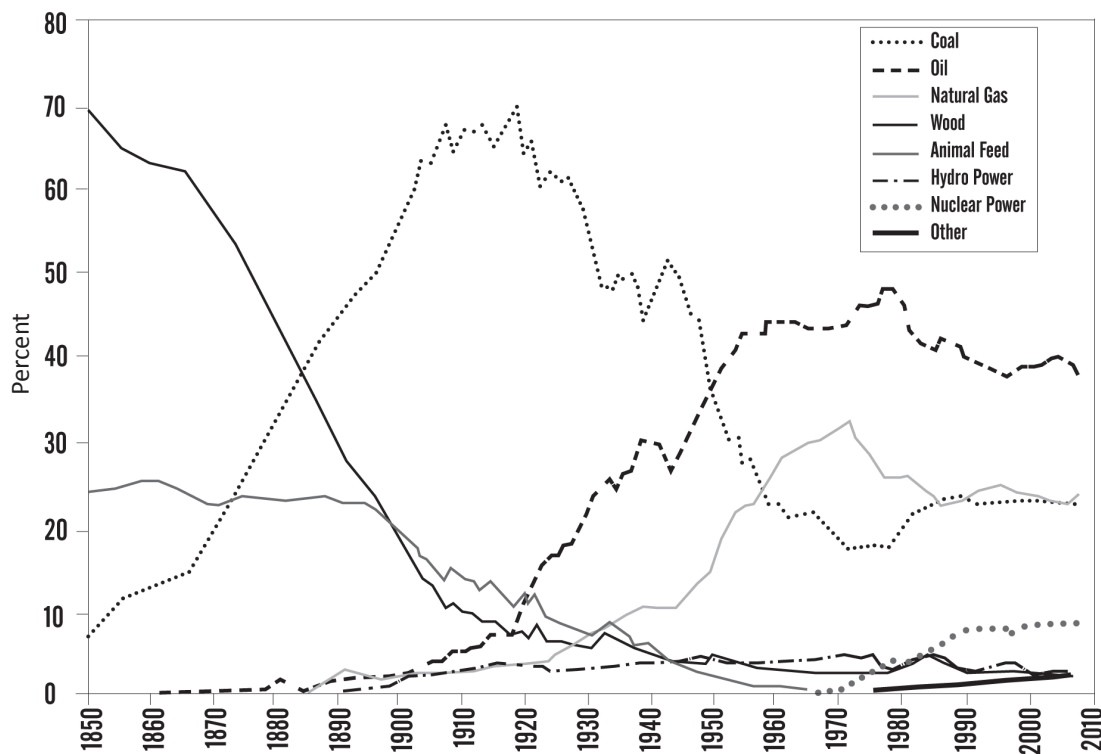
**Transportation and Other Work.** A critical component of the energy sector is the energy used to transport people and goods, and to do other work in the home, on the farm, in

industry, and elsewhere. Initially, human beings provided most of the energy for these activities. But once they figured out how to domesticate animals and harness their energy for such tasks, animals were conscripted to perform these tasks. One of the legacies of this period is the continued use of “horsepower” to rate the power output of various engines and machines, at least in the English-speaking world.

Although the use of animal energy for transportation and other work has, for the most part, been phased out in the industrialized world, it is still common in many developing countries. But it is being abandoned there as well, because it cannot compete against fossil-fuel driven internal combustion engines and electric powered devices. On farms and in cities, machines are displacing oxen, mules, and horses. Today, trucks

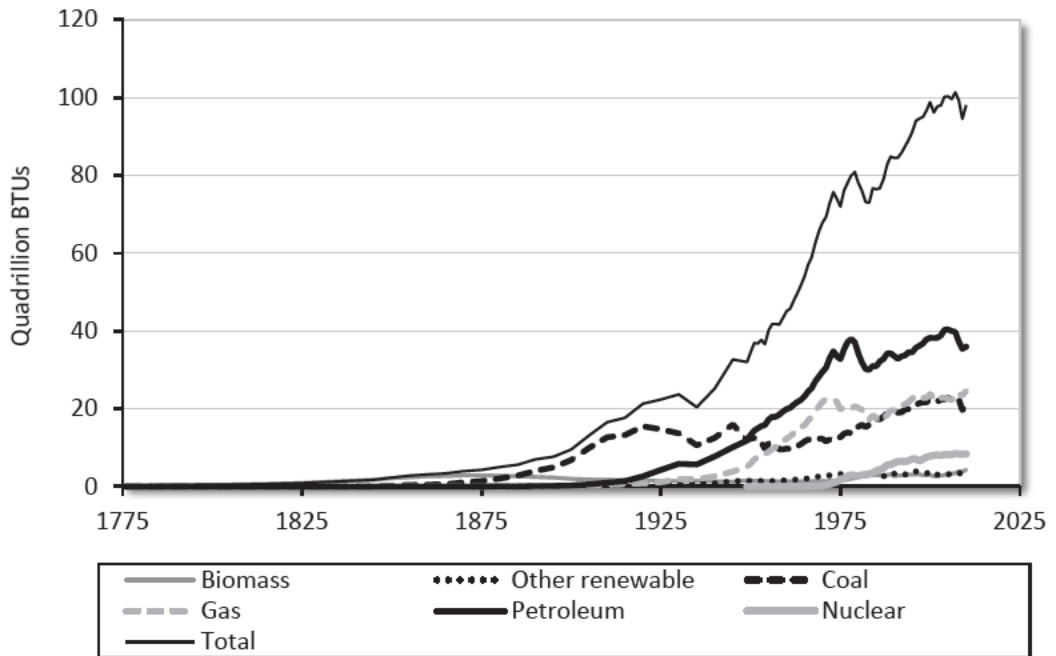
**In the absence of fossil fuels, the world would have had to rely on renewables and/or nuclear. Renewables are much more land-intensive, and any effort to increase their use would necessarily have involved massive conversion of land to energy generation.**

**Figure 7**  
**The Transition in the Composition of U.S. Energy Use Derived from Living Nature to Mainly Fossil Fuels, 1850–2008**



Source: David I. Stern, *The Role of Energy in Economic Growth*, CCEP Working Paper 3.10, Center for Climate Economics and Policy, Crawford School of Economics and Government, Australian National University, Canberra, October 2010, p. 12.

**Figure 8**  
**U.S. Primary Energy Consumption, 1775–2010**



Source: U.S. Energy Information Administration, *Annual Energy Review 2010*, Tables 1.3, 10.1, and E.1.  
 Note: This figure does not include estimates of energy provided by humans and animals.

**From 1900 onward, the increasing use of materials by the United States indicates that it is correlated with carbon dioxide emissions and has increased along with the other indicators of progress.**

and trains carry far more goods on the Silk Road, for instance, than camel caravans ever did. This has freed up land that would otherwise have had to be used to sustain and maintain the animals.<sup>57</sup>

More importantly, machinery and devices powered directly or indirectly by fossil fuels have advanced the well-being of children, women, the weak, and the disabled. Specifically, fossil fuel-powered machinery has reduced the value of child labor, helping make it obsolete in all but poor societies. And even these societies are reducing their levels of child labor. In low-income countries, it declined from 30 to 18 percent between 1960 and 2003. This has allowed children to be children and, equally significantly, they now have greater opportunity to attend school and be educated in preparation for a more fulfilling and productive life in a technologically more advanced society.<sup>58</sup>

Fossil fuels have also advanced equal opportunity for women and the disabled.

Home appliances, powered for the most part by electricity, have reduced the time, tedium, and toil of the work that women traditionally did—and still do—in the home. In addition, power tools and machinery allow women, the disabled, and the weak to work at tasks that once would have been reserved, for practical purposes, for able-bodied men, which has expanded the former groups' economic opportunities.

*Materials for Constructing and Fabricating Buildings and Worldly Goods.* Materials, like food and fuel, are critical to humanity's well-being. Figure 9, which shows U.S. material use from 1900 onward, indicates that it is correlated with carbon dioxide emissions and has increased along with the other indicators of progress. In this figure, "materials" includes metals and minerals; synthetic and nonrenewable organic chemicals; cotton and other non-food agricultural materials; and paper, wood, and other forestry products. In 1900, a total of 144 million metric tons



(MMT) of material was used to make products in the United States.<sup>59</sup> By 2006, material use had increased 26-fold to 3.8 billion metric tons (BMT). Fortunately for living nature, most of this increase was from nonrenewable sources, that is, materials derived from inorganic sources and fossil fuels.

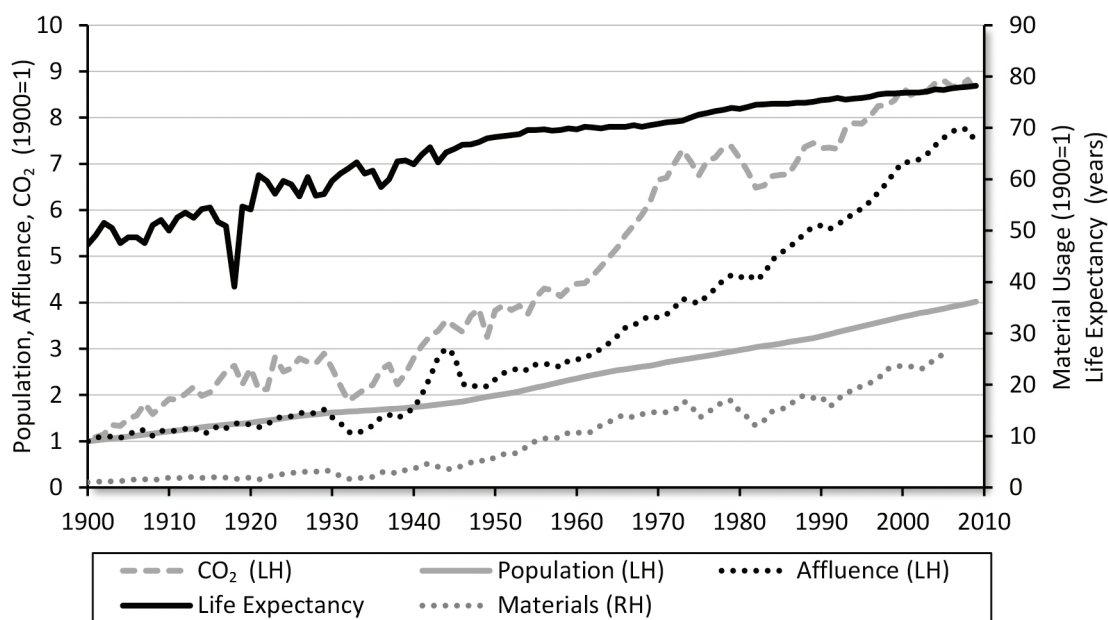
Figure 10 indicates that materials from renewable sources (that is, agriculture and forestry) tripled over this period from 66 MMT to 188 MMT. By contrast, materials from nonrenewables registered a 46-fold increase from 78 MMT to 3.6 BMT. Consequently, the contribution of renewables to total materials decreased from 46 percent in 1900 to 5 percent in 2006 (from agriculture

and forestry). Nonrenewable organic chemicals provided 4 percent of total materials, while 91 percent came from nonrenewable metals, industrial minerals, and construction materials.

The increase in the share of nonrenewables relative to renewables is due, first, to construction materials, such as cement, sand, gravel, and stone. Second, the use of metals and industrial minerals increased. Third, new materials, derived from petroleum feedstock, including vinyl, plastics, fiberglass insulation, and synthetic fibers, were developed. In addition, cement, iron, steel, and other inorganic mineral substances are often used today where previously wood might

**By 2006, material use had increased 26-fold to 3.8 billion metric tons (BMT). Fortunately for living nature, most of this increase was from nonrenewable sources.**

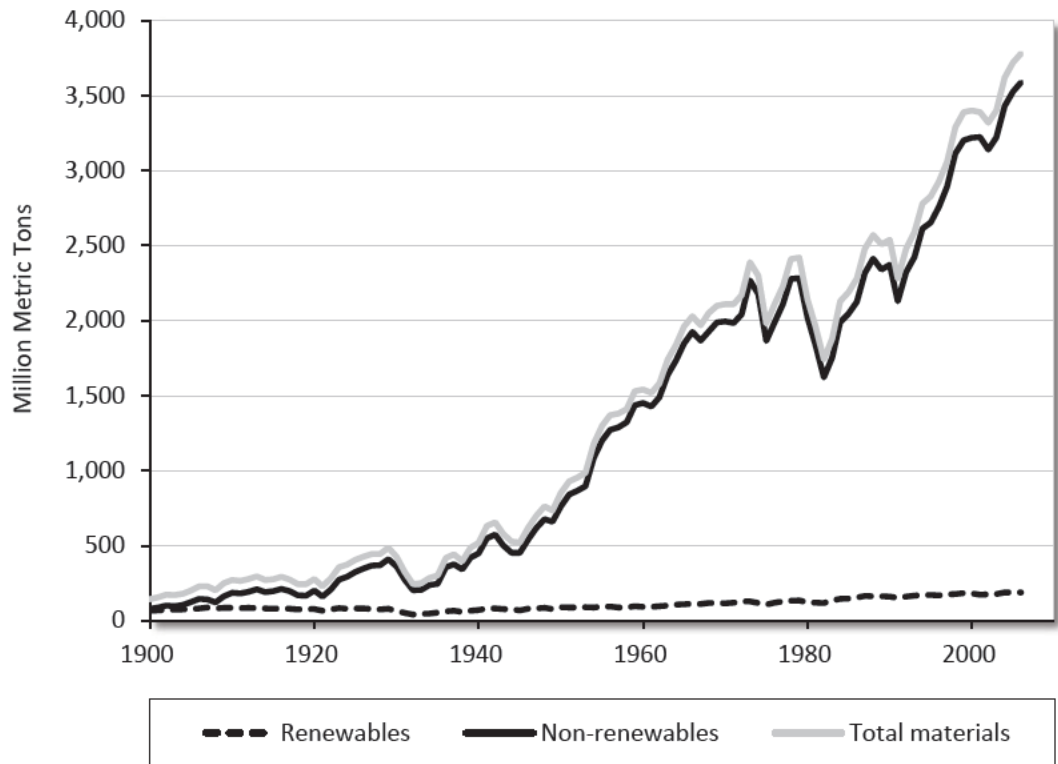
**Figure 9**  
**Progress in Human Well-being, Living Standards, Material Use and Carbon Dioxide Emissions, U.S., 1900–2009**



Sources: Updated from Indur Goklany “Have Increases in Population, Affluence and Technology Worsened Human and Environmental Well-being?” *Electronic Journal of Sustainable Development* 1, no. 3 (2009), using the *Statistical Abstract of the United States 2011*, and *National Vital Statistics Report 59* (4): 1; based on Angus Maddison, *Statistics on World Population, GDP and Per Capita GDP, 1–2008 AD*, University of Groningen, 2010, [http://www.ggd.net/MADDISON/Historical\\_Statistics/vertical-file\\_02-2010.xls](http://www.ggd.net/MADDISON/Historical_Statistics/vertical-file_02-2010.xls); Grecia R. Matos, *Use of Minerals and Materials in the United States From 1900 Through 2006*, U.S. Geological Survey Fact Sheet 2009-3008, <http://pubs.usgs.gov/fs/2009/3008>; World Bank, *World Development Indicators 2011*, <http://databank.worldbank.org/>; T. A. Boden, G. Marland, and R. J. Andres, *Global, Regional, and National Fossil-Fuel CO<sub>2</sub> Emissions*, [http://cdiac.ornl.gov/trends/emis/overview\\_2008.html](http://cdiac.ornl.gov/trends/emis/overview_2008.html).

Note: Life expectancy is a surrogate for human well-being; living standards are depicted by affluence, or GDP per capita; and CO<sub>2</sub> is a proxy for fossil-fuel usage.

**Figure 10**  
**Renewable, Nonrenewable and Total Material Usage in the U.S., 1900–2006**



Source: Grecia R. Matos, *Use of Minerals and Materials in the United States from 1900 through 2006*, U.S. Geological Survey Fact Sheet 2009-3008, <http://pubs.usgs.gov/fs/2009/3008>.

have been employed, for example, in houses and other structures. These developments have allowed humanity to limit its demand for timber and agricultural materials.<sup>60</sup>

More important, regardless of whether materials are derived from renewable or nonrenewable sources, they cannot be used without energy inputs. This is because no material can be extracted, refined, shaped, fabricated, manufactured, or processed in any fashion without the application of heat energy, mechanical energy, or both. Nor, for that matter, can any material be transported from where it is obtained, to where it is processed, to where it is used without energy.

Paper and paperboard, for example, account for almost half of all the renewable materials used in the United States.<sup>61</sup> But whether these products are made from virgin pulp or recycled material, they require large

amounts of energy. On average it takes over 15,000 British Thermal Units (BTUs) to produce just one pound of paper, which makes the pulp and paperboard industry one of the most energy-intensive industries.<sup>62</sup> Not surprisingly, the five most energy-intensive industries are those that manufacture materials of one kind or another (see Table 2). But in today's world, as already noted, energy means fossil fuels.

**Service and Government Sectors.** Perhaps because people do not see tall chimney stacks billowing steam and smoke from the premises associated with the service and government sectors, it is a common misconception that they do not depend much on energy. But both sectors would grind to a halt without fossil fuels.

First, most workers, even in developing countries, go back and forth to work on

**Regardless of whether materials are derived from renewable or nonrenewable sources, they cannot be used without energy inputs.**

**Table 2**  
**The Most Energy-Intensive Industries in the United States**

	BTU per pound
Ethylene	8,107
Iron and Steel	8,700
Ammonia	12,150
Paper and Paper Board	15,590
Aluminum (primary ingot)	44,711

Source: BCS, *U.S. Energy Requirements for Aluminum Production Historical Perspective, Theoretical Limits and Current Practices*, prepared for Industrial Technologies Program, Energy Efficiency and Renewable Energy, U.S. Department of Energy, [http://www1.eere.energy.gov/industry/aluminum/pdfs/al\\_theoretical.pdf](http://www1.eere.energy.gov/industry/aluminum/pdfs/al_theoretical.pdf), p. 99.

some form of mechanized transportation. That requires fuel. Second, trade, transportation, and tourism—parts of the service sector—also need fuel to move goods and people. Third, the other segments of these sectors, including the information, finance, education, and government segments, would barely function without reliable electricity for lighting, computers, and telecommunications. The service and government sectors, like other sectors, also usually need heating in winter and air conditioning in summer. But all these depend on energy. And again, worldwide, energy, for practical purposes, means fossil fuels.

### **The Environmental Benefits of Using Fossil Fuels Rather than Living Nature**

The collective demand for land to meet humanity’s demands for food, fuel, and other products of living nature is—and always has been—the single most important threat to ecosystems and biodiversity.<sup>63</sup> Fossil fuel-dependent technologies have kept that demand for land in check. This positive aspect of the impact of fossil fuels on the environment has been ignored in most popular narratives, which instead emphasize fossil fuels’

potential detrimental effects, including air, water, and solid-waste pollution, as well as any climate change associated with the use and production of these fuels. Because of this oversight, and thus lacking balance, these studies generally conclude that fossil fuels have been an environmental disaster.

To obtain a notion of the magnitude of the environmental benefits of fossil fuels, consider just the effect of fertilizers and pesticides on the amount of habitat saved from conversion to cropland because fossil fuels were used to meet current food demands. The Haber-Bosch process, by itself, is responsible for feeding 48 percent of global population and pesticides have reduced losses from pests for a range of food-related crops by 26–40 percent. Together, these two sets of technologies might therefore be responsible for feeding approximately 60 percent of the world’s population, assuming that pesticides that are not manufactured with significant fossil fuel inputs would be half as effective as those that require fossil fuels. Therefore, had fossil fuels not been used, the world would have needed to increase the global amount of cropland by an additional 150 percent.<sup>64</sup>

This means that to maintain the current level of food production, at least another 2.3 billion hectares of habitat would have had to be converted to cropland. This is equivalent to the total land area of the United States,

**Had fossil fuels not been used for agricultural production, the world would have needed to increase the global amount of cropland by an additional 150 percent.**

**Historian Edward Anthony Wrigley estimates that replacing coal in England and Wales in 1850 with wood would have required harvesting 150 percent of all their land.**

Canada, and India combined. Considering the threats posed to ecosystems and biodiversity from the existing conversion of 1.5 billion hectares of habitat to cropland, the effect of increasing that to 3.8 billion hectares is inestimable.<sup>65</sup>

The above calculation underestimates the additional habitat that would have to be converted to cropland because it assumes that the additional 2 billion hectares of cropland would be as productive as the current 1.5 billion hectares—an unlikely proposition since the most productive areas are probably already under cultivation.

Moreover, even if the same level of production could have been maintained, eschewing the use of today's first-best technologies to produce fertilizers or pesticides would necessarily have meant higher food prices. That would have added to the 925 million people that the Food and Agriculture Organization (FAO) estimates are already chronically hungry worldwide.<sup>66</sup> Thus, fossil fuels have averted a disaster for both humanity and the rest of nature.

The movement away from wood, human and animal power, and other renewable energy sources to fossil fuels has also resulted in substantial environmental benefits. An estimated 27 percent of the land harvested in the United States for crops in 1910, for example, was devoted to feeding the 27.5 million horses and mules used on and off the farm. Had the horse and mule population in the United States expanded in proportion to the human population and crop yields stayed constant, an additional 319 million additional acres would have been needed in 1988 just to feed the additional livestock. This would have exceeded the amount of cropland that was harvested in 1988 (about 297 million acres).<sup>67</sup> In fact, phasing out animal power has been among the major reasons why the extent of cropland planted in the United States has not expanded since 1910, despite government subsidies to overcultivate crops.<sup>68</sup> Clearly, fossil fuel-based substitutes for animal power have substantially reduced pressures on habitat and eco-

systems in the United States over what they would otherwise have been.<sup>69</sup> This should also be true for much of the rest of the rest of the world today.

The above estimates understate the reduction in habitat conversion that is the result of fossil fuel's virtual phase-out of animal power in much of the world because the assumption that it would grow in proportion to the human population ignores the fact that energy use has, in fact, grown much more rapidly (see, for instance, Figure 7). Thus, they do not include estimates of the additional land that would have to be commandeered if fossil fuels were to be replaced by renewable sources of energy and materials using current technologies had energy use stayed constant.

Historian Edward Anthony Wrigley estimates that replacing coal in England and Wales in 1850 with wood would have required harvesting 150 percent of all their land.<sup>70</sup> Because fossil fuel energy use is much higher today, the situation would be even worse now, if that is conceivable.

Because habitat is critical for maintaining and conserving species and ecosystems, these environmental benefits of fossil fuel-dependent technologies most likely have outweighed their environmental costs resulting from their emissions of air, water, and solid waste.<sup>71</sup>

In addition, the environmental damages from converting habitat to cropland is likely to be more lasting and less easily reversed than the damages from air, water, and solid-waste pollution. As the experience of the industrialized world indicates, these damages from fossil fuel combustion can be reversed at relatively reasonable cost. Moreover, if the environmental transition hypothesis is valid, because of the wealth generated from the economic surpluses from the use of fossil fuels, the probability of such reversals is increased.<sup>72</sup>

This hypothesis postulates that initially societies opt for economic and technological development over environmental quality because it enables them to escape from poverty



and improve their quality of life by making both needs and wants (e.g., food, education, health, homes, comfort, leisure, and material goods) more affordable. But once basic needs are met, over time members of society perceive that environmental deterioration compromises their quality of life and they start to address their environmental problems. Being wealthier and having access to greater human capital, they are now better able to afford and employ cleaner technologies. Consequently, environmental deterioration can be halted and then reversed. Under this hypothesis, technological change and economic development may initially be the causes of negative environmental effects, but eventually they work together to effect an “environmental transition,” after which technological change and economic development become the solutions to reducing these effects.<sup>73</sup>

Finally, note that despite claims that carbon-induced climate change would be detrimental to human well-being, there is no empirical evidence that higher carbon emissions have reduced global well-being or living standards in aggregate. In fact, Figures 4 and 5 suggest precisely the opposite. Human well-being and living standards have gone up remarkably even as these emissions have increased by orders of magnitude. Claims that global warming may already be responsible for killing over 150,000 people per year are based on a study whose very authors acknowledge that their methodology did not “accord with the canons of empirical science [because] it would not provide the timely information needed to inform current policy decisions on [greenhouse gas] emission abatement, so as to offset possible health consequences in the future.”<sup>74</sup> That is, the authors sacrificed scientific quality to a policy agenda.

Empirical data also falsify other claims regarding the alleged grisly consequences of global warming, that is, that deaths and economic damages from extreme weather events will escalate, malaria will expand, or crop yields will decline and increase hunger. Specifically, empirical data show:

- Global death rates from extreme weather events declined by 98 percent since the 1920s, while economic damages corrected for population growth and wealth have not increased;<sup>75</sup>
- Malaria death rates were reduced by 26 percent from 2000 to 2010<sup>76</sup>; and
- Global crop yields increased by 160 percent since 1961.<sup>77</sup>

Notwithstanding their flaws, the fossil fuel-dependent technologies that stretched living nature’s natural productivity and displaced some of its products not only permitted humanity to escape the Malthusian vise, but saved nature itself from being overwhelmed by humanity’s demands.

## Reduction in the Vulnerability of Society to Climate and Weather

Another inevitable consequence of reducing humanity’s dependence on nature and relying instead on fossil fuels and inorganic materials is that climate and weather are no longer critical to humanity’s well-being.

No human activities are more sensitive to climate and weather than agriculture and forestry. Agriculture, by itself, was mankind’s major economic activity until the Industrial Revolution. But because of economic and technological development and the growth of the service sector—driven in large part by greater energy use underwritten mainly by fossil fuels—this is no longer the case.

In 1800, about 80–90 percent of the U.S. working population was engaged in agriculture. This had dropped to 41 percent by 1900, 16 percent by 1945, and today it is 1.5 percent.<sup>78</sup> This shrinkage occurred despite the increase in agricultural production because other sectors grew more rapidly. In 1900, agriculture accounted for 23 percent of U.S. gross domestic product; today it accounts for 0.7 percent.<sup>79</sup>

**There is no empirical evidence that higher carbon emissions have reduced global well-being or living standards in aggregate. In fact, data suggest precisely the opposite.**

**Humanity's reduced susceptibility to weather and climate is confirmed by the long-term decline in aggregate global mortality from extreme weather events, including droughts, extreme heat and cold, floods, landslides, waves, wildfires, and storms of all kinds.**

**Table 3**  
**Reduction in Global Vulnerability to Climate and Weather**  
**(indicated by agriculture's declining share of the economic pie for various income groups, 1980–2008)**

Income Group (by percent)	Agricultural Sector's Share of GDP	
	1980	2008
Low-income countries	37.6	25.4
Medium-income countries	20.3	9.5
High-income countries	4.0	1.5
World	6.6	2.9

Source: World Bank, *World Development Indicators 2011*, <http://databank.worldbank.org/>.

Thus, the United States has become much less dependent on—and, therefore, less vulnerable to—the climate and weather for its well-being. By the same token, climate change, which should be distinguished from “climate,” is itself of lesser importance. This is also true worldwide: the same dynamic is operating in other countries. Table 3 shows that agriculture's share of gross global product is declining worldwide and for every income group.<sup>80</sup> That is, the world has become more immune to climate and weather.

Other fossil fuel-dependent factors have accelerated these trends. In particular, the increase in trade in agricultural products means that if an area experiences a shortfall of food, either because its productivity has always been low or it has been depressed because of weather (or manmade events such as poor agricultural policies or conflict), food shortfalls can be made up via trade.<sup>81</sup>

The same factors have also reduced the economic significance of the forestry sector. Currently, about 0.4 percent of the world's labor force and 1 percent of global economic product depends on forestry.<sup>82</sup>

Humanity's reduced susceptibility to weather and climate is confirmed by the long-term decline in aggregate global mortality from extreme weather events, including droughts, extreme heat and cold, floods, landslides, waves, wildfires, and storms of all kinds (e.g., hurricanes, cyclones, tornados,

and typhoons). Despite much more complete reporting of such events and associated casualties, aggregate mortality declined by 93 percent since the 1920s.<sup>83</sup>

These reductions were mainly due to fewer deaths from droughts, which accounted for almost 60 percent of the deaths from all extreme weather events recorded globally from 1900 to 2010 and, to a lesser extent, from floods (which accounted for 34 percent) and storms (which accounted for 7 percent). Fossil fuels were critical to these reductions.<sup>84</sup> Specifically, deaths from droughts were reduced by 99.98 percent since the 1920s because thanks to fossil fuels the food and agricultural system produced more food and improved its ability to transport and distribute this food rapidly and in large quantities.<sup>85</sup>

Another important factor, common to all categories of extreme weather events, is better disaster preparedness and more rapid response and delivery of humanitarian aid when disaster strikes. Timely preparations and response are major factors in the reduction in death and disease that traditionally were caused by or accompanied natural disasters. Success (or failure) hinges on the availability of fossil fuels to move out people who are at risk while moving in emergency responders, food, medicine, and other critical humanitarian supplies before and after disasters. Maintaining reliable communi-

cations, which depends mainly on electricity, is another critical element of disaster response. This has been aided by improved meteorological forecasts, which rely on electricity-powered communication systems for dissemination.<sup>86</sup> Another critical factor for reducing casualties is the availability of energy-intensive technologies such as air conditioning and heating that allow people to cope with excessive heat and cold.

Economic development, itself dependent on fossil fuels, also allowed the United States and other developed countries to accumulate assets such as helicopters, planes, and trucks with which to mount disaster-relief efforts and offer humanitarian aid to developing countries in times of famine, drought, floods, cyclones, and other natural disasters, weather-related or not. Such aid would have been virtually impossible to deliver in large quantities or in a timely fashion absent fossil fuel-fired transportation.<sup>87</sup>

In fact, it is inconceivable that a successful and timely disaster-management effort can be mounted today without diesel generators; petroleum-powered helicopters, trucks, earth-moving equipment and other vehicles; heavy-duty tents made of lightweight petroleum-derived synthetic fibers for temporary shelters and hospitals; and myriad other items needed for disaster relief that depend directly or indirectly on fossil fuels.

## How Did the World Escape the Malthusian Vise?

Figure 4 shows that the increased use of fossil fuel-dependent technologies paralleled humanity's progress and its escape from nature's Malthusian trap, while Figure 5 illustrates a similar story for the United States.

The improvements in human well-being in industrialized countries over the last quarter millennium and in developing countries since World War II can be ascribed to the mutually reinforcing, co-evolving forces of economic growth, technological change, human

capital, and freer trade, which push and pull each other in a "cycle of progress."<sup>88</sup>

Figure 11 is a simplified depiction of this cycle. It shows some of the ways these forces interact with and reinforce each other and how they advance food supplies and public health. Within this cycle are other cycles, like wheels within wheels. For example, health begets wealth, and vice versa. Other coupled cycles consist of health and human capital, wealth and technology, and wealth and trade.

Since this is a cycle, it has no real beginning or end, but perhaps the first portion of this cycle that coalesced was the slow accumulation of human knowledge (capital), which led to technologies that increased both land conversion and crop yields. These, coupled with trade, increased food supplies, which in turn improved health. Since a healthier (and less hungry) population is generally more productive in whatever activity it undertakes, it became wealthier, which then helped further boost human capital. A healthier population also is generally better educated and better trained, which too increases human capital. The cycle, thus, came full circle.

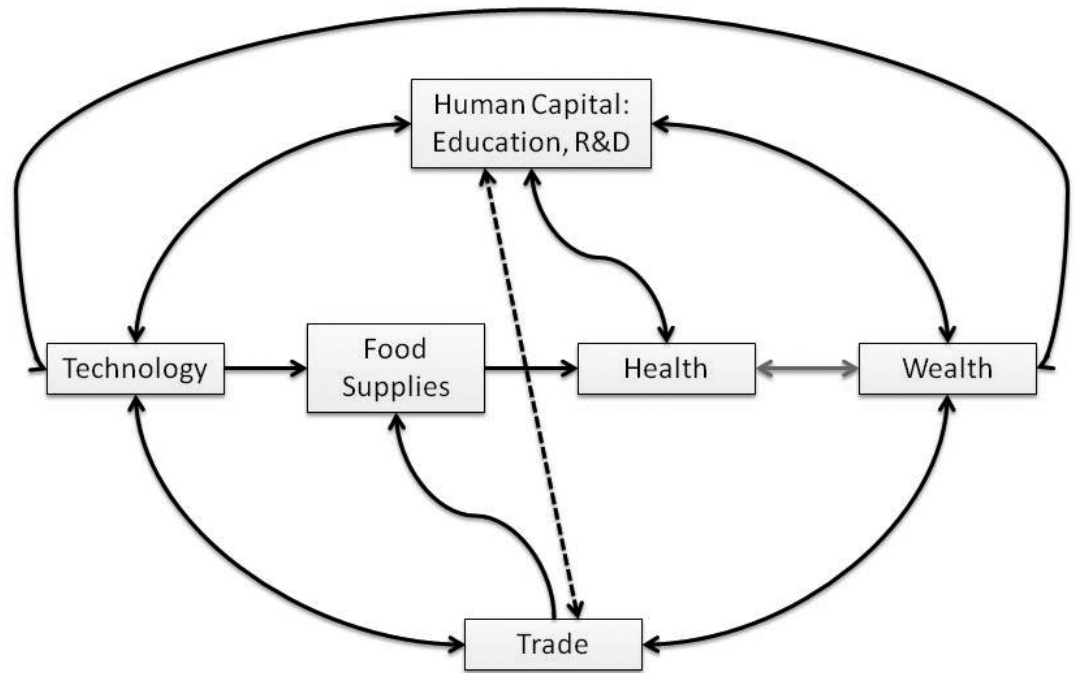
As indicated by Figures 1 and 4, fossil fuels did not start this cycle rolling, but they accelerated its progress. Today, continued progress depends on fossil fuels. Specifically, as shown above, current levels of economic activity (the proximate source of wealth), food supplies, trade, and public health—individual parts of the cycle—could not be sustained without fossil fuels.

The cycle of progress has many features identified by economists and social observers, including Charles Jones, Paul Romer, and Matt Ridley, who ascribe economic growth in general—and humanity's escape from Malthusian constraints in particular—to the growth of ideas that then spawned the necessary technologies.<sup>89</sup>

Jones and Romer contend that, over time, with the accretion of knowledge, human capital advanced, ideas were born, and technology advanced. This led to larger popula-

**Current levels of economic activity (the proximate source of wealth), food supplies, trade, and public health—individual parts of the cycle—could not be sustained without fossil fuels.**

**Figure 11**  
**The Cycle of Progress**



Source: Adapted from Indur Goklany, *The Improving State of the World* (Washington: Cato Institute, 2007), pp. 91-92. Note: This schematic illustrates how the forces of economic growth, human capital and technology interact with trade to advance food supplies and public health, and reinforce each other. Some linkages, e.g., the linkage between technology and health, are not shown. Some linkages are one-way; others are two-way. Two-way linkages indicate a subcycle.

**Not only are biofuels unable to pay for themselves (hence the subsidies and mandates), but these subsidies and mandates have helped increase food prices, which has added to hunger and poverty worldwide.**

tions, but more people also resulted in more ideas, which led to further technological change. At a certain point, it became possible for technologies to increase living standards despite resource constraints. These arguments had been around at least since Simon Kuznets in 1960 and Julian Simon in the 1970s.<sup>90</sup> But economic models capable of capturing these features adequately are of more recent vintage.<sup>91</sup>

Note that although the cycle depicted in Figure 11 does not explicitly have boxes for “ideas” or “population,” they are implicit in the “technology” and “human capital” boxes.

The development of human capital was aided by the demographic transition, in which households traded off quantity of children in favor of quality; that is, they preferred to build their progeny’s human capital.<sup>92</sup> In addition, the extent and speed of communication accelerated the quantity

and rate at which knowledge and ideas can be exchanged, which then leads to more and faster generation of ideas and technologies.<sup>93</sup>

But ideas are not enough. They need to be translated into practical technologies that are adopted and used, and can be sustained in the marketplace. Equally important, for every “good” idea there is at least one or more “bad” ideas. For example, a spectacularly bad idea is that the state should control the means of production. Yet, despite access to significant levels of human capital, some societies have tried to implement this bad idea.

Yet another bad idea is providing subsidies for, and directly or indirectly mandating, the use of biofuels to replace fossil fuels. Not only are biofuels unable to pay for themselves (hence the subsidies and mandates), but these subsidies and mandates have helped increase food prices, which has



added to hunger and poverty worldwide and increased the population at risk of death and disease.<sup>94</sup> Moreover it is debatable whether biofuels can deliver net environmental benefits.<sup>95</sup> A recent study by the U.S. National Research Council reaffirmed this, while noting that biofuels are also unlikely to be economically viable alternatives to gasoline, absent high oil prices, technological breakthroughs, and high carbon prices.<sup>96</sup>

Then there are ideas that do not pan out. Thomas A. Edison, for instance, is reputed to have tried 1,600 materials for the filament of the incandescent light bulb before alighting on carbonized bamboo.<sup>97</sup> That is, the vast majority of his ideas misfired. It would be another quarter of a century before the tungsten filament would be commercialized (and not by Edison).

Another great idea, championed by both Henry Ford and Edison (apparently, until they saw the light), that has not panned out so far is the electric automobile.<sup>98</sup> In the late 1800s and early 1900s, it seemed that the electric vehicle might be the favored replacement for the horse-drawn carriage and its associated excreta that fouled the urban landscape, but it lost out in the marketplace to the petrol-powered internal combustion engine.<sup>99</sup> Today, despite substantial subsidies, the electric automobile is unable to grab significant market share.

In the United States, notwithstanding direct federal subsidies of \$7,500 per car (and indirect subsidies in the range of \$250,000 per car), electric cars eked out a market share of 0.014 percent in 2011.<sup>100</sup> Similarly, in the United Kingdom, fewer than 800 electric vehicles were sold in the first nine months of 2011, despite a government subsidy of £5,000 each (equivalent to \$8,000), which brought total electric vehicle registrations in that country to 1,107 out of 28.5 million cars on the road.<sup>101</sup>

Just as wishes cannot conjure real horses, ideas by themselves do not physically transport people. Remarkably, another failed competitor for fueling the replacement to the horse-drawn carriage was grain alcohol

(ethanol). Today, despite subsidies, it remains uncompetitive on its own merits in most areas.<sup>102</sup>

Among the reasons why England was the among the first countries to surmount Malthusian barriers was that it had developed, perhaps through luck, a set of institutions that gave individuals a stake (or property right) in developing their ideas into useful and practical inventions. Equally important, to a greater extent than other countries, it relied on the institution of the marketplace to sort through which ideas were viable, paid for themselves, and were, therefore, self-sustaining.

By contrast, the marketplace was missing in the communist Soviet Union. Hence, despite its emphasis on developing science and technology and having abundant human capital, including some of the world's best mathematicians and theoretical scientists, its innovation and rate of economic growth lagged that of societies with freer and more open markets. The competitive marketplace also helped bring down the price of viable technologies, which led to their greater dissemination.

Complementing the economic marketplace was the development and application of the scientific method, founded on empirical verification, for analyzing and solving problems. Such prior empirical verification of ideas/technologies should have reduced the failure rate of newly introduced ideas and products in the marketplace.

## **How Fossil Fuels Accelerated the Production of Knowledge and Ideas**

Fossil fuels have been critical for the technologies that allowed humanity's numbers to increase and its well-being and living standards to advance. But technologies are born from ideas, and fossil fuels have helped increase the quantity and quality of ideas.

**Technologies are born from ideas, and fossil fuels have helped increase the quantity and quality of ideas.**

**The role of cheap illumination in enhancing human capital cannot be overestimated. Illumination has given human beings something that even the gods didn't provide: it—with apologies to Albert Einstein—"expanded" time.**

**Population.** Without fossil fuels, there would be insufficient food. As a result, the population would be in poorer health, smaller, or both. If lower food production translates into fewer people, then the world would necessarily have fewer ideas. This means less, or inferior, technology.

The connection between population and ideas seems intuitive. It is captured in that old adage, "two heads are better than one," but empirical evidence supporting this idea is difficult to come by. University of California–Los Angeles anthropologists Michelle Kline and Robert Boyd have found evidence of this connection in a novel examination of a "natural experiment" in Oceania. They analyzed marine foraging toolkits for 10 island groups and found that groups with larger populations had more complex and diverse tool kits. Malekula, the smallest island (population 1,100), had 13 total tools, while Hawaii, the largest (population 275,000) had 71.<sup>103</sup>

**Better Health and Greater Life Expectancy.** If, instead of reducing the population level, less food were to result in poorer health, that would compromise the ability to acquire and retain knowledge and training. Human capital per capita would be lowered, which, in turn, would also reduce the quality of its ideas.

Better health also translates generally into higher life expectancy, which in and of itself promotes the formation of human capital. Considering that many current candidates for advanced degrees and post-doctoral positions are in their 20s and, in some cases, their 30s and even 50s,<sup>104</sup> had life expectancy not increased—globally it was 25 years in 1750 and 31 years in 1900—there would have been many fewer highly educated and trained people to add to the global stock of knowledge and to train subsequent generations. Moreover, when lifespans are short, it makes less sense for either the individual or society to invest in educating the young and postponing their contribution to society, rather than putting them to work as soon as practicable. After all, the dead can-

not produce, no matter how well educated they might become. Thus, higher life expectancy, a consequence of better health, advances human capital and enhances human knowledge, which then generates new ideas and technologies.<sup>105</sup>

**Lighting.** After "peak wood"—that is, the point of resource depletion where wood became increasingly unavailable and costly—but long before the notion of "peak oil" became fashionable, and even before petroleum was discovered, the world was confronting "peak blubber." Whale blubber was the fuel of choice for illumination, but whale hunting had taken its toll on their numbers and the world was running out of this precious commodity.<sup>106</sup> The poor had to make do with tallow candles.

Kerosene from petroleum saved the day, for both rich and poor. Today, illumination worldwide depends more on relatively cheap fossil fuel-generated electricity than any other source. In fact, the price of illumination has never been lower. In 1800 in the United Kingdom, it took the average worker six hours of labor to buy an hour of lighting from the use of a tallow candle.<sup>107</sup> That is, after 12 hours of labor, the average worker would have been able to afford all of two hours of lighting, with nothing left over for anything else! Today it takes half a second of work to get the same amount of illumination using a compact fluorescent bulb.<sup>108</sup> Lighting went from luxury to ubiquity, at least in the industrialized countries. But it remains an extravagance in impoverished areas around the world.

The role of cheap illumination in enhancing human capital cannot be overestimated. Illumination has given human beings something that even the gods didn't provide: it—with apologies to Albert Einstein—"expanded" time; that is, it has given us more time to read, learn, and be creative and productive, if we choose.

In recognition of its effects on productivity, most commercial and industrial establishments, as well as libraries, classrooms, and many laboratories, light up their prem-

ises regardless of the time of day. Not surprisingly, lighting accounts for a significant share of the U.S. electricity bill: 14 percent for the residential sector and 22 percent for the commercial sector.<sup>109</sup>

**Mechanical Power.** It's insufficient to have time to acquire human capital, if a person lacks the physical energy to do so efficiently and effectively.

Before the Industrial Revolution, much of the work done on the farm and in factories at home, in shops, and in industrial settings, required physical labor. (The origin of the term, "manufacture," itself reveals that it originally required human labor by hand.<sup>110</sup>) Even where animal power was used, a person usually had to manage and direct the animal's energy. Consequently, people generally lacked the time and energy for tasks much beyond making ends meet.

This changed with the advent of machinery and, later, home appliances powered directly or indirectly by fossil fuels. If not for such home appliances, powered for the most part by electricity, more women would be toiling for longer hours in the home. Most of these technologies would have been still-born or available only to the wealthy, had relatively cheap fossil fuels been unavailable. These appliances include air conditioning, hot and cold running water, vacuum cleaners, dishwashers, and washing machines.

These devices have opened up options for women that seemed absent as recently as a few decades ago, in even the wealthiest countries, particularly for the less well-to-do. In effect, women's liberation was midwifed by fossil fuels. As a result, women—and their families—have even greater incentive to develop their human capital. Today, more women go on to college and graduate than men in the United States. Currently, women earn 57 percent of bachelor's, 62 percent of master's, and 52 percent of doctoral degrees.<sup>111</sup> Therefore, much of this human capital would be lost to mankind were relatively cheap fossil fuels not available.

As noted, power tools and machinery have leveled the playing field for women, the dis-

abled, and the weak, enabling them to work on many tasks that were once the domain of able-bodied men. They have also reduced the value of child labor, which is helping make that practice obsolete, except in poor countries where much of the population lacks economic access to such devices. While child labor has declined, the number of children attending school has increased, adding further to the stock of human capital.<sup>112</sup>

**Trade.** Without relatively cheap fossil fuels, the volume and speed with which goods are traded would be much lower. But trade is one of the fastest methods of disseminating technologies. Introducing new technologies to new places also helps generate new ideas. Or, as Matt Ridley has noted, ideas have "sex," which then propagates new ideas.<sup>113</sup>

Absent trade, such devices as personal computers, notebooks, and cell phones may not have been available outside of a handful of industrialized countries, and their prices would have been higher everywhere. This would translate into lower human capital per capita. These products also contain substantial amounts of polycarbonate and other petroleum-based plastics.<sup>114</sup>

The simplification of Tasmania's toolkit after its isolation from Australia as the result of sea-level rise 10,000 years ago hints at the importance of trade.<sup>115</sup> Kline and Boyd's natural experiment in Oceania also found that island groups that had more contact—that is, more trade—also had more tools.<sup>116</sup> Trade, in effect, increases the size of the population and human capital from which a society may access ideas and technologies. For instance, because of trade, India's population can, and does, draw upon ideas and technologies generated in the United States, and vice versa.

Trade also encourages specialization, which advances human capital. However, if there is too much specialization and trade (for whatever reason) is then discontinued, that could lead to technological regression. Perhaps that, too, contributed to Tasmania's technological regression.

**Communications.** The speed and extent of communications are among the stron-

**Without relatively cheap fossil fuels, the volume and speed with which goods are traded would be much lower.**

**The speed and extent of communications are among the strongest determinants of the rate of generation of ideas. The major methods of communication over the past few decades all currently depend on fossil-fuel energy.**

gest determinants of the rate of generation of ideas. The major methods of communication over the past few decades, and which are still in broad use (e.g., travel, newspapers, telephones, cell phones, television, the Internet) all currently depend to one degree or another on fossil-fuel energy.

Newspapers, for example, are still printed on paper for dissemination. The pulp and paper industry is the second-most energy intensive (Table 2), and despite having ready access to wood, it supplements its energy needs with fossil fuels and electricity (most of which is also from fossil fuels).<sup>117</sup> Television and the Internet all rely on cheap electricity, mainly derived from fossil fuels. Moreover, televisions and the tangible objects at the interface of the Internet and the user (e.g., personal computers, laptops, even cell phones) contain substantial amounts of plastic, which are petroleum-derived products.

Detailed analysis of the total energy and fossil fuels used to produce a vintage-2000 desktop computer with a 17-inch cathode-ray-tube monitor indicates that computer manufacturing is much more energy intensive than generally recognized. The amount of fossil fuel required to manufacture this desktop system is estimated at 11 times its weight. By comparison, this ratio is 1:2 for automobiles, 2 for refrigerators, and 4:5 for aluminum cans.<sup>118</sup>

According to a 2007 estimate, the global information and communications technology industry accounts for approximately 2 percent of global carbon dioxide emissions, which is equivalent to aviation.<sup>119</sup> In 2010, data centers (for servers) alone accounted for 1.3 percent of all electricity use for the world and 2 percent of all electricity use for the United States.<sup>120</sup>

**Comfort.** Personal comfort is another factor that helps develop human capital. Without adequate heating in the winter and cooling in the summer (and appropriate clothing, most likely containing synthetic fibers to one extent or another), productivity would be compromised. Not surprisingly, where societies can afford it and weather makes it

necessary, educational establishments and homes consume substantial energy to maintain premises at comfortable levels.

## Conclusion

Until the last quarter of a millennium, mankind depended on living nature for all its food and clothing, most of its energy, and much of its material and medicines. She dictated mankind's numbers, well-being, and living standards. But she has never been constant. She would smile on some, but not on others. Her smiles, always temporary, would inevitably be replaced by frowns. Her Malthusian checks—hunger, famine, disease, or conflict—ensured that there was little or no progress in the human condition. Many people did not even survive into their 20s, populations grew very slowly, and living standards were generally constrained to subsistence levels.

Gradually, with the accumulation of human capital, exchange of ideas, and hard work, mankind started to commandeer more land to meet its needs and develop technologies that, in some cases, amplified Nature's bounty but, in other cases, bypassed her altogether. These led to higher food production, better health, longer lifespans, and larger populations with better living standards, which then reinforced human capital and the exchange of ideas, which begat yet more and better technologies. Thus was the cycle of progress born and set in motion.

The cycle had been moving forward in fits and starts before fossil fuels—ancient nature's bequest to humanity—became ubiquitous.<sup>121</sup> But fossil fuels assured progress. The cycle accelerated. Mankind's dependence on nature declined. It became less vulnerable to weather, climate, disease, and other sources of natural disasters. The Malthusian bonds that held mankind and its well-being in check started to stretch, until they were burst asunder.

Today, fossil fuels are responsible for at least 60 percent of mankind's food. They



also provide 81 percent of mankind's energy supply, while nature supplies only 10 percent. Sixty percent of the fiber used globally for clothing and other textiles are synthetic, coming mainly from fossil fuels. Much (thirty percent) of the remaining—so-called natural fiber, relies heavily on fossil fuel-based fertilizers and pesticides. With respect to materials, although global estimates are unavailable, nature provides only 5 percent of U.S. materials (by weight). But even this 5 percent, just like the remaining 95 percent, cannot be processed, transported and used without energy inputs.

Without fossil fuels, humanity would be unable to feed itself, and what food there was would be costlier. There would be more hunger. There would be insufficient energy and materials available to sustain the economy at more than a fraction of its current level. Public health would suffer, living standards would plummet, human well-being would be drastically diminished, and the population would crash.

In the absence of the technologies that depend directly or indirectly on fossil fuels, humanity would have had to expand cropland by another 150 percent to meet the current demand for food. Even more land would have had to be annexed to satisfy existing requirements for energy, materials, clothing, and other textiles using nature's products.

Not only have these fossil fuel-dependent technologies ensured that humanity's progress and well-being are no longer hostage to nature's whims, but they saved nature herself from being devastated by the demands of a rapidly expanding and increasingly voracious human population.

Progress today depends on technological change; economic development; trade in goods, services and ideas; and human capital. But technology is the product of ideas, and fossil fuels have been vital for the generation of ideas. Specifically, fossil fuels have helped give us—and not just the rich amongst us—illumination, which expands our time; machines that preserve our level of energy; better health and longer life

expectancies; faster and more voluminous trade in goods and ideas; more rapid communications within a wider network; and a much larger population. Reinforcing each other, they increased the stock of human capital and created more opportunities for exchanging ideas, which spawned even more ideas and technologies. And today humanity's numbers, well-being, and living standards have never been higher.

In summary, although fossil fuels did not initiate the cycle of progress and are imperfect, they are critical for maintaining the current level of progress. It may be possible to replace fossil fuels in the future. Nuclear energy is waiting in the wings but, as the high subsidies and mandates for renewables attest, renewables are unable to sustain themselves today. Perhaps, with help from fossil fuels, new ideas will foster technologies that will enable a natural transition away from such fuels.

## Notes

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**Progress today depends on technological change; economic development; trade in goods, services and ideas; and human capital. But technology is the product of ideas, and fossil fuels have been vital for the the generation of ideas.**

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**To:** [Randal Bowman](mailto:Randal.Bowman); [fabien.laurier@ios.doi.gov](mailto:fabien.laurier@ios.doi.gov); [sarah\\_veatch@ios.doi.gov](mailto:sarah_veatch@ios.doi.gov); [Daniel, Raychelle](#); [Christian Crowley](#); [genevieve\\_brune@ios.doi.gov](mailto:genevieve_brune@ios.doi.gov); [Mayne, Chloe](#); [Van Gilder, Noah](#); [Tihansky, Ann](#); [ann\\_miller@ios.doi.gov](mailto:ann_miller@ios.doi.gov); [jason\\_kirkey@ios.doi.gov](mailto:jason_kirkey@ios.doi.gov); [Shawn Buckner](#); [Stanley Burgiel](#); [Stern, Adam](#); [Gina Digiantonio](#); [Steele, Jonathan](#); [Rebecca Behrens](#); [Sarah Cline](#); [Liza Johnson](#); [OS, PPA](#); [Indur Goklany](#); [Kelsey Brantley](#); [Jamie Reaser](#); [Malka Pattison](#); [robert\\_boyd@ios.doi.gov](mailto:robert_boyd@ios.doi.gov); [Benjamin Simon](#); [Skrabis, Kristin E](#); [Hilary Smith](#); [Ann Tihansky](#); [Sarah Abdelrahim](#); [Joel Clement](#); [Carlann Unger](#)  
**Subject:** DOI budget information in OMB release  
**Date:** Thursday, March 16, 2017 11:32:55 AM  
**Attachments:** [DoI budget statement OMB.docx](#)

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The scant information in the budget document released this morning is attached

The Department of the Interior (DOI) is responsible for protecting and managing vast areas of U.S. lands and waters, providing scientific and other information about its natural resources, and meeting the Nation's trust responsibilities and other commitments to American Indians, Alaska Natives, and U.S.-affiliated island communities. The Budget requests an increase in funding for core energy development programs while supporting DOI's priority agency mission and trust responsibilities, including public safety, land conservation and revenue management. It eliminates funding for unnecessary or duplicative programs while reducing funds for lower priority activities, such as acquiring new lands.

The President's 2018 Budget requests \$11.6 billion for DOI, a \$1.5 billion or 12 percent decrease from the 2017 annualized CR level.

### **The President's 2018 Budget:**

- Strengthens the Nation's energy security by increasing funding for DOI programs that support environmentally responsible development of energy on public lands and offshore waters. Combined with administrative reforms already in progress, this would allow DOI to streamline permitting processes and provide industry with access to the energy resources America needs, while ensuring taxpayers receive a fair return from the development of these public resources.
  - Sustains funding for DOI's Office of Natural Resources Revenue, which manages the collection and disbursement of roughly \$10 billion annually from mineral development, an important source of revenue to the Federal Treasury, States, and Indian mineral owners.
  - Eliminates unnecessary, lower priority, or duplicative programs, including discretionary Abandoned Mine Land grants that overlap with existing mandatory grants, National Heritage Areas that are more appropriately funded locally, and National Wildlife Refuge fund payments to local governments that are duplicative of other payment programs.
  - Supports stewardship capacity for land management operations of the National Park Service, Fish and Wildlife Service and Bureau of Land Management. The Budget streamlines operations while providing the necessary resources for DOI to continue to protect and conserve America's public lands and beautiful natural resources, provide access to public lands for the next generation of outdoor enthusiasts, and ensure visitor safety.
  - Supports tribal sovereignty and self-determination across Indian Country by focusing on core funding and services to support ongoing tribal government operations. The Budget reduces funding for more recent demonstration projects and initiatives that only serve a few Tribes.
- Reduces funding for lower priority activities, such as new major acquisitions of Federal land. The Budget reduces land acquisition funding by more than \$120 million from the 2017 annualized CR level and would instead focus available discretionary funds on investing in, and maintaining, existing national parks, refuges and public lands.
  - Ensures that the National Park Service assets are preserved for future generations by increasing investment in deferred maintenance projects. Reduces funds for other DOI construction and major maintenance programs, which can rely on existing resources for 2018.
  - Provides more than \$900 million for DOI's U.S. Geological Survey to focus investments in essential science programs. This includes funding for the Landsat 9 ground system, as well as research and data



collection that informs sustainable energy development, responsible resource management, and natural hazard risk reduction.

- Leverages taxpayer investment with public and private resources through wildlife conservation, historic preservation, and recreation grants. These voluntary programs encourage partnerships by providing matching funds that produce greater benefits to taxpayers for the Federal dollars invested.
- Budgets responsibly for wildland fire suppression expenses. The Budget would directly provide the full 10-year rolling average of suppression expenditures.
- Invests over \$1 billion in safe, reliable, and efficient management of water resources throughout the western United States.
- Supports counties through discretionary funding for the Payments in Lieu of Taxes (PILT) program at a reduced level, but in line with average funding for PILT over the past decade.

**From:** Kaloi, Kaiini  
**To:** [Goklany, Indur](#)  
**Subject:** DI-105 Receipt for Property  
**Date:** Friday, March 17, 2017 10:48:24 AM  
**Attachments:** [Enomoto Property\\_021417.pdf](#)  
[Lisa Oshiro-Suganuma DI-105 02132017.pdf](#)  
[K Kaloi DI 105 02132017 signed.pdf](#)

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Aloha Goklany,

Just checking that you have my property receipts. Do you still need them? I have imaged copies.

Again, I really appreciate your help with this.

Kimo

--

Kaiini Kaloi, ESQ  
Director  
U.S. Department of the Interior  
[Office of Native Hawaiian Relations](#)  
1849 C Street, NW MS 3561  
Washington, D.C. 20240  
202-208-7462 direct  
[kaiini.kaloi@ios.doi.gov](mailto:kaiini.kaloi@ios.doi.gov)

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 DEPARTMENT OF THE INTERIOR

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 BY ISSUING OFFICE

as  
 BUREAU OR OFFICE

RECEIPT FOR PROPERTY

ITEM	PROPERTY TAG	DESCRIPTION	Make	Yr of Mfg	Model	Serial No or Service Tag	Quantity
1	055229	Laptop	Dell		Latitude E5450	7WK7Q92	1
2	none	Docking Station	Dell		PR02X	2386045001535	1
3	none	Cell Phone	Apple		iphone 6 (MG642LL/A)	FFMS9014G5MH	1
4							
5							
6							
7							
8							
9							

Issued By: (Name and Title)  
 Indur Goklany, Sr. Advisor

Date Issued:  
 Updated:

It is understood that I am personally responsible for the property listed hereon and that if any of the property is lost, stolen, damaged, or destroyed through my simple or ordinary neglect, or negligence or gross negligence, I can be held financially liable as determined by a Board of Survey.

Received By: (Name and Title)

Signature and Date:

Stanton Enomoto, Senior Program Director for the Office of Native Hawaiian Relations



FEB. 14, 2017

RETURN ORIGINAL TO EMPLOYEE UPON TURN-IN OF PROPERTY

DI-105 Revised (.doc)  
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DEPARTMENT OF THE INTERIOR

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ORIGINAL-RETAIN  
BY ISSUING OFFICE

RECEIPT FOR PROPERTY

ITEM	PROPERTY TAG	DESCRIPTION	Make	Yr of Mfg	Model	Serial No or Service Tag	Quantity
1	41079	Laptop	Dell	2010	Latitude E6410	6DYFJM1	1
2	none	Docking Station	Dell		PR03X	CN-0PW380-12961-9B5-2321-A03	1
3	113248 (USFWS)	Tower CPU	Dell	2008	Optiplex 755	B33YKH1	1
4	none	Monitor	Dell	2005	1905FP	MX-0W8690-48323-58H-33MA	1
5	none	Monitor	Dell	2003	1901FP	CN-05Y232-71618-38P-ABBX	1
6	none	Keyboard	Cherry		G83-6744LUAUS-2	G 0078055 3W10	1
7	none	Mouse	Dell		M-UVDEL1	LNA32663427	1
8	none	Speakers	Harman/Kardon			CN-06941V-47782-187-3518	1
9	none	Cell Phone	Blackberry	2009	Curve 8530	807B157E	1

Issued By: (Name and Title) Indur Goklany, Sr. Advisor	Date Issued: Updated:
It is understood that I am personally responsible for the property listed hereon and that if any of the property is lost, stolen, damaged, or destroyed through my simple or ordinary neglect, or negligence or gross negligence, I can be held financially liable as determined by a Board of Survey.	
Received By: (Name and Title)  Lisa Oshiro-Suganuma, Policy Analyst for the Office of Native Hawaiian Relations	Signature and Date:  <i>Lisa C. Oshiro Suganuma 2/13/17</i>

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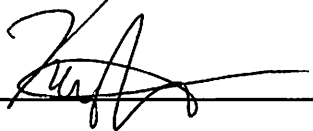
UNITED STATES  
 DEPARTMENT OF THE INTERIOR

as  
 BUREAU OR OFFICE

ORIGINAL-RETAIN  
 BY ISSUING OFFICE

RECEIPT FOR PROPERTY

ITEM	PROPERTY TAG	DESCRIPTION	Make	Yr of Mfg	Model	Serial No or Service Tag	Quantity
1	049122	Laptop	Dell	unclear	Latitude E6440	30029409930	1
2	68656	Monitor	Dell	unclear	Generic PNP Monitor	CNOT6116-71618-584-AES2	1
3	none	Monitor	ViewSonic	2014	Generic PNP Monitor	TSP142002585	1
4	none	Scanner	Fujitsu	2014	IX500	AOVB201468	1
5	none	Cell Phone	Apple	2014	Iphone 6	FFMRM8SG5MC	1
6	none	Keyboard	Dell	unclear	Dell	CNOKW240-71616-979-08HA	1
7							
8							

Issued By: (Name and Title) Indur Goklany, Sr. Advisor		Date Issued: Updated:	
It is understood that I am personally responsible for the property listed hereon and that if any of the property is lost, stolen, damaged, or destroyed through my simple or ordinary neglect, or negligence or gross negligence, I can be held financially liable as determined by a Board of Survey.			
Received By: (Name and Title) Ka'i'ini Kaloi, Director for the Office of Native Hawaiian Relations		Signature and Date:  02/13/17	

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**From:** Goklany, Indur  
**To:** [Chloe Mayne](#); [Kaiini Kaloi](#)  
**Subject:** Fwd: DI-105 Receipt for Property  
**Date:** Monday, March 20, 2017 8:31:09 AM  
**Attachments:** [Enomoto Property\\_021417.pdf](#)  
[Lisa Oshiro-Suganuma DI-105 02132017.pdf](#)  
[K Kaloi DI 105 02132017 signed.pdf](#)

---

Kimo,

Mahalo nui loa! [Also Mahalo to Google!]

I'm passing this on to Chloe -- have you met her? -- she has taken over the property management function from me. She is doing what Tiera was doing plus a lot more. [Thanks Chloe.]

Goks

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

**From:** **Kaloi, Kaiini** <[kaiini\\_kaloi@ios.doi.gov](mailto:kaiini_kaloi@ios.doi.gov)>  
**Date:** Fri, Mar 17, 2017 at 10:48 AM  
**Subject:** DI-105 Receipt for Property  
**To:** "Goklany, Indur" <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)>

Aloha Goklany,

Just checking that you have my property receipts. Do you still need them? I have imaged copies.

Again, I really appreciate your help with this.

Kimo

--

Kaiini Kaloi, ESQ  
Director  
U.S. Department of the Interior  
[Office of Native Hawaiian Relations](#)  
1849 C Street, NW MS 3561  
Washington, D.C. 20240  
202-208-7462 direct  
[kaiini.kaloi@ios.doi.gov](mailto:kaiini.kaloi@ios.doi.gov)

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UNITED STATES  
 DEPARTMENT OF THE INTERIOR

ORIGINAL-RETAIN  
 BY ISSUING OFFICE

as  
 BUREAU OR OFFICE

RECEIPT FOR PROPERTY

ITEM	PROPERTY TAG	DESCRIPTION	Make	Yr of Mfg	Model	Serial No or Service Tag	Quantity
1	055229	Laptop	Dell		Latitude E5450	7WK7Q92	1
2	none	Docking Station	Dell		PR02X	2386045001535	1
3	none	Cell Phone	Apple		iphone 6 (MG642LL/A)	FFMS9014G5MH	1
4							
5							
6							
7							
8							
9							

Issued By: (Name and Title)  
 Indur Goklany, Sr. Advisor

Date Issued:  
 Updated:

It is understood that I am personally responsible for the property listed hereon and that if any of the property is lost, stolen, damaged, or destroyed through my simple or ordinary neglect, or negligence or gross negligence, I can be held financially liable as determined by a Board of Survey.

Received By: (Name and Title)

Signature and Date:

Stanton Enomoto, Senior Program Director for the Office of Native Hawaiian Relations



FEB. 14, 2017

RETURN ORIGINAL TO EMPLOYEE UPON TURN-IN OF PROPERTY

DI-105 Revised (.doc)  
(Revised 02-06-2017 img)

UNITED STATES  
DEPARTMENT OF THE INTERIOR

as  
BUREAU OR OFFICE

ORIGINAL-RETAIN  
BY ISSUING OFFICE

RECEIPT FOR PROPERTY

ITEM	PROPERTY TAG	DESCRIPTION	Make	Yr of Mfg	Model	Serial No or Service Tag	Quantity
1	41079	Laptop	Dell	2010	Latitude E6410	6DYFJM1	1
2	none	Docking Station	Dell		PR03X	CN-0PW380-12961-9B5-2321-A03	1
3	113248 (USFWS)	Tower CPU	Dell	2008	Optiplex 755	B33YKH1	1
4	none	Monitor	Dell	2005	1905FP	MX-0W8690-48323-58H-33MA	1
5	none	Monitor	Dell	2003	1901FP	CN-05Y232-71618-38P-ABBX	1
6	none	Keyboard	Cherry		G83-6744LUAUS-2	G 0078055 3W10	1
7	none	Mouse	Dell		M-UVDEL1	LNA32663427	1
8	none	Speakers	Harman/Kardon			CN-06941V-47782-187-3518	1
9	none	Cell Phone	Blackberry	2009	Curve 8530	807B157E	1

Issued By: (Name and Title) Indur Goklany, Sr. Advisor	Date Issued: Updated:
It is understood that I am personally responsible for the property listed hereon and that if any of the property is lost, stolen, damaged, or destroyed through my simple or ordinary neglect, or negligence or gross negligence, I can be held financially liable as determined by a Board of Survey.	
Received By: (Name and Title)  Lisa Oshiro-Suganuma, Policy Analyst for the Office of Native Hawaiian Relations	Signature and Date:  <i>Lisa C. Oshiro Suganuma 2/13/17</i>

RETURN ORIGINAL TO EMPLOYEE UPON TURN-IN OF PROPERTY



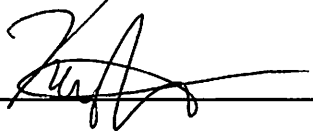
UNITED STATES  
 DEPARTMENT OF THE INTERIOR

as  
 BUREAU OR OFFICE

ORIGINAL-RETAIN  
 BY ISSUING OFFICE

RECEIPT FOR PROPERTY

ITEM	PROPERTY TAG	DESCRIPTION	Make	Yr of Mfg	Model	Serial No or Service Tag	Quantity
1	049122	Laptop	Dell	unclear	Latitude E6440	30029409930	1
2	68656	Monitor	Dell	unclear	Generic PNP Monitor	CNOT6116-71618-584-AES2	1
3	none	Monitor	ViewSonic	2014	Generic PNP Monitor	TSP142002585	1
4	none	Scanner	Fujitsu	2014	IX500	AOVB201468	1
5	none	Cell Phone	Apple	2014	Iphone 6	FFMRM8SG5MC	1
6	none	Keyboard	Dell	unclear	Dell	CNOKW240-71616-979-08HA	1
7							
8							

Issued By: (Name and Title) Indur Goklany, Sr. Advisor		Date Issued: Updated:	
It is understood that I am personally responsible for the property listed hereon and that if any of the property is lost, stolen, damaged, or destroyed through my simple or ordinary neglect, or negligence or gross negligence, I can be held financially liable as determined by a Board of Survey.			
Received By: (Name and Title) Ka'i'ini Kaloi, Director for the Office of Native Hawaiian Relations		Signature and Date:  02/13/17	

RETURN ORIGINAL TO EMPLOYEE UPON TURN-IN OF PROPERTY

**From:** Glomb, Steve  
**To:** [Joel Clement](#); [Indur Goklany](#)  
**Subject:** Fwd: Parking Application  
**Date:** Wednesday, April 05, 2017 3:30:16 PM  
**Attachments:** [parking application.pdf](#)

---

Joel - When we discussed parking passes you mentioned that Goks is no longer in a carpool

Goks - If you are still in a carpool, please fill out the attached parking application and send it to Julie Spano and the parking office. If not, it looks like you may soon be losing your parking pass unless you can get one in some other category.

Steve

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

**From:** **Spano, Julie** <[julie\\_spano@ios.doi.gov](mailto:julie_spano@ios.doi.gov)>  
**Date:** Tue, Apr 4, 2017 at 6:44 AM  
**Subject:** Parking Application  
**To:** Steve Glomb <[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)>

Steve,

I'm attaching the parking application for those that are listed under carpool and under your jurisdiction. **These carpools will need to resubmit their applications by Friday, to the Parking Office and a copy to myself and you for our records.** Each carpool will be verified by OFAS as to whether it is a valid carpool or not. If not, they will more than likely lose their parking pass.

**(b) (6)**

Waiver Parking will also be removed at some point as these are spaces given over and above the parking allocation for a particular office;

**(b) (6)** - Federal Reserve  
Federal Reserve

Thanks, Julie

--

***Julie L. Spano***

Director, Business and Administrative Division  
Office of the Assistant Secretary for Policy, Management and Budget  
U.S. Department of the Interior  
1849 C Street, N.W., Room 5022  
Washington, D.C. 20240  
work: (202) 208-7624  
fax: (202) 219-0241  
cell: (202) 568-9364

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## United States Department of the Interior Application for Parking Permit

NOTE: Whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully - (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title or imprisoned not more than 5 years, or both. (18 U.S.C. 1001, dated January 23, 2000)

**JUSTIFICATION FOR CATEGORIES "B AND E" PARKING** (See instructions on reverse)

(If applicable) Current Parking Location and Permit Number:									
<b>FOR USE OF PARKING CONTROL OFFICE ONLY</b>									
1. MIB	SIB	FRB	2. Permit #						
3 Applicant enrolled in the transit subsidy program								Yes	No
4. VEHICLE SPACE DESIRED (CHECK ONE)									
AUTO				MOTORCYCLE			BICYCLE		
4. Category of Parking Desired (Check one) See instruction on reverse									
A	V	C	B	E	CF	M/B	O	H	
				Justification					



Name and Title of Certifying Official (Bureau/Office Head) \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

	5. Name (Last, First, MI) ; Home address and ZIP code	6. Trips Per Week	7. Personnel Data	8. 1 <sup>st</sup> Vehicle Data	9. 2 <sup>nd</sup> Vehicle Data	10. Name Address Room# ZIP, Code of Employer DOI Employees include Bureau/Office			
<b>Applicant</b>			Last 4 digits SSN#	Make	Make	Duty Hours			
			Work Telephone No.	Model	Model				
	I certify that I do not participate in the transit subsidy program*		Cell phone #						
	Signature:		State	Tag No.	State		Tag No.		
<b>Rider #2</b>			Last 4 digits SSN#	Make	Make	Duty Hours			
			Work Telephone No.	Model	Model				
	I certify that I do not participate in the transit subsidy program*		Cell phone #						
	Signature:		State	Tag No.	State		Tag No.		
<b>Rider #3</b>			Last 4 digits SSN#	Make	Make	Duty Hours			
			Work Telephone No.	Model	Model				
	I certify that I do not participate in the transit subsidy program*		Cell phone #						
	Signature:		State	Tag No.	State		Tag No.		
<b>Rider #4</b>			Last 4 digits SSN#	Make	Make	Duty Hours			
			Work Telephone No.	Model	Model				
	I certify that I do not participate in the transit subsidy program*		Cell phone #						
	Signature:		State	Tag No.	State		Tag No.		
11. Bureau/Office Parking Coordinator Signature:			12. Applicant: I certify that I understand my obligation as outlined in 310 DM 12, and the Office of Facilities and Administrative Services Parking and Transportation Benefit Program Policies. Signature _____ Date: _____						

\* Vanpool Exception IRS Registered

(See instructions and definitions on reverse)

# INSTRUCTIONS

GENERAL: All entries should be typed or printed legibly. Applicants MUST complete all requested information and obtain required signatures. EMPLOYEES WHO FALSIFY INFORMATION ON THIS APPLICATION ARE SUBJECT TO THE PENALTY STATED ON THE FRONT OF THE APPLICATION.

**NOTE:** You are not permitted to have a federally-subsidized parking space if you participate in the Public Transportation Benefit Program.

PRIVACY ACT INFORMATION: Pursuant to Section 3(a)(3) of the Privacy Act of 1974 (Public Law 93-579), individuals furnishing information on this form are hereby advised as follows:

1. The authority for solicitation of the information in 41 CFR-41, FMR 103-74.265/270/275/280/285/290/295/300/305
2. The information is used to assign parking spaces and to identify (for ridesharing purposes CFR-41 FMR 102-74.205/210/215/220/225/) individuals residing in the same geographic areas.
3. The information may be transferred to the U.S. Department of Justice in the event of litigation involving the record or subject matter of the record.
4. The effect on an individual not providing any part of the requested information, including the last four digits of Social Security number, may be denial of the assignment of a parking permit.
5. Provision of the last four digit Social Security number is mandatory. These numbers are used to prevent individuals from applying for more than one parking space and receiving Public Transportation Subsidy.
6. The applicant's name, ZIP Code and business telephone number may be provided to requesters to assist them in making ridesharing arrangements.

**Blocks 1, 2 & 3:** For Parking Control Use ONLY

**Block 3:** Indicate (check) type of vehicle space desired.

**Block 4:** Indicate (check) category of parking desired. A summary description of each category follows:

- Category A: Secretary, Assistant Secretaries, Solicitor, Deputy Secretary, Inspector General, Heads of Bureau and Offices
- Category E: Employees whose duties require them to be "on-call" during non-duty hours for essential operation or protection of the Interior Complex facilities and property, may be considered for Category E parking on a space available basis. Applications for parking under this category **MUST** include a certification in the "Justification for Category "E" Parking."
- Category V: Employees with vanpools (eight or more members).
- Category C: Employees with carpools (four or more members). Priority consideration will be given to the number of riders and Interior employees.
- Category B: Employees who are required to work CONSIDERABLY beyond their official duty hours on a REGULAR basis may be considered for Category B parking on a space available basis and as decided by Bureau/Office Head working within their allocation. Applications for parking under this category **MUST** include a certification in the "Justification for Category "B" Parking" section at the top of this application, of the hours worked by the applicant and the applicant's official duty hours, signed by the head of the applicant's bureau or office.
- Category CF: Clean Fuel Vehicles. Employees commuting with hybrid or alternate fuel vehicles may apply for parking under this category.
- Category M/B: Motorcycles/Bicycles
- Category O: Official Vehicles
- Category H: Employees in need of accessible parking. Requires completion of "Physicians Certification Application for Disabled Parking Form." Determination is made by U.S. Public Health Service Physician.

**Block 5:** Name (Last, First, MI) Home address and ZIP Code: Type or print your name (Last, First, MI), address, and ZIP Code.

**Block 6:** TRIPS PER WEEK: Type or print the number of one-way trips you will regularly make each week. Examples - (1) If you travel one-way every day - enter "5." (2) If you travel both ways every day - enter "10."

**Block 7:** PERSONAL DATA: Type or print your last four digits of your Social Security number, and complete work and cell telephone number.

**Blocks 8 & 9:** VEHICLE DATA: Type or print the vehicle make, model, license plate number, and state of registration. Example - Ford Explorer VA/XYZ-1234. Entries for two vehicles per applicant and rider can be provided. Carpool and vanpool members **MUST** provide information about each vehicle they anticipate driving. Individuals with more than two vehicles must submit the requested data for the additional vehicle(s) on a separate sheet bearing their name and applicant's name (if different).

**Block 10:** NAME, ADDRESS, ROOM NUMBER, ZIP CODE OF EMPLOYER: Type or print name, address and ZIP Code of employer. DOI employees include the appropriate bureau/office. Enter Duty hours.

**Block 11:** BUREAU/OFFICE PARKING COORDINATOR SIGNATURE: Submit to Parking Coordinator for signature and processing.

**Block 12:** CERTIFICATION: Applicant **MUST** sign and date on line provided.

For additional information, contact your Bureau or Office parking coordinator, or the Office of Facilities and Administrative Services Parking Office at 202-208-2222 or visit [doi.gov/ofas](http://doi.gov/ofas).

**From:** Goklany, Indur  
**To:** [James Cason](#); [Douglas Domenech](#)  
**Subject:** Budget for climate change activities  
**Date:** Wednesday, April 05, 2017 4:25:56 PM  
**Attachments:** [Budgetary crosscut for FY 3013 for climate change.pdf](#)

---

I found the Federal climate change expenditures report for FY 2013 (attached) but couldn't locate a later one. For DOI, see p. 36 and 41. The Budget Office should have a detailed breakdown, and possibly for later years.

Goks

**Federal Climate Change Expenditures**  
**Report to Congress**

**August 2013**

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# **FISCAL YEAR 2014 REPORT TO CONGRESS ON FEDERAL CLIMATE CHANGE EXPENDITURES**

## **1. INTRODUCTION**

*“We can’t have an energy strategy for the last century that traps us in the past. We need an energy strategy for the future – an all-of-the-above strategy for the 21st century that develops every source of American-made energy.”*

—President Barack Obama, March 15, 2012

*“We will continue to lead by the power of our example, because that’s what the United States of America has always done. I am convinced this is the fight America can, and will, lead in the 21st century. And I’m convinced this is a fight that America must lead. But it will require all of us to do our part. We’ll need scientists to design new fuels, and we’ll need farmers to grow new fuels. We’ll need engineers to devise new technologies, and we’ll need businesses to make and sell those technologies. We’ll need workers to operate assembly lines that hum with high-tech, zero-carbon components, but we’ll also need builders to hammer into place the foundations for a new clean energy era.”*

—President Barack Obama, June 25, 2013

The following is an accounting of Federal funding for climate change programs and activities, both domestic and international, included in the fiscal year (FY) 2014 President’s Budget. This report is provided in response to Title IV, Division E, Section 425, of P.L. 112-74, the Consolidated Appropriations Act of 2012 continued under P.L. 113-6, Consolidated and Further Continuing Appropriations Act, 2013:

*Not later than 120 days after the date on which the President’s fiscal year 2013 budget request is submitted to Congress, the President shall submit a comprehensive report to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate describing in detail all Federal agency funding, domestic and international, for climate change programs, projects and activities in fiscal year 2011, including an accounting of funding by agency with each agency identifying climate change programs, projects and activities and associated costs by line item as presented in the President’s Budget Appendix, and including citations and linkages where practicable to each strategic plan that is driving funding within each climate change program, project and activity listed in the report.*

## **1.1 BACKGROUND**

The U.S. Government's portfolio of climate change programs and cross-cutting initiatives focuses on advancing our understanding of climate change and its impact on our communities; advancing the development and introduction of energy-efficient, renewable, and other low- or non-emitting technologies; improving standards for measuring and registering emissions reductions and supporting preparedness and resilience to climate change impacts. Many elements of the Administration's climate change portfolio are designed to provide incentives for greenhouse gas (GHG) emissions reductions domestically to support community-based preparedness and resilience efforts, to ensure that Federal operations and facilities continue to protect and serve citizens in a changing climate, and to promote international initiatives focused on concrete actions toward reducing greenhouse gas emission and enhance climate preparedness globally. The Obama Administration has set a U.S. GHG emissions reduction target in the range of 17 percent below 2005 levels by 2020 and approximately 83 percent below 2005 levels by 2050.

Climate and Global Change Research and Education. Through the U.S. Global Change Research Program (USGCRP), U.S. scientists are conducting world-class research on climate and global change. The USGCRP coordinates scientific research across 13 Federal departments and agencies with the mission of "build[ing] a knowledge base that informs human responses to climate and global change through coordinated and integrated Federal programs of research, education, communication, and decision support."<sup>1</sup>

Reducing Emissions through Clean Energy Investments and Standards. The Administration is pursuing a wide range of initiatives that reduce greenhouse gas emissions through clean energy technologies and policies. The Administration has made the largest clean energy investment in American history and these investments have allowed the U.S. to double America's renewable power generation since 2008.

International Leadership. Under President Obama's leadership, the United States has engaged the international community to promote sustainable economic growth and to meet the climate change challenge through a number of important venues including: international climate negotiations in Copenhagen (2009), Cancun (2010), and Durban (2011); the Major Economies Forum, the Clean Energy Ministerial, the Climate and Clean Air Coalition, and the Asia-Pacific Economic Cooperation (APEC) Summit.

Climate Change Adaptation. At the request of President Obama, an interagency Climate Change Adaptation Task Force has crafted recommendations for how Federal agency policies and programs can better prepare the United States to address the risks associated with a changing climate. Federal agencies have released their first-ever climate change adaptation plans to help ensure smart decisions that protect our investments and safeguard the health and security of our communities, economies, natural resources, and infrastructure from the impacts of severe weather, rising sea levels, and other changing climate conditions. The Task Force has also helped develop the National Fish Wildlife and Plants Climate Adaptation Strategy to guide ecosystem adaptation and resiliency efforts.<sup>2</sup>

---

<sup>1</sup> <http://www.globalchange.gov/about>

<sup>2</sup> [www.wildlifeadaptationstrategy.gov](http://www.wildlifeadaptationstrategy.gov)

The budget information presented in this report reflects the Administration’s commitment to address climate change while preserving a strong American economy. The President’s 2014 Budget proposes over \$21.4 billion for climate change activities. This amount is \$1.2 billion, or 5 percent, lower than the 2013 enacted level for climate change programs, activities, and related tax policies.

## **1.2 REPORT OUTLINE**

The President’s 2014 Budget supports a wide range of climate change-related research, development, and deployment programs, voluntary partnerships, and international aid efforts. This report presents the expenditures associated with this portfolio of activities in five main categories – science, technology, international assistance, tax provisions, and adaptation efforts associated with natural resource adaptation – as described below:

- **Climate Change Science.** This category encompasses the U.S. Global Change Research Program (USGCRP).
- **Clean Energy Technology.** Clean Energy Technology incorporates a variety of technology research, development, and deployment activities – including voluntary partnerships and grant programs – that support reductions in greenhouse gas emissions and reliance on fossil fuels. This category comprises work on clean energy systems and sources such as geothermal, solar, wind, biomass, nuclear, and emerging sources such as water power. It also includes programs or technologies or practices that help improve energy efficiency or reduce energy consumption, such as building efficiency, more effective transmission or distribution of electricity, and vehicle technologies that improve engine efficiency or fuel economy.
- **International Assistance.** This category describes elements of a “whole of government” approach to mobilize a wide range of resources and make use of bilateral and multilateral assistance tools. The core budget includes resources for a coordinated set of programs designed to ensure an effective balance across the three pillars of the global climate effort: Adaptation, Clean Energy, and Sustainable Landscapes.
- **Energy Tax Provisions.** This category includes tax incentives for investments in certain energy technologies, and energy payments that can be used in lieu of certain tax credits. These incentives promote deployment of energy efficient or alternative energy technologies, which may help reduce greenhouse gas emissions.
- **Climate Change Adaptation, Preparedness, and Resilience.** There are numerous efforts across the Federal Government for preparing and building resilience to the impacts of climate change on various critical sectors, institutions, and agency mission responsibilities. This concept is also known as “adaptation.” Led by the Interagency Climate Change Adaptation Task Force, and using risk management principles, agencies are working to ensure they can continue to perform their missions in the face of climate change. Successful preparedness efforts often involve integrating climate change considerations into existing agency programs, projects, and activities rather than establishing separate and distinct programs. This creates a challenge when attempting to fully account for all adaptation resources. While the Administration continues to develop

methodologies to account for a broader suite of adaptation programs across all critical sectors, an interim category, described further in section 6, summarizes certain activities at the Department of the Interior designed to promote preparedness and resilience. The activities at the Department of the Interior reflect interagency efforts to address key adaptation challenges that cut across the jurisdictions and missions of individual Federal agencies, and affect fresh water, oceans and coasts, and fish, wildlife and plants.

The following sections provide further detail in each of these five areas.

# Table 1

## Summary of Federal Climate Change Expenditures

(budget authority in millions of dollars)

Summary of Climate Expenditures <sup>1</sup>	FY 2012 Enacted Budget Authority	FY 2013 Enacted Budget Authority	FY 2013 Current Budget Authority <sup>8</sup>	FY 2014 Proposed Budget Authority	Change in Budget Authority 2013- 2014
US Global Change Research Program (USGCRP)	2,506	2,509	2,463	2,658	+149
Clean Energy Technologies	6,121	6,088	5,783	7,933	+1,845
International Assistance <sup>2,7</sup>	958	851	797	893	+42
Natural Resources Adaptation	88	95	95	110	+15
Energy Tax Provisions That May Reduce Greenhouse Gases <sup>3,4</sup>	5,052	4,999	4,999	5,129	+130
Energy Payments in Lieu of Tax Provisions <sup>5,6</sup>	5,080	8,080	8,080	4,710	-3,370
<i>Adjustments for programs included in multiple categories</i>	-24	-24	-22	-23	---
<b>Total<sup>1,7</sup></b>	<b>19,781</b>	<b>22,598</b>	<b>22,195</b>	<b>21,408</b>	<b>-1,189</b>

**Footnotes:**

<sup>1</sup> Budget Authority provided in millions of dollars and are current as of June 21, 2013. Discrepancies with other published documents may result from rounding and improved estimates.

<sup>2</sup> International Assistance includes congressionally appropriated assistance by core agencies (i.e. Department of State, Department of Treasury, US Agency for International Development) as well as complementary agencies (e.g., Environmental Protection Agency), but does not include indirect climate assistance nor development finance and export credit agencies.

<sup>3</sup> Tax incentives related to climate change included in this report were projected at about \$23.5 billion over five years (2014-2018). These estimates do not reflect the extension of several temporary tax provisions by the American Taxpayer Relief Act of 2012.

<sup>4</sup> Tax expenditures are estimates of the revenue losses due to a tax preference. While not exactly equivalent to budget authority, tax expenditure estimates are included for completeness.

<sup>5</sup> Firms can take an energy payment in lieu of certain tax credits. The payments are considered outlays and are direct substitutes for the energy tax provisions. Estimates have been included in all columns for completeness.

<sup>6</sup> Energy payments in lieu of tax credits included in this report are currently projected at \$9.1 billion over five years (2014-2018).

<sup>7</sup> The International Assistance total contains funds that are also counted in the USGCRP and Clean Energy Technology totals. Table total line excludes this double-count.

<sup>8</sup> Current Budget Authority for FY 2013 throughout this document reflects the amount the program has available for the year calculated as the appropriated amount (as reported in the FY 2013 Enacted column) minus the reductions pursuant to the Budget Control Act of 2011 (P.L. 112-25) sequestration order issued on March 1, 2013, and accounting for any known and applicable reprogrammings, transfers, or other related adjustments. Estimates are current as of June 21, 2013 and are subject to change.

## 2. CLIMATE CHANGE SCIENCE

The U.S. Global Change Research Program (USGCRP) was mandated by Congress in the Global Change Research Act of 1990 (P.L. 101-606) to improve understanding of uncertainties in climate science, including the cumulative effects on the environment of human activities and natural processes, develop science-based resources to support policymaking and resource management, and communicate findings broadly among scientific and stakeholder communities. Thirteen departments and agencies participate in the USGCRP. The Office of Science and Technology Policy (OSTP) and the Office of Management and Budget (OMB) work closely with the USGCRP to align the research priorities and funding plans with the Administration's priorities and agency plans. The program recently issued a new strategic plan (see description and link below).

The 2014 Budget proposes \$2.7 billion for the USGCRP to support the goals set forth in the program's current strategic plan. These activities can be grouped under the following areas: improve our knowledge of Earth's past and present climate variability and change; improve our understanding of natural and human forces of climate change; improve our capability to model and predict future conditions and impacts; assess the Nation's vulnerability to current and anticipated impacts of climate change; and improve the Nation's ability to respond to climate change by providing climate information and decision support tools that are useful to policymakers and the general public. Reports and general information about the USGCRP are available on the program's website, [www.globalchange.gov](http://www.globalchange.gov).

### 2.1 SELECTED AGENCY HIGHLIGHTS OF THE USGCRP IN THE 2014 BUDGET

- **Understand and Accurately Project Climate Change and its Impacts.** The U.S. Global Change Research Program (USGCRP) integrates Federal research and solutions for climate and global change. The new strategic plan will guide interagency investments in the Budget, including support for a National Climate Assessment of the current science and impacts of climate change. The Budget provides nearly \$2.7 billion for USGCRP programs, an increase of \$147 million (6 percent) above the FY 2013 enacted level.
  - The Department of Commerce's National Oceanic and Atmospheric Administration (NOAA) is a leading sponsor of oceanic and atmospheric research and is one of the key sponsors of climate science capabilities in the Federal government. The 2014 Budget allocates \$371 million for the Department of Commerce's USGCRP efforts, predominantly from NOAA; this represents an increase of \$55 million or 17 percent over the FY 2013 enacted level.
  - The National Aeronautics and Space Administration's (NASA) budget includes a sustained investment in climate science, with \$1.5 billion proposed for FY 2014. NASA's Earth Science program conducts first-of-a-kind demonstration flights of sensors in air and space in an effort to foster scientific understanding of the Earth system and to improve the ability to forecast climate change and natural disasters. The 2014 Budget supports several research satellites in development, an initiative to monitor changes in polar ice sheets, enhancements to climate models, and NASA contributions to the USGCRP's National Climate Assessment. NASA will continue to develop a replacement to the Orbiting Carbon Observatory (OCO).

- The National Science Foundation (NSF) provides funding for academic basic research across the entire spectrum of the sciences, engineering, and the social sciences. NSF USGCRP support totals \$326 million in the 2014 Budget.
- The Department of Energy (DOE) conducts research on climate modeling and predictability that also involves advancing climate and earth system models with improved resolution and uncertainty quantification; DOE also supports long-term atmospheric and terrestrial research experiments. The 2014 Budget allocates \$220 million coordinated through USGCRP, with a \$7 million increase over FY 2013 dedicated to major field experiments at Arctic, tropics, and oceanic sites. DOE also partners with NSF to support the Community Earth System Model.
- The 2014 Budget provides \$72 million for USGCRP programs in the Department of the Interior, an increase of \$14 million or 24 percent over the 2013 funding level. Interior's lead science agency, the U.S. Geological Survey (USGS), funds several programs in coordination with other USGCRP agencies to understand the impacts of climate change on natural resources, including the National Climate Change and Wildlife Science Center, which supports a network of Climate Science Centers (CSCs). The CSC supports development of actionable science linked to resource management decisions on climate adaptation.

## **2.2 LINKAGES TO STRATEGIC PLANS**

### **Interagency Strategic Plans.**

- USGCRP 2012-2021 Strategic Plan. This ten-year interagency strategic plan is built around four strategic goals: Advance Science, Inform Decisions, Conduct Sustained Assessments, and Communicate and Educate. In addition to these four goals, the plan emphasizes the importance of national and international partnerships that leverage Federal investments and provide for the widest use of program results. The plan builds on the program's strengths in integrated observations, modeling, and information services for science that serves societal needs. <http://downloads.globalchange.gov/strategic-plan/2012/usgcrp-strategic-plan-2012.pdf>
- Our Changing Planet. Since 1989 the Global Change Research Program has submitted an annual report to Congress summarizing recent achievements, near term plans, and progress in implementing long term goals. *Our Changing Planet* also provides an overview of recent and near-term expenditures and of requested funding. <http://library.globalchange.gov/products/annualreports>

**Individual Agency Strategic Plans.** Excerpts from each participating Agency's strategic plans are provided below along with a weblink to each respective strategic plan.

- Department of Agriculture. Climate change is a central consideration in USDA's strategic planning. Strategic Goal 2 of USDA's Strategic Plan is titled *Ensure our National forests and private working lands are conserved, restored, and made more resilient to climate change, while enhancing our water resources*. USDA also developed a Climate Change Science Plan which presents an overview of the critical questions facing the Department's agencies as they relate to



climate change and offers a framework for assessing priorities to ensure consistency with USDA's role in the USGCRP. The objectives of the Climate Change Science Plan include:

- Restoring and conserving the Nation's forests, farms, ranches, and grasslands.
  - Leading efforts to mitigate and adapt to climate change.
  - Protecting and enhancing America's water resources.
  - Reducing risk from catastrophic wildfire and restore fire to its appropriate place on the landscape.
  - Supporting ecological restoration of our Nation's forests and grasslands and providing research to support improved forest management.
  - [http://www.usda.gov/oce/climate\\_change/science\\_plan2010/USDA\\_CCSPlan\\_120810.pdf](http://www.usda.gov/oce/climate_change/science_plan2010/USDA_CCSPlan_120810.pdf)
- Department of Commerce. Under its broad goals of generating and communicating new, cutting-edge scientific understanding and promoting economically-sound environmental stewardship and science, the Department of Commerce's Strategic Plan highlights several objectives that will accomplish the following:
    - Advance scientific knowledge and understanding of the Earth's systems, its changing climate, and associated impacts; enhance weather, water, and climate reporting and forecasting; integrate assessments of current and future climate that identify potential impacts; support mitigation and adaptation efforts through sustained, reliable, and timely climate services; and inform the public so that it understands its vulnerabilities to a changing climate and makes informed decisions.
    - [http://www.osec.doc.gov/bmi/budget/DOC\\_Strategic\\_Plan\\_022311.pdf](http://www.osec.doc.gov/bmi/budget/DOC_Strategic_Plan_022311.pdf)
- Department of Energy. DOE's Strategic Plan includes Goal 2: *Maintain a vibrant U.S. effort in science and engineering as a cornerstone of our economic prosperity with clear leadership in strategic areas*; these areas include climate science. The Strategic Plan describes DOE's climate science objective to support "*basic and policy-relevant research underpinning a predictive, systems-level understanding of climate.*" To achieve this goal, DOE will:
    - Support fundamental scientific research on climate predictability for improved future projections at the regional spatial scale and with time scales extending from sub-decadal to centennial as part of the U.S. Global Change Research Program and in coordination with the international science community.
    - Provide long-term support to major field research facilities, involving a combination of experimental and modeling activities that focus on atmospheric clouds and aerosols, and terrestrial ecosystems; many of the DOE investments leverage decades of field experience involving sophisticated observational and analytical expertise that has been deployed to sites extending from the Arctic to the tropics.
    - Provide long-term support to the comparison, analysis, and diagnosis of all climate models worldwide, in order to enhance US competitiveness in the science of climate predictability.
    - [http://energy.gov/sites/prod/files/2011\\_DOE\\_Strategic\\_Plan\\_.pdf](http://energy.gov/sites/prod/files/2011_DOE_Strategic_Plan_.pdf)

- Department of Health and Human Services, National Institutes of Health. The FY 2012- 2017 Strategic Plan for the National Institute of Environmental Health Sciences has as its Strategic Goal 5: *Identify and respond to emerging environmental threats to human health, on both a local and global scale.* To achieve this goal NIEHS will:
  - Focus on research needs to help inform policy response in public health situations in which lack of knowledge hampers policymaking, e.g., to improve understanding of the health effects that result from exposures related to climate change.
  - [http://www.niehs.nih.gov/about/strategicplan/strategicplan2012\\_508.pdf](http://www.niehs.nih.gov/about/strategicplan/strategicplan2012_508.pdf)
  
- Department of the Interior. DOI's FY 2011-2016 Strategic Plan contains a strategy to assess and forecast climate change and its effects with its Strategic Goal 2: *Provide Science for Sustainable Resource Use, Protection, and Adaptive Management* and Mission Area 4: *Provide a Scientific Foundation for Decision Making.* This strategy notes that successful adaptation to climate change will depend on access to a variety of options for effective management responses, and describes USGS efforts to:
  - Develop, implement, and test adaptive strategies, reduce risk, and increase the potential for ecological systems to be self-sustaining, resilient, and adaptable to environmental changes.
  - Implement partner-driven science to improve understanding of past and present land use change, develop relevant climate and land use forecasts, and identify lands, resources, and communities that are most vulnerable to adverse impacts of change from the local to global scales.
  - [http://www.doi.gov/pfm/upload/DOI\\_StrategicPlan\\_FY11-16.pdf](http://www.doi.gov/pfm/upload/DOI_StrategicPlan_FY11-16.pdf)
  
- Department of Transportation. DOT's FY 2012-2016 Strategic Plan includes the Strategic Goal *Advance Environmentally Sustainable Policies and Investments that Reduce Carbon and Other Harmful Emissions from Transportation Sources.* Included in DOT's strategies to achieve this goal are the following:
  - Work through DOT's virtual Center for Climate Change to coordinate climate-related activities, research, and products with the climate experts throughout the Department.
  - Advance aviation climate research to understand the impacts of high-altitude aircraft emissions.
  - Provide technical assistance and incentives to States and Metropolitan Planning Organizations on strategies that reduce GHG emissions.
  - [http://www.dot.gov/sites/dot.dev/files/docs/990\\_355\\_DOT\\_StrategicPlan\\_508lowres.pdf](http://www.dot.gov/sites/dot.dev/files/docs/990_355_DOT_StrategicPlan_508lowres.pdf)
  
- Environmental Protection Agency. EPA's FY 2011-2015 Strategic Plan identifies climate change science objectives. Potential impacts of climate change may include increased smog in many regions making it difficult to maintain clean air standards. Climate change may also affect water quality as large volumes of water can overload storm and waste water systems. The Agency's Strategic Plan addresses these challenges in its air and water quality goals.
  - Within EPA's Strategic Goal 1: *Taking action on climate change and improving air quality,* the Strategic Plan identifies an applied research effort to investigate the

influence of climate change on clean air, as well as the impacts of emissions from low-carbon fuels in transportation.

- To achieve EPA's Strategic Goal 2: *Protecting America's water*, EPA will begin to identify actions to respond and adapt to the current and potential impacts of climate change on aquatic resources, including impacts associated with warming temperatures, changes in rainfall amount and intensity, and sea level rise.
- <http://www.epa.gov/planandbudget/strategicplan.html>

- National Aeronautics and Space Administration. The 2011 NASA Strategic Plan states as its second Strategic Goal: *Expand scientific understanding of the Earth and the universe in which we live*, and as its Outcome (2.1): *Advance Earth system science to meet the challenges of climate and environmental change*. Within this strategic goal NASA's plan describes several objectives related to climate change science, including:

- Improve understanding of and improve the predictive capability for changes in the ozone layer, climate forcing, and air quality associated with changes in atmospheric composition.
- Enable improved predictive capability for weather and extreme weather events.
- Quantify, understand, and predict changes in Earth's ecosystems and biogeochemical cycles, including the global carbon cycle, land cover, and biodiversity.
- Quantify the key reservoirs and fluxes in the global water cycle and assess water cycle change and water quality.
- Improve understanding of the roles of the ocean, atmosphere, land and ice in the climate system and improve predictive capability for its future evolution.
- Characterize the dynamics of Earth's surface and interior and form the scientific basis for the assessment and mitigation of natural hazards and response to rare and extreme events.
- Enable the broad use of Earth system science observations and results in decision-making activities for societal benefits.
- [http://www.nasa.gov/pdf/516579main\\_NASA2011StrategicPlan.pdf](http://www.nasa.gov/pdf/516579main_NASA2011StrategicPlan.pdf)

- National Science Foundation. NSF's Strategic Plan FY 2011-2016 contains the strategic goal *Innovate for Society* addressing societal needs through research and education, and highlighting the role that new knowledge and creativity play in economic prosperity and society's general welfare. NSF has set Performance Goal (I-1) to *Make investments that lead to results and resources that are useful to society*, and includes a target to:

- Support research that underpins long-term solutions to societal challenges such as climate change.
- [http://www.nsf.gov/news/strategicplan/nsfstrategicplan\\_2011\\_2016.pdf](http://www.nsf.gov/news/strategicplan/nsfstrategicplan_2011_2016.pdf)

- Smithsonian Institution. SI's FY 2012-2015 Strategic Plan describes its research-related strategic goal to *Advance and synthesize knowledge that contributes to the survival of at-risk ecosystems and species*. The Strategic Plan states an objective to understand how certain environmental stressors including climate change affect the survival of species and the functioning of ecosystems, and includes the following strategies:

- Enhance the Smithsonian's platforms for long-term research on biodiversity and ecosystems, particularly the Smithsonian Institution Global Earth Observatories (SIGEO).
  - Marshal the Smithsonian's critical mass of biologists and paleontologists, in partnership with experts in other disciplines, to develop understanding of species and ecosystems and find innovative approaches to the complex meta-problems of biodiversity loss, ecosystem degradation, and climate change.
  - [http://www.si.edu/content/pdf/about/si\\_strategic\\_plan\\_2010-2015.pdf](http://www.si.edu/content/pdf/about/si_strategic_plan_2010-2015.pdf)
- U.S. Agency for International Development. In the USAID Policy Framework 2011-2015, a core objective is to reduce climate change impacts and promote low emissions growth. This includes the following research effort:
    - Finance up to six regional Earth observation hubs to provide over 30 developing countries with better climate change and forecasting data, enabling them to make better decisions in a wide range of areas likely to be affected by climate change.
    - [http://transition.usaid.gov/policy/USAID\\_PolicyFramework.PDF](http://transition.usaid.gov/policy/USAID_PolicyFramework.PDF)

**Table 2**  
**U.S. Global Change Research Program**

Details by Agency/Account  
(Budget authority in millions of dollars)<sup>1</sup>

<b>U.S. Global Change Research Program (USGCRP) <sup>1</sup></b>	<b>FY 2012 Enacted Budget Authority</b>	<b>FY 2013 Enacted Budget Authority</b>	<b>FY 2013 Current Budget Authority<sup>2</sup></b>	<b>FY 2014 Proposed Budget Authority</b>	<b>Proposed Change in Budget Authority 2013-2014</b>
<b>Department of Agriculture</b>					
Agricultural Research Service	36	36	38	52	+16
National Institute of Food and Agriculture	50	40	40	43	+3
Economic Research Service	2	2	2	2	---
Forest Service – Forest and Rangeland Research	26	25	25	28	+3
National Agricultural Statistics Service	1	1	1	1	---
Natural Resources Conservation Services	1	1	1	1	---
<b>Subtotal – USDA<sup>3</sup></b>	<b>116</b>	<b>104</b>	<b>106</b>	<b>126</b>	<b>+22</b>
<b>Department of Commerce</b>					
National Oceanic and Atmospheric Administration – Operations, Research, and Facilities	245	247	233	307	+60
National Oceanic and Atmospheric Administration – Procurement, Acquisition, and Construction	69	64	64	59	-5
National Institute of Standards and Technology (NIST)	5	5	5	5	---
<b>Subtotal – DOC<sup>3</sup></b>	<b>319</b>	<b>316</b>	<b>302</b>	<b>371</b>	<b>+55</b>
<b>Department of Energy</b>					
Science – Biological & Environmental Research	211	213	209	220	+7
<b>Department of Health and Human Services</b>					
Centers for Disease Control and Prevention	6	7	7	7	---
National Institutes of Health	8	8	8	8	---
<b>Subtotal – HHS<sup>3</sup></b>	<b>14</b>	<b>15</b>	<b>14</b>	<b>15</b>	<b>---</b>
<b>Department of the Interior</b>					
U.S. Geological Survey – Surveys, Investigations, and Research	59	58	55	72	+14

<b>U.S. Global Change Research Program (USGCRP) <sup>1</sup></b>	<b>FY 2012 Enacted Budget Authority</b>	<b>FY 2013 Enacted Budget Authority</b>	<b>FY 2013 Current Budget Authority<sup>2</sup></b>	<b>FY 2014 Proposed Budget Authority</b>	<b>Proposed Change in Budget Authority 2013-2014</b>
<b>Department of Transportation</b>					
Federal Highway Administration – Federal-Aid Highways <sup>4</sup>	0	0	0	0	---
Federal Aviation Administration – Research, Engineering, and Development	1	1	1	1	---
Federal Transit Administration - Research and University Research Centers <sup>5</sup>	0	0	0	0	---
<b>Subtotal – DOT<sup>3</sup></b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>---</b>
<b>Environmental Protection Agency</b>					
Science and Technology	<b>18</b>	<b>19</b>	<b>17</b>	<b>20</b>	<b>+1</b>
<b>National Aeronautics and Space Administration</b>					
Science	<b>1,427</b>	<b>1,447</b>	<b>1,435</b>	<b>1,499</b>	<b>+52</b>
<b>National Science Foundation</b>					
Research and Related Activities	<b>333</b>	<b>328</b>	<b>316</b>	<b>326</b>	<b>-2</b>
<b>Smithsonian Institution</b>					
Salaries and Expenses	<b>8</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>---</b>
<b>U.S. Agency for International Development</b>					
<i>Development Assistance- non-add<sup>6</sup></i>	<i>11</i>	<i>11</i>	<i>11</i>	<i>14</i>	<i>+3</i>
<b>Department of State</b>					
<i>Other- non-add<sup>7</sup></i>	<i>3</i>	<i>3</i>	<i>3</i>	<i>3</i>	<i>---</i>
<b>Total<sup>3</sup></b>	<b>2,506</b>	<b>2,509</b>	<b>2,463</b>	<b>2,658</b>	<b>+149</b>

**Footnotes:**

<sup>1</sup> All data supersede numbers released with the 2014 Budget and are current as of June 21, 2013. Budget authority provided in millions of dollars. Any discrepancies are the result of rounding and improved estimates.

<sup>2</sup> Current Budget Authority for FY 2013 throughout this document reflects the amount the program has available for the year calculated as the appropriated amount (as reported in the FY 2013 Enacted column) minus the reductions pursuant to the Budget Control Act of 2011 (P.L. 112-25) sequestration order issued on March 1, 2013, and accounting for any known and applicable reprogrammings, transfers, or other related adjustments. Estimates are current as of June 21, 2013 and are subject to change.

<sup>3</sup> Agency subtotals and table total may not add due to rounding.

<sup>4</sup> The FY 2012 through FY 2014 funding for Federal Highway Administration – Federal Highway Administration – Federal-Aid Highways was less than \$500,000.

<sup>5</sup> Federal Transit Administration – Research and University Research Centers is FTA's support for DOT's Center for Climate Change. The FY 2012 through FY 2014 funding amounts for this program are less than \$500,000.

<sup>6</sup> USAID funding supports USGCRP and the Climate Change International Assistance effort. In the past, some USAID funding was counted under both categories. These efforts do not add to the USGCRP total.

<sup>7</sup> These efforts do not add to the USGCRP total.

## 3. CLEAN ENERGY TECHNOLOGIES

Clean Energy Technologies help to reduce, avoid, or sequester greenhouse gas emissions. These programs comprise research, development, and deployment efforts, including a variety of voluntary partnership and grant activities. The activities have the effect of stimulating the development and use of certain energy technologies, including renewable, low-carbon fossil, and nuclear technologies as well as energy efficient technologies, products, and process improvements.

Building on the Administration's progress to make the U.S. the global leader in the clean energy race and protect the environment for generations to come, the 2014 Budget will support American leadership in clean energy. Moving toward a clean energy economy will improve the air we breathe and the water we drink and enhance our energy security by reducing dependence on oil. Clean energy will play a crucial role in slowing global climate change and meeting the President's goals of cutting greenhouse gas emissions in the range of 17 percent below 2005 levels by 2020, and 83 percent by 2050. Just as important, ensuring that the Nation leads the world in the clean energy economy is an economic imperative.

The 2014 Budget proposes approximately \$7.9 billion for Clean Energy Technologies. Table 3 provides a breakdown by agency of Clean Energy Technology funding.

Descriptions of some select activities are included below.

### 3.1 SELECTED AGENCY HIGHLIGHTS OF CLEAN ENERGY TECHNOLOGIES

- **Increased Investment in DOE Climate Change Technology activities.** The Budget proposes \$6.2 billion for clean energy technology programs at the Department of Energy, 44 percent more than the 2013 enacted level. The Department's funding supports a wide range of important research, development, and deployment activities on key technologies such as solar, wind, nuclear, and carbon capture and storage. Highlights include:
  - \$2.8 billion for the Office of Energy Efficiency and Renewable Energy (EERE) to accelerate research and development, to build on ongoing successes, and to further reduce the costs and increase the use of critical clean energy technologies. Within EERE, the Budget invests \$957 million to increase the affordability and convenience of advanced vehicles and domestic renewable fuels and \$615 million in innovative projects to make clean, renewable power, such as solar energy and off-shore wind, more easily integrated into the electric grid and as affordable as electricity from conventional sources, without subsidies. It also more than doubles funding to \$885 million for energy efficiency and advanced manufacturing activities to help reduce energy use and costs in commercial and residential buildings, in the industrial and business sectors, and in Federal buildings and fleets.
  - \$379 million for the Advanced Research Projects Agency - Energy (ARPA-E) to support transformational research in clean energy in areas such as solar energy, energy storage, carbon capture and storage, and advanced biofuels.

## **3.2 LINKAGES TO STRATEGIC PLANS**

### **Interagency Strategic Plans.**

- **Blueprint for a Secure Energy Future.** In March 2011, the Obama Administration released the *Blueprint for a Secure Energy Future* which outlines the comprehensive national energy policy pursued by the Administration. The *Blueprint* describes strategies across the Federal Government aimed to develop and secure America's energy supplies, provide consumers with choices to reduce costs and save energy and innovate to a clean energy future. [http://www.whitehouse.gov/sites/default/files/blueprint\\_secure\\_energy\\_future.pdf](http://www.whitehouse.gov/sites/default/files/blueprint_secure_energy_future.pdf)
- **Secure Energy Future: Progress Report.** In March 2012 accomplishments and achievements that underscore the Administration's commitment to promoting clean energy technologies were described in the *Secure Energy Future: One Year Progress Report*. This report highlights efforts to increase energy independence, set historic fuel economy standards, improve energy efficiency, expand renewable fuel generation, develop advanced alternative fuels and support cutting-edge research. [http://www.whitehouse.gov/sites/default/files/email-files/the\\_blueprint\\_for\\_a\\_secure\\_energy\\_future\\_oneyear\\_progress\\_report.pdf](http://www.whitehouse.gov/sites/default/files/email-files/the_blueprint_for_a_secure_energy_future_oneyear_progress_report.pdf)

**Individual Agency Strategic Plans.** Excerpts from each participating Agency's strategic plans are provided below along with a weblink to each respective strategic plan.

- **Department of Agriculture.** USDA's Strategic Plan for 2010-2015 includes the objective *Lead efforts to mitigate and adapt to climate change* (Strategic Goal 2, Objective 2.2). The plan also includes an objective, *Enhance rural prosperity*, by facilitating sustainable renewable energy development, promoting energy efficiency, and curbing the effects of climate change. (Strategic Goal 1, Objective 1.1). These objectives includes numerous efforts and strategies including:
  - Providing assistance to farmers, ranchers, and forest landowners to implement conservation, nutrient management, and animal management practices that reduce emissions and sequester carbon.
  - Planting and maintaining vegetative cover on marginal farmland and land that has been impacted by fire.
  - Providing assistance in the form of payments, grants, loans and loan guarantees for clean and renewable energy projects and energy efficiency improvements.
  - <http://www.ocfo.usda.gov/usdasp/sp2010/sp2010.pdf>
- **Department of Commerce.** The Commerce FY 2011-2016 Strategic Plan includes Objective 5: *Provide the measurement tools and standards to strengthen manufacturing, enabling innovation, and enhancing efficiency*, Objective 6: *Promote and support the advancement of green and blue technologies and industries*, and Objective 16: *Support climate adaptation and mitigation*. Contributing to this objective are the following:
  - Focusing on programs at National Institute of Standards and Technology (NIST) that will develop the measurements, standards, and common framework that are required to



promote sustainable operations and improve energy efficiency in both the construction and manufacturing sectors.

- Commerce: ([http://www.osec.doc.gov/bmi/budget/DOC\\_Strategic\\_Plan\\_022311.pdf](http://www.osec.doc.gov/bmi/budget/DOC_Strategic_Plan_022311.pdf))
- NIST: (<http://www.nist.gov/director/upload/nist-master-3-year-plan-fy2012-fy2014.pdf>)

- Department of Defense. As one of the Government's largest consumers of energy, the Department of Defense is committed to supporting the Administration's efforts in Clean Energy. DOD's Operational Energy Strategy outlines three principles for a stronger force: 1) *Reduce the demand for energy in military operations*; 2) *Expand and secure the supply of energy to military operations*; 3) *Build energy security into the future force*. As part of the effort to act on these principles, DOD's Operational Energy Strategy describes goals to:
  - Reduce energy demand, the most immediate operational energy priority for the Department, by investing in new technologies and equipment.
  - Expand supply options, both for near-term tactical benefits and long-term operational energy security.
  - Take energy into account in order to make more informed decisions about the choices and tradeoffs in equipping and employing forces.
  - [http://energy.defense.gov/OES\\_report\\_to\\_congress.pdf](http://energy.defense.gov/OES_report_to_congress.pdf)
- Department of Energy. DOE's 2011 Strategic Plan lays a framework for utilizing the DOE's capabilities to drive solutions across energy, environmental, climate, and security challenges. It demonstrates strong linkages between clean energy and progress on environmental issues, such as climate change. Shifting to a clean energy economy directly supports the Administration's climate change objective to reduce energy-related greenhouse gas emissions. In particular, Goal 1 of the Strategy: *Catalyze the timely, material, and efficient transformation of the nation's energy system and secure U.S. leadership in clean energy technologies* focuses on activities that support transforming the nation's energy system and building a sustainable and competitive clean energy economy. Targeted outcomes that support this goal include:
  - DOE and the U.S. Department of Housing and Urban Development working together to enable the cost-effective energy retrofits of a total of 1.1 million housing.
  - Double renewable energy generation from wind, solar, and geothermal energy sources.
  - Encourage industry to translate our R&D outputs to market through new contractual vehicles that lower transaction costs and address commercialization barriers.
  - [http://energy.gov/sites/prod/files/2011\\_DOE\\_Strategic\\_Plan\\_.pdf](http://energy.gov/sites/prod/files/2011_DOE_Strategic_Plan_.pdf)
- Department of Transportation. DOT's FY 2012-2016 Strategic Plan includes a goal to *Advance environmentally sustainable policies and investments that reduce carbon and other harmful emissions from transportation sources*. Contributing to this goal are strategies to:
  - Reduce carbon emissions, improve energy efficiency, and reduce dependence on oil, including establishment of fuel economy standards for cars and trucks and research into alternative aircraft fuels.

- Reduce transportation-related air, water and noise pollution and impacts on ecosystems, including expanding opportunities for shifting freight from less fuel-efficient modes to more fuel-efficient modes.
  - Increase the use of environmentally sustainable practices in the transportation sector, including more environmentally sound construction and operational practices.
  - Reduce pollution from DOT owned or controlled transportation services and facilities, including implementing net-zero-energy building requirements for all new buildings entering the design process in 2020 and thereafter.
  - Promote the deployment of technologies—such as hydrogen fuel cell and diesel-electric hybrid buses—that reduce the energy consumption and greenhouse gas emissions of transit systems.
  - [http://www.dot.gov/sites/dot.dev/files/docs/990\\_355\\_DOT\\_StrategicPlan\\_508lowres.pdf](http://www.dot.gov/sites/dot.dev/files/docs/990_355_DOT_StrategicPlan_508lowres.pdf)
- Environmental Protection Agency. The first goal in EPA’s FY 2011-2015 Strategic Plan, *Taking action on climate change and improving air quality*, includes efforts to:
    - Develop a national system for reporting GHG emissions.
    - Issue standards to reduce emissions from cars and trucks and non-road sources.
    - Implement permitting requirements and voluntary programs to promote energy efficiency and encourage design and construction of more efficient processes.
    - <http://www.epa.gov/planandbudget/strategicplan.html>
- National Aeronautics and Space Administration. The 2011 NASA Strategic Plan states as its Strategic Goal 3: *Create the innovative new space technologies for our exploration, science, and economic future* and Strategic Goal 4: *Advance aeronautics research for societal benefit*. In pursuing these goals NASA is conducting projects that support clean energy technologies as described in several strategic objectives, including:
    - Develop innovative solutions and technologies to meet future capacity and mobility requirements of the Next Generation Air Transportation System (NextGen).
    - Develop tools, technologies, and knowledge that enable significantly improved performance and new capabilities for future air vehicles.
    - Create a pipeline of new innovative concepts and technologies with early-stage Technology Readiness Levels (TRL) for future NASA missions and national needs.
    - Develop advanced technologies to improve the overall safety of the future air transportation system.
    - [http://www.nasa.gov/pdf/516579main\\_NASA2011StrategicPlan.pdf](http://www.nasa.gov/pdf/516579main_NASA2011StrategicPlan.pdf)
- National Science Foundation. NSF’s Strategic Plan for 2011-2016 includes a performance goal to *Make investments that lead to results and resources that are useful to society* (Performance Goal I-1). NSF investments underpin long-term solutions to societal challenges such as economic development, climate change, clean energy, and cyber-security:

- Near-term actions include expanding partnerships and collaborations with industry or Government agencies in identifying areas of critical national need and piloting models for investing in priority areas having societal impact.
  - Mid-term actions include issuing solicitations and Dear Colleague Letters in areas of critical national need.
  - Long-term actions include conducting an impact assessment of the portfolio investments in areas of national need.
  - [http://www.nsf.gov/news/strategicplan/nsfstrategicplan\\_2011\\_2016.pdf](http://www.nsf.gov/news/strategicplan/nsfstrategicplan_2011_2016.pdf)
- Nuclear Regulatory Commission. Nuclear is considered a clean energy source, and research at NRC to support its regulatory requirements helps maintain nuclear as part of the clean energy mix going forward. Per the NRC's Strategic Plan, the agency's mission is to protect public health and safety, promote the common defense and security, and protect the environment. NRC's strategic goal on safety: *Ensure adequate protection of public health and safety and the environment* supports clean energy technology by:
    - Implementing focused research programs to anticipate and support resolution of safety issues and address new technologies and conduct research programs to identify and support resolution of longstanding and emergent safety issues.
    - <http://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1614/v5/sr1614v5.pdf>
- Tennessee Valley Authority. In August 2010, TVA adopted a renewed vision to be one of the nation's leading providers of low-cost and cleaner energy by 2020. TVA's Strategic Plan supports a shift to a cleaner, more efficient and more diverse generating portfolio providing direction to projects, partnerships, and research and development related to:
    - Idling or retiring aging coal units.
    - Increasing generation from nuclear and renewable resources.
    - Promoting energy efficiency and demand response.
    - Exploring and embracing effective new technologies.
    - [http://www.tva.com/abouttva/pdf/TVA4-33149\\_strategic\\_plan.pdf](http://www.tva.com/abouttva/pdf/TVA4-33149_strategic_plan.pdf)

## Table 3

### Clean Energy Technologies

Details by Agency/Account

(Budget authority in millions of dollars)<sup>1</sup>

Clean Energy Technologies <sup>1</sup>	FY 2012 Enacted Budget Authority	FY 2013 Enacted Budget Authority	FY 2013 Current Budget Authority <sup>10</sup>	FY 2014 Proposed Budget Authority	Proposed Change in Budget Authority 2013-2014
<b>Department of Agriculture</b>					
Natural Resources Conservation Service – Conservation Operations	6	6	0	4	-2
Agricultural Research Service – Salaries and Expenses	33	32	32	39	+7
National Institute of Food and Agriculture - Research and Education Activities	31	57	56	51	-5
Forest Service – Commercialization/Renewable Energy	26	23	23	28	+5
Rural Business Cooperative Service – Value Added Producer Grants (Cooperative Development Grants)	1	2	1	1	-1
Rural Business Cooperative Service – Rural Energy Program Account (Rural Energy for America Sec. 9007)	3	3	3	20	+16
Rural Business Cooperative Service –Guaranteed Business and Industry Loans	4	6	5	6	---
Rural Business Cooperative Service – Rural Economic Development Loans <sup>3</sup>	0	0	0	0	---
Economic Research Service <sup>4</sup>	2	2	2	2	---
Office of the Chief Economist - Salaries and Expenses <sup>5</sup>	4	3	3	4	+1
Rural Utilities Service - High Cost Energy Grants <sup>6</sup>	4	4	4	0	-4
<b>2008 Farm Bill, Mandatory Funding</b>					
Rural Business Cooperative Service – Rural Energy Program Account (Rural Energy for America Sec. 9007)	22	0	0	70	+70
National Institute of Food and Agriculture – Biomass Research and Development (Sec. 9008)	40	0	0	26	+26
Farm Service Agency – Biomass Crop Assistance Program	17	0	0	0	---
Farm Service Agency – Commodity Credit Corporation	0	170	161	0	-170
Natural Resources Conservation Service – Farm Security and Rural Investment Programs	16	14	14	14	---
Rural Business Cooperative Service – Energy Assistance Payments (formerly titled Bioenergy Program for Advanced Biofuels (Sec. 9005))	65	0	0	0	---

<b>Clean Energy Technologies<sup>1</sup></b>	<b>FY 2012 Enacted Budget Authority</b>	<b>FY 2013 Enacted Budget Authority</b>	<b>FY 2013 Current Budget Authority<sup>10</sup></b>	<b>FY 2014 Proposed Budget Authority</b>	<b>Proposed Change in Budget Authority 2013-2014</b>
<i>Subtotal – USDA discretionary funding</i>	116	138	130	155	+18
<i>Subtotal – USDA mandatory funding</i>	160	184	175	110	-74
<b>Subtotal – USDA<sup>7</sup></b>	<b>275</b>	<b>322</b>	<b>305</b>	<b>265</b>	<b>-57</b>
<b>Department of Commerce</b>					
National Institute of Standards and Technology (NIST) – Scientific and Technological Research and Services	40	40	40	40	---
National Oceanic and Atmospheric Administration Operations, Research and Facilities	0	0	0	3	+3
<b>Subtotal – Commerce<sup>7</sup></b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>43</b>	<b>+3</b>
<b>Department of Defense</b>					
Research, Development, Test and Evaluation, Army	32	29	29	32	+2
Research, Development, Test and Evaluation, Navy	231	186	176	226	+40
Research, Development, Test and Evaluation, Air Force	118	203	190	153	-50
Research, Development, Test and Evaluation, Defense Wide	101	46	42	46	---
<b>Subtotal – DOD<sup>7</sup></b>	<b>481</b>	<b>465</b>	<b>437</b>	<b>457</b>	<b>-8</b>
<b>Department of Energy</b>					
Energy Efficiency and Renewable Energy	1,819	1,810	1,719	2,788	+978
Electricity Delivery and Energy Reliability	133	133	126	153	+20
Nuclear Energy	772	765	723	733	-32
Fossil Energy R&D – Carbon Capture and Storage (CCS) and Power Systems	472	446	425	375	-71
Science – Fusion, Sequestration, and Hydrogen	902	924	883	1,067	+143
Energy Transformation Acceleration Fund - Advance Research Projects Agency- Energy (ARPA-E)	275	264	251	379	+114
Bonneville Power Administration Fund <sup>9</sup>	15	17	17	17	---
Race to the Top for Energy Efficiency and Grid Modernization	0	0	0	200	+200
HomeStar	0	0	0	300	+300
Energy Security Trust	0	0	0	200	+200
<b>Subtotal – DOE<sup>7</sup></b>	<b>4,388</b>	<b>4,359</b>	<b>4,144</b>	<b>6,212</b>	<b>+1,853</b>

<b>Clean Energy Technologies<sup>1</sup></b>	<b>FY 2012 Enacted Budget Authority</b>	<b>FY 2013 Enacted Budget Authority</b>	<b>FY 2013 Current Budget Authority<sup>10</sup></b>	<b>FY 2014 Proposed Budget Authority</b>	<b>Proposed Change in Budget Authority 2013-2014</b>
<b>Department of Transportation</b>					
National Highway Traffic Safety Administration - Operations and Research	10	10	8	11	+1
Research and Innovative Technology Administration – Research and Development	1	1	1	1	---
Federal Aviation Administration - Research, Engineering and Development	21	17	20	18	+1
Federal Aviation Administration - Facilities and Equipment	7	5	4	5	+1
Federal Transit Administration - Research and University Research Centers and Formula and Bus Grants	52	23	22	15	-8
Federal Railroad Association - Railroad Research and Development	1	2	1	3	+1
<b>Subtotal – DOT<sup>7</sup></b>	<b>91</b>	<b>57</b>	<b>56</b>	<b>52</b>	<b>-5</b>
<b>Environmental Protection Agency</b>					
Environmental Programs and Management	99	99	95	106	+7
Science and Technology	18	17	16	10	-7
<b>Subtotal – EPA<sup>7</sup></b>	<b>117</b>	<b>116</b>	<b>111</b>	<b>115</b>	<b>---</b>
<b>National Aeronautics and Space Administration</b>					
Aeronautics	259	262	255	284	+22
Exploration	9	7	6	9	+1
Space Technology	28	15	15	28	+14
<b>Subtotal – NASA<sup>7</sup></b>	<b>296</b>	<b>284</b>	<b>276</b>	<b>321</b>	<b>+37</b>
<b>National Science Foundation</b>					
Research and Related Activities	<b>341</b>	<b>352</b>	<b>346</b>	<b>372</b>	<b>+20</b>
<b>Nuclear Regulatory Commission</b>					
Salaries and Expenses <sup>8</sup>	<b>83</b>	<b>82</b>	<b>57</b>	<b>86</b>	<b>+4</b>
<b>Tennessee Valley Authority</b>					
Tennessee Valley Authority Fund <sup>9</sup>	<b>9</b>	<b>11</b>	<b>11</b>	<b>10</b>	<b>-1</b>
<b>Total<sup>7</sup></b>	<b>6,121</b>	<b>6,088</b>	<b>5,783</b>	<b>7,933</b>	<b>+1,845</b>

## Clean Energy Technologies<sup>1</sup>

FY 2012 Enacted Budget Authority	FY 2013 Enacted Budget Authority	FY 2013 Current Budget Authority <sup>10</sup>	FY 2014 Proposed Budget Authority	Proposed Change in Budget Authority 2013-2014
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### **Footnotes:**

<sup>1</sup> All data supersede numbers released with the 2014 President's Budget and are current as of June 21, 2013. Budget authority provided in millions of dollars. Discrepancies may result from rounding and improved estimates.

<sup>3</sup> Funding for the Rural Business Cooperative Service - Rural Economic Development Loans was less than \$500,000 in FY 2012 and FY 2013.

<sup>4</sup> USDA's Economic Research Service has been included in the FCCER, this funding is used to conduct research on the economics of renewable energy.

<sup>5</sup> Office of the Chief Economist includes USDA's Climate Change Program Office and The Office of Energy Policy and New Uses (OEPNU) Research and Development

<sup>6</sup> The Rural Utilities Service - High Cost Energy Grants program has activities to support the creation and use of renewable energy and energy efficiencies.

<sup>7</sup> Agency subtotals and table total may not sum due to rounding.

<sup>8</sup> Nuclear Regulatory Commission funding has been included in the FCCER and reflects funding for nuclear energy research.

<sup>9</sup> Tennessee Valley Authority funding has been added to the FCCER and reflects funding for small modular nuclear reactors research as well as R&D relating to the deployment of nuclear technologies, reduction of greenhouse gas emissions, renewable generation, post-combustion carbon dioxide capture technologies, air quality, energy efficiency and demand response.

<sup>10</sup> Current Budget Authority for FY 2013 throughout this document reflects the amount the program has available for the year calculated as the appropriated amount (as reported in the FY 2013 Enacted column) minus the reductions pursuant to the Budget Control Act of 2011 (P.L. 112-25) sequestration order issued on March 1, 2013, and accounting for any known and applicable reprogrammings, transfers, or other related adjustments. Estimates are current as of June 21, 2013 and are subject to change.

## **4. INTERNATIONAL ASSISTANCE**

The Administration has taken a whole-of-government approach to pursue four broad international climate change financing objectives within its international assistance programs: 1) Demonstrate continued U.S. leadership in forging a global solution to the climate challenge; 2) Help developing countries focus their climate investments strategically over the coming years; 3) Create robust means of measuring, monitoring, and verifying domestic emissions in developing countries; and 4) Reduce vulnerability to climate change. Coordinating and integrating activities from across the U.S. government promotes complementarities that enhance the value of U.S. climate-related financing and increased the likelihood of successfully realizing these four objectives.

Although the Administration's efforts to address climate change are diverse, its bilateral and multilateral international climate change financing is focused on three policy pillars: adaptation, clean energy, and sustainable landscapes. These three policy pillars invest in significant emissions reduction strategies as well as activities that help communities adapt to a changing climate. Key results and indicators to measure progress have been identified for activities in these policy pillars and can be mapped to the Administration's four broad objectives. These activities will strengthen our relationships with other nations, help mitigate the security risk that climate change poses as a threat multiplier in the developing world, support our efforts for a comprehensive, multilateral approach to climate change that involves meaningful actions by all major economies, and create economic opportunities for manufacturers of clean energy technologies.

In its FY 2014 Budget, the Administration is seeking \$837 million for core international efforts to combat global climate change, which represents a 5 percent increase from the FY 2013 enacted level. These efforts, conducted by the U.S. Agency for International Development, the U.S. Department of State, and the U.S. Department of the Treasury, will help the most vulnerable countries respond to the growing impacts of climate change, and help forge a global solution to the climate crisis.

The core activities are complemented by an estimated \$56 million that is being sought for programs conducted by a range of additional U.S. agencies that address climate change internationally.

In addition to the funding summarized in Table 4, USAID, State, and Treasury will be implementing other programs, such as food security programs or biodiversity programs, in ways that will make a significant contribution to the fight against climate change. Programs focused primarily on non-climate change goals may promote "climate-proofed" development or use adjusted techniques to significantly reduce emissions while promoting other development goals and thereby deliver climate change mitigation and adaptation co-benefits. The Administration estimates the FY 2014 budget authority for these programs to be \$216 million.<sup>3</sup> Furthermore, the Administration is enhancing U.S. efforts to address global climate change and promote clean energy technologies in important ways beyond those programs with direct appropriations. Through direct loans, loan guarantees, insurance, and working capital guarantees, U.S. development finance and export credit agencies are increasingly

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<sup>3</sup> Summary of the "whole of government" U.S. International Climate Change Financing is available at <http://www.state.gov/documents/organization/201130.pdf>



mobilizing investments in clean energy technologies around the world.<sup>4</sup> These U.S. Government financial products will help American firms, financial institutions, and investors, with their foreign partners, address climate change in developing countries, offering global benefits.

Together, these activities will substantially contribute to the international community's renewed efforts to address climate change, including through the implementation of the Copenhagen Accord, and make clear the Administration's commitment to international leadership in the necessary transition to a low emission economy.

#### **4.1 AGENCY HIGHLIGHTS REGARDING INTERNATIONAL CLIMATE CHANGE ASSISTANCE**

- **U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT (USAID)**

USAID is the lead contributor to bilateral assistance, with a focus on capacity building, civil society building, governance programming, and creating the legal and regulatory environments needed to address climate change. USAID will leverage its significant technical expertise to provide leadership in development and implementation of low-carbon strategies, creating policy frameworks for market-based approaches to emissions reduction and energy sector reform, promoting sustainable management of agriculture lands and forests, and mainstreaming adaptation into development activities in countries most at risk. USAID has long-standing relationships with host country governments that will enable it to develop shared priorities and implementation plans. USAID's engagement and expertise in agriculture, biodiversity, health, and other critical climate sensitive sectors provide an opportunity to implement innovative cross-sector climate change programs. Finally, USAID bilateral programs can work in key political and governance areas that multilateral agencies cannot.

- **DEPARTMENT OF STATE**

State takes the lead on diplomatic efforts and deploys financial resources in support of key multilateral and bilateral priorities. State's comparative advantage is promoting effective international solutions, advanced technology strategies, and innovative market approaches through international processes and U.S.-led diplomatic partnerships and initiatives.

- **DEPARTMENT OF THE TREASURY**

The Treasury Department is the primary agency through which the U.S. Government provides contributions through multilateral delivery channels, including the Climate Investment Funds and the Global Environment Facility. Multilateral assistance promotes institutional structures governed jointly by developed and developing countries, which are needed for a coordinated, global response to climate change. Multilateral institutions complement bilateral assistance by

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<sup>4</sup> Estimates of development finance and export credit agencies' international climate investments are based on an initial review of planned projects, and in some cases the final review of activities, after their implementation, may change the accounting of timing and scale of financing. <http://www.state.gov/documents/organization/201130.pdf>

leveraging contributions from other donors, making capital investments in infrastructure, providing a range of tailored financial products, and working across a larger number of countries.

The FY 2014 Budget requests \$216 million for the Clean Technology Fund (CTF), which aims to close the price gap in developing countries between dirtier conventional technologies and commercially available cleaner alternatives in the power sector, the transportation sector, and in energy efficiency. The CTF focus is on transforming energy use on a sector scale in the “larger emitter” developing countries.

In addition, the FY 2014 Budget requests \$68 million for the Strategic Climate Fund in three programs: the Pilot Program for Climate Resilience, the Forest Investment Program, the program for Scaling-up Renewable Energy in Low Income Countries (SREP). The Pilot Program for Climate Resilience will help finance comprehensive efforts to improve the technical capacity of countries to plan for and finance climate adaptation efforts. The Forest Investment Program will support activities informed by national plans to reduce deforestation and will focus on transitioning a small number of developing countries to participate in carbon financing for forest preservation. SREP aims to demonstrate how to put the poorest countries on a pathway that uses renewable energy to expand energy access and stimulate economic growth.

- **DEPARTMENT OF COMMERCE**

The Department of Commerce manages the Renewable Energy and Energy Efficiency Export Initiative (RE4I) through its leadership of the TPCC Working Group on Renewable Energy and Energy Efficiency. The RE4I is a key, sector-specific initiative designed to meet the specific needs of the clean energy sector, while also advancing the President’s goal of doubling exports. It includes contributions from eight U.S. Government agencies and is meant to facilitate the deployment of renewable energy and energy efficiency (RE&EE) technologies; better link buyers and sellers of RE&EE products and services; open markets for U.S.-made RE&EE technologies; improve U.S. Government financing for RE&EE exporters; and enhance two-way communication between the U.S. Government and the RE&EE industry. Under the auspices of the RE4I, Commerce has facilitated several improvements to the U.S. Government’s trade promotion process in the RE&EE sector, including the development of RE&EE trade policy missions to support existing trade promotion activities by helping to create new markets for U.S. RE&EE companies in countries with nascent policy framework and regulatory systems. This has resulted in highly successful missions to Mexico, Japan, Chile, and Saudi Arabia. Commerce has also developed a first-of-its-kind Renewable Energy Top Prospects Study to help the interagency direct trade promotion activities toward those markets most likely to support U.S. exports.

- **COMPLEMENTARY AGENCIES**

In addition to the core international assistance activities, a number of additional agencies provide technical and in some cases direct support for international efforts to address climate change. Two international agencies, the Millennium Challenge Corporation (MCC) and the U.S. Trade and Development Agency (USTDA), work directly with international partners on projects that may have climate change benefits.

MCC works with its foreign government partners on programs that reduce poverty through sustainable economic growth. In undertaking its poverty reduction programs, MCC seeks to integrate climate change considerations, such as adaptation and reduced emissions, where appropriate. For example, MCC clean energy capital investments may support economic development priorities with ancillary benefits in emissions reductions. MCC agriculture and agricultural infrastructure programs, such as irrigation, may integrate more sustainable use of water resources in those areas at risk of increasing water scarcity in a changing climate.

USTDA has a number of programs that combine support for U.S. exports with a focus on emissions reductions abroad. USTDA provides technical assistance to developing countries on clean energy technologies that U.S. firms provide, organizes visits for foreign entities seeking business opportunities with U.S. firms in the renewable energy sector, and funds studies on future clean energy infrastructure investments.

A number of domestic agencies with significant technical expertise complement the core international assistance activities on climate change through a variety of functions. The Department of Energy and the Environmental Protection Agency provide technical assistance on clean energy investments and environmental regulations undertaken by foreign governments; National Aeronautics and Space Administration and the National Science Foundation provide research and science assistance to the core international assistance agencies that directly supports climate change efforts; and the Forest Service works with USAID on a number of forestry programs that reduce emissions through carbon sequestration.

## **4.2 LINKAGES TO STRATEGIC PLANS**

### **Interagency Strategic Plans and Planning Documents**

- Meeting the Fast Start Commitment – US Climate Finance in Fiscal Year 2012. The Fast Start document released in November 2012 describes the \$7.5 billion provided during the three-year fast start finance period from 2010-2012. The three-year fast start finance total consists of more than \$4.7 billion of Congressionally-appropriated assistance and more than \$2.7 billion from U.S. development finance and export credit agencies.  
<http://www.state.gov/documents/organization/201130.pdf>
- Fifth Climate Action Report to the UN Framework Convention on Climate Change. The *U.S. Climate Action Report 2010* sets out the major actions the U.S. government is taking at the federal level, highlights examples of state and local actions, and outlines U.S. efforts to assist other countries' efforts to address climate change.  
<http://www.state.gov/documents/organization/140636.pdf>
- Fact Sheet: U.S. Global Development Policy and Global Climate Change Initiative. In September 2010, the President signed a Presidential Policy Directive on Global Development, which provides clear policy guidance to all U.S. Government agencies and enumerates the core objectives, operational model, and the modern architecture needed to implement the policy.  
[http://www.whitehouse.gov/sites/default/files/Climate\\_Fact\\_Sheet.pdf](http://www.whitehouse.gov/sites/default/files/Climate_Fact_Sheet.pdf)

### **Individual Agency Strategic Plans and Planning Documents**

- USAID. The *Climate Change and Development Strategy/2012-2016*, released in January 2012, describes USAID's efforts to enable countries to accelerate their transition to climate resilient low emission sustainable economic development. To accomplish this, USAID will pursue three strategic objectives:
  - Accelerate the transition to low-emission development through investments in clean energy and sustainable landscapes;
  - Increase resilience of people, places, and livelihoods through investments in adaptation;
  - Strengthen development outcomes by integrating climate change in Agency programming.
  - [http://transition.usaid.gov/our\\_work/policy\\_planning\\_and\\_learning/documents/GC\\_CS.pdf](http://transition.usaid.gov/our_work/policy_planning_and_learning/documents/GC_CS.pdf)
  
- State and USAID. The *Quadrennial Diplomacy and Development Review*, released in 2010, describes the whole-of-government approach used by the Global Climate Change Initiative (GCCCI). Key GCCCI objectives include:
  - Laying the foundation for low-carbon growth by supporting partner country efforts to advance economic growth while reducing emissions;
  - Accelerating the clean energy revolution through multilateral and bilateral mechanisms and promoting development and deployment of clean energy technologies;
  - Reducing emissions from agricultural and other land use and conserving forests through contributions to Reducing Emissions from Deforestation and Forest Degradation (REDD+).
  - <http://www.state.gov/s/dmr/qddr/index.htm>

## Table 4

### International Climate Change Assistance

Details by Agency/Account  
(Budget authority in millions of dollars) <sup>1</sup>

<b>International Assistance<sup>1,2</sup></b>	<b>FY 2012 Enacted Budget Authority</b>	<b>FY 2013 Enacted Budget Authority</b>	<b>FY 2013 Current Budget Authority<sup>20</sup></b>	<b>FY 2014 Proposed Budget Authority</b>	<b>Proposed Change in Budget Authority 2013-2014</b>
<b>Core Agencies<sup>3</sup></b>					
<b>Department of State</b>					
Diplomatic and Consular Affairs <sup>4</sup>	0	0	0	0	---
Economic Support Fund	96	95	91	94	-1
International Organizations and Programs	37	37	35	39	+2
<b>Subtotal – State<sup>5</sup></b>	<b>133</b>	<b>132</b>	<b>126</b>	<b>133</b>	<b>+1</b>
<b>Department of the Treasury<sup>6</sup></b>					
Debt Restructuring – Tropical Forestry Conservation	12	12	11	0	-12
Global Environment Facility <sup>7, 18</sup>	60	65	63	72	+7
Clean Technology Fund <sup>18</sup>	230	185	175	216	+31
Strategic Climate Fund <sup>8, 18</sup>	75	50	47	68	+18
<b>Subtotal – Treasury<sup>5</sup></b>	<b>377</b>	<b>311</b>	<b>296</b>	<b>356</b>	<b>+44</b>
<b>U.S. Agency for International Development<sup>4</sup></b>					
Assistance for Europe, Eurasia, and Central Asia <sup>9</sup>	15	0	0	0	---
Development Assistance <sup>19</sup>	322	322	308	317	-5
Economic Support Fund	12	28	27	32	+4
International Disaster Assistance	0	0	0	0	---
<b>Subtotal – USAID<sup>5</sup></b>	<b>348</b>	<b>334</b>	<b>335</b>	<b>349</b>	<b>-1</b>
<i>Subtotal- Core Agencies<sup>5</sup></i>	858	792	757	837	+45
<b>Complementary Agencies<sup>10</sup></b>					
<b>US Department of Energy<sup>11</sup></b>					
Energy Efficiency and Renewable Energy	9	9	9	9	---
Fossil Energy R&D –Carbon Capture and Storage (CCS)	3	3	3	3	---
Science	1	1	1	1	---

<b>International Assistance<sup>1,2</sup></b>	<b>FY 2012 Enacted Budget Authority</b>	<b>FY 2013 Enacted Budget Authority</b>	<b>FY 2013 Current Budget Authority<sup>20</sup></b>	<b>FY 2014 Proposed Budget Authority</b>	<b>Proposed Change in Budget Authority 2013-2014</b>
<b>Subtotal- DOE<sup>5</sup></b>	<b>13</b>	<b>13</b>	<b>13</b>	<b>13</b>	<b>---</b>
<b>Environmental Protection Agency</b> Environmental Programs and Management <sup>12</sup>	<b>18</b>	<b>18</b>	<b>16</b>	<b>19</b>	<b>---</b>
<b>National Science Foundation</b> Research and Related Activities <sup>14</sup>	<b>6</b>	<b>6</b>	<b>6</b>	<b>3</b>	<b>-3</b>
<b>Department of Agriculture</b> Forest Service-Forest and Rangeland Research <sup>15</sup>	<b>3</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>-2</b>
<b>National Aeronautics and Space Administration</b> Science <sup>16</sup>	<b>3</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>---</b>
<b>Millennium Challenge Corporation</b> Millennium Challenge Corporation <sup>17</sup>	<b>41</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>---</b>
<b>US Trade and Development Agency</b> Trade and Development Agency <sup>21</sup>	<b>16</b>	<b>16</b>	<b>0</b>	<b>18</b>	<b>+1</b>
<i>Subtotal- Complementary Agencies<sup>5</sup></i>	<i>100</i>	<i>59</i>	<i>40</i>	<i>56</i>	<i>-3</i>
<b>Total<sup>5</sup></b>	<b>958</b>	<b>851</b>	<b>797</b>	<b>893</b>	<b>+42</b>

**Footnotes:**

<sup>1</sup>This table shows core climate assistance from programs with climate as a primary objective. In addition, indirect climate assistance is provided through programs in other development sectors such as agriculture, water, and health, that do not necessarily have a primary climate objective but nevertheless may provide climate benefits. Those activities have been captured in the U.S. Fast Start Climate Finance Report.

<sup>2</sup>All data supersede numbers released with the 2014 President's Budget and are current as of June 21, 2013. Budget authority provided in millions of dollars. Discrepancies may result from rounding and improved estimates.

<sup>3</sup>Core agencies for the purposes of the Federal Climate Change Expenditure Report are made of the primary climate assistance activities of the Department of State, Department of the Treasury, and US Agency for International Development (USAID). The Federal Climate Change Expenditures Report contained only these core agencies in previous years.

<sup>4</sup>Diplomatic and Consular Affairs continues to support international climate change activities, but because it is not a foreign assistance account, it has been excluded from the international assistance crosscut, beginning in FY 2011.

<sup>5</sup>Agency subtotals and table total may not add due to rounding.

<sup>6</sup>The FY 2012 totals for Treasury climate programming includes a \$100 million transfer from the Department of State.

<sup>7</sup>Only 50% of GEF funds are allocated to programs related to climate change and shown here. The full amounts for GEF over respective columns are 2012—120, 2013 enacted—129, 2013 current—125, and 2014 request—144.

<sup>8</sup>The SCF is the second of the multi-donor Climate Investment Funds. It supports three targeted programs: the Pilot Program for Climate Resilience, the Forest Investment Program, and the Program for Scaling-Up Renewable Energy in Low-Income Countries.

<sup>9</sup>In the 2009 Omnibus appropriation, Congress combined Assistance for Eastern Europe and the Baltic States with Assistance for the Independent States of the Former Soviet Union, making a new account called Assistance for Europe, Eurasia, and Central Asia.

<sup>10</sup>The category of Complementary Agencies was first included in the Federal Climate Change Expenditures Report that followed the FY 2011 President's Budget as a means to account for technical and in some cases direct support for international efforts to address climate change.

<sup>11</sup>DOE funding provides global outreach on advanced clean coal technology and CCS for climate change mitigation and energy security in multilateral forums.

<sup>12</sup>EPA activities include Methane to Markets, International Capacity Building, and contribution to the Multilateral Fund to support the Montreal Protocol on Substances that Deplete the Ozone Layer.

<sup>13</sup>ITA funding represents activities under the Asia Pacific Partnership to promote the development and deployment of cleaner and more efficient energy technologies.

<sup>14</sup>NSF funding is for Basic Research to Enable Agriculture Development (BREAD) through the Directorate for Biological Science.

<sup>15</sup>Forest Service activities include assistance to developing countries to establish and maintain sustainable landscape management.

<sup>16</sup>NASA activities include funding for the SERVIR initiative which consists of two web-based regional monitoring networks to provide environmental (land, sea, atmosphere, biota) information and projections to decision makers in Central America/Caribbean and East Africa.

<sup>17</sup>MCC anticipates applying FY 2013 and FY 2014 funds to support compacts with Ghana, Benin, El Salvador, Morocco, Niger, Tanzania, Liberia, and Sierra Leone, which may include funding to support climate change objectives. Because funds will not be committed until signing of a compact and the projects within each compact are still being developed, MCC cannot yet report FY 2013 and FY 2014 funding that will support climate change objectives.

<sup>18</sup>FY 2012 Enacted includes a \$100 million ESF transfer from State to Treasury for the Clean Technology Fund (\$45 million), Strategic Climate Fund (\$25 million), and the Global Environment Facility (\$30 million).

<sup>19</sup>FY 2013 ESF funding includes both ESF Base and ESF OCO funds.

<sup>20</sup>Current Budget Authority for FY 2013 throughout this document reflects the amount the program has available for the year calculated as the appropriated amount (as reported in the FY 2013 Enacted column) minus the reductions pursuant to the Budget Control Act of 2011 (P.L. 112-25) sequestration order issued on March 1, 2013, and accounting for any known and applicable reprogrammings, transfers, or other related adjustments. Estimates are current as of June 21, 2013 and are subject to change.

<sup>21</sup>USTDA provides funding for various forms of investment analysis and technical assistance to promote investment opportunities for U.S. companies in developing countries. USTDA has expanded its clean energy project portfolio dramatically over the last few years.

## **5. ENERGY TAX PROVISIONS THAT MAY REDUCE GREENHOUSE GASES**

This report includes existing energy tax provisions and energy payments in lieu of tax provisions which may reduce greenhouse gases. All references to the Code are intended to refer to the Internal Revenue Code of 1986, unless otherwise specified. Summary descriptions of the provisions are provided below and the associated revenue effects are shown in Table 5. A tax expenditure is an exception to baseline provisions of the tax structure that usually results in a reduction in the amount of tax owed. In addition to categories of tax expenditures described in previous Federal climate change expenditures reports, this report contains estimated payments from the Department of the Treasury authorized by Section 1603 of the American Recovery and Reinvestment Act.

All tax expenditure estimates presented here were based upon current tax law enacted as of December 31, 2012. Expired or repealed provisions are not listed if their revenue effects result only from taxpayer activity occurring before fiscal year 2012. Tax expenditure information can also be found in *Analytical Perspectives, Budget of the United States Government, Fiscal Year 2014, Chapter 16*.<sup>5</sup>

***Energy production credit*** – The Code provides a credit for certain electricity produced from wind energy, biomass, geothermal energy, solar energy, small irrigation power, municipal solid waste, qualified hydropower production, or marine and hydrokinetic renewable energy, and sold to an unrelated party.

***Energy investment credit*** – The Code provides credits for investments in solar and geothermal energy property, qualified fuel cell property, qualified microturbine property, geothermal heat pumps, qualified small wind property and combined heat and power property. Owners of renewable power facilities that qualify for the energy production credit may instead elect to take an energy investment credit.

***Credit for alternative motor vehicles and refueling property*** – The Code allows a number of credits for certain types of vehicles and property. These are available for alternative fuel vehicle refueling property, fuel cell vehicles and plug-in electric drive motor vehicles.

***Exclusion of utility conservation subsidies*** – In certain circumstances, public utilities offer rate subsidies to non-business customers who invest in energy conservation measures.

***Credit for holding clean renewable energy bonds*** – The Code provides for the issuance of Clean Renewable Energy Bonds which entitles the bond holder to a Federal income tax credit in lieu of interest. The limit on the volume issued in 2009-2010 is \$2.4 billion.

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<sup>5</sup> Several temporary provisions, including the energy production tax credit, the energy investment credit, the credit for refueling property, the credit for energy efficient improvements to existing homes, the credit for construction of new energy efficient homes, and the credit for energy efficient appliances, were extended or modified under the American Taxpayer Relief Act of 2012. The tax expenditure estimates in this report do not reflect the extension of these tax incentives.



***Allowance of deduction for certain energy efficient commercial building property*** – The Code allows a deduction, per square foot, for certain energy efficient commercial buildings property installed on or in a commercial building.

***Credit for construction of new energy efficient homes*** – The Code allows contractors a tax credit of \$2,000 for the construction of a qualified new energy-efficient home with an annual level of heating and cooling energy consumption at least 50 percent below a reference energy standard. The Code also allows a tax credit of \$1,000 for the construction of a qualified new energy-efficient manufactured home with an annual level of heating and cooling energy consumption at least 30 percent below a reference energy standard.

***Credit for energy efficiency improvements to existing homes*** – The Code provides an investment tax credit for expenditures made on insulation, exterior windows (including skylights), exterior doors, and metal or asphalt roofs with appropriate pigmented coatings or cooling granules that improve the energy efficiency of a home and meet certain standards. The Code also provides a credit for purchases of advanced main air circulating fans, natural gas, propane, or oil furnaces or hot water boilers, and other qualified energy efficient property.

***Credit for residential energy efficient property*** – The Code provides an investment tax credit for expenditures made on solar electric property, solar hot water heaters, fuel cells, small wind turbines, and geothermal heat pumps for use in a residence.

***Credit for energy efficient appliances*** – The Code provides tax credits for the manufacture of energy efficient dishwashers, clothes washers, and refrigerators. The amount of the tax credit depends on the energy efficiency of the appliance.

***Advanced energy property credit*** – The Code provides a 30 percent investment credit for property used in a qualified advanced energy manufacturing project. The Treasury Department may award up to \$2.3 billion in tax credits for qualified investments.

***Credit for qualified energy conservation bonds*** – The Code provides for the issuance of energy conservation bonds which entitle the bond holder to a Federal income tax credit in lieu of interest. The limit on the volume issued in 2009 is \$3.2 billion.

***Industrial CO<sub>2</sub> capture and sequestration tax credit*** – The Code allows a credit of \$20 per metric ton for qualified carbon dioxide captured at a qualified facility and disposed of in secure geological sequestration. The Code also allows a credit of \$10 per metric ton of qualified carbon dioxide that is captured at a qualified facility and used as a tertiary injectant in a qualified enhanced oil or natural gas recovery project.

***Energy payments in lieu of energy investment credit*** – Section 1603 of the American Recovery and Reinvestment Tax Act of 2009 (Section 1603) authorizes the Treasury Department to make payments to persons who place in service specified energy property in 2009, 2010, or 2011 or whose construction commenced in 2009, 2010, or 2011. Firms can take an energy payment in lieu of the energy production credit or the energy investment credit.

**Table 5****Energy Tax Provisions That May Reduce Greenhouse Gases**

(Revenue effect in millions of dollars)

	2012	2013	2014	2015	2016	2017	2018	2014-2018
Energy Production Credit (without coal) <sup>1</sup>	1,452	1,719	1,759	1,719	1,629	1,428	1,088	7,622
Energy Investment Credit <sup>2</sup>	1,040	1,270	1,360	1,670	1,880	1,110	240	6,260
Tax credit for alternative motor vehicles and refueling property <sup>3</sup>	100	180	260	400	610	670	500	2,440
Exclusion of utility conservation subsidies	270	250	250	250	250	250	240	1,240
Credit for holding clean renewable energy bonds	70	70	70	70	70	70	70	350
Allowance of deduction for certain energy efficient commercial building property	70	70	40	20	0	0	-20	40
Credit for construction of new energy efficient homes	70	40	20	0	0	0	0	20
Credit for energy efficiency improvements to existing homes	780	0	0	0	0	0	0	---
Credit for energy efficient appliances	210	300	130	120	100	0	0	350
Credit for residential energy efficient properties <sup>4</sup>	910	1,010	1,140	1,270	1,420	600	0	4,430
Qualified energy conservation bonds	20	30	30	30	30	30	30	150
Industrial CO2 capture and sequestration tax credit	60	60	70	80	110	210	160	630
<b>Tax Provisions Subtotal</b>	<b>5,052</b>	<b>4,999</b>	<b>5,129</b>	<b>5,629</b>	<b>6,099</b>	<b>4,368</b>	<b>2,308</b>	<b>23,532</b>
<i>Energy Payments in lieu of energy investment credit<sup>2,5</sup></i>	<i>5,080</i>	<i>8,080</i>	<i>4,710</i>	<i>2,520</i>	<i>1,580</i>	<i>330</i>	<i>0</i>	<i>9,140</i>
<b>Tax Provisions plus Energy Payments Total</b>	<b>10,132</b>	<b>13,079</b>	<b>9,839</b>	<b>8,149</b>	<b>7,679</b>	<b>4,698</b>	<b>2,308</b>	<b>32,672</b>

**Footnotes:**

<sup>1</sup>Estimates of revenue loss from coal provisions have been removed from the tax expenditure estimate in the budget. In previous years, the Expenditures Report cited the New Technology Credit.

<sup>2</sup>In previous years the Energy Investment Credit was contained within the New Technology Credit. The Energy Investment Credit also includes the business installation of fuel cells, which was an independent entry in tables from previous years. These estimates do not exclude microturbine credits which were removed in previous expenditures reports, however the estimates are expected to be too small to affect these figures which are rounded to the nearest \$10 million.

<sup>3</sup>In previous reports the tax credit for alternative motor vehicles and refueling property was referred to as the tax credit and deduction for clean-burning vehicles.

<sup>4</sup>In previous years the credit for residential energy efficient property was referred to as the credit for residential purchases/installations of solar and fuel cells.

<sup>5</sup>Firms can take an energy payment in lieu of the energy investment credit for facilities placed in service in 2009, 2010, or 2011 or whose construction commenced in 2009, 2010, or 2011. The payments are considered outlays and are direct substitutes for the energy tax provisions.

## **6. CLIMATE ADAPTATION, PREPAREDNESS, AND RESILIENCE**

Climate change is a complex, interdisciplinary issue with the potential to affect nearly every sector and level of governmental operations. Across the United States and the world, climate change is already affecting communities, livelihoods, and the environment. To address these challenges and ensure the nation is prepared and resilient to the impacts of climate change, in 2009, the Administration convened the Interagency Climate Change Adaptation Task Force, co-chaired by the Council on Environmental Quality (CEQ), the Office of Science and Technology Policy (OSTP), and the National Oceanic and Atmospheric Administration (NOAA), and including representatives from more than 20 Federal agencies. In addition, on October 5, 2009, President Obama signed an Executive Order directing the Task Force to develop recommendations for how the Federal Government can strengthen policies and programs to better prepare the nation to adapt to the impacts of climate change.

In its 2010 Progress Report, the Task Force called on Federal agencies to demonstrate leadership on climate change adaptation. Rising sea levels, drought, extreme weather events, loss of land and sea ice, and other climate-related impacts threaten communities, ecosystems, and Federal services and assets. The 2010 Task Force Report determined that the Federal Government has a responsibility to safeguard Federal services and resources and to help states, tribes, and communities manage climate-related risks by improving access to climate information, enhancing coordination and capacity, and leading and supporting actions that reduce vulnerability and increase resilience. In response, Federal agencies are taking steps to prepare the nation for the impacts of climate change and are making significant progress. These actions are outlined in agencies' first ever Climate Change Adaptation Plans, which were released in February 2013 as part of the annual Strategic Sustainability Planning Process. These plans outline initiatives to reduce the vulnerability of Federal programs, assets, and investments to the impacts of climate change, such as sea level rise or more frequent or severe extreme weather. Agency adaptation plans highlight actions to plan for and address these impacts in their programs and operations, and protect taxpayer investments.

Agencies are also developing collaborative approaches within the government to build coordinated and comprehensive responses to the impacts of climate change in all sectors. The first of these efforts have focused on building the climate preparedness and resilience of natural resources, including oceans and coasts, wildlife, and water resources. Federal agencies worked with stakeholders to develop a National Action Plan for managing freshwater resources in a changing climate to assure adequate water supplies and protect soil and water quality, human health, property, and aquatic ecosystems. Federal agencies also worked with state, tribal, and local representatives to develop a National Fish, Wildlife and Plants Climate Adaptation Strategy, for safeguarding our nation's species and natural resources (<http://www.wildlifeadaptationstrategy.gov>). The final strategy was released in March 2013.

There are numerous efforts across the Federal Government for preparing and building resilience to the impacts of climate change on various critical sectors, institutions, and agency mission responsibilities. The President's Climate Action Plan highlights many key efforts to advance climate adaptation,

preparedness and resilience. Successful efforts to build resiliency and adaptation often involve integrating climate change considerations into existing agency programs, projects, and activities rather than establishing separate and distinct programs. This creates a challenge when attempting to fully account for all adaptation resources. While the Administration continues to develop methodologies to account for a broader suite of adaptation programs across all critical sectors, this report used the following summary of Department of the Interior activities designed to promote adaptation as an example of one agency's efforts in this area. These Department of the Interior activities also reflect a variety of interagency efforts to address key adaptation challenges that cut across the jurisdictions and missions of individual Federal agencies, and affect fresh water, oceans and coasts, and fish, wildlife and plants.

An early example of agency efforts to promote climate preparedness and resilience is the work of the Department of the Interior to gain effective and broad collaboration to determine the causes and implement changes to reduce climate impacts to lands, waters, natural and cultural resources.

A key component of this initiative is the development of a network of Landscape Conservation Cooperatives (LCCs), which are applied conservation science partnerships that provide scientific and technical support for spatially-explicit conservation goals and for integrated, adaptive management actions at landscape scales. LCCs are composed of and depend on other Federal agencies, tribal, local and State partners, and the public in crafting practical, landscape-level strategies for managing climate change impacts in coordination with the Department's Climate Science Centers (CSCs). The focus of the CSCs includes impacts of climate change on fish, wildlife, and habitats, including wildlife migration patterns, wildfire risk, drought, or invasive species that typically extend beyond the borders of any particular Federal or Tribal land holding.

With resident staff and through connections with partners, LCCs develop, test, implement, and monitor conservation strategies that respond to the dynamic landscape changes resulting from climate change. The LCCs facilitate broad availability of data, modeling, and tools to land managers that allow them to analyze and model trends in species and habitat changes. LCCs also support improved management of water resources, historical and cultural resources, and resources that are needed by Indian Tribes and Alaska Natives.

The FY 2014 President's Budget continues support for cooperative landscape conservation in the face of climate change and other environmental stressors. The National Park Service supports managers with the tools to inventory changes and adapt management practices with a \$6 million increase. The Bureau of Indian Affairs provides a \$9 million increase to better integrate climate adaptation work on trust land and to support Tribal participation with the CSC and the Landscape Conservation Cooperatives, including the use of traditional ecological knowledge in adaptation management. These funding levels provide the critical science to support Interior's \$110 million Climate Change Wildlife Adaptation initiative. The Bureau of Reclamation continues to support cooperative landscape conservation, focusing on climate change implications for water resources management and addressing the Department's Priority Goal for Climate Change through vulnerability assessments, adaptation actions, and development of improved assessment tools through collaboration with CSCs and other climate science entities.

## Table 6

### Natural Resources Adaptation

(Budget authority in millions of dollars) <sup>1</sup>

Natural Resources Adaptation <sup>1</sup>	FY 2012 Enacted Budget Authority	FY 2013 Enacted Budget Authority	FY 2013 Current Budget Authority <sup>3</sup>	FY 2014 Proposed Budget Authority	Proposed Change in Budget Authority 2013- 2014
<b>Department of Interior</b>					
National Park Service – Operation of the National Park Service	3	3	3	9	+6
Fish and Wildlife Service – Resource Management	60	67	64	65	-2
Bureau of Land Management – Management of Lands and Resources	18	18	16	21	+3
Bureau of Indian Affairs – Operation of Indian Programs <sup>2</sup>	0	1	1	10	+9
Bureau of Reclamation – Cooperative Landscape Conservation	7	6	6	5	-1
<b>Total – Natural Resources Adaptation</b>	<b>88</b>	<b>95</b>	<b>90</b>	<b>110</b>	<b>+15</b>

**Footnotes:**

<sup>1</sup>All data supersede numbers released with the 2014 President’s Budget. Budget Authority provided in millions of dollars. Discrepancies resulted from rounding and improved estimates. Funding in the table does not include USGS climate change adaptation research, which is captured within USGCRP totals.

<sup>2</sup>BIA activities include: assisting Tribes and Alaska Natives with land and resource management, and adaptive management strategies to deal with the effects of climate change they are experiencing or expect to experience; providing climate change funds to Tribes for mitigation and adaptation projects that are deemed high priority; and provide climate change funds for Tribes to actively engage and participate in the Climate Science Centers, LCCs, and the many other climate change implementation projects that require tribal input.

<sup>3</sup>Current Budget Authority for FY 2013 throughout this document reflects the amount the program has available for the year calculated as the appropriated amount (as reported in the FY 2013 Enacted column) minus the reductions pursuant to the Budget Control Act of 2011 (P.L. 112-25) sequestration order issued on March 1, 2013, and accounting for any known and applicable reprogrammings, transfers, or other related adjustments. Estimates are current as of June 21, 2013 and are subject to change.

# **APPENDIX**

## **ACCOUNTING OF FEDERAL CLIMATE CHANGE EXPENDITURES BY AGENCY**

## Table 7

### Climate Change Expenditures by Agency

Details by Agency/Account  
(Budget authority in millions of dollars)<sup>1</sup>

The following is a listing of Federal climate change expenditures by agency and by line item in the President's 2014 Budget Appendix. Budget Appendix line items show account level data and may not reflect sub-account level climate change information. The data in this table may be subsets of an account.

Climate Change Expenditures by Agency	FY 2012 Enacted Budget Authority	FY 2013 Enacted Budget Authority	FY 2013 Current Budget Authority <sup>2</sup>	FY 2014 Proposed Budget Authority	Change in Budget Authority 2013-2014
<b><u>Department of Agriculture</u></b>					
<b>Global Change Research Program</b>					
Agricultural Research Service	36	36	38	52	+16
National Institute of Food and Agriculture	50	40	40	43	+3
Economic Research Service	2	2	2	2	---
Forest Service – Forest and Rangeland Research	26	25	25	28	+3
National Agricultural Statistics Service	1	1	1	1	---
Natural Resources Conservation Services	1	1	1	1	---
<b>USDA- GCRP Subtotal</b>	<b>116</b>	<b>104</b>	<b>106</b>	<b>126</b>	<b>22</b>
<b>Clean Energy Technology</b>					
Natural Resources Conservation Service – Conservation Operations	6	6	0	4	-2
Agricultural Research Service – Salaries and Expenses	33	32	32	39	+7
National Institute of Food and Agriculture – Research and Education Activities	31	57	56	51	-5
Forest Service – Commercialization/Renewable Energy	26	23	23	28	+5
Rural Business Service – Value Added Producer Grants (Cooperative Development Grants)	1	2	1	1	-1
Rural Business Service – Rural Energy for America Program	3	3	3	20	+16
Rural Business Cooperative Service – Guaranteed Business and Industry Loans	4	6	5	6	---
Rural Business Cooperative Service – Rural Economic Development Loans	0	0	0	0	---
Economic Research Service	2	2	2	2	---
Office of the Chief Economist – Salaries and Expenses	4	3	3	4	+1
Rural Utilities Service – High Cost Energy Grants	4	4	4	0	-4

<b>Climate Change Expenditures by Agency</b>	<b>FY 2012 Enacted Budget Authority</b>	<b>FY 2013 Enacted Budget Authority</b>	<b>FY 2013 Current Budget Authority<sup>2</sup></b>	<b>FY 2014 Proposed Budget Authority</b>	<b>Change in Budget Authority 2013-2014</b>
<b>2008 Farm Bill, Mandatory Funding</b>					
Rural Business Service – Rural Energy for America	22	0	0	70	+70
National Institute of Food and Agriculture – Biomass Research and Development	40	0	0	26	+26
Farm Service Agency – Biomass Crop Assistance Program	17	0	0	0	---
Farm Service Agency – Commodity Credit Corporation	0	170	161	0	-170
Natural Resources Conservation Service – Farm Security and Rural Investment Programs	16	14	14	14	---
Rural Business Service – Bioenergy Program for Advanced Biofuels	65	0	0	0	---
<i>Subtotal - mandatory funding</i>	<i>160</i>	<i>184</i>	<i>175</i>	<i>110</i>	<i>-74</i>
<i>Subtotal - discretionary funding</i>	<i>116</i>	<i>138</i>	<i>130</i>	<i>155</i>	<i>+18</i>
<b>USDA- Clean Energy Subtotal</b>	<b>275</b>	<b>322</b>	<b>305</b>	<b>265</b>	<b>-57</b>
<b>International Assistance</b>					
Forest Service-Forest and Rangeland Research	3	3	3	1	-2
<b><u>Total-USDA</u></b>	<b>394</b>	<b>429</b>	<b>414</b>	<b>392</b>	<b>-37</b>
<b><u>Department of Commerce</u></b>					
<b>Global Change Research Program</b>					
National Oceanic and Atmospheric Administration – Operations, Research, and Facilities	245	247	233	307	+60
National Oceanic and Atmospheric Administration – Procurement, Acquisition, and Construction	69	64	64	59	-5
National Institute of Standards and Technology (NIST)	5	5	5	5	---
<b>DOC- GCRP Subtotal</b>	<b>319</b>	<b>316</b>	<b>302</b>	<b>371</b>	<b>+55</b>
<b>Clean Energy Technology</b>					
National Institute of Standards and Technology (NIST) – Scientific and Technological Research and Services	40	40	40	40	---
National Oceanic and Atmospheric Administration Operations, Research and Facilities	0	0	0	3	+3
<b>DOC- Clean Energy Subtotal</b>	<b>40</b>	<b>40</b>	<b>40</b>	<b>43</b>	<b>+3</b>
<b><u>Total- Department of Commerce</u></b>	<b>359</b>	<b>356</b>	<b>342</b>	<b>414</b>	<b>+58</b>



<b>Climate Change Expenditures by Agency</b>	<b>FY 2012 Enacted Budget Authority</b>	<b>FY 2013 Enacted Budget Authority</b>	<b>FY 2013 Current Budget Authority<sup>2</sup></b>	<b>FY 2014 Proposed Budget Authority</b>	<b>Change in Budget Authority 2013-2014</b>
<b><u>Department of Defense</u></b>					
<b>Clean Energy Technology</b>					
Research, Development, Test and Evaluation, Army	32	29	29	32	+2
Research, Development, Test and Evaluation, Navy	231	186	176	226	+40
Research, Development, Test and Evaluation, Air Force	118	203	190	153	-50
Research, Development, Test and Evaluation, Defense Wide <sup>5</sup>	101	46	42	46	---
<b><u>Total- Department of Defense</u></b>	<b>481</b>	<b>465</b>	<b>437</b>	<b>457</b>	<b>-8</b>
<b><u>Department of Energy</u></b>					
<b>Global Change Research Program</b>					
Science – Biological & Environmental Research	211	213	209	220	+7
<b>Clean Energy Technology</b>					
Energy Efficiency and Renewable Energy	1,819	1,810	1,719	2,788	+978
Electricity Delivery and Energy Reliability	133	133	126	153	+20
Nuclear Energy	772	765	723	733	-32
Fossil Energy R&D – Carbon Capture and Storage (CCS) and Power Systems	472	446	425	375	-71
Science – Fusion, Sequestration, and Hydrogen	902	924	883	1,067	+143
Energy Transformation Acceleration Fund – Advance Research Projects Agency- Energy (ARPA-E)	275	264	251	379	+114
Bonneville Power Administration Fund	15	17	17	17	---
Race to the Top for Energy Efficiency and Grid Modernization	0	0	0	200	+200
HomeStar	0	0	0	300	+300
Energy Security Trust	0	0	0	200	+200
<b>DOE- Clean Energy Subtotal</b>	<b>4,388</b>	<b>4,359</b>	<b>4,144</b>	<b>6,212</b>	<b>+1,853</b>
<b>International Assistance</b>					
Energy Efficiency and Renewable Energy	9	9	9	9	---
Fossil Energy R&D – Carbon Capture and Storage (CCS) and Power Systems	3	3	3	3	---
Science	1	1	1	1	---
<b>DOE- International Assistance Subtotal</b>	<b>13</b>	<b>13</b>	<b>13</b>	<b>13</b>	<b>---</b>
<i><u>Adjustments for programs included in multiple categories -- DOE</u></i>	<i>-13</i>	<i>-13</i>	<i>-13</i>	<i>-13</i>	<i>---</i>
<b><u>Total- DOE</u></b>	<b>4,599</b>	<b>4,572</b>	<b>4,353</b>	<b>6,432</b>	<b>+1,860</b>

<b>Climate Change Expenditures by Agency</b>	<b>FY 2012 Enacted Budget Authority</b>	<b>FY 2013 Enacted Budget Authority</b>	<b>FY 2013 Current Budget Authority<sup>2</sup></b>	<b>FY 2014 Proposed Budget Authority</b>	<b>Change in Budget Authority 2013-2014</b>
<b><u>Department of Health and Human Services</u></b>					
<b>Global Change Research Program</b>					
Centers for Disease Control and Prevention	6	7	7	7	---
National Institutes of Health	8	8	8	8	---
<b>HHS- GCRP Subtotal</b>	<b>14</b>	<b>15</b>	<b>14</b>	<b>15</b>	<b>---</b>
<b><u>Total-HHS</u></b>	<b>14</b>	<b>15</b>	<b>14</b>	<b>15</b>	<b>---</b>
<b><u>Department of the Interior</u></b>					
<b>Global Change Research Program</b>					
U.S. Geological Survey – Surveys, Investigations, and Research	<b>59</b>	<b>58</b>	<b>55</b>	<b>72</b>	<b>+14</b>
<b>Natural Resources Adaptation</b>					
National Park Service – Operation of the National Park Service	3	3	3	9	+6
Fish and Wildlife Service – Resource Management	60	67	64	65	-2
Bureau of Land Management – Management of Lands and Resources	18	18	16	21	+3
Bureau of Indian Affairs – Operation of Indian Programs <sup>2</sup>	0	1	1	10	+9
Bureau of Reclamation – Cooperative Landscape Conservation	7	6	6	5	-1
<b>DOI- Natural Resources Adaptation Subtotal</b>	<b>88</b>	<b>95</b>	<b>90</b>	<b>110</b>	<b>+15</b>
<b><u>Total-DOI</u></b>	<b>147</b>	<b>153</b>	<b>145</b>	<b>182</b>	<b>+29</b>
<b><u>Department of State</u></b>					
<b>Global Change Research Program</b>					
<i>Other-non-add</i>	3	3	3	3	---
<b>International Assistance</b>					
Diplomatic and Consular Affairs	0	0	0	0	---
Economic Support Fund	96	96	91	94	-3
International Organizations and Programs	37	37	35	39	+2
<b>State- International Assistance Subtotal</b>	<b>133</b>	<b>132</b>	<b>126</b>	<b>133</b>	<b>+1</b>
<b><u>Total-State</u></b>	<b>133</b>	<b>132</b>	<b>126</b>	<b>133</b>	<b>+1</b>

<b>Climate Change Expenditures by Agency</b>	<b>FY 2012 Enacted Budget Authority</b>	<b>FY 2013 Enacted Budget Authority</b>	<b>FY 2013 Current Budget Authority<sup>2</sup></b>	<b>FY 2014 Proposed Budget Authority</b>	<b>Change in Budget Authority 2013-2014</b>
<b><u>Department of Transportation</u></b>					
<b>Global Change Research Program</b>					
Federal Highway Administration – Federal-Aid Highways	0	0	0	0	---
Federal Aviation Administration – Research, Engineering, and Development	1	1	1	1	---
Federal Transit Administration - Research and University Research Centers	0	0	0	0	---
<b>DOT- GCRP Subtotal</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>---</b>
<b>Clean Energy Technology</b>					
National Highway Traffic Safety Administration Research and Innovative Technology Administration – Research and Development	10	10	8	11	+1
Federal Aviation Administration - Research, Engineering, and Development	1	1	1	1	---
Federal Aviation Administration -Facilities and Equipment	21	17	20	18	+1
Federal Aviation Administration -Facilities and Equipment	7	5	4	5	+1
Federal Transit Administration - Research and University Research Centers and Formula and Bus Grants	52	23	22	15	-8
Federal Railroad Association - Railroad Research and Development	1	2	1	3	+1
<b>DOT- Clean Energy Subtotal</b>	<b>91</b>	<b>57</b>	<b>56</b>	<b>52</b>	<b>-5</b>
<b><u>Total-DOT</u></b>	<b>92</b>	<b>58</b>	<b>57</b>	<b>53</b>	<b>-5</b>
<b><u>Department of the Treasury</u></b>					
<b>International Assistance</b>					
Debt Restructuring – Tropical Forestry Conservation	12	12	11	0	-12
Global Environment Facility	60	65	62	72	+7
Clean Technology Fund	230	185	175	216	+31
Strategic Climate Fund	75	50	47	68	+18
<b><u>Total-Treasury</u></b>	<b>377</b>	<b>311</b>	<b>296</b>	<b>356</b>	<b>+44</b>
<b><u>Environmental Protection Agency</u></b>					
<b>Global Change Research Program</b>					
Science and Technology	18	19	17	20	+1
<b>Clean Energy Technology</b>					
Environmental Programs and Management	99	99	95	106	+7
Science and Technology	18	17	16	10	-7
<b>EPA-Clean Energy Subtotal</b>	<b>117</b>	<b>116</b>	<b>111</b>	<b>115</b>	<b>---</b>

<b>Climate Change Expenditures by Agency</b>	<b>FY 2012 Enacted Budget Authority</b>	<b>FY 2013 Enacted Budget Authority</b>	<b>FY 2013 Current Budget Authority<sup>2</sup></b>	<b>FY 2014 Proposed Budget Authority</b>	<b>Change in Budget Authority 2013-2014</b>
<b>International Assistance</b>					
Environmental Programs and Management	18	18	16	19	---
<i>Adjustments for programs included in multiple categories -- EPA</i>	-9	-9	-7	-9	---
<b><u>Total-EPA</u></b>	<b>144</b>	<b>144</b>	<b>137</b>	<b>145</b>	<b>+1</b>
<b><u>Millennium Challenge Corporation</u></b>					
<b>International Assistance</b>					
Millennium Challenge Corporation	41	0	0	0	---
<b><u>Total-MCC</u></b>	<b>41</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>---</b>
<b><u>National Aeronautics and Space Administration</u></b>					
<b>Global Change Research Program</b>					
Science	1,390	1,444	1,428	1,493	+49
<b>Clean Energy Technology</b>					
Aeronautics	259	262	255	284	+22
Exploration	9	7	6	9	+1
Space Technology	28	15	15	28	+14
<b>NASA-Clean Energy Subtotal</b>	<b>296</b>	<b>284</b>	<b>276</b>	<b>321</b>	<b>+37</b>
<b>International Assistance</b>					
Science	3	3	3	3	---
<i>Adjustments for programs included in multiple categories -- NASA</i>	-3	-3	-3	-3	---
<b><u>Total-NASA</u></b>	<b>1,686</b>	<b>1,728</b>	<b>1,704</b>	<b>1,814</b>	<b>+86</b>
<b><u>National Science Foundation</u></b>					
<b>Global Change Research Program</b>					
Research and Related Activities	333	328	316	326	-2
<b>Clean Energy Technology</b>					
Research and Related Activities	341	352	346	372	+20
<b>International Assistance</b>					
Research and Related Activities	6	6	6	3	-3
<b><u>Total-NSF</u></b>	<b>680</b>	<b>686</b>	<b>668</b>	<b>701</b>	<b>+15</b>

<b>Climate Change Expenditures by Agency</b>	<b>FY 2012 Enacted Budget Authority</b>	<b>FY 2013 Enacted Budget Authority</b>	<b>FY 2013 Current Budget Authority<sup>2</sup></b>	<b>FY 2014 Proposed Budget Authority</b>	<b>Change in Budget Authority 2013-2014</b>
<b><u>Nuclear Regulatory Commission</u></b>					
<b>Clean Energy Technology</b>					
Salaries and Expenses	83	82	57	86	+4
<b><u>Total- NRC</u></b>	<b>83</b>	<b>82</b>	<b>57</b>	<b>86</b>	<b>+4</b>
<b><u>Smithsonian Institution</u></b>					
<b>Global Change Research Program</b>					
Salaries and Expenses	8	8	8	8	---
<b><u>Total- Smithsonian</u></b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>---</b>
<b><u>Tennessee Valley Authority</u></b>					
<b>Clean Energy Technology</b>					
Tennessee Valley Authority Fund	9	11	11	10	-1
<b><u>Total- TVA</u></b>	<b>9</b>	<b>11</b>	<b>11</b>	<b>10</b>	<b>-1</b>
<b><u>US Trade and Development Agency</u></b>					
<b>International Assistance</b>					
Trade and Development Agency	16	16	0	18	+1
<b><u>Total-TDA</u></b>	<b>16</b>	<b>16</b>	<b>0</b>	<b>18</b>	<b>+1</b>
<b><u>U.S. Agency for International Development</u></b>					
<b>Global Change Research Program</b>					
Development Assistance-non-add	11	11	11	14	+3
<b>International Assistance</b>					
Assistance for Europe, Eurasia, and Central Asia	15	0	0	0	---
Development Assistance	322	322	308	317	-5
Economic Support Fund	12	28	27	32	+4
International Disaster Assistance	0	0	0	0	---
<b>USAID-International Assistance Subtotal</b>	<b>348</b>	<b>350</b>	<b>334</b>	<b>349</b>	<b>-1</b>
<b><u>Total- USAID</u></b>	<b>348</b>	<b>350</b>	<b>334</b>	<b>349</b>	<b>-1</b>

<b>Climate Change Expenditures by Agency</b>	<b>FY 2012 Enacted Budget Authority</b>	<b>FY 2013 Enacted Budget Authority</b>	<b>FY 2013 Current Budget Authority<sup>2</sup></b>	<b>FY 2014 Proposed Budget Authority</b>	<b>Change in Budget Authority 2013-2014</b>
<b>Total All Agencies<sup>1</sup></b>	<b>9,649</b>	<b>9,519</b>	<b>9,116</b>	<b>11,569</b>	<b>+2,051</b>
Energy Tax Provisions That May Reduce Greenhouse Gases	5,052	4,999	4,999	5,129	+130
Energy Payments in lieu of energy investment credit	5,080	8,080	8,080	4,710	-3,370
<b>Total All Agencies + Tax Provisions</b>	<b>19,781</b>	<b>22,598</b>	<b>22,195</b>	<b>21,408</b>	<b>-1,189</b>

**Footnotes:**

<sup>1</sup> Totals may not sum due to rounding.

<sup>2</sup> Current Budget Authority for FY 2013 throughout this document reflects the amount the program has available for the year calculated as the appropriated amount (as reported in the FY 2013 Enacted column) minus the reductions pursuant to the Budget Control Act of 2011 (P.L. 112-25) sequestration order issued on March 1, 2013, and accounting for any known and applicable reprogrammings, transfers, or other related adjustments. Estimates are current as of June 21, 2013 and are subject to change.

**From:** Francois, George  
**Cc:** [Jennifer Klang](#); [Judy Din](#); [Mary Lynch](#); [Shyamalika Ghoshal](#); [Carolyn Frenger](#); [Doriann Dawkins](#)  
**Subject:** DOI Library Law Update - March/April 2017 Issue  
**Date:** Thursday, April 06, 2017 8:31:33 AM  
**Attachments:** [Law Update Mar-Apr 2017.pdf](#)

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Hi Everyone

Attached to this e-mail is the March/April 2017 issue (No. 80) of the DOI Library Law Update . This publication has been compiled by the DOI Library staff to provide DOI Library patrons with news about the Library as well as current information on law-related items of interest to the Department of the Interior.

Materials have been selected from online legal database services and legal publications available to the Library. The selection criteria are based on current legal subject areas of interest and relevance to the Department. In addition to law review articles, the Law Update includes overviews of recent federal and state court cases and Presidential documents of interest to the Department of the Interior.

The DOI Library Law Update is published bimonthly. Please feel free to share this issue with others in your office that may be interested. Please note that a Section 508 compliant edition of the DOI Library Law Update is available to the visually impaired upon request. If you have any questions, please contact the Library by e-mail at [library@ios.doi.gov](mailto:library@ios.doi.gov) or by phone at (202) 208-5815.

George

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# DOI Library Law Update

MARCH / APRIL 2017

ISSUE NO. 80

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## Welcome!

Welcome to issue no. 80 of the DOI Library Law Update. This bimonthly publication has been compiled by the DOI Library staff to provide the DOI Solicitor's Office and other Library patrons with current information on law-related items of interest to the Department of the Interior.

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partment.

In addition to law review articles, the Law Update includes overviews of recent federal and state court cases of interest to the Department of the Interior and Presidential documents.

Please notify the Reference Staff at the Library with Law Update suggestions, and comments, as well as requests for full-text copies of the items listed in this issue. We can be reached by calling (202) 208-5815 or e-mailing us at [library@ios.doi.gov](mailto:library@ios.doi.gov).

Requests for the items listed in this publication may be obtained by filling out the article request form in this issue and faxing it to (202) 208-6773 or emailing it to [library@ios.doi.gov](mailto:library@ios.doi.gov). You may also mail it to us at Law Update, 1849 C St. NW, MS 1151, Room 2262, Washington, DC 20240.

## Martin Luther King Jr. Day Observation and Related Laws

Observed the third Monday in January, celebrating the life and achievements of the Civil Rights leader, as well as a commitment to service, Martin Luther King Jr. Day was celebrated on January 16 this year.

The Martin Luther King, Jr. Holiday celebrates the life and legacy of a man who brought hope and healing to America. We commemorate as well the timeless values he taught us through his example — the values of courage, truth, justice, compassion, dignity, humility and service that so radiantly defined Dr. King's character and empowered his leadership.

On this holiday, we commemorate the universal, unconditional love, forgiveness and nonviolence that empowered his revolutionary spirit.

Dr. King once said that we all have

to decide whether we "will walk in the light of creative altruism or the darkness of destructive selfishness. Life's most persistent and nagging question, he said, is 'what are you doing for others?'"

### Related legislation

August 27, 1984 – President Reagan signs legislation providing

for the Martin Luther King, Jr. Federal Holiday Commission, to last for a term of five years, with an option to renew for another 5 years

98 Stat. 1473 - An act to establish a To establish a commission to assist in the first observance

*(Continued on page 10)*





## Celebrating Presidents' Day with Abraham Lincoln and George Washington

By Bonnie Hein

Washington's Birthday or Presidents' Day?

The American holiday of Presidents' Day was originally established in 1885 in recognition of the first President of the United States, George Washington. It was officially called Washington's Birthday and observed as a federal holiday on February 22nd, Washington's actual day of birth. Washington's Birthday was the first federal holiday celebrating the life of an individual American, joining only four national bank holidays – Christmas Day, New Year's Day, Independence Day, and Thanksgiving.

It became popularly known as Presidents' Day after it was moved by the 1971 Uniform Monday Holiday Act (82 Stat. 250) in order to create more three day weekends for American workers and increase retail and tourism revenue.

Abraham Lincoln, the 16th President, was born on February 12, 1809. As his birthday was already a holiday in some states (Illinois), the Act was also said to have the intent to combine the celebration of both President Washington and Lincoln's birthdays, giving recognition to two of America's most famous statesmen.

In popular culture, Presidents' Day has shifted in from its origin of recognizing only Washington's birthday and now is commonly known as a day to recognize the lives of American presidents generally, and to take advantage of retail sales. However, the federal government has remained true to the original incarnation of the holiday, with the third Monday in February

still listed on official calendars as Washington's Birthday.

Find more on George Washington and Abraham Lincoln in HeinOnline

Search across the full text of all subscribed HeinOnline libraries by entering "Abraham Lincoln" OR "President Lincoln" OR "George Washington" OR "President Washington" in the main search bar under the Full Text tab.

Hein's search results include more than 192,000 results, including more than 65,000 results from the Law Journal Library and nearly 51,000 results from U.S. Congressional Documents.

Search the full text within the U.S. Presidential Library for all content related George Washington. Note the phrases George Washington and President Washington are in quotation marks and connected by the Boolean operator in all capital letters in order to search for different versions.

Abraham Lincoln served as the 16th President of the United States from 1861 until his assassination by John Wilkes Booth in 1865. President Lincoln led the United States through its Civil War and is arguably most well-known for abolishing slavery, as well as preserving the Union and strengthening the federal government.

Click the Catalog tab in the main search bar on any page in HeinOnline to search the entire HeinOnline catalog for titles for related to President Lincoln. This option will search across all publications by title, author, publisher, and all HeinOnline MARC records. Again, the phrases Abraham Lin-



coln and President Lincoln are in quotation marks and connected by the Boolean operator in all capital letters in order to search for different versions.

Search results will include publication information, a list of the collections in which the title can be found, and links to more information and MARC records. Narrow search results using the facets on the left side of the screen. As the catalog does include all HeinOnline titles, you may see results from collections to which you do not currently subscribe. You can also search the catalog for titles related to President Washington.

Check out HeinOnline's Slavery in America and the World: History, Culture & Law database for more information on Abraham Lincoln. Click the Advanced Search tool located below the Full Text search bar. Search the full text for emancipation OR slave under the topic of Abraham Lincoln and anti-slavery position.

You may further narrow your results by document type, topic, position, jurisdiction, titles, and dates using the facets on the left side of the screen. You will also find mentions of George Washington in the Slavery collection by searching for his name.

George Washington and Abraham Lincoln had a profound impact on the history of the United States and HeinOnline is an excellent resource for presidential research.

*In popular culture, Presidents' Day has shifted in from its origin of recognizing only Washington's birthday and now is commonly known as a day to recognize the lives of American presidents generally ...*

# Upcoming Programs at the DOI Library

## Park Ranger Speaker Series Programs



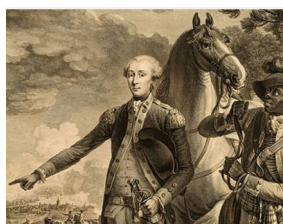
The Interior Library is proud to present a series of programs on the background and history of sites of interest in the Washington, D.C. region, as well as subjects highlighting the history of the United States. The 45-minute programs, presented by National Park Service Rangers, are held in the Stewart L. Udall Department of the Interior Building. For more information about our Park Ranger Speaker Series programs, please contact the Interior Library by phone at (202) 208-5815 or e-mail at [library@ios.doi.gov](mailto:library@ios.doi.gov).

To register for a specific program, please go to the Library's Park Ranger Speaker Series Registration link found via on the Library's homepage at <http://www.doi.gov/library>

*Please note: These programs will be held in the Stewart Lee Udall Department of the Interior Building's Rachel Carson Room, located in the building's basement level next to the cafeteria*

### **Determined To Be In the Way of Danger: Lafayette Joins the Continental Army**

Tuesday, April 18, 2017, 1:00 pm—1:45 pm



Marie-Joseph Paul Yves Roch Gilbert du Motier, better known to us as the Marquis de Lafayette, was a French aristocrat and military officer. As a young man, he became convinced that the cause of the American colonies in its revolutionary war against Great Britain was noble, and traveled to the New World seeking glory in it. He soon became a close friend of George Washington, Alexander Hamilton and Thomas Jefferson and was given senior positions in the Continental Army, playing a key role in the final surrender of the British at Yorktown in 1781.

The tale of Lafayette is one of the greatest adventure stories of all time. What would inspire a wealthy 19 year-old French nobleman to leave his attractive young wife and infant daughter, purchase his own sailing ship (ignoring a specific ban on his departure by Louis XVI) and proceed to make the long and dangerous passage across the Atlantic? Please join Park Ranger Eric Pominville for an examination of Lafayette's motivations as he ventured forth to support the aspirations of the American colonies. The Suffrage Movement and Ratification of the 19th Amendment

### **The Old Stone House in Georgetown**

Tuesday, May 16, 2017, 1:00 pm—1:45 pm

The Old Stone House, located at 3051 M Street in Georgetown, is the oldest structure on its original foundation in Washington, D.C.



The house was built in 1765 by Christopher Layman, a cabinetmaker by trade, as both a residence and a place of business. It has served many functions over its 250-plus years, such as shop for hats, tailors, locksmiths, clockmakers, house roofers and house painters, as well as a middle class home. The property was the site of a used car dealership when the federal government purchased it in 1953. The National Park Service opened the house to the public in 1960. Although it is preserved for its pre-Revolutionary architecture and historical prominence, it was originally saved from the wrecking ball through a case of mistaken identity and a desire to remember George Washington.

Please join Park Ranger Michael Zwelling of Rock Creek Park on an exploration of the intersection of our first president and the unassuming building on "M" Street in the heart of Georgetown.

*The tale of Lafayette is one of the greatest adventure stories of all time. What would inspire a wealthy 19 year-old French nobleman to leave his attractive young wife and infant daughter, purchase his own sailing ship ... and proceed to make the long and dangerous passage across the Atlantic?*

## Upcoming Programs at the DOI Library (Contd.)



### DOI Library Training Sessions

The Interior Library offers regular training sessions to introduce DOI employees and others to its services and to the information sources it makes available through employees' computers or in person. Future Training Sessions will be posted at [https:// www.doi.gov/library/programs/training-sessions](https://www.doi.gov/library/programs/training-sessions) as soon as they are scheduled.

For questions about Training Sessions, please call the Interior Library

at (202) 208-5815 or send us an e-mail at [library@ios.doi.gov](mailto:library@ios.doi.gov).

*Please note: Due to the expected move of the Library back into its original Reading Room this spring, Training Sessions for May and June have not yet been scheduled. Please go to our Library Training Sessions website at [https:// www.doi.gov/library/programs/training-sessions](https://www.doi.gov/library/programs/training-sessions) for updated information about scheduled Training Sessions.*

[Congress.gov]

provides access

to accurate,

timely, and

complete

legislative

information for

Members of

Congress,

legislative

agencies, and

the public.

## Tracking Legislation Using Congress.gov

In our last issue, we discussed how to track legislation using LexisAdvance and Govtrack.us. Another excellent option is to use Congress.gov, the official website for U.S. federal legislative information. The site provides access to accurate, timely, and complete legislative information.

It is presented by the Library of Congress (LOC) using data from the Office of the Clerk of the U.S. House of Representatives, the Office of the Secretary of the Senate, the Government Publishing Office, Congressional Budget Office, and the LOC's Congressional Research Service.

Congress.gov is usually updated the morning after a session adjourns.

To use Congress.gov for tracking purposes, you must first create a free account and sign in. There is a link in the upper right corner of the page to do so.

To track legislation about a specific bill or even a specific topic, run a search using whatever

information you have. On your search results page, there are options on the left side that you can use to narrow your search, or if you see a specific bill, you can simply click on its hyperlink.

### To receive email alerts about a subject

For example, a search for Current Legislation with the term **energy** returns 767 items.

To get an email when additional energy bills are introduced, first change the drop down menu that defaults to **Relevancy** to instead sort these results by **Latest Action—Newest to Oldest**.

Then click the link for "Save this search" in the upper left hand corner of the page. Once you have named the search, you will be asked whether you want to get email alerts with new results—say yes.

### To receive email alerts about a specific piece of legislation

The first result for Current Leg-

islation is H.R. 1837, To require the Secretary of Energy to establish a pilot competitive grant program for the development of a skilled energy workforce, and for other purposes.

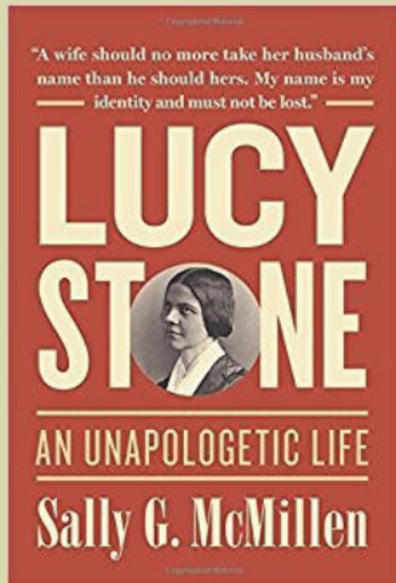
To receive updates when additional actions occur on this bill, first click on the H.R. 1837 hyperlink and you will get to a page with much more detail about it. When you are signed in, a link will appear under the bill's title: "Get Alerts."

Simply click that link and confirm that you'd like to get email alerts whenever this bill changes. The link will then change to "Cancel Alerts," which you can end at any time.

If you'd like help setting up alerts or navigating Congress.gov, you can use the Help or Contact links in the upper right corner of the page to reach a librarian at the Law Library of Congress, or please feel free to contact the DOI Library at (202)208-5815 or [library@ios.doi.gov](mailto:library@ios.doi.gov).



# DOI Reads Book Club - Join Us to Discuss *Lucy Stone: An Unapologetic Life* on Wednesday, April 19, 2017



Lucy Stone to her rightful place at the center of the nineteenth-century women's rights movement. Raised in a middle-class Massachusetts farm family, Stone became convinced at an early age that education was key to women's independence and selfhood, and went on to attend the Oberlin Collegiate Institute. When she graduated in 1847 as one of the first women in the US to earn a college degree, she was drawn into the public sector as an activist and quickly became one of the most famous orators of her day. Lecturing on anti-slavery and women's rights, she was instrumental in organizing and speaking at several annual national woman's rights conventions throughout the 1850s. S

he played a critical role in the organization and leadership of the American Equal Rights Association during the Civil War, and, in 1869, cofounded the American Woman Suffrage Association, one of two national women's rights organizations that fought for women's right to vote. Encompassing Stone's marriage to Henry Blackwell and the birth of their daughter Alice, as well as her significant friendships with Frederick Douglass, Susan B. Anthony, and others, McMillen's biography paints a complete picture of Stone's influential and eminently important life and work.

Self-effacing until the end of her life, Stone did not relish the limelight the way Elizabeth Cady Stanton did, nor did she gain the many followers whom Susan B. Anthony attracted through her extensive travels and years of dedicated work. Yet her

contributions to the woman's rights movement were no less significant or revolutionary than those of her more widely lauded peers. In this accessible, readable, and historically-grounded work, Lucy Stone is finally given the standing she deserves. Please join us for this discussion; you are welcome to bring your lunch. The Library does not have enough copies to lend this book to everyone, so please purchase a copy or borrow one from your local library. We do have a copy on hold that you can read in the Library.

Advance RSVPs are welcome but not required. Please contact us as the date approaches to confirm the location of our meeting, as the Library may be moving. Anyone is welcome to attend—you do not need to finish the book to join us.

To RSVP or for more information about the DOI Reads Book Club and other DOI Library programs, please contact Law Librarian Shannon Lynch, at 202-208-3686 or [Mary\\_Lynch@ios.doi.gov](mailto:Mary_Lynch@ios.doi.gov).

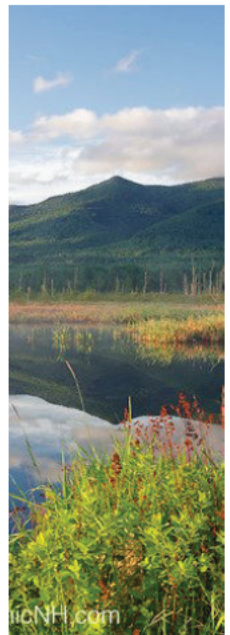


The DOI Reads Book Club had an excellent discussion of *The Hour of Land* by Terry Tempest Williams during its March meeting.

We will next meet Wednesday, April 19, 2017 from 12:30—1:30 pm to discuss *Lucy Stone: An Unapologetic Life* by Sally G. McMillen.

In the rotunda of the nation's Capital a statue pays homage to three famous nineteenth-century American women suffragists: Elizabeth Cady Stanton, Susan B. Anthony, and Lucretia Mott. "Historically," the inscription beneath the marble statue notes, "these three stand unique and peerless." In fact, the statue has a glaring omission: Lucy Stone..

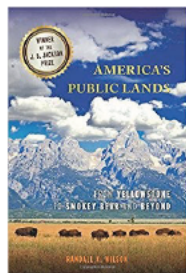
Sally McMillen sets out to address this significant historical oversight in this engaging biography. Exploring her extraordinary life and the role she played in crafting a more just society, McMillen restores



**Pondicherry National Wildlife Refuge, New Hampshire**

# New Books in the DOI Library

The following list is just a sample of new books recently added to the Department of the Interior Library collection. You may stop by the Library or contact the Library by phone at (202) 208-5815 or e-mail at [library@ios.doi.gov](mailto:library@ios.doi.gov) for more information about these and other publications in the Library.



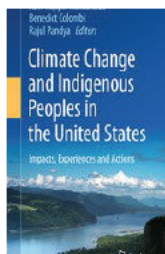
**America's Public Lands: From Yellowstone to Smokey Bear and Beyond**

by Randall K. Wilson  
Rowman & Littlefield  
February 26, 2016

How is it that the United States—the country that cherishes the ideal of private property more than any other in the world—has chosen to set aside nearly one-third of its territory as public lands? Considering this intriguing question, Randall K. Wilson traces the often-forgotten ideas of nature that have shaped the evolution of America's public land system. The result is a fresh and probing account of the most pressing policy and management challenges facing national parks, forests, rangelands, and wildlife refuges today.

The author explores the dramatic story of the origins of the public domain, including the century-long push toward

privatization and the subsequent emergence of a national conservation ideal. Arguing that we cannot fully understand one type of public land without understanding its relation to the rest of the system, he provides in-depth accounts of the different types of public lands.

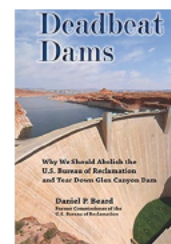


**Climate Change and Indigenous Peoples in the United States: Impacts, Experiences and Actions**

Julie Koppel Maldonado, Benedict Colombi and Rajul Pandya (Eds.)  
Springer  
April 5, 2014

With a long history and deep connection to the Earth's resources, indigenous peoples have an intimate understanding and ability to observe the impacts linked to climate change. Traditional ecological knowledge and tribal experience play a key role in developing future scientific solutions for adaptation to the impacts. *Climate Change and Indigenous Peoples in the United States* explores climate-related issues for indigenous communities in the United States, including loss of traditional knowledge, forests and ecosystems, food security and traditional foods, as well as water, Arctic sea ice loss, permafrost thaw and relocation. The book also high-

lights how tribal communities and programs are responding to the changing environments. Fifty authors from tribal communities, academia, government agencies and NGOs contributed to the book.



**Deadbeat Dams: Why We Should Abolish the U.S. Bureau of Reclamation and Tear Down Glen Canyon Dam**

by Daniel P. Beard  
Johnson Books  
March 1, 2015

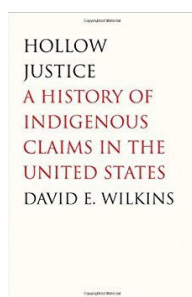
*Deadbeat Dams* informs and educates people about how their tax dollars are being used and misused, why we are ignoring some immediate problems, and what can be done to correct this state of affairs. The faults of the present system of federally assisted water management efforts are amply detailed. And a series of specific changes are suggested to redirect water policy decision-making and implementation. These reforms show how we can extract the federal government from worthless activities that cost millions of taxpayer dollars and provide little or no benefit - an agenda for reform that can be used as ammunition by a new generation of water reformers.

Daniel P. Beard has been a

How is it that the United States—the country that cherishes the ideal of private property more than any other in the world—has chosen to set aside nearly one-third of its territory as public lands?

## New Books in the DOI Library (Contd.)

forceful advocate for reform of water resource policy and management issues for more than four decades. He has extensive experience working in the private sector and government. His government service includes positions with the White House, U.S. Senate, House of Representatives, Interior Department, Library of Congress, and serving as Commissioner of the Bureau of Reclamation. He currently lives in Columbia, Maryland.



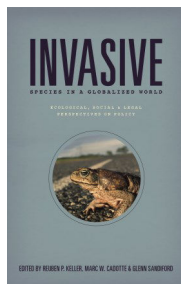
### **Hollow Justice: A History of Indigenous Claims in the United States**

by David E. Wilkins  
Yale University Press  
October 29, 2013

This book, the first of its kind, comprehensively explores Native American claims against the United States government over the past two centuries. Despite the federal government's multiple attempts to redress indigenous claims, a close examination reveals that even when compensatory programs were instituted, Native peoples never attained a genuine sense of justice. David E. Wilkins addresses the important question of what one nation owes another when the balance of rights, resources, and responsibilities have been negotiated through treaties. How does the United States assure that guarantees made to tribal nations, whether through a century old treaty or a modern day compact, remain viable and lasting?

David E. Wilkins holds the

McKnight Presidential Professorship in American Indian Studies at the University of Minnesota, where he is also adjunct professor of political science, law, and American studies. He lives in Minneapolis, MN.



### **Invasive Species in a Globalized World: Ecological, Social, and Legal Perspectives on Policy**

Reuben P. Keller, Marc W. Cadotte,  
and Glenn Sandiford (Eds.)  
University of Chicago Press  
November 24, 2014

Over the past several decades, the field of invasion biology has rapidly expanded as global trade and the spread of human populations have increasingly carried animal and plant species across natural barriers that have kept them ecologically separated for millions of years. Because some of these nonnative species thrive in their new homes and harm environments, economies, and human health, the prevention and management of invasive species has become a major policy goal from local to international levels.

Yet even though ecological research has led to public conversation and policy recommendations, those recommendations have frequently been ignored, and the efforts to counter invasive species have been largely unsuccessful. Recognizing the need to engage experts across the life, social, and legal sciences as well as the humanities, the editors of this volume have drawn together a wide variety of ecologists, historians, economists,

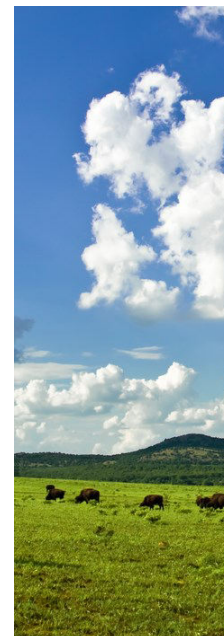
legal scholars, policy makers, and communications scholars, to facilitate a dialogue among these disciplines and understand fully the invasive species phenomenon. Aided by case studies of well-known invasives such as the cane toad of Australia and the emerald ash borer, Asian carp, and sea lampreys that threaten US ecosystems, *Invasive Species in a Globalized World* offers strategies for developing and implementing anti-invasive policies designed to stop their introduction and spread, and to limit their effects.



### **Large Carnivore Conservation: Integrating Science and Policy in the North American West**

Susan G. Clark and Murray B. Rutherford (Eds.)  
University of Chicago Press  
May 27, 2014

Drawing on six case studies of wolf, grizzly bear, and mountain lion conservation in habitats stretching from the Yukon to Arizona, *Large Carnivore Conservation* argues that conserving and coexisting with large carnivores is as much a problem of people and governance—of reconciling diverse and sometimes conflicting values, perspectives, and organizations, and of effective decision making in the public sphere—as it is a problem of animal ecology and behavior. By adopting an integrative approach, editors Susan G. Clark and Murray B. Rutherford seek to examine and understand the interrelated development of conservation science, law, and policy, as well as how these forces play out in courts, other public institu-



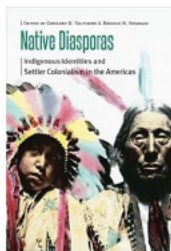
**Wichita Mountains National Wildlife Refuge, Oklahoma**



## New Books in the DOI Library (Contd.)

tions, and the field.

In combining real-world examples with discussions of conservation and policy theory, *Large Carnivore Conservation* not only explains how traditional management approaches have failed to meet the needs of all parties, but also highlights examples of innovative, successful strategies and provides practical recommendations for improving future conservation efforts.



**Native Diasporas: Indigenous Identities and Settler Colonialism in the Americas**

Gregory D. Smithers and Brooke N. Newman (Eds.)  
University of Nebraska Press  
June 1, 2014

The arrival of European settlers in the Americas disrupted indigenous lifeways, and the effects of colonialism shattered Native communities. Forced migration and human trafficking created a diaspora of cultures, languages, and people. Gregory D. Smithers and Brooke N. Newman have gathered the work of leading scholars, including Bill Anthes, Duane Champagne, Daniel Cobb, Donald Fixico, and Joy Porter, among others, in examining an expansive range of Native peoples and the extent of their influences through reaggrea-

tion. These diverse and wide-ranging essays uncover indigenous understandings of self-identification, community, and culture through the speeches, cultural products, intimate relations, and political and legal practices of Native peoples.

*Native Diasporas* explores how indigenous peoples forged a sense of identity and community amid the changes wrought by European colonialism in the Caribbean, the Pacific Islands, and the mainland Americas from the seventeenth through the twentieth century. Broad in scope and groundbreaking in the topics it explores, this volume presents fresh insights from scholars devoted to understanding Native American identity in meaningful and methodologically innovative ways.



**Public Policy and Land Exchange: Choice, Law, and Praxis**

By Giancarlo Panagia  
Routledge  
May 13, 2015

This original contribution to the field is the first to bring economic sociology theory to the study of federal land exchanges. By blending public choice theory with engaging case studies that contextualize the tactics used by land developers, this book uses econom-

ic sociology to help challenge the under-valuation of federal lands in political decisions. The empirically-based, scholarly analysis of federal-private land swaps exposes serious institutional dysfunctions, which sometimes amount to outright corruption. By evaluating investigative reports of each federal agency case study, the book illustrates the institutional nature of the actors in land swaps and, in particular, the history of U.S. agencies' promotion of private interests in land exchanges.

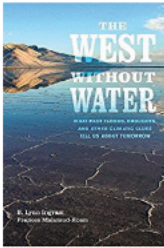
Using public choice theory to make sense of the privatization of public lands, the book looks in close detail at the federal policies of the Bureau of Land Management and the U.S. Forest Service land swaps in America. These pertinent case studies illustrate the trends to transfer federal lands notwithstanding their flawed value appraisals or interpretation of public interest; thus, violating both the principles of equality in value and observance of specific public policy.

The book should be of interest to students and scholars of public land and natural resource management, as well as political science, public policy and land law.



... the book illustrates the institutional nature of the actors in land swaps and, in particular, the history of U.S. agencies' promotion of private interests in land exchanges.

# New Books in the DOI Library (Contd.)



**The West Without Water: What Past Floods, Droughts, and Other Climatic Clues Tell Us about Tomorrow**

by B. Lynn Ingram  
University of California Press  
February 12, 2015

The West without Water documents the tumultuous climate of the American West over twenty millennia, with tales of past droughts and deluges and predictions about the impacts of future climate change on water resources. Looking at the region’s current water crisis from the perspective of its climate history, the authors ask the central question of what is “normal” climate for the West, and whether the relatively benign climate of the past century will continue into the future.

The West without Water merges climate and paleoclimate research from a wide variety of sources as it

introduces readers to key discoveries in cracking the secrets of the region’s climatic past. It demonstrates that extended droughts and catastrophic floods have plagued the West with regularity over the past two millennia and recounts the most disastrous flood in the history of California and the West, which occurred in 1861–62. The authors show that, while the West may have temporarily buffered itself from such harsh climatic swings by creating artificial environments and human landscapes, our modern civilization may be ill-prepared for the future climate changes that are predicted to beset the region. They warn that it is time to face the realities of the past and prepare for a future in which fresh water may be less reliable.



**Who We Be: The Colorization of America**

by Jeff Chang

St. Martin’s  
November 5, 2014

Race. A four-letter word. The greatest social divide in American life, a half-century ago and today.

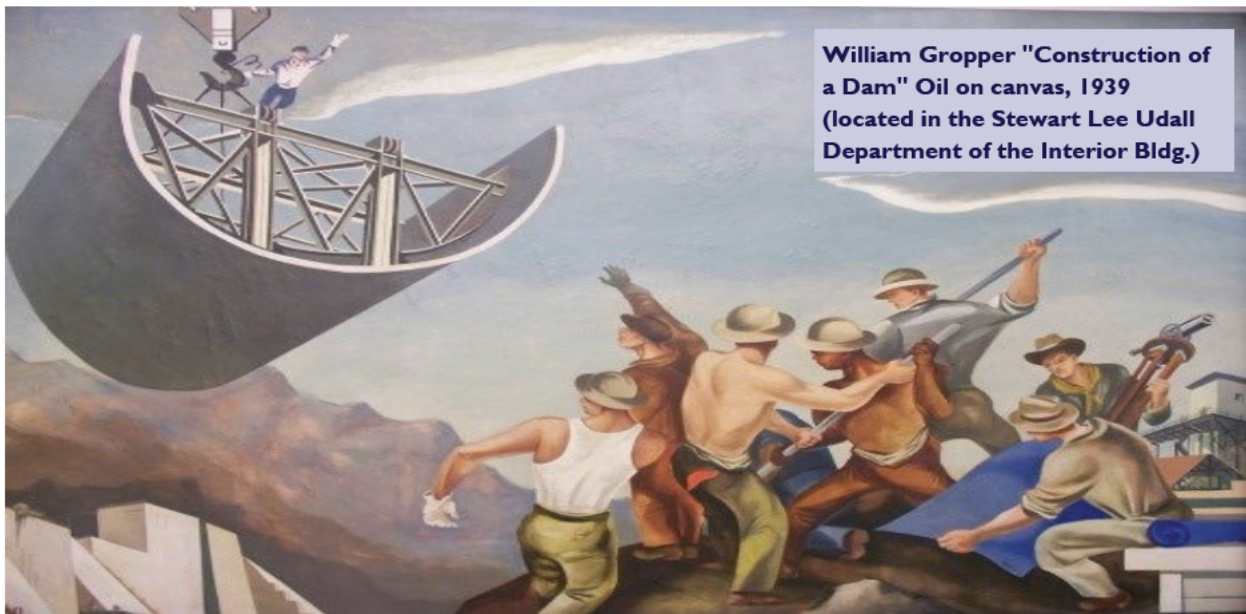
During that time, the U.S. has seen the most dramatic demographic and cultural shifts in its history, what can be called the colorization of America. But the same nation that elected its first Black president on a wave of hope—another four-letter word—is still plunged into endless culture wars.

How do Americans see race now? From the dream of integration to the reality of colorization, Who We Be remixes comic strips and contemporary art, campus protests and corporate marketing campaigns, Martin Luther King, Jr. and Trayvon Martin into a powerful, unusual, and timely cultural history of the idea of racial progress.

The full-color hardcover was designed by Stephen Serrato and features art by Morrie Turner, Brian Cross, Faith Ringgold, Norman Lewis, Glenn Ligon, Howardena Pindell, Daniel J. Martinez, Kori Newkirk, Hank Willis Thomas, Byron Kim, Coco Fusco, and many more.



**Indiana Dunes National Lakeshore, Indiana**



**William Gropper "Construction of a Dam" Oil on canvas, 1939 (located in the Stewart Lee Udall Department of the Interior Bldg.)**



## Library Modernization Update

The Department of the Interior Library should soon be moving from its temporary location in Room 2262 of the Stewart Lee Udall Department of the Interior Building back to its newly modernized space in the first wing of the first floor of the building. In the next couple of months.



It is expected that construction in the Library will be completed in May. Currently new movable shelving is being installed in the former stacks area of the Library on its two basement levels and on the main floor. Once the movable shel-



ing is installed and is fully operational, the collection of Library publications currently in storage at an offsite warehouse can be reshelved in the Library. The reshelving process should take a few weeks, which would lead to a reopening of the Library in late May or June.

The move of the collection may necessitate a temporary closure of the Library to visitors for a short period of time. During any potential closure, the Library staff will be still be available by phone or e-mail to answer any reference questions you may have.

Additionally, the Library staff have moved from their old temporary office location in the 1300 West corridor of the Stewart Lee Udall Department of the Interior Building. Our Reference Services staff have temporarily moved to the 1500 East Conference Room while the Technical Services staff have moved to the

temporary Library in Room 2262. This staff move is short-term, as all Library staff will be moving into the modernized Library once construction has been completed.

Needless to say, the Library staff is looking forward to returning to our historic space. Our newly modernized library should provide our staff and patrons with full access to our collection in a vastly more user-friendly and up-to-date environment.

We will keep you updated if there are any changes. Please contact the Library staff by phone at (202) 208-5815 or e-mail at [library@ios.doi.gov](mailto:library@ios.doi.gov) if you have any questions.



## Martin Luther King Jr. Day Observation and Related Laws (Contd.)

*(Continued from page 1)*

of the Federal legal holiday honoring Martin Luther King, Jr.

January 18, 1986 – A Presidential Proclamation marking the first observance of the birthday of Dr. Martin Luther King as a national holiday.

100 STAT. 4396 - PROCLAMATION 5431

August 23, 1994 – President Clinton signs the Martin Luther King, Jr.

Federal Holiday and Service Act, expanding the mission of the holiday as a day of community service, interracial cooperation and youth anti-violence initiatives.

108 Stat. 1565 - King Holiday and Service Act of 1993

113 Stat. 1285 - An act to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

118 Stat. 1746 - An act to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement

Source: <https://www.govinfo.gov/features/MLK-Day>

# Full Text Article/Case Request Form

## Requestor Information

Name: \_\_\_\_\_

Bureau/Agency: \_\_\_\_\_

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E-Mail Address: \_\_\_\_\_

To request a full-text version of any of the articles or cases in the March/April 2017 edition of the DOI Library Law Update, please fill out this form and e-mail a scanned copy of it to the DOI Library at [library@ios.doi.gov](mailto:library@ios.doi.gov). The Library staff will produce full-text copies of the article(s) requested and either mail, fax, or e-mail those copies to you. If you have any questions, please call the Library at (202) 208-5815

## Article(s)/Case(s) Requested

Please circle the article/case number(s) that you would like a full-text copy of.

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
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51	52	53	54	55	56	57	58	59	60
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71	72	73	74	75	76	77	78	79	80
81	82	83	84	85	86	87	88	89	90
91	92	93	94	95	96	97	98	99	100

# Journal Articles

Please note that full-text versions of these articles are available upon request to the DOI Library Reference Staff

## 1. COMPLEXITY'S SHADOW: AMERICAN INDIAN PROPERTY, SOVEREIGNTY, AND THE FUTURE

*Michigan Law Review* February, 2017  
115 *Mich. L. Rev.* 487

## 2. MINERAL ESTATE CONSERVATION EASEMENTS: A NEW POLICY INSTRUMENT TO ADDRESS HYDRAULIC FRACTURING AND RESOURCE EXTRACTION

*Environmental Law Reporter News & Analysis* February, 2017 47 *Envtl. L. Rep. News & Analysis* 10112

## 3. THEY WERE HERE FIRST: AMERICAN INDIAN TRIBES, RACE, AND THE CONSTITUTIONAL MINIMUM

*Stanford Law Review* February, 2017 69 *Stan. L. Rev.* 491

## 4. A CARBON FEE AS MITIGATION FOR FOSSIL FUEL EXTRACTION ON FEDERAL LANDS

*Columbia Journal of Environmental Law* 2017 42 *Colum. J. Env'tl. L.* 295

## 5. THE BEAR ESSENTIALS: HOW LANDSCAPE-LEVEL CONSERVATION MAY HELP SAVE FLORIDA'S BIODIVERSITY AND REALIZE THE VISION OF THE NATIONAL WILDLIFE REFUGE SYSTEM IMPROVEMENT ACT

*Environmental Law Reporter News & Analysis* January, 2017 47 *Envtl. L. Rep. News & Analysis* 10041

## 6. THE POLITICAL CULTURES OF IRRIGATION AND THE PROXY BATTLES OF INTERSTATE WATER LITIGATION

*Natural Resources Journal* Winter, 2017

57 *Nat. Resources J.* 1

## 7. HAVING YOUR YELLOW CAKE AND EATING IT TOO: THE ENVIRONMENTAL AND HEALTH IMPACTS OF URANIUM MINING ON THE COLORADO PLATEAU

*Arizona Journal of Environmental Law & Policy* 2017 7 *Ariz. J. Env'tl. L. & Pol'y* 27

## 8. VALUING SACRED TRIBAL WATERS WITHIN PRIOR APPROPRIATION

*Natural Resources Journal* Winter, 2017  
57 *Nat. Resources J.* 139

## 9. FEDERAL LANDS UNDER THE TRUMP ADMINISTRATION

*Denver Law Review Online* 2017 94  
*Den. L. Rev. Online* 1

## 10. THINK GLOBAL: INTERNATIONAL RECIPROCITY AS JUSTIFICATION FOR A GLOBAL SOCIAL COST OF CARBON

*Columbia Journal of Environmental Law* 2017 42 *Colum. J. Env'tl. L.* 203

## 11. 2016 CASE LAW UPDATE

*Texas Environmental Law Journal* January, 2017 46 *Tex. Env'tl. L.J.* 239

## 12. TRIAL AND ERROR: HOW COURTS HAVE SHAPED PRIOR APPROPRIATION IN NEW MEXICO

*Natural Resources Journal* Winter, 2017  
57 *Nat. Resources J.* 263

## 13. PUEBLO INDIAN WATER RIGHTS: CHARTING THE UNKNOWN

*Natural Resources Journal* Winter, 2017  
57 *Nat. Resources J.* 219

## 14. THE LACK OF TRUST IN A TRUST RELATIONSHIP: INDIAN AFFAIRS AND THE FEDERAL GOV-

ERNMENT

*Thurgood Marshall Law Review*  
*Online* January, 2017 42 *T. Marshall L. Rev. Online* 1

## 15. U.S. WORKERS NEED NOT APPLY: CHALLENGING LOW-WAGE GUEST WORKER PROGRAMS

*Stanford Law and Policy Review* 2017  
28 *Stan. L. & Pol'y Rev.* 1

## 16. CALIFORNIA WATER REALLOCATION: WHERE'D YOU GET THAT?

*Natural Resources Journal* Winter, 2017 57 *Nat. Resources J.* 183

## 17. CLEAR WATERS AHEAD? THE CLEAN WATER RULE ATTEMPTS TO BRING CLARITY TO THE SCOPE OF THE CLEAN WATER ACT

*Cumberland Law Review* 2016-2017  
47 *Cumb. L. Rev.* 191

## 18. "UNLEASH US FROM THE TETHER OF FUEL"--THE STRANGE HARMONIOUS DICHOTOMY OF SECTION 526 OF THE ENERGY INDEPENDENCE AND SECURITY ACT

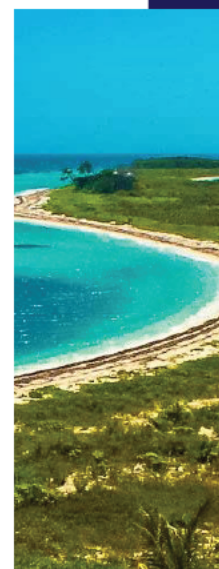
*Air Force Law Review* 2017 76 *A.F. L. Rev.* 163

## 19. THE PERILS OF EXPERIMENTATION

*Yale Law Journal* January, 2017 126  
*Yale L.J.* 636

## 20. RECENT DEVELOPMENTS IN TEXAS AND UNITED STATES ENERGY LAW

*Texas Journal of Oil, Gas, and Energy Law* January, 2017 12 *Tex. J. Oil Gas & Energy L.* 121



Dry Tortugas National Park, Florida

# Court Cases

Please note that full-text versions of these cases are available upon request to the DOI Library Reference Staff

## Federal Courts of Appeals Decisions

21. Ingram v. United States by and through Department of the Interior *United States Court of Appeals, Ninth Circuit. February 28, 2017 — Fed.Appx.*

After oral argument, we determined this case would be appropriate for mediation. We therefore referred the case to the Ninth Circuit Mediation Office and withdrew submission in an order dated October 13, 2016. On January 27, 2017, the Circuit Mediator issued an order concluding that mediation efforts had been exhausted and returning the case to the...

22. Klamath-Siskiyou Wildlands Center v. Gerritsma

*United States Court of Appeals, Ninth Circuit. February 27, 2017 — Fed.Appx.*

A review of the record and appellants' response to the motion for summary affirmance indicates that the questions raised in this appeal are so insubstantial as not to require further argument. See *United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard). The district court did not err in its decision awarding costs...

23. Wyoming v. United States Environmental Protection Agency

*United States Court of Appeals, Tenth Circuit. February 22, 2017 849 F.3d*

861

NATIVE AMERICANS - Lands. Congress diminished boundaries of Wind River Indian Reservation through 1905 legislative Act.

24. San Luis & Delta-Mendota Water Authority v. Haugrud

*United States Court of Appeals, Ninth Circuit. February 21, 2017 848 F.3d 1216*

ENVIRONMENTAL LAW - Fish. Federal statute authorizing preservation and propagation of fish as part of operation of dam provided authorization for water release to protect fish.

25. Battle Mountain Band of the Te-Moak Tribe of Western Shoshone Indians v. United States Bureau of Land Management

*United States Court of Appeals, Ninth Circuit. February 17, 2017 — Fed.Appx.*

The Battle Mountain Band of the Te-Moak Tribe of Western Shoshone Indians ("the Band") moved for a preliminary injunction in the district court to prevent the Bureau of Land Management ("BLM") "from issuing any authorizations or notices to proceed" relating to the construction of a power line authorized in a BLM Record of Decision, or "allowing or..."

26. Markle Interests, L.L.C. v. United States Fish and Wildlife Service

*United States Court of Appeals, Fifth Circuit. February 13, 2017 848 F.3d 635*

The court having been polled at the request of one of its members, and a majority of the judges who are in regular active service and not disqualified not having voted in favor (Fed. R. App. P. 35 and 5th Cir. R. 35), the Petition for Rehearing En Banc is DENIED. In

the en banc poll, six judges voted in favor of rehearing (Judges Jolly, Jones,...

27. Estate of Redd by and through Redd v. Love

*United States Court of Appeals, Tenth Circuit. February 13, 2017 848 F.3d 899*

CIVIL RIGHTS - Excessive Force. Lead federal agent did not use excessive force in deploying as many as 22 agents with body armor and firearms to execute search and arrest warrants.

28. Center for Biological Diversity v. U.S. Environmental Protection Agency

*United States Court of Appeals, Ninth Circuit. February 02, 2017 847 F.3d 1075*

ENVIRONMENTAL LAW - Pesticides. Challenges to EPA's pesticide product reregistrations were not impermissible collateral attacks on prior reregistration eligibility determinations.

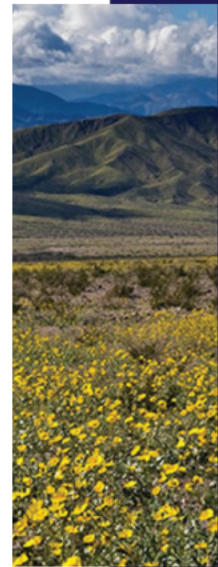
29. Hackford v. Utah

*United States Court of Appeals, Tenth Circuit. January 19, 2017 845 F.3d 1325*

NATIVE AMERICANS - Lands. Traffic offenses did not occur on tribal land, and thus state had criminal jurisdiction to prosecute offenses.

30. Preservation of Los Olivos v. United States Department of the Interior

*United States Court of Appeals, Ninth Circuit. January 17, 2017 —*



Death Valley National Park, California



## Court Cases (Contd.)

*Fed.Appx.*

The district court correctly denied plaintiffs' request to reopen this case. Plaintiffs initially challenged a 2006 decision of the Interior Board of Indian Appeals (IBIA). The district court vacated that decision and remanded the case to the IBIA, which issued a superseding decision in 2014. Plaintiffs may attempt to challenge the IBIA's 2014...

31. A.N.S.W.E.R. Coalition (Act Now to Stop War and End Racism) v. Basham

*United States Court of Appeals, District of Columbia Circuit. January 17, 2017 845 F.3d 1199*

**CIVIL RIGHTS - Free Speech.** Regulatory set-aside for planning committee along presidential inaugural parade route was narrowly tailored to serve significant government interest.

32. Backcountry Against Dumps v. Jewell

*United States Court of Appeals, Ninth Circuit. January 05, 2017 — Fed.Appx.*

**ENVIRONMENTAL LAW - Impact Statements.** Bureau of Land Management's environmental impact statement complied by NEPA by taking hard look at impacts of wind energy project.

### Federal District Court Decisions

33. Natural Resources Defense Council v. Norton

*United States District Court, E.D. California. February 23, 2017 Slip Copy*

On April 28, 2016, Plaintiffs, a

coalition of environmental interest groups led by the Natural Resources Defense Council, filed the currently operative Fourth Supplemental Complaint ("4SC"), which includes three pre-existing claims brought under the Administrative Procedure Act ("APA"), 5 U.S.C. § 701 et seq., and the Endangered Species Act...

34. Alliance for the Wild Rockies, Inc. v. United States Army Corps of Engineers

*United States District Court, D. Oregon. February 22, 2017 Slip Copy*

Plaintiff Alliance for the Wild Rockies, Inc. ("Alliance") brings its case against the United States Army Corps of Engineers ("Corps"), the United States Bureau of Reclamation ("Reclamation"), and the Bonneville Power Administration ("BPA") (collectively "Federal Defendants") for allegedly violating the Endangered Species Act ("ESA" or "Act"). 16...

35. Franconia Minerals (US) LLC v. United States

*United States District Court, D. Minnesota. February 21, 2017 Slip Copy*

This matter is before the Court on the motion of Movant Northeastern Minnesotans for Wilderness ("NMW") to intervene as a defendant. (See Mot. to Intervene [Doc. No. 25].) NMW contends that it is entitled to intervene as a matter of right pursuant to Federal Rule of Civil Procedure 24(a)(2). Alternatively, it asks the Court to permit it to...

36. In re Alpha Natural Resources, Inc.

*United States District Court, E.D. Virginia, Richmond Division. February 21, 2017 — F.Supp.3d*

**BANKRUPTCY - Leases and Contracts.** Petition coal royalty agree-

ment did not convey a real property interest and so could be rejected.

37. Friends of Animals v. Haugrud

*United States District Court, District of Columbia. February 21, 2017 — F.Supp.3d*

**ENVIRONMENTAL LAW - Dismissal.** Animal advocacy organization's NEPA claim was not prudentially ripe for review.

38. Conservation Congress v. United States Forest Service

*United States District Court, E.D. California. February 17, 2017 Slip Copy*

And yesterday the bird of night did sit Even at noon-day upon the marketplace Hooting and shrieking. — William Shakespeare, Julius Caesar, act 1, sc. 2. This litigation concerns the continuing viability of the revered Northern spotted owl ("NSO") and whether it may soon portend its own demise at the hands of its protector, the federal government....

39. Tillet v. Bureau of Land Management, Interior Board of Lands Appeals, and Department of the Interior

*United States District Court, D. Montana, Billings Division. February 16, 2017 Slip Copy*

Before the Court are United States Magistrate Judge Timothy Cavan's Findings and Recommendations filed on January 30, 2017. (Doc. 17). Judge Cavan recommends that this Court deny Plaintiff Jerri Tillet's Motion for Preliminary Injunction (Doc. 1). Pursuant to 28 U.S.C. § 636(b)(1), the parties were required to file written objections within 14 days...

40. United States v. Mumford

*United States District Court, D. Oregon. February 16, 2017 Slip Copy*



**Big Bend National Park, Texas**

## Court Cases (Contd.)

This matter comes before the Court on Defendant's motion to dismiss Count 1, (Dkt. No. 9), and motion to dismiss all counts, (Dkt. No. 11), and the Government's motion for a bench trial (Dkt. No. 10). Having thoroughly considered the parties' briefing and the relevant record, and oral argument heard February 15, 2017, the Court hereby GRANTS the...

41. Fisheries Survival Fund v. Jewell  
*United States District Court, District of Columbia. February 15, 2017 — F.Supp.3d*

ENVIRONMENTAL LAW - Impact Statements. Municipalities and commercial fishing organizations and businesses were not entitled to preliminarily enjoin offshore wind energy project.

42. M.L. Johnson Family Properties, LLC v. Jewell

*United States District Court, E.D. Kentucky, Southern Division at Pikeville. February 15, 2017 Slip Copy*

The doctrine requiring parties to finish up their agency proceedings before coming to federal court is called exhaustion. It will be clear by the end of this Opinion that the doctrine deserves the name. M.L. Johnson Family Properties filed this suit while still involved in a related agency action. The targets of that complaint now argue that...

43. Knighton v. Cedarville Rancheria of Northern Paiute Indians  
*United States District Court, E.D. California. February 15, 2017 Slip Copy*

Plaintiff Duanna Knighton, the former Tribal Administrator for defendant Cedarville Rancheria of

Northern Paiute Indians ("the Tribe"), seeks declaratory and injunctive relief against the Tribe, Cedarville Rancheria Tribal Court ("Tribal Court"), and Tribal Court Judge Patricia R. Lenzi ("Tribal Judge Lenzi") (collectively "defendants") to avoid...

44. Friends of Animals v. Phifer

*United States District Court, D. Maine. February 15, 2017 Slip Copy*

This case concerns the Canada lynx, a wild cat that typically weighs about twenty pounds and has long legs; large, well-furred paws; long tufts on the ears; and a short, black-tipped tail. Canada lynx are most commonly found in Canada and several states contiguous to Canada, including Maine. The U.S. Fish and Wildlife Service (the "Fish and...

45. Anniversary Mining Claims, LLC v. United States

*United States District Court, D. Nevada. February 14, 2017 Slip Copy*

Presently before the court is defendants' motion to dismiss plaintiff Anniversary Mining Claims L.L.C.'s complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). (ECF No. 15). Plaintiff filed a response (ECF No. 17), and defendants filed a reply (ECF No. 20). On April 25, 2016, plaintiff filed its complaint, alleging two claims...

46. WildEarth Guardians v. Jewell

*United States District Court, District of Columbia. February 14, 2017 — F.R.D.*

LITIGATION - Parties. Colorado, Wyoming, and Utah could intervene as of right as defendants in action challenging federal approval of oil and gas leases.

47. Lenker v. Haugrud

*United States District Court, N.D. Oklahoma. February 09, 2017 Slip Copy*

Now before the Court are a motion to dismiss (Dkt. # 39) of Kevin Haugrud in his official capacity as Acting Secretary of the United States Department of the Interior, the United States Bureau of Indian Affairs (BIA), and Michael Black in his official capacity as Director of the BIA (federal defendants), and a summary judgment motion filed by Ceja...

48. Tribe v. United States Bureau of Reclamation

*United States District Court, N.D. California. February 08, 2017 Slip Copy*

This order addresses parallel motions brought in two related cases, Yurok Tribe v. Bureau of Reclamation, No. 16-cv-6863, and Hoopa Valley Tribe v. Bureau of Reclamation, No. 16-cv-4294. The plaintiffs in these two cases are tribes and fishing associations, seeking to protect Southern California Northern California Coast Coho salmon in the Klamath...

49. Tribe v. National Marine Fisheries Service

*United States District Court, N.D. California. February 08, 2017 Slip Copy*

This order addresses parallel motions brought in two related cases, Yurok Tribe v. Bureau of Reclamation, No. 16-cv-6863, and Hoopa Valley Tribe v. Bureau of Reclamation, No. 16-cv-4294. The plaintiffs in these two cases are tribes and fishing associations, seeking to protect Southern California Northern California Coast Coho salmon in the Klamath...

50. Natural Resources Defense Council v. McCarthy

*United States District Court, N.D. California. February 07, 2017 — F.Supp.3d*

ENVIRONMENTAL LAW - Clean



**Seney National Wildlife Refuge, Michigan**

## Court Cases (Contd.)

Water. Environmental organizations adequately pled that Environmental Protection Agency had non-discretionary duty to review temporary water quality orders.

51. Friends of Animals v. United States Bureau of Land Management  
*United States District Court, District of Columbia. February 07, 2017 — F.Supp.3d*

ENVIRONMENTAL LAW - Wild Horses. Preliminary injunction to halt BLM's planned "gather" of wild horses from Utah's Cedar Mountains was not warranted.

52. Desert Survivors v. US Department of the Interior  
*United States District Court, N.D. California. February 06, 2017 Slip Copy*

In this case, Plaintiffs challenge (1) the decision of the U.S. Fish and Wildlife Service ("Service" or "FWS") to withdraw the proposed listing of the Bi-State Sage-Grouse as "threatened" under the Endangered Species Act ("ESA"), 16 U.S.C. §§ 1531-1544, and (2) the new listing policy on which that reversal was based, namely, the Service's "Final...

53. In re Sabine Oil & Gas Corp.  
*United States District Court, S.D. New York. February 03, 2017 Slip Copy*  
Pursuant to 28 U.S.C. § 158(a) and Federal Rule of Bankruptcy Procedure 8003(a), the Official Committee of Unsecured Creditors (the "Official Committee"), the Bank of New York Mellon Trust Company as the Trustee under the 2017 Notes Indenture ("BONY"), the Wilmington Savings Fund Society, FSB, as Indenture Trustee for the Forest Oil 7.25% Unsecured...

54. UNITED STATES OF AMERICA, Plaintiff, v. RONALD D. JOLING, et al., Defendants. Additional Party Names: Dorothea Joling  
*United States District Court, D. Oregon. February 02, 2017 Slip Copy*

Defendants Ronald and Dorothea Joling evaded and failed to pay federal and state taxes for many years, resulting in criminal convictions, tax liens against their properties, and this civil action brought by the United States to reduce its tax assessments to judgment and foreclose its tax liens against several parcels of property. On August 31,...

55. Tillett v. Bureau of Land Management  
*United States District Court, D. Montana, Billings Division. January 30, 2017 Slip Copy*

Plaintiff Jerri Joette Tillett ("Tillett") brought this action seeking to stop alleged ongoing malfeasance by Defendants Bureau of Land Management ("BLM"), Interior Board of Land Appeals ("IBLA"), and Department of the Interior ("DOI") (collectively, "Defendants"), with respect to the Pryor Mountain Wild Horse Range ("PMWHR"). (See generally Doc....

56. Tillett v. Bureau of Land Management  
*United States District Court, D. Montana, Billings Division. January 30, 2017 Slip Copy*

Pending before the Court is Plaintiff Jerri Joette Tillett's ("Tillett") Motion for Judge Watters' Active Involvement in this Case. (Doc. 10.) Tillett's motion presents three discrete issues for the Court's review: 1. Tillett seeks action on her preliminary injunction request; 2. Tillett seeks U.S. Magistrate Judge Ostby's

removal from the case;...

57. Sisney v. Trinidad Drilling, LP  
*United States District Court, W.D. Texas, San Antonio Division. January 30, 2017 Slip Copy*

Plaintiffs brought this action against Trinidad Drilling, LP, their former employer, pursuant to the Worker Adjustment and Retraining Notification Act, 29 U.S.C. §§ 2101-2109 (WARN Act). Before this Court is defendant Trinidad Drilling LP's Motion [ECF No. 15] for Summary Judgment, plaintiffs' Response [ECF No. 16], and defendant's Reply [ECF No....

58. Tribe v. Bureau of Land Management  
*United States District Court, E.D. California. January 30, 2017 Slip Copy*

Having considered Plaintiffs' Motion to Amend the Judgment (ECF No. 149), Defendants' opposition (ECF No. 152) and Plaintiffs' reply in support of their motion (ECF No. 153) and good cause appearing therefor, the Court hereby GRANTS the Motion to Amend and enters the following Amended Order re Cross-Motions for Summary Judgment and Remedy. The...

59. Western Organization of Resource Councils v. U.S. Bureau of Land Management  
*United States District Court, D. Montana, Great Falls Division. January 25, 2017 Slip Copy*

Plaintiffs Western Organization of Resource Councils, Montana Environmental Information Center, Powder River Basin Resource Council, Northern Plains Resource Council, Sierra Club, and Natural Resources Defense Council (collectively "Plaintiffs") have filed six claims under the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321-4370h, and...



Craters of the Moon National Monument, Idaho



## Court Cases (Contd.)

### 60. Friends of Animals v. Sparks

*United States District Court, D. Montana, Billings Division. January 25, 2017 Slip Copy*

Upon the parties' Stipulation Regarding Plaintiff's Petition for Attorney's Fees (Doc. 52) resolving Plaintiffs' Motion for Litigation Costs, Including Reasonable Attorneys' Fees ("Fees Motion") (Doc. 49), and for good cause appearing, IT IS HEREBY ORDERED that Plaintiffs' Motion for Litigation Costs, Including Reasonable Attorneys' Fees (Doc. 49)...

### 61. Richie v. United States ex rel.

*United States District Court, W.D. Oklahoma. January 24, 2017 Slip Copy*

Before the Court is defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction, filed July 21, 2016. On September 1, 2016, plaintiff filed her response. On September 15, 2016, defendant filed its reply, and on December 5, 2016, pursuant to this Court's order, defendant filed its Supplement to Motion to Dismiss. Based upon the parties'...

### 62. Cachil Dehe Band of Wintun Indians of the Colusa Indian Community v. United States Department of the Interior

*United States District Court, E.D. California. January 23, 2017 Slip Copy*

This matter is before the Court pursuant to a motion for reconsideration filed by Plaintiff Cachil Dehe Band of the Wintun Indians of the Colusa Indian Community ("Colusa"). (ECF No. 170.) Colusa asks the Court to reconsider its prior Order (ECF No. 168) denying Colusa's motion for summary judgment and granting summary judgment in favor of...

ment and granting summary judgment in favor of...

### 63. United States v. Bronze Oak, LLC

*United States District Court, N.D. Oklahoma. January 17, 2017 Slip Copy*

Now before the Court is Defendants Bronze Oak, LLC and Mid-Continent Casualty Company's Motion to Dismiss for Lack of Subject Matter Jurisdiction and Brief in Support (Dkt. # 13). Defendants argue that the Court lacks subject matter jurisdiction over this suit. Dkt. # 13, at 1. Plaintiff asserts that the Court has federal question jurisdiction...

### 64. Wyoming v. United States Department of the Interior

*United States District Court, D. Wyoming. January 16, 2017 Slip Copy*

This matter comes before the Court on the respective motions for preliminary injunction filed by the Petitioners and Intervenor-Petitioner (collectively, "Petitioners"): Wyoming and Montana's Motion for Preliminary Injunction (ECF No. 21), North Dakota's Motion for Preliminary Injunction (ECF No. 39), and Motion for Preliminary Injunction filed by...

### 65. Indiana Forest Alliance v. McDonald

*United States District Court, S.D. Indiana, Indianapolis Division. January 13, 2017 Slip Copy*

Plaintiffs, who the Court will collectively refer to as the Indiana Forest Alliance ("IFA"), challenge Defendants' purchase of and proposed plan to use a heavily-wooded section of Crown Hill Cemetery for a cemetery expansion project to build columbaria to house the remains of Veterans (the "Project") as part of

Crown Hill National Cemetery. IFA...

### 66. Swinomish Indian Tribal Community v. BNSF Railway Company

*United States District Court, W.D. Washington, at Seattle. January 13, 2017 -- F.Supp.3d*

NATIVE AMERICANS - Lands. Tribe's state law claim seeking damages for breach of easement agreement was not preempted by Interstate Commerce Commission Termination Act.

### 67. United States v. Bundy

*United States District Court, D. Nevada. January 11, 2017 Slip Copy 2017 WL 387204*

Before the court is Defendant Dave H. Bundy's ("Dave Bundy") Motion to Dismiss (ECF No. 746), which was referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4 of the Local Rules of Practice. The court has considered the motion, Bundy's Motion to Seal (ECF No. 758), the sealed Notice of Manual Filing (ECF No. 759), the...

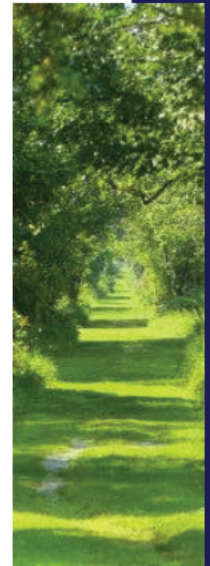
### 68. Total E&P USA, Inc. v. Marubeni Oil & Gas USA, Inc.

*United States District Court, S.D. Texas, Houston Division. January 10, 2017 Slip Copy*

Defendant Marubeni Oil & Gas USA, Inc. ("MOGUS") has filed a Motion for Partial Summary Judgment on Liability [Doc. # 28]. The case is before the Court on the "Motion Pursuant to Fed. R. Civ. P. 56(d) to Deny or Defer Ruling on Motion for Partial Summary Judgment" ("Rule 56(d) Motion") [Doc. # 34] filed by Plaintiff Total E&P USA, Inc. ("TEP")....

### 69. Stepanian v. United States

*United States District Court, E.D. New York. January 10, 2017 Slip Copy*



Missisquoi National Wildlife Refuge, Vermont



## Court Cases (Contd.)

Saiat Stepanian ("Plaintiff") Filed this lawsuit on June 25, 2015 under the Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 1346(b) and 2671 et seq. Plaintiff claims that on or about June 27, 2013, the Gateway National Recreation Area ("GNRA") maintained a dangerous and unsafe condition on its roadways, consisting of unmarked, unilluminated and...

70. Center for Environmental Law and Policy v. United States Fish and Wildlife Service

*United States District Court, E.D. Washington. January 09, 2017 — F.Supp.3d*

**ENVIRONMENTAL LAW - Clean Water.** Fish and Wildlife Service violated Clean Water Act by hatchery's discharging pollutants without National Pollutant Discharge Elimination System permit.

71. Morales v. United States

*United States District Court, D. Arizona. January 06, 2017 Slip Copy*

At issue is Defendant United States' Motion to Dismiss Plaintiffs' Complaint and/or for Judgment on the Pleadings (Doc. 36, MTD), to which Plaintiffs Steven Morales and Nicole Perry, Co-Personal Representatives of the Estate of Raymond Perry, and Chopper II, LLC filed a Response (Doc. 46, Resp. to MTD) and the United States filed a Reply (Doc. 48,...

72. Steinle v. City and County of San Francisco

*United States District Court, N.D. California. January 06, 2017 — F.Supp.3d*

**GOVERNMENT - Tort Claims.** Negligence claim arising from fatal

shooting of victim by thief who stole government-issued handgun was sufficiently alleged against United States.

73. United States v. Santilli

*United States District Court, D. Nevada. January 06, 2017 Slip Copy*

Before the court is Defendant Peter T. Santilli, Jr.'s ("Santilli") Motion to Dismiss Indictment as His Conduct is Constitutionally Protected (ECF No. 703), which was referred for a Report of Findings of Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB1-4 of the Local Rules of Practice. The court has considered the Motion, the...

74. Otter v. Jewell

*United States District Court, District of Columbia. January 05, 2017 — F.Supp.3d*

**ADMINISTRATIVE PRACTICE - Standing.** Governor failed to demonstrate injury-in-fact to his ability to carry out his constitutional responsibilities, as a result of land use plan.

75. United States v. Payne

*United States District Court, D. Nevada. January 04, 2017 Slip Copy*

This matter is before the court on Defendant Ryan W. Payne's Motion to Dismiss Counts Three, Six, Nine, and Fifteen Due to Insufficiency of the Superseding Indictment (ECF No. 711), filed October 3, 2016. This Motion is referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4 of the Local Rules of Practice. The court has...

76. Ecological Rights Foundation v. Federal Emergency Management Agency

*United States District Court, N.D. California. January 03, 2017 Slip Copy*

The parties filed a joint discovery letter in which Defendant Federal Emergency Management Agency ("FEMA") seeks clawback of three documents inadvertently produced to Plaintiff Ecological Rights Foundation in response to a Freedom of Information Act ("FOIA") request. [Docket No. 34 (Jt. Letter).] This matter is appropriate for resolution without a...

### Federal Court of Claims Decisions

77. Wyodak Resources Development Corp. v. United States

*United States Court of Federal Claims. January 23, 2017 130 Fed.Cl. 315*

**ENERGY AND UTILITIES - Coal.** Coal mine did not contain appreciable quantities of lignite required for refund of reclamation fees under Surface Mining Control and Reclamation Act.

### State Court Decisions

78. Ray v. State Department of Natural Resources

*Supreme Court of Alaska. February 08, 2017 Not Reported in P.3d 2017*

In the face of prospective nearby road construction a property owner sought recognition of his property as a historic place. He filed his request at the agency level, appealed the agency decision to the superior court, then appealed that decision to us. Because the road construction adjacent to his property is complete and he has other avenues to...

79. Questar Exploration and Production Company v. Rocky Mountain



Assateague Island National Seashore, Maryland

# Court Cases (Contd.)

Resources, LLC

*Supreme Court of Wyoming. February 01, 2017 388 P.3d 523*

**REAL PROPERTY - Mineral Rights and Interests.** Lessee's overriding royalty interest in prior oil and gas leases did not attach to new lease covering the same land.

80. Fulle v. Kanani

*Court of Appeal, Second District, Division 4, California. January 31, 2017 7 Cal.App.5th 1305 212 Cal.Rptr.3d 920*

**REAL PROPERTY - Timber.** Annoyance and discomfort damages resulting from tortious injuries to timber or trees are subject to a damage multiplier.

81. Matter of Wetland Conservation Act

*Court of Appeals of Minnesota. January 30, 2017 Not Reported in N.W.2d*

In this certiorari appeal, relator challenges a decision by the Minnesota Board of Water and Soil Resources (BWSR) denying relator's petition to appeal Wright County Soil and Water Conservation District's (SWCD) denial of his application for a no-loss determination under the Minnesota Wetland Conservation Act (WCA). Relator argues that the BWSR...

82. Clear Water Partners, LLC v. Benson

*Court of Appeals of Tennessee, AT KNOXVILLE. January 26, 2017 Slip Copy*

**TORTS - Tortious Interference.** Developer stated claim for civil conspiracy, with tortious interference with business relationships as predicate tort, against residents

opposing development.

83. City of Sunny Isles Beach v. Cavalry Corp.

*District Court of Appeal of Florida, Third District. January 25, 2017 208 So.3d 1247*

**REAL PROPERTY - Eminent Domain.** Conceptual plans for a partially taken undeveloped finger canal were admissible to show highest and best use of canal as a private docking facility.

84. City of Mukilteo v. Snohomish County

*Court of Appeals of Washington, Division 1. January 23, 2017 Not Reported in P.3d 197 Wash.App. 1044*

The City of Mukilteo and Save Our Communities (collectively "Mukilteo") appeal the order granting summary judgment to Propeller Airports Paine Field LLC (Propeller) and Snohomish County. We hold that there are no genuine issues of material fact for trial. The County and Propeller are entitled to judgment as a matter of law. We affirm....

85. Elite Catering Co., Inc. v. National Specialty Ins. Co.

*Supreme Court, Richmond County, New York. January 23, 2017 Slip Copy (Table, Text in WESTLAW), Unreported Disposition 54 Misc.3d 1210(A)*

The following papers numbered 1 to 4 were fully submitted on the 10th day of November, 2016: Upon the foregoing papers, the motion of defendant National Specialty Insurance Co. for summary judgment dismissing the complaint of plaintiff Elite Catering Company, Inc. is granted to the extent that plaintiff's second, third, fourth, fifth and sixth...

86. Waite v. CDG Properties, LLC.

*Superior Court of Pennsylvania. January 18, 2017 Not Reported in A.3d*

**Grandview Management, Inc.** ("Grandview") and Burnham Farms, LP ("Burnham") filed the present appeal after the trial court rendered a verdict against them and in favor of Appellee, James G. Waite. We affirm. Mr. Waite owns a 3.02 acre tract of land containing woodland and his residence that is located at 296 Valentine Hill...

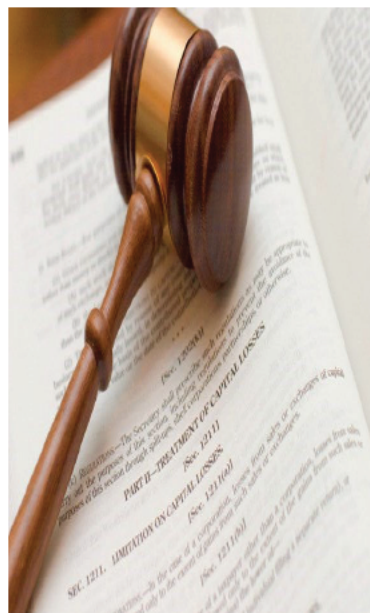
87. Grayson Rural Electric Cooperative Corporation v. Kentucky Public Service Commission

*Court of Appeals of Kentucky. January 06, 2017 Not Reported in S.W.3d*

Grayson Rural Electric Cooperative Corporation (Grayson Electric) brings this appeal from an April 27, 2015, Opinion and Order of the Franklin Circuit Court affirming an Order of the Kentucky Public Service Commission. We affirm. Relevant to this appeal, Grayson Electric provided electrical service to two residences located upon Lots 14 and 25 in...



**Curecanti National Recreation Area, Colorado**





# Presidential Documents



**Please note that full-text versions of these documents are available upon request to the DOI Library Reference Staff.**

## Executive Orders

88. Executive Order 13759— Designating the World Organisation for Animal Health as a Public International Organization Entitled To Enjoy Certain Privileges, Exemptions, and Immunities — January 12, 2017

89. Executive Order 13764— Amending the Civil Service Rules, Executive Order 13488, and Executive Order 13467 To Modernize the

Executive Branch-Wide Governance Structure and Processes for Security Clearances, Suitability and Fitness for Employment, and Credentialing, and Related Matters — January 17, 2017

90. Executive Order 13766— Expediting Environmental Reviews and Approvals for High-Priority Infrastructure Projects — January 24, 2017

91. Executive Order 13774— Preventing Violence Against Federal, State, Tribal, and Local Law Enforcement Officers — February 9, 2017

92. Executive Order 13777— Enforcing the Regulatory Reform Agenda — February 24, 2017

93. Executive Order 13778— Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the "Waters of the United States" Rule — February 28, 2017

## Presidential Proclamations

94. Presidential Proclamation 9565— Establishment of the Birmingham

Civil Rights National Monument — January 12, 2017

95. Presidential Proclamation 9566— Establishment of the Freedom Riders National Monument — January 12, 2017

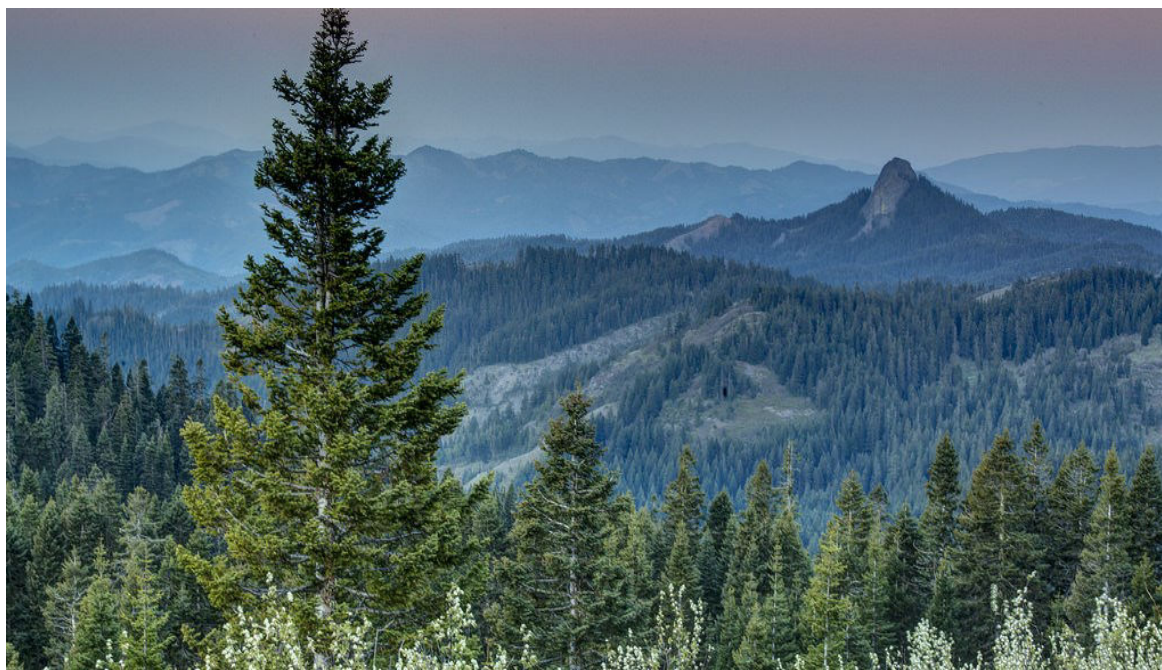
96. Presidential Proclamation 9567— Establishment of the Reconstruction Era National Monument — January 12, 2017

97. Presidential Proclamation 9563— Boundary Enlargement of the California Coastal National Monument — January 12, 2017

98. Presidential Proclamation 9564— Boundary Enlargement of the Cascade-Siskiyou National Monument — January 12, 2017

99. Presidential Proclamation 9568— Martin Luther King, Jr., Federal Holiday, 2017 — January 13, 2017

100. Presidential Proclamation 9572— National African American History Month, 2017 — February 1, 2017



View from Cascade-Siskiyou National Monument -- Pilot Rock. Photo by BLM photographer Bob Wick

# Help Shape the Future: Join the DOI Library User Advisory Council!

Do you love libraries? Reading? History? Community engagement? The DOI Library User Advisory Council (DLAC) is looking for a few new members, and we hope you will join us.

While we operate from our temporary location in Room 2262 of the Stewart Lee Udall Department of the Interior Building (MIB), we would like more patron input as we make decisions on access to resources being used in the temporary library, online databases to pursue as substitutes for print materials, and other ways to get needed resources and information to our Library patrons.

As we transition back to the new, modernized library, currently slated to reopen in May 2017, you can help us make sure Library services are the most effective — by participating and



having a voice on the User Advisory Council.

We would love for the Council to have representation and input from all of the agencies and regions served by the DOI Library.

If you don't work in Washington DC, you can still participate in the Council as meetings will also be held via Webex. Your participation will mean attending a Council meeting once every two months. Library Director George Fran-

chois will chair the meetings.

With careful planning, fresh ideas, and an eye to the future, we can shape the future of the DOI Library while preserving its storied past.

To best serve you and all Library users, we need you to be a part of this momentous move forward. Please contact us using the information below if you are interested. Thank you!

If you are interested in joining the DOI Library User Advisory Council or have any questions, please contact Law Librarian Shannon Lynch at [Mary\\_Lynch@ios.doi.gov](mailto:Mary_Lynch@ios.doi.gov) or (202) 208-3686, or Library Director George Franchois at (202) 208-3796 or [george\\_franchois@ios.doi.gov](mailto:george_franchois@ios.doi.gov).

If you can, please stop by the Library and say hello. We look forward to hearing from you!

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The Interior Library provides a full range of professional reference and research services, available to Interior employees in both the Washington, DC, area and nationwide. The collections include Departmental publications, as well as related books, journals, electronic databases and other resources that support the mission of the Department, its agencies, and bureaus.



Our temporary Interior Library is open in Room 2262 of the Stewart Lee Udall Department of the Interior Building. Due to the modernization of wing I of the building, the Interior Library's historic Reading Room and stack areas have been closed to patrons. Modernization is expected to be completed in February 2017. Materials can still be borrowed from storage—just ask a Librarian for assistance.

*Please note that Section 508 compliant issues of this publication are available upon request for the visually handicapped.*

**From:** mark.zedella@bsee.gov  
**Subject:** EAP - April 2017 Newsletter and Webinar  
**Date:** Thursday, April 06, 2017 5:36:23 PM  
**Attachments:** [Balanced Living Newsletter - April 2017.pdf](#)

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Attached is the April 2017 Balanced Living newsletter from the DOI Employee Assistance Program.

Please note: The DOI EAP provider is now Espyr (formerly EAP Consultants). This is a re-branding of the company, and involves no changes to the contact number or services provided to employees.

In addition, the EAP is hosting a webinar this month to which you are invited. Details for the presentation are below:

\*\*\*\*\*

This month's topic is "**Coping with Grief and Loss**". The webinar will be live at 3 PM Eastern Time on Tuesday, April 18th. There is no cost but registration is required.

### **Change Management**

*Presented by Barbara Melton*

In this webinar, we will discuss the process of grief and loss from the perspective of losing a loved one, whether it was expected or sudden. The stages of grief will be covered, and tips on how to move through the process will be provided. Ways to honor the loved one will be shared (through a process called 'ritual construction') and various potentially healing techniques will also be covered.

*Join us on Tuesday, April 18th.*

[Register for the 4/18 3 PM \(Eastern\) session here](#)

Each month EAP features a 45 minute presentation on a specific topic led by an expert in that area and followed by a live Q&A session. To visit our EAP website and view the archive of past webinars, or to register for future ones, go to [www.espyr.com](http://www.espyr.com) and sign in to the Employee Portal area with the password "interioreap". Then click on the "Webinars" tab.

Please visit [www.espyr.com](http://www.espyr.com) (using the password interioreap to access the Employee Portal section at the top of the page) or call 1-800-869-0276 to utilize the DOI Employee Assistance Program. The DOI EAP website is also available for guidance at <http://www.doi.gov/pmb/hr/eap.cfm>.

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## Balanced Living - April 2017

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### In this issue:

Help for When You're Grieving .....	1
How to Help Your Kids Avoid Type 2 Diabetes .....	3
Dealing with Debt .....	5

### Help for When You're Grieving



A loved one leaves on a military assignment, divorce papers are signed, a parent or a favorite pet passes away...

"Any loss -- and even an impending loss -- can bring on feelings of grief," according to Karl Goodkin, M.D., Ph.D., professor of psychiatry and behavioral sciences and professor of neurology at the University of Miami School of Medicine in Miami, Fla., and professor of psychology at the University of Miami Graduate School.

The grief process often brings with it shock or emotional numbness, followed by feelings of depression, anger, guilt or helplessness. Grieving always hurts, but it's not a bad thing, Dr. Goodkin says. It's a very normal and necessary process for adjusting to difficult life changes.

### Healthy grieving

"Most people seem to be able to process loss on their own, not just within their own thinking and coping, but also by getting support from their family, friends and personal social networks," says Dr.



Goodkin. "Tapping into social support at this time is perhaps the best predictor for adjusting to loss in a healthy way."

Grief usually moves through five stages:

- Denial or disbelief
- Anger or guilt
- Bargaining
- Depression or sadness
- Acceptance

Some of these stages can occur at the same time. Not all people who grieve experience all of these stages.

Other symptoms of grief include sleep problems, appetite changes and difficulty getting back to work.

With healthful grieving, one can:

- Resolve loss-related stress.
- Give meaning to the loss and to the place the relationship held for oneself.
- Begin looking toward the future.
- Start looking for others who might replace some of the lost aspects of the relationship.

## Getting help

Some people do get stuck in the process, Dr. Goodkin says, and that's why grief-specific treatment can help.

According to Dr. Goodkin, people with the following symptoms of "complicated grief" may benefit from treatment:

- Persistent guilt feelings regarding actions taken or not taken at the time of death.
- A morbid preoccupation with self-worthlessness.
- A severe slowing down of one's thoughts and overall activity.
- Hallucinations, other than thinking one might be in connection with the deceased, or briefly hearing the voice of the deceased.

Grief can lead to depression or abuse of alcohol or drugs. Grief that lasts for more than two months and makes it difficult to deal with daily life may indicate a more serious problem.

Treatment options for unresolved grief include:

- Group psychotherapy sessions designed specifically for bereavement. Guided by a leader with grief expertise, these groups provide a non-threatening structure for talking about one's loss, expressing one's feelings, benefiting from the social support offered by the group, and learning to move on in healthful ways. "Many general mental health counselors will say they're capable



of addressing death and dying issues," Dr. Goodkin says. "That can be true, but working with someone who has grief expertise can make a big difference in a person's long-term recovery."

- Individual psychotherapy. Private counseling can be helpful for people who are dealing with deeper emotional issues not related solely to the recently experienced loss. It is also recommended when privacy issues related to the circumstances of the loss would prevent the person from speaking up within a group.
- Antidepressant or anti-anxiety medications. Drugs can often help when combined with psychotherapy. By improving mental health symptoms, medications can aid the person in moving through the grieving process more quickly.

*The StayWell Company, LLC ©2016, LLC ©2017*

## How to Help Your Kids Avoid Type 2 Diabetes

Until recently, type 2 diabetes was also known as adult-onset diabetes. Now, the adult-onset prefix has been dropped because so many children are developing the condition -- the metabolic disorder that results when the body can't make enough or properly use insulin, the hormone that helps convert glucose into energy the body can use.

"In the early 1990s, 2 to 4 percent of our patients were children with type 2 diabetes," says Francine Kaufmanns, M.D., a spokeswoman with the American Diabetes Association and head of the division of endocrinology at Children's Hospital of Los Angeles. "Now, it may be up to 25 percent."

Likely, similar statistics hold true for other diabetes centers across the country.

In general, those with type 2 diabetes have abnormally high levels of circulating glucose (blood sugar) because their pancreas either produces little or no insulin or their bodies are resistant to insulin. (Insulin is the hormone that transports the glucose into the body's cells.) This resistance makes it difficult for the insulin to get glucose into the cells of the body. Like adults with type 2 diabetes, children with the condition are at increased risk for serious health problems, such as heart disease, kidney disease and blindness, later in life.

Type 2 diabetes has an inherited component. Still, biology isn't destiny.

"To get type 2 diabetes, you also have to have an environmental trigger," says Dr. Kaufmanns. "For most kids, that environmental trigger is obesity."

Weight gain (fat), especially in the abdomen, increases the body's demand for insulin and interferes with the body's ability to use it properly.

"To prevent type 2 diabetes, help your children stay fit and avoid becoming overweight," says Dr. Kaufmanns. "Being of normal weight doesn't stress the pancreas as much and exercise helps the body become more efficient at using glucose."

Certain racial and ethnic groups are at higher risk for developing type 2 diabetes. These include African Americans, American Indians, Hispanic Americans and some Americans with Asian or Pacific Island backgrounds.

### Be a role model

Helping kids stay lean and fit is a tall order, considering that twice as many children and adolescents are overweight or obese compared with 30 years ago, according to 2004 statistics from the Centers for Disease Control and Prevention.

"The problem is kids are bombarded with messages from television commercials to want junk food, to not understand what a portion size is and to drink sugar-containing beverages like soda," says Dr. Kaufmanns. "And many schools promote excess weight by allowing in-school vending machines and eliminating physical education classes. As a result, there's little opportunity for many children to get meaningful amounts of exercise."

Still, you can help your kids keep their weight in check. In fact, your encouragement and actions may be the only thing they've got to counteract societal messages that promote weight gain.

"As a parent, you're your child's first teacher," says Sheah Rarback, R.D., a spokeswoman for the American Dietetic Association and director of nutrition at the Mailman Center for Child Development in Miami.

All told, your example carries a lot of importance, so make sure you practice what you preach. To get your kids into the exercise habit, for example, do what you want your kids to do rather than just urging them to go outside and play.

Participating as a family in lifestyle kinds of exercise, such as bike riding, hiking, walking, running, basketball and tennis -- fun activities that can carry over into adulthood -- or even just playing in the park sends a strong message.

"Your kids will associate being active with fun times with the family. By virtue of your example and participation, exercise will become something they want to do," says Dr. Rarback.

### Eat dinner together

Likewise, to expand your children's palates and help them learn to make healthful food choices, which, in turn, can help them avoid obesity, "make family meal time a priority at least a few times a week," says Dr. Rarback.

Why is this so important? "At family dinners, children are often exposed to a greater variety of foods and they see other family members enjoying them," says Dr. Rarback.

Not only will they eat by example, but new foods also will become less foreign when everyone has some. Of course, you may have to serve a new food 10 times before your children will try it. But don't give up -- or make an issue out of eating it either.

"Your job is to present the food -- not push it," says Dr. Rarback. To increase the likelihood your children will try a new food, have them help you select it in the supermarket and prepare it at home. If they don't like a new food, experiment with different preparations.

"Some children don't like cooked carrots, other don't like raw. Some like carrots cut in strips, some cut in circles," says Dr. Rarback.

### Don't serve family style

To help your children get in touch with their hunger cues so they learn to stop eating when they're full, don't serve meals family style.

"The scent and appearance of the food on the table can entice kids to have seconds, even if they're no longer hungry," says Dr. Rarback. "Instead, portion out food on the plates in the kitchen and bring it to the table."

Also, model proper portion sizes yourself and let your kids know if they want more, they can have some if they're still hungry.

### Temper TV watching and eating

When it comes to weight gain, watching TV has a bad reputation -- and for good reason.

"A simple habit like eating in front of the television can become a conditioned response," says Dr. Rarback. If your kids snack while watching cartoons, for example, eventually, the cartoons themselves will make them hungry.

To avoid this fattening habit, "restrict eating, including snacks, to the dining room or kitchen table," advises Dr. Rarback. "And be sure to have healthy snack-foods available."

*The StayWell Company, LLC ©2017*

## Dealing with Debt

Are you having trouble paying your bills? Are you getting dunning notices from creditors? Are your accounts being turned over to debt collectors? Are you worried about losing your home or your car?

You're not alone. Many people face financial crises at some time in their lives. Whether the crisis is caused by personal or family illness, the loss of a job, or simple overspending, it can seem overwhelming. But your financial situation doesn't have to go from bad to worse.

Consider these options:

- Realistic budgeting
- Credit counseling from a reputable organization
- Debt consolidation

- Bankruptcy

How do you know which will work best for you? It depends on your level of debt, your level of discipline and your prospects for the future.

### Developing a Budget

The first step toward taking control of your financial situation is to do a realistic assessment of how much money comes in and how much money you spend. Start by listing your income from all sources. Then, list your "fixed" expenses – those that are the same each month – such as your mortgage payments or rent, car payments, and insurance premiums. Next, list the expenses that vary, such as entertainment, recreation, or clothing.

Writing down all your expenses – even those that seem insignificant – is a helpful way to track your spending patterns, identify the expenses that are necessary, and prioritize the rest. The goal is to make sure you can make ends meet on the basics: housing, food, health care, insurance and education.

Your public library has information about budgeting and money management. Low-cost budgeting counseling services that can help you analyze your income and expenses and develop a budget and spending plan also are available in most communities. Check your Yellow Pages or contact your local bank or consumer protection office for information about them. In addition, many universities, military bases, credit unions, and housing authorities operate nonprofit financial counseling programs.

### Contacting Your Creditors

Contact your creditors immediately if you're having trouble making ends meet. Tell them why it's difficult for you, and try to work out a modified payment plan that reduces your payments to a more manageable level. Don't wait until your accounts have been turned over to a debt collector. At that point, the creditors have given up on you.

### Dealing with Debt Collectors

The Fair Debt Collection Practices Act is the federal law that dictates how and when a debt collector may contact you. A debt collector may not:

- Call you before 8 a.m. or after 9 p.m.
- Call you at work if the collector knows that your employer doesn't approve of the calls
- Harass you
- Make false statements
- Use unfair practices when they try to collect a debt

Debt collectors must honor a written request from you to stop further contact.

### Credit Counseling

If you aren't disciplined enough to create a workable budget and stick to it, can't work out a repayment plan with your creditors, or can't keep track of mounting bills, consider contacting a credit counseling service.

Your creditors may be willing to accept reduced payments if you enter into a debt repayment plan with a reputable organization. In these plans, you deposit money each month with the credit counseling service, which in turn pays your creditors.

A successful repayment plan requires you to make regular, timely payments, and could take 48 months or longer to complete. Some credit counseling services charge little or nothing for managing the plan; others charge a monthly fee that could add up to a significant charge over time. Some credit counseling services are funded, in part, by contributions from creditors.

While a debt repayment plan can eliminate much of the stress that comes from dealing with creditors and overdue bills, it doesn't mean you can forget about your debts. You still are responsible for:

- Paying any creditors whose debts are not included in the plan
- Reviewing monthly statements from your creditors to make sure your payments have been received
- Making sure that your billing statements reflect any agreement your creditors made to lower or eliminate interest and finance charges, or waive late fees

A debt repayment plan doesn't erase your negative credit history. Accurate information about your accounts can stay on your credit report for up to seven years. A demonstrated pattern of timely payments, however, will help you get credit in the future.

### Auto and Home Loans

Debt repayment plans usually cover unsecured debt. Your auto and home loan, which are considered secured debt, may not be included. You must continue to make payments to these creditors directly.

Most automobile financing agreements allow a creditor to repossess your car any time you're in default. No notice is required. If your car is repossessed, you may have to pay the full balance due on the loan, as well as towing and storage costs, to get it back. If you can't do this, the creditor may sell the car. If you see default approaching, you may be better off selling the car yourself and paying off the debt: you would avoid the added costs of repossession and a negative entry on your credit report.

If you fall behind on your mortgage, contact your lender immediately to avoid foreclosure. Most lenders are willing to work with you if they believe you're acting in good faith and the situation is temporary. Some lenders may reduce or suspend your payments for a short time. When you resume regular payments, though, you may have to pay an additional amount toward the past due total. Other lenders may agree to change the terms of the mortgage by extending the repayment period to reduce the monthly debt.

If you and your lender cannot work out a plan, contact a housing counseling agency.

## Debt Consolidation

You may be able to lower your cost of credit by consolidating your debts through a second mortgage or a home equity line of credit. But think carefully before taking this on. These loans require your home as collateral. If you can't make the payments – or if the payments are late – you could lose your home.

The costs of these consolidation loans can add up. In addition to interest on the loan, you pay "points." Typically, one point is equal to one percent of the amount you borrow. Still, these loans may provide certain tax advantages that are not available with other kinds of credit.

## Bankruptcy

Personal bankruptcy is generally considered the debt management tool of last resort because the results are long-lasting and far-reaching. A bankruptcy stays on your credit report for 10 years, making it difficult to acquire credit, buy a home, get life insurance, or sometimes land a job. However, it's a legal procedure that offers a fresh start for people who can't satisfy their debts. Individuals who follow the bankruptcy rules receive a discharge – a court order that says they do not have to repay certain debts.

There are two primary types of personal bankruptcy: Chapter 13 and Chapter 7. Each must be filed in federal bankruptcy court.

Both types of bankruptcy may get rid of unsecured debts and stop:

- Foreclosures
- Repossessions
- Garnishments
- Utility shut-offs
- Debt collection activities

Both also provide exemptions that allow you to keep certain assets, although exemption amounts vary.

Personal bankruptcy usually does not erase:

- Child support
- Alimony
- Fines
- Taxes
- Most student loan obligations

Also, unless you have an acceptable plan to catch up on your debt under Chapter 13, bankruptcy usually does not allow you to keep property when your creditor has an unpaid mortgage or lien on it.

***LexisNexis Martindale-Hubbell ©2017***

*For additional online information and resources about maintaining well-being and wellness as well as trainings and self-searches for child and eldercare resources, please go to <https://espyr.com/> and at the User Portal, enter your password. If you do not know your password, please send an email to [password@espyr.com](mailto:password@espyr.com) and include the name of your employer.*

**Please join us for our monthly educational webinar on Tuesday April 18th,  
at 3pm Eastern Time:**

## **“Coping with Grief and Loss”**

*Presented by Barbara Melton*

In this webinar, we will discuss the process of grief and loss from the perspective of losing a loved one, whether it was expected or sudden. The stages of grief will be covered, and tips on how to move through the process will be provided. Ways to honor the loved one will be shared (through a process called 'ritual construction') and various potentially healing techniques will also be covered.

*Join us on Tuesday, April 18<sup>th</sup>, 2017*

[Register now](#)

**From:** Glomb, Steve  
**To:** [Joel Clement](#); [Indur Goklany](#)  
**Cc:** [Spano, Julie](#)  
**Subject:** Fwd: Parking Application  
**Date:** Friday, April 07, 2017 10:29:07 AM  
**Attachments:** [parking\\_application.pdf](#)

---

Thanks Julie.

Joel and Goks - See Julie's response below. Form is attached at the bottom of the email string. Descriptions of categories are on the instruction page. You would both have to sign. Please copy me on the email back to Julie so I know that this is taken care of.

Joel - I think Adrianna's spot has already been removed. I assume the spot we're talking about would be the spot that Ann no longer needs and that you think Goks has the greatest need in PPA to take that allocated spot.

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

**From:** **Spano, Julie** <[julie\\_spano@ios.doi.gov](mailto:julie_spano@ios.doi.gov)>  
**Date:** Fri, Apr 7, 2017 at 10:10 AM  
**Subject:** Re: Parking Application  
**To:** "Glomb, Steve" <[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)>

Steve,

They would need to fill out the same parking application, which both the employee and supervisor sign. If a email can be sent to me with the application notating the employee that no longer needs said space, I can forward that to the Parking Office. This way we also have a record of the action being taken.

Thanks! Julie

On Fri, Apr 7, 2017 at 9:48 AM, Glomb, Steve <[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)> wrote:

Julie -

If someone new is taking over a "B" parking permit that is no longer needed by another person in the same office, do they fill out this same parking application or is there a different form? Anything else needed? I assume a supervisor needs to sign.

Thanks for your help.

Steve

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

**From:** **Spano, Julie** <[julie\\_spano@ios.doi.gov](mailto:julie_spano@ios.doi.gov)>  
**Date:** Tue, Apr 4, 2017 at 6:44 AM  
**Subject:** Parking Application  
**To:** Steve Glomb <[steve\\_glomb@ios.doi.gov](mailto:steve_glomb@ios.doi.gov)>



Steve,

I'm attaching the parking application for those that are listed under carpool and under your jurisdiction. These carpoolers will need to resubmit their applications by Friday, to the Parking Office and a copy to myself and you for our records. Each carpool will be verified by OFAS as to whether it is a valid carpool or not. If not, they will more than likely lose their parking pass.

(b) (6)

Waiver Parking will also be removed at some point as these are spaces given over and above the parking allocation for a particular office;

(b) (6)

- Federal Reserve  
Federal Reserve

Thanks, Julie

--

***Julie L. Spano***

Director, Business and Administrative Division  
Office of the Assistant Secretary for Policy, Management and Budget  
U.S. Department of the Interior  
1849 C Street, N.W., Room 5022  
Washington, D.C. 20240  
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***Julie L. Spano***

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## United States Department of the Interior Application for Parking Permit

NOTE: Whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully - (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title or imprisoned not more than 5 years, or both. (18 U.S.C. 1001, dated January 23, 2000)

**JUSTIFICATION FOR CATEGORIES "B AND E" PARKING** (See instructions on reverse)

(If applicable) Current Parking Location and Permit Number:									
<b>FOR USE OF PARKING CONTROL OFFICE ONLY</b>									
1. MIB		SIB		FRB		2. Permit #			
3 Applicant enrolled in the transit subsidy program						Yes		No	
4. VEHICLE SPACE DESIRED (CHECK ONE)									
AUTO			MOTORCYCLE				BICYCLE		
4. Category of Parking Desired (Check one) See instruction on reverse									
A	V	C	B	E	CF	M/B	O	H	
Justification									



Name and Title of Certifying Official (Bureau/Office Head)
Signature
Date

	5. Name (Last, First, MI) ; Home address and ZIP code	6. Trips Per Week	7. Personnel Data	8. 1 <sup>st</sup> Vehicle Data	9. 2 <sup>nd</sup> Vehicle Data	10. Name Address Room# ZIP, Code of Employer DOI Employees include Bureau/Office	
<b>Applicant</b>			Last 4 digits SSN#	Make	Make		
			Work Telephone No.	Model	Model		
	I certify that I do not participate in the transit subsidy program*		Cell phone #				Duty Hours
	Signature:			State	Tag No.		State
<b>Rider #2</b>			Last 4 digits SSN#	Make	Make		
			Work Telephone No.	Model	Model		
	I certify that I do not participate in the transit subsidy program*		Cell phone #				Duty Hours
	Signature:			State	Tag No.		State
<b>Rider #3</b>			Last 4 digits SSN#	Make	Make		
			Work Telephone No.	Model	Model		
	I certify that I do not participate in the transit subsidy program*		Cell phone #				Duty Hours
	Signature:			State	Tag No.		State
<b>Rider #4</b>			Last 4 digits SSN#	Make	Make		
			Work Telephone No.	Model	Model		
	I certify that I do not participate in the transit subsidy program*		Cell phone #				Duty Hours
	Signature:			State	Tag No.		State
11. Bureau/Office Parking Coordinator Signature:			12. Applicant: I certify that I understand my obligation as outlined in 310 DM 12, and the Office of Facilities and Administrative Services Parking and Transportation Benefit Program Policies. Signature				Date:

# INSTRUCTIONS

GENERAL: All entries should be typed or printed legibly. Applicants MUST complete all requested information and obtain required signatures. EMPLOYEES WHO FALSIFY INFORMATION ON THIS APPLICATION ARE SUBJECT TO THE PENALTY STATED ON THE FRONT OF THE APPLICATION.

**NOTE:** You are not permitted to have a federally-subsidized parking space if you participate in the Public Transportation Benefit Program.

PRIVACY ACT INFORMATION: Pursuant to Section 3(a)(3) of the Privacy Act of 1974 (Public Law 93-579), individuals furnishing information on this form are hereby advised as follows:

1. The authority for solicitation of the information in 41 CFR-41, FMR 103-74.265/270/275/280/285/290/295/300/305
2. The information is used to assign parking spaces and to identify (for ridesharing purposes CFR-41 FMR 102-74.205/210/215/220/225/) individuals residing in the same geographic areas.
3. The information may be transferred to the U.S. Department of Justice in the event of litigation involving the record or subject matter of the record.
4. The effect on an individual not providing any part of the requested information, including the last four digits of Social Security number, may be denial of the assignment of a parking permit.
5. Provision of the last four digit Social Security number is mandatory. These numbers are used to prevent individuals from applying for more than one parking space and receiving Public Transportation Subsidy.
6. The applicant's name, ZIP Code and business telephone number may be provided to requesters to assist them in making ridesharing arrangements.

**Blocks 1, 2 & 3:** For Parking Control Use ONLY

**Block 3:** Indicate (check) type of vehicle space desired.

**Block 4:** Indicate (check) category of parking desired. A summary description of each category follows:

- Category A: Secretary, Assistant Secretaries, Solicitor, Deputy Secretary, Inspector General, Heads of Bureau and Offices
- Category E: Employees whose duties require them to be "on-call" during non-duty hours for essential operation or protection of the Interior Complex facilities and property, may be considered for Category E parking on a space available basis. Applications for parking under this category **MUST** include a certification in the "Justification for Category "E" Parking."
- Category V: Employees with vanpools (eight or more members).
- Category C: Employees with carpools (four or more members). Priority consideration will be given to the number of riders and Interior employees.
- Category B: Employees who are required to work CONSIDERABLY beyond their official duty hours on a REGULAR basis may be considered for Category B parking on a space available basis and as decided by Bureau/Office Head working within their allocation. Applications for parking under this category **MUST** include a certification in the "Justification for Category "B" Parking" section at the top of this application, of the hours worked by the applicant and the applicant's official duty hours, signed by the head of the applicant's bureau or office.
- Category CF: Clean Fuel Vehicles. Employees commuting with hybrid or alternate fuel vehicles may apply for parking under this category.
- Category M/B: Motorcycles/Bicycles
- Category O: Official Vehicles
- Category H: Employees in need of accessible parking. Requires completion of "Physicians Certification Application for Disabled Parking Form." Determination is made by U.S. Public Health Service Physician.

**Block 5:** Name (Last, First, MI) Home address and ZIP Code: Type or print your name (Last, First, MI), address, and ZIP Code.

**Block 6:** TRIPS PER WEEK: Type or print the number of one-way trips you will regularly make each week. Examples - (1) If you travel one-way every day - enter "5." (2) If you travel both ways every day - enter "10."

**Block 7:** PERSONAL DATA: Type or print your last four digits of your Social Security number, and complete work and cell telephone number.

**Blocks 8 & 9:** VEHICLE DATA: Type or print the vehicle make, model, license plate number, and state of registration. Example - Ford Explorer VA/XYZ-1234. Entries for two vehicles per applicant and rider can be provided. Carpool and vanpool members **MUST** provide information about each vehicle they anticipate driving. Individuals with more than two vehicles must submit the requested data for the additional vehicle(s) on a separate sheet bearing their name and applicant's name (if different).

**Block 10:** NAME, ADDRESS, ROOM NUMBER, ZIP CODE OF EMPLOYER: Type or print name, address and ZIP Code of employer. DOI employees include the appropriate bureau/office. Enter Duty hours.

**Block 11:** BUREAU/OFFICE PARKING COORDINATOR SIGNATURE: Submit to Parking Coordinator for signature and processing.

**Block 12:** CERTIFICATION: Applicant **MUST** sign and date on line provided.

For additional information, contact your Bureau or Office parking coordinator, or the Office of Facilities and Administrative Services Parking Office at 202-208-2222 or visit [doi.gov/ofas](http://doi.gov/ofas).

**From:** Clement, Joel  
**To:** [Melinda Loftin](#); [Steve Glomb](#); [Amy Holley](#)  
**Cc:** [Indur M. Goklany](#)  
**Subject:** Detail description for Goks  
**Date:** Friday, April 07, 2017 3:05:52 PM  
**Attachments:** [Goklany Detail Assignment.docx](#)

---

Melinda, Steve, and Amy, see attached for a quick sketch of the detail assignment we discussed and let me know if it's accurate based on your understanding of what Jim Cason was asking for. Once we're good with this doc we can get things started with paperwork and it's off to the races!

Thanks,

Joel

-----  
---

Joel Clement - Director, Office of Policy Analysis, U.S. Department of the Interior 202.208.3295

## Ethics Office Detail Assignment

Indur Goklany, Senior Advisor in PPA, will be detailed for 90 days (starting April 21, 2017) to the DOI Office of Ethics to work with Dave LeCroix to provide analysis and reports that address the following questions posed by leadership:

1. How do other agencies in the Federal family implement ethics training activities?
2. What standards and best practices guide these agencies as they address ethics violations?
3. How does DOI compare to these other agencies in terms of standards, implementation, and results?
4. What resources, such as annual ethics training resources, are available for DOI use?
5. How can we raise the bar at DOI in terms of annual training and implementation?

Mr. Goklany will provide thorough analytical support for addressing these questions, and a substantive report that provides substantiated findings and recommendations will be provided to the Ethics Office, Policy Office, and Acting Deputy Secretary's office at the conclusion of the detail or as requested.

**From:** Spano, Julie  
**To:** [Roberta Richardson](#); [Ikeshia Boyd](#)  
**Cc:** [Indur Goklany](#); [Joel Clement](#)  
**Subject:** Indur Goklany Parking Application  
**Date:** Friday, April 07, 2017 3:13:42 PM  
**Attachments:** [Indur Gokany - ppa.pdf](#)

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Attached is the parking application for Indur Goklany from PPA and is listed under B category. He will be assuming the parking allocation for (b) (6) (PPA) who has left and gone to the State Department. He currently has a pass for Federal Reserve that was listed as a carpool. The carpool is now defunct hence him taking over the allocation that (b) (6) held.

I've copied Indur Goklany and his supervisor, Joel Clement for their information. Mr. Goklany will take instruction from you Roberta as to how you want to handle the pass issue.

I don't know if Ms. Muir turned in her pass, sorry...

Thanks, Julie

--

***Julie L. Spano***

Director, Business and Administrative Division  
Office of the Assistant Secretary for Policy, Management and Budget  
U.S. Department of the Interior  
1849 C Street, N.W., Room 5022  
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## United States Department of the Interior Application for Parking Permit

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JUSTIFICATION FOR CATEGORIES "B AND E" PARKING (See instructions on reverse)

Joel Clement, Director PPA  
Name and Title of Certifying Official (Bureau/Office Head)

*[Signature]*  
Signature

4/7/17  
Date

(If applicable) Current Parking Location and Permit Number:

FOR USE OF PARKING CONTROL OFFICE ONLY			
1. MIB	SIB	FRB	2. Permit #
3 Applicant enrolled in the transit subsidy program		Yes	No
4. VEHICLE SPACE DESIRED (CHECK ONE)			
AUTO		MOTORCYCLE	BICYCLE
4. Category of Parking Desired (Check one) See instruction on reverse			
A	V	C	B
			E
			CF
			M/B
			O
			H
Justification			

	5. Name (Last, First, MI); Home address and ZIP code	8. Trips Per Week	7. Personnel Data		8. 1 <sup>st</sup> Vehicle Data		9. 2 <sup>nd</sup> Vehicle Data		10. Name, Address, Room #, ZIP, Code of Employer DOI Employees include Bureau/Office		
Applicant	Goklany, Indur M <b>(b) (6)</b>	10	Last 4 digits SSN <b>(b) (6)</b>	Make <b>(b) (6)</b>	<b>(b) (6)</b>		<b>(b) (6)</b>		Office of Policy Analysis MIB, Rm 3511 1849 C St, NW Washington, DC 20240		
	I certify that I do not participate in the transit subsidy program* Signature: <i>[Signature]</i>	Work Telephone No. 202-208-4951	Model	Duty Hours <i>8 am - 5 pm</i>							
		Cell phone # <b>(b) (6)</b>	State								
Rider #2			Last 4 digits SSN#	Make	Make						
	I certify that I do not participate in the transit subsidy program* Signature:		Work Telephone No.	Model	Model						
			Cell phone #	State	Tag No.	State	Tag No.				
Rider #3			Last 4 digits SSN#	Make	Make						
	I certify that I do not participate in the transit subsidy program* Signature:		Work Telephone No.	Model	Model						
			Cell phone #	State	Tag No.	State	Tag No.				
Rider #4			Last 4 digits SSN#	Make	Make						
	I certify that I do not participate in the transit subsidy program* Signature:		Work Telephone No.	Model	Model						
			Cell phone #	State	Tag No.	State	Tag No.				
11. Bureau/Office Parking Coordinator Signature: <i>[Signature]</i>			12. Applicant: I certify that I understand my obligation as outlined in 310 DM 12, and the Office of Facilities and Administrative Services Parking and Transportation Benefit Program Policies. Signature: <i>[Signature]</i> Date: <u>4/7/2017</u>								

\* Vanpool Exception IRS Registered

(See instructions and definitions on reverse)



**From:** Goklany, Indur  
**To:** [Domenech, Douglas](#)  
**Subject:** Re: What do you think of this?  
**Date:** Tuesday, April 11, 2017 12:03:47 PM  
**Attachments:** [NPS climate-change-unigrid-for-web-feb2017.ig.pdf](#)

---

I should have included my quick mark-up of the brochure (or whatever). Here it is. I did not bother to mark up page 2.

On Tue, Apr 11, 2017 at 11:55 AM, Goklany, Indur <[indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)> wrote:  
I've looked at it and see several omissions and other shortcomings. IMO, pg. 2 is propaganda for a favored option. I can talk to you about it any time you want

On Tue, Apr 11, 2017 at 10:39 AM, Domenech, Douglas  
<[douglas\\_domenech@ios.doi.gov](mailto:douglas_domenech@ios.doi.gov)> wrote:  
<https://www.nps.gov/subjects/climatechange/upload/climate-change-unigrid-for-web-feb2017.pdf>

Doug Domenech  
Senior Advisor  
US Department of the Interior



# Climate Change in National Parks

Climate Change Response Program  
Natural Resource Stewardship and Science

National Park Service  
U.S. Department of the Interior

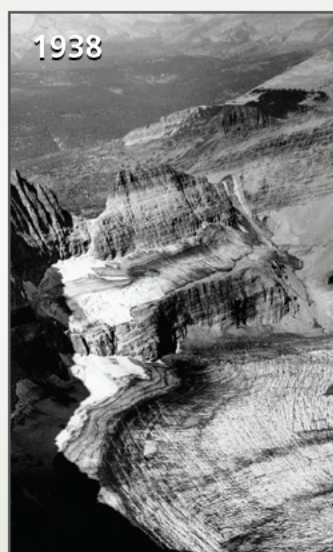


## Disappearing Ice

Temperatures are rising at national parks across the country. As a consequence, many areas have seen the disappearance of glaciers and ice sheets. And of those that remain, most are shrinking at an accelerated rate.

These changes not only affect what we see on the landscape—they also alter part of Earth's natural water storage system, affecting everything from wildlife to agriculture to human health.

Scientists from the United States Geological Survey (USGS) and National Park Service (NPS) work together to monitor and measure glacier loss. If these changes continue, we will face a future much different than the present, including a Glacier National Park without glaciers.



The dramatic retreat of Grinnell Glacier in Glacier National Park illustrates the sensitivity of glaciers to climate change. The largest glaciers in the park lost roughly 75% of their size since 1850. Top and above Images courtesy USGS.



## Rising Seas



In response to accelerated shoreline erosion and greater storm impacts, Assateague Island National Seashore adopted climate-conscious solutions for beach facilities, including parking areas constructed from native clay and clamshell that can be reused in post-storm repairs.

Both the melting of land-based ice and the expansion of warming ocean waters contribute to rising sea levels in most areas. Over the past century, all marine and coastal national parks experienced changes in sea level.

In 2012, Hurricane Sandy impacted a massive swath of the United States along the Atlantic coast, bringing record storm surge and flooding to areas of New York and New Jersey. Storm events like Sandy remind us how rising sea levels can exacerbate damage from storm surge in both coastal parks and nearby communities.

The NPS is working to anticipate and adapt to coastal climate change impacts, using sea level rise and storm surge projections to identify vulnerable facilities and resources. Park units incorporate this information and apply principles of sustainable design in new and historic structures.



## Altered Ecosystems

Climate change presents many challenges to managing Earth's forests and other ecosystems. Rain may occur in different amounts and at different times of the year, and warming temperatures can exacerbate instances of drought, invasive species, and disease.

In many national parks, climate change has already shifted vegetation upslope and northward, altered wildfire, increased tree mortality, and inundated some coastal areas. These changes can affect the composition, structure, and function of entire ecosystems, and alter habitats for plants and wildlife.

National park areas provide valuable opportunities to study the nature of ongoing change in Earth's ecosystems. Parks serve as living laboratories in which to evaluate our management options in light of climate change and monitor results over time.



Drought conditions in the American Southwest are expected to worsen as climate change renders the region hotter and drier. Piñon pine woodlands in the area of Bandelier National Monument have already experienced episodic extreme drought stress, driving broad-scale die-off of piñon pines (top, 2002) and resultant conversion to juniper-dominated communities (bottom, 2004). Top and above Image courtesy USGS.



## Imperiled Species



Student volunteers assist park scientists during ongoing annual surveys at Saguaro National Park, through which they collect valuable data on both the occurrence and condition of saguaro cacti in the park.

Changes in Earth's climate can affect many species of plants and animals. In mountain ecosystems, warming temperatures can push heat-sensitive species toward higher elevations. In oceans, warmer water can alter the distribution of marine life, and greater acidity can severely weaken the health of coral reefs and other organisms. Changes in seasonal timing and altered patterns of precipitation can also threaten the survival of certain species.

Climate models project warmer winters in the American southwest and a decrease in winter rainfall. A resulting increase in drought and wildfires could threaten the survival of the saguaro cacti of Saguaro National Park. Citizen scientists help park staff monitor the growth and occurrence of saguaros over time. This information helps guide management decisions that may help their survival.

## Losing History & Traditions

National parks are repositories of human experience that chronicle the stories of our collective past. From the cliff dwellings of Mesa Verde to the steps of Ellis Island, each park reveals important chapters of our history. National parks support the lives of contemporary and indigenous people, and preserve valuable evidence about how earlier cultures responded to environmental change. These places provide important lessons for dealing with a warming world.

Along the coast and in the interior, climate change threatens our cultural landscapes, historic structures, archaeological sites, and traditional ecological knowledge. Rising sea levels inundate prehistoric shell mounds, coastal fortifications, and historic cemeteries. Persistent drought leads to falling lake levels, exposing archaeological sites to erosion from wave

action and higher risks of looting and other disturbances. Increased flooding scours important landscapes and damages historic structures and museum collections. And delicate organic artifacts—tools of wood and bone, for example—are exposed to air as snow and ice fields melt, inducing rapid decay.

The NPS actively works to inventory and monitor cultural resources, and uses modeling to help locate previously unknown archaeological sites. Vulnerability assessments are a valuable tool used to determine the relative risk climate change poses to cultural resources and prioritize management efforts. The NPS is working with local communities, traditional cultures, and historic preservation partners to identify appropriate actions and strategies to adapt cultural resources to a changing climate.



Fort Jefferson sits at the water's edge at Dry Tortugas National Park. Sea level has risen steadily since completion of the fort in 1875, threatening several islands of the Dry Tortugas.



# Responding to Climate Change

## Our Past Brings Hope

In 1916 our nation established the National Park Service (NPS) to protect our natural and cultural heritage for the enjoyment of all generations.

Throughout history, the American people have defended their National Park System against all manner of threats. Together we brought species back from the brink of extinction, returned wildfire to its rightful place on the landscape, protected cherished artifacts from the ravages of time, and freed rivers to run wild once more.

As the National Park System enters its second century, climate change will challenge these special places in unprecedented ways. The changing climate will have consequences for many of the species, ecosystems, forces, and structures that have long defined our treasured places.

But if history is our guide, we can expect the American people to once again act with resolve and resourcefulness to ensure that "America's Best Idea" endures. There is much we can do to address climate change *right now*.

## Humans: Cause and Solution

Scientists agree that the current rate of climate change is a result of human activity. Our use of fossil fuels increases the level of greenhouse gases (GHG) in our atmosphere, which traps heat and contributes to Earth's warming temperatures.

Using historical climate data, scientists create climate models to project potential future climate changes. Continued GHG emissions will cause further warming and long-lasting changes, increasing the likelihood of irreversible impacts.

However, limiting climate change is not beyond our control. Substantial and sustained reductions in GHG emissions now, along with efforts to adapt to change that is inevitable or already happening, can limit climate change impacts.

The NPS recognizes that human activities—especially fossil fuel use and transportation—are changing the Earth's climate. Together with our communities, we are taking action to reduce our own GHG emissions and model climate-friendly behaviors through sustainable operations and adaptation efforts.

Both during your visit and at home, you can help limit contributions to climate change. Consider walking or riding a bike to nearby areas. Take advantage of mass transit options, when available, or share a ride with a friend. And if you do have to drive, follow the speed limit and avoid idling your vehicle whenever possible.

Below: Visitor shuttles at Zion National Park and other NPS sites provide convenient visitor access to popular destinations while reducing GHG emissions.

## Inspiration through Innovation

From learning and teaching about climate change to contributing to an ever-growing body of science, the NPS and its partners are committed to inspiring a global solution to climate change.

National parks and their surrounding communities are working to slow the rate of warming. Sustainable practices, such as reducing water use and switching to renewable energy

sources, are local actions that limit future climate change risks.

Recognizing that some change is already underway, the NPS uses flexible planning approaches and facility designs intended to address potential risks. These adaptation techniques can help protect park resources against climate change threats that are beyond our control.



To reduce energy use associated with water treatment, the NPS recently renovated the largest reflection pool at the National Mall and Memorial Parks in Washington D.C. The pool now recirculates water from the nearby Tidal Basin.



Communities neighboring Pictured Rocks National Lakeshore are improving their home energy efficiency through the county-led Alger Energy Savers program. Reductions in energy use saves money and reduces greenhouse gas emissions.



The University of Miami School of Architecture partnered with the NPS to create portable canvas and mesh eco-tents that can be stored during extreme weather events and relocated inland as sea level rises along the coast at Everglades National Park.



Staff at Wind Cave National Park use scenario planning to consider how changes in precipitation will affect the availability of water and grass for free-roaming bison, helping the park prepare for the impacts of climate change on its genetically important bison herd.

## Share Your Story

Today, climate change is as much a part of the national park story as grasslands, glaciers, and grizzly bears. And it is a story we increasingly share in common with all our visitors.

Climate change affects every person in some way. While some along the coast may see greater tidal flooding, others may experience stronger heat waves, persistent droughts, or an increased frequency in wildfires.

Sharing your story is an important first step in bringing about the changes necessary to address climate change.

Start a conversation in your community about how you are affected by a warming world, what you are doing about it personally, and what we can all do to respond.

Below: Students from Chesterland, Ohio investigated climate change at Kenai Fjords and Denali National Parks through the Alaska Climate Change Academy, a partnership between NPS and nonprofit No Barriers.

*"I'm living on the hope of change, but someone has to get the ball rolling and it might as well be me."*

Katherine Kulp, Alaska Climate Change Academy participant





**From:** mark.zedella@bsee.gov  
**Subject:** EAP Frontline Supervisor - April 2017  
**Date:** Tuesday, April 11, 2017 5:19:31 PM  
**Attachments:** [Frontline Supervisor - April 2017.pdf](#)

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Attached is the April 2017 EAP Newsletter for Supervisors and Managers from Espyr (formerly EAP Consultants).

Please visit <http://www.espyr.com/> (using the password interioreap to access the Employee Portal section) or call 1-800-869-0276 to utilize the DOI Employee Assistance Program. The DOI EAP website is also available for guidance at <http://www.doi.gov/pmb/hr/eap.cfm>.

**Please do not respond directly to this message as the mailbox is not monitored. Direct any inquiries to your servicing Human Resources Specialist or the point of contact identified in this message.**

# Frontline Supervisor



Espyr formerly EAP Consultants, LLC

800-869-0276

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■ **All employees trust our EAP, so if we have an incident at work, such as a sexual harassment complaint, isn't the EAP the best choice for doing the investigation so everyone knows it is fair?**

An employee assistance program would not be assigned responsibility for conducting an investigation of a sexual harassment complaint because this is a formal function and the legal obligation of management. The process itself is what defines its integrity, not the personality attributes of the investigator. Many steps and communication points are involved in such an investigation, and documentation is relied upon later to make administrative, legal, and disciplinary decisions. The perception of the EAP as a source of confidential, reliable, and safe help would be damaged if it were to play this role, and such activity would confuse employees, thereby reducing program utilization. An EAP has a specific purpose within an organization and a defined mission. Playing an investigatory role is not compatible with this purpose, and loss of the EAP's perception as a safe and confidential resource would result.

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■ **My employee's four-year-old child is coming to work with her this week because of "some logistical problems" at home. I was permitted to make this concession. Her brother was released from prison recently and moved in with her. I am worried that a safety issue exists. What should I do?**

It is prudent and appropriate to understand what might be going on here. Ask your employee if she is concerned about the safety of her child at home. This may alleviate your concern or suggest further steps. This is not probing or being intrusive or "getting involved." It is a different situation because you have concern about a child's welfare. Also, talk with the EAP so you are on record as having sought consultative help regarding this matter. Consult with your boss as well so you cover the bases. There may be no serious issues at home, but something is clearly out of the ordinary, so recommend a self-referral to the EAP. EAPs are expert motivational interviewers and have the skills and the assurances of confidentiality needed to learn more about her situation than she may be willing to tell you.

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■ **I am a long-time friend with my employee who is a participant in the employee assistance program. Can I ask her to sign a release so the EAP**

You can ask, but the EAP will recommend against it. Establishing a separate information flow to you creates a relationship that is fraught with risk and assorted problems. The EA professional will offer quality guidance on your role in managing performance so your employee has the best chance of returning to the level of performance you require. Your employee is free to share information, of course, but when

**can give me more information about the nature of her problems and how they are being treated?**

supervisors try to manage performance and also process personal problems, employees typically diminish their involvement in treatment recommendations due to role conflict. Why? The employee perceives you as a trusted, safe, and understanding friend, and will relate to you on this basis rather than as the employer's representative, which is your job. Undermining this employer-employee dynamic removes a constructive force and sense of urgency that troubled employees rely upon to become motivated and stay focused on treatment.

**Should supervisors participate in conflict resolution sessions with employees, or refer these issues to the EAP? It all seems a bit intimidating.**

**Helping employees resolve** differences is an important supervisory skill.

Many resources for doing it exist. It is a myth that you must be formally trained to sit down with two warring workers and help them resolve differences. Find an approach that matches your work style and job setting. One effective model entails meeting with both employees together and having each explain their side of the conflict. Don't make judgments, just listen. Next, meet each employee separately and encourage a full venting. Listen empathically. Ask for ideas about resolution. After these three meetings, you will witness a dramatic temporary diminishment of tension. This comes from venting and anticipation of change that each employee experiences. Meet together, discuss ideas—theirs and yours—and write an agreement. Follow up in a week and again in four weeks. Reinforce positive change. Consult with the EAP if needed along the way, but refer your employees to the EAP upon any reemergence of the conflict, and give a strong message of accountability and expectations for the conflict's resolution.

**Do some employees with depression still function satisfactorily at work, but if treated, could perform even better and more happily? I have employees who appear depressed, but I can't refer them to the EAP. Still, I bet they would benefit if they went.**

**Many depressed employees** can function at work adequately, but if treated would likely experience an uptick in their social and occupational functioning. Some employees may suspect they have untreated depression, and some may not identify it at all because they have slowly adapted to its symptoms over an extended period. A crisis may bring these individuals into contact with outpatient mental health services, where the diagnosis is first identified. Depressed employees may appear slow to respond, lacking in energy, or resist engaging with others. Suggest self-referral to the EAP for obvious symptoms only (e.g., "you look really tired"). Or if work tasks cannot be accomplished satisfactorily, consider a formal EAP referral. Be careful not to adapt to the personality of a depressed worker by labeling them as lazy, quiet, unassuming, or "eccentric." When this happens, others adapt, reduce confrontation, work around the employee, and allow the condition to linger, with unforeseeable consequences.

To refer an employee to the EAP, or to consult about a supervisory or organizational issue, please call 800-869-0276. To view an on-line supervisory training about the EAP, please visit the User Portal of the EAP's web site at [www.espyr.com](http://www.espyr.com). If you don't know your password, please email us at [password@espyr.com](mailto:password@espyr.com).

**From:** Goklany, Indur  
**To:** [Douglas Domenech](#); [James Cason](#)  
**Subject:** Energy and Climate Change Task Force and Council  
**Date:** Friday, April 14, 2017 9:10:32 AM  
**Attachments:** [523 DM 1- Climate Change Policy.doc](#)  
[3285A1-Renewable Energy Development by the Department of the Interior.docx](#)

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Attached are

- Secretarial Order No. 3285, Amendment 1, on Renewable Energy Development, effective 2/22/10 -- see bottom of page 1
- Departmental Manual chapter 1, Climate Change Policy, within Part 523, Climate Change Adaptation, effective 12/20/12 -- see page 4

## Department of the Interior Departmental Manual

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**Effective Date:** 12/20/12  
**Series:** Environmental Quality Programs  
**Part 523:** Climate Change Adaptation  
**Chapter 1:** Climate Change Policy

**Originating Office:** Office of Policy Analysis

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523 DM 1

1.1 **Purpose.** This chapter establishes Departmental policy and provides guidance to bureaus and offices for addressing climate change impacts upon the Department's mission, programs, operations, and personnel.

1.2 **Scope.**

A. The policy in this chapter applies to all bureaus and offices responsible for the management of water, lands, natural and cultural resources, and infrastructure under the jurisdiction of the Department.

B. This chapter does not apply to the Office of the Inspector General.

1.3 **Authorities.** This chapter is consistent with the following:

A. Executive Order 13514, *Federal Leadership in Environmental, Energy, and Economic Performance*, issued October 5, 2009.

B. Council on Environmental Quality's *Federal Agency Climate Change Adaptation Planning: Implementing Instructions*, issued March 4, 2011.

1.4 **Policy.** It is the policy of the Department to effectively and efficiently adapt to the challenges posed by climate change to its mission, programs, operations, and personnel. The Department will use the best available science to increase understanding of climate change impacts, inform decisionmaking, and coordinate an appropriate response to impacts on land, water, wildlife, cultural and tribal resources, and other assets. The Department will integrate climate change adaptation strategies into its policies, planning, programs, and operations, including, but not limited to, park, refuge, and public land management; habitat restoration; conservation of species and ecosystems; services and support for tribes and Alaska Natives; protection and restoration of cultural, archeological and tribal resources; water management; scientific research and data collection; land acquisition; management of employees and volunteers; visitor services; construction; use authorizations; and facilities maintenance.

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A. Consistent with existing laws and regulations, it is the Department's policy to:

- (1) Ensure that climate adaptation plans are grounded in the best available science and understanding of climate change risks, impacts, and vulnerabilities, incorporating traditional knowledge where available.
- (2) Use the network of Landscape Conservation Cooperatives, Climate Science Centers, and other partnerships to increase understanding of climate change impacts; build upon and monitor existing response efforts; coordinate adaptation strategies across multiple sectors, geographical scales, and levels of government; and inform decision makers.
- (3) Ensure consistent and in-depth government-to-government engagement with tribes, Alaska Natives, and Native Hawaiians to address climate change impacts on health, infrastructure, livelihoods, traditional practices, natural and cultural resources, and to apply adaptation strategies.
- (4) Consider climate change when developing or revising management plans, setting priorities for scientific research and assessments, and making major investment decisions.
- (5) Identify and avoid investments that are likely to be undermined by climate impacts, such as investing in infrastructure likely to be adversely affected by repeated floods or inundation, or planting/introducing species vulnerable to changes in temperature or precipitation patterns.
- (6) Address the impacts of climate change on the U.S. territories and Freely Associated States.
- (7) Use well-defined and established approaches, as appropriate, for managing through uncertainty, including: (1) vulnerability assessments, (2) scenario planning, (3) adaptive management, and (4) other risk management or structured decision making approaches. The Department's Adaptive Management Implementation Policy is provided in 522 DM 1.
- (8) Avoid "maladaptive" actions, that is, actions intended to avoid or reduce vulnerability to climate change that negatively impact or increase the vulnerability of other systems, sectors, or social groups.
- (9) Promote landscape-scale, ecosystem-based management approaches to enhance the resilience and sustainability of linked human and natural systems.
- (10) Advance approaches to managing linked human and natural systems that help mitigate the impacts of climate change, including:
  - (a) Protect diversity of habitat, communities and species;

- (b) Protect and restore core, unfragmented habitat areas and the key habitat linkages among them;
- (c) Anticipate and prepare for shifting wildlife movement patterns;
- (d) Maintain key ecosystem services;
- (e) Monitor, prevent, and slow the spread of invasive species (defined in Executive Order 13112 as alien species whose introduction does or is likely to cause economic or environmental harm or harm to human health); and
- (f) Focus development activities in ecologically disturbed areas when possible, and avoid ecologically sensitive landscapes, culturally sensitive areas, and crucial wildlife corridors.

(11) Routinely track, record, and report on the progress and results of climate change adaptation activities to help further public understanding, encourage the engagement of partners, promote the conduct of similar activities, and better inform decision making on a broader scale.

B. The Department will promote existing processes and, when necessary, institute new processes to:

- (1) Conduct assessments of vulnerability to anticipated or current climate impacts;
- (2) Develop and implement comprehensive climate change adaptation strategies based on vulnerability assessments and other factors;
- (3) Include measurable goals and performance metrics in all management plans that address climate change adaptation, regularly assess and report on whether adaptive actions are achieving desired outcomes and, where appropriate, include measures in employee performance appraisal plans;
- (4) Facilitate and support data integration and dissemination to enable broad use of scientific information for management decisions; and
- (5) Coordinate with interagency teams such as the Interagency Climate Change Adaptation Task Force, the United States Global Change Research Program, the National Invasive Species Council, and the National Ocean Council; and undertake actions consistent with relevant national strategies and plans that address, for example, fish, wildlife, plants, marine resources, and/or freshwater resources.

## 1.5 Responsibilities.

A. Deputy Secretary. Serves as Co-Chair of the Energy and Climate Change Task Force and oversees the Department's compliance with this policy.

B. Assistant Secretaries. Ensure that their bureaus and offices comply with the policy in this chapter.

C. Heads of Bureaus and Offices.

(1) Ensure that their organizations comply with this policy.

(2) Develop and periodically update appropriate bureau or office policy and guidance to address climate change adaptation as it relates to bureau and office specific missions and authorities consistent with this policy.

(3) Incorporate climate change adaptation into existing planning processes and develop and implement climate change adaptation plans as appropriate; formally report on the progress made against those plans on a regular basis.

(4) Establish and support an internal climate adaptation network within the bureau and appoint employees with appropriate technical expertise to serve on work groups of the Departmental Energy and Climate Change Task Force or any successor Department-wide task force that addresses climate change impacts.

(a) Representatives to such work groups are required for the Bureau of Indian Affairs, Bureau of Land Management, Bureau of Ocean Energy Management, Bureau of Reclamation, Bureau of Safety and Environmental Enforcement, National Park Service, Office of Surface Mining Reclamation and Enforcement, U.S. Fish and Wildlife Service, U.S. Geological Survey, Office of Environmental Policy and Compliance, and Office of Policy Analysis.

(b) Bureaus and offices not identified in 4(a) above are encouraged, but not required, to appoint a representative to serve on such work groups.

(5) Provide support for Departmental reviews of climate change adaptation activities and associated policies when requested.

(6) Ensure that persons conducting climate change adaptation activities have the appropriate experience and training in climate change adaptation and planning processes, and where appropriate, include measures in employee performance appraisal plans.

(7) Review and update existing decision making processes and management plans to allow the integration of the principles and values identified in this policy.

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New

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(8) Ensure full engagement with Landscape Conservation Cooperatives and Climate Science Centers by providing executive-level representation on the Steering Committee for each Landscape Conservation Cooperative and the Stakeholder Advisory Committee for each Climate Science Center, as appropriate.

(9) Appoint employees with appropriate technical expertise to participate in climate change adaptation groups involving other Federal, state, and local agencies, tribes, and other entities, as appropriate.

(10) Address the vulnerability of mission critical and mission dependent infrastructure and facilities. This includes seeking expert assistance, as appropriate, and partnering with the General Services Administration (GSA) with respect to sites and facilities leased from or through GSA.

1.6 **Legal Effect.** This policy is intended to improve the internal management of the Department of the Interior. It does not create any right or benefit, substantive or procedural, enforceable at law or in equity by any person against the United States, its agencies, its officers or employees, or any other person. It does not alter or affect any existing duty or authority of individual bureaus.

THE SECRETARY OF THE INTERIOR

Washington

ORDER NO. 3285, Amendment No. 1 (*Amended material italicized*)

SIGNATURE DATE: February 22, 2010

Subject: Renewable Energy Development by the Department of the Interior

**Sec. 1 Purpose.** This Order establishes the development of renewable energy as a priority for the Department of the Interior and establishes a Departmental Task Force on Energy and Climate Change. This Order also amends and clarifies Departmental roles and responsibilities to accomplish this goal.

**Sec. 2 Background.** The Nation faces significant challenges to meeting its current and future energy needs. Meeting these challenges will require strategic planning and a thoughtful, balanced approach to domestic resource development that calls upon the coordinated development of renewable resources, as well as the development of traditional energy resources. Many of our public lands possess substantial renewable resources that will help meet our Nation's future energy needs while also providing significant benefits to our environment and the economy. Increased production of renewable energy will create jobs, provide cleaner, more sustainable alternatives to traditional energy resources, and enhance the energy security of the United States by adding to the domestic energy supply. As the steward of more than one-fifth of our Nation's lands, and neighbor to other land managers, the Department of the Interior has a significant role in coordinating and ensuring environmentally responsible renewable energy production and development of associated infrastructure needed to deliver renewable energy to the consumer.

**Sec. 3 Authority.** This Order is issued under the authority of Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended, and pursuant to the provisions of Section 211 of the Energy Policy Act of 2005 (P.L. 109-58).

**Sec. 4 Policy.** Encouraging the production, development, and delivery of renewable energy is one of the Department's highest priorities. Agencies and bureaus within the Department will work collaboratively with each other, and with other Federal agencies, departments, states, local communities, and private landowners to encourage the timely and responsible development of renewable energy and associated transmission while protecting and enhancing the Nation's water, wildlife, and other natural resources.

**Sec. 5 Energy and Climate Change Task Force.** A Task Force on Energy and Climate Change is hereby established in the Department. *The Task Force reports to the Energy and Climate Change Council.* The Deputy Secretary and the Counselor to the Secretary shall serve as Co-Chairs. *At the discretion of the Co-chairs, the Task Force may draw on separate bureau*

***and Assistant Secretary representation, as appropriate, to concentrate on the renewable energy agenda.*** The Task Force on Energy and Climate Change shall:

a. develop a strategy that is designed to increase the development and transmission of renewable energy from appropriate areas on public lands and the Outer Continental Shelf, including the following:

(1) quantifying potential contributions of solar, wind, geothermal, incremental or small hydroelectric power on existing structures, and biomass energy;

(2) identifying and prioritizing the specific locations in the United States best suited for large-scale production of solar, wind, geothermal, incremental or small hydroelectric power on existing structures, and biomass energy (e.g., renewable energy zones);

(3) identifying, in cooperation with other agencies of the United States and appropriate state agencies, the electric transmission infrastructure and transmission corridors needed to deliver these renewable resources to major population centers;

(4) prioritizing the permitting and appropriate environmental review of transmission rights-of-way applications that are necessary to deliver renewable energy generation to consumers;

(5) establishing clear roles and processes for each bureau/office;

(6) tracking bureau/office progress and working to identify and resolve obstacles to renewable energy permitting, siting, development, and production;

(7) identifying additional policies and/or revisions to existing policies or practices that are needed, including possible revisions to the Geothermal, Wind, and West-Wide Corridors Programmatic Environmental Impact Statements and their respective Records of Decisions; and

(8) working with individual states, tribes, local governments, and other interested stakeholders, including renewable generators and transmission and distribution utilities, to identify appropriate areas for generation and necessary transmission;

b. develop best management practices for renewable energy and transmission projects on the public lands to ensure the most environmentally responsible development and delivery of renewable energy;

c. establish clear policy direction for authorizing the development of solar energy on public lands; and

d. recommend such other actions as may be necessary to fulfill the goals of this Order.

**Sec. 6 Responsibilities.**

a. Program Assistant Secretaries. Program Assistant Secretaries overseeing bureaus responsible for, or that provide assistance with, the planning, siting, or permitting of renewable energy generation and transmission facilities on the public lands and on the Outer Continental Shelf, are responsible for:

(1) establishing and participating in management structures that facilitate cooperation, reporting, and accountability across agencies, including the Task Force on Energy and Climate Change;

(2) establishing joint, single-point-of contact offices that consolidate expertise to ensure a coordinated, efficient, and expeditious permitting process while ensuring appropriate siting and compliance with the National Environmental Policy Act, the Endangered Species Act, and all other applicable laws; and

(3) working collaboratively with other departments, state, and local authorities to coordinate and harmonize non-Federal permitting processes.

b. Assistant Secretary – Policy, Management and Budget. The Assistant Secretary – Policy, Management and Budget is a member of the Task Force and shall:

(1) ensure that investments associated with Interior managed facilities meet Federal standards for energy efficiency and greening applications; and

(2) coordinate with the Energy and Climate Change Task Force, as appropriate.

c. Bureau Heads. Each bureau head is responsible for designating a representative to the Task Force on Energy and Climate Change.

**Sec. 7 Implementation.** The Deputy Secretary is responsible for ensuring implementation of this Order. This responsibility may be delegated as appropriate.

**Sec. 8 Effective Date.** This Order is effective immediately and will remain in effect until its provisions are converted to the Departmental Manual or until it is amended, superseded, or revoked, whichever comes first.

/s/ Ken Salazar  
Secretary of the Interior

SO#3285A1 2/22/10

**From:** Steele, Jonathan  
**To:** [Benjamin Simon](#); [Chloe Mayne](#); [Hilary Smith](#); [Indur Goklany](#); [Joel Clement](#); [Liza Johnson](#); [Shawn Buckner](#)  
**Subject:** FY 2017 Omnibus  
**Date:** Monday, May 01, 2017 11:32:04 AM  
**Attachments:** [DIVISION G - INT SOM FY17 OCR.pdf](#)

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Interior budget attached.

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Jonathan Steele  
Office of Policy Analysis  
U.S. Department of the Interior  
202-208-4839  
[Jonathan\\_Steele@ios.doi.gov](mailto:Jonathan_Steele@ios.doi.gov)



DIVISION G – DEPARTMENT OF THE INTERIOR, ENVIRONMENT,  
AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

The following statement is an explanation of the effects of Division G, which makes appropriations for the Department of the Interior, the Environmental Protection Agency (EPA), the Forest Service, the Indian Health Service, and related agencies for fiscal year 2017. Report language contained in House Report 114-632 and Senate Report 114-281 providing specific guidance to agencies regarding the administration of appropriated funds and any corresponding reporting requirements carries the same emphasis as the language included in this explanatory statement and should be complied with unless specifically addressed to the contrary herein. This explanatory statement, while repeating some language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

In cases where the House report, Senate report, or this explanatory statement directs the submission of a report, such report is to be submitted to both the House and Senate Committees on Appropriations. Where this explanatory statement refers to the Committees or the Committees on Appropriations, unless otherwise noted, this reference is to the House Subcommittee on Interior, Environment, and Related Agencies and the Senate Subcommittee on Interior, Environment, and Related Agencies.

The Committees direct each department and agency funded in this Act to follow the directions set forth in this Act and the accompanying statement, and not reallocate resources or reorganize activities except as provided herein or otherwise approved by the Committees through the reprogramming process as described in this explanatory statement. This explanatory statement addresses only those agencies and accounts for which there is a need for greater explanation than provided in the Act itself. Funding levels for appropriations by account, program, and activity, with comparisons to the fiscal year 2016 enacted level and the fiscal year 2017 budget request, can be found in the table at the end of this division.

Unless expressly stated otherwise, any reference to “this Act” or “at the end of this statement” shall be treated as referring only to the provisions of this division.

*Recreation Fee Authority.*—The one-year extension of recreation fee authority for the Department of the Interior and U.S. Forest Service contained in the budget request and included in both fiscal year 2017 House and Senate Interior, Environment, and Related Agencies Appropriations bills was included in the Continuing Appropriations and Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017 and Zika Response and Preparedness Act (Public Law 114-223).

*Making Litigation Costs Transparent.*—The Department of the Interior, EPA, and the Forest Service are directed to provide to the House and Senate Committees on Appropriations, and to make publicly available no later than 60 days after enactment of this Act, detailed Equal Access to Justice Act

(EAJA) fee information as specified in the explanatory statement accompanying Division G of the Consolidated Appropriations Act, 2016 (Public Law 114-113).

*State Wildlife Data.*—The Department of the Interior and U.S. Forest Service are expected to prioritize continued coordination with other Federal agencies and State fish and wildlife agencies to recognize and fully utilize State fish and wildlife data and analyses as a primary source to inform land use, planning, and related natural resource decisions. Federal agencies should not unnecessarily duplicate raw data, but when appropriate, evaluate existing analysis of data prepared by the States, and reciprocally share data with State wildlife managers, to ensure that the most complete data set is available for decision support systems.

*Paper Reduction Efforts.*—The Committees urge each agency funded by this Act to work with the Office of Management and Budget (OMB) to reduce printing and reproduction costs and direct each agency to report to the Committees as part of its fiscal year 2018 budget request on specific management actions taken to achieve this goal and estimated cost savings created by these actions.

*Land Grants, Acequias and Community Ditches.*—The Secretaries of the Interior and Agriculture are urged to recognize the traditional use of State-recognized community land grants, acequias, and community ditches in the American Southwest during the land use planning process.

*Executive Order #13783.*—On March 28, 2017, Executive Order #13783 established policies for domestic energy production. The Order directs executive branch departments and agencies to immediately review all actions with respect to domestic energy resources. The Committees note that several specific directives apply to entities under the jurisdiction of the Subcommittee on Interior, Environment, and Related Agencies, including a review of the Clean Power Plan and related rules, and a review of methane and other regulations related to oil and gas development. The Committees also note that the Secretary of the Interior signed two secretarial orders on March 29, 2017, to overturn the moratorium on all new coal leases on Federal land, and to take additional steps to immediately comply with the Executive Order. The Committees expect the Department of the Interior and the Environmental Protection Agency to keep the Committees fully apprised of any actions taken to comply with the directives specified in the Executive Order or related secretarial orders.

*Transparency of Information.*—The Committees expect that Federal agencies funded under this Act shall, to the extent practicable, clearly state within materials used for advertising or educational purposes that the communication is funded by taxpayer dollars.

*Fleet Management Practices.*—Agencies shall provide supporting documentation on their methods for determining their optimal fleet inventories and justification for any deviation from the General Services Administration's Federal Property Management Regulations upon request of the

Committees on Appropriation. Agency inspectors general shall provide results from audits of fleet management practices and make them publicly available.

*Land and Water Conservation Fund.*—The agreement includes \$400,000,000 derived from the Land and Water Conservation Fund (LWCF) for programs consistent with chapter 2003 of title 54 of the United States Code, as identified in the table below.

	FY 2016 Enacted	Budget Request (Discretionary)	This Bill
<b>Land and Water Conservation Fund</b>	<b>\$450,000,000</b>	<b>\$475,000,000</b>	<b>\$400,000,000</b>
<b>State and Local Programs</b>	<b>160,800,000</b>	<b>173,501,000</b>	<b>160,806,000</b>
National Park Service State Assistance	110,000,000	110,006,000	110,006,000
Coop. Endangered Species Conservation Fund	30,800,000	53,495,000	30,800,000
American Battlefield Protection Act	10,000,000	10,000,000	10,000,000
Highlands Conservation Act	10,000,000	0	10,000,000
<b>Forest Legacy Program</b>	<b>62,347,000</b>	<b>62,347,000</b>	<b>62,347,000</b>
Rescission			-12,002,000
<b>Federal Land Acquisition</b>	<b>226,853,000</b>	<b>239,152,000</b>	<b>188,849,000</b>
Forest Service	63,435,000	65,653,000	54,415,000
Fish and Wildlife Service	58,500,000	58,655,000	49,995,000
National Park Service	53,670,000	58,242,000	42,023,000
Bureau of Land Management	38,630,000	43,959,000	31,416,000
Department of the Interior Valuation Services	12,618,000	12,643,000	11,000,000

The Committees urge each of the agencies to comply with any Congressional requests for full and accurate accounting of cost, acreage, and location data of lands acquired with LWCF funds. In future budget justifications, the agencies are directed to include a detailed explanation on the use of prior year funds for recreational access projects and inholdings.

The Committees direct the agencies to continue to consider and rank Federal land acquisition projects consistent with the process used in prior years, and upon request, to provide a prioritized project list for any funding levels above the budget request being considered by the House or Senate Committees.

The Committees believe increasing access to our public lands for hunting, fishing, and other recreational activities is important and again include funding for these projects. The Committees expect the same factors used to determine suitability of listed projects will apply to recreational access projects and the agencies should work through their respective regions, State offices, and/or management units to consider projects that may not rise to the level of listed projects. The agencies are directed to include an explanation of the process and criteria used for allocating funds for recreational access in future budget

justifications. Further, the Committees are to be informed about the selection process and how the agencies are meeting the outlined objectives prior to proceeding with projects.

*Public Access.*—The Department of the Interior and the Forest Service are directed to notify the House and Senate Committees on Appropriations in advance of any proposed project specifically intending to close an area to recreational shooting, hunting, or fishing on a non-emergency basis of more than 30 days.

*National Ocean Policy.*—The President's budget submission for fiscal year 2018 shall identify by agency and account all funding and associated actions proposed for the implementation of the coastal and marine spatial planning and ecosystem-based management components of the National Ocean Policy developed under Executive Order 13547.

*Harassment-Free Workplace.*—The Committees believe all Federal employees have the right to a harassment-free workplace and continue to be deeply concerned about reports of harassment and hostile work environments at some of the agencies funded through this Act, especially the long-term pattern of unacceptable behavior at several national park system units. The Committees direct the Department of the Interior to report to the Committees regarding: 1) what specific corrective actions the National Park Service is taking to preclude additional incidents from occurring in the future, and 2) what steps the Department is taking to ensure that all of its bureaus and offices have strong and consistent anti-harassment policies in place. The Forest Service is also directed to provide a report that describes in detail the policy and process changes it has made to address past incidents. Finally, the EPA Office of Inspector General is directed to provide a report describing existing EPA policy, procedure and training regarding harassment at the Agency and any policy and process changes it has made. The reports shall be provided to the Committees within 120 days of enactment of this Act.

*Access for Inspectors General.*—Consistent with the Inspector General Act of 1978, the Committees expect departments and agencies funded by this Act to provide their respective Inspectors General access to all appropriate records, documents, and other materials in a timely manner. Accordingly, agencies and departments shall not prevent or impede access to records, documents or materials unless otherwise provided by law.

*Restrictions on lobbying with appropriated funds.*—The Committees remind the entities and employees funded under the jurisdiction of this bill that no part of the money appropriated by any enactment of Congress shall, in the absence of express authorization by Congress, be used in a manner inconsistent with 18 U.S.C 1913.

## REPROGRAMMING GUIDELINES

The agreement retains the reprogramming guidelines contained in the joint explanatory statement of Division G of the Consolidated Appropriations Act, 2016 (Public Law 114-113).

### TITLE I – DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT MANAGEMENT OF LANDS AND RESOURCES

*Bureau of Land Management Directives.*—The Bureau is reminded of the importance of the directives included in House Report 114-632 and Senate Report 114-281 not addressed herein, as well as the new directives in this statement, including the front matter.

The agreement provides \$1,095,375,000 for Management of Lands and Resources. In addition to the funding allocation table at the end of this explanatory statement, the agreement includes the following instructions:

*Rangeland Management.*—The Bureau is directed, to the greatest extent practicable, to make vacant grazing allotments available to a holder of a grazing permit or lease when lands covered by the holder of the permit or lease are unusable because of drought or wildfire.

*Wild Horses and Burros.*—The Committees are aware of proposals to overhaul the program to ensure the humane treatment of animals in holding and on the range, improve the use of annual appropriations, and continue implementing the reforms recommended by the 2013 National Academy of Sciences' report. The Bureau is expected to review all serious proposals from non-governmental organizations, to keep the Committees informed throughout its decision-making process, and to transmit to Congress within 180 days of enactment of this Act a plan to achieve long-term sustainable populations on the range in a humane manner.

*Greater Sage-grouse Conservation.*—The agreement provides a total of \$68,900,000 for greater sage-grouse conservation activities, including the implementation of the National Seed Strategy, which is an increase of \$8,900,000 above the fiscal year 2016 enacted level. The Committees direct that the funds provided for greater sage-grouse be used for on-the-ground conservation measures as indicated in the fiscal year 2017 budget justification and House and Senate reports.

The Committees believe conservation is most successful when all partners trust and work cooperatively together. The Committees expect the Secretary and the Bureau to work collaboratively with States, communities, industry, and partners to address concerns with the Resource Management Plans and related Land Use Planning Amendments. The Committees remind the Bureau of the concerns

noted in the House and Senate reports and direct the Bureau to report within 60 days of enactment of this Act how it has addressed each issue.

*Internet Oil and Gas Leasing.*—The Bureau is directed to provide the House and Senate Appropriations Committees with a plan to achieve cost-savings and efficiencies by transitioning to Internet-based oil and gas leasing within 180 days of enactment of this Act.

*BLM and ONRR Coordination.*—The Bureau and Office of Natural Resources Revenue are encouraged to better coordinate their respective leasing and revenue collection databases to increase efficiency and improve customer service.

*Abandoned Mine Lands.*—The agreement provides that funds may be used for projects included on the Bureau's high-priority mine reclamation list, such as the Red Devil Mine.

*Pipeline Safety.*—The Bureau is encouraged to continue to share standardized pipeline safety data, when appropriate, to enhance pipeline safety.

*Law Enforcement.*—The Bureau is encouraged to focus on visitor safety and archaeological resource protection, and work with the Department of Justice and the Department of Homeland Security on other matters of Federal law not unique to Bureau lands or property.

*Cooperative Efforts in Alaska.*—The Bureau, as the largest Federal landowner in the State of Alaska's Arctic region, is directed to work cooperatively with local stakeholders to enhance economic opportunities for the people who live and work in the region. The Bureau also is reminded of the directions contained in the Senate report regarding Legacy Wells, and Alaska Native lands in need of remediation. The Bureau is instructed to review recently executed land management plans to determine whether decisions to retain certain mineral closures are consistent with Federal law, including the Alaska National Interest Lands Conservation Act and the Federal Land Policy Management Act, including a determination whether sufficient notice was provided prior to the creation of Areas of Critical Environmental Concern. Further, the Bureau is encouraged to work cooperatively with the State of Alaska to lift Public Land Orders that no longer serve their original purpose.

*Bureau of Land Management Foundation.*—The agreement provides for the creation of a Bureau of Land Management Foundation, the purpose of which is to undertake, conduct, and encourage programs and activities that support the mission of the Bureau. This should include educational, technical, scientific, and other assistance or activities to assist the Bureau with wild free-roaming horses and burros; recreation, cultural, and historic resources; protection of Native American archaeological and cultural sites; and activities that support the reclamation and remediation of abandoned mine lands, contaminated Native lands, legacy and orphaned oil and gas well sites, and public lands affected by development connected to mineral exploration and development activities. Reclamation activities should include, but not be limited to, the remediation of soil and water contamination, the restoration of wildlife habitat in

order to restore the natural, scenic, historic, cultural, and ecological values of such areas, or the promotion of the economic potential of such areas.

#### LAND ACQUISITION

The bill provides \$31,416,000 for Land Acquisition. The amounts recommended by this bill compared with the budget estimates by activity and project are shown in the table below, listed in priority order pursuant to the budget request for fiscal year 2017. Further instructions are contained under the Land and Water Conservation Fund heading in the front of this explanatory statement.

State	Project – Unit	Budget Request	This Bill
MT	High Divide – Madison River SRMA	\$4,000,000	\$4,000,000
ID	High Divide – Henry's Lake ACEC	50,000	50,000
ID	High Divide – Salmon River SRMA	700,000	700,000
ID	High Divide – Thousand Springs ACEC	300,000	300,000
ID	High Divide – Craters of the Moon NM and Preserve / Oregon NHT	1,200,000	1,200,000
ID	High Divide – Sands Desert Habitat Mgmt Area / Teton River	2,750,000	2,750,000
NM	Rio Grande del Norte NM	1,250,000	1,250,000
CO	Dominguez-Escalante NCA	350,000	350,000
CO	Upper Colorado River SRMA	1,500,000	1,500,000
VA	Rivers of the Chesapeake – Meadowood SRMA	1,400,000	1,400,000
MD	Rivers of the Chesapeake – Nanjemoy NRMA	1,600,000	1,600,000
AZ	Agua Fria NM	3,300,000	3,300,000
CA	Dos Palmas ACEC	650,000	650,000
NM	Kasha-Katuwe Tent Rocks NM	750,000	750,000
	Additional Project Requests and Updated Appraisals	12,501,000	0
	Subtotal, Line Item Projects	32,301,000	19,800,000
	Recreational Access	8,000,000	8,000,000
	Emergencies, Hardships, and Inholdings	1,616,000	1,616,000
	Acquisition Management	2,042,000	2,000,000
	Total, BLM Land Acquisition	43,959,000	31,416,000

## OREGON AND CALIFORNIA GRANT LANDS

The agreement provides \$106,985,000 for Oregon and California Grant Lands, to be distributed as displayed in the funding allocation table at the end of this explanatory statement.

## RANGE IMPROVEMENTS

The agreement provides \$10,000,000 to be derived from public lands receipts and Bankhead-Jones Farm Tenant Act lands grazing receipts.

## SERVICE CHARGES, DEPOSITS, AND FORFEITURES

The agreement provides an indefinite appropriation estimated to be \$31,050,000 for Service Charges, Deposits, and Forfeitures.

## MISCELLANEOUS TRUST FUNDS

The agreement provides an indefinite appropriation estimated to be \$24,000,000 for Miscellaneous Trust Funds.

## UNITED STATES FISH AND WILDLIFE SERVICE RESOURCE MANAGEMENT

The bill provides \$1,258,761,000 for Resource Management. In addition to the funding allocation table at the end of this explanatory statement, the agreement includes the following details and instructions. The Service is also reminded of the guidance and reporting requirements contained in House Report 114-632 and Senate Report 114-281 that should be complied with unless specifically addressed to the contrary herein, as explained in the front matter of this explanatory statement.

*Listing.*—The agreement does not include the critical habitat directive contained in the House report. The Service is urged to follow the guidance contained in House Report 114-170 regarding the yellow-billed cuckoo.

*Planning and Consultation.*—The agreement includes: \$2,859,000 as requested for activities in the Bay Delta; \$4,000,000 as requested to handle the Service's increased permitting workload in the Gulf of Mexico as a result of the 2010 Deepwater Horizon oil spill; and a \$1,000,000 general program increase to be distributed in accordance with the backlog of requests from outside the Service for technical



assistance and consultations, including habitat conservation planning and hatchery genetic management planning. The House directive regarding the Gulf of Mexico is not included.

*Conservation and Restoration.*—The agreement includes: \$1,390,000 as requested to implement the Coastal Barrier Resources Act; \$3,471,000 for the national wetlands inventory; and \$3,250,000 as requested for the sagebrush steppe ecosystem.

*Recovery.*—The agreement includes: \$1,659,000 as requested for activities in the Bay Delta; \$2,500,000 for the annual State of the Birds assessment; \$3,000,000 to reduce the delisting and downlisting backlog, a \$1,016,000 general program increase; \$1,000,000 to implement the wolf-livestock demonstration program as authorized by Public Law 111-11; \$2,000,000 to recover native bat species exposed to white-nose syndrome; and \$500,000 for multi-partner recovery actions. The Service is directed to prioritize the recovery of the California condor and northern aplomado falcon and provide the necessary funding to enable the longstanding public-private partnerships to continue to support the wild populations through captive propagation, releases, and management, as the Service and the States work to address the continued environmental threats to these species.

The Committees urge the Service to focus on only those ESA mandates which are inherently Federal, and not to engage in other activities such as implementing recovery actions unless the costs are at least matched by partners outside the Service. The Service is urged to complete all status reviews within the five-year period required by law, and, for any determination on the basis of such review whether a species should be delisted, downlisted, or uplisted, promulgate an associated regulation prior to initiating the next status review for such species. So that trends in the endangered species recovery program may be observed, the Service is encouraged to include in its next such report to Congress “species status” and all categories from the report entitled, “Report to Congress on the Recovery of Threatened and Endangered Species, Fiscal Years 2009–2010”.

The agreement contains the directive in Senate Report 114-281 that, should a status review of the American Burying Beetle make a finding that delisting or downlisting is warranted, the Service is directed to prioritize this rulemaking and move forward with a delisting or downlisting proposal as soon as is practicable.

The Service is urged to address consultations and permitting of public and private projects related to the Preble’s meadow jumping mouse and the New Mexico meadow jumping mouse as one of the highest priorities.

Regarding exotic wildlife, the Committees acknowledge the important role private landowners play in conserving some exotic wildlife species. The Committees recognize current permitting practices by the Service regarding the following exotic U.S. bred wildlife: Red Lechwe, Barasingha, Arabian Oryx,

Eld's Deer. Prior to changing current permitting practices, the Committees encourage the Service to engage stakeholders and brief the Committees about the outcome of such engagement.

On April 26, 2017, the Service announced its intention to take the final administrative step necessary to delist recovered gray wolves in the State of Wyoming. This action occurred as the result of a unanimous ruling in the Court of Appeals upholding the Service's 2012 rule delisting wolves in Wyoming. The Committees note that the Service's 2012 final rule delisting gray wolves in the western Great Lakes region remains in litigation. The Service has determined that the wolf population in the western Great Lakes region exceeds recovery goals in that region, and the Committees remain supportive of science-based decisions. If the court upholds the Service's 2012 rule, the Service is urged to reissue the rule.

*Partners for Fish and Wildlife.*—The agreement includes \$1,285,000 as requested for regional fisheries enhancement.

*National Wildlife Refuge System.*—The agreement includes: \$2,835,000 as requested to manage subsistence fishing and hunting; \$9,726,000 as requested for invasive species; \$1,500,000 for the Pacific Remote Islands Marine National Monument; a \$500,000 increase for maintenance support; and a \$500,000 increase to reduce the maintenance backlog. The agreement also continues funding for volunteers and for urban wildlife refuge partnerships at not less than the fiscal year 2016 enacted levels. Budget justifications are the vehicles for the Administration to clearly explain how they propose to expend the funds they are requesting. This information should not be difficult to discern and future justifications should note base funding that will be used to enhance any program increases requested.

The Committees support the directive in the House report instituting signage on any individual refuge where trapping occurs and establishing guidance to be included in the refuge manual. The Committees understand that different authorities creating Waterfowl Production Areas, easements, and Coordination Areas will influence the signage at these locations.

The agreement includes the directive in Senate Report 114-281 for the Service to prepare a formal compatibility determination to determine whether nutrient enrichment in Karluk Lake for fish rehabilitation is compatible with the Kodiak National Wildlife Refuge's Comprehensive Conservation Plan. In addition, if the Service determines the enrichment is compatible with the refuge's Comprehensive Conservation Plan, the Service is directed to engage with interested stakeholders and publish a list of approved tools to accomplish such rehabilitation.

The Service is reminded that solutions to recreational-use conflicts in national wildlife refuges should begin with refuge managers engaging their local communities and collaborating with local officials and other representatives of recreational users to find mutually-agreeable solutions to conflicts.

Failure to do so can result in significant public backlash, as happened with boating restrictions at Havasu National Wildlife Refuge.

The Committees urge the U.S. Fish and Wildlife Service not to place stricter environmental or financial standards on oil and gas operators on national wildlife refuges than oil and gas operators on other Federal lands set aside for conservation purposes.

*Migratory Bird Management.*—The agreement includes: \$1,738,000 as requested for aviation management; \$350,000 to minimize predation on livestock; and \$3,371,000 to issue permits.

The Service is directed to expedite the review process to authorize take of double-crested cormorants, ensuring they have satisfied the NEPA requirements and addressed the court's concerns, and should include an analysis of the economic impacts of cormorant control activities on several stakeholder groups, including aquaculture producers. While advancing this review, the Service should explore any and all viable alternatives to assist impacted aquaculture producers, including through the issuance of individual predation permits.

*Law Enforcement.*—The agreement includes \$75,053,000 as requested for law enforcement, including \$7,500,000 to fight wildlife trafficking.

*International Affairs.*—The agreement includes \$15,816,000 as requested for international affairs, including \$550,000 to support the Arctic Council and \$1,920,000 to fight wildlife trafficking.

*Fish and Aquatic Conservation.*—Within National Fish Hatchery System Operations, the agreement includes: a \$2,000,000 general program increase; \$1,475,000 for the mass marking program; \$800,000 for the Aquatic Animal Drug Approval Partnership; and \$1,430,000 for the national wild fish health survey program. None of the funds may be used to terminate operations or to close any facility of the National Fish Hatchery System. None of the production programs listed in the March, 2013, National Fish Hatchery System Strategic Hatchery and Workforce Planning Report may be reduced or terminated without advance, informal consultation with affected States and Tribes. The Service is commended for recommitting to the National Fishery Artifacts and Records Center and the Collection Management Facility in South Dakota, and for sharing the costs nationwide.

The agreement includes the directive in the Senate report related to the continued operation of mitigation hatcheries. The agreement requires that future budget requests ensure Federal partners have committed to sufficiently reimbursing the Service for mitigation hatcheries before the Service proposes to eliminate funding for mitigation hatcheries.

Within Maintenance and Equipment, the agreement includes a \$3,000,000 increase as requested to reduce the maintenance backlog.

Within Aquatic Habitat and Species Conservation, the agreement includes: \$13,998,000 for the National Fish Passage Program; \$3,000,000 to continue implementing the Klamath Basin Restoration

Agreement; \$9,554,000 as requested to manage subsistence fishing; and \$16,660,000 to manage aquatic invasive species, of which \$8,400,000 is for Asian carp, \$2,000,000 is for quagga and zebra mussels, \$711,000 is for sea lamprey, \$2,038,000 is for other prevention efforts nationwide, and \$2,566,000 is for State plans, National Invasive Species Act implementation, and coordination.

*Cooperative Landscape Conservation.*—The agreement includes \$12,988,000, of which \$700,000 is for Gulf Coast ecosystem restoration as requested.

*Science Support.*—The agreement includes \$931,000 as requested to restore the Gulf Coast ecosystem and \$2,500,000 as requested to continue to search for a cure for white-nose syndrome in bats.

*General Operations.*—The agreement includes the requested \$153,000 transfer from External Affairs to Recovery and the requested \$2,600,000 increase for maintenance of the National Conservation Training Center.

### CONSTRUCTION

The bill provides \$18,615,000 for Construction. The detailed allocation of funding by activity is included in the table at the end of this explanatory statement. The Service is expected to follow the project priority list in the table below. When a construction project is completed or terminated and appropriated funds remain, the Service may use those balances to respond to unforeseen reconstruction, replacement, or repair of facilities or equipment damaged or destroyed by storms, floods, fires and similar unanticipated events.

State	Refuge, Hatchery, or Other Unit	Budget Request	This Bill
National Wildlife Refuge System			
IL	Crab Orchard NWR	\$400,000	\$400,000
NM	Valle de Oro NWR	3,063,000	3,063,000
National Fish Hatchery System			
VA	Harrison Lake NFH	1,839,000	1,839,000
CO	Hotchkiss NFH	500,000	500,000
Other			
OR	Clark R. Bavin National Fish and Wildlife Forensics Lab	2,500,000	2,500,000
N/A	Service Wide Seismic Safety	465,000	465,000
N/A	Unanticipated damages	0	715,000
N/A	Other projects	5,787,000	0
Total, Line Item Construction		14,554,000	9,482,000

## LAND ACQUISITION

The bill provides \$59,995,000 for Land Acquisition. The amounts recommended by this bill compared with the budget estimates by activity and project are shown in the table below, listed in priority order pursuant to the budget request for fiscal year 2017. Further instructions are contained under the Land and Water Conservation Fund heading in the front of this explanatory statement.

In a time when budgetary constraints allow for only a limited number of new land acquisition projects, the Committees are encouraged by programs that leverage public/private partnerships for land conservation like the Highlands Conservation Act, which has a record of more than a 2 to 1 ratio in non-Federal matching funds. Therefore, the Committees include \$10,000,000 for the Highlands Conservation Act Grants and direct the Fish and Wildlife Service to work with the Highlands States regarding priority projects for fiscal year 2017.

State	Project – Unit	Budget Request	This Bill
HI	Island Forests at Risk – Hakalau Forest NWR	\$6,200,000	\$6,200,000
ND/SD	Dakota Grassland Conservation Area	8,000,000	8,000,000
MT	High Divide – Red Rock Lakes NWR	2,000,000	2,000,000
ND/SD	Dakota Tallgrass Prairie WMA	3,000,000	3,000,000
MD	Rivers of the Chesapeake – Blackwater NWR	1,200,000	1,200,000
VA	Rivers of the Chesapeake – James River NWR	900,000	900,000
FL	Everglades Headwaters NWR and Conservation Area	2,500,000	2,500,000
PA	National Trails System – Cherry Valley NWR	2,200,000	2,200,000
AR	Cache River NWR	1,406,000	1,406,000
	Additional Project Requests	8,478,000	0
Subtotal, Line Item Projects		35,884,000	27,406,000
	Recreational Access	2,500,000	2,500,000
	Emergencies, Hardships, and Inholdings	5,351,000	5,351,000
	Exchanges	1,500,000	1,500,000
	Acquisition Management	12,955,000	12,773,000
	Land Protection Planning	465,000	465,000
	Highlands Conservation Act Grants	0	10,000,000
Total, FWS Land Acquisition		58,655,000	59,995,000

#### COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

The bill provides \$53,495,000 for the Cooperative Endangered Species Conservation Fund, of which \$22,695,000 is to be derived from the Cooperative Endangered Species Conservation Fund, and \$30,800,000 is to be derived from the Land and Water Conservation Fund. The detailed allocation of funding by activity is included in the table at the end of this explanatory statement.

#### NATIONAL WILDLIFE REFUGE FUND

The bill provides \$13,228,000 for payments to counties authorized by the National Wildlife Refuge Fund.

#### NORTH AMERICAN WETLANDS CONSERVATION FUND

The bill provides \$38,145,000 for the North American Wetlands Conservation Fund.

#### NEOTROPICAL MIGRATORY BIRD CONSERVATION FUND

The bill provides \$3,910,000 for the Neotropical Migratory Bird Conservation Fund.

#### MULTINATIONAL SPECIES CONSERVATION FUND

The bill provides \$11,061,000 for the Multinational Species Conservation Fund. The detailed allocation of funding by activity is included in the table at the end of this explanatory statement.

#### STATE AND TRIBAL WILDLIFE GRANTS

The bill provides \$62,571,000 for State and Tribal Wildlife Grants. The detailed allocation of funding by activity is included in the table at the end of this explanatory statement.

#### NATIONAL PARK SERVICE

#### OPERATION OF THE NATIONAL PARK SYSTEM

The agreement provides \$2,425,018,000 for the Operation of the National Park System. The detailed allocation of funding by program area and activity is included in the table at the end of this division.

*Operation of the National Park System.*—The agreement includes \$55,422,000 in new discretionary funding within the Operation of the National Park System (ONPS) account which support

the Centennial Initiative and related efforts including 50 percent of the fixed costs included in the budget request to cover the balance of the fiscal year remaining.

Specifically, the agreement includes \$11,000,000 in new funds within the Park Support line item to support the Centennial, which fully funds the budget request to support new areas and critical responsibilities across the System including, but not limited to, the 2017 Presidential inauguration; operations at sites associated with the Civil Rights Movement; and the Manhattan Project National Historical Park. Funds are also provided to support new park units including the Pullman and Honouliuli units as well as critical operating needs as described in further detail below. The recommendation also provides requested funding for the Valles Caldera National Preserve and the Belmont-Paul Women's Equality National Monument. The agreement provides discretionary funding to address deferred maintenance needs including a \$25,000,000 increase for repair and rehabilitation projects and a \$13,689,000 increase to address cyclic maintenance needs. These funds are supplemented by \$20,000,000 provided within the Centennial Challenge matching grant program account dedicated to funding joint public-private investments in parks. The agreement continues directives provided within the Visitor Services line item contained in House Report 114-632. The final allocation of funds supporting the Centennial Initiative, including the detailed allocation of new areas and critical responsibilities funding described above, shall be provided to the Committees as part of the Service's annual operating plan for the ONPS account no later than 60 days after enactment of this Act. Such plan shall be subject to the reprogramming guidelines contained in this explanatory statement.

*Quagga and Zebra Mussel Control.*—The Committees remain concerned about the spread of quagga and zebra mussels in the West and, consistent with fiscal year 2016, have provided \$2,000,000 for continued containment, prevention, and enforcement efforts.

*White-Nose Syndrome in Bats.*—The Committees provide funds as requested to support monitoring and surveillance activities associated with white-nose syndrome in bats.

*Eastern Legacy Study (Lewis and Clark Trail Study).*—The Eastern Legacy Study, authorized to determine the feasibility of extending the Lewis and Clark National Historic Trail, is now three years overdue. The Committees direct the Service to complete the study expeditiously.

*Big South Fork National River and Recreation Area.*—The Committees urge the Service to identify and assess the potential costs of visitor experience improvements including year-round restroom facilities and campsite enhancements at Big South Fork National River and Recreation Area.

*Death Valley National Park.*—The Committees urge the Service to provide in its fiscal year 2018 budget justification a detailed estimate of funds necessary to complete repairs to Scotty's Castle, a historic national landmark in Death Valley National Park, which has been closed to the public since flash floods damaged the visitor center, museum, and nearby roads in 2015. The Committees further direct the

Service to take steps to ensure the security and protection of Scotty's Castle, and the contents of the museum, from theft and trespassing.

*Mississippi National River and Recreation Area.*—The Committees direct the Service to report, within 180 days of enactment of this Act, on progress in identifying potential site options and associated costs for the development of a permanent headquarters and visitor use facility, in collaboration with suitable governmental and non-governmental partners, at the Mississippi National River and Recreation Area as described in the explanatory statement accompanying Public Law 114-113.

*James A. Garfield Memorial.*—The Committees direct the Service to expeditiously complete its ongoing reconnaissance study to assess the eligibility of the James A. Garfield Memorial at Lake View Cemetery for designation as an affiliated area of the national park system.

*Biscayne National Park.*—The Committees are aware of the considerable controversy relating to natural resource management actions at Biscayne National Park, including the decision to implement a new marine reserve zone as outlined by the park's new General Management Plan (GMP). These issues are articulated in House Report 114-632, including concerns raised by the Florida Fish and Wildlife Conservation Commission (FWC) and local anglers and recreational and boating-dependent businesses regarding limitations on fishing within the park. The Committees recognize that it was the intent of the Service to create the marine reserve zone to protect the park's natural coral reef ecosystem, as mandated by the legislation creating the park. Nonetheless, the Committees are concerned that adequate consideration was not given to the economic impact of this action nor to data provided by the FWC. However, the Committees are pleased with recent efforts by Biscayne National Park to re-establish open dialogue and productive coordination with Congress and the FWC regarding special rulemaking for the marine reserve zone. The Committees understand the importance of preparing an economic analysis and baseline scientific monitoring report for the proposed marine reserve zone as required by the record of decision on the park's GMP. The Service is directed to make these documents available to the House and Senate Committees on Appropriations and to the public no less than 90 days before proposing any special rule to designate the marine reserve zone. The Committees understand that the park is moving forward, in partnership with FWC, to implement some non-controversial, common sense elements of the plan without unnecessary delay, including the installation of mooring buoys to help protect coral reefs from anchors and markers to indicate shallow waters and manatee zones. The Committees recognize the State of Florida's openness toward partnering on these initiatives and believe a close working partnership between the Park and the FWC may serve as an important step toward future cooperation on other areas of the GMP. Consistent with the record of decision, the Service is also expected to defer enforcement actions related to the marine reserve zone until the agency has finalized this special rule.



*Arlington Memorial Bridge.*—The Memorial Bridge rehabilitation and reconstruction effort requires the active, bipartisan support of Federal, State, and local leaders. The Committees are aware of the recent approval of a \$90 million Department of Transportation grant for bridge repairs and urge the Service to work with Federal, State, and local entities to build coalitions and partnerships to leverage and secure additional necessary funding to complete this critical project in a timely manner. The Committees further direct the Service to provide a funding plan and construction schedule for completion of this work as part of the fiscal year 2018 budget request.

*Bottled Water.*—The Committees note continued expressions of concern relating to a bottled water ban implemented under Policy Memorandum 11-03. The report provided to the Committees in April 2016, in response to a directive in the explanatory statement accompanying Division G of the Consolidated Appropriations Act, 2016, did not provide sufficient data to justify the Service's actions. The Committees understand that the Service plans to reconsider this policy and therefore directs the incoming National Park Service Director to review Policy Memorandum 11-03 and to report to the Committees on the results of this evaluation. Accordingly, the Committees direct the Service to suspend further implementation of Policy Memorandum 11-03 and urge the Service to examine opportunities to partner with non-governmental entities in developing a comprehensive program that uniformly addresses plastic waste recycling system-wide.

*Ozark National Scenic Riverways.*—The Service is directed to work collaboratively with affected parties to ensure that implementation of the General Management Plan for the Ozark National Scenic Riverways addresses the concerns of affected stakeholders including, but not limited to, local communities and businesses.

*Point Reyes National Seashore.*—The Committees have noted the importance of historic dairying and ranching operations within the Point Reyes National Seashore and reiterate the directives contained in House Report 114-632 and Senate Report 114-281 regarding the completion of planning and use authorizations related to ranching operations.

*Leasing of Historic Buildings.*—The agreement maintains the directive related to Leasing of Historic Buildings contained in House Report 114-632.

*Ste. Genevieve Special Resource Study.*—With regard to the Ste. Genevieve Special Resource Study, the Service shall follow the guidance contained in Senate Report 114-281.

*Blackstone River Valley National Historical Park.*—The agreement includes requested funding for the Blackstone River Valley National Historical Park with the expectation that the Service will continue to make funds available to the local coordinating entity to maintain staffing and capacity to assist in management of the park as authorized in Public Law 113-291.

*Nicodemus, Kansas.*—The Committees are encouraged by discussions between the Service and the Nicodemus Historic Society regarding a new or enhanced cooperative agreement that will increase visitor interaction and transfer greater control of the on-site interpretive services of the Nicodemus National Historic Site to descendants of Nicodemus and local community members. The Committees urge the Service to work in an expedited manner with local community leaders to finalize such agreement.

*Golden Gate National Recreation Area.*—The Committees understand that the Service has placed a hold on the proposed rule for dog management at the Golden Gate National Recreation Area. The Service is directed to conduct an independent assessment of the planning process used to develop the proposed rule and report back to the Committees on its findings within 90 days of enactment of this Act.

## NATIONAL RECREATION AND PRESERVATION

The agreement provides \$62,638,000 for National Recreation and Preservation with the following specific directives:

*Chesapeake Gateways and Trails Program.*—As requested, the agreement includes \$2,020,000 for the Chesapeake Gateways and Trails Program.

*Heritage Partnership Program.*—The agreement provides \$19,821,000 for the Heritage Partnership Program. In order to provide stable funding for all national heritage areas, the agreement continues funding for longstanding areas at fiscal year 2016 levels; provides a total of \$300,000 to areas with recently approved management plans, known as tier 2 areas; and provides \$150,000 to each tier 1 area that has been authorized and is still in the process of having its management plan approved. The Committees believe that the current method used to allocate funding for individual heritage areas is likely to be unsustainable given the fiscal environment and the need for areas with more recent Congressional authorizations to build program capacity. The Committees expect participating heritage areas to reach agreement and propose a new funding allocation model to the Committees and the Service within 90 days of enactment of this Act that maintains the core services of the more established areas but allows for more resources to newer areas to expand and provide additional economic and cultural opportunities in the communities they serve.

*Mormon Pioneer National Heritage Area (MPNHA).*—The Service and the Mormon Pioneer National Heritage Area are encouraged to work cooperatively with Snow College's Mormon Pioneer Heritage Institute to ensure the long-term viability of the MPNHA.

*Feasibility Study.*—The Committees understand that the Service has no intent to initiate or conduct a feasibility study to establish a national heritage area in Baca, Bent, Crowley, Huerfano, Kiowa, Las Animas, Otero, Prowers, and Pueblo counties, Colorado. In the event the Service alters its intentions,

the Committees direct the Service to notify the Committees 120 days in advance of initiating such a study.

*American Battlefield Protection Program Assistance Grants.*—The Committees are aware of increased workload and associated delays in grant processing due to the program’s expansion of eligibility to sites associated with the Revolutionary War and the War of 1812, and have provided funds within the Land Acquisition and State Assistance account to allow for timely review and processing of grants.

#### HISTORIC PRESERVATION FUND

The agreement provides \$80,910,000 for the Historic Preservation Fund. Within this amount, \$47,925,000 is provided for grants to States and \$10,485,000 is provided for grants to Tribes. The recommendation also includes \$13,500,000 for competitive grants of which \$500,000 is for grants to underserved communities and \$13,000,000 is for competitive grants to document, interpret, and preserve historical sites associated with the Civil Rights Movement. The agreement also includes \$4,000,000 for competitive grants to Historically Black Colleges and Universities (HBCUs) and \$5,000,000 for the Save America’s Treasures competitive grant program for preservation of nationally significant sites, structures, and artifacts. Prior to execution of these funds, the Service shall submit a spend plan to the Committees on Appropriations of the House and Senate.

#### CONSTRUCTION

The agreement provides \$209,353,000 for Construction with the following specific directive:

*Line Item Construction.*—The agreement provides \$131,992,000 for line item construction projects in the fiscal year 2017 budget request as revised by the Service and provided to the House and Senate Committees on Appropriations on April 6, 2017, and shown in the table below. Increases above fiscal year 2016 base funds support the Centennial Initiative, particularly deferred maintenance needs nationwide, and construction projects as described in Senate Report 114-281. Requests for reprogramming will be considered pursuant to the guidelines in the front of this explanatory statement.

State	Park Unit	Budget Request	This Bill
DC	National Mall and Memorial Parks	\$2,210,000	\$2,210,000
NY	Gateway National Recreation Area	9,144,000	9,144,000

DC	White House	17,160,000	17,160,000
AK	Wrangell-St. Elias National Park & Preserve	5,758,000	5,758,000
GA	Ocmulgee National Monument	2,006,000	2,006,000
WA	Mount Rainier National Park	13,211,000	13,211,000
MA	Lowell National Historical Park	4,601,000	4,601,000
PR	San Juan National Historic Site	1,947,000	1,947,000
DC	National Mall and Memorial Parks	9,456,000	9,456,000
SD	Jewel Cave National Monument	6,797,000	6,797,000
CA	Yosemite National Park	13,929,000	13,929,000
NY	Gateway National Recreation Area	1,597,000	1,597,000
MD	Chesapeake and Ohio Canal National Historical Park	7,770,000	7,770,000
AL	Selma to Montgomery National Historic Trail	2,080,000	2,080,000
DC	National Mall and Memorial Parks	8,240,000	8,240,000
NE	Scotts Bluff National Monument	3,514,000	3,514,000
SD	Mount Rushmore National Memorial	2,465,000	2,465,000
MO	Ozark National Scenic Riverways	2,330,000	2,330,000
AZ	Grand Canyon National Park	10,966,000	10,966,000
WI	Apostle Islands National Lakeshore	2,041,000	2,041,000
NM	Old Santa Fe Trail Building	4,770,000	4,770,000
	Additional Project Requests	9,104,000	0
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	Total, Line Item Construction	141,096,000	131,992,000

LAND AND WATER CONSERVATION FUND  
(RESCISSION)

The agreement includes a rescission of \$28,000,000 in annual contract authority. This authority has not been used in recent years and there are no plans to use this authority in fiscal year 2017.

LAND ACQUISITION AND STATE ASSISTANCE

The bill provides \$162,029,000 for Land Acquisition and State Assistance. The amounts recommended by this bill compared with the budget estimates by activity and project are shown in the table below, listed in priority order pursuant to the budget request for fiscal year 2017. Funds provided for the "Grand Teton NP – State Land" shall be used to repay fiscal year 2016 land acquisition projects and other balances reprogrammed during the first quarter of fiscal year 2017 in order to complete this

project before December 31, 2016. From within funds for acquisition management, \$252,000 is provided to support the administration of the American Battlefield Protection Program and to ensure the timely awarding of grants. Further instructions are contained under the Land and Water Conservation Fund heading in the front of this explanatory statement.

State	Project – Unit	Budget Request	This Bill
WY	Grand Teton NP – State Land	\$22,500,000	\$14,572,000
HI	Island Forests at Risk – Hawaii Volcanoes NP	6,000,000	6,000,000
ID	High Divide – Nez Perce NHP	400,000	400,000
AL	Little River Canyon National Preserve	516,500	516,000
	Additional Project Requests	7,897,500	0
	Subtotal, Line Item Projects	37,314,000	21,488,000
	American Battlefield Protection Program	10,000,000	10,000,000
	Emergencies, Hardships, Relocations, and Deficiencies	3,928,000	3,928,000
	Acquisition Management	10,000,000	9,679,000
	Inholdings, Donations, and Exchanges	5,000,000	4,928,000
	Recreational Access	2,000,000	2,000,000
	Total, NPS Land Acquisition	68,242,000	52,023,000
Assistance to States:			
	State conservation grants (formula)	94,000,000	94,000,000
	State conservation grants (competitive)	12,000,000	12,000,000
	Administrative expenses	4,006,000	4,006,000
	Total, Assistance to States	110,006,000	110,006,000
	Total, NPS Land Acquisition and State Assistance	178,248,000	162,029,000

#### CENTENNIAL CHALLENGE

The agreement provides \$20,000,000 for the Centennial Challenge matching grant program, a key component of the Service's Centennial Initiative. The program provides dedicated Federal funding to leverage partnerships for signature projects and programs for the national park system. The Committees expect these funds to be used by the Service to address projects which have a deferred maintenance

component in order to alleviate the sizeable deferred maintenance backlog within the national park system. A one-to-one matching requirement is required for projects to qualify for these funds. The Service is urged to give preference to projects that demonstrate additional leveraging capacity from its partners.

#### UNITED STATES GEOLOGICAL SURVEY SURVEYS, INVESTIGATIONS, AND RESEARCH

The agreement provides \$1,085,167,000 for Surveys, Investigations, and Research of the U.S. Geological Survey (USGS). The detailed allocation of funding by program area and activity is included in the table at the end of this explanatory statement. The Survey is directed to report to the Committees within 180 days of enactment of this Act on what new studies and projects over \$1,000,000 have been initiated within the last three fiscal years.

*Ecosystems.*—The bill provides \$159,732,000, which includes an increase of \$250,000 to address white-nose syndrome in bats and \$250,000 as requested, for Great Lakes Fisheries Assessments. The Committees expect Great Lakes Restoration Initiative (GLRI) funds to be allocated in accordance with the funding allocation methodology used in fiscal year 2016, and provide \$5,620,000 for the Survey to address Asian Carp issues in the Great Lakes and Upper Mississippi River. The Committees remain concerned about new and emerging invasive species and expect the Survey to continue to focus on early detection and rapid response as a way to address the threats posed by invasive plants and animals.

*Climate and Land Use Change.*—The agreement provides \$149,275,000, which includes the Senate directive for Arctic research, and \$85,794,000 for the Land Remote Sensing program. The Survey is directed to apply carryover balances from the satellite operations account so that Landsat-9 is fully funded.

*Energy, Minerals, and Environmental Health.*—The bill provides \$94,311,000 for Energy, Minerals, and Environmental Health. The Committees do not accept the proposed decrease of \$1,500,000 for geophysical and remote sensing activities, and expect this work to continue in the Yukon-Tanana Upland. The Committees understand that the Survey is spending approximately \$3,000,000 on studies related to oil and gas resources in low-permeability reservoirs and expect this work to continue. Further, the Committees direct the Survey to consult with State geological surveys to conduct the initial research needed for new assessments in the Arctic petroleum province. The Committees support the Survey's comprehensive research on cyanobacterial harmful algal blooms within the Toxic Substances Hydrology program and expect this work to continue at the fiscal year 2016 enacted funding level.

*Natural Hazards.*—Funding for the Natural Hazards program includes \$64,303,000 for earthquake hazards, of which \$10,200,000 is provided for continued development of an earthquake early warning system. The bill also provides an additional \$800,000 as requested for the Central and Eastern U.S. Seismic Network (CEUSN) and an increase of \$1,000,000 for regional seismic networks to work with the Survey to meet ANSS standards by incorporating data from active Earthscope earthquake monitoring instruments. The Committees understand that the cost benefit analysis as required by P.L. 114-113 is complete; therefore, the Survey is directed to report back to the Committees within six months of enactment of this Act with an implementation plan, including cost estimates, for the adoption of future seismic stations.

The bill provides \$28,121,000 for volcano hazards. A \$1,000,000 increase over enacted is provided for the repair and upgrade of analog systems on high-threat volcanos, and an additional \$1,000,000 is provided for next-generation lahar detection systems.

*Water Resources.*—The bill provides \$214,754,000 for Water Resources, with \$59,927,000 directed to activities associated with the Cooperative Matching Funds for the highest priority work in WaterSMART: Water Use Research, Tribal cooperative funding, and critical Enhanced Cooperative Activities and Urban Waters work. Specifically, the bill provides \$45,052,000 for the Water Availability and Use Science program, including an additional \$1,000,000 for Water Use Research and \$2,000,000 for groundwater resource studies in the Mississippi River Alluvial Plain; \$72,673,000 for the Groundwater and Streamflow Information program, including increases of \$500,000 for the groundwater network, \$700,000 for streamgages, and \$160,000 to reestablish a transboundary river streamgage affected by discharges caused by mines across the Canadian border; \$90,529,000 for the National Water Quality program, including a \$717,000 increase for Enhanced Cooperative Activities and Urban Waters and \$63,000,000 for NAWQA Cycle 3; and \$6,500,000 for the Water Resources Research Act program.

*Core Science Systems.*—The bill provides \$116,050,000, including increases to the 3D Elevation Program (3DEP), of which: \$1,500,000 is for National Enhancement; \$2,500,000 is for Alaska Mapping and Map Modernization; and \$500,000 is for Landscape Level Assessments - Chesapeake Bay.

*Facilities.*—It has come to the Committees' attention that additional resources may be needed for facilities challenges in Menlo Park, California; Lakewood, Colorado; and Madison, Wisconsin. The Survey is expected to expeditiously move forward on innovative proposals for resolving these issues, to address funding needs in the fiscal year 2018 budget submission, and to keep the Committees informed of developments related to these facilities.

*Prohibition on Destruction of Records.*—The Office of Inspector General's report on Scientific Integrity at the USGS Energy Geochemistry Laboratory in Lakewood, Colorado, concluded the incident "has had numerous real and potential adverse impacts on customers, products, and the organizational

integrity of USGS.” While the Survey has taken action and closed the laboratory involved, it is critical the Survey adhere to Federal records management requirements and abide by the prohibitions against unlawful removal or destruction of Federal records, specifically those regarding, related to, or generated by the Inorganic Section of this laboratory while USGS and Congressional assessments of the incident are ongoing.

BUREAU OF OCEAN ENERGY MANAGEMENT  
OCEAN ENERGY MANAGEMENT

The bill provides \$169,560,000 for Ocean Energy Management to be partially offset with the collection of rental receipts and cost recovery fees totaling \$94,944,000, for a net discretionary appropriation of \$74,616,000. The request did not include any funds for coastal marine spatial planning and accordingly the bill provides no funds for such activities. The agreement includes the following additional guidance:

*Air Quality Studies.*—The Committees expect the Bureau to complete ongoing air quality modelling studies and consult with affected coastal States prior to finalizing any new requirements.

*Financial Assurance.*—The Committees understand that the Bureau has extended the implementation timeline for changes to its Risk Management and Financial Assurance Program to allow for continued stakeholder input.

*Five-year lease plan.*—The Committees are aware that the Department is reviewing the 2017-2022 offshore lease plan and expect the review to proceed expeditiously and to carefully consider updates for the plan consistent with stakeholder input.

*Offshore Revenues.*—The Committees expect the Department will distribute revenues from Gulf of Mexico operations in a manner consistent with the Gulf of Mexico Energy Security Act of 2006 (P.L. 109-432).

*Offshore Wind Energy Development.*—The Committees understand that the Bureau is continuing to work in North Carolina with local stakeholders, industry, and State task forces and that there will be no lease sales in the Wilmington Wind Energy Area during fiscal year 2017.

*Renewable Energy.*—The Bureau should follow the direction under this heading in Senate Report 114-281.



BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT  
OFFSHORE SAFETY AND ENVIRONMENTAL ENFORCEMENT  
(INCLUDING RESCISSION OF FUNDS)

The bill provides \$189,772,000 for Offshore Safety and Environmental Enforcement to be partially offset with the collection of rental receipts, cost recovery fees and inspection fees totaling \$96,530,000 for a net discretionary appropriation of \$93,242,000. The bill also includes a \$25,000,000 rescission of unobligated balances.

*Blowout Preventer Systems and Well Control Rule.*—The Committees encourage the Bureau to evaluate information learned from additional stakeholder input and ongoing technical conversations to inform implementation of this rule. To the extent additional information warrants revisions to the rule that require public notice and comment, the Bureau is encouraged to follow that process to ensure that offshore operations promote safety and protect the environment in a technically feasible manner.

*Other.*—The Committees direct the Bureau to review its current policy concerning the acquisition of helicopter fuel in the Gulf of Mexico from third parties and submit a report to the Committees within 90 days of enactment of this Act. The report should include an analysis of how frequently fuel is acquired by the agency and the criteria used to determine compensation for fuel owned by third parties.

OIL SPILL RESEARCH

The bill provides \$14,899,000 for Oil Spill Research.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT  
REGULATION AND TECHNOLOGY

The bill provides \$121,017,000 for Regulation and Technology. Within this amount, the bill funds regulatory grants at \$68,590,000, equal to the fiscal year 2016 enacted level.

ABANDONED MINE RECLAMATION FUND

The bill provides \$132,163,000 for the Abandoned Mine Reclamation Fund. Of the funds provided, \$27,163,000 shall be derived from the Abandoned Mine Reclamation Fund and \$105,000,000 shall be derived from the General Fund. The agreement provides \$105,000,000 for grants to States for the reclamation of abandoned mine lands in conjunction with economic and community development and

reuse goals. As provided in the bill, \$75,000,000 shall be distributed in equal amounts to the three Appalachian States with the greatest amount of unfunded needs and \$30,000,000 shall be distributed in equal amounts to the three Appalachian States with the subsequent greatest amount of unfunded needs. Such grants shall be distributed to States in accordance with the goals, intent and direction provided under this heading in House Report 114-632.

BUREAU OF INDIAN AFFAIRS AND BUREAU OF INDIAN EDUCATION  
OPERATION OF INDIAN PROGRAMS  
(INCLUDING TRANSFER OF FUNDS)

The bill provides \$2,339,346,000 for Operation of Indian Programs. In addition to the funding allocation table at the end of this explanatory statement, the agreement includes requested fixed costs and transfers, and the following details and instructions. The Bureaus are reminded of the guidance and reporting requirements contained in House Report 114-632 and Senate Report 114-281 that should be complied with unless specifically addressed to the contrary herein, as explained in the front matter of this explanatory statement.

*Tribal Government.*—The agreement includes \$308,185,000 for Tribal government programs, of which \$160,000 is for new Tribes. If additional Tribes are recognized during fiscal year 2017 beyond those contemplated in the budget request, the Bureau is urged to support their capacity building efforts to the extent feasible. The Small and Needy Tribes program is funded at \$4,448,000, ensuring that all Tribes receive the maximum base level provided by the Bureau to run Tribal governments.

Road maintenance is funded at \$30,307,000. The Bureau is urged to focus the program increase on roads and bridges in poor or failing condition, particularly along school bus routes. The Bureau is directed to consolidate the reporting requirements for road maintenance contained in the House and Senate reports and to report back to the Committees within 60 days of enactment of this Act.

*Human Services.*—The Bureau is directed to report back to the Committees within 90 days of enactment of this Act on the performance measures being used to monitor and track the Tiwahe initiative's effectiveness in Indian Country.

*Trust – Natural Resources Management.*—The agreement includes \$11,266,000 for the Tribal Management/Development Program and a \$2,000,000 program increase for Alaska subsistence programs as requested, including consideration of funding for the projects and pilot programs referenced in the budget submission including the Ahtna Subsistence Cooperative Management Project and the Kuskokwim River Inter-Tribal Fisheries Commission. Forestry is funded at \$54,155,000 and includes a \$2,000,000 program increase for forest thinning projects. The Fish, Wildlife, and Parks program is

funded at \$15,203,000 and includes program increases of \$545,000 for Tribal hatcheries currently not receiving BIA hatchery operations funding as outlined in the Senate report, and \$1,000,000 for fish hatchery operations. The ongoing Seminole and Miccosukee water study is funded at \$390,000 as requested.

The Bureau is directed to enter into a formal partnership with local Tribes and the United States Geological Survey to help develop a water quality strategy for transboundary rivers affected by discharges caused by mines across the Canadian border.

*Trust – Real Estate Services.*—The agreement includes \$123,092,000 for real estate services and includes the following program changes: a decrease of \$6,893,000 as requested from trust services; a \$400,000 increase for the historical places and cemetery sites program, including ANCSA sites; and a \$1,500,000 increase for settlement negotiations and implementation related to water rights and Tribal trust fishery resources in the Klamath Basin. The agreement does not include the directive contained in the House report regarding reservation boundary recognition.

The Committees are concerned that the Bureau does not adequately maintain rights-of-way records. The Bureau is encouraged to develop a plan to update and digitize its inventory of records and to make the records publicly available in a commonly used mapping format, consistent with the guidance provided in Senate Report 114-281.

*Bureau of Indian Education.*—The agreement includes \$891,513,000 for the Bureau of Indian Education, of which: \$400,223,000 is for ISEP formula funds; \$2,500,000 is for the development and operation of Tribal departments or divisions of education (TEDs) as authorized by 25 U.S.C. 2020; \$55,995,000 is for student transportation; \$18,659,000 is for early child and family development and should be used to expand the Family and Child Education (FACE) program; \$80,165,000 is to fully fund Tribal grant support costs, based upon updated information provided by the Bureau; \$66,219,000 is for facilities operations; \$59,043,000 is for facilities maintenance; \$7,414,000 is for Tribal technical colleges; \$22,117,000 is for the Bureau-owned and operated Haskell Indian University and Southwestern Indian Polytechnic Institute (SIPI), as requested; \$34,783,000 is for scholarships and adult education; \$2,992,000 is for special higher education scholarships; \$24,763,000 is for education program management; \$10,287,000 is for information technology; and \$12,201,000 is for education program enhancements, which shall be supplemented by the use of \$2,000,000 in prior year unobligated balances.

The Committees support efforts to revitalize and maintain Native languages and expand the use of language immersion programs and have provided \$2,000,000 within education program enhancements for capacity building grants for Bureau and tribally operated schools to expand existing language immersion programs or to create new programs. Prior to distributing these funds, the Bureau shall coordinate with the Department of Education and Department of Health and Human Services to ensure

that Bureau investments compliment, but do not duplicate, existing language immersion programs. The Committees also direct the Bureau to submit a report to the Committees within 180 days of enactment of this Act regarding the distribution of these funds and the status of Native language classes and immersion programs offered at Bureau-funded schools.

The Johnson O'Malley program is funded at the fiscal year 2016 enacted level. The Committees remain concerned that the distribution of funds is not an accurate reflection of the distribution of students. The Bureau is directed to consolidate the program reporting requirements contained in the House and Senate reports and to report back to the Committees within 60 days of enactment of this Act.

The one-time increase of \$5,100,000 provided in fiscal year 2016 to forward fund Tribal technical colleges has been transferred to forward fund the Institute of American Indian Arts in fiscal year 2017. The Bureau is encouraged to forward fund Haskell and SIPI in future budget requests so that all Tribal colleges are on the same funding schedule.

The Committees remain concerned about recent Government Accountability Office (GAO) reports detailing problems within the K-12 Indian education system at the Department of the Interior, in particular as they pertain to organizational structure, accountability, finance, health and safety, and ultimately student performance. As the Department takes steps to reform the system, the Secretary is reminded that future support from Congress will continue to be based in large part upon successful implementation of GAO report recommendations. In particular, consistent with GAO report 13-774, the Secretary is urged to reorganize Indian Affairs so that control and accountability of the BIE system is consolidated within the BIE, to present such reorganization proposal in the fiscal year 2018 budget request, and to submit to the Committees a corresponding updated workforce plan. Consistent with GAO testimonies 15-389T, 15-539T, 15-597T, and any subsequent reports, the Secretary is urged to personally oversee immediate actions necessary to ensure the continued health and safety of students and employees at BIE schools and facilities.

*Public Safety and Justice.*—The agreement includes \$385,735,000 for public safety and justice programs, of which: \$202,000,000 is for criminal investigations and police services and includes a \$1,000,000 program increase to implement the Native American Graves Protection and Repatriation Act; \$96,507,000 is for detention/corrections; \$10,319,000 is for law enforcement special initiatives; and \$30,753,000 is for Tribal courts.

Funding for Tribal justice support is restored to \$17,250,000, of which not less than \$10,000,000 is to address the needs of Tribes affected by Public Law 83-280. The Committees remain concerned about Tribal court needs as identified in the Indian Law and Order Commission's November 2013 report, which notes Federal investment in Tribal justice in "P.L. 280" States has been more limited than elsewhere in Indian Country. The Committees expect the Bureau to work with Tribes and Tribal

organizations in these States to fund plans that design, promote, sustain, or pilot courts systems subject to jurisdiction under Public Law 83-280. The Bureau is also directed to formally consult and maintain open communication throughout the process with Tribes and Tribal organizations on how this funding supports the technical infrastructure and future Tribal court needs for these jurisdictions.

*Community and Economic Development.*—The agreement includes \$41,844,000 for community and economic development, of which: \$12,504,000 is for job placement and training; \$25,304,000 is for minerals and mining; and \$2,235,000 is for community development central oversight.

*Executive Direction and Administrative Services.*—The agreement provides \$228,824,000 for executive direction and administrative services, of which: \$10,006,000 is for Assistant Secretary Support, \$2,970,000 is for safety and risk management; \$23,060,000 is for human capital management; \$23,552,000 is for intra-governmental payments. The reductions from Assistant Secretary Support and human capital management reflect a transfer of school-related responsibilities, personnel, and budget to the Bureau of Indian Education.

*Tribal Recognition.*—The Committees acknowledge concerns expressed by certain Tribes, States, and bipartisan members of Congress regarding effects of recent changes in Tribal recognition policy on standards that have been applied to new applicants since 1978. Federal acknowledgement of a Tribe impacts the Federal budget, other Tribes, State and local jurisdictions, and individual rights. The Committees expect the Administration to maintain rigorous recognition standards while implementing a more transparent, efficient, and workable process.

#### CONTRACT SUPPORT COSTS

The bill provides an indefinite appropriation for contract support costs, consistent with fiscal year 2016 and estimated to be \$278,000,000.

#### CONSTRUCTION (INCLUDING TRANSFER OF FUNDS)

The bill provides \$192,017,000 for Construction. In addition to the funding allocation table at the end of this explanatory statement, the agreement includes the following instructions:

*Education.*—The agreement includes \$133,257,000 for schools and related facilities within the Bureau of Indian Education system, equal to the fiscal year 2016 enacted level after accounting for a one-time funding surge in 2016 to reduce the backlog of critical deferred maintenance projects. The Bureau is directed to submit an allocation plan to the Committees for campus-wide replacement and facilities replacement within 30 days of enactment of this Act.

Indian Affairs is directed to reallocate \$2,000,000 from prior year unobligated balances in order to accelerate advance planning and design of replacement schools and school facilities as proposed. Of these unobligated balances, \$1,000,000 shall be from the Construction Management activity and \$1,000,000 shall be from the General Administration activity.

The agreement does not include an authorizing provision in the House bill to reconstitute the National Fund for Excellence in American Indian Education. The Committees continue to strongly support innovative financing options to supplement annual appropriations and accelerate repair and replacement of Bureau of Indian Education schools, including through the use of construction bonds, tax credits, and grant programs. The Department is urged to revise and resubmit its proposal to reconstitute the Fund and to include authority for the Fund to facilitate public-private partnership construction projects.

#### INDIAN LAND AND WATER CLAIMS SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

The bill provides \$45,045,000 for Indian Land and Water Claims Settlements and Miscellaneous Payments to Indians. In addition, the Bureau shall reallocate \$5,916,000 in prior-year unobligated funds that remain after completion of settlement requirements, for a total program level of \$50,961,000. The Department is directed to submit an allocation plan for these funds to the Committees within 90 days of enactment of this Act.

#### INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

The bill provides \$8,757,000 for the Indian Guaranteed Loan Program Account to facilitate business investments in Indian Country.

#### ADMINISTRATIVE PROVISIONS (INCLUDING RESCISSION OF FUNDS)

The bill includes a rescission of \$3,400,000 from prior year unobligated balances within the Operation of Indian Programs account. The Bureau is directed to take the rescission from no-year funds within the Executive Direction and Administrative Services activity.

DEPARTMENTAL OFFICES  
OFFICE OF THE SECRETARY  
DEPARTMENTAL OPERATIONS

The agreement provides \$271,074,000 for Departmental Offices, Office of the Secretary, Departmental Operations. The detailed allocation of funding by program area and activity is included in the table at the end of the statement.

Increases above the fiscal year 2016 enacted level within the Leadership and Administration activity are outlined within Senate Report 114-281 and include \$225,000 as requested for equipment associated with monitoring classified computers and communications devices supporting the Office of the Secretary and the intelligence community in light of ongoing terrorist threats to national icons. Within the Management Services activity, an additional \$110,000 is provided for law enforcement and investigative activities, including combatting counterfeit activities and enforcement functions related to Indian art and craftwork. The agreement provides \$11,000,000 for the Office of Valuation Services. The agreement also includes an additional \$968,000 as requested within the Office of Natural Resources Revenue (ONRR) to address certain Trust responsibilities for the Osage Nation consistent with the services ONRR already provides to every other Tribe. Full funding for the Payments in Lieu of Taxes (PILT) program for fiscal year 2017 is included in a separate account under Department-Wide Programs. The agreement includes language as requested establishing the Department of the Interior Experienced Services Program.

*National Monument Designations.*—The Department is directed to collaboratively work with interested parties, including Congress, States, local communities, Tribal governments, and others before making national monument designations.

*Arecibo Observatory.*—The Committees recognize the importance of world-class scientific research conducted at the Arecibo Observatory in Puerto Rico and direct the Department to notify the Committees prior to taking any actions that could affect the future operation of the facility.

*Energy and Minerals Programs and Management.*—The Committees are aware that the Department is administratively addressing many of the energy-related provisions and directives contained in the House and Senate bills and reports with the goal of increasing responsible and sustainable energy development on Federal lands, while providing economic benefits to States, Tribes, communities, and the economy.

*Office of Navajo and Hopi Indian Relocation.*—The Department is directed to work with the Office of Navajo and Hopi Indian Relocation (ONHIR) on a plan to close ONHIR and transfer any

remaining functions to another agency or organization, as described in further detail under the ONHIR heading within this explanatory statement.

INSULAR AFFAIRS  
ASSISTANCE TO TERRITORIES

The agreement provides \$91,925,000 for Assistance to Territories. The detailed allocation of funding is included in the table at the end of this explanatory statement.

COMPACT OF FREE ASSOCIATION

The agreement provides \$3,318,000 for Compact of Free Association. The detailed allocation of funding is included in the table at the end of this explanatory statement.

OFFICE OF THE SOLICITOR  
SALARIES AND EXPENSES

The agreement provides \$65,769,000 for the Office of the Solicitor. The detailed allocation of funding is included in the table at the end of this explanatory statement.

OFFICE OF INSPECTOR GENERAL  
SALARIES AND EXPENSES

The agreement provides \$50,047,000 for the Office of Inspector General. The detailed allocation of funding is included in the table at the end of this explanatory statement.

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS  
FEDERAL TRUST PROGRAMS  
(INCLUDING TRANSFER OF FUNDS)

The agreement provides \$139,029,000 for the Office of the Special Trustee for American Indians. The detailed allocation of funding by activity is included in the table at the end of this explanatory statement.



DEPARTMENT-WIDE PROGRAMS  
WILDLAND FIRE MANAGEMENT  
(INCLUDING TRANSFERS OF FUNDS)

The agreement provides a total of \$942,671,000 for Department of the Interior Wildland Fire Management. Of the funds provided, \$395,000,000 is for suppression operations. The bill fully funds wildland fire suppression at the 10-year average. The detailed allocation of funding for these accounts is included in the table at the end of this explanatory statement.

*Fuels Management.*—The agreement provides \$180,000,000 for hazardous fuels management activities, which is \$10,000,000 above the fiscal year 2016 enacted level.

FLAME WILDFIRE SUPPRESSION RESERVE FUND  
(INCLUDING TRANSFER OF FUNDS)

The agreement provides \$65,000,000 for the FLAME Wildfire Suppression Reserve Fund, which is designated as emergency spending.

CENTRAL HAZARDOUS MATERIALS FUND

The agreement provides \$10,010,000 for the Central Hazardous Materials Fund.

NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION  
NATURAL RESOURCE DAMAGE ASSESSMENT FUND

The agreement provides \$7,767,000 for the Natural Resource Damage Assessment Fund. The detailed allocation of funding by activity is included in the table at the end of this explanatory statement.

WORKING CAPITAL FUND

The agreement provides \$67,100,000 for the Department of the Interior, Working Capital Fund.

PAYMENTS IN LIEU OF TAXES

The agreement provides \$465,000,000 for the Payments in Lieu of Taxes (PILT) program, the fully authorized level of funding for fiscal year 2017 as determined by the most recent Department of the Interior calculation and provided to the Committees on April 20, 2017. The initial estimate was made during formulation of the fiscal year 2017 President's Budget, over 20 months before enactment of the

appropriation. This estimate was overstated because it was predicated on the relevant inflation rate at the time—nearly twice the current rate. Additionally, the initial estimate presumed average historical prior-year payment information, which has now been updated with current data from States and counties.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR  
(INCLUDING TRANSFERS OF FUNDS)

The agreement includes various legislative provisions affecting the Department in Title I of the bill, "General Provisions, Department of the Interior." The provisions are:

Section 101 provides Secretarial authority for the intra-bureau transfer of program funds for expenditures in cases of emergencies when all other emergency funds are exhausted.

Section 102 provides for the Department-wide expenditure or transfer of funds by the Secretary in the event of actual or potential emergencies including forest fires, range fires, earthquakes, floods, volcanic eruptions, storms, oil spills, grasshopper and Mormon cricket outbreaks, and surface mine reclamation emergencies.

Section 103 provides for the use of appropriated funds by the Secretary for contracts, rental cars and aircraft, telephone expenses, and other certain services.

Section 104 provides for the transfer of funds from the Bureau of Indian Affairs and Bureau of Indian Education, and Office of the Special Trustee for American Indians.

Section 105 permits the redistribution of Tribal priority allocation and Tribal base funds to alleviate funding inequities.

Section 106 authorizes the acquisition of lands for the purpose of operating and maintaining facilities that support visitors to Ellis, Governors, and Liberty Islands.

Section 107 continues Outer Continental Shelf inspection fees to be collected by the Secretary of the Interior.

Section 108 authorizes the Secretary of the Interior to continue the reorganization of the Bureau of Ocean Energy Management, Regulation, and Enforcement in conformance with Committee reprogramming guidelines.

Section 109 provides the Secretary of the Interior with authority to enter into multi-year cooperative agreements with non-profit organizations for long-term care of wild horses and burros.

Section 110 addresses the U.S. Fish and Wildlife Service's responsibilities for mass marking of salmonid stocks.

Section 111 modifies a provision addressing Bureau of Land Management actions regarding grazing on public lands.

Section 112 continues a provision prohibiting funds to implement, administer, or enforce Secretarial Order 3310 issued by the Secretary of the Interior on December 22, 2010.

Section 113 allows the Bureau of Indian Affairs and Bureau of Indian Education to more efficiently and effectively perform reimbursable work.

Section 114 addresses the issuance of rules for sage-grouse.

Section 115 addresses National Heritage Areas.

Section 116 addresses the humane transfer of excess wild horses and burros.

Section 117 extends authorization for certain payments to the Republic of Palau for fiscal year 2017.

Section 118 provides for the establishment of a Department of the Interior Experienced Services Program.

Section 119 provides a boundary adjustment to the Natchez National Historical Park.

Section 120 establishes a special resources study to preserve Civil Rights sites.

Section 121 modifies the Continuous Operations rule.

Section 122 establishes the Bureau of Land Management Foundation.

## TITLE II – ENVIRONMENTAL PROTECTION AGENCY

The bill provides \$8,058,488,000 for the Environmental Protection Agency (EPA).

*Congressional Budget Justification.*—The Agency is directed to continue to include the information requested in House Report 112-331 and any proposals to change State allocation formulas that affect the distribution of appropriated funds in future budget justifications.

*Reprogramming.*—The Agency is held to the reprogramming limitation of \$1,000,000 and should continue to follow the reprogramming directives as provided in the front of this explanatory statement. It is noted that such reprogramming directives apply to proposed reorganizations, workforce restructure, reshaping, transfer of functions, or downsizing, especially those of significant national or regional importance, and include closures, consolidations, and relocations of offices, facilities, and laboratories. Further, the Agency may not use any amount of deobligated funds to initiate a new program, office, or initiative, without the prior approval of the Committees.

Within 30 days of enactment of this Act, the Agency is directed to submit to the House and Senate Committees on Appropriations its annual operating plan for fiscal year 2017, which shall detail how the Agency plans to allocate funds at the program project level.

*Other.*—It is noted that the current workforce is below the fiscal year 2016 level, therefore, the agreement includes rescissions in the Science and Technology and Environmental Programs and Management accounts that capture expected savings associated with such changes. The Agency is directed to first apply the rescissions across program project areas to reflect routine attrition that will occur in those program project areas in fiscal year 2017 and then to reflect efficiency savings in a manner that seeks, to the extent practicable, to be proportional among program project areas. Amounts provided in this Act are sufficient to fully fund Agency payroll estimates. The Committees understand that the Agency routinely makes funding payroll requirements a top priority, and the Committees expect the Agency will continue to do so as it executes its fiscal year 2017 appropriation and applies the rescissions. The Committees do not expect the Agency will undertake adverse personnel actions or incentive programs to comply with the rescissions. As specified in the bill language, the rescissions shall not apply to the Geographic Programs, the National Estuary Program, and the National Priorities funding in the Science and Technology and Environmental Programs and Management accounts. The Agency is directed to submit, as part of the operating plan, detail on the application of such rescissions at the program project level.

SCIENCE AND TECHNOLOGY  
(INCLUDING RESCISSION OF FUNDS)

For Science and Technology programs, the bill provides \$713,823,000 to be partially offset by a \$7,350,000 rescission for a net discretionary appropriation of \$706,473,000. The bill transfers \$15,496,000 from the Hazardous Substance Superfund account to this account. The bill provides the following specific funding levels and direction:

*Research: National Priorities.*—The bill provides \$4,100,000 which shall be used for extramural research grants, independent of the Science to Achieve Results (STAR) grant program, to fund high-priority water quality and availability research by not-for-profit organizations who often partner with the Agency. Because these grants are independent of the STAR grant program, the Agency should strive to award grants in as large an amount as is possible to achieve the most scientifically significant research. Funds shall be awarded competitively with priority given to partners proposing research of national scope and who provide a 25 percent match. The Agency is directed to allocate funds to grantees within 180 days of enactment of this Act.

*Additional Guidance.*—The agreement includes the following additional guidance:

*Computational Toxicology.*—The Agency shall follow the direction under this heading in Senate Report 114-281.

*Enhanced Aquifer Use.*—The Agency shall follow the direction under this heading in Senate Report 114-281.

*Integrated Risk Information System (IRIS).*— The Committees are aware of efforts to implement the 2011 National Academy of Science's (NAS) Chapter 7 and 2014 NAS report recommendations for the IRIS program, including six specific recommendations. These recommendations include objective evaluation of the strengths and weaknesses of critical studies, the need for weight of evidence evaluation and integration, and clearer rationale for selecting studies to calculate toxicity values. Additionally, the NAS identified specific recommendations and considerations when evaluating the hazards of formaldehyde. The Committees believe that EPA should contract with the NAS to conduct the peer review of the revised draft IRIS assessment of formaldehyde, should it be released in fiscal year 2017, to verify the recommendations from the previous NAS report of 2011 have been fully resolved scientifically.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT  
(INCLUDING RESCISSION OF FUNDS)

For Environmental Programs and Management, the bill provides \$2,619,799,000 to be partially offset by a \$21,800,000 rescission for a net discretionary appropriation of \$2,597,999,000. The bill provides the following specific funding levels and direction:

*Environmental Protection: National Priorities.*—The bill provides \$12,700,000 for a competitive grant program to provide technical assistance for improved water quality or safe drinking water to rural and urban communities or individual private well owners. The Agency is directed to provide on a national or multi-State regional basis, \$11,000,000 for grants to qualified not-for-profit organizations, including organizations authorized by Section 1442(e) of the Safe Drinking Water Act (42 U.S.C.300j-1(e)(8)), for the sole purpose of providing on-site training and technical assistance for water systems in rural or urban communities. The Agency is also directed to provide \$1,700,000 for grants to qualified not-for-profit organizations for technical assistance for individual private well owners, with priority given to organizations that currently provide technical and educational assistance to individual private well owners. The Agency shall require each grantee to provide a minimum 10 percent match, including in-kind contributions. The Agency is directed to allocate funds to grantees within 180 days of enactment of this Act.

*Geographic Programs.*—The bill provides \$435,857,000, as distributed in the table at the end of this division, and includes the following direction:

*Great Lakes Restoration Initiative.*—The bill provides \$300,000,000 and the Agency shall continue to follow the direction as provided in House Report 112-589. In addition, as EPA distributes funds across the five focus areas, Tribal related activities shall be maintained at not less than the fiscal year 2016 level.

*Chesapeake Bay.*—The bill provides \$73,000,000 and the Agency shall allocate funds consistent with the direction under this heading in Senate Report 114-281.

*Water: Ecosystems.*—The agreement includes \$47,788,000. The Committees recognize that Public Law 114-161 created a competitive grant program to help prioritize challenging issues within estuaries. Passage of this law occurred after the Agency's budget submission. After the Agency provides \$600,000 to each of the 28 national estuaries in the program, the Committees urge the Agency to fund a competitive grant program using available resources, and consistent with House report 114-632. In addition, the Committees direct EPA to use the funds provided to accelerate the processing of mining permits with the Corps of Engineers. Further, the Committees direct EPA, in consultation with the Corps

of Engineers, to continue to report monthly on the number of Section 404 permits under EPA's review, consistent with the direction under this heading in House Report 114-170.

*Additional Guidance.*—The agreement includes the following additional guidance:

*Accidental Release Prevention Requirements.*—The Committees note that EPA has postponed the effective date for implementation by 90 days as it reviews and reevaluates the rule. The Committees expect EPA to work with State regulators, facility managers, small businesses, and other stakeholders as it reevaluates the rule.

*Agricultural Operations.*—The Committees note that Congress never intended the Solid Waste Disposal Act to govern animal or crop waste, manure, or fertilizer, or constituents derived from such sources. The Agency's longstanding regulations accurately reflect Congress' intent not to regulate manure and crop residues under the Solid Waste Disposal Act, and the Committees support legislative efforts to clarify and codify the treatment of agricultural byproducts under the Solid Waste Disposal Act.

*Clean Air Act Economic Analysis.*—The Committees note that Section 321(a) of the Clean Air Act states that the EPA "shall conduct continuing evaluations of potential loss or shifts of employment". On October 17, 2016, a Federal district court opinion found that the Agency has a non-discretionary duty to compile such evaluations, and ordered the Agency to develop a plan for compliance. In January 2017, the Federal district court directed the EPA to develop an economic analysis of the effects of regulations on the coal mining and power generation industries by July 1, 2017. EPA has also been directed to demonstrate by the end of the year that it has measures in place to monitor employment shift as a result of its regulations. The Committees expect the Agency will keep the Committees apprised of progress to comply with the recent court orders.

*Coal Combustion Residuals.*—Section 2301 of the WIIN Act (P.L. 114-322) amended the Solid Waste Disposal Act to authorize the Agency to review and approve, as appropriate, State programs for permits or other systems of prior approval and conditions under State law for the regulation of coal combustion residuals. To expedite the process for reviewing and approving such State programs, the Agency should establish, as expeditiously as is practicable, streamlined procedures for prompt approval of those State programs.

*Combined Sewer Overflows.*—Senate Report 114-281 included language directing the EPA to report to Congress, within 60 days of enactment of this Act, the plan and timeline for the implementation of public notice requirements for treatment works discharging sewage into the Great Lakes as required by the Consolidated Appropriations Act, 2016. The Committees remind the Agency that the bill language in the Consolidated Appropriations Act, 2016, specifically defined the term "Great Lakes" for purpose of the public notice requirements. Additionally, the Committees note that the bill language did not require immediate public notice. As such, the Committees recommend the Agency give utilities flexibility to

ensure that the ratepayers are not severely impacted by the cost of implementing this public notice requirement.

*Ecolabels for Federal Procurement.*—The agreement includes the direction in Senate Report 114-281 to provide a report on the Agency's Ecolabel program within 60 days of enactment of this Act. The Committees are aware that the Agency has been developing guidelines to evaluate ecolabels that are used in Federal purchasing for building construction and other uses and recommend that any process be fair, transparent, and consistent with other product requirements.

*Exempt Aquifers.*—The Committees are aware that EPA has received and will be receiving exempt aquifer applications from the State of California for processing and approval. The Committees continue to support protecting underground sources of drinking water and promoting robust economic development. Accordingly, the Committees continue to urge EPA to work expeditiously to process exempt aquifer applications and use the existing regulatory framework to process these applications as provided in House Report 114-170 and House Report 114-632.

*Integrated Planning.*—The Committees strongly support efforts to use an integrated planning approach to help municipalities meet Clean Water Act obligations. The Committees urge the Agency to work with communities in fiscal year 2017 to develop elements of integrated plans for municipal wastewater and stormwater management.

*Lead Test Kit.*—The Committees reiterate support for activities that result in safe and proper reduction of lead paint in homes and the protection of sensitive populations. Such support along with concerns about implementation challenges were expressed in House Report 114-632 and Senate Report 114-281. Consistent with the concerns outlined in the Committee reports, EPA should identify options to remedy implementation challenges that have persisted since 2009.

*National Ambient Air Quality Standards.*—Concerns remain about potentially overlapping implementation schedules related to the 2008 and 2015 standards for ground-level ozone. Because the Agency did not publish implementing regulations for the 2008 standard of 75 parts per billion [ppb] until February 2015, and then revised the standard to 70 ppb in October 2015, States now face the prospect of implementing two national ambient air quality standards for ozone simultaneously. It is likely that, based on Agency data, a number of counties will be in non-attainment with both the 2008 standard and the 2015 standard. Additionally, Agency data suggests that a number of marginal non-attainment counties will meet the 2015 standard by 2025 due to other air regulations. In an effort to find the most sensible path to reduce ground level ozone, some flexibility must be granted to States that face the burden of implementing these potentially overlapping standards. Within 90 days of the date of enactment of this Act, the Agency is directed to provide the Committees with a report examining the potential for



administrative options to enable States to enter into cooperative agreements with the Agency that provide regulatory relief and meaningfully clean up the air.

*Pesticides Registration Improvement Act.*—In addition to the direction under this heading in Senate Report 114-281, the Agency is directed to provide the Committees with a quarterly report detailing the amount of previously collected maintenance fees that are currently unavailable for obligation.

*Science Advisory Board.*— Regarding language under both the Science and Technology account and the Environmental Programs and Management account, the Committees are aware that EPA did not fulfill the fiscal year 2016 directive to provide updated policy statements to GAO for review.

*Significant New Alternatives Policy (SNAP) Program.*—The Committees reiterate the concern expressed in Senate Report 114-281 with respect to the proposed timeframes for delistings. Historical experience indicates that manufacturers often need several years to modify manufacturing processes in order to transition between new materials. Since EPA's deadlines are not driven by statutory mandates, additional transition time is allowable, and warranted, in order to avoid unintended consequences. To allow manufacturers to fully integrate new chemicals into their product lines following rigorous efficacy and safety testing, EPA is directed to consider harmonizing the status of any previously approved refrigerant or foam-blowing agent with other domestic and international programs for refrigeration and commercial air conditioning applications, and corresponding deadlines for military, space- and aeronautics-related applications.

*Small and Art Glass Manufacturers.*—The Committees note there are significant concerns in the small and art glass manufacturing industry over potential changes to the definitions and standards for National Emission Standards for Hazardous Air Pollutants requirements. The Committees recommend that the Agency maintain current thresholds and definitions particularly related to operators that produce less than 50 tons per year or use non-continuous furnaces in their operations.

*Small Refinery Relief.*—The agreement includes the directive contained in Senate Report 114-281 related to small refinery relief.

*Spill Prevention Requirements.*—The WIIN Act (P.L. 114-322) modified the applicability of EPA's Spill Prevention, Control and Countermeasure regulations with respect to smaller containers on farms. The Committees urge EPA to continue to explore options for additional flexibilities for farmers and ranchers subject to the rule.

*Toxic Substances Control Act Modernization.*—The agreement includes bill language that will enable the EPA to collect and spend new fees to conduct additional chemical reviews, as authorized by the Frank R. Lautenberg Chemical Safety for the 21st Century Act (P.L. 114-182). Since collections will begin partway through the year, the Congressional Budget Office estimates that fee collections will total \$3,000,000 for fiscal year 2017 and are estimated to increase to \$25,000,000 per year once the program is

fully implemented. Finally, this bill includes language ensuring that new fee collections will supplement, not supplant, appropriated resources for these activities.

*Uranium.*—The Committees note that EPA has decided to re-propose the Part 192 rule and solicit additional public comment. As the Agency works through the public comment process, the Committees encourage EPA to work with State regulators, the Nuclear Regulatory Commission, and the uranium recovery industry to collect sufficient data to determine if any updates are needed to the existing generally applicable standards.

*Worker Protection Standards.*—The Committees note that the process for developing and providing guidance, educational materials, and training resources to the States has not followed the schedule originally envisioned in the rule. Accordingly, the Agency has received petitions requesting extensions of implementation dates until January 2018 that would allow for a smoother transition to new requirements. The Agency should consider extending implementation deadlines until 2018, and whether further engagement with stakeholders regarding implementation issues would be beneficial.

#### HAZARDOUS WASTE ELECTRONIC MANIFEST SYSTEM FUND

The bill provides \$3,178,000 for the Hazardous Waste Electronic Manifest System Fund.

#### OFFICE OF INSPECTOR GENERAL

The bill provides \$41,489,000 for the Office of Inspector General.

#### BUILDINGS AND FACILITIES

The bill provides \$34,467,000 for Buildings and Facilities.

#### HAZARDOUS SUBSTANCE SUPERFUND (INCLUDING TRANSFERS OF FUNDS)

The bill provides \$1,088,769,000 for the Hazardous Substance Superfund account and includes bill language to transfer \$8,778,000 to the Office of Inspector General account and \$15,496,000 to the Science and Technology account. The bill provides the following additional direction:

*Financial Assurance.*—The Committees are aware of concerns raised by States, stakeholders, and the Small Business Administration's Office of Advocacy regarding the Agency's proposed rule on financial assurance for hardrock mining. The Agency has extended the comment period on the proposed

rule for hard rock mining until July 11, 2017. It is expected that the Agency will take those comments into account in recommending its course of action to finalize the rule.

*Sediment Guidance.*—The Committees note that the Agency completed a report on sediment guidance in February 2017. The Committees urge the Agency to ensure compliance with the Agency's Contaminated Sediment Guidance.

#### LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

The bill provides \$91,941,000 for the Leaking Underground Storage Tank Trust Fund Program.

#### INLAND OIL SPILL PROGRAMS

The bill provides \$18,209,000 for Inland Oil Spill Programs.

#### STATE AND TRIBAL ASSISTANCE GRANTS

The bill provides \$3,527,161,000 for the State and Tribal Assistance Grants program and includes the following specific funding levels and direction:

*Targeted Airshed Grants.*—The bill provides \$30,000,000 for targeted airshed grants to reduce air pollution in non-attainment areas. These grants shall be distributed on a competitive basis to non-attainment areas that EPA determines are ranked as the top five most polluted areas relative to annual ozone or particulate matter 2.5 standards as well as the top five areas based on the 24-hour particulate matter 2.5 standard where the design values exceed the 35  $\mu\text{g}/\text{m}^3$  standard. To determine these areas, the Agency shall use the most recent design values calculated from validated air quality data. The Committees note that these funds are available for emission reduction activities deemed necessary for compliance with national ambient air quality standards and included in a State Implementation Plan submitted to EPA. Not later than the end of fiscal year 2017, EPA should provide a report to the Committees on Appropriations that includes a table showing how fiscal year 2016 and 2017 funds were allocated. The table should also include grant recipients and metrics for anticipated or actual results.

*Animas River Spill.*—The Gold King Mine spill into the Animas River significantly impacted areas in New Mexico, Colorado, Arizona, Utah, and the Navajo Nation. As authorized by P.L. 114-322, the bill provides \$4,000,000 for a long-term water quality monitoring program, and EPA is directed to continue to work in consultation with affected States and Tribes on that effort. The Agency is strongly encouraged to follow the requirements detailed in House report 114-632 regarding the temporary water treatment plant and in Senate Report 114-281 regarding reimbursements for State, local and Tribal costs

related to the spill. Finally, a recent legal decision has left many stakeholders concerned that they will not be compensated for property damage, business losses, and other negative financial impacts. EPA should further explore all legal and financial recourses that could compensate individuals for such damages and, if available, should ensure that recourses will be extended to individuals located in all areas impacted by the spill in New Mexico, Colorado, Arizona, Utah, and the Navajo Nation. The Agency is required to report to the Committees within 60 days of enactment of this Act on the details and timeline for such efforts, including plans for stakeholder engagement in all areas affected by the spill.

*Categorical Grants.*—The bill provides \$1,066,041,000 for Categorical Grants and funding levels are specified in the table at the end of this division. The Agency shall allocate radon grants in fiscal year 2017 following the direction in House Report 114-632. The amount also includes \$228,219,000 for the State and Local Air Quality Management grant program, and the Agency is directed to allocate funds for this program using the same formula as fiscal year 2015. The Committees understand the Office of Air and Radiation was able to provide some additional funds to the States in fiscal year 2016 using balances. The Committees encourage the Agency to do the same in fiscal year 2017 and to provide those additional funds to the regions with the highest need.


*Use of Iron and Steel.*—The bill includes language in Title IV General Provisions that stipulates requirements for the use of iron and steel in State Revolving Fund projects, and the agreement includes only the following guidance. The Committees acknowledge that EPA may issue a waiver of said requirements for *de minimis* amounts of iron and steel building materials. The Committees emphasize that any coating processes that are applied to the external surface of iron and steel components that otherwise qualify under the procurement preference shall not render such products ineligible for the procurement preference regardless of where the coating processes occur, provided that final assembly of the products occurs in the United States.

#### WATER INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM ACCOUNT

This bill provides an additional \$10,000,000 for the WIFIA program. When combined with funds provided under Sec. 197 of P.L. 114-254, the WIFIA program is funded at a total \$30,000,000 for fiscal year 2017, which has the ability to be leveraged for a total of \$3,049,000,000 in loans. Of the amounts provided in this bill and in P.L. 114-254, EPA may use up to \$5,000,000 for administrative expenses to administer the program and issue loans. The Committees note that \$2,200,000 had previously been provided in other accounts for staffing and administrative needs in order to establish the program. The agreement concurs with the budget consolidation of those resources into this new account.

ADMINISTRATIVE PROVISIONS—ENVIRONMENTAL PROTECTION AGENCY  
(INCLUDING TRANSFERS AND RESCISSION OF FUNDS)

The bill continues several administrative provisions from previous years.

*Rescission.*—The bill rescinds \$61,198,000 of unobligated balances from the State and Tribal Assistance Grants account. The Agency shall calculate the requisite percent reduction necessary to rescind such amounts from new obligational authority and apply it across program areas by formula.  The Agency is directed to submit, as part of the operating plan, detail on the application of such rescissions by program project area.

TITLE III – RELATED AGENCIES  
DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

*Forest Service Directives.*—The Forest Service is reminded of the importance of the directives included in House Report 114-632 and Senate Report 114-281 not addressed herein, as well as the new directives in this statement, including the front matter. The Service is expected to provide the research report, as required by the House report, within 30 days of enactment of this Act.

*Forest Service Accounting, Budgeting, and Management.*—The agreement includes bill language and directives to increase transparency and confidence in the Service's management of its programs and activities.

The agreement includes a new administrative provision requiring the Service to report within 30 days after the close of each quarter, through the Office of Budget and Program Analysis, its current and prior year unobligated balances to the House and Senate Committees on Appropriations. The Service is directed to provide this report for all mandatory and discretionary funds, including receipts and permanent appropriations, as well as funds subject to notification requirements and transfers of unobligated balances.

Although the agreement does not include reprogramming guidelines in bill language, as proposed by the House, the Committees expect the Service to follow the letter and spirit of the reprogramming requirements in this explanatory statement and direct the Service to submit requests through the Office of Budget and Program Analysis.

The agreement assigns fiscal-year limits to certain Forest Service accounts. This modification will require funds to be tracked by year, budget line item, and account, and encourage the Service to expeditiously award contracts, settle reimbursable agreements, and conduct forest management activities. The agreement also establishes a non-recurring expenses account that will allow certain unobligated funds to be captured and used for fuel reduction and post-fire rehabilitation purposes. The Committees believe that fiscal-year limits will not impede the Service's ability to effectively fight wildfire or meet wildfire obligations relating to agreements with Federal, State, or other partners.

To further support the Service's efforts in centralizing and standardizing budgeting and accounting practices among the Regions and program offices, the Service is directed to improve and better manage its procurement and financial management processes to ensure funds are spent in an appropriate and timely manner. The Service should also make certain that sufficient internal controls are in place to ensure that unliquidated obligations are consistently and systematically evaluated for validity, and that unliquidated obligations found unnecessary are promptly adjusted to make funds available for authorized purposes.

According to the information provided as required by Senate Reports 114-82 and 114-70, the Service has significantly higher costs of printing for public distribution compared to other Department of Agriculture agencies. The Service is directed to update the information provided in the report to the Committees within 30 days of enactment of this Act, and to significantly reduce its printing expenditures.

#### FOREST AND RANGELAND RESEARCH

The agreement provides \$288,514,000 for Forest and Rangeland Research, including \$77,000,000 for Forest Inventory and Analysis.

*Forest Products Laboratory.*—Of the funds available to the Forest Products Laboratory, no less than \$1,000,000 is to sustain funding with existing academic partners focused on research and technology development to create new and expanded markets and to advance high-value, high-volume wood markets from restorative actions on the Nation's public and private forests.

*Joint Fire Science Research.*—The agreement accepts the proposal to shift the Joint Fire Science Research program into the Forest and Rangeland Research account and provides no less than \$3,000,000 for the program.

*Forest Research Priorities.*—The Committees are concerned that the research program is not well aligned with the needs of the National Forest System. When assessing the value of new proposals, significant weight should be given to projects whose findings could be incorporated into management and decision-making.

#### STATE AND PRIVATE FORESTRY (INCLUDING RESCISSION OF FUNDS)

The agreement provides \$216,921,000 for State and Private Forestry. The following directions are also provided:

*Federal and Cooperative Lands.*—The Committees understand the Service has obligated \$5,000,000 in prior year balances to address the forest health crisis in Region 5.

*Forest Legacy.*—The bill provides \$62,347,000 for the Forest Legacy program. This includes \$6,400,000 for program administration and \$55,947,000 for projects. The Service should fund projects in priority order according to the competitively selected national priority list submitted by the Forest Service as part of its fiscal year 2017 budget request. In lieu of the direction included in the House report, the Committees expect the Forest Service to prudently track unobligated and deobligated balances and to provide the Committees with prompt notification of such changes to avoid accumulating large balances within the Forest Legacy account. The Committees include a rescission of \$12,002,000 in Forest Legacy

funds. This funding rescission is from cost savings of some projects and funds returned from failed or partially failed projects.

NATIONAL FOREST SYSTEM  
(INCLUDING TRANSFERS OF FUNDS)

The agreement provides \$1,513,318,000 for the National Forest System. The following directions are also provided:

The agreement accepts the proposal to consolidate the Land Management Planning and Inventory and Monitoring accounts into a Land Management Planning, Assessment, and Monitoring account.

*Integrated Resource Restoration (IRR).*—The agreement continues the IRR pilot in Regions 1, 3, and 4, as proposed by the Senate. The Service is directed to require standardized, integrated planning and budgeting for all of its programs, projects, and activities in order to improve priority-setting and cooperation, and to continue to improve its integrated performance measures.

*Rangeland Management.*—The Service is directed, to the greatest extent practicable, to make vacant grazing allotments available to a holder of a grazing permit or lease when lands covered by the holder of the permit or lease are unusable because of drought or wildfire.

*Forest Products.*—The additional funds provided for forest products are directed to be used to build the timber program capacity by facilitating the necessary planning work and the hiring and training of timber management personnel to deliver increased volume levels.

*Forest Product Outputs.*—The Service is directed to include information on the amount of firewood removed for personal use in its reports on the forest products program.

*Recreation, Heritage and Wilderness.*—The agreement provides \$264,595,000 for recreation, heritage and wilderness. Of the funds provided for recreation management, \$750,000 shall be for the maintenance of rural airstrips.

*Minerals and Geology Management.*—The Committees understand that the Service has obligated \$5,500,000 in prior year balances to address the Service's cleanup liabilities, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, associated with historic uranium mining at the Ross-Adams Mine Site on Bokan Mountain.

*Bighorn and Domestic Sheep.*—The Committees direct the Forest Service to continue the quantitative, science-based analyses of the risk of disease transmission between domestic and bighorn sheep required in the fiscal year 2016 explanatory statement.



**CAPITAL IMPROVEMENT AND MAINTENANCE  
(INCLUDING TRANSFER OF FUNDS)**

The agreement provides \$364,014,000 for Capital Improvement and Maintenance programs offset by a \$16,000,000 scoring credit related to the road and trail fund.

**LAND ACQUISITION**

The agreement provides \$54,415,000 for Land Acquisition. The amounts recommended by this bill compared with the budget estimates by activity and project are shown in the table below, listed in priority order pursuant to the budget request for fiscal year 2017. The Committees have provided additional funding for the updated appraisal of projects, as requested, for the fiscal year 2017 project list. The Service is expected to use the Critical Inholdings/Wilderness account to acquire high priority lands, such as wilderness and lands of significant value in designated conservation units, to consolidate Federal ownership. Further instructions are contained under the Land and Water Conservation Fund heading in the front of this explanatory statement.

The Committees continue to encourage the Forest Service to explore all funding avenues to resolve the long-standing management challenges related to school trust lands within the Boundary Waters Canoe Area in Superior National Forest.

State	Project	Forest Units	Budget Request	This Bill
ID	High Divide	Sawtooth NRA	\$2,800,000	\$2,800,000
ID	High Divide	Caribou-Targhee	330,000	330,000
WY	Greater Yellowstone Area	Bridger-Teton	2,850,000	2,850,000
CA	Sierra Nevada Checkerboard	Eldorado/Tahoe	1,200,000	1,200,000
CA	National Trails	Pacific Crest NST	4,905,000	4,905,000
MN	Minnesota Northwoods	Superior	3,500,000	3,500,000
FL	FL/GA Longleaf Pine	Osceola	3,850,000	3,850,000
MT	Swan Valley	Flathead	4,000,000	4,000,000
IN	Hoosier Upland Treasures	Hoosier	1,600,000	1,600,000
AK	Cube Cove	Tongass	4,000,000	4,000,000
VA	Southern Blue Ridge	George Washington and Jefferson	2,280,000	2,280,000
TN	Southern Blue Ridge	Cherokee	3,400,000	3,400,000
NC	Southern Blue Ridge	Pisgah	1,850,000	1,850,000

NC	North Carolina's Threatened Treasures	Uwharrie	360,000	360,000
SC	South Carolina Coastal Legacy	Francis Marion	1,600,000	1,600,000
	Additional Project Requests and Updated Appraisals		11,178,000	888,000
	Subtotal, Acquisitions		49,703,000	39,413,000
	Acquisition Management		8,500,000	7,552,000
	Cash Equalization		750,000	750,000
	Recreational Access		4,700,000	4,700,000
	Critical Inholdings/Wilderness		2,000,000	2,000,000
	Total, FS Land Acquisition		65,653,000	54,415,000

#### ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

The agreement provides \$950,000 for the Acquisition of Lands for National Forests Special Acts.

#### ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

The agreement provides \$216,000 for the Acquisition of Lands to Complete Land Exchanges.

#### RANGE BETTERMENT FUND

The agreement provides \$2,320,000 for the Range Betterment Fund.

#### GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

The agreement provides \$45,000 for Gifts, Donations and Bequests for Forest and Rangeland Research.

#### MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

The agreement provides \$2,500,000 for the Management of National Forest Lands for Subsistence Uses.

WILDLAND FIRE MANAGEMENT  
(INCLUDING TRANSFERS OF FUNDS)

The agreement provides a total of \$2,833,415,000 for Forest Service Wildland Fire Management. Of the funds provided, \$1,248,000,000 is for suppression operations. The bill fully funds wildland fire suppression at the 10-year average. The detailed allocation of funding for these accounts is included in the table at the end of this explanatory statement.

*Hazardous Fuels Management.*—The agreement provides \$390,000,000 for hazardous fuels management activities, which is \$15,000,000 above the fiscal year 2016 enacted level. Within this amount, \$15,000,000 is for biomass utilization grants.

FLAME WILDFIRE SUPPRESSION RESERVE FUND  
(INCLUDING TRANSFERS OF FUNDS)

The agreement provides \$342,000,000 for the FLAME Wildfire Suppression Reserve Fund, which is designated as emergency spending.

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
INDIAN HEALTH SERVICE  
INDIAN HEALTH SERVICES

The agreement provides \$3,694,462,000 for Indian Health Services. In addition to the funding allocation table at the end of this explanatory statement, the agreement includes specified fixed costs and transfers, as well as the following instructions and program changes to fiscal year 2016 enacted levels. The Service is also reminded of the guidance and reporting requirements contained in House Report 114-632 and Senate Report 114-281 that should be complied with unless specifically addressed to the contrary herein, as explained in the front matter of this explanatory statement.

*Current Services.*—The agreement includes \$50,269,000 to partially maintain current levels of service, of which \$13,164,000 is for pay costs and \$37,105,000 is for inflation. Except as otherwise provided, the agreement includes an increase equal to 50 percent of pay and inflation costs requested in the fiscal year 2017 President's Budget for each program to cover the balance of the fiscal year remaining.

*Staffing for New Facilities.*—The agreement includes \$14,323,000 for staffing newly opened health facilities, which is the full amount based upon updated estimates provided to the Committees. Funds for the staffing of new facilities are limited to facilities funded through the Health Care Facilities

Construction Priority System or the Joint Venture Construction Program that have opened in fiscal year 2016 or will open in fiscal year 2017. None of these funds may be allocated to a facility until such facility has achieved beneficial occupancy status.

*Accreditation Emergencies.*—The Committees consider the loss or potential loss of a Medicare or Medicaid agreement with the Centers for Medicare and Medicaid Services (CMS) at any facility to be an accreditation emergency. The agreement includes a total of \$29,000,000 for accreditation emergencies at an alarming number of facilities over the past year. Funds may be used for personnel or other expenses essential for sustaining operations of an affected service unit, including but not to exceed \$4,000,000 for Purchased/Referred Care. These are not intended to be recurring base funds. The Director should reallocate the funds annually as necessary to ensure that agreements with CMS are reinstated, and to restore third-party collection shortfalls. Shortfalls should be calculated as described in the House report.

*Hospitals and Health Clinics.*—The agreement includes: \$4,000,000 as requested for domestic violence prevention; a total of \$11,000,000 for operations and maintenance of tribally leased clinics, of which \$2,000,000 is transferred from Direct Operations; \$1,000,000 for prescription drug monitoring as described in the House report; and \$29,000,000 for accreditation emergencies as discussed above, of which \$2,000,000 is transferred from Direct Operations, as requested.

*Dental Health.*—The agreement includes \$3,914,000 for current services and a transfer of \$800,000 to Direct Operations in order to backfill vacant dental health positions in headquarters. The Service is urged to establish a centralized credentialing system.

*Mental Health.*—The agreement includes \$6,946,000 for behavioral health integration and \$3,600,000 for the zero suicide initiative.

*Alcohol and Substance Abuse.*—The agreement includes: \$6,500,000 for the Generation Indigenous initiative; \$1,800,000 for the youth pilot project; and \$2,000,000 to fund essential detoxification and related services provided by the Service's public and private partners to IHS beneficiaries.

The Committees are aware that the community of Gallup, N.M., continues to face significant demand for substance abuse treatment, residential services and detoxification services to address an ongoing crisis of alcohol-related deaths of Tribal members, and continues to depend on the non-profit Na' Nizhoozhi Center to provide an important safety net to help prevent these deaths. Consistent with the guidance in Senate Report 114-281, the Committees expect the Service to use funds provided in this Act to continue its partnership with the Center and to work with the Center and other Federal, State, local, and Tribal partners to develop a sustainable model for the Center to enhance its clinical capacity.

*Purchased/Referred Care.*—The agreement includes \$14,691,000 for current services. The agreement does not include the directive in the House report regarding the allocation of funds.

*Immunization.*—The agreement includes \$91,000 for current services.

*Urban Indian Health.*—The agreement includes \$1,800,000 for current services and a \$1,137,000 program increase.

*Indian Health Professions.*—The agreement includes a \$500,000 program increase. The agreement does not include the House report language pertaining to the definition of health profession; instead the Service is urged to consider making health administrators a higher priority for loan repayments, in consultation with Tribes.

*Direct Operations.*—The agreement includes \$1,282,000 for current services, and transfers as discussed above.

*Governing Board.*—The agreement does not include the House provision authorizing a pilot program for an alternate governing board model at direct service facilities. The accreditation crisis in the Great Plains and the subsequent House provision have highlighted the need for IHS facilities to be significantly more inclusive of Tribes in the decision-making process. The Committees are encouraged by the IHS's own recent initiative to reform its governing boards, but reforms are limited under existing statutes. The Committees are aware that the authorizing committees of jurisdiction are examining this issue and support these efforts to improve the communication and collaboration between the IHS and Tribes at direct service facilities.

#### CONTRACT SUPPORT COSTS

The bill provides an indefinite appropriation for contract support costs, consistent with fiscal year 2016 and estimated to be \$800,000,000.

#### INDIAN HEALTH FACILITIES

The agreement provides \$545,424,000 for Indian Health Facilities. In addition to the funding allocation table at the end of this explanatory statement, the agreement includes the following details and changes relative to fiscal year 2016 enacted levels:

*Current Services.*—The agreement includes \$9,274,000 to partially maintain current levels of service, of which \$1,220,000 is for pay costs and \$8,054,000 is for inflation. Except as otherwise provided, the agreement includes an increase equal to 50 percent of pay and inflation costs requested in the fiscal year 2017 President's Budget for each program to cover the balance of the fiscal year remaining.

*Staffing for New Facilities.*—The agreement includes \$1,659,000 for staffing newly opened health facilities, which is the full amount based upon updated estimates provided to the Committees. The

stipulations included in the "Indian Health Services" account regarding the allocation of funds pertain to this account as well.

*Maintenance and Improvement.*—The agreement fully funds inflation costs and provides a program increase of \$259,000 to reduce the maintenance backlog.

*Sanitation Facilities.*—The agreement fully funds inflation costs.

*Health Care Facilities Construction.*—The agreement includes \$6,000,000 for quarters and \$5,000,000 for small ambulatory facilities. The committees encourage the Service to give strong consideration to utilizing the new resources provided for the small ambulatory clinic program to assist with infrastructure improvements at remote sites such as Gambell and Savoonga on St. Lawrence Island, Alaska.

The Committees remain dedicated to providing access to health care for IHS patients across the system. The IHS is expected to aggressively work down the current Health Facilities Construction Priority System list, as well as work with the Department and Tribes to examine alternative financing arrangements and meritorious regional demonstration projects authorized under the Indian Health Care Improvement Act that that would effectively close the service gap. Within 60 days of enactment of this Act, the Service shall submit a spending plan to the Committees that details the project-level distribution of funds provided for healthcare facilities construction.

The IHS has no defined benefit package and is not designed to be comparable to the private sector health care system. IHS does not provide the same health services in each area. Health services provided to a community depend upon the facilities and services available in the local area, the facilities' financial and personnel resources (42 CFR 136.11 (c)), and the needs of the service population. In order to determine whether IHS patients across the system have comparable access to healthcare, the IHS is directed to conduct and publish a gap analysis of the locations and capacities of patient health facilities relative to the IHS user population. The analysis should include: facilities within the IHS system, including facilities on the Health Facilities Construction Priority System list and the Joint Venture Construction Program list; and where possible facilities within private or other Federal health systems for which arrangements with IHS exist, or should exist, to see IHS patients.

NATIONAL INSTITUTES OF HEALTH  
NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

The agreement provides \$77,349,000 for the National Institute of Environmental Health Sciences.

AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY  
TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

The agreement provides \$74,691,000 for the Agency for Toxic Substances and Disease Registry.

OTHER RELATED AGENCIES

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

The agreement provides \$3,000,000 for the Council on Environmental Quality and Office of Environmental Quality.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

The agreement provides \$11,000,000 for the Chemical Safety and Hazard Investigation Board and includes the direction in the House report that funding has not been provided for organizing an annual symposium. The Board is directed to develop internal guidance over its annual budget process and provide it to the Committees within 90 days of enactment of this Act. Additionally, the Board is directed to provide a report and briefing to the Committees dealing with the scope of and justification for a study on land use and facility siting prior to expending any funds on the study.

The Committees remind the Board they are to avoid any communication with outside groups that would jeopardize their impartiality. The Committees continue to closely monitor Inspector General reports on Board activities and expect expeditious implementation of any recommendations on internal controls, governance, operations, and management challenges. The Board should focus on its statutory jurisdiction and refrain from conducting official business over personal email.

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The agreement provides \$15,431,000 for the Office of Navajo and Hopi Indian Relocation, as requested. The Committees have directed the Office to begin to communicate with Congress, the affected Tribes, and the Department of the Interior about what will be required to ensure relocation benefits and necessary support services are provided in accordance with the specifications in Public Law 93-531 and

to initiate closure of the Office. The Committees request continuation of the quarterly reports and a comprehensive plan for closing the Office, as outlined in the House report. The comprehensive plan is to be submitted with the fiscal year 2018 budget request. Legal analysis on whether any enacting legislation is required to transfer or maintain any identified functions to another agency or organization should also be included. The Office should be transparent about the path forward and should actively consult with all affected parties and agencies.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE  
AND ARTS DEVELOPMENT  
PAYMENT TO THE INSTITUTE

The bill provides \$15,212,000 for the Institute of American Indian Arts. The increase provided shall be used to complete the Institute's transition to forward funding during fiscal year 2017. Amounts provided for fiscal year 2017 shall be supplemented by \$2,000,000 in prior-year carryover funds, for a total operating level of \$9,835,000. Requested increases for fixed costs and academic program requirements are included within the agreement.

SMITHSONIAN INSTITUTION  
SALARIES AND EXPENSES

The agreement provides a total of \$863,347,000 for all Smithsonian Institution accounts, of which \$729,444,000 is provided for salaries and expenses. The Committees maintain their longstanding commitment to the preservation of priceless, irreplaceable Smithsonian collections and have provided funds as requested for collections care and preservation. The recommendation provides sufficient funds for staffing and maintenance needs at the National Museum of African American History and Culture in 2017. The Committees have provided funds, as requested, to address security needs at the Smithsonian's highest risk facilities. The Committees provide funds as requested for the Institution's Latino initiatives and support the Smithsonian Latino Center's goal of promoting the inclusion of Latino contributions in Smithsonian Institution programs, exhibitions, collections, and public outreach. The Committees continue to urge collaboration between the Smithsonian Latino Center and appropriate Federal and local organizations in order to advance these goals and expand the American Latino presence at the Institution. Further, the Committees provide funds as requested for the Institution's Asian Pacific American initiatives and continue to support the Institution's efforts of developing programs and expanding outreach to promote a better understanding of the Asian Pacific American experience. The Committees also include funds as requested for the preservation of cultural heritage affected by natural and manmade



disasters in the United States and around the world. The recommendation supplements funding from other government partners and leverages support for cultural recovery efforts from numerous private sources.

#### FACILITIES CAPITAL

The agreement provides \$133,903,000 for the Facilities Capital account. The recommendation includes funding for the construction of the Dulles Storage Module at the National Air and Space Museum's Udvar-Hazy Center.

*National Air and Space Museum Revitalization.*—The Committees recognize the critical need to replace the façade and the internal building systems of the National Air and Space Museum on the National Mall. However, the Committees are also deeply concerned that the multi-year cost estimates for the revitalization project in future fiscal years are approaching \$700 million, an amount nearly five times the size of the Institution's entire annual construction budget. Given the scale of the project and its potential impact on other critical funding priorities in this Act, it is imperative that the Institution make available to the Committees on a timely basis the most updated and comprehensive information on project requirements. It is essential that the Committees have sufficient, reliable information about specific funding requirements and any additional costs that may arise in future fiscal years. Therefore, no later than 90 days after enactment of this Act, the Institution is directed to provide a report to the Committees that outlines the expected scope, scheduling, phasing, and overall projected costs for the project. The Government Accountability Office is also directed to review and analyze the Institution's cost estimates and report to the Committees on whether these estimates are comprehensive, accurate, and credible.

The Institution is directed to submit to the House and Senate Committees on Appropriations, within 60 days of enactment of this Act, a detailed list and description of projects funded within the Facilities Capital account.

#### NATIONAL GALLERY OF ART

##### SALARIES AND EXPENSES

The agreement provides \$132,961,000 for the Salaries and Expenses account of the National Gallery of Art, of which not to exceed ~~\$3,578,000~~ is for the special exhibition program.

3,620,000

#### REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

The agreement provides \$22,564,000 for the Repair, Restoration, and Renovation of Buildings account, which will allow critical fire protection and life safety improvements to continue.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS  
OPERATIONS AND MAINTENANCE

The agreement provides \$22,260,000 for the Operations and Maintenance account.

CAPITAL REPAIR AND RESTORATION

The agreement provides \$14,140,000 for the Capital Repair and Restoration account.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS  
SALARIES AND EXPENSES

The agreement provides \$10,500,000 for the Woodrow Wilson International Center for Scholars.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES  
NATIONAL ENDOWMENT FOR THE ARTS  
GRANTS AND ADMINISTRATION

The agreement provides \$149,849,000 for the National Endowment for the Arts (NEA). The Committees commend the NEA for its work through its Healing Arts Partnership program with Walter Reed National Military Medical Center, Fort Belvoir Community Hospital, and the new clinical sites included in the initiative to incorporate arts therapy into the treatment of active-duty military patients and their families. The Committees continue to support the expansion of this successful program to assist service members and their families in their recovery, reintegration, and transition to civilian life. The Committees also urge State arts agencies, which have a longstanding collaborative relationship with the NEA, to explore providing arts therapy programs to service members and their families at the local level. The Committees direct that priority be given to providing services and grant funding for projects, productions, or programs that encourage public knowledge, education, understanding, and appreciation of the arts. The Committees maintain support for the 40 percent allocation for State arts agencies as proposed in the NEA's budget. Any reduction in support to the States for arts education should be no more than proportional to other funding decreases taken in other NEA programs.

NATIONAL ENDOWMENT FOR THE HUMANITIES  
GRANTS AND ADMINISTRATION

The agreement provides \$149,848,000 for the National Endowment for the Humanities (NEH). The Committees commend the NEH for its support of grant programs to benefit wounded warriors and to ensure educational opportunities for American heroes transitioning to civilian life. The Committees commend the NEH for its ongoing support to American Indian and Alaska Native communities in preserving their cultural and linguistic heritage through the Documenting Endangered Languages program and a variety of preservation and access grants that enable American Indian and Alaska Native communities to preserve cultural artifacts and make them broadly accessible. The Committees also commend the NEH Federal/State partnership for its ongoing, successful collaboration with State humanities councils in each of the 50 States as well as Washington, DC, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa. The Committees urge the NEH to provide program funding to support the critical work of State humanities councils consistent with guidance provided in the Consolidated Appropriations Act, 2016 (P.L. 114-113).

COMMISSION OF FINE ARTS  
SALARIES AND EXPENSES

The agreement provides \$2,762,000 for the Commission of Fine Arts.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

The agreement provides \$2,000,000 for the National Capital Arts and Cultural Affairs program. Grant funds provided should be distributed consistent with the established formula and eligibility requirements used in fiscal year 2016.

ADVISORY COUNCIL ON HISTORIC PRESERVATION  
SALARIES AND EXPENSES

The agreement provides \$6,493,000 for the Advisory Council on Historic Preservation.

NATIONAL CAPITAL PLANNING COMMISSION  
SALARIES AND EXPENSES

The agreement provides \$8,099,000 for the National Capital Planning Commission.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM  
HOLOCAUST MEMORIAL MUSEUM

The agreement provides \$57,000,000 for the United States Holocaust Memorial Museum.

DWIGHT D. EISENHOWER MEMORIAL COMMISSION  
SALARIES AND EXPENSES

The agreement provides \$1,600,000 for the Salaries and Expenses account. The Committees support the construction of a permanent memorial to Dwight D. Eisenhower and are pleased that concerns over the memorial's design have now been addressed. It is the Committees' expectation that, following necessary approvals from the Commission of Fine Arts and the National Capital Planning Commission, the Commission will use prior-year unobligated construction funds to begin site preparation in anticipation of memorial construction commencing in 2017. The agreement includes in Section 419 of Title IV General Provisions bill language extending the memorial's site authority.

CAPITAL CONSTRUCTION

The agreement provides \$45,000,000 for the Capital Construction account.

WOMEN'S SUFFRAGE CENTENNIAL COMMISSION

The agreement includes \$2,000,000 to establish the Women's Suffrage Centennial Commission as authorized in this Act. The Commission shall plan, execute, and coordinate programs and activities in honor of the 100<sup>th</sup> anniversary of the passage and ratification of the Nineteenth Amendment to the U.S. Constitution, which guaranteed women the right to vote.

TITLE IV—GENERAL PROVISIONS  
(INCLUDING TRANSFERS OF FUNDS)

The agreement includes various legislative provisions in Title IV of the bill. The provisions are:

Section 401 continues a provision providing that appropriations available in the bill shall not be used to produce literature or otherwise promote public support of a legislative proposal on which legislative action is not complete.

Section 402 continues a provision providing for annual appropriations unless expressly provided otherwise in this Act.

Section 403 continues a provision providing restrictions on departmental assessments unless approved by the Committees on Appropriations.

Section 404 continues a limitation on accepting and processing applications for patents and on the patenting of Federal lands.

Section 405 continues a provision regarding the payment of contract support costs.

Section 406 addresses the payment of contract support costs for fiscal year 2017.

Section 407 continues a provision providing that the Secretary of Agriculture shall not be considered in violation of certain provisions of the Forest and Rangeland Renewable Resources Planning Act solely because more than 15 years have passed without revision of a forest plan, provided that the Secretary is working in good faith to complete the plan revision.

Section 408 continues a provision limiting preleasing, leasing, and related activities within the boundaries of National Monuments.

Section 409 restricts funding appropriated for acquisition of land or interests in land from being used for declarations of taking or complaints in condemnation.

Section 410 continues a provision addressing timber sales involving Alaska western red and yellow cedar.

Section 411 continues a provision which prohibits no-bid contracts.

Section 412 continues a provision which requires public disclosure of certain reports.

Section 413 continues a provision which delineates the grant guidelines for the National Endowment for the Arts.

Section 414 continues a provision which delineates the program priorities for the programs managed by the National Endowment for the Arts.

Section 415 requires the Department of the Interior, Environmental Protection Agency, Forest Service and Indian Health Service to provide the Committees on Appropriations quarterly reports on the status of balances of appropriations.

Section 416 requires the President to submit a report to the Committees on Appropriations no later than 120 days after submission of the fiscal year 2018 budget request describing Federal agency obligations and expenditures for climate change programs in fiscal years 2016 and 2017.

Section 417 continues a provision prohibiting the use of funds to promulgate or implement any regulation requiring the issuance of permits under Title V of the Clean Air Act for carbon dioxide, nitrous oxide, water vapor, or methane emissions.

Section 418 continues a provision prohibiting the use of funds to implement any provision in a rule if that provision requires mandatory reporting of greenhouse gas emissions from manure management systems.

Section 419 extends the site authority relating to the Dwight D. Eisenhower Memorial Commission.

Section 420 continues a provision prohibiting the use of funds to regulate the lead content of ammunition or fishing tackle.

Section 421 extends certain authorities through fiscal year 2017 allowing the Forest Service to renew grazing permits.

Section 422 clarifies the Bureau of Land Management's stewardship contracting authority.

Section 423 prohibits the use of funds to maintain or establish a computer network unless such network is designed to block access to pornography websites.

Section 424 addresses section 404 of the Federal Water Pollution Control Act.

Section 425 sets requirements for the use of American iron and steel for certain loans and grants.

Section 426 revises the definition of the National Gallery of Art's buildings and grounds commensurate with the Gallery's geographic boundaries.

Section 427 prohibits the use of funds to destroy any building or structures on Midway Island that have been recommended by the U.S. Navy for inclusion in the National Register of Historic Places.

Section 428 addresses carbon emissions from forest biomass.

Section 429 reauthorizes funding for one year for the John F. Kennedy Center for the Performing Arts.

Section 430 addresses a boundary adjustment to the Bob Marshall Wilderness.

Section 431 incorporates by reference the Morley Nelson Snake River Birds of Prey National Conservation Area Boundary Modification Act of 2017; the Alaska Mental Health Trust Land Exchange Act of 2017; and the Women's Suffrage Centennial Commission Act.

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
-----					
TITLE I - DEPARTMENT OF THE INTERIOR					
BUREAU OF LAND MANAGEMENT					
Management of Lands and Resources					
Land Resources:					
Soil, water and air management.....	43,609	45,378	43,609	---	-1,769
Rangeland management.....	79,000	62,832	79,000	---	+16,168
Grazing administration management.....	---	16,500	---	---	-16,500
Grazing administration management offsetting collections.....	---	-16,500	---	---	+16,500
Forestry management.....	9,980	10,076	10,076	+96	---
Riparian management.....	21,321	22,920	21,321	---	-1,599
Cultural resources management.....	16,131	17,328	16,131	---	-1,197
Wild horse and burro management.....	80,555	80,108	80,555	---	+447
Subtotal.....	250,596	238,642	250,692	+96	+12,050
-----					
Wildlife and Fisheries:					
Wildlife management.....	89,381	108,691	103,281	+13,900	-5,410
Fisheries management.....	12,530	12,628	12,530	---	-98
Subtotal.....	101,911	121,319	115,811	+13,900	-5,508
-----					
Threatened and endangered species.....	21,567	21,698	21,567	---	-131

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DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
<b>Recreation Management:</b>					
Wilderness management.....	18,264	18,392	18,264	---	-128
Recreation resources management.....	51,197	53,465	53,465	+2,268	---
Subtotal.....	69,461	71,857	71,729	+2,268	-128
<b>Energy and Minerals:</b>					
Oil and gas management.....	59,671	80,574	67,574	+7,903	-13,000
Oil and gas permit processing.....	7,125	6,365	6,365	-760	---
Oil and gas inspection and enforcement.....	48,000	48,000	48,000	---	---
Subtotal, Oil and gas.....	114,796	134,939	121,939	+7,143	-13,000
Oil and gas permit processing fees.....	---	-48,000	---	---	+48,000
Subtotal, offsetting collections.....	---	-48,000	---	---	+48,000
Coal management.....	10,868	10,962	10,868	---	-94
Other mineral resources.....	11,879	10,978	10,978	-901	---
Renewable energy.....	29,061	29,189	29,061	---	-128
Subtotal, Energy and Minerals.....	166,604	138,068	172,846	+6,242	+34,778
<b>Realty and Ownership Management:</b>					
Alaska conveyance.....	22,000	17,327	22,000	---	+4,673
Cadastral, lands, and realty management.....	51,252	51,480	51,480	+228	---
Subtotal.....	73,252	68,807	73,480	+228	+4,673



DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
<b>Resource Protection and Maintenance:</b>					
Resource management planning.....	48,125	65,203	52,125	+4,000	-13,078
Abandoned mine lands.....	19,946	20,036	20,036	+90	---
Resource protection and law enforcement.....	25,495	25,616	26,616	+1,121	+1,000
Hazardous materials management.....	15,612	15,463	15,463	-149	---
Subtotal.....	109,178	126,318	114,240	+5,062	-12,078
<b>Transportation and Facilities Maintenance:</b>					
Annual maintenance.....	38,942	39,125	39,125	+183	---
Deferred maintenance.....	31,387	29,201	29,201	-2,186	---
Subtotal.....	70,329	68,326	68,326	-2,003	---
<b>Workforce and Organizational Support:</b>					
Administrative support.....	50,942	51,139	51,139	+197	---
Bureauwide fixed costs.....	93,645	92,649	92,649	-996	---
Information technology management.....	25,958	26,077	26,077	+119	---
Subtotal.....	170,545	169,865	169,865	-680	---
Challenge cost share.....	2,413	---	---	-2,413	---
National landscape conservation system, base program..	36,819	50,645	36,819	---	-13,826
Communication site management.....	2,000	2,000	2,000	---	---
Offsetting collections.....	-2,000	-2,000	-2,000	---	---
Subtotal, Management of lands and resources.....	1,072,675	1,075,545	1,095,375	+22,700	+19,830

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
<b>Mining Law Administration:</b>					
Administration.....	39,696	39,696	39,696	---	---
Offsetting collections.....	-56,000	-55,000	-55,000	+1,000	---
<b>Subtotal, Mining Law Administration.....</b>	<b>-16,304</b>	<b>-15,304</b>	<b>-15,304</b>	<b>+1,000</b>	<b>---</b>
<b>Total, Management of Lands and Resources.....</b>	<b>1,056,371</b>	<b>1,060,241</b>	<b>1,080,071</b>	<b>+23,700</b>	<b>+19,830</b>
<b>Land Acquisition</b>					
Land Acquisition.....	27,014	32,301	19,800	-7,214	-12,501
Emergencies, Hardships, and Inholdings.....	1,616	1,616	1,616	---	---
Acquisition Management.....	2,000	2,042	2,000	---	-42
Recreational Access.....	8,000	8,000	8,000	---	---
<b>Total, Land acquisition.....</b>	<b>38,630</b>	<b>43,959</b>	<b>31,416</b>	<b>-7,214</b>	<b>-12,543</b>
<b>Oregon and California Grant Lands</b>					
Western Oregon resources management.....	95,255	94,445	94,445	-810	---
Western Oregon information and resource data systems..	1,786	1,798	1,798	+12	---
Western Oregon transportation & facilities maintenance	9,602	9,628	9,628	+26	---
Western Oregon construction and acquisition.....	324	335	335	+11	---
Western Oregon national monument.....	787	779	779	+12	---
<b>Total, Oregon and California Grant Lands.....</b>	<b>107,734</b>	<b>106,985</b>	<b>106,985</b>	<b>-749</b>	<b>---</b>

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DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
<b>Range Improvements</b>					
Current appropriations.....	10,000	10,000	10,000	---	---
<b>Service Charges, Deposits, and Forfeitures</b>					
Service charges, deposits, and forfeitures.....	31,050	31,050	31,050	---	---
Offsetting fees.....	-31,050	-31,050	-31,050	---	---
Total, Service Charges, Deposits & Forfeitures..	---	---	---	---	---
<b>Miscellaneous Trust Funds and Permanent Operating Funds</b>					
Current appropriations.....	24,000	24,000	24,000	---	---
TOTAL, BUREAU OF LAND MANAGEMENT.....	1,236,735	1,245,185	1,252,472	+15,737	+7,287
(Mandatory).....	(34,000)	(34,000)	(34,000)	---	---
(Discretionary).....	(1,202,735)	(1,211,185)	(1,218,472)	(+15,737)	(+7,287)

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
-----					
UNITED STATES FISH AND WILDLIFE SERVICE					
Resource Management					
Ecological Services:					
Listing.....	20,515	22,901	20,515	---	-2,386
Planning and consultation.....	99,079	105,650	103,079	+4,000	-2,571
Conservation and restoration.....	32,396	34,562	32,396	---	-2,166
(National Wetlands Inventory).....	(3,471)	(4,671)	(3,471)	---	(-1,200)
(Coastal Barrier Resources Act).....	(1,390)	(1,390)	(1,390)	---	---
Recovery.....	82,016	89,180	84,032	+2,016	-5,148
Subtotal.....	234,006	252,293	240,022	+6,016	-12,271
-----					
Habitat conservation:					
Partners for fish and wildlife.....	51,776	54,047	51,776	---	-2,271
Coastal programs.....	13,375	13,494	13,375	---	-119
Subtotal.....	65,151	67,541	65,151	---	-2,390
-----					
National Wildlife Refuge System:					
Wildlife and habitat management.....	230,343	240,389	231,843	+1,500	-8,546
Visitor services.....	73,319	80,380	73,319	---	-7,061
Refuge law enforcement.....	38,054	40,712	38,054	---	-2,658
Conservation planning.....	2,523	2,544	2,523	---	-21
Refuge maintenance.....	137,188	142,594	138,188	+1,000	-4,406
Subtotal.....	481,427	506,619	483,927	+2,500	-22,692

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DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
<b>Conservation and Enforcement:</b>					
Migratory bird management.....	47,480	49,961	48,105	+825	-1,856
Law enforcement.....	74,725	75,053	75,053	+328	---
International affairs.....	14,696	15,816	15,816	+1,120	---
Subtotal.....	136,901	140,830	138,974	+2,073	-1,856
<b>Fish and Aquatic Conservation:</b>					
National fish hatchery system operations.....	53,418	53,759	55,418	+2,000	+1,659
Maintenance and equipment.....	19,920	22,920	22,920	+3,000	---
Aquatic habitat and species conservation.....	74,918	76,150	76,872	+1,954	+722
Subtotal.....	148,256	152,829	155,210	+6,954	+2,381
Cooperative landscape conservation.....	12,988	17,789	12,988	---	-4,801
<b>Science Support:</b>					
Adaptive science.....	10,517	11,522	10,517	---	-1,005
Service science.....	6,468	9,057	6,468	---	-2,589
Subtotal.....	16,985	20,579	16,985	---	-3,594
<b>General Operations:</b>					
Central office operations.....	40,722	42,149	40,569	-153	-1,580
Regional office operations.....	37,722	41,354	37,722	---	-3,632
Service-wide bill paying.....	35,177	35,778	35,177	---	-601

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
National Fish and Wildlife Foundation.....	7,022	7,022	7,022	---	---
National Conservation Training Center.....	22,414	25,129	25,014	+2,600	-115
Subtotal.....	143,057	151,432	145,504	+2,447	-5,928
Total, Resource Management.....	1,238,771	1,309,912	1,258,761	+19,990	-51,151
<b>Construction</b>					
Construction and rehabilitation:					
Line item construction projects.....	14,554	14,554	9,482	-5,072	-5,072
Bridge and dam safety programs.....	1,972	1,972	1,972	---	---
Nationwide engineering service.....	7,161	7,214	7,161	---	-53
Total, Construction.....	23,687	23,740	18,615	-5,072	-5,125
<b>Land Acquisition</b>					
Acquisitions.....	35,911	35,884	27,406	-8,505	-8,478
Emergencies, Hardships, and Inholdings.....	5,351	5,351	5,351	---	---
Exchanges.....	1,500	1,500	1,500	---	---
Acquisition Management.....	12,773	12,955	12,773	---	-182
Highlands Conservation Act Grants.....	10,000	---	10,000	---	+10,000
Recreational Access.....	2,500	2,500	2,500	---	---
Land Protection Planning.....	465	465	465	---	---
Total, Land Acquisition.....	68,500	58,655	59,995	-8,505	+1,340

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DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
<b>Cooperative Endangered Species Conservation Fund</b>					
<b>Grants and administration:</b>					
Conservation grants.....	10,508	12,603	10,508	---	-2,095
HCP assistance grants.....	9,485	7,390	9,485	---	+2,095
Administration.....	2,702	2,702	2,702	---	---
Subtotal.....	22,695	22,695	22,695	---	---
<b>Land acquisition:</b>					
Species recovery land acquisition.....	11,162	11,162	11,162	---	---
HCP land acquisition grants to states.....	19,638	19,638	19,638	---	---
Subtotal.....	30,800	30,800	30,800	---	---
<b>Total, Cooperative Endangered Species Conservation Fund.....</b>	<b>53,495</b>	<b>53,495</b>	<b>53,495</b>	<b>---</b>	<b>---</b>
<b>National Wildlife Refuge Fund</b>					
Payments in lieu of taxes.....	13,228	---	13,228	---	+13,228
<b>North American Wetlands Conservation Fund</b>					
North American Wetlands Conservation Fund.....	35,145	35,145	38,145	+3,000	+3,000

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
<b>Neotropical Migratory Bird Conservation</b>					
Migratory bird grants.....	3,910	3,910	3,910	---	---
<b>Multinational Species Conservation Fund</b>					
African elephant conservation fund.....	2,582	2,582	2,582	---	---
Rhinoceros and tiger conservation fund.....	3,440	3,440	3,440	---	---
Asian elephant conservation fund.....	1,557	1,557	1,557	---	---
Great ape conservation fund.....	1,975	1,975	1,975	---	---
Marine turtle conservation fund.....	1,507	1,507	1,507	---	---
<b>Total, Multinational Species Conservation Fund..</b>	<b>11,061</b>	<b>11,061</b>	<b>11,061</b>	<b>---</b>	<b>---</b>
<b>State and Tribal Wildlife Grants</b>					
State wildlife grants (formula).....	51,000	51,000	52,000	+1,000	+1,000
State wildlife grants (competitive).....	5,487	9,981	6,362	+875	-3,619
Tribal wildlife grants.....	4,084	6,000	4,209	+125	-1,791
<b>Total, State and tribal wildlife grants.....</b>	<b>60,571</b>	<b>66,981</b>	<b>62,571</b>	<b>+2,000</b>	<b>-4,410</b>
<b>TOTAL, U. S. FISH AND WILDLIFE SERVICE.....</b>	<b>1,508,368</b>	<b>1,562,899</b>	<b>1,519,781</b>	<b>+11,413</b>	<b>-43,118</b>



DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
<b>NATIONAL PARK SERVICE</b>					
Operation of the National Park System					
Park Management:					
Resource stewardship.....	328,040	340,352	328,955	+915	-11,397
Visitor services.....	251,280	276,206	252,103	+823	-24,103
Park protection.....	355,545	362,082	356,643	+1,098	-5,439
Facility operations and maintenance.....	738,487	842,453	778,584	+40,097	-63,869
Park support.....	515,641	522,537	528,066	+12,425	+5,529
Subtotal.....	2,188,993	2,343,630	2,244,351	+55,358	-99,279
External administrative costs.....	180,603	180,732	180,667	+64	-65
Total, Operation of the National Park System....	2,369,596	2,524,362	2,425,018	+55,422	-99,344
National Recreation and Preservation					
Recreation programs.....	589	853	589	---	-264
Natural programs.....	13,575	13,659	13,581	+6	-78
Cultural programs.....	24,562	26,262	24,562	---	-1,700
International park affairs.....	1,648	1,656	1,648	---	-8
Environmental and compliance review.....	433	436	433	---	-3
Grant administration.....	2,004	2,079	2,004	---	-75
Heritage Partnership Programs.....	19,821	9,447	19,821	---	+10,374
Total, National Recreation and Preservation.....	62,632	54,392	62,638	+6	+8,246

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
<b>Historic Preservation Fund</b>					
State historic preservation offices.....	46,925	46,925	47,925	+1,000	+1,000
Tribal grants.....	9,985	11,985	10,485	+500	-1,500
Competitive grants.....	8,500	25,500	13,500	+5,000	-12,000
Save America's Treasures grants.....	---	---	5,000	+5,000	+5,000
Grants to Historically Black Colleges and Universities	---	3,000	4,000	+4,000	+1,000
<b>Total, Historic Preservation Fund.....</b>	<b>65,410</b>	<b>87,410</b>	<b>80,910</b>	<b>+15,500</b>	<b>-6,500</b>
<b>Construction</b>					
<b>General Program:</b>					
Line item construction and maintenance.....	116,276	153,344	131,992	+15,716	-21,352
Emergency and unscheduled.....	3,855	3,855	3,855	---	---
Housing.....	2,200	2,203	2,200	---	-3
Dam safety.....	1,248	1,249	1,248	---	-1
Equipment replacement.....	13,500	17,545	13,500	---	-4,045
Planning, construction.....	7,266	15,518	7,966	+700	-7,552
Construction program management.....	36,771	46,431	36,771	---	-9,660
General management plans.....	11,821	11,893	11,821	---	-72
<b>Total, Construction.....</b>	<b>192,937</b>	<b>252,038</b>	<b>209,353</b>	<b>+16,416</b>	<b>-42,685</b>
Land and Water Conservation Fund (rescission of contract authority).....	-28,000	-30,000	-28,000	---	+2,000

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DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
<b>Land Acquisition and State Assistance</b>					
<b>Assistance to States:</b>					
State conservation grants (formula).....	94,839	94,000	94,000	-839	---
State conservation grants (competitive).....	12,000	12,000	12,000	---	---
Administrative expenses.....	3,161	4,006	4,006	+845	---
Subtotal.....	110,000	110,006	110,006	+6	---
<b>National Park Service:</b>					
Acquisitions.....	33,135	37,314	21,488	-11,647	-15,826
Recreational Access.....	2,000	2,000	2,000	---	---
American Battlefield Protection Program.....	10,000	10,000	10,000	---	---
Emergencies, Hardships, Relocations, and Deficiencies.....	3,928	3,928	3,928	---	---
Acquisition Management.....	9,679	10,000	9,679	---	-321
Inholdings, Donations, and Exchanges.....	4,928	5,000	4,928	---	-72
Subtotal.....	63,670	88,242	52,023	-11,647	-16,219
Total, Land Acquisition and State Assistance....	173,670	178,248	162,029	-11,641	-16,219
Centennial Challenge.....	15,000	35,000	20,000	+5,000	-15,000
TOTAL, NATIONAL PARK SERVICE.....	2,851,245	3,101,450	2,931,948	+80,703	-169,502

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(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
-----					
UNITED STATES GEOLOGICAL SURVEY					
Surveys, Investigations, and Research					
Ecosystems:					
Status and trends.....	20,473	22,267	20,473	---	-1,794
Fisheries: Aquatic and endangered resources.....	20,886	24,083	21,136	+250	-2,947
Wildlife: Terrestrial and endangered resources.....	45,757	46,125	46,007	+250	-118
Terrestrial, Freshwater and marine environments.....	38,415	43,352	37,415	-1,000	-5,937
Invasive species.....	17,330	19,877	17,330	---	-2,547
Cooperative research units.....	17,371	18,234	17,371	---	-863
-----					
Total, Ecosystems.....	160,232	173,938	159,732	-500	-14,206
Climate and Land Use Change:					
Climate variability:					
Climate science centers.....	26,435	30,908	25,335	-1,100	-5,573
Climate research and development.....	21,495	22,714	19,295	-2,200	-3,419
Carbon sequestration.....	9,359	9,381	8,959	-400	-422
-----					
Subtotal.....	57,289	63,003	53,589	-3,700	-9,414

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DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
<b>Land Use Change:</b>					
Land remote sensing.....	72,194	96,506	85,794	+13,600	-10,712
Land change science.....	10,492	11,935	9,892	-600	-2,043
Subtotal.....	82,686	108,441	95,686	+13,000	-12,755
Total, Climate and Land Use Change.....	139,975	171,444	149,275	+9,300	-22,169
<b>Energy, Minerals, and Environmental Health:</b>					
<b>Mineral and Energy Resources:</b>					
Minerals resources.....	48,371	48,695	48,371	---	-324
Energy resources.....	24,695	26,228	24,695	---	-1,533
Subtotal.....	73,066	74,923	73,066	---	-1,857
<b>Environmental Health:</b>					
Contaminant biology.....	10,197	11,465	10,197	---	-1,268
Toxic substances hydrology.....	11,248	13,095	11,048	-200	-2,047
Subtotal.....	21,445	24,560	21,245	-200	-3,315
Total, Energy, Minerals, and Environmental Health.....	94,511	99,483	94,311	-200	-5,172
<b>Natural Hazards:</b>					
Earthquake hazards.....	60,503	62,196	64,303	+3,800	+2,107
Volcano hazards.....	26,121	26,238	28,121	+2,000	+1,883

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
Landslide hazards.....	3,538	4,054	3,538	---	-516
Global seismographic network.....	6,453	7,322	6,653	+200	-669
Geomagnetism.....	1,888	3,598	1,888	---	-1,710
Coastal and marine geology.....	40,510	46,293	40,510	---	-5,783
<b>Total, Natural Hazards.....</b>	<b>139,013</b>	<b>149,701</b>	<b>145,013</b>	<b>+6,000</b>	<b>-4,688</b>
<b>Water Resources:</b>					
Water Availability and Use Science Program.....	42,052	54,388	45,052	+3,000	-9,336
Groundwater and Streamflow Information Program.....	71,535	72,957	72,673	+1,138	-284
National Water Quality Program.....	90,600	94,147	90,529	-71	-3,618
Water Resources Research Act Program.....	6,500	6,500	6,500	---	---
<b>Total, Water Resources.....</b>	<b>210,687</b>	<b>227,992</b>	<b>214,754</b>	<b>+4,067</b>	<b>-13,238</b>
<b>Core Science Systems:</b>					
Science, synthesis, analysis, and research.....	24,299	24,930	24,299	---	-631
National cooperative geological mapping.....	24,397	24,486	24,397	---	-89
National Geospatial Program.....	62,854	68,979	67,354	+4,500	-1,625
<b>Total, Core Science Systems.....</b>	<b>111,550</b>	<b>118,395</b>	<b>116,050</b>	<b>+4,500</b>	<b>-2,345</b>
<b>Science Support:</b>					
Administration and Management.....	81,981	86,319	81,981	---	-4,338
Information Services.....	23,630	24,273	23,630	---	-643
<b>Total, Science Support.....</b>	<b>105,611</b>	<b>110,592</b>	<b>105,611</b>	<b>---</b>	<b>-4,981</b>

62P

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
-----					
Facilities:					
Rental payments and operations & maintenance.....	93,141	109,978	93,141	---	-16,837
Deferred maintenance and capital improvement.....	7,280	7,280	7,280	---	---
Total, Facilities.....	100,421	117,258	100,421	---	-16,837
	=====	=====	=====	=====	=====
TOTAL, UNITED STATES GEOLOGICAL SURVEY.....	1,062,000	1,168,803	1,085,167	+23,167	-83,636
	=====	=====	=====	=====	=====
BUREAU OF OCEAN ENERGY MANAGEMENT					
Ocean Energy Management					
Renewable energy.....	24,278	23,887	23,887	-391	---
Conventional energy.....	59,869	64,156	58,963	-906	-5,193
Environmental assessment.....	68,045	68,399	68,045	---	-354
Executive direction.....	18,665	18,696	18,665	---	-31
Subtotal.....	170,857	175,138	169,560	-1,297	-5,578

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DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
-----					
Offsetting rental receipts.....	-92,961	-88,487	-88,487	+4,474	---
Cost recovery fees.....	-3,661	-6,457	-6,457	-2,796	---
-----					
Subtotal, offsetting collections.....	-96,622	-94,944	-94,944	+1,678	---
=====					
TOTAL, BUREAU OF OCEAN ENERGY MANAGEMENT.....	74,235	80,194	74,616	+381	-5,578
=====					
BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT					
Offshore Safety and Environmental Enforcement					
Environmental enforcement.....	8,314	8,314	8,314	---	---
Operations, safety and regulation.....	144,954	145,150	144,954	---	-196
Administrative operations.....	18,268	18,268	18,268	---	---
Executive direction.....	18,236	18,236	18,236	---	---
-----					
Subtotal.....	189,772	189,968	189,772	---	-196
-----					
Offsetting rental receipts.....	-49,399	-37,922	-37,922	+11,477	---
Inspection fees.....	-59,000	-65,000	-53,000	+6,000	+12,000
Cost recovery fees.....	-7,808	-5,608	-5,608	+2,200	---
-----					
Subtotal, offsetting collections.....	-116,207	-108,530	-96,530	+19,677	+12,000

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DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
Rescission.....	---	---	-25,000	-25,000	-25,000
Total, Offshore Safety and Environmental Enforcement.....	73,565	81,438	68,242	-5,323	-13,196
Oil Spill Research					
Oil spill research.....	14,899	14,899	14,899	---	---
TOTAL, BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT.....	88,464	96,337	83,141	-5,323	-13,196
OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT					
Regulation and Technology					
Environmental protection.....	91,832	90,138	90,138	-1,694	---
Permit fees.....	40	1,900	40	---	-1,860
Offsetting collections.....	-40	-1,900	-40	---	+1,860
Technology development and transfer.....	15,205	21,485	15,205	---	-6,280
Financial management.....	505	713	505	---	-208
Executive direction.....	15,711	15,214	15,169	-542	-45
Civil penalties (indefinite).....	100	100	100	---	---
Subtotal.....	123,353	127,650	121,117	-2,236	-6,533

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DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
Civil penalties (offsetting collections).....	-100	-100	-100	---	---
Total, Regulation and Technology.....	123,253	127,550	121,017	-2,236	-6,533
<b>Abandoned Mine Reclamation Fund</b>					
Environmental restoration.....	9,480	9,825	9,480	---	-345
Technology development and transfer.....	3,544	6,367	3,544	---	-2,823
Financial management.....	6,396	6,440	6,396	---	-44
Executive direction.....	7,883	7,743	7,743	-140	---
State grants.....	90,000	---	105,000	+15,000	+105,000
Total, Abandoned Mine Reclamation Fund.....	117,303	30,375	132,163	+14,860	+101,788
TOTAL, OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT.....	240,556	157,925	253,180	+12,624	+95,255

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(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
BUREAU OF INDIAN AFFAIRS AND BUREAU OF INDIAN EDUCATION					
Operation of Indian Programs					
Tribal Budget System					
Tribal Government:					
Aid to tribal government.....	24,833	27,118	27,118	+2,285	---
Consolidated tribal government program.....	77,088	75,429	75,429	-1,659	---
Self governance compacts.....	162,321	162,346	162,346	+25	---
New tribes.....	464	---	160	-304	+160
Small and needy tribes.....	1,845	3,095	4,448	+2,603	+1,353
Road maintenance.....	26,693	26,783	30,307	+3,614	+3,524
Tribal government program oversight.....	8,273	12,377	8,377	+104	-4,000
Subtotal.....	301,517	307,148	308,185	+6,668	+1,037
Human Services:					
Social services.....	45,179	57,343	52,343	+7,164	-5,000
Welfare assistance.....	74,791	74,773	74,773	-18	---
Indian child welfare act.....	15,641	18,946	18,946	+3,305	---
Housing improvement program.....	8,021	9,708	9,708	+1,687	---
Human services tribal design.....	246	254	254	+8	---
Human services program oversight.....	3,126	3,137	3,137	+11	---
Subtotal.....	147,004	164,161	159,161	+12,157	-5,000

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DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
<b>Trust - Natural Resources Management:</b>					
Natural resources, general.....	5,168	7,953	4,953	-215	-3,000
Irrigation operations and maintenance.....	11,398	12,905	12,905	+1,507	---
Rights protection implementation.....	37,638	40,161	39,661	+2,023	-500
Tribal management/development program.....	9,263	14,266	11,266	+2,003	-3,000
Endangered species.....	2,684	3,685	2,685	+1	-1,000
Cooperative landscape conservation.....	9,955	13,056	9,956	+1	-3,100
Integrated resource information program.....	2,996	3,996	2,996	---	-1,000
Agriculture and range.....	30,751	30,769	30,769	+18	---
Forestry.....	51,914	52,155	54,155	+2,241	+2,000
Water resources.....	10,367	15,000	10,450	+83	-4,550
Fish, wildlife and parks.....	13,646	15,658	15,203	+1,557	-455
Resource management program oversight.....	6,066	5,993	5,993	-73	---
Subtotal.....	191,846	215,597	200,992	+9,146	-14,605
<b>Trust - Real Estate Services.....</b>	<b>127,486</b>	<b>136,192</b>	<b>123,092</b>	<b>-4,394</b>	<b>-13,100</b>
<b>Education:</b>					
Elementary and secondary programs (forward funded)..	553,458	574,075	575,155	+21,697	+1,080
(Tribal grant support costs).....	(73,276)	(75,335)	(80,165)	(+6,889)	(+4,830)
Post secondary programs (forward funded).....	74,893	77,207	77,207	+2,314	---
Subtotal, forward funded education.....	628,351	651,282	652,362	+24,011	+1,080

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DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
Elementary and secondary programs.....	134,263	144,295	140,540	+6,277	-3,755
Post secondary programs.....	64,602	66,841	63,561	-1,041	-3,280
Education management.....	25,151	50,012	35,050	+9,899	-14,962
Subtotal, Education.....	852,367	912,430	891,513	+39,146	-20,917
Public Safety and Justice:					
Law enforcement.....	347,976	341,281	353,556	+5,580	+12,275
Tribal courts.....	28,173	30,753	30,753	+2,580	---
Fire protection.....	1,274	1,426	1,426	+152	---
Subtotal.....	377,423	373,460	385,735	+8,312	+12,275
Community and economic development.....	40,619	42,844	41,844	+1,225	-1,000
Executive direction and administrative services.....	229,662	243,954	228,824	-838	-15,130
(Amounts available until expended, account-wide).....	(43,813)	(47,848)	(49,122)	(+5,309)	(+1,274)
Total, Operation of Indian Programs.....	2,267,924	2,395,786	2,339,346	+71,422	-56,440
Contract Support Costs					
Contract support costs.....	272,000	273,000	273,000	+1,000	---
Indian self-determination fund.....	5,000	5,000	5,000	---	---
Total, Contract Support Costs.....	277,000	278,000	278,000	+1,000	---

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DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
<b>Construction</b>					
Education.....	138,245	138,257	133,257	-4,988	-5,000
Public safety and justice.....	11,306	11,306	11,306	---	---
Resources management.....	34,488	36,513	36,513	+2,025	---
General administration.....	9,934	10,941	10,941	+1,007	---
<b>Total, Construction.....</b>	<b>193,973</b>	<b>197,017</b>	<b>192,017</b>	<b>-1,956</b>	<b>-5,000</b>
<b>Indian Land and Water Claim Settlements and Miscellaneous Payments to Indians</b>					
Settlements and Miscellaneous Payments to Indians.....	49,475	55,155	45,045	-4,430	-10,110
<b>Indian Guaranteed Loan Program Account</b>					
Indian guaranteed loan program account.....	7,748	7,757	8,757	+1,009	+1,000
<b>Administrative Provisions</b>					
Rescission.....	---	---	-3,400	-3,400	-3,400
<b>TOTAL, BUREAU OF INDIAN AFFAIRS AND INDIAN EDUCATION.....</b>	<b>2,796,120</b>	<b>2,933,715</b>	<b>2,859,765</b>	<b>+63,645</b>	<b>-73,950</b>

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
<b>DEPARTMENTAL OFFICES</b>					
<b>Office of the Secretary</b>					
Leadership and administration.....	122,885	127,394	124,112	+1,227	-3,282
Management services.....	21,365	21,676	20,475	-890	-1,201
Office of Natural Resources Revenue.....	125,519	129,306	126,487	+968	-2,819
Payments in Lieu of Taxes (PILT).....	452,000	---	---	-452,000	---
<b>Total, Office of the Secretary.....</b>	<b>721,769</b>	<b>278,376</b>	<b>271,074</b>	<b>-450,695</b>	<b>-7,302</b>
<b>Insular Affairs</b>					
<b>Assistance to Territories</b>					
<b>Territorial Assistance</b>					
Office of Insular Affairs.....	9,448	9,863	9,448	---	-415
Technical assistance.....	15,504	21,064	16,784	+1,280	-4,280
Maintenance assistance fund.....	1,081	5,000	4,000	+2,919	-1,000
Brown tree snake.....	3,500	3,000	3,500	---	+500
Coral reef initiative.....	1,000	2,000	1,250	+250	-750
Empowering Insular Communities.....	2,971	5,000	3,471	+500	-1,529
Compact impact.....	3,000	3,000	3,000	---	---
<b>Subtotal, Territorial Assistance.....</b>	<b>36,504</b>	<b>48,927</b>	<b>41,453</b>	<b>+4,949</b>	<b>-7,474</b>

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DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
American Samoa operations grants.....	22,752	22,752	22,752	---	---
Northern Marianas covenant grants.....	27,720	27,720	27,720	---	---
<b>Total, Assistance to Territories.....</b>	<b>86,976</b>	<b>99,399</b>	<b>91,925</b>	<b>+4,949</b>	<b>-7,474</b>
(discretionary).....	(59,256)	(71,679)	(64,205)	(+4,949)	(-7,474)
(mandatory).....	(27,720)	(27,720)	(27,720)	---	---
<b>Compact of Free Association</b>					
Compact of Free Association - Federal services.....	2,818	2,818	2,818	---	---
Enewetak support.....	500	500	500	---	---
<b>Subtotal, Compact of Free Association.....</b>	<b>3,318</b>	<b>3,318</b>	<b>3,318</b>	<b>---</b>	<b>---</b>
Compact payments, Palau (Title I, General Provision)...	13,147	---	13,147	---	+13,147
<b>Total, Compact of Free Association.....</b>	<b>16,465</b>	<b>3,318</b>	<b>16,465</b>	<b>---</b>	<b>+13,147</b>
<b>Total, Insular Affairs.....</b>	<b>103,441</b>	<b>102,717</b>	<b>108,390</b>	<b>+4,949</b>	<b>+5,673</b>
(discretionary).....	(75,721)	(74,997)	(80,670)	(+4,949)	(+5,673)
(mandatory).....	(27,720)	(27,720)	(27,720)	---	---
<b>Office of the Solicitor</b>					
Legal services.....	59,091	62,781	59,091	---	-3,690
General administration.....	4,971	4,940	4,940	-31	---

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DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
Ethics.....	1,738	1,727	1,738	---	+11
Total, Office of the Solicitor.....	65,800	69,448	65,769	-31	-3,679
Office of Inspector General					
Audit and investigations.....	37,538	43,263	37,538	---	-5,725
Administrative services and information management....	12,509	12,648	12,509	---	-139
Total, Office of Inspector General.....	50,047	55,911	50,047	---	-5,864
Office of Special Trustee for American Indians					
Federal Trust Programs					
Program operations, support, and improvements.....	136,998	138,335	136,998	---	-1,337
(Office of Historical Accounting).....	(22,120)	(19,629)	(18,688)	(-3,432)	(-941)
Executive direction.....	2,031	2,044	2,031	---	-13
Total, Office of Special Trustee for American Indians.....	139,029	140,379	139,029	---	-1,350
=====					
TOTAL, DEPARTMENTAL OFFICES.....	1,080,086	646,831	634,309	-445,777	-12,522
(Discretionary).....	(1,052,366)	(619,111)	(606,589)	(-445,777)	(-12,522)
(Mandatory).....	(27,720)	(27,720)	(27,720)	---	---
=====					

02AR

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
DEPARTMENT-WIDE PROGRAMS					
Wildland Fire Management					
Fire Operations:					
Preparedness.....	323,685	332,784	332,784	+9,099	---
Fire suppression.....	291,673	276,291	395,000	+103,327	+118,709
Subtotal, Fire operations.....	615,358	609,075	727,784	+112,426	+118,709
Other Operations:					
Fuels Management.....	170,000	149,089	180,000	+10,000	+30,911
Resilient Landscapes.....	---	30,000	---	---	-30,000
Burned area rehabilitation.....	18,970	20,470	20,470	+1,500	---
Fire facilities.....	6,427	10,000	8,427	+2,000	-1,573
Joint fire science.....	5,990	5,990	5,990	---	---
Subtotal, Other operations.....	201,387	215,549	214,887	+13,500	-662
Total, Wildland fire management.....	816,745	824,624	942,671	+125,926	+118,047
FLAME Wildfire Suppression Reserve Account					
FLAME wildfire suppression reserve account.....	177,000	---	---	-177,000	---

102NRB

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
FLAME wildfire suppression reserve account (emergency)	---	---	65,000	+65,000	+65,000
<b>Total, all wildland fire accounts</b>	<b>993,745</b>	<b>824,624</b>	<b>1,007,671</b>	<b>+13,926</b>	<b>+183,047</b>
Appropriations	(993,745)	(824,624)	(942,671)	(-51,074)	(+118,047)
Emergency appropriations	---	---	(65,000)	(+65,000)	(+65,000)
Suppression Cap Adjustment	---	290,000	---	---	-290,000
<b>Total, Wildland Fire Management with cap adjustment</b>	<b>993,745</b>	<b>1,114,624</b>	<b>1,007,671</b>	<b>+13,926</b>	<b>-106,953</b>
Appropriations	(993,745)	(1,114,624)	(942,671)	(-51,074)	(-171,953)
Emergency appropriations	---	---	(65,000)	(+65,000)	(+65,000)
<b>Central Hazardous Materials Fund</b>					
Central hazardous materials fund	10,010	13,513	10,010	---	-3,503
<b>Natural Resource Damage Assessment Fund</b>					
Damage assessments	2,500	2,071	2,000	-500	-71
Program management	2,192	2,438	2,192	---	-246
Restoration support	2,075	3,619	2,575	+500	-1,044
Oil Spill Preparedness	1,000	1,101	1,000	---	-101
<b>Total, Natural Resource Damage Assessment Fund</b>	<b>7,767</b>	<b>9,229</b>	<b>7,767</b>	<b>---</b>	<b>-1,462</b>
Working Capital Fund	67,100	111,524	67,100	---	-44,424

622AC

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
<hr/>					
Payment in Lieu of Taxes					
Payments to local governments in lieu of taxes.....	---	---	465,000	+465,000	+465,000
<hr/>					
TOTAL, DEPARTMENT-WIDE PROGRAMS.....	1,078,622	1,248,890	1,557,548	+478,926	+308,658
Appropriations.....	(1,078,622)	(958,890)	(1,492,548)	(+413,926)	(+533,658)
Emergency appropriations.....	---	---	(65,000)	(+65,000)	(+65,000)
Disaster Relief cap adjustment.....	---	(290,000)	---	---	(-290,000)
<hr/>					
TOTAL, TITLE I, DEPARTMENT OF THE INTERIOR.....	12,016,431	12,242,229	12,251,927	+235,496	+9,698
Appropriations.....	(12,044,431)	(12,272,229)	(12,243,327)	(+198,896)	(-28,902)
Rescissions.....	---	---	(-28,400)	(-28,400)	(-28,400)
Rescissions of contract authority.....	(-28,000)	(-30,000)	(-28,000)	---	(+2,000)
Emergency appropriations.....	---	---	(65,000)	(+65,000)	(+65,000)
(Mandatory).....	(61,720)	(61,720)	(61,720)	---	---
(Discretionary without cap adjustment).....	(11,954,711)	(11,890,509)	(12,190,207)	(+235,496)	(+299,698)
(Disaster Relief cap adjustment).....	---	(290,000)	---	---	(-290,000)
<hr/>					

0241D

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
<b>TITLE II - ENVIRONMENTAL PROTECTION AGENCY</b>					
<b>Science and Technology</b>					
Clean Air and Climate.....	116,541	128,154	116,541	---	-11,613
(Climate protection program).....	(8,018)	(8,127)	(8,018)	---	(-109)
Enforcement.....	13,669	14,608	13,669	---	-939
Homeland security.....	37,122	37,205	33,122	-4,000	-4,083
Indoor air and Radiation.....	5,997	7,510	5,997	---	-1,513
IT / Data management / Security.....	3,089	3,092	3,089	---	-3
Operations and administration.....	68,339	78,447	68,339	---	-10,108
Pesticide licensing.....	6,027	5,289	6,027	---	+738
Research: Air, climate and energy.....	91,906	101,151	91,906	---	-9,245
Research: Chemical safety and sustainability.....	128,930	134,221	128,930	---	-7,291
(Research: Computational toxicology).....	(21,409)	(25,744)	(21,409)	---	(-4,335)
(Research: Endocrine disruptor).....	(16,253)	(15,361)	(16,253)	---	(+872)
Research: National priorities.....	14,100	---	4,100	-10,000	+4,100
Research: Safe and sustainable water resources.....	107,434	106,257	106,257	-1,177	---
Research: Sustainable and healthy communities.....	139,975	134,327	134,327	-5,648	---
Water: Human health protection.....	3,519	3,923	3,519	---	-404
<b>Subtotal, Science and Technology.....</b>	<b>734,648</b>	<b>754,184</b>	<b>713,823</b>	<b>-20,825</b>	<b>-40,361</b>

02AE

DIVISION 6 -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
Rescission.....	---	---	-7,350	-7,350	-7,350
Total, Science and Technology.....	734,648	754,184	706,473	-28,175	-47,711
(by transfer from Superfund).....	(18,850)	(15,496)	(15,496)	(-3,354)	---
Environmental Programs and Management					
Brownfields.....	25,593	25,906	25,593	---	-313
Clean air and climate.....	273,108	340,974	273,108	---	-67,866
(Climate protection program).....	(95,436)	(107,761)	(95,436)	---	(-12,325)
Compliance.....	101,665	111,270	101,665	---	-9,605
Enforcement.....	240,637	268,118	240,637	---	-27,481
(Environmental justice).....	(6,737)	(15,291)	(6,737)	---	(-8,554)
Environmental protection: National priorities.....	12,700	---	12,700	---	+12,700

02AF

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
<b>Geographic programs:</b>					
Great Lakes Restoration Initiative.....	300,000	250,000	300,000	---	+50,000
Chesapeake Bay.....	73,000	70,000	73,000	---	+3,000
San Francisco Bay.....	4,819	4,040	4,819	---	+779
Puget Sound.....	28,000	30,034	28,000	---	-2,034
Long Island Sound.....	3,940	2,893	8,000	+4,060	+5,107
Gulf of Mexico.....	4,482	3,983	8,542	+4,060	+4,559
South Florida.....	1,704	1,339	1,704	---	+365
Lake Champlain.....	4,399	1,399	4,399	---	+3,000
Lake Pontchartrain.....	948	948	948	---	---
Southern New England Estuaries.....	5,000	5,000	5,000	---	---
Other geographic activities.....	1,445	965	1,445	---	+480
Subtotal.....	427,737	370,601	435,857	+8,120	+65,256
Homeland security.....	10,195	11,518	10,195	---	-1,323
Indoor air and radiation.....	27,637	29,908	27,637	---	-2,271
Information exchange / Outreach.....	126,538	152,445	126,538	---	-25,907
<b>(Children and other sensitive populations:</b>					
Agency coordination).....	(6,548)	(7,842)	(6,548)	---	(-1,294)
(Environmental education).....	(8,702)	(11,157)	(8,702)	---	(-2,455)
International programs.....	15,400	18,099	15,400	---	-2,699
IT / Data management / Security.....	90,536	126,974	90,536	---	-36,438
Legal/science/regulatory/economic review.....	111,414	145,683	111,414	---	-34,269
Operations and administration.....	482,751	520,316	480,751	-2,000	-39,565
Pesticide licensing.....	102,363	110,896	102,363	---	-8,533

62AG

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
Resource Conservation and Recovery Act (RCRA).....	104,877	110,708	104,877	---	-5,831
Toxics risk review and prevention..... (Endocrine disruptors).....	92,521 (7,553)	99,043 (4,329)	92,521 (7,553)	---	-6,522 (+3,224)
Underground storage tanks (LUST / UST).....	11,295	11,612	11,295	---	-317
Water: Ecosystems:					
National estuary program / Coastal waterways.....	26,723	27,191	26,723	---	-468
Wetlands.....	21,065	23,668	21,065	---	-2,603
Subtotal.....	47,788	50,859	47,788	---	-3,071
Water: Human health protection.....	98,507	109,437	98,507	---	-10,930
Water quality protection.....	210,417	238,526	210,417	---	-28,109
Subtotal, Environmental Programs and Management.	2,813,679	2,852,893	2,619,799	+6,120	-233,094
Rescission.....	---	---	-21,800	-21,800	-21,800
Total, Environmental Programs and Management....	2,813,679	2,852,893	2,597,999	-15,680	-254,894
Hazardous Waste Electronic Manifest System Fund					
E-Manifest System Fund.....	3,674	7,433	3,178	-496	-4,255

624H



DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
<b>Office of Inspector General</b>					
Audits, evaluations, and investigations.....	41,489	51,527	41,489	---	-10,038
(by transfer from Superfund).....	(9,939)	(8,778)	(8,778)	(-1,161)	---
<b>Buildings and Facilities</b>					
Homeland security: Protection of EPA personnel and infrastructure.....	6,676	7,875	6,676	---	-1,199
Operations and administration.....	35,641	44,203	27,791	-7,850	-16,412
<b>Total, Buildings and Facilities.....</b>	<b>42,317</b>	<b>52,078</b>	<b>34,467</b>	<b>-7,850</b>	<b>-17,611</b>
<b>Hazardous Substance Superfund</b>					
Audits, evaluations, and investigations.....	9,939	8,778	8,778	-1,161	---
Compliance.....	995	1,099	995	---	-104
Enforcement.....	166,375	175,657	166,375	---	-9,282
Homeland security.....	36,362	32,616	32,616	-3,746	---
Indoor air and radiation.....	1,985	2,182	1,985	---	-197
Information exchange / Outreach.....	1,328	1,366	1,328	---	-38
IT /data management/security.....	14,485	20,141	14,485	---	-5,656
Legal/science/regulatory/economic review.....	1,253	1,278	1,253	---	-25
Operations and administration.....	128,105	130,608	128,105	---	-2,503
Research: Chemical safety and sustainability.....	2,843	2,824	2,824	-19	---
Research: Sustainable communities.....	14,032	11,463	11,463	-2,569	---

02AI

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
-----					
Superfund cleanup:					
Superfund: Emergency response and removal.....	181,306	185,233	181,306	---	-3,927
Superfund: Emergency preparedness.....	7,636	7,931	7,636	---	-295
Superfund: Federal facilities.....	21,125	26,770	21,125	---	-5,645
Superfund: Remedial.....	501,000	521,043	508,495	+7,495	-12,548
	-----				
Subtotal.....	711,067	740,977	718,562	+7,495	-22,415
	-----				
Total, Hazardous Substance Superfund.....	1,088,769	1,128,989	1,088,769	---	-40,220
(transfer out to Inspector General).....	(-9,939)	(-8,778)	(-8,778)	(+1,161)	---
(transfer out to Science and Technology).....	(-18,850)	(-15,496)	(-15,496)	(+3,354)	---
	-----				
Leaking Underground Storage Tank Trust Fund (LUST)					
Enforcement.....	620	668	620	---	-48
Operations and administration.....	1,352	1,669	1,352	---	-317
Research: Sustainable communities.....	320	365	320	---	-45
Underground storage tanks (LUST / UST).....	89,649	91,583	89,649	---	-1,934
(LUST/UST).....	(9,240)	(9,322)	(9,240)	---	(-82)
(LUST cooperative agreements).....	(55,040)	(54,402)	(55,040)	---	(+638)
(Energy Policy Act grants).....	(25,369)	(27,859)	(25,369)	---	(-2,490)
	-----				
Total, Leaking Underground Storage Tank Trust Fund.....	91,941	94,285	91,941	---	-2,344

102AT

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
<b>Inland Oil Spill Program</b>					
Compliance.....	139	160	139	---	-21
Enforcement.....	2,413	2,492	2,413	---	-79
Oil.....	14,409	20,461	14,409	---	-6,052
Operations and administration.....	584	1,763	584	---	-1,179
Research: Sustainable communities.....	664	534	664	---	+130
<b>Total, Inland Oil Spill Program.....</b>	<b>18,209</b>	<b>25,410</b>	<b>18,209</b>	<b>---</b>	<b>-7,201</b>
<b>State and Tribal Assistance Grants (STAG)</b>					
Alaska Native villages.....	20,000	17,000	20,000	---	+3,000
Brownfields projects.....	80,000	90,000	80,000	---	-10,000
Clean water state revolving fund (SRF).....	1,393,887	979,500	1,393,887	---	+414,387
Diesel emissions grants.....	50,000	10,000	60,000	+10,000	+50,000
Drinking water state revolving fund (SRF).....	863,233	1,020,500	863,233	---	-157,267
Mexico border.....	10,000	5,000	10,000	---	+5,000
Targeted airshed grants.....	20,000	---	30,000	+10,000	+30,000
Water quality monitoring (P.L. 114-322).....	---	---	4,000	+4,000	+4,000
<b>Subtotal, Infrastructure assistance grants.....</b>	<b>2,437,120</b>	<b>2,122,000</b>	<b>2,461,120</b>	<b>+24,000</b>	<b>+339,120</b>

624K

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
-----					
Categorical grants:					
Beaches protection.....	9,549	---	9,549	---	+9,549
Brownfields.....	47,745	49,500	47,745	---	-1,755
Environmental information.....	9,646	25,346	9,646	---	-15,700
Hazardous waste financial assistance.....	99,693	99,693	99,693	---	---
Lead.....	14,049	14,049	14,049	---	---
Nonpoint source (Sec. 319).....	164,915	164,915	170,915	+6,000	+6,000
Pesticides enforcement.....	18,050	18,050	18,050	---	---
Pesticides program implementation.....	12,701	13,201	12,701	---	-500
Pollution control (Sec. 106).....	230,806	246,164	230,806	---	-15,358
(Water quality monitoring).....	(17,848)	(17,848)	(17,848)	---	---
Pollution prevention.....	4,765	4,765	4,765	---	---
Public water system supervision.....	101,963	109,700	101,963	---	-7,737
Radon.....	8,051	---	8,051	---	+8,051
State and local air quality management.....	228,219	268,229	228,219	---	-40,010
Toxics substances compliance.....	4,919	4,919	4,919	---	---
Tribal air quality management.....	12,829	12,829	12,829	---	---
Tribal general assistance program.....	65,476	96,375	65,476	---	-30,899
Underground injection control (UIC).....	10,506	10,506	10,506	---	---
Underground storage tanks.....	1,498	2,498	1,498	---	-1,000
Wetlands program development.....	14,661	17,661	14,661	---	-3,000
Multipurpose grants.....	21,000	---	---	-21,000	---
	-----				
Subtotal, Categorical grants.....	1,081,041	1,158,400	1,066,041	-15,000	-92,359
	-----				
Total, State and Tribal Assistance Grants.....	3,518,161	3,280,400	3,527,161	+9,000	+246,761

(62)AL

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
-----					
Water Infrastructure Finance and Innovation Program					
Administrative Expenses.....	---	5,000	2,000	+2,000	-3,000
Direct Loan Subsidy.....	---	15,000	8,000	+8,000	-7,000
-----					
Total, Water Infrastructure Finance and Innovation Program.....	---	20,000	10,000	+10,000	-10,000
Administrative Provisions					
Cybersecurity.....	27,000	---	---	-27,000	---
Rescission.....	-40,000	---	-61,198	-21,198	-61,198
=====					
TOTAL, TITLE II, ENVIRONMENTAL PROTECTION AGENCY	8,139,887	8,267,199	8,058,488	-81,399	-208,711
Appropriations.....	(8,179,887)	(8,267,199)	(8,148,836)	(-31,051)	(-118,363)
Rescissions.....	(-40,000)	---	(-90,348)	(-50,348)	(-90,348)
(By transfer).....	(28,789)	(24,274)	(24,274)	(-4,515)	---
(Transfer out).....	(-28,789)	(-24,274)	(-24,274)	(+4,515)	---

02AM

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
-----					
TITLE III - RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
FOREST SERVICE					
Forest and Rangeland Research					
Forest inventory and analysis.....	75,000	77,000	77,000	+2,000	---
Research and development programs.....	216,000	214,982	211,514	-4,486	-3,468
	-----				
Total, Forest and rangeland research.....	291,000	291,982	288,514	-2,486	-3,468
State and Private Forestry					
Landscape scale restoration.....	14,000	23,513	14,000	---	-9,513
Forest Health Management:					
Federal lands forest health management.....	58,922	51,382	55,500	-3,422	+4,118
Cooperative lands forest health management.....	40,678	40,678	39,000	-1,678	-1,678
	-----				
Subtotal.....	99,600	92,060	94,500	-5,100	+2,440
Cooperative Forestry:					
Forest stewardship.....	23,036	22,398	20,036	-3,000	-2,362
Forest legacy.....	62,347	62,347	62,347	---	---
Rescission.....	---	---	-12,002	-12,002	-12,002

(02AN)

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
Community forest and open space conservation.....	2,000	2,000	2,000	---	---
Urban and community forestry.....	28,040	23,686	28,040	---	+4,354
Subtotal, Cooperative Forestry.....	115,423	110,431	100,421	-15,002	-10,010
International forestry.....	8,000	8,000	8,000	---	---
Total, State and Private Forestry.....	237,023	234,004	216,921	-20,102	-17,083
<b>National Forest System</b>					
Land management planning.....	36,998	---	---	-36,998	---
Inventory and monitoring.....	147,998	---	---	-147,998	---
Land management planning, assessment and monitoring...	---	183,928	182,928	+182,928	-1,000
Recreation, heritage and wilderness.....	261,719	263,942	264,595	+2,876	+653
Grazing management.....	56,856	50,000	56,856	---	+6,856
Grazing administration management.....	---	15,000	---	---	-15,000
Grazing administration management offsetting collections.....	---	-15,000	---	---	+15,000
Forest products.....	359,805	359,805	367,805	+8,000	+8,000
Vegetation and watershed management.....	184,716	184,716	184,716	---	---
Wildlife and fish habitat management.....	140,466	140,466	140,466	---	---
Collaborative Forest Landscape Restoration Fund.....	40,000	40,000	40,000	---	---
Minerals and geology management.....	76,423	75,069	75,569	-854	+500
Landownership management.....	77,730	71,440	73,730	-4,000	+2,290
Law enforcement operations.....	126,653	131,630	126,653	---	-4,977
Total, National Forest System.....	1,509,364	1,500,996	1,513,318	+3,954	+12,322

62A0

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
<b>Capital Improvement and Maintenance</b>					
<b>Facilities:</b>					
Maintenance.....	55,369	55,369	55,369	---	---
Construction.....	16,021	16,231	16,021	---	-210
Subtotal.....	71,390	71,600	71,390	---	-210
<b>Roads:</b>					
Maintenance.....	145,454	126,840	146,954	+1,500	+20,114
Construction.....	26,640	23,160	28,140	+1,500	+4,980
Subtotal.....	172,094	150,000	175,094	+3,000	+25,094
<b>Trails:</b>					
Maintenance.....	69,777	70,597	69,777	---	-820
Construction.....	7,753	7,933	7,753	---	-180
Subtotal.....	77,530	78,530	77,530	---	-1,000
Deferred maintenance.....	3,150	3,150	---	-3,150	-3,150
Legacy road and trail remediation.....	40,000	40,000	40,000	---	---
Subtotal, Capital improvement and maintenance...	364,164	343,280	364,014	-150	+20,734

02 AP



DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
Deferral of road and trail fund payment.....	-16,000	-17,000	-16,000	---	+1,000
<b>Total, Capital improvement and maintenance.....</b>	<b>348,164</b>	<b>326,280</b>	<b>348,014</b>	<b>-150</b>	<b>+21,734</b>
<b>Land Acquisition</b>					
Acquisitions.....	44,685	49,703	39,413	-5,272	-10,290
Acquisition Management.....	8,500	8,500	7,552	-948	-948
Cash Equalization.....	250	750	750	+500	---
Recreational Access.....	8,000	4,700	4,700	-3,300	---
Critical Inholdings/Wilderness.....	2,000	2,000	2,000	---	---
<b>Total, Land Acquisition.....</b>	<b>63,435</b>	<b>65,653</b>	<b>54,415</b>	<b>-9,020</b>	<b>-11,238</b>
Acquisition of land for national forests, special acts	950	950	950	---	---
Acquisition of lands to complete land exchanges.....	216	216	216	---	---
Range betterment fund.....	2,320	2,320	2,320	---	---
Gifts, donations and bequests for forest and rangeland research.....	45	45	45	---	---
Management of national forest lands for subsistence uses.....	2,500	2,441	2,500	---	+59
<b>Wildland Fire Management</b>					
Fire operations:					
Wildland fire preparedness.....	1,082,620	1,082,620	1,082,620	---	---

02A0

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
Wildland fire suppression operations.....	811,000	873,904	1,248,000	+437,000	+374,096
Subtotal, Fire operations.....	1,893,620	1,956,524	2,330,620	+437,000	+374,096
Other operations:					
Hazardous fuels.....	375,000	384,126	390,000	+15,000	+5,874
(Hazardous Fuels Base Program).....	(360,000)	(369,126)	(375,000)	(+15,000)	(+5,874)
(Biomass Grants).....	(15,000)	(15,000)	(15,000)	---	---
Fire plan research and development.....	19,795	19,795	19,795	---	---
Joint fire sciences program.....	6,914	---	---	-6,914	---
State fire assistance.....	78,000	78,000	78,000	---	---
Volunteer fire assistance.....	13,000	13,000	15,000	+2,000	+2,000
Subtotal, Other operations.....	492,709	494,921	502,795	+10,086	+7,874
Subtotal, Wildland Fire Management.....	2,386,329	2,451,445	2,833,415	+447,086	+381,970
FLAME Wildfire Suppression Reserve Account					
FLAME wildfire suppression reserve account.....	823,000	---	---	-823,000	---
FLAME wildfire suppression reserve account (emergency).....	---	---	342,000	+342,000	+342,000
Total, all wildland fire accounts.....	3,209,329	2,451,445	3,175,415	-33,914	+723,970
Appropriations.....	(3,209,329)	(2,451,445)	(2,833,415)	(-375,914)	(+381,970)
Emergency appropriations.....	---	---	(342,000)	(+342,000)	(+342,000)

(02 AR

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
-----					
Suppression cap adjustment.....	---	864,096	---	---	-864,096
Total, Wildland Fire Management with cap adjustment.....	3,209,329	3,315,541	3,175,415	-33,914	-140,126
Appropriations.....	(3,209,329)	(3,315,541)	(2,833,415)	(-375,914)	(-482,126)
Emergency appropriations.....	---	---	(342,000)	(+342,000)	(+342,000)
-----					
Total, Forest Service without Wildland Fire Management.....	2,455,017	2,424,887	2,427,213	-27,804	+2,326
Administrative Provisions					
Rescission.....	---	---	-6,315	-6,315	-6,315
=====					
TOTAL, FOREST SERVICE.....	5,664,346	5,740,428	5,596,313	-68,033	-144,115
Appropriations.....	(5,664,346)	(4,876,332)	(5,272,630)	(-391,716)	(+396,298)
Rescissions.....	---	---	(-18,317)	(-18,317)	(-18,317)
Emergency appropriations.....	---	---	(342,000)	(+342,000)	(+342,000)
Disaster Relief cap adjustment.....	---	(864,096)	---	---	(-864,096)
=====					

(62AS)

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
-----					
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
INDIAN HEALTH SERVICE					
Indian Health Services					
Clinical Services:					
Hospital and health clinics.....	1,857,225	1,979,998	1,935,178	+77,953	-44,820
Dental health.....	178,286	186,829	182,597	+4,311	-4,232
Mental health.....	82,100	111,143	94,080	+11,980	-17,063
Alcohol and substance abuse.....	205,305	233,286	218,353	+13,048	-14,933
Purchased/referred care.....	914,139	962,331	928,830	+14,691	-33,501
Subtotal.....	3,237,055	3,473,587	3,359,038	+121,983	-114,549
-----					
Preventive Health:					
Public health nursing.....	76,623	82,040	78,701	+2,078	-3,339
Health education.....	18,255	19,545	18,663	+408	-882
Community health representatives.....	58,906	62,428	60,325	+1,419	-2,103
Immunization (Alaska).....	1,950	2,062	2,041	+91	-21
Subtotal.....	155,734	166,075	159,730	+3,996	-6,345

62AT

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
-----					
Other services:					
Urban Indian health.....	44,741	48,157	47,678	+2,937	-479
Indian health professions.....	48,342	49,345	49,345	+1,003	---
Tribal management grant program.....	2,442	2,488	2,465	+23	-23
Direct operations.....	72,338	69,620	70,420	-1,918	+800
Self-governance.....	5,735	5,837	5,786	+51	-51
Subtotal.....	173,598	175,447	175,694	+2,096	+247
Total, Indian Health Services.....	3,566,387	3,815,109	3,694,462	+128,075	-120,647
-----					
Contract Support Costs					
Contract support.....	717,970	800,000	800,000	+82,030	---
-----					
Indian Health Facilities					
Maintenance and improvement.....	73,614	76,981	75,745	+2,131	-1,236
Sanitation facilities construction.....	99,423	103,036	101,772	+2,349	-1,264
Health care facilities construction.....	105,048	132,377	117,991	+12,943	-14,386
Facilities and environmental health support.....	222,610	233,858	226,950	+4,340	-6,908
Equipment.....	22,537	23,654	22,966	+429	-688
Total, Indian Health Facilities.....	523,232	569,906	545,424	+22,192	-24,482
=====					
TOTAL, INDIAN HEALTH SERVICE.....	4,807,589	5,185,015	5,039,886	+232,297	-145,129
=====					

02AV

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
-----					
NATIONAL INSTITUTES OF HEALTH					
National Institute of Environmental Health Sciences...	77,349	77,349	77,349	---	---
AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY					
Toxic substances and environmental public health.....	74,691	74,691	74,691	---	---
=====					
TOTAL, DEPARTMENT OF HEALTH AND HUMAN SERVICES..	4,959,629	5,337,055	5,191,926	+232,297	-145,129
=====					
OTHER RELATED AGENCIES					
EXECUTIVE OFFICE OF THE PRESIDENT					
Council on Environmental Quality and Office of Environmental Quality.....	3,000	3,015	3,000	---	-15
CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD					
Salaries and expenses.....	11,000	12,436	11,000	---	-1,436
OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION					
Salaries and expenses.....	15,000	15,431	15,431	+431	---

02 AV

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
-----					
INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT					
Payment to the Institute.....	11,619	11,835	15,212	+3,593	+3,377
SMITHSONIAN INSTITUTION					
Salaries and Expenses					
Museum and Research Institutes:					
National Air and Space Museum.....	18,937	19,853	19,853	+916	---
Smithsonian Astrophysical Observatory.....	24,141	24,393	24,393	+252	---
Major scientific instrumentation.....	4,118	6,118	4,118	---	-2,000
Universe Center.....	184	184	184	---	---
National Museum of Natural History.....	48,503	49,205	49,205	+702	---
National Zoological Park.....	26,382	27,252	27,252	+870	---
Smithsonian Environmental Research Center.....	3,956	4,171	4,171	+215	---
Smithsonian Tropical Research Institute.....	14,166	14,344	14,344	+178	---
Biodiversity Center.....	1,523	4,230	1,530	+7	-2,700
Arthur M. Sackler Gallery/Freer Gallery of Art.....	6,111	6,197	6,197	+86	---
Center for Folklife and Cultural Heritage.....	2,581	3,122	3,039	+458	-83
Cooper-Hewitt, National Design Museum.....	4,810	5,105	5,005	+195	-100
Hirshhorn Museum and Sculpture Garden.....	4,414	4,913	4,627	+213	-286
National Museum of African Art.....	4,263	4,576	4,576	+313	---
World Cultures Center.....	284	792	792	+508	---
Anacostia Community Museum.....	2,116	2,329	2,329	+213	---

(02AM)

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
Archives of American Art.....	1,880	2,005	1,909	+29	-96
National Museum of African American History and Culture.....	41,347	41,564	41,564	+217	---
National Museum of American History.....	23,122	26,142	26,036	+2,914	-106
National Museum of the American Indian.....	31,726	32,341	32,341	+615	---
National Portrait Gallery.....	6,064	6,460	6,460	+396	---
Smithsonian American Art Museum.....	9,587	10,115	10,115	+528	---
American Experience Center.....	595	596	596	+1	---
Subtotal, Museums and Research Institutes.....	280,810	296,007	290,636	+9,826	-5,371
Mission enabling:					
Program support and outreach:					
Outreach.....	9,229	9,214	9,214	-15	---
Communications.....	2,594	2,632	2,632	+38	---
Institution-wide programs.....	14,784	14,984	14,784	---	-200
Office of Exhibits Central.....	3,009	3,057	3,057	+48	---
Museum Support Center.....	1,866	1,890	1,890	+24	---
Museum Conservation Institute.....	3,277	3,320	3,320	+43	---
Smithsonian Institution Archives.....	2,203	2,316	2,316	+113	---
Smithsonian Institution Libraries.....	10,654	11,275	11,146	+492	-129
Subtotal, Program support and outreach.....	47,616	48,688	48,359	+743	-329
Office of Chief Information Officer.....	50,400	54,641	51,371	+971	-3,270
Administration.....	34,554	37,526	35,756	+1,202	-1,770
Inspector General.....	3,451	3,499	3,499	+48	---

02 AX



DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
<b>Facilities services:</b>					
Facilities maintenance.....	73,985	89,227	76,327	+2,342	-12,900
Facilities operations, security and support.....	205,229	229,636	223,496	+18,267	-6,140
Subtotal, Facilities services.....	279,214	318,863	299,823	+20,609	-19,040
Subtotal, Mission enabling.....	415,235	463,217	438,808	+23,573	-24,409
Total, Salaries and expenses.....	696,045	759,224	729,444	+33,399	-29,780
<b>Facilities Capital</b>					
Revitalization.....	92,788	83,650	73,603	-19,185	-10,047
Facilities planning and design.....	51,410	29,350	20,300	-31,110	-9,050
Construction.....	---	50,000	40,000	+40,000	-10,000
Total, Facilities Capital.....	144,198	163,000	133,903	-10,295	-29,097
<b>TOTAL, SMITHSONIAN INSTITUTION.....</b>	<b>840,243</b>	<b>922,224</b>	<b>863,347</b>	<b>+23,104</b>	<b>-58,877</b>
<b>NATIONAL GALLERY OF ART</b>					
<b>Salaries and Expenses</b>					
Care and utilization of art collections.....	41,581	45,418	44,778	+3,197	-640
Operation and maintenance of buildings and grounds....	33,858	35,011	34,554	+696	-457

(02A-1)

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
Protection of buildings, grounds and contents.....	22,643	24,231	23,495	+852	-736
General administration.....	26,906	31,141	30,134	+3,226	-1,007
Total, Salaries and Expenses.....	124,988	135,801	132,961	+7,973	-2,840
Repair, Restoration and Renovation of Buildings					
Base program.....	22,564	22,600	22,564	---	-36
TOTAL, NATIONAL GALLERY OF ART.....	147,552	158,401	155,525	+7,973	-2,876
JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS					
Operations and maintenance.....	21,660	22,260	22,260	+600	---
Capital repair and restoration.....	14,740	13,000	14,140	-600	+1,140
TOTAL, JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS.....	36,400	35,260	36,400	---	+1,140
WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS					
Salaries and expenses.....	10,500	10,400	10,500	---	+100

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
-----					
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES					
National Endowment for the Arts					
Grants and Administration					
Grants:					
Direct grants.....	63,420	63,906	63,906	+486	---
Challenge America grants.....	7,600	7,600	7,600	---	---
Subtotal.....	71,020	71,506	71,506	+486	---
-----					
State partnerships:					
State and regional.....	37,262	37,517	37,517	+255	---
Underserved set-aside.....	10,084	10,154	10,154	+70	---
Subtotal.....	47,346	47,671	47,671	+325	---
-----					
Subtotal, Grants.....	118,366	119,177	119,177	+811	---
-----					
Program support.....	1,780	1,950	1,950	+170	---
Administration.....	27,803	28,722	28,722	+919	---
-----					
Total, Arts.....	147,949	149,849	149,849	+1,900	---

02AAA

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
-----					
National Endowment for the Humanities					
Grants and Administration					
Grants:					
Special Initiative: The Common Good.....	5,500	10,190	7,230	+1,730	-2,960
Federal/State partnership.....	43,040	43,040	46,000	+2,960	+2,960
Preservation and access.....	15,200	14,385	14,385	-815	---
Public programs.....	13,454	12,730	12,730	-724	---
Research programs.....	14,536	13,755	13,755	-781	---
Education programs.....	13,040	12,000	12,000	-1,040	---
Program development.....	500	500	500	---	---
Digital humanities initiatives.....	4,480	4,600	4,600	+120	---
Subtotal, Grants.....	109,750	111,200	111,200	+1,450	---
-----					
Matching Grants:					
Treasury funds.....	2,400	2,200	2,200	-200	---
Challenge grants.....	8,500	8,500	8,500	---	---
Subtotal, Matching grants.....	10,900	10,700	10,700	-200	---
-----					

02AAB

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
Administration.....	27,292	27,948	27,948	+656	---
Total, Humanities.....	147,942	149,848	149,848	+1,906	---
=====					
TOTAL, NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES.....	295,891	299,697	299,697	+3,806	---
=====					
COMMISSION OF FINE ARTS					
Salaries and expenses.....	2,653	2,762	2,762	+109	---
NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS					
Grants.....	2,000	1,400	2,000	---	+600
ADVISORY COUNCIL ON HISTORIC PRESERVATION					
Salaries and expenses.....	6,080	6,493	6,493	+413	---
NATIONAL CAPITAL PLANNING COMMISSION					
Salaries and expenses.....	8,348	8,099	8,099	-249	---
UNITED STATES HOLOCAUST MEMORIAL MUSEUM					
Holocaust Memorial Museum.....	54,000	57,000	57,000	+3,000	---

02AAC

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
<b>DWIGHT D. EISENHOWER MEMORIAL COMMISSION</b>					
Salaries and expenses.....	1,000	1,800	1,600	+600	-200
Construction.....	---	43,000	45,000	+45,000	+2,000
	=====	=====	=====	=====	=====
Total, DWIGHT D. EISENHOWER MEMORIAL COMMISSION.	1,000	44,800	46,600	+45,600	+1,800
<b>WOMEN'S SUFFRAGE CENTENNIAL COMMISSION</b>					
Salaries and expenses.....	---	---	2,000	+2,000	+2,000
	=====	=====	=====	=====	=====
TOTAL, TITLE III, RELATED AGENCIES.....	12,069,261	12,666,736	12,323,305	+254,044	-343,431
Appropriations.....	(12,069,261)	(12,666,736)	(11,999,622)	(-69,639)	(-667,114)
Emergency appropriations.....	---	---	(342,000)	(+342,000)	(+342,000)
(Discretionary without cap adjustment).....	(12,069,261)	(11,802,640)	(12,323,305)	(+254,044)	(+520,665)
(Disaster Relief cap adjustment).....	---	(864,096)	---	---	(-864,096)
	=====	=====	=====	=====	=====

02AAD

DIVISION G -- DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017

(Amounts in thousands)

	FY 2016 Enacted	FY 2017 Request	Final Bill	Final Bill vs Enacted	Final Bill vs Request
GRAND TOTAL.....	32,225,579	33,176,164	32,633,720	+408,141	-542,444
Appropriations.....	(32,293,579)	(33,206,164)	(32,391,785)	(+98,206)	(-814,379)
Rescissions.....	(-40,000)	---	(-137,065)	(-97,065)	(-137,065)
Rescissions of contract authority.....	(-28,000)	(-30,000)	(-28,000)	---	(+2,000)
Emergency appropriations.....	---	---	(407,000)	(+407,000)	(+407,000)
(Disaster Relief cap adjustment).....	---	(1,154,096)	---	---	(-1,154,096)
(By transfer).....	(28,789)	(24,274)	(24,274)	(-4,515)	---
(Transfer out).....	(-28,789)	(-24,274)	(-24,274)	(+4,515)	---

02NAT

**From:** malika\_pattison@ios.doi.gov  
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**Subject:** Invitation: Policy Analysis Seminar: Arctic Alien Species on Mon Jun 12, 2017 12:15pm - 1:15pm (Indur\_Goklany@ios.doi.gov)  
**Attachments:** [Invite.Links](#)

more details -> [https://www.google.com/calendar/event?action=VIEW&cid=c2hY2lZcWU3cnE4dWlqdjJsc2gxbVnZ3MgaW5kdXJZ29hGfueUwBpb3MuZG9pLmdvdG8r1stok\\_MjYjBWFsa2FicGF0MGZib25AaW9zLmRvaS5ub3ZiMjczMjU5ZjdhZThhM2U3NjkzNjYjM2E2YjZlNWNhYzJlZTU3ODZl&ctz=America/New\\_York&hl=en](https://www.google.com/calendar/event?action=VIEW&cid=c2hY2lZcWU3cnE4dWlqdjJsc2gxbVnZ3MgaW5kdXJZ29hGfueUwBpb3MuZG9pLmdvdG8r1stok_MjYjBWFsa2FicGF0MGZib25AaW9zLmRvaS5ub3ZiMjczMjU5ZjdhZThhM2U3NjkzNjYjM2E2YjZlNWNhYzJlZTU3ODZl&ctz=America/New_York&hl=en)

Policy Analysis Seminar: Arctic Alien Species  
Policy Office Seminar  
The Arctic Invasive Alien Species (ARIAS) Strategy and Action Plan:  
Next Steps for U.S. Leadership  
Panelists: Jamie K. Reaser, National Invasive Species Council (NISC) Secretariat; Gilbert Castellanos, US Fish and Wildlife Service (USFWS); Elizabeth McLanahan, National Oceanic and Atmospheric Administration (NOAA); Tammy Davis - Alaska Department of Fish and Game; Gregg Howard - Island Conservation  
Topic: ARIAS Strategy and Action Plan  
Date: Monday, June 12, 2017  
Time: 12:15-1:45 PM (Eastern)  
Place: Rachel Carson Room (Basement Cafeteria of the Main Interior Building, 1849 C St., NW, Washington, DC 20240)  
Webcast: [https://www.google.com/url?http%3A%2F%2Fwww.doi.gov%2Fevents&sa=D&ust=1494432997328000&usg=AFQjCNGXsFHSTNjQjAQ60EAAyK3TMNV\\_HA-](https://www.google.com/url?http%3A%2F%2Fwww.doi.gov%2Fevents&sa=D&ust=1494432997328000&usg=AFQjCNGXsFHSTNjQjAQ60EAAyK3TMNV_HA-)  
Globally, invasive alien species are among the most significant drivers of biodiversity loss and, in some ecosystems, they are clearly the primary contributors to species endangerment and ecosystem degradation. While there are relatively few invasive alien species in the Arctic as compared to other regions, climate change and increased human activity make the Arctic particularly vulnerable to biological invasion. The arrival of these invasive alien species will have adverse consequences for ecological systems and the people who depend upon them for their livelihoods and well-being.

We have a unique opportunity in the Arctic. We can act now—decisively—to prevent and mitigate the adverse impacts of invasive alien species that plague much of the rest of the world, including the loss of native flora and fauna, threats to cultural survival and human well-being, economic hardship, and reduced natural capital. In general, we know what needs to be done. What we need to do is join together and do it. The Arctic Invasive Alien Species (ARIAS) Strategy and Action Plan show us where to start, where to place our priorities, and where to invest in the future of the Arctic. It is a call to action.  
The panel will provide an overview of the ARIAS Strategy and Action Plan and discuss next steps for U.S. leadership in its implementation.  
To livestream this event, login to [www.doi.gov/events](http://www.doi.gov/events) -> [https://www.google.com/url?http%3A%2F%2Fwww.doi.gov%2Fevents&sa=D&ust=1494432997328000&usg=AFQjCNGXsFHSTNjQjAQ60EAAyK3TMNV\\_HA-](https://www.google.com/url?http%3A%2F%2Fwww.doi.gov%2Fevents&sa=D&ust=1494432997328000&usg=AFQjCNGXsFHSTNjQjAQ60EAAyK3TMNV_HA-). This link provides unlimited access to anyone who wishes to watch and listen. To submit questions or comments via the chat tool, please log in or sign up in advance. Please join 5-10 minutes early to avoid technical difficulties. Closed captioning will be available. The recorded event will be posted to the Office of Policy Analysis website: [http://www.doi.gov/paia-seminar\\_series/video](http://www.doi.gov/paia-seminar_series/video) -> [https://www.google.com/url?http%3A%2F%2Fwww.doi.gov%2Fpaia%2Fseminar\\_series%2Fvideo&sa=D&ust=1494432997328000&usg=AFQjCNGM830vWdK6r6D8ggg8y8-4pwkA-](https://www.google.com/url?http%3A%2F%2Fwww.doi.gov%2Fpaia%2Fseminar_series%2Fvideo&sa=D&ust=1494432997328000&usg=AFQjCNGM830vWdK6r6D8ggg8y8-4pwkA-)  
For Internet Department Registrants Only: This seminar meets one hour of Executive Education training. If you are participating in this seminar to meet this training requirement, please register through DOI Learn prior to the start of the event, using your DOI Learn username and password. Direct link to registration (login required): <https://gmt.geolearning.com/geonext/doi/coursesummary.CourseCatalog.geo?d=197541&selectTab=ScheduleClasses> -> <https://www.google.com/url?http%3A%2F%2Fgmt.geolearning.com%2Fgeonext%2Fdoi%2Fcoursesummary.CourseCatalog.geo%3Fid%3D197541%26selectTab%3DSchedule%2BClasses&sa=D&ust=1494432997329000&usg=AFQjCNHeDy8ucXGwAnjJNTT26pbURQw->  
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When Mon Jun 12, 2017 12:15pm - 1:15pm Eastern Time  
When Rachel Carson Room (map -> <https://maps.google.com/maps?q=Rachel+Carson+Room&hl=en>)  
View call [https://plus.google.com/hangouts/\\_/doi.gov/malika-pattison?icid=bWFSa2FicGF0MGZib25AaW9zLmRvaS5ub3ZiMjczMjU5ZjdhZThhM2U3NjkzNjYjM2E2YjZlNWNhYzJlZTU3ODZl&ctz=America/New\\_York&hl=en](https://plus.google.com/hangouts/_/doi.gov/malika-pattison?icid=bWFSa2FicGF0MGZib25AaW9zLmRvaS5ub3ZiMjczMjU5ZjdhZThhM2U3NjkzNjYjM2E2YjZlNWNhYzJlZTU3ODZl&ctz=America/New_York&hl=en)  
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**Subject:** Canceled Event: Policy Analysis Seminar: Arctic Alien Species @ Mon Jun 12, 2017 12:15pm - 1:15pm (indur\_goklany@ios.doi.gov)  
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This event has been canceled and removed from your calendar.

Policy Analysis Seminar - Arctic Alien Species

Policy Office Seminar

The Arctic Invasive Alien Species (ARIAS) Strategy and Action Plan

Next Steps for U.S. Leadership

Panelists: Jamie K. Reaser, National Invasive Species Council (NISC) Secretariat; Gilbert Castellanos, US Fish and Wildlife Service (USFWS); Elizabeth McLanahan, National Oceanic and Atmospheric Administration (NOAA); Tammy Davis - Alaska Department of Fish and Game; Gregg Howald - Island Conservation

Topic: ARIAS Strategy and Action Plan

Date: Monday, June 12, 2017

Time: 12:15-1:45 PM (Eastern)

Place: Rachel Carson Room (Basement Cafeteria of the Main Interior Building, 1849 C St., NW, Washington, DC 20240)

Webcast: [www.doi.gov/events](http://www.doi.gov/events) - <https://www.google.com/url?q=http%3A%2F%2Fwww.doi.gov%2Fevents&sa=D&ust=1494439401279000&usq=AFQjCNGoxeHoB-3nTZn5UZZcJlUceqCig->

Globally, invasive alien species are among the most significant drivers of biodiversity loss and, in some ecosystems, they are clearly the primary contributors to species endangerment and ecosystem degradation. While there are relatively few invasive alien species in the Arctic as compared to other regions, climate change and increased human activity make the Arctic particularly vulnerable to biological invasion. The arrival of these invasive alien species will have adverse consequences for ecological systems and the people who depend upon them for their livelihoods and well-being.

We have a unique opportunity in the Arctic. We can act now—decisively—to prevent and mitigate the adverse impacts of invasive alien species that plague much of the rest of the world, including the loss of native flora and fauna, threats to cultural survival and human well-being, economic hardship, and reduced natural capital. In general, we know what needs to be done. What we need to do is join together and do it. The Arctic Invasive Alien Species (ARIAS) Strategy and Action Plan show us where to start, where to place our priorities, and where to invest in the future of the Arctic. It is a call to action.

The panel will provide an overview of the ARIAS Strategy and Action Plan and discuss next steps for U.S. leadership in its implementation.

To Livestream this event, login to [www.doi.gov/events](http://www.doi.gov/events) - <https://www.google.com/url?q=http%3A%2F%2Fwww.doi.gov%2Fevents&sa=D&ust=1494439401279000&usq=AFQjCNHj0NUjXa9MgkE26hpG77KpuOS6Q> . This link provides unlimited access to anyone who wishes to watch and listen. To submit questions or comments via the chat tool, please log in or sign up in advance. Please join 5-10 minutes early to avoid technical difficulties. Closed captioning will be available. The recorded event will be posted to the Office of Policy Analysis website [http://www.doi.gov/pa/seminar\\_series/video](http://www.doi.gov/pa/seminar_series/video) - [https://www.google.com/url?q=http%3A%2F%2Fwww.doi.gov%2Fpa%2Fseminar\\_series%2Fvideo&sa=D&ust=1494439401279000&usq=AFQjCNGpRLdEanOSI-RxsSmCz6k7zhAKg-](https://www.google.com/url?q=http%3A%2F%2Fwww.doi.gov%2Fpa%2Fseminar_series%2Fvideo&sa=D&ust=1494439401279000&usq=AFQjCNGpRLdEanOSI-RxsSmCz6k7zhAKg-)

For Interior Department Registrants Only: This seminar meets one hour of Executive Education training. If you are participating in this seminar to meet this training requirement, please register through DOI Learn prior to the start of the event, using your DOI Learn username and password. Direct link to registration (login required)

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When: Mon Jun 12, 2017 12:15pm - 1:15pm Eastern Time

Where: Rachel Carson Room (map - <https://maps.google.com/maps?q=Rachel+Carson+Room&hl=en>)

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**Subject:** Canceled Event: Policy Analysis Seminar: Arctic Alien Species @ Mon Jun 12, 2017 12:15 - 13:15 (christian\_crowley@ios.doi.gov)  
**Attachments:** [invite.ics](#)

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Policy Analysis Seminar - Arctic Alien Species

Policy Office Seminar

The Arctic Invasive Alien Species (ARIAS) Strategy and Action Plan

Next Steps for U.S. Leadership

Panelists: Jamie K. Reaser, National Invasive Species Council (NISC) Secretariat; Gilbert Castellanos, US Fish and Wildlife Service (USFWS); Elizabeth McAnahan, National Oceanic and Atmospheric Administration (NOAA); Tammy Davis - Alaska Department of Fish and Game; Gregg Howald - Island Conservation

Topic: ARIAS Strategy and Action Plan

Date: Monday, June 12, 2017

Time: 12:15-1:45 PM (Eastern)

Place: Rachel Carson Room (Basement Cafeteria of the Main Interior Building, 1849 C St., NW, Washington, DC 20240)

Webcast: [www.doi.gov/events-https://www.google.com/url?q=https://www.doi.gov/2Fwsw.doi.gov%2Fevents&sa=D&ust=1494439401377000&usq=AFQjCNE\\_XwW1EBxWspOT557i3osWVdsiKA](http://www.doi.gov/events-https://www.google.com/url?q=https://www.doi.gov/2Fwsw.doi.gov%2Fevents&sa=D&ust=1494439401377000&usq=AFQjCNE_XwW1EBxWspOT557i3osWVdsiKA)

Globally, invasive alien species are among the most significant drivers of biodiversity loss and, in some ecosystems, they are clearly the primary contributors to species endangerment and ecosystem degradation. While there are relatively few invasive alien species in the Arctic as compared to other regions, climate change and increased human activity make the Arctic particularly vulnerable to biological invasion. The arrival of these invasive alien species will have adverse consequences for ecological systems and the people who depend upon them for their livelihoods and well-being.

We have a unique opportunity in the Arctic. We can act now—decisively—to prevent and mitigate the adverse impacts of invasive alien species that plague much of the rest of the world, including the loss of native flora and fauna, threats to cultural survival and human well-being, economic hardship, and reduced natural capital. In general, we know what needs to be done. What we need to do is join together and do it. The Arctic Invasive Alien Species (ARIAS) Strategy and Action Plan shows us where to start, where to place our priorities, and where to invest in the future of the Arctic. It is a call to action.

The panel will provide an overview of the ARIAS Strategy and Action Plan and discuss next steps for U.S. leadership in its implementation.

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**From:** Goklany, Indur  
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**Subject:** Secretarial Order 3343 -- Actions to Address Effects of Drought and Climate Change on California's Water Supply and Listed Species  
**Date:** Friday, May 26, 2017 10:01:05 AM  
**Attachments:** [3343 - Actions to Address Effects of Drought and Climate Change on California's Water Supply and Listed Species \(2\).docx](#)

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I suspect you may already know about the strange last line of this Secretarial Order (signed January 3, 2017) which states: *The termination of the Order will not nullify the requirements effected herein.*

Although I'm not a lawyer, I am surprised that the SOL's office would sign off on the claim that its requirements are forever.

I have attached a copy I downloaded from ELIPS, which is the electronic repository of all the Secretarial Orders and Departmental Manual chapters (live and dead). Perhaps this has already been revoked but there is nothing in ELIPS or on the DOI web site to indicate that. Also, the WORD version on ELIPS contains (innocuous) comments from Michael Connor and a Lisa Cannuscio.



THE SECRETARY OF THE INTERIOR

WASHINGTON

ORDER NO. 3343

Subject: Actions to Address Effects of Drought and Climate Change on California's Water Supply and Listed Species

**Sec. 1 Purpose.** The Department of the Interior (Department), through the Bureau of Reclamation (Reclamation) and the U.S. Fish and Wildlife Service (FWS), and informed by the science of the U.S. Geological Survey (USGS), has many responsibilities for managing the State of California's (State) water resources and aquatic ecosystems. Long-term drought, fueled by climate change, has adversely affected the State's water supplies, exacerbated effects of water operations on imperiled species, impacted water quality, and added to the stressors affecting the health of California's unique ecosystems, particularly the Sacramento-San Joaquin Delta (Bay-Delta).

The purpose of this Order is to document and continue a Department-wide approach and range of actions that, in coordination with the State's implementation of the 2009 Delta Reform Act and the 2014 California Water Action Plan, addresses the effects of drought and climate change on the State's water resources over both the short term and the long term. The Order seeks to facilitate the integration of State and Federal efforts to optimize the many interests in the Bay-Delta, including the needs of agriculture and municipalities, while simultaneously fostering conservation of species found throughout the ecosystem.

A number of collaborative water resource initiatives involving the State, the Department, and other agencies and stakeholders are currently being carried out in California. The initiatives include the California WaterFix; California EcoRestore; Implementation of a Delta Smelt Resiliency Strategy; Implementation of the Sacramento Winter-Run Chinook Salmon Action Plan; Reinitiation of Endangered Species Act (ESA) Section 7 Consultation on the Coordinated Long-Term Operations of the Central Valley Project (CVP) and State Water Project (SWP); and the State Water Resources Control Board (SWRCB) Process to Update the Bay-Delta Water Quality Control Plan (Bay-Delta Plan).

This Order provides direction for the Department, and particularly Reclamation and FWS, with scientific support and technical advice from USGS, to complete the technical, scientific, and analytical work necessary to make permitting, regulatory, and other decisions associated with these initiatives. While many of these initiatives are targeted to benefit specific species and increase water supply reliability, it is anticipated that the restoration actions will also improve habitat conditions for other at-risk species.

**Sec. 2 Authorities.** This Order is issued under statutory authority that includes, but is not limited to, the Reclamation Laws (Act of June 17, 1902, and all acts amendatory thereof and supplementary thereto); the Central Valley Project Improvement Act (P.L. 102-575, Title XXXIV); the Endangered Species Act (16 U.S.C. 1631, et seq.); the Fish and Wildlife Coordination Act (16 U.S.C. 1661, et seq.); the National Environmental Policy Act (42 U.S.C. 1201, et seq.); and authority provided by Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended.

Sec. 3 **Background.**

a. Recent Operations, Water Supply Trends, and Status of Species.

(1) Reclamation's CVP and California's SWP are among the largest water conveyance systems in the world, delivering about 9-10 million acre-feet of water in non-drought years to farms, cities, and ecosystems throughout the State. Since most precipitation falls in the northern part of the State, and most water use is in the southern part, the combined systems must convey vast amounts of water each year through the Bay-Delta into State and Federal canals that carry the water to the agricultural Central Valley, and metropolitan areas in the San Francisco Bay area and southern California. Over time, many factors, including water operations have caused a serious decline in the world-renowned Bay-Delta ecosystem and the salmon and other fish populations dependent on it. In recent years, a scientific consensus has developed, particularly in view of projected sea level rise and other climate impacts affecting water supplies, that a broad set of actions is necessary, including upgrading or modifying the Federal and State water conveyance system through the Bay-Delta to improve the ability to provide reliable water supplies and help restore a healthy Bay-Delta ecosystem.

(2) The last decade has been dominated by periods of severely reduced snowpack, reduced precipitation, and significant groundwater withdrawals. Estimates indicate Water Year (WY) 2016 was the ninth of 10 years with below-average runoff.

(3) Entering WY 2016, CVP carryover reservoir storage was only 2.9 million acre-feet, which was just 24 percent of capacity and 47 percent of the 15-year average. Conditions have slightly improved over the last year, as the CVP entered WY 2017 with 4.9 million acre-feet of water in the 6 key CVP reservoirs, which is 82 percent of the 15-year average annual carryover of 6.0 million acre-feet. Storage in State facilities continues to be similarly impacted by drought, with current storage in the Oroville Reservoir and in the State portion of San Luis Reservoir at roughly 60 percent of average entering WY 2017.

(4) Impacts to fish species have also been significant over this time period. The population of Delta Smelt, an annual species found only in the Delta, is at an all-time low. The Spring Kodiak Trawl Index for Delta Smelt has continued a downward slide and is 90 percent lower in 2016 than the previous historic low.

(5) Winter-run Chinook salmon populations are also at very low levels. Over the last 10 years of available data (2003-2013), the abundance of spawning Winter-run Chinook salmon adults ranged from a low of 738 in 2011 to a high of 17,197 in 2007, with an average of 6,298. This is in stark contrast to an average abundance of 87,000 spawning adults in the late 1960s.

(6) Even after the current drought has abated, water availability is unlikely to bounce back to historical levels. Long-term forecasts show clear effects on water supply from climate change. In 2016, Reclamation released the "Sacramento and San Joaquin Rivers Basin Study" (Basin Study) assessing the potential impacts from climate change. (See "Sacramento and San Joaquin Rivers Basin Study Executive Summary," Bureau of Reclamation (March 2016)). The Basin Study's conclusion clearly warns of the potential for future shortages. Three of the key findings are:

(i) Temperatures are projected to increase steadily during the century, with changes generally increasing from about 1.6 degrees Fahrenheit (°F) in the early 21st century to almost 4.8 °F in the Sierra Nevada Mountains late in the 21st century.

(ii) Snowpack will likely decline considerably due to warming, particularly in the lower elevations of the mountains surrounding the Central Valley. Runoff will increase during fall and winter months. Peak runoff may shift more than a month earlier in some watersheds. Spring runoff will decrease due to reduced winter snowpack.

(iii) Sea levels are expected to increase. However, there is considerable uncertainty about the magnitude of increase, which may range from as little as 20 inches to more than 55 inches in the Bay-Delta by the end of the century.

(7) Even apart from the drought, increasing population, land-use changes, and new environmental water needs have all contributed to an increasing imbalance between water supplies and demands. The Basin Study shows that this imbalance will continue to increase unless actions are taken to address it. For the CVP service area over the course of the 21st century, average annual unmet water demands are expected to range from 2.7 to 8.2 million acre-feet per year, with most of the unmet demands occurring south of the Bay-Delta.

b. Current Initiatives in the Sacramento and San Joaquin River Basins.

(1) California WaterFix.

(i) Over the past decade, a broad scientific consensus has developed that continuation of status quo water and ecosystem management in the Bay-Delta is unsustainable, and that the only way to avoid greatly diminishing Delta water exports would be to construct an alternate water conveyance structure through the Delta. (See e.g., “Delta Vision,” Governor’s Blue Ribbon Task Force (2007); “Managing California’s Water – From Conflict to Reconciliation,” Public Policy Institute of California (2011); “Sustainable Water and Environmental Management in the California Bay-Delta,” National Research Council of the National Academies (2012)). In 2006, the Bay-Delta Conservation Plan (BDCP) planning process began to address the myriad issues affecting the Bay-Delta by evaluating new infrastructure and habitat improvement measures. Central to the BDCP was a proposed new conveyance facility for the SWP and CVP that would divert water from north of the Delta, together with a plan to restore 100,000 acres of Bay-Delta habitat. The BDCP was a combined Habitat Conservation Plan under Section 10 of the Federal ESA and a Natural Community Conservation Plan under the California Natural Community Conservation Planning Act. In April 2015, the State revised the proposed project, separating the conveyance facility from the habitat restoration measures to form two separate efforts: California WaterFix (CWF) and California EcoRestore. The CWF is now being evaluated pursuant to Section 7 of the Federal ESA.

(ii) The five State and Federal agencies analyzing CWF (Reclamation, FWS, National Marine Fisheries Service (NMFS), California Department of Water Resources (DWR), and California Department of Fish and Wildlife (CDFW)) are working to complete all



environmental analyses and legal requirements in order to make a final decision on CWF implementation.

(iii) National Environmental Policy Act (NEPA) Compliance.

Reclamation and DWR completed and released a Final Environmental Impact Report/Environmental Impact Statement (Final EIR/EIS) for CWF on December 22, 2016. Prior to that, a Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) was released to the public in December 2013. In response to public comments, a joint Recirculated Draft Environmental Impact Report/ Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS) was released in July 2015; it included three alternatives that describe conveyance options that do not contain all of the elements of a Habitat Conservation Plan/Natural Community Conservation Plan.

(iv) ESA Section 7 Compliance. Reclamation, as the lead agency for ESA

Section 7 consultation, coordinated with DWR, as the CWF project applicant, to prepare a Biological Assessment on CWF. Reclamation delivered the Final Biological Assessment to FWS and NMFS in August 2016, and formal consultation began in September 2016. An independent peer review of FWS and NOAA Biological Opinions' analyses of the CWF effects on aquatic species and designated critical habitats will be completed prior to finalization of these documents. The NMFS and FWS Biological Opinions are expected to be completed by April 2017. Upon receipt of the Biological Opinions, and coupled with the issuance of the Final EIR/EIS for the CWF on December 22, 2016, the Department will be in a position to issue a Record of Decision (ROD) on the project and DWR intends to issue its Notice of Determination.

(v) Petition for Change in Point of Diversion. Reclamation and DWR

submitted to the SWRCB a joint petition for a change in water rights permits for the CVP and SWP in order to operate the CWF diversion and conveyance project. Part 1 of the SWRCB hearing, focused on potential injury to legal users of water, commenced in July 2016. Part 2 of the hearing, focused on effects to fish and wildlife, is expected to begin in the first half of 2017.

(2) California EcoRestore. In April 2015, the State launched California EcoRestore. The purpose of EcoRestore is to accelerate the restoration of tidal, riparian, and floodplain habitat in the Delta, targeting 30,000 acres of new habitat by the end of 2018. Since that launch, EcoRestore has achieved concrete results and expects to complete or have under construction over 7,370 acres of tidal and floodplain restoration, 2,680 feet of riparian habitat restoration, and 3 fish passage projects by 2017. There is scientific consensus about the need for and the benefit of habitat restoration in the Delta. Restoration in the Delta pursuant to EcoRestore will assist each of the five State and Federal agencies with their individual and collective responsibilities.

(3) Delta Smelt Resiliency Strategy.

(i) In July 2016, in response to significant population declines, the

California Natural Resources Agency (CNRA) issued the Delta Smelt Resiliency Strategy (Strategy). The Strategy consists of 13 actions that include augmenting outflow, enhancing the food web, reducing nonnative invasive aquatic weeds and predatory fish, and restoring habitat in key Delta Smelt areas. The proposed actions are intended to address the near-term needs of Delta Smelt

and to promote their resiliency to adverse and varied habitat conditions.

(ii) The Strategy includes an Outflow Augmentation element aimed at improving an understanding of the effects of Delta outflow and the location of the salt and freshwater interface in the estuary on Delta Smelt populations. This flow-augmentation effort will occur in 2017 and subsequent years and will inform possible actions under a new Biological Opinion for Delta Smelt (see below). Pursuant to the Strategy, Reclamation and DWR will provide up to an additional 250,000 acre-feet per year of outflow above current SWRCB requirements.

(iii) Other elements within the Strategy will focus on additional stressors affecting the environmental health of the Bay-Delta. For example, enhancing the Delta's food web and in turn, providing more food resources for Delta Smelt is the focus of one project. Another element planned for 2017 is aimed at reducing invasive weeds which impact Delta Smelt. The Strategy also highlights several restoration projects with high potential to benefit Delta Smelt that are currently being implemented or due to be implemented in the near future.

(4) Sacramento Winter-Run Chinook Salmon Species in the Spotlight Action Plan.

(i) In 2014, NOAA Fisheries adopted a plan to recover ESA-listed salmon and steelhead in the Central Valley. The recovery plan is voluntary and, thus, the success of efforts depends on partnerships and cooperation to ensure implementation is proceeding on actions that will result in long-term species' recovery. The 2016 NMFS Action Plan for Sacramento River Winter-run Chinook Salmon (Action Plan) focuses on five key actions to be taken by 2020 to accelerate recovery. Three actions focus on improving management of Shasta reservoir cold water storage, restoring and providing access to Battle Creek Habitat, and managing winter and early spring Delta conditions to improve juvenile survival.

(ii) Of particular importance for both California and the United States are the Action Plan's two other proposed actions: to improve Yolo Bypass fish habitat and fish passage, and to reintroduce Winter-run Chinook above Shasta Reservoir. A Draft EIS/EIR on the Yolo Bypass, is anticipated in 2017. Improving fish habitat and passage in the bypass is also a focus of California EcoRestore.

(5) Reinitiation of Section 7 Consultation on Coordinated Long-Term Operation (LTO) of the CVP and SWP. On August 2, 2016, Reclamation and DWR requested reinitiation of Section 7 consultation with FWS and NMFS on the LTO of the CVP and the SWP due to new information related to the ongoing drought and recent data showing low population levels of Delta Smelt and Winter-run Chinook salmon. New information is also available based on the ongoing work of collaborative science processes. As part of this reevaluation, Reclamation and DWR will consider new information developed since the issuance of FWS and NMFS Biological Opinions issued in 2008 and 2009, respectively, including new and planned CVP and SWP facilities, updated drought conditions and operations, ecosystem and climate conditions, and other information as appropriate.

(6) Bay-Delta Water Quality Control Plan.

(i) The SWRCB is currently updating its 2006 Bay-Delta Plan and flow objectives for priority tributaries to the Delta to protect beneficial uses in the Bay-Delta watershed, including fish and wildlife. The Bay-Delta Plan is being updated in four phases. Phase 1 focuses on flow requirements in the San Joaquin River watershed—specifically the three main tributaries of the Stanislaus, Tuolumne, and Merced Rivers—and salinity in the southern Delta. Phase 2 addresses new inflow requirements for the Sacramento River, its tributaries, and eastside tributaries to the Delta, changes to Delta outflow requirements, new and modified interior Delta flow requirements, and new requirements for cold water habitat. Recently, SWRCB staff released a draft proposal for Phase 1 of the update. The SWRCB’s schedule for the Phase 2 update runs from the fall of 2016 to the spring of 2018. On October 19, 2016, the SWRCB staff released a Draft Scientific Report for Sacramento River and Delta Flow Requirements to identify new flow regimes that could help improve the aquatic ecosystems in these areas.

(ii) The SWRCB will update its implementation program to achieve these objectives in Phase 3. Implementation will include monitoring and special studies to fill information needs and to evaluate the effectiveness of the new objectives and their impacts. Responsibility for implementing flow objectives will be assigned through water right actions and water quality actions, including Federal Energy Regulatory Commission hydropower licensing processes. Phase 4 will involve developing and implementing flow objectives for priority Delta tributaries not included in earlier phases.

(iii) The CNRA and CDFW have begun discussions with key stakeholders in the San Joaquin River basin to explore the potential for agreement on plans to meet SWRCB flow objectives, and have asked Reclamation to join the discussions concerning CVP water and contractors.

**Sec. 4 Direction to Complete California Water Resource Actions.** As the preceding discussion makes clear, there are a number of extremely important California water resource issues where the Department has critical responsibilities. Action on these issues is essential to implementing a comprehensive strategy in California that provides for greater drought resiliency, safeguards communities against the long-term effects of climate change, and achieves the State’s co-equal goals of providing a more reliable water supply for California and protecting, restoring, and enhancing the environmental quality of the Bay-Delta. In some cases, the actions are necessary to ensure compliance with applicable Federal and State environmental laws. Given the importance of these actions and the need for continuity, stability, and the avoidance of protracted litigation, relevant bureaus within the Department are directed to carry out the following actions:

a. CWF Environmental Review. Reclamation and FWS will allocate available resources, as necessary, to complete the Section 7 Biological Opinions and a ROD for the EIR/EIS on CWF as set forth below.

(1) EIR/EIS. Reclamation, as the lead Federal agency for NEPA, along with DWR as the California Environmental Quality Act lead agency, completed the Final EIR/EIS for CWF and published a Notice of Availability in the Federal Register on December 30, 2016. The Department, working with the State and NMFS, will review and consider any information received

Commented [CLM1]: These are suggested edits by Thomas Iseman.

after publication of the Final EIR/EIS and upon receipt of the necessary Biological Opinions (timing set forth below), and after considering all relevant information, will be prepared to sign a ROD for CWF. During this period, Reclamation will continue to work with DWR and other appropriate entities on a range of strategies and options to appropriately split the costs of CWF between the SWP and CVP water users and to determine an appropriate role for the Federal Government in participating in CWF given the projected public benefits.

(2) Section 7. The FWS, in coordination with NMFS and the CDFW, will, upon consideration of all relevant information received from Reclamation and DWR, issue an initial Draft Biological Opinion for CWF in January 2017 and a final Biological Opinion by April 2017.

(i) Peer Review. Prior to providing Reclamation and DWR its Draft Biological Opinion, FWS will make available for peer review through a rigorous scientific evaluation the analysis of the effects to aquatic species that it intends to include in the Draft Biological Opinion. The FWS will incorporate such revisions as it deems appropriate in light of the peer review into a final Draft Biological Opinion that it will complete by March 2017.

(ii) Change in Point of Diversion on CVP Water Rights. The Department will seek negotiated resolution of disputes arising before the SWRCB over the proposed change in point of diversion for CVP water rights. Reclamation, working with the Office of the Solicitor, will coordinate settlements with DWR and/or CNRA where appropriate.

b. Collaborative Delta Science Engagement Process. Reclamation, FWS, and USGS will work collaboratively with NMFS, DWR, and CDFW to utilize the Adaptive Management Framework (AMF) developed as part of CWF to help guide scientific studies and monitoring, assist with CVP and SWP operations, and achieve the co-equal goals for the Bay-Delta. New science proposals shall be subject to review under existing science review processes such as the Collaborative Science Adaptive Management Process (CSAMP), Interagency Ecological Program (IEP), and the Structured Decision Making framework used in connection with the Central Valley Project Improvement Act.

(1) As part of Collaborative Delta Science Engagement, the Department will coordinate internally and with the State and NMFS to develop priorities for funding. In order to ensure effective implementation of the AMF, State and Department bureaus will collaborate prior to release of the President's budget for each fiscal year to establish appropriate resource needs for the upcoming year and future years.

(2) Implementation of the AMF shall include an annual review process that reviews objectives, successes, and areas to be improved. The annual review shall include development of innovative approaches to refine monitoring and restoration activities that measure species populations. The process shall include collaboration among agencies to explore potential efficiencies in funding, expenditures, and organizational structure(s). The annual review results shall be made available to the public.

c. Delta Smelt Resiliency Strategy. Implementation of the Strategy during the next several years is an essential step in addressing near-term and long-term risk to the species and water

supplies. Reclamation and FWS will closely coordinate with DWR, CDFW, NMFS, and others in implementing all facets of the Strategy.

(1) Delta Smelt Outflow Augmentation. Reclamation, in coordination with DWR, will prioritize resources to acquire or otherwise make available up to 250,000 acre-feet per year of outflow above current SWRCB requirements. This additional outflow may include using water transfers, changes in exports from the Bay-Delta, releases from upstream storage, or other measures. In order to implement this Strategy, the following shall occur:

(i) The FWS, in coordination with CDFW and NMFS, and working through appropriate collaborative science processes, will annually, until the completion of the reinitiated LTO consultation, provide to Reclamation and DWR a detailed description of specific physical and biological objectives and species needs for Delta Smelt during the spring and summer. This work has already started, and the first iteration is expected in early 2017. The objectives will be provided based on the best available science and will provide specific physical and biological goals and species benefits that are anticipated to be achieved during the water year as a result of outflow augmentation. The objectives will be provided to Reclamation and DWR by December 31 of each year.

(ii) Reclamation, in coordination with DWR, will annually, until the completion of the re-initiated consultation, provide a Draft Delta Smelt Outflow Augmentation Plan (Plan) by March 1 to FWS. (As stated above, the work on the first iteration of objectives for this effort has been started and is expected in the early part of 2017. As a result, the agencies may not be able to complete the work by March 1 in 2017). The March 1 target is expected to be met in subsequent years when FWS, in coordination with CDFW and NMFS, provides objectives by December 31). The Plan will address strategies for meeting FWS and NMFS objectives for the water year, including, but not limited to, mechanisms for monitoring the effect of outflow actions on Delta Smelt and providing operational targets to meet the physical and biological objectives.

(iii) Reclamation shall complete a NEPA review of the Delta Smelt Outflow Action and shall initiate ESA Section 7 consultation, if necessary. The review and consultation must be completed prior to the implementation of actions identified in the Plan.

(iv) In developing strategies for obtaining water for additional outflows through purchase or otherwise, Reclamation and FWS will, to the extent practicable, coordinate with Federal and State water contractors in identifying and acquiring any additional outflows. Such coordination may include combining resources to make joint purchases to achieve the greatest benefit on cost.

(2) Rio Vista Estuarine Research Station and Fish Technology Center. The environmental review for the Rio Vista Estuarine Research Station and Fish Technology Center (FTC) is nearly complete. Reclamation and FWS will work collaboratively with the State and NMFS to pursue this facility and to develop a funding strategy with a goal of completing the construction of the facility by 2019. The new Delta field station will consolidate existing IEP Delta Smelt monitoring and research activities, as well as additional salmonid research activities. Construction of a facility to research Delta Smelt life history and develop captive propagation tools is necessary to ensure persistence of the species between the present and future achievement of

environmental conditions that will allow the species to persist in the wild. The FTC will maintain a refugial population of Delta Smelt that is genetically representative of the population in the wild. This genetic refugia population will serve as a source of fish for reintroduction, should they become extirpated in the wild, or as a source of fish for supplementation, should supplementation be deemed necessary for recovery.

d. Completion of Reinitiation of Consultation on Coordinated Long-Term Operations of the CVP and the SWP.

(1) Consultation Agreement. Reclamation, FWS, NMFS, DWR, and CDFW recently executed a Memorandum of Understanding that commits to the respective roles and responsibilities of each agency in implementing development, analysis, and completion of the new LTO Biological Opinions. Reclamation will secure contract support for the consultation as soon as possible.

(2) Project Synopsis. The bureau heads from Reclamation and FWS will meet regularly with their counterparts at NMFS, DWR, and CDFW and confer on potential activities including, but not limited to, water operations, facility modifications, restoration, and monitoring, that could be addressed in the reinitiated consultation and that may be analyzed under both NEPA and the ESA.

(3) NEPA. Reclamation shall work to develop alternatives, perform analyses, and provide an impact analysis on different ways to achieve CVP objectives, including managing for water supply and natural resources. The NEPA process shall include an expansive stakeholder engagement process.

(4) ESA. Reclamation shall work collaboratively with DWR, FWS, NMFS, and CDFW to perform analyses on a Proposed Action for the operation of the CVP and SWP to address impacts to ESA-listed species. The FWS shall provide technical information to inform the Biological Assessment development process, as needed. Upon receiving a complete Biological Assessment, FWS will prepare a Biological Opinion in coordination with NMFS for the LTO.

(5) Transparent Collaborative Science. Reclamation and FWS, consistent with P.L. 114-322, sec. 4004, will work with independent scientist and stakeholder groups throughout the LTO development process to review scientific information and determine whether physical and biological objectives would be achieved by the proposals under consideration. The scientist and stakeholder groups may include USGS, CSAMP, IEP, or others. Reclamation and FWS will also consider the effects of other interrelated actions that affect Delta habitat conditions, particularly the SWRCB's Bay-Delta Water Quality Control Plan.

e. Active Engagement in Development of Voluntary Agreements for Flow Requirements and Coordination on Flows with ESA Requirements. Reclamation and FWS shall work with the SWRCB, CDFW, and CNRA to provide information to SWRCB as part of its Bay-Delta Plan initiative. This shall include coordination with CNRA in at least the following areas:

(1) Engagement with key stakeholders to develop voluntary agreements to increase flows and integrate flow and non-flow measures.

Commented [CML2]: What is the status of the MOU?

Michelle s 12/22 response: "As of today, it has been signed by everyone but Barry and Mark. Mark will sign next week. NMFS is routing the signature page through their formal surnaming process now, but I m not sure where it is or when I will receive the signed MOU from them."

TO BE CONFIRMED PRIOR TO SIGNATURE

Commented [CLM3]: USGS suggested edit

(2) Providing information necessary for the SWRCB to establish water quality standards to meet fish, wildlife, and ecosystem goals.

(3) Ensuring that requirements developed through the Bay-Delta Plan process are considered in assessing requirements.

(4) Compliance under the CVP and SWP LTO Biological Opinions.

f. Winter-Run Chinook Species in the Spotlight Action Plan. Implementation of the Species in the Spotlight Action Plan is an essential element for reducing near-term and long-term risks to this species. The Plan was developed by NMFS in 2016 as a high-priority action plan to guide allocation of NMFS internal resources, as well as attract funding from partner agencies and stakeholders. Reclamation and FWS will work with NMFS to incorporate spotlight actions into priorities developed under the AMF.

**Sec. 5 Implementation.** The Assistant Secretary – Water and Science and the Assistant Secretary for Fish and Wildlife and Parks are responsible for ensuring implementation of this Order.

**Sec. 6 Expiration Date.** This Order is effective immediately. It shall remain in effect until its provisions are completed, amended, superseded, or revoked, whichever comes first. **The termination of the Order will not nullify the requirements effected herein.**

/s/ Sally Jewell

Secretary of the Interior

Date: Jan 03, 2017

**From:** Francois, George  
**Cc:** [Jennifer Klang](#); [Judy Din](#); [Mary Lynch](#); [Shyamalika Ghoshal](#); [Carolyn Frenger](#); [Doriann Dawkins](#)  
**Subject:** DOI Library Law Update - May/June 2017 Issue  
**Date:** Wednesday, June 07, 2017 2:04:44 PM  
**Attachments:** [Law Update May-June 2017.pdf](#)

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Hi Everyone

Attached to this e-mail is the May/June 2017 issue (No. 81) of the DOI Library Law Update . This publication has been compiled by the DOI Library staff to provide DOI Library patrons with news about the Library as well as current information on law-related items of interest to the Department of the Interior.

Materials have been selected from online legal database services and legal publications available to the Library. The selection criteria are based on current legal subject areas of interest and relevance to the Department. In addition to law review articles, the Law Update includes overviews of recent federal and state court cases and Presidential documents of interest to the Department of the Interior.

The DOI Library Law Update is published bimonthly. Please feel free to share this issue with others in your office that may be interested. Please note that a Section 508 compliant edition of the DOI Library Law Update is available to the visually impaired upon request. If you have any questions, please contact the Library by e-mail at [library@ios.doi.gov](mailto:library@ios.doi.gov) or by phone at (202) 208-5815.

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# DOI Library Law Update

MAY/JUNE 2017

ISSUE NO. 81

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## Welcome!

Welcome to issue no. 81 of the DOI Library Law Update. This bimonthly publication has been compiled by the DOI Library staff to provide the DOI Solicitor's Office and other Library patrons with current information on law-related items of interest to the Department of the Interior.

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partment.

In addition to law review articles, the Law Update includes overviews of recent federal and state court cases of interest to the Department of the Interior and Presidential documents.

Please notify the Reference Staff at the Library with Law Update suggestions, and comments, as well as requests for full-text copies of the items listed in this issue. We can be reached by calling (202) 208-5815 or e-mailing us at [library@ios.doi.gov](mailto:library@ios.doi.gov).

Requests for the items listed in this publication may be obtained by filling out the article request form in this issue and faxing it to (202) 208-6773 or emailing it to [library@ios.doi.gov](mailto:library@ios.doi.gov). You may also mail it to us at Law Update, 1849 C St. NW, MS 1151, Room 2262, Washington, DC 20240.

## Ryan Zinke Sworn In as 52nd Secretary of the Interior

Ryan Zinke was confirmed and sworn in as the 52nd Secretary of the Interior. The Senate voted 68-31 to confirm Zinke the morning of March 1, 2017, and he was sworn in by Vice President Mike Pence at a ceremony in the Eisenhower Executive Office Building later that evening. Zinke is the first Montanan to serve as a cabinet secretary and also the first U.S. Navy SEAL in the cabinet.

"I am honored and humbled to serve Montana and America as Secretary of the Interior," Zinke said. "I shall faithfully uphold Teddy Roosevelt's belief that our treasured public lands are 'for the benefit and enjoyment of the people' and will work tirelessly to ensure our public lands are managed and preserved in a way that benefits all Americans for generations to come. This means responsible natural resource development, increased access for recreation and

sportsmen, and conservation that makes the land more valuable for our children's children. Importantly, our sovereign Indian Nations and territories must have the respect and freedom they deserve."

In nominating Congressman Zinke, President Donald Trump said,

"Ryan has built one of the strongest track records on championing regulatory relief, forest management, responsible energy development and public land issues in Congress. As a former Navy SEAL, he has incredible leadership skills and an attitude of doing whatever it takes to win. (Continued on page 6)



New Interior Secretary Ryan Zinke (middle) arrives for his first day of work at the Department of Interior on horseback. Tami Heileman, Department of the Interior

# HeinOnline: A Comprehensive Source for Government Documents

By Shannon Sabo, HeinOnline

HeinOnline's government document content is easy to browse and search and, in many cases, covers material far beyond the range available other commercial publisher or even government websites. Because HeinOnline is composed of image-based, fully searchable PDFs, the authenticity of these documents is never in question as they are all exact replicas of the official print publications.

## GOVERNMENT DOCUMENT DATABASES IN HEINONLINE

### U.S. Congressional Documents

This database began with comprehensive coverage of the Congressional Record, which is the official record of proceedings and debates of the U.S. Congress, and its predecessor versions. Over the years, it morphed into a powerhouse for congressional research.

The database also includes:

- Congressional Record (1873-date)
- Congressional Record Daily from (1980-date; updated daily)
- More than 53,000 congressional hearings
- Nearly 23,000 Congressional Research Service reports (coverage includes 1925-date)
- More than 5,200 committee prints (coverage includes 1919-date)

The U.S. Congressional Documents database also has a subcollection on rules and precedents, publications from the Congressional Budget Office, and more.

Hundreds of hearings, CRS reports, and committee prints will continue to be added to the database monthly, with an ultimate goal of comprehensive coverage. To help users find Congressional Record



pages between the Daily and Bound editions, HeinOnline developers created the Daily to Bound Locator tool, which is available from within the citation navigator and the collection homepage.

### Federal Register (1936-current; updated daily)

The Federal Register database in HeinOnline is updated daily, its coverage is comprehensive and begins from inception (1936), and it also includes the Code of Federal Regulations from inception (1938), Official US Bulletin (1917-1919), United States Government Manual from inception (1935), and the Daily and Weekly Compilation of Presidential Documents from inception (1965).

Issues from 1995 to date are indexed to the section level, and HeinOnline also links back to the government's high-resolution archival version of the Federal Register when available.

### Code of Federal Regulations (1938-current)

Each year, the general and permanent rules from the Federal Register are codified by subject into the Code of Federal Regulations (CFR). HeinOnline's coverage of the CFR is

comprehensive and simple to search; or browse the content by years, titles, or bindings. Two citation locators and a CFR Sections Affected Locator are available on the collection homepage, as well as links to complementary publications like the CFR Indexes and Finding Aids, List of Sections Affected, and Compilations of Sections Affected.

### U.S. Statutes at Large (1789-current)

The U.S. Statutes at Large is the official record of all laws enacted during a session of Congress. In addition to public laws, the publication contains concurrent resolutions, reorganization plans, constitutional amendments, Native American treaties and other treaties published prior to 1948, and presidential proclamations. HeinOnline's coverage is comprehensive, and the database includes other works related to United States statutes and early federal codes and statute compilations.

### U.S. Code (1925-current)

The U.S. Code is to the U.S. Statutes at Large as the Code of Federal Regulations is to the Federal Register: it consolidates and codifies the general and permanent laws of the United

(Continued on page 18)

*Because HeinOnline is composed of image-based, fully searchable PDFs, the authenticity of these documents is never in question as they are all exact replicas of the official print publications.*



# Upcoming Programs at the DOI Library

## Park Ranger Speaker Series Programs



The Interior Library is proud to present a series of programs on the background and history of sites of interest in the Washington, D.C. region, as well as subjects highlighting the history of the United States. The 45-minute programs, presented by National Park Service Rangers, are held in the Stewart L. Udall Department of the Interior Building. For more information about our Park Ranger Speaker Series programs, please contact the Interior Library by phone at (202) 208-5815 or e-mail at [library@ios.doi.gov](mailto:library@ios.doi.gov).

To register for a specific program, please go to the Library's Park Ranger Speaker Series Registration link found via on the Library's homepage at <http://www.doi.gov/library>

*Please note: These programs will be held in the Stewart Lee Udall Department of the Interior Building's Rachel Carson Room, located in the building's basement level next to the cafeteria*

### An Even Fight: A Bombardier Remembers D-Day

Tuesday, June 27, 2017, 1:00 pm—1:45 pm

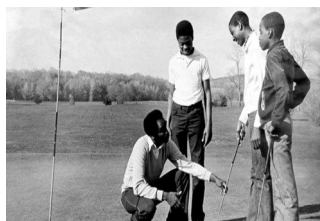


"This is it. This is the day we're going to go over and demolish the German fighting machine." Retired Major Charles J. Cilfone remembered well General Eisenhower's order of the day at the start of Operation Overlord, June 6, 1944. Also known as D-Day, it remains the single largest seaborne invasion in history. Hear the compelling war story of the B-26 bombardier who flew two bombing missions on D-Day from his daughter, Park Ranger Catherine Cilfone from the National Mall & Memorial Parks.

In the month that commemorates the 73rd anniversary of D-Day, June 6, 1944, learn what this bombardier was thinking as he flew over hundreds of ships. Hear about the time he was wounded and his hands bled just before bombs away earlier that year. The bombardier's story is one of many collected for the Veteran's History Project of the Library of Congress. Explore the largest military event of the 20th Century and learn how you can record your veteran's memories for your family and for the Library of Congress.

### Public Access and Civil Rights on NPS Golf Courses in Washington, DC

Tuesday, July 18, 2017, 1:00 pm—1:45 pm

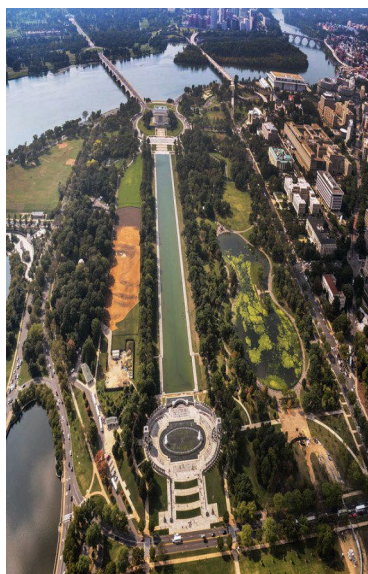


The most famous sites of civil rights activism include schools, churches, and public transportation – but golf courses? Despite golf's exclusive image, the National Park Service's public golf courses in East Potomac Park, Rock Creek Park, and Ana-

costia Park were flash points in the fight against segregation in the District of Columbia and across the Park Service.

Between 1917 and 1948 the federal government built seven public golf courses in the District of Columbia's public parks, following the growing popularity of the sport. Public golf courses strove to provide facilities for those who could not afford private clubs and to emphasize the democracy of golf as a sport not only for the elite. Yet the public courses in Washington, DC, like many across the country, were initially open to whites only. African American golfers responded by establishing clubs and associations, petitioning for a course of their own, and ultimately fighting the Jim Crow segregation policies that the Park Service inherited in 1933 when it took over the management of the District's park system.

Please join Park Ranger Patricia Babin as she highlights how the unique stories of the Park Service's golf courses in the District of Columbia contribute to its narratives about public lands, equality, and inclusion.



**Between 1917 and 1948 the federal government built seven public golf courses in the District of Columbia's public parks... Yet the public courses in Washington, DC, like many across the country, were initially open to whites only.**

## Upcoming Programs at the DOI Library (Contd.)



### DOI Library Training Sessions

The Interior Library offers regular training sessions to introduce

DOI employees and others to its services and to the information sources it makes available through employees' computers or in person. Future Training Sessions will be posted at [https:// www.doi.gov/library/programs/training-sessions](https://www.doi.gov/library/programs/training-sessions) as soon as they are scheduled.

For questions about Training Sessions, please call the Interior Library at (202) 208-5815 or send us an e-mail at [library@ios.doi.gov](mailto:library@ios.doi.gov).

*Please note: Due to the expected move of the Library back into its original Reading Room this summer, Training Sessions for June and July have not yet been scheduled. Please go to our Library Training Sessions website at [https:// www.doi.gov/library/programs/training-sessions](https://www.doi.gov/library/programs/training-sessions) for updated information about scheduled Training Sessions.*

*"I may be the first woman member of Congress," Jeannette Rankin observed upon her election in 1916. "But I won't be the last."*

## 100th Anniversary of the First Woman in Congress

This year marks the 100th anniversary of Jeannette Rankin becoming the first woman to serve as a Member of Congress. She was elected in November 1916, by the state of Montana, to the U.S. House of Representatives, and began her term March 4, 1917. She was elected four years before women had the right to vote nationally and blazed a trail followed by more than 300 women who have served as a U.S. Representatives, Delegates, or Senators.

"I may be the first woman member of Congress," she observed upon her election in 1916. "But I won't be the last."

House of Representatives' History Art and Archives website - Cited in Winifred Mallon, "An Impression of Jeannette Rankin," *The Suffragist* (March 31, 1917)

Jeannette Rankin learned how to work hard early in life, with her mother as a teacher and her father as a rancher. She attended Montana State University, New York School of Philanthropy, and the University of Washington and tried several occupations



before going into the political arena and realizing her passion for the women's suffrage movement.

As the first woman member in Congress, Rankin stood on the front lines to bring attention to the national suffrage fight. She advocated the creation of a Committee on Woman Suffrage.

During her two-year term in the House she voted against President Woodrow Wilson's declaration of war on Germany, created legislation for women's rights and helped pass the Nineteenth Amendment granting women the right to vote.

Later, at close to 60 years of age, she began a second term in the House representing Montana's first district. She was the only Member of Congress to vote against America's involvement in WWII, and

after receiving much criticism she did not run for re-election in 1942, ending her political career.

Her 90th birthday in 1970 was celebrated in the Rayburn House Office Building with a reception and dinner. At the time of her death, on May 18, 1973, in Carmel, California, Rankin was considering another run for a House seat to protest the Vietnam War.

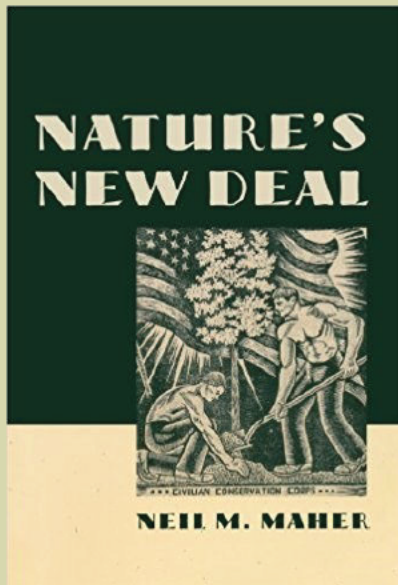
Upon her death, Rankin left a portion of her Georgia estate to assist unemployed women workers. Her personal assistant along with friends established a foundation, chartered in 1976, which has been providing scholarships to low-income women, aged 30 and over, helping them succeed through education.

In 1985, a bronze statue of Jeannette Rankin was given to the National Statuary Hall Collection by Montana and stands in Emancipation Hall of the U.S Capitol Visitor's Center.

Source: <https://www.govinfo.gov/features/anniversary-rankin-congress>



## DOI Reads Book Club - Join Us to Discuss *Nature's New Deal: The Civilian Conservation Corps and the Roots of the American Environmental Movement* by Neil M. Maher on Tuesday, June 13, 2017



the Civilian Conservation Corps, describing it as a turning point both in national politics and in the emergence of modern environmentalism.

Indeed, Roosevelt addressed both the economic and environmental crises by putting Americans to work at conserving natural resources, through the Soil Conservation Service, the Tennessee Valley Authority, and the Civilian Conservation Corps (or CCC).

The CCC created public landscapes--natural terrain altered by federal work projects--that helped environmentalism blossom after World War II, Maher notes.

The Library does not have enough copies to lend this book to everyone, so please purchase a copy or borrow one from your local library. We do have a copy on hold that you can read in the Library.

Advance RSVPs are welcome but not required. Please contact us as the date approaches to confirm the location of our meeting, as the Library may be moving from its temporary location in Room 2262 back to its renovated space in the Main Interior Building. Anyone is welcome to attend—you do not need to finish the book to join us.

To RSVP or for more information about the DOI Reads Book Club and other DOI Library programs, please contact Law Librarian Shannon Lynch, at 202-208-3686 or [Mary\\_Lynch@ios.doi.gov](mailto:Mary_Lynch@ios.doi.gov).

The DOI Reads Book Club had a great discussion of *Lucy Stone: An Unapologetic Life* by Sally G. McMillen during its April meeting.

We will next meet Tuesday, June 13, 2017 from 12:30—1:30 pm to discuss *Nature's New Deal: The Civilian Conservation Corps and the Roots of the American Environmental Movement* by Neil M. Maher.

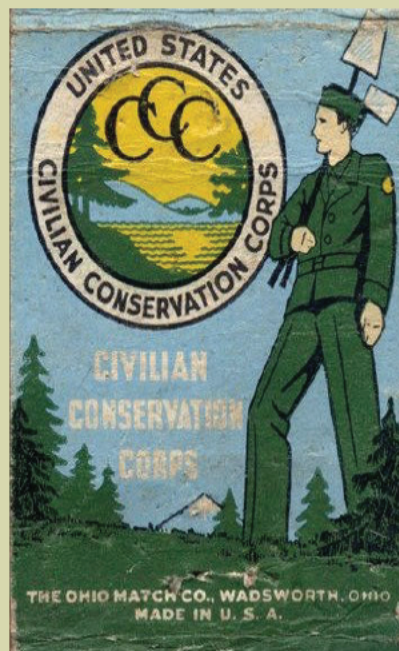
The Great Depression coincided with a wave of natural disasters, including the Dust Bowl and devastating floods of the Ohio and Mississippi rivers. Recovering from these calamities--and preventing their reoccurrence--was a major goal of the New Deal.

In *Nature's New Deal*, Neil M. Maher examines the history of one of Franklin D. Roosevelt's boldest and most successful experiments,

Millions of Americans devoted themselves to a new vision of conservation, one that went beyond the old model of simply maximizing the efficient use of natural resources, to include the promotion of human health through outdoor recreation, wilderness preservation, and ecological balance.

And yet, as Maher explores the rise and development of the CCC, he also shows how the critique of its campgrounds, picnic areas, hiking trails, and motor roads frames the debate over environmentalism to this day.

From the colorful life at CCC camps, to political discussions in the White House and the philosophical debates dating back to John Muir and Frederick Law Olmsted, *Nature's New Deal* captures a key moment in the emergence of modern environmentalism. Please join us for this discussion; you are welcome to bring your lunch.



Congaree National Park, South Carolina

## Library Modernization Update

We're almost there! The Department of the Interior Library hopes to re-open its newly modernized space in the first wing of the first floor of the building within the next two to three months.

It is expected that construction in the Library will be completed by the end of June. New movable shelving has already been installed in the former stacks area of the Library on its two basement levels and on the main floor. Other new touches, such as a glass-enclosed conference room, a grand staircase, new elevators, and specially secured doors and windows still need to be finished before we can move back in. The reshelving process should take about seven or eight weeks, which would lead to a reopening of



the Library in late August or early September.

The move of the collection may necessitate a temporary closure of the Library to visitors for a short period of time. During any potential closure, the Library staff will be still be available by phone or e-mail to answer any reference questions you may have.

Additionally, we wanted to remind you that the Library staff have moved from their old temporary office location in the 1300 West corridor of the Stewart Lee Udall Department of the Interior Building. Our Reference Services staff have temporarily moved to the 1500 East Conference Room while the Technical Services staff have moved to the temporary Library in Room 2262. This staff



move is short-term, as all Library staff will be moving into the modernized Library once construction has been completed.

Needless to say, the Library staff is looking forward to returning to our historic space. Our newly modernized library should provide our staff and patrons with full access to our collection in a vastly more user-friendly and up-to-date environment.

We will keep you updated if there are any changes. Please contact the Library staff by phone at (202) 208-5815 or e-mail at [library@ios.doi.gov](mailto:library@ios.doi.gov) if you have any questions.



## Ryan Zinke Sworn In as 52nd Secretary of the Interior (Contd.)

*(Continued from page 1)*

America is the most beautiful country in the world and he is going to help keep it that way with smart management of our federal lands. At the same time, my administration's goal is to repeal bad regulations and use our natural resources to create jobs and wealth for the American people, and Ryan will explore every possibility for how we can safely and responsibly do that."

"Our public lands can once again be

economic engines for our nation by creating jobs in energy, recreation, and conservation," continued Zinke. "By working with President Trump and Congress to reevaluate and fix flawed regulations that are barriers to job creation, we will unleash the economic opportunity within our borders. Creating jobs on public lands can and will be done in an environmentally responsible way during my tenure."

### About Ryan Zinke

As a fifth-generation Montanan who grew up in a logging and rail town near Glacier National Park, Zinke has had a lifelong appreciation for conserving America's natural beauty while upholding Teddy Roosevelt's vision of multiple-use on our public lands.

Source: <https://www.blm.gov/press-release/ryan-zinke-sworn-52nd-secretary-interior>

# Full Text Article/Case Request Form

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To request a full-text version of any of the articles or cases in the March/April 2017 edition of the DOI Library Law Update, please fill out this form and e-mail a scanned copy of it to the DOI Library at [library@ios.doi.gov](mailto:library@ios.doi.gov). The Library staff will produce full-text copies of the article(s) requested and either mail, fax, or e-mail those copies to you. If you have any questions, please call the Library at (202) 208-5815

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| 101 | 102 | 103 | 104 | 105 |    |    |    |    |     |



# Journal Articles

Please note that full-text versions of these articles are available upon request to the DOI Library Reference Staff

## 1. FRACKING THE SACRED: RESOLVING THE TENSION BETWEEN UNCONVENTIONAL OIL AND GAS DEVELOPMENT AND TRIBAL CULTURAL RESOURCES

*Denver Law Review Spring, 2017 94*  
*Denv. L. Rev. 319 Hillary M. Hoffmann*

## 2. WATER AND TAXES

*U.C. Davis Law Review April, 2017 50*  
*U.C. Davis L. Rev. 1559 Dave Owen*

## 3. BEYOND ZERO-SUM ENVIRONMENTALISM

*Environmental Law Reporter News & Analysis April, 2017 47* *Envtl. L. Rep. News & Analysis 10328* *Shalanda Baker, Robin Kundis Craig, John Dernbach, Keith Hirokawa, Sarah Krakoff, Jessica Owley, Melissa Powers, Shannon Roesler, Jonathan Rosenbloom, J.B. Ruhl, Jim Salzman,*

*Inara Scott, David Takacs*

## 4. INSIDE THE AGENCY CLASS ACTION

*Yale Law Journal April, 2017 126* *Yale L.J. 1634* *Michael Sant'Ambrogio, Adam S. Zimmerman*

## 5. COWBOYS GONE ROGUE: THE BUREAU OF LAND MANAGEMENT'S MISMANAGEMENT OF WILD HORSES IN LIGHT OF ITS REMOVAL PROCEDURES OF 'EXCESS' WILD HORSES

*Northern Illinois University Law Review Spring, 2017 37* *N. Ill. U. L. Rev. 371*  
*Kelsey Stangebye*

## 6. THE BASELINE BAR

*University of Kansas Law Review March, 2017 65* *U. Kan. L. Rev. 579* *Nadia B. Ahmad*

## 7. PLANNING FOR THE EFFECTS OF CLIMATE CHANGE ON NATURAL RESOURCES

*Environmental Law Reporter News & Analysis March, 2017 47* *Envtl. L. Rep. News & Analysis 10220* *Jessica Wentz*

## 8. THE FUTURE OF NATURAL RESOURCES LAW

*Environmental Law Reporter News & Analysis March, 2017 47* *Envtl. L. Rep. News & Analysis 10197*

## 9. THE IMPACT OF CLIMATE CHANGE ON AMERICAN AND CANADIAN INDIGENOUS PEOPLES AND THEIR WATER RESOURCES

*Environmental Law Reporter News & Analysis March, 2017 47* *Envtl. L. Rep. News & Analysis 10245* *Itzhak Kornfeld*

## 10. INDIAN TREATY FISHING RIGHTS AND THE ENVIRONMENT: AFFIRMING THE RIGHT TO HABITAT PROTECTION AND RESTORATION

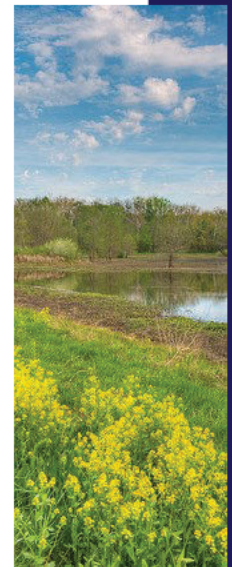
*Washington Law Review March, 2017 92* *Wash. L. Rev. 1* *Michael C. Blumm*

## 11. A CARBON FEE AS MITIGATION FOR FOSSIL FUEL EXTRACTION ON FEDERAL LANDS

*Columbia Journal of Environmental Law 2017 42*  
*Colum. J. Envtl. L. 295*  
*Michael Burger*

## 12. DOWNSTREAM AND UPSTREAM GREENHOUSE GAS EMISSIONS: THE PROPER SCOPE OF NEPA REVIEW

*Harvard Environmental*



**Muscatatuck National Wildlife Refuge, Indiana**



**Oriflame Mountain from the Pacific Crest National Scenic Trail. Photo by Aaron Doss**



# Journal Articles (Contd.)

*Law Review* 2017 41 *Harv. Envtl. L. Rev.* 109 Michael Burger , Jessica Wentz

13. UNDAMMING THE FEDERAL PRODUCTION TAX CREDIT: CREATING FINANCIAL INCENTIVES FOR DAM TRADING AND DAM REMOVAL

*Idaho Law Review* 2017 53 *Idaho L. Rev.* 93 Mark James , Kelsey R. Bain , David E. Sloan

14. HISTORICAL FLOW OF HYDROELECTRIC REGULATION: A BRIEF HISTORY

*Idaho Law Review* 2017 53 *Idaho L. Rev.* 1 Sam Kalen

15. CHILE, THE BIOBÍO, AND THE FUTURE OF THE COLUMBIA RIVER BASIN

*Idaho Law Review* 2017 53 *Idaho L. Rev.* 239 Jerrold A. Long , Shana Hirsch , Jason Walters

16. LITTLE STREAMS AND LEGAL TRANSFORMATIONS

*Utah Law Review* 2017 2017 *Utah L. Rev.* 1 Dave Owen

17. A BIRD IN THE HAND: SHOT-GUNS, DEADLY OIL PITS, CUTE KITTENS, AND THE MIGRATORY BIRD TREATY ACT

*Virginia Environmental Law Journal* 2017 35 *Va. Envtl. L.J.* 153 Samuel J. Panarella

18. SCIENCE, POLICY, AND DATA-DRIVEN DECISIONS IN A DATA VACUUM

*Ecology Law Quarterly* 2017 44 *Ecology L.Q.* 7 Ryan P. Kelly , Phillip S. Levin , Kai N. Lee

19. THINK GLOBAL: INTERNATIONAL RECIPROCITY AS JUSTIFICATION FOR A GLOBAL SOCIAL COST OF CARBON

*Columbia Journal of Environmental Law* 2017 42 *Colum. J. Envtl. L.* 203 Peter Howard , Jason Schwartz

20. ESTABLISHING APPLICABLE WATER QUALITY STANDARDS FOR SURFACE WATERS ON INDIAN RESERVATIONS

*Emory Law Journal* 2017 66 *Emory L.J.* 965 Jin Hyung Lee

22. TRIBAL JURISDICTION--A HISTORICAL BARGAIN

*Maryland Law Review* 2017 76 *Md. L. Rev.* 593 Matthew L.M. Fletcher , Leah K. Jurss

23. YOUR MONEY OR YOUR LIFE: INDIAN PARENTS AND CHILD SUPPORT MODIFICATIONS

*Journal of the American Academy of Matrimonial Lawyers* 2017 29 *J. Am. Acad. Matrim. Law.* 409 Marcia Zug

24. CLEARING THE FOG: A HISTORICAL ANALYSIS OF ENVIRONMENTAL AND ENERGY LAW IN COLORADO

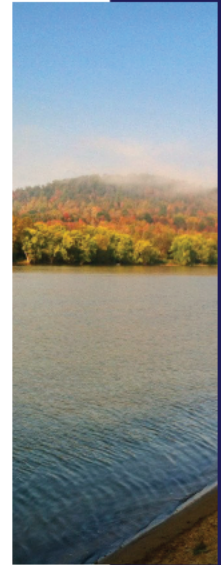
*Villanova Environmental Law Journal* 2017 28 *Vill. Envtl. L.J.* 1 Lucas Satterlee

25. BIRD TAKE--DEATH TRADE

*UCLA Journal of Environmental Law & Policy* 2017 35 *UCLA J. Envtl. L. & Pol'y* 1 Michael J. Lockman

26. DEFENDERS OF WILDLIFE v. JEWELL (D. MONT. 2016)

*Harvard Environmental Law Review* 2017 41 *Harv. Envtl. L. Rev.* 297 Claire M. Horan



Ohio River Islands National Wildlife Refuge, West Virginia

## Did You Know? The U.S. Congressional Serial Set Has a New Look

The Reports, Documents and Journals of the U.S. Senate and House of Representatives constitutes an incomparably rich collection of primary source material on all aspects of American history—and it is all accessible in the US Congressional Serial Set database, linked from the DOI Library's Databases page at <https://www.doi.gov/library/electronic/>.

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# Court Cases

Please note that full-text versions of these cases are available upon request to the DOI Library Reference Staff

## Supreme Court of the United States Decisions

27. Citizens Against Reservation Shopping v. Zinke

*Supreme Court of the United States April 03, 2017 137 S.Ct. 1433 (Mem) 16-572*

...United States CITIZENS AGAINST RESERVATION SHOPPING, et al., petitioners, v. Ryan ZINKE, Secretary of the Interior, et al. No.16-572. April...

## Federal Courts of Appeals Decisions

28. Wildwest Institute v. Kurth

*United States Court of Appeals, Ninth Circuit. April 28, 2017 855 F.3d 995 14-35431*

ENVIRONMENTAL LAW - Endangered Species. FWS provided sufficient reasoning to support finding that listing of whitebark pine as threatened species was "warranted but precluded."

29. New Mexico Department of Game and Fish v. United States Department of the Interior

*United States Court of Appeals, Tenth Circuit. April 25, 2017 854 F.3d 16-2189, 16-2202*

ENVIRONMENTAL LAW - Injunction. New Mexico Department of Game and Fish was not entitled to preliminary injunction barring release of Mexican gray wolves within State's Borders.

30. Mishewal Wappo Tribe of Alexander Valley, v. Zinke

*United States Court of Appeals, Ninth Circuit. April 24, 2017 — Fed.Appx. — 15-15993*

The Mishewal Wappo Tribe of Alexander Valley (the Tribe) sued the Secretary and Assistant Secretary of the Department of Interior (the Federal Defendants), asserting claims for breach of fiduciary duty and violations under the Administrative Procedure Act. The district court granted the Federal Defendants' motion for summary judgment, holding that...

31. New Mexico v. Department of Interior

*United States Court of Appeals, Tenth Circuit. April 21, 2017 854 F.3d 1207 14-2222, 14-2219*

NATIVE AMERICANS - Gaming. Department of Interior exceeded its authority under IGRA in promulgating regulations governing the negotiation of Indian gaming compacts.

32. Fletcher v. United States

*United States Court of Appeals, Tenth Circuit. April 21, 2017 854 F.3d 1201 16-5050*

NATIVE AMERICANS - Oil and Gas. District court did not abuse its discretion in setting time period of accounting of royalty income from oil and gas reserves held in tribal trust fund.

33. Alliance for the Wild Rockies v. Ashe

*United States Court of Appeals, Ninth Circuit. April 20, 2017 — Fed.Appx. — 14-35936*

Alliance for the Wild Rockies (Alliance) appeals the district court's grant of summary judgment in favor of the United States Forest Service

(USFS) and the United States Fish and Wildlife Service (FWS) (collectively, the agencies). Alliance alleges the agencies' approval of the Young Dodge Project (Project) in Montana's Kootenai National Forest...

34. Wild Fish Conservancy v. National Park Service

*United States Court of Appeals, Ninth Circuit. April 18, 2017 — Fed.Appx. — 14-35791*

In a series of decisions, the Department of the Interior and the National Marine Fisheries Service ("NMFS") approved the use of hatcheries operated by the State of Washington and the Lower Elwha Klallam Tribe ("the Tribe") to restore Elwha River fish populations after a dam removal project. The Wild Fish Conservancy and...

35. Carpenters Industrial Council v. Zinke

*United States Court of Appeals, District of Columbia Circuit. April 11, 2017 854 F.3d 15-5334, 15-5304*

ENVIRONMENTAL LAW - Endangered Species. Forest products manufacturing trade association had standing to challenge Fish and Wildlife Service's designation of critical habitat for spotted owl.

36. Massachusetts v. Wampanoag Tribe of Gay Head (Aquinnah)

*United States Court of Appeals, First Circuit. April 10, 2017 853 F.3d 618 16-1137*

NATIVE AMERICANS - Gaming. Provision of Land Claims Settlement Act (Massachusetts Settlement Act) prohibiting gambling was impliedly repealed by Indian Gaming Regulatory Act.



**Great White Heron National Wildlife Refuge, Florida**

## Court Cases (Contd.)

37. United States Association of Reptile Keepers, Inc. v. Zinke

*United States Court of Appeals, District of Columbia Circuit. April 07, 2017 852 F.3d 1131 15-5199*

**ENVIRONMENTAL LAW - Endangered Species.** Shipment clause of Lacey Act did not bar shipment of injurious species between the 49 continental United States.

38. Navajo Nation v. United States Department of Interior

*United States Court of Appeals, District of Columbia Circuit. April 04, 2017 852 F.3d 1124 16-5117*

**NATIVE AMERICANS - Government Contracts.** Deadline for BIA to respond to Indian tribe's proposal began to run on date tribe hand delivered it to BIA office during partial government shutdown.

39. Nevada Association of Counties v. United States Department of Interior

*United States Court of Appeals, Ninth Circuit. April 03, 2017 — Fed.Appx. — 15-15620*

Nevada Association of Counties, Nevada Farm Bureau Federation, Nevada Bighorns Unlimited, and Crawford Cattle (collectively, NA-CO) appeal from the district court's judgment of dismissal of their action based on Administrative Procedure Act (APA) and Fifth Amendment due process claims. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we...

40. People for Ethical Treatment of Property Owners v. United States Fish and Wildlife Service

*United States Court of Appeals, Tenth Circuit. March 29, 2017 852 F.3d 990 14-4165, 14-4151*

**ENVIRONMENTAL LAW - Endangered Species.** Commerce Clause authorized Congress to regulate take of intrastate species, the Utah prairie dog, on nonfederal land.

41. Yazzie v. U.S. Environmental Protection Agency

*United States Court of Appeals, Ninth Circuit. March 20, 2017 851 F.3d 960 14-73100, 14-73101, 14-73102*

**ENVIRONMENTAL LAW - Clean Air.** EPA's determination that Tribal Authority Rule (TAR) applied to Navajo Nation was reasonable.

42. San Francisco Herring Association v. U.S. Department of Interior

*United States Court of Appeals, Ninth Circuit. March 17, 2017 — Fed.Appx. — 15-16214*

**ADMINISTRATIVE PRACTICE - Agencies.** Park Service's decision to enforce regulation prohibiting commercial fishing in national parks was not final agency action under APA.

43. Reoforce, Inc. v. United States

*United States Court of Appeals, Federal Circuit. March 17, 2017 853 F.3d 1249 2015-5084*

**REAL PROPERTY - Eminent Domain.** Owners did not suffer compensable taking of their unpatented mining claims by Bureau of Land Management's agreement transferring land to California.

44. Berkshire Environmental Action Team, Inc. v. Tennessee Gas Pipeline Company, LLC

*United States Court of Appeals, First Circuit. March 15, 2017 851 F.3d 105 16-2100*

**ENERGY AND UTILITIES - Oil and Gas.** Letter from state agency granting natural gas company conditional

certification for its proposed project did not constitute final agency action.

45. Tavares v. Whitehouse

*United States Court of Appeals, Ninth Circuit. March 14, 2017 851 F.3d 863 14-15814*

**NATIVE AMERICANS - Jurisdiction.** Temporary exclusion from tribal land was not tantamount to a "detention," for purpose of habeas corpus provision of Indian Civil Rights Act.

46. High Point, LLLP v. National Park Service

*United States Court of Appeals, Eleventh Circuit. March 08, 2017 850 F.3d 1185 15-11825*

**ENVIRONMENTAL LAW - Parks.** National Park Service's denial of permission for relocation of dock located in wilderness area of national seashore was not arbitrary or capricious.

47. Desert Water Agency v. United States Department of the Interior

*United States Court of Appeals, Ninth Circuit. March 07, 2017 849 F.3d 1250 14-55461*

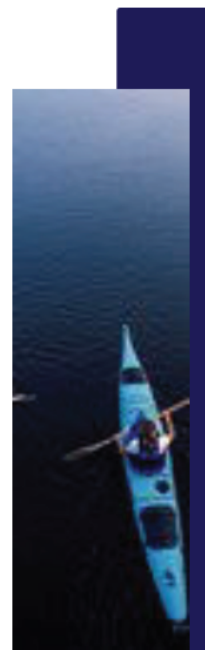
**NATIVE AMERICANS - Lands.** Political subdivision of State of California lacked standing to challenge federal regulation governing administration of leases on Indian lands.

48. Government of Province of Manitoba v. Zinke

*United States Court of Appeals, District of Columbia Circuit. March 03, 2017 849 F.3d 1111 16-5203*

**ENVIRONMENTAL LAW - Injunction.** Modification of permanent injunction partially prohibiting work on water transfer project was warranted.

49. Defenders of Wildlife v. Zinke



Rachel Carson National Wildlife Refuge, Maine



## Court Cases (Contd.)

*United States Court of Appeals, District of Columbia Circuit. March 03, 2017 849 F.3d 1077 14-5300, 14-5311, 14-5312, 14-5313, 14-5314, 14-5315*

**ENVIRONMENTAL LAW** - Endangered Species. FWS did not act arbitrarily and capriciously in relying on nonbinding and unenforceable representations that Wyoming would maintain breeding buffer.

50. *United States v. Washington*

*United States Court of Appeals, Ninth Circuit. March 02, 2017 853 F.3d 946 13-35474*

**NATIVE AMERICANS** - Fishing. Washington violated Stevens Treaties as result of its construction of barrier culverts under its roads.

### Federal District Court Decisions

51. *Rabang v. Kelly*

*United States District Court, W.D. Washington, at Seattle. April 26, 2017 Slip Copy C17-0088-JCC*

This matter comes before the Court on Defendants' motion to dismiss (Dkt. No. 34) and Plaintiffs' motion to continue Defendants' motion to dismiss (Dkt. No. 43), which Plaintiffs contend has been converted to a motion for summary judgment. Having thoroughly considered the parties' briefing and the relevant record, the Court finds oral argument...

52. *Natural Resources Defense Council v. National Park Service*

*United States District Court, M.D. Florida, FORT MYERS DIVISION. April 24, 2017 — F.Supp.3d — 2:16-CV-585-FTM-99CM*

Environmental conservation groups

brought action challenging National Park Services' (NPS) approval of energy company's plan to conduct three-dimensional seismic geophysical survey using vibroseis technology to identify whether there were commercially feasible deposits of oil and gas within the Big Cypress National Preserve....

53. *FRONT RANGE EQUINE RESCUE v. BUREAU OF LAND MANAGEMENT and INTERIOR BOARD OF LAND APPEALS*

*United States District Court, D. Oregon. April 23, 2017 Slip Copy 3:16-CV-00149-AC*

Magistrate Judge Acosta issued a Findings and Recommendation [33] on March 13, 2017, in which he recommends that this Court grant Defendants' Motion for Summary Judgment [20] and deny Plaintiff's Motion for Summary Judgment [21]. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b)....

54. *Coffey v. Bureau of Land Management*

*United States District Court, District of Columbia. April 20, 2017 — F.Supp.3d — CV 16-508 (JEB)*

Background: Requester brought Freedom of Information Act (FOIA) action against Bureau of Land Management (BLM) seeking communications between BLM officials and private-citizen participants in BLM's wild horse and burro program. The parties cross-moved for summary judgment. Holdings: The District Court, James E. Boasberg, J., held...

55. *Defenders of Wildlife v. United States Army Corps of Engineers*

*United States District Court, D. Montana, Great Falls Division. April 19, 2017 CV-15-14-GF-BMM*

The United States Fish and Wildlife Service (FWS) listed pallid sturgeon as endangered in 1990. 55 Fed. Reg. 36, 641. The Missouri River between the Fort Peck Dam and Lake Sakakawea contains the largest wild pallid sturgeon population. Fewer than 125 wild pallid sturgeons remain and the population appears in decline. (BOR 560; BOR 2216). The...

56. *Eco Tour Adventures, Inc. v. Zinke*

*United States District Court, District of Columbia. April 18, 2017 — F.Supp.3d — CV 14-2178 (BAH)*

Background: Provider of guided cross-country ski tours brought action under Administrative Procedure Act (APA) seeking declaratory and injunctive relief rescinding National Park Service's (NPS) award of contracts for provision of cross-country ski touring services in national park to incumbent concessioners and requiring NPS to award...

57. *Oregon Natural Desert Association v. Zinke*

*United States District Court, D. Oregon, PORTLAND DIVISION. April 18, 2017 — F.Supp.3d — 3:12-CV-00596-MO*

Background: Environmental organizations brought action alleging that Bureau of Land Management (BLM) violated National Environmental Policy Act (NEPA) when it issued final environmental impact statement (FEIS) and record of decision (ROD) approving grant of right-of-way for electric transmission line associated with wind energy project....

58. *San Luis & Delta-Mendota Water Authority v. Jewell*

*United States District Court, E.D. California. April 17, 2017 Slip Copy 1:15CV01290LJOGSA*

This case concerns the U.S. Bureau of



**Ash Meadows  
National  
Wildlife Refuge,  
Nevada**

## Court Cases (Contd.)

Reclamation's ("Reclamation" or "the Bureau") decision to make certain "Flow Augmentation" releases ("FARs") of water in August 2014 ("2014 FARs") and 2015 ("2015 FARs") from Lewiston Dam, a feature of the Trinity River Division...

59. SAVING AMERICA'S MUSTANGS, Plaintiff, v. BUREAU OF LAND MANAGEMENT, Defendant.

*United States District Court, D. Nevada. April 13, 2017 Slip Copy 316CV00733RCJVP*

This action arises out of a dispute over whether the United States reserved title to a segment of road or only an easement for its use when it deeded certain land to Plaintiff's predecessor-in-interest. Pending before the Court is a motion to dismiss for lack of subject matter jurisdiction. Plaintiff Saving America's Mustangs ("SAM")...

60. Northwest Environmental Advocates v. United States Environmental Protection Agency

*United States District Court, D. Oregon. April 11, 2017 Slip Copy 3:12-CV-01751-AC*

Before this Court are two Findings & Recommendations ("F&Rs"), referred from Magistrate Judge Acosta, addressing cross-motions for summary judgment in a case brought by Plaintiff Northwest Environmental Advocates ("NWEA"). NWEA alleges that Defendant Environmental Protection Agency ("EPA") violated the.

61. JERRI JOETTE TILLET, Plaintiff, v. BUREAU OF LAND MANAGEMENT, INTERIOR BOARD OF LANDS APPEALS, and DEPARTMENT OF THE INTERIOR Defendants.

*United States District Court, D. Montana. April 11, 2017 Slip Copy CV 16-148-BLG-SPW*

Plaintiff Jerri Joette Tillett brought this action seeking to stop alleged ongoing malfeasance by Defendants Bureau of Land Management ("BLM"), Interior Board of Land Appeals ("IBLA"), and Department of the Interior ("DOI") (collectively, "Defendants"), with respect to the Pryor Mountain Wild Horse...

62. Menard v. LLOG Exploration Company, LLC

*United States District Court, E.D. Louisiana. April 10, 2017 Slip Copy CV 16-498*

Defendants LLOG Exploration Company, LLC; LLOG Exploration Offshore, LLC; and LLOG Exploration & Production Company, LLC (collectively, "LLOG") move for summary judgment on plaintiff Corey Menard's claims. For the following reasons, the Court grants LLOG's motion. In early 2015, plaintiff Corey Menard was employed as a senior field...

63. Ohio Valley Environmental Coalition v. Foal Coal Company, LLC

*United States District Court, S.D. West Virginia, Charleston Division. April 04, 2017 Slip Copy CV 2:15-1371*

In an order dated February 27, 2017, the Court granted Plaintiffs' Motion for Partial Summary Judgment. ECF No. 64. The Court reserved its discussion of the bases for that decision for a later opinion. The following Memorandum Opinion and Order sets forth the Court's reasons for granting Plaintiffs' Motion. Plaintiffs Ohio Valley Environmental...

64. Sierra Club v. Chesapeake Op-

erating, LLC

*United States District Court, W.D. Oklahoma. April 04, 2017 — F.Supp.3d — CIV-16-134-F*

ENVIRONMENTAL LAW - Jurisdiction. Issues involved in environmental group's action against oil companies were already before state agency, supporting primary jurisdiction abstention.

65. National Wildlife Federation v. National Marine Fisheries Service

*United States District Court, D. Oregon. April 03, 2017 Slip Copy 3:01-CV-0640-SI*

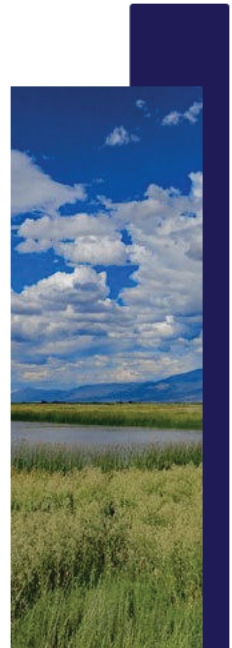
Intervenor-Plaintiff State of Oregon ("Oregon") and Plaintiffs (collectively, "Spill Plaintiffs") move under the Endangered Species Act ("ESA") for an injunction requiring the Federal Defendants to provide spring spill beginning in 2017 for each remaining year of the remand period at the maximum spill level that...

66. Southern Utah Wilderness Alliance v. United States Department of the Interior

*United States District Court, D. Utah. March 31, 2017 Slip Copy 215CV00194JNPEJF*

Before the court is a Motion for Review of Agency Action (Docket No. 62) filed by Plaintiffs Southern Utah Wilderness Alliance, Natural Resources Defense Council, and The Wilderness Society (collectively "Plaintiffs"). Plaintiffs challenge the United States Bureau of Land Management's ("BLM") decision to issue four oil and...

67. WESTERN EXPLORATION, LLC ET AL., Plaintiffs, v. U.S. DEPARTMENT OF THE INTERIOR, et al., Defendants. Additional Party Names: Bureau of Land Management, Church-



Marais des Cygnes National Wildlife Refuge, Kansas

## Court Cases (Contd.)

ill County, Department of Agriculture, Elko County, Eureka County, Humboldt County, Lander County, Lincoln County, Ninety-Six Ranch, LLC, Paragon Precious Metals, LLC, Pershing County, Quantum Minerals LLC, United States Forest Service, Washoe County, White Pine County

*United States District Court, D. Nevada. March 31, 2017 Slip Copy 315CV00491MMDVPC*

Plaintiffs bring this action against the Department of the Interior ("DOI"), Bureau of Land Management ("BLM"), Department of Agriculture ("DOA"), United States Forest Service ("USFS" or "Forest Service"), and associated government officials, seeking review of two agencies' decisions to...

68. WESTERN WATERSHEDS PROJECT; COTTONWOOD ENVIRONMENTAL LAW CENTER, Plaintiffs, v. RYAN ZINKE, in his official capacity as Secretary of the Interior; NATIONAL PARK SERVICE, Defendants.

*United States District Court, D. Utah. March 31, 2017 Slip Copy 214CV00731JNPBCW*

On November 23, 2016, the court issued a Memorandum Decision and Order affirming the National Park Service's decision to categorically exclude the three-year Special Use Permit authorizing cattle grazing on the Hartnet Allotment in Capitol Reef National Park ("Capitol Reef") from further NEPA analysis. [Docket No. 116]. Plaintiff...

69. Walen v. United States

*United States District Court, District of Columbia. March 31, 2017 — F.Supp.3d — CV 15-1718 (BAH)*

Pedestrian brought action against United States, Department of the Interior (DOI), National Park Service (NPS), National Capitol Region of the National Park Service, and District of Columbia under the Federal Tort Claims Act (FTCA) to recover for injuries she sustained when a park tree lining a bridge in the District of Columbia...

70. Davilla v. Enable Midstream Partners, L.P.

*United States District Court, W.D. Oklahoma. March 28, 2017 Slip Copy CIV-15-1262-M*

Before the Court is plaintiffs' Motion for Partial Summary Judgment on Liability for Their Trespass Claim and for a Permanent Injunction, filed April 1, 2016. On May 3, 2016, defendants filed their response, and on May 10, 2016, plaintiffs filed their reply. Based upon the parties' submissions, the Court makes its determination. Defendants are the...

71. Smith v. All Persons Claiming a Present or Future Interest in Estate 13, Friis

*District Court of the Virgin Islands, Division of St. Thomas and St. John. March 28, 2017 Slip Copy CV 2011-41*

Before the Court is (1) the second amended complaint filed by Ida Smith; and (2) the cross-claim of Wayne Chesterfield. In March, 2011, Ida Smith ("Smith") initiated this action to determine boundaries and to quiet title to various parcels of property in St. John, United States Virgin Islands. Subsequently, Smith filed an amended...

72. Center for Biological Diversity v. U.S. Fish & Wildlife Service

*United States District Court, N.D. Cali-*

*fornia. March 28, 2017 — F.Supp.3d — 15-CV-05754-JST*

ENVIRONMENTAL LAW - Endangered Species. Best available evidence demonstrated small and declining California marten populations for determination of whether to list as endangered species.

73. Pacific Coast Federation of Fishermen's Associations v. Murillo

*United States District Court, E.D. California. March 28, 2017 Slip Copy 211CV02980KJMCKD*

This matter is before the court on a motion to file a second amended complaint by the Pacific Coast Federation of Fishermen's Associations, the California Sportfishing Protection Alliance, Friends of the River, San Francisco Crab Boat Owners Association, Inc., the Institute for Fisheries Resources, and Felix Smith (collectively,...

74. National Wildlife Federation v. National Marine Fisheries Service

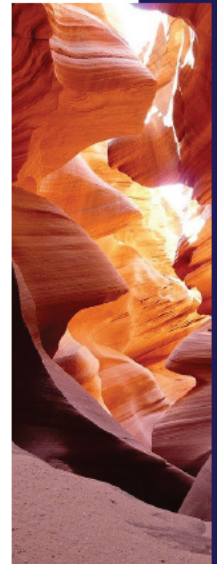
*United States District Court, D. Oregon. March 27, 2017 Slip Copy 3:01-CV-0640-SI*

Intervenor-Plaintiff State of Oregon ("Oregon") and Plaintiffs (collectively, "Spill Plaintiffs") move under the Endangered Species Act ("ESA") for an injunction requiring the Federal Defendants to provide spring spill beginning in 2017 for each remaining year of the remand period at the maximum spill level...

75. Natural Resources Defense Council, Inc. v. Rauch

*United States District Court, District of Columbia. March 25, 2017 --- F.Supp.3d ---- CV 15-198 (RDM)*

Background: Environmental conservation organizations brought action



Antelope Canyon, Arizona



## Court Cases (Contd.)

against National Marine Fisheries Service (NMFS) challenging its decision not to list blueback herring as threatened under the Endangered Species Act (ESA). Holdings: The District Court, Randolph D. Moss, J., held that: 8(1) NMFS's conclusion that blueback...

76. Harmon v. United States by and through Bureau of Indian Affairs

*United States District Court, D. Idaho. March 24, 2017 Slip Copy 4:15-CV-00173-BLW*

Pending before the Court is Defendant United States of America's Motion for Summary Judgment (Dkt. 13) and Plaintiff's Motion for Spoliation Sanctions (Dkt. 24). The Court heard oral argument on February 3, 2017 and took the motions under advisement. For the reasons expressed below, the Court will grant in part and deny in part both motions....

77. Duarte Nursery, Inc. v. United States Army Corps of Engineers

*United States District Court, E.D. California. March 24, 2017 Slip Copy 2:13-CV-02095-KJM-DB*

The matter is before the court on a motion for reconsideration, or, in the alternative, for certification of interlocutory appeal and for a stay by plaintiffs and counter-defendants Duarte Nursery, Inc. and John Duarte in their case against defendant United States Army Corps of Engineer and counterclaim-plaintiff United States of America...

78. Nielson v. United States Bureau of Land Management

*United States District Court, D. Idaho. March 22, 2017 Slip Copy 4:16-CV-00216-REB*

Currently pending before the Court is Defendant United States of America's Motion to Dismiss (Dkt. 5). Having carefully considered the record and otherwise being fully advised, the undersigned enters the following Memorandum Decision and Order. Prior to Idaho's statehood in 1890, the United States held the beds of navigable waters in trust and upon...

79. Warren v. United States Bureau of Reclamation

*United States District Court, D. Oregon. March 20, 2017 Slip Copy 6:16-CV-01788-MC*

Defendants Central Oregon Irrigation District and Craig Horrell ("Irrigation District") move to dismiss Plaintiff's First Amended Complaint ("FAC"), ECF No. 4, pursuant to Rule 12(b)(1), claiming lack of subject-matter jurisdiction. Defendants argue that Plaintiff lacks standing and that her claims are not ripe for judicial...

80. Friends of Animals v. United States Bureau of Land Management

*United States District Court, D. Oregon. March 16, 2017 Slip Copy 2:16-CV-1670-SI*

Plaintiff, Friends of Animals ("FOA"), challenges the August 28, 2016 emergency decision of the U.S. Bureau of Land Management ("BLM") to remove wild horses from the Three Fingers Herd Management Area ("HMA") and its subsequent round-up and removal of 155 horses. FOA alleges that BLM's actions violate both the...

81. Frank's Landing Indian Community v. National Indian Gaming Commission

*United States District Court, W.D.*

*Washington, at Tacoma. March 15, 2017 Slip Copy C15-5828BHS*

This matter comes before the Court on the motion for summary judgment of Plaintiff Frank's Landing Indian Community (the "Community"). Dkt. 33. Also before the Court is the cross-motion for summary judgment of the United States Department of the Interior (the "Department"), Sally Jewell, in her official capacity as the Secretary of the Interior...

82. Front Range Equine Rescue v. Bureau of Land Management

*United States District Court, D. Oregon, Portland Division. March 13, 2017 Slip Copy 3:16-CV-149-AC*

Plaintiff Front Range Equine Rescue ("Front Range") filed this lawsuit seeking review of an opinion issued by the Interior Board of Land Appeals (the "Board") finding Front Range did not have standing to appeal a decision by the Bureau of Land Management (the "Bureau"). Currently before the court are the...

83. Basin and Range Watch v. Bureau of Land Management

*United States District Court, D. Nevada. March 10, 2017 Slip Copy 2:16CV403JCM PAL*

Presently before the court is the joint motion to stay proceedings on the merits, submitted by all parties. (ECF No. 53). This motion requests that this court "reinstate the stay of briefing and resolution of the merits of the claims in this case pending the Court's adjudication of Basin and Range Watch's Motion for Attorneys' Fees and Costs."

84. Oregon Wild, v. Constance Cummins

*United States District Court, D. Oregon. March 08, 2017 — F.Supp.3d — 1:15-*



Kenai Fjords National Park, Alaska

## Court Cases (Contd.)

CV-01360-CL

**ENVIRONMENTAL LAW - Forests.** Forest Service's annual operating instructions to manage livestock grazing in national forest did not violate National Forest Management Act.

85. Ahuruonye v. United States Department of Interior

*United States District Court, District of Columbia. March 08, 2017 — F.Supp.3d — CV 15-1215 (RBW)*

**GOVERNMENT - Records.** DOI declarant's attestation that DOI conducted search likely to produce responsive records to FOIA request showed that DOI conducted adequate search.

86. Protect Our Communities Foundation v. Black

*United States District Court, S.D. California. March 06, 2017 Slip Copy 14CV2261 JLS (JMA)*

Presently before the Court are Plaintiffs' Motion for Summary Judgment, ("Pls.' MSJ") (ECF No. 59), Intervenor Defendants Tule Wind, LLC and Ewiiapaayp Band of Kumeyaay Indians' ("Non-Federal Defendants") Joint Cross-Motion for Summary Judgment, ("Non-Fed. Defs.' MSJ") (ECF No. 61), and Federal Defendants' Motion for Summary Judgment and...

87. Western Watersheds Project v. Schneider

*United States District Court, D. Idaho. March 03, 2017 Slip Copy 1:16-CV-83-BLW*

The Court has before it a motion to sever and transfer filed by defendants Bureau of Land Management and the Forest Service. The motion is fully briefed and at issue.

For the reasons explained below, the Court will deny the motion. In 2015, the Forest Service joined the Bureau of Land Management (BLM) in carrying out the National Planning Strategy...

88. California Sea Urchin Commission v. Bean

*United States District Court, C.D. California. March 03, 2017 — F.Supp.3d — CV 13-5517-DMG (CWX)*

**ENVIRONMENTAL LAW - Fish.** Fish and Wildlife Service reasonably interpreted law authorizing it to establish an experimental population of California sea otters as further authorizing it to terminate the program.

89. Swain County, North Carolina v. United States

*United States Court of Federal Claims. April 26, 2017 Not Reported in Fed.Cl. 16-531C*

In this breach of contract action, plaintiff, Swain County, North Carolina ("Swain County"), alleges that the United States has breached a settlement agreement by and between the Tennessee Valley Authority (the "TVA"), the United States Department of the Interior (the "DOI") and Swain County, by failing to make...

90. American Furniture Manufacturers Committee for Legal Trade v. United States

*United States Court of International Trade. March 13, 2017 Not Reported in F.Supp.3d 16-00070, SLIP OP. 17-25*

This matter is before the court on defendant United States ("the government")'s motion to dismiss a complaint filed by plaintiffs American Furniture Manufacturers Committee

for Legal Trade and Vaughan-Bassett Furniture Company, Inc. (collectively, "AFMC"), for lack of subject-matter jurisdiction pursuant to U.S. Court...

### State Court Decisions

91. Voigt v. North Dakota Public Service Commission

*Supreme Court of North Dakota. March 30, 2017 892 N.W.2d 149 2017 WL 1196673 20160046*

**REAL PROPERTY - Mineral Rights and Interests.** Evidence was sufficient to support Public Service Commission's alluvial valley floor determination in granting surface mining permit.

92. Stichting Mayflower Mountain Fonds v. United Park City Mines Company

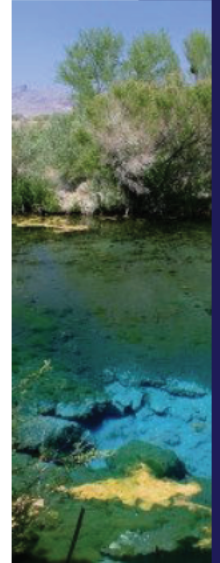
*Supreme Court of Utah. March 22, 2017 — P.3d — 2017 WL 1091162 20150047*

**GOVERNMENT - Highways and Roads.** Claimant failed to demonstrate that mining road was public highway under federal Mining Act of 1866 or Utah's 1880 Highway Act.

93. Anlex Rock & Minerals, Inc. v. Brubaker-Mann, Inc.

*Court of Appeal, Fourth District, Division 2, California. April 06, 2017 Not Reported in Cal.Rptr.3d 2017 WL 1282057 E065217*

Plaintiff and respondent, Anlex Rock & Minerals, Inc. (Anlex), sought an easement over land owned by defendant and appellant, Brubaker-Mann, Inc. (Brubaker-Mann). The two are mining companies and competitors. Anlex alleged causes of action for two types of easements: (1) a public easement acquired by implied dedication, and (2) a...



**Ash Meadows  
National Wildlife  
Refuge, Nevada**



## Court Cases (Contd.)

94. Pacific Gas and Electric Company v. Superior Court

*Court of Appeal, First District, Division 2, California. April 05, 2017 10 Cal.App.5th 563 216 Cal.Rptr.3d 426 A146495*

TORTS - Immunity. Consideration exception to recreational use immunity statute was not contingent upon receipt of consideration.

95. Outsource Services Management, LLC. v. Nooksack Business Corporation

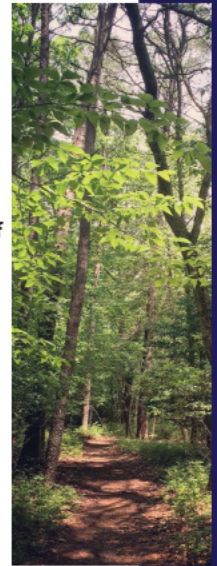
*Court of Appeals of Washington, Division 1. April 03, 2017 Not Reported in P.3d 198 Wash.App. 1032 74764-9-1*

The Nooksack Business Corporation (NBC) borrowed more than \$15 million to finance construction of and improvements to a casino on Nooksack Indian Tribe land. 25 U.S.C. §81 (b) (Section 81) requires preapproval by the Secretary of the Interior for any agreement or contract that "encumbers" tribal land. NBC's limited recourse...

96. Baker v. Department of Environmental Protection

*Commonwealth Court of Pennsylvania. March 02, 2017 Not Reported in A.3d 2017 WL 817123 633 C.D. 2016*

Wayne K. Baker (Petitioner) appeals from an Order of the Environmental Hearing Board (EHB) dismissing his appeal of the Department of Environmental Protection's (DEP) approval of a Stage 1 bond release to Amerikohl Mining, Inc. (Amerikohl) related to surface mining of coal on Petitioner's property (Site).



Greenbelt Park, Maryland

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# Presidential Documents



Please note that full-text versions of these documents are available upon request to the DOI Library Reference Staff.

## Executive Orders

97. Executive Order 13774—  
Preventing Violence Against Federal, State, Tribal, and Local Law Enforce-

ment Officers — February 9, 2017

98. Executive Order 13783—  
Promoting Energy Independence and Economic Growth — March 28, 2017

99. Executive Order 13790—  
Promoting Agriculture and Rural Prosperity in America — April 25, 2017

100. Executive Order 13792—  
Review of Designations Under the Antiquities Act — April 26, 2017

101. Executive Order 13795—  
Implementing an America-First Offshore Energy Strategy — April 28, 2017

## Presidential Proclamations

102. Presidential Proclamation 9589—Education and Sharing Day, U.S.A., 2017 — April 6, 2017

103. Presidential Proclamation 9592—National Park Week, 2017 — April 14, 2017

104. Presidential Proclamation 9593—National Volunteer Week, 2017 — April 21, 2017

105. Presidential Proclamation 9595—Asian American and Pacific Islander Heritage Month, 2017 — April 28, 2017



**Ice Age  
National Scenic  
Trail, Wisconsin**

## HeinOnline: A Comprehensive Source for Government Documents (Contd.)

(Continued from page 2)

States which are published in chronological order in the U.S. Statutes at Large. The U.S. Code is revised every six years and supplemented annually. HeinOnline's coverage runs from inception to current, and the U.S. Code database features a citation navigator, access to early federal codes and statute compilations, related works, and external links to other versions of the code.

### **U.S. Federal Legislative History Library (Coverage includes 1800s-date)**

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or. It also includes more than 65 GPO best-selling legal titles. Browse the collection by agency or title or use the search bar to research by topic.

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**From:** Goklany, Indur  
**To:** [James Cason](#)  
**Cc:** [Douglas Domenech](#)  
**Subject:** Draft Mission Statement and Priorities, and Implementing Actions  
**Date:** Friday, June 09, 2017 11:51:39 AM  
**Attachments:** [Priorities and Mission.docx](#)

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Attached is a draft Mission Statement and Priorities for the Department, as well as a short list of actions that would initiate the process of implementing these formally. Depending on what precise form this draft takes and who sends it to whom, the opening paragraph may need to be modified. Also, since the new Priorities would exclude "climate change," the brief section on Implementation addresses the issue of what to do with existing web pages, Departmental Manual chapters and Secretarial Orders that refer to climate change.

The Mission Statement is a revised version of the existing statement in the Strategic Plan. Major differences include: Replacing "preservation" with "conservation" in the opening sentence; explicitly noting that we conserve and manage our resources "to enhance America's economic, environmental and social well-being" (but not as an end in itself as implied by the existing Statement); and explicitly listing "energy, mineral, biological, and other natural resources" (instead of just "natural resources").

The draft Priorities are the same as currently listed on the DOI web sites, except that I swapped out "Climate Change" and replaced it with "Infrastructure Maintenance" which I got from the FY 2018 Budget document and various things the Secretary has talked about. "Climate change" is implicit in the draft Priority listed as " Stewardship."

With respect to existing webpages referring to climate change, the draft proposes to recall/revoke all of them unless the web pages relate to scientific investigations undertaken by or at the office that maintains the web page(s) and it is clear to the reader what precisely is meant by the term "climate change" and context is provided with respect to climate history, its importance relative to other factors affecting resources, etc.

The proposal would suspend and withdraw all Departmental Manual (DM) chapters and Secretarial Orders from the past Administration referring to climate change, except that the draft asks that a process/schedule be established for revising the Departmental Manual chapters. The draft proposes that the process be managed by the Office of the Deputy Secretary.

Note that I made a revision on page 3 of the draft that I left with you (Jim), so you can toss that out. I added three words to clarify that the office which is hosting the web page that refers to climate change has to review and, if necessary, revise that page for clarity, context, accuracy, etc. Otherwise a reader might have assumed that the review would be done at a central location/office. Given the volume of pages, the latter is not a viable option. And, who knows, the reviewers themselves might learn something about the topic.

I am happy to meet with you to debrief you further, clarify and answer any questions, and receive further instructions.

Goks

From:

To:

Subject: The Department of the Interior's Mission Statement and Priorities

This memorandum sets forth the Department of the Interior's Mission Statement and the priorities that we will follow in the fulfillment of that mission as we strive to enhance America's economic, environmental and social well-being. The memorandum also initiates actions to implement our Mission and priorities.

### **Mission Statement**

The DOI conserves and manages the Nation's energy, mineral, biological and other natural resources, and cultural heritage to advance America's social, economic and environmental well-being, which includes enhancing access to, and enjoyment of, these resources to increase economic opportunities, jobs and recreation for current and future generations. The DOI also provides unbiased and high quality scientific and other information to help manage those resources effectively and efficiently in the fulfillment of our Mission; and honors the Nation's trust responsibilities and special commitments to American Indians, Alaska Natives, and affiliated island communities.

### **Priorities**

The following are Interior's priorities in fulfilling our Mission:

American Energy. America's prosperity and standard of living is founded on affordable, cheap, reliable and clean energy that is available 24 hours a day, every day of the year. Energy resources directly or indirectly underpin virtually every economic activity including agriculture; manufacture; transport of people and goods; and energy and power to heat, cool and light our homes, offices, buildings, commercial and industrial enterprises, and enclosed public and recreational spaces; and the electrical gadgets and devices we use at work, home and elsewhere. They are critical for the creation and maintenance of jobs in almost every economic sector.

The Department of the Interior is the steward and manager of federal natural resources including oil, gas, coal, hydropower, and renewable energy sources. Lands and water managed by Interior accounted for about 24% of the nation's fossil fuel energy production in 2014. Indian lands contributed another 1.4% to this total. While the combined share of total fossil fuel energy produced on federal and Indian lands went down from 38% in 2003 to 25% in 2014, in addition to the direct benefits to the American population resulting from the consumption of these fuels and their indirect benefits through the economic activity that they underpin, this energy production provides the U.S. with annual direct revenue of over \$10 billion (on average) which is shared with state, local and Tribal governments.

In order to preserve America's energy independence, maintain its economic well-being, provide the nation with cheap, accessible and clean energy, and high value jobs, DOI will remove burdensome regulations, and increase access to energy on and from Interior lands and water where that can be done safely, cleanly and in compliance with law.

Stewardship. The U.S. Department of the Interior touches more American lives in more ways than any other federal agency. We manage one-fifth of America's land including our national parks, wildlife refuges, and other public lands. We are the nation's largest wholesale water supplier and second largest producer of hydropower. As stewards of this public trust, we will manage these lands and waters per their specific Congressional mandate. These mandates can range from conserving resources and providing access and facilities for their use and enjoyment "in such a manner and by such means as will leave them unimpaired" for future generations to managing them for multiple uses, ensuring these lands and waters are available for recreation, job growth, and responsible energy and mineral development. The Department will continue to fulfill its multifaceted mission so that present and future generations can benefit from and enjoy the diversity of our lands that are uniquely American. An integral part of fulfilling our stewardship duty is maintaining or, where practicable and effective, improving the health and quality of the resources entrusted to us. This will include considering and dealing with the various factors that may affect our natural resources. We will deal with impacts on our resources (no matter what the cause) based on the extent and magnitude of impact, resources at our disposal, our ability to deal with them cost-effectively considering the likelihood of success, and in light of all our priorities regardless of the cause of the impact.

Trust Responsibilities. The Department of the Interior upholds the Federal government's unique trust responsibilities by fostering the government-to-government relationship between the Federal government and federally recognized Tribes, American Indians and Alaskan Natives. We also have important relationships with Native Hawaiians, and the affiliated insular areas including the Territories of American Samoa, Guam, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and the three Freely Associated States — the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. We will maintain and, where possible, strengthen these relationships by helping to promote efficient and effective governance, support, where appropriate, nation-building and self-determination and help programs deliver community services, restore tribal homelands, fulfill commitments related to water and other resource rights, execute fiduciary trust responsibilities, support the stewardship of energy and other natural resources, create economic opportunity, and expand access to education.

Infrastructure Maintenance. Interior's infrastructure asset portfolio has a replacement value in excess of \$300 billion. The portfolio ranges from elementary and secondary schools that serve Indian children in the West, to highways and bridges serving the daily commuting needs of the

Washington, D.C., metropolitan area. It includes 43,000 buildings, 100,000 miles of road, and 80,000 structures, including dams, laboratories, employee housing, and irrigation and power infrastructure, as well as priceless monuments such as the Washington Monument and the Statue of Liberty. Interior's deferred maintenance backlog has grown to over \$15 billion in 2016. We will liquidate this backlog for the safety and well-being of the visitors to our lands and waters, and our employees.

**Jobs.** In addition to indirectly facilitating job creation through making available cheap, affordable, reliable and clean energy, Interior will also support job creation and economic growth by increasing opportunities for hunting, fishing and other outdoor recreation and visitation, and by allowing commercial activities on Interior lands and waters such as timber harvesting and grazing while maintaining the health of the natural resources, without resorting to burdensome and ineffective regulations to the extent consistent with law.

**Regulatory Reform.** The Department of the Interior will ensure that our rules and regulations reflect commonsense, are informed by science and advances in technology, minimize unnecessary burdens, and foster innovation and economic growth. We will implement the January 30, 2017, Executive Order on Reducing Regulation and Controlling Regulatory Costs.

### **Implementing Our Mission and Priorities**

Because we have a new Mission Statement and Priorities, I am:

- Suspending and withdrawing all Departmental, bureau and office Strategic Plans and Action Plans that derive from previous versions of the Mission Statement and Priorities. The Office of the Deputy Secretary has been tasked with placing in motion a process and schedule for developing a new Departmental Strategic Plan that reflects this memorandum, and for ensuring that any bureau and office Plans follow suit.
- Tasking webmasters to likewise suspend and withdraw all pages immediately that do not reflect or may be at odds with the new Mission and Priorities. Since climate change is no longer listed as a priority, they are tasked to also withdraw immediately web pages using that term unless the page relates specifically to scientific investigations undertaken by or at the office hosting that web page and it is determined by that office, after review and any revisions, that: (a) it is unambiguous to the reader whether the term as used refers to anthropogenic or natural climate change (or both) and is not confused with changes potentially resulting from natural variability in the weather, (b) it is clear whether the term is being used to denote change(s) at a local, regional or global geographic scale, (c) the climate change(s) under discussion are put in the context of earth's climate history, (d) to the extent the page contains statements(s) that refer to the future, the basis for the statement(s) and whether, why and how much confidence can be placed on those statements, and (e) impacts from the climate change in question are placed in the context

of other factors affecting natural resources. Webmasters are also tasked with complying with official recordkeeping requirements with respect to any existing or new pages.

- Suspending and revoking all Departmental Manual chapters and Secretarial Orders that predate January 20, 2017, and reference climate change. The Office of the Deputy Secretary has been tasked with placing in motion a process and schedule for replacing, if necessary, any of those Departmental Manual chapters.
- Tasking all Interior employees to be cognizant of our Mission and applying our priorities in the fulfillment of their jobs.

DRAFT



**From:** [gareth\\_rees@ios.doi.gov](mailto:gareth_rees@ios.doi.gov)  
**To:** [indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)  
**Subject:** Invitation: Update - Climate Change @ Thu Jun 29, 2017 11:30am - 12pm (indur\_goklany@ios.doi.gov)  
**Attachments:** [invfile.ics](#)

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more details - <[https://www.google.com/calendar/event?action=VIEW&eid=cDc4MzQ4azVzZnh1bTcwMDBiYjhwZHMjTQgaW5kdXJZ29hGfueUBpb3MuZG9pLmdvdg&tok=MjMjZ2FyZXRoX3JlZXNAaW9zLmRvaS5ub3ZLODMNDdjZGRhbjE5MjdiOTRmYTNmM2VhYWESMmQ4MmM3MTI4YjRl&ctz=America/New\\_York&hl=en](https://www.google.com/calendar/event?action=VIEW&eid=cDc4MzQ4azVzZnh1bTcwMDBiYjhwZHMjTQgaW5kdXJZ29hGfueUBpb3MuZG9pLmdvdg&tok=MjMjZ2FyZXRoX3JlZXNAaW9zLmRvaS5ub3ZLODMNDdjZGRhbjE5MjdiOTRmYTNmM2VhYWESMmQ4MmM3MTI4YjRl&ctz=America/New_York&hl=en)>

Update - Climate Change  
When Thu Jun 29, 2017 11:30am - 12pm Eastern Time  
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Who • [gareth\\_rees@ios.doi.gov](mailto:gareth_rees@ios.doi.gov) - organizer  
• [catherine\\_gulac@ios.doi.gov](mailto:catherine_gulac@ios.doi.gov) - creator  
• [indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)

Going? Yes - <[https://www.google.com/calendar/event?action=RESPOND&eid=cDc4MzQ4azVzZnh1bTcwMDBiYjhwZHMjTQgaW5kdXJZ29hGfueUBpb3MuZG9pLmdvdg&rst=1&tok=MjMjZ2FyZXRoX3JlZXNAaW9zLmRvaS5ub3ZLODMNDdjZGRhbjE5MjdiOTRmYTNmM2VhYWESMmQ4MmM3MTI4YjRl&ctz=America/New\\_York&hl=en](https://www.google.com/calendar/event?action=RESPOND&eid=cDc4MzQ4azVzZnh1bTcwMDBiYjhwZHMjTQgaW5kdXJZ29hGfueUBpb3MuZG9pLmdvdg&rst=1&tok=MjMjZ2FyZXRoX3JlZXNAaW9zLmRvaS5ub3ZLODMNDdjZGRhbjE5MjdiOTRmYTNmM2VhYWESMmQ4MmM3MTI4YjRl&ctz=America/New_York&hl=en)>  
- Maybe - <[https://www.google.com/calendar/event?action=RESPOND&eid=cDc4MzQ4azVzZnh1bTcwMDBiYjhwZHMjTQgaW5kdXJZ29hGfueUBpb3MuZG9pLmdvdg&rst=3&tok=MjMjZ2FyZXRoX3JlZXNAaW9zLmRvaS5ub3ZLODMNDdjZGRhbjE5MjdiOTRmYTNmM2VhYWESMmQ4MmM3MTI4YjRl&ctz=America/New\\_York&hl=en](https://www.google.com/calendar/event?action=RESPOND&eid=cDc4MzQ4azVzZnh1bTcwMDBiYjhwZHMjTQgaW5kdXJZ29hGfueUBpb3MuZG9pLmdvdg&rst=3&tok=MjMjZ2FyZXRoX3JlZXNAaW9zLmRvaS5ub3ZLODMNDdjZGRhbjE5MjdiOTRmYTNmM2VhYWESMmQ4MmM3MTI4YjRl&ctz=America/New_York&hl=en)>  
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more options - <[https://www.google.com/calendar/event?action=VIEW&eid=cDc4MzQ4azVzZnh1bTcwMDBiYjhwZHMjTQgaW5kdXJZ29hGfueUBpb3MuZG9pLmdvdg&tok=MjMjZ2FyZXRoX3JlZXNAaW9zLmRvaS5ub3ZLODMNDdjZGRhbjE5MjdiOTRmYTNmM2VhYWESMmQ4MmM3MTI4YjRl&ctz=America/New\\_York&hl=en](https://www.google.com/calendar/event?action=VIEW&eid=cDc4MzQ4azVzZnh1bTcwMDBiYjhwZHMjTQgaW5kdXJZ29hGfueUBpb3MuZG9pLmdvdg&tok=MjMjZ2FyZXRoX3JlZXNAaW9zLmRvaS5ub3ZLODMNDdjZGRhbjE5MjdiOTRmYTNmM2VhYWESMmQ4MmM3MTI4YjRl&ctz=America/New_York&hl=en)>  
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**From:** [Google Calendar](#) on behalf of [Indur Goklany](#)  
**To:** [gareth\\_rees@ios.doi.gov](mailto:gareth_rees@ios.doi.gov)  
**Subject:** Accepted: Update - Climate Change @ Thu Jun 29, 2017 11:30am - 12pm (gareth\_rees@ios.doi.gov)  
**Attachments:** [invite.ics](#)

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Indur Goklany has accepted this invitation.

Update - Climate Change

When Thu Jun 29, 2017 11:30am – 12pm Eastern Time

Where 6113 (map <<https://maps.google.com/maps?q=6113&hl=en>> )

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Calendar [gareth\\_rees@ios.doi.gov](mailto:gareth_rees@ios.doi.gov)

Who • [gareth\\_rees@ios.doi.gov](mailto:gareth_rees@ios.doi.gov) - organizer

• [catherine\\_gulac@ios.doi.gov](mailto:catherine_gulac@ios.doi.gov) - creator

• [indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)

• [james\\_cason@ios.doi.gov](mailto:james_cason@ios.doi.gov)

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**From:** [Google Calendar](#) on behalf of [Indur Goklany](#)  
**To:** [gareth\\_rees@ios.doi.gov](mailto:gareth_rees@ios.doi.gov)  
**Subject:** Accepted: Update - Climate Change @ Fri Jul 7, 2017 2pm - 2:30pm (gareth\_rees@ios.doi.gov)  
**Attachments:** [invite.ics](#)

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Indur Goklany has accepted this invitation.

Update - Climate Change

When Fri Jul 7, 2017 2pm – 2:30pm Eastern Time

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Calendar [gareth\\_rees@ios.doi.gov](mailto:gareth_rees@ios.doi.gov)

Who • [gareth\\_rees@ios.doi.gov](mailto:gareth_rees@ios.doi.gov) - organizer

• [catherine\\_gulac@ios.doi.gov](mailto:catherine_gulac@ios.doi.gov) - creator

• [indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)

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**From:** Francois, George  
**Cc:** [Jennifer Klang](#); [Judy Din](#); [Mary Lynch](#); [Shyamalika Ghoshal](#); [Carolyn Frenger](#); [Doriann Dawkins](#)  
**Subject:** DOI Library Law Update - July/August 2017 Issue  
**Date:** Friday, August 04, 2017 8:09:57 AM  
**Attachments:** [Law Update Jul-Aug 2017.pdf](#)

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Hi Everyone

Attached to this e-mail is the July/August 2017 issue (No. 82) of the DOI Library Law Update . This publication has been compiled by the DOI Library staff to provide DOI Library patrons with news about the Library as well as current information on law-related items of interest to the Department of the Interior.

Materials have been selected from online legal database services and legal publications available to the Library. The selection criteria are based on current legal subject areas of interest and relevance to the Department. In addition to law review articles, the Law Update includes overviews of recent federal and state court cases and Presidential documents of interest to the Department of the Interior.

The DOI Library Law Update is published bimonthly. Please feel free to share this issue with others in your office that may be interested. Please note that a Section 508 compliant edition of the DOI Library Law Update is available to the visually impaired upon request. If you have any questions, please contact the Library by e-mail at [library@ios.doi.gov](mailto:library@ios.doi.gov) or by phone at (202) 208-5815.

George

George Francois  
Director - U.S. Dept. of the Interior Library  
Office of the Secretary - Office of Facilities and Administrative Services (OFAS)  
1849 C Street, NW, Room 2262, MS 1151  
Washington, DC 20240  
E-Mail: [George.Francois@ios.doi.gov](mailto:George.Francois@ios.doi.gov)  
Phone: (202) 208-3796  
Fax: (202) 208-6773  
Library URL: <http://www.doi.gov/library>  
OFAS URL: <http://www.doi.gov/ofas>



# DOI Library Law Update

JULY/AUGUST 2017

ISSUE NO. 82

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## Welcome!

Welcome to issue no. 82 of the DOI Library Law Update. This bimonthly publication has been compiled by the DOI Library staff to provide the DOI Solicitor's Office and other Library patrons with current information on law-related items of interest to the Department of the Interior.

Materials have been selected from online legal databases and legal publications available to the Library. The selection criteria are based on current legal subject areas of interest and relevance to the Department.



In addition to law review articles, the Law Update includes overviews of recent federal and state court cases of interest to the Department of the Interior and Presidential documents.

Please notify the Reference Staff at

the Library with Law Update suggestions, and comments, as well as requests for full-text copies of the items listed in this issue. We can be reached by calling (202) 208-5815 or e-mailing us at [library@ios.doi.gov](mailto:library@ios.doi.gov).

Requests for the items listed in this publication may be obtained by filling out the article request form in this issue and faxing it to (202) 208-6773 or emailing it to [library@ios.doi.gov](mailto:library@ios.doi.gov). You may also mail it to us at Law Update, 1849 C St. NW, MS 1151, Room 2262, Washington, DC 20240.

## Asian-American and Pacific Islander Heritage Month

By Victoria A. Lipnic, Acting Chair, U.S. Equal Employment Opportunity Commission

During Asian American and Pacific Islander (AAPI) Heritage Month (May 2017), we recognized the many contributions of generations of Asian Americans, Native Hawaiians, and Pacific Islanders to building this great nation. From farmworkers to railroad laborers, to entrepreneurs and scientists, and to members of the armed forces and public servants, AAPIs have helped shaped the very fabric of America.

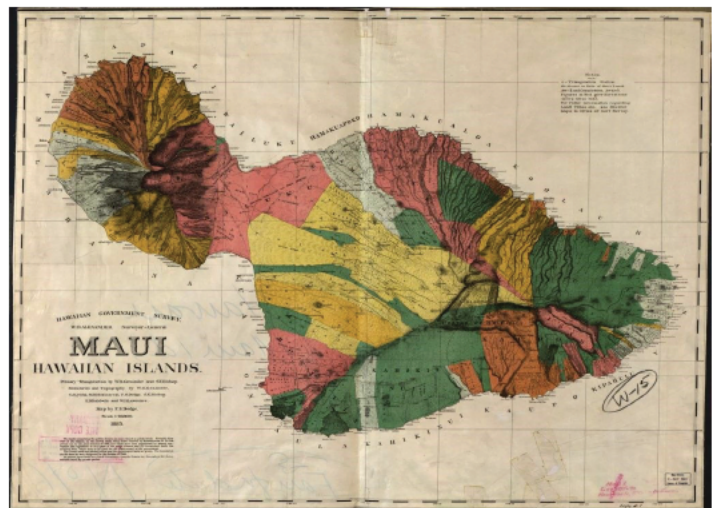
We also recognized the many injustices AAPIs have faced throughout history - from the overthrow of the Kingdom of Hawaii and its devastating effects on native Hawaiian language and culture; to exclusionary laws such as the Chinese Exclusion Act of 1882 and the Immigration Act of 1924; and to

the internment of Japanese Americans during World War II.

Racism, exclusionary laws, and alien land laws, from the latter half of the 1800s through the 1960s, restricted immigration, property rights, and civil rights for many

AAPIs. Even more recently, members of the South Asian American community have faced prejudice and bigotry post 9/11.

*(Continued on page 6)*



Maui, Hawaiian islands (Hawaiian Government Survey, 1885). Library of Congress, Geography and Map Division.

# DOI Library WestlawNext Access and Materials

Did you know that the DOI Library has access to Westlaw in the Library, and that librarians can help you with Westlaw research?

Some of the Department of Interior materials available on WestlawNext include:

- DOI Bulletins (coverage begins 1992)
- DOI Chapters (coverage begins 1964)
- DOI Human Resources Management Bulletins (coverage begins 1996)
- DOI Human Resources Management Handbook (coverage begins 1996)
- DOI Human Resources Management Letters (coverage begins 1995)
- DOI Letters (coverage begins 1969)
- DOI Subject Index (coverage begins 1985)
- DOI Supplements (coverage begins 1963)

In terms of Federal Administrative Decisions and Guidance, WestlawNext has the following libraries of DOI documents:

- Bureau of Ocean Energy Management, Regulation, and Enforcement
- Federal Environmental Law News Releases
- Gower Federal Service
- Guidelines for Implementing the Indian Child Welfare Act
- Interior Board of Indian Appeals
- Interior Board of Land Appeals
- Royalties Management Service
- Secretary of the Interior

WestlawNext also includes the *United States Code Congressional and Administrative News (U.S.C.C.A.N.)*, a West publication that collects selected congressional and administrative materials for publication in a single resource. *U.S.C.C.A.N.* was first published in 1941 with the 1st Session of the 77th Congress and has been published with every session of Congress since.

*U.S.C.C.A.N.* publishes the full text of new federal laws, selected committee reports from the House and Senate, signing statements, presidential proclamations, executive orders, reorganization plans, President's messages, federal regulations, proposed constitutional amendments, federal court rules, and sentencing guidelines all arranged in chronological order and is an excellent resource when doing legislative history research.

The DOI Library also has the *U.S.C.C.A.N.* bound volumes in print.

## Legislative History Documents

WestlawNext also makes it easy to locate federal and state legislative history materials such as public laws, session laws, House and Senate reports, Congressional Record testimony, and presidential signing statements.

To access legislative history materials on WestlawNext, you can do the following:

On the WestlawNext home page, click Statutes and Court Rules in the All Content tab. The Statutes and Court Rules page is displayed.

Click Legislative History under Tools & Resources. Links to category pages are displayed for all federal and state legislative history materials currently available. Click the link to the category page, then browse the result, or type a search in the text box and click Search.

Please contact a librarian with any questions by calling us at (202) 208-5815 or emailing [library@ios.doi.gov](mailto:library@ios.doi.gov). You can also visit the Library to use WestlawNext; we are located in Room 2262 of the Main Interior Building until modernization is complete.

**WestlawNext also makes it easy to locate federal and state legislative history materials such as public laws, session laws, House and Senate reports, Congressional Record testimony, and presidential signing statements.**

OIL POLLUTION ACT OF 1990  
PL 101-380, August 18, 1990, 104 Stat 484 (Approx. 59 pages)

Document Bill Drafts (0) Legislative History Materials (149) Statistics Affected (0) Powered by KeyCite

KeyCite Legislative History Materials (149)

Joint Committee Prints

1. Apr. 01, 2001, APPENDIX D--MATERIALS PROVIDED BY THE CONGRESSIONAL RESEARCH SERVICE TO THE JOINT COMMITTEE IN CONNECTION WITH THE STUDY OF THE OVERALL STATE OF THE FEDERAL TAX SYSTEM, JCS-3-01 No. 11

Reports

2. Aug. 02, 1990, WAIVING CERTAIN POINTS OF ORDER AGAINST THE CONFERENCE REPORT ON H.R. 1465 AND AGAINST CONSIDERATION OF SUCH CONFERENCE REPORT, H. R. REP. 101-658

3. Aug. 01, 1990, PL. 101-380, OIL POLLUTION ACT OF 1990, H. R. CONF. REP. 101-653

4. Aug. 01, 1989, PL. 101-380, OIL POLLUTION ACT OF 1990, S. REP. 101-99

5. July 28, 1989, PL. 101-380, OIL POLLUTION ACT OF 1990, S. REP. 101-94

Congressional Record

6. Oct. 26, 1990, MESSAGE FROM THE PRESIDENT, 136 Cong. Rec. H11769-04

7. Sep. 10, 1990, MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT, 136 Cong. Rec. S12721-01

8. Sep. 05, 1990, BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT, 136 Cong. Rec. H7211-02

9. Sep. 05, 1990, NEW PUBLIC LAWS, 136 Cong. Rec. D1050-01

10. Sep. 05, 1990, ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED, 136 Cong. Rec. H7210-03

11. Sep. 05, 1990, ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE, 136 Cong. Rec. H7177-01

12. Aug. 04, 1990, MESSAGE FROM THE HOUSE, 136 Cong. Rec. S12475-01

13. Aug. 03, 1990, EXTENSION OF REMARKS, 136 Cong. Rec. H7157-04

14. Aug. 03, 1990, CONFERENCE REPORT ON H.R. 1465, OIL POLLUTION ACT OF 1990, 136 Cong. Rec. H6933-02



# Upcoming Programs at the DOI Library

## Park Ranger Speaker Series Programs



The Interior Library is proud to present a series of programs on the background and history of sites of interest in the Washington, D.C. region, as well as subjects highlighting the history of the United States. The 45-minute programs, presented by National Park Service Rangers, are held in the Stewart L. Udall Department of the Interior Building. For more information about our Park Ranger Speaker Series programs, please contact the Interior Library by phone at (202) 208-5815 or e-mail at [library@ios.doi.gov](mailto:library@ios.doi.gov).

To register for a specific program, please go to the Library's Park Ranger Speaker Series Registration link found via on the Library's homepage at <http://www.doi.gov/library>

### Between the Bullet and the Hospital: Clara Barton and the Civil War

Tuesday, September 19, 2017, 1:00 pm—1:45 pm



The Civil War set Clara Barton on a path of a new type of public service, one where she endured some of the same terrible conditions and

extreme dangers as the soldiers she treated. This path took Miss Barton to Antietam, where she worked as the battle raged around her. At the Battle of Fredericksburg she was the only woman working at the front. Later, Clara Barton was there when the African American troops of the 54th Massachusetts attacked Fort Wagner in South Carolina. Clara Barton did all this without formal training as a nurse and did not join the Superintendent of U.S. Army Nurses corps, nor did she collaborate with the Christian Commission or the Sanitary Commission.

Join Park Ranger Kevin Patti of the Clara Barton National Historic Site as he will use photos from the Civil War era to explore the dangers Clara Barton faced and the accomplishments she achieved during the war. Public Access and Civil Rights on NPS Golf Courses in Washington, DC

*Please note: This program will be held in the Stewart Lee Udall Department of the Interior Building's Kiowa Room, located in the building's basement level next to the cafeteria*

### American Involvement in World War I: Reflections After 100 Years

Tuesday, October 17 2017, 1:00 pm—1:45 pm



As 1917 dawned, the Great War's lethal new technologies and outdated battlefield tactics promised little beyond mounting casualty lists. Both the Allied and Central

Powers grew more apprehensive amidst home front instability and renewed action across the globe. Germany's leaders launched two bold gambles for victory. The Russian Czar abdicated and his former empire—rocked by revolutions and civil war—soon bowed out of the fighting. The Middle East experienced the advancing tide of revolution. It remained unclear by year's end whether the combatants approached victory or collapse.

Into this toxic environment waded the United States, led by President Woodrow Wilson's declaration that the conflict was "the People's War" wherein national populations could determine their futures, free from ancient monarchies and rivalries. The American people rallied around their flag as well as Wilson's high-minded ideals and goals, despite their own bitter divisions along racial, ethnic, cultural and gender lines. Join Park Ranger Michael T. Kelly as he discusses the transformation of the United States and Washington, DC in 1917.

*Please note: This program will be held in the Stewart Lee Udall Department of the Interior Building's Kiowa Room, located in the building's basement level next to the cafeteria*



*The American people rallied around their flag as well as Wilson's high-minded ideals and goals, despite their own bitter divisions along racial, ethnic, cultural and gender lines.*



## Upcoming Programs at the DOI Library (Contd.)



### DOI Library Training Sessions

The Interior Library offers regular training sessions to introduce DOI employees and others to its services and to the information sources it makes available through employees' computers or in person. Future Training Sessions will be posted at [https:// www.doi.gov/library/ programs/training-sessions](https://www.doi.gov/library/programs/training-sessions) as soon as they are scheduled.

For questions about Training Sessions, please call the Interior Library

at (202) 208-5815 or send us an e-mail at [library@ios.doi.gov](mailto:library@ios.doi.gov).

*Please note: Due to the current move of the Library collection back into the Stewart Lee Udall Building, Training Sessions for the next couple of months have not yet been scheduled. Please go to our Library Training Sessions website at [https:// www.doi.gov/library/ programs/training-sessions](https://www.doi.gov/library/programs/training-sessions) for updated information about scheduled Training Sessions.*

## Spotlight On New HeinOnline Content

### New Content in the American Indian Law Collection

The 1981 and 1988 editions of Indian Tribal Codes: A Microfiche Collection of Indian Tribal Law Codes have recently been added to Hein's American Indian Law Collection. Edited by Ralph Johnson, Susan Lupton, and Richard Davies, and published by the Marian Gould Gallagher Law Library at the University of Washington School of Law, this impressive collection contains nearly 30,000 pages of tribal law. It contains:

- Indian Tribal Codes: A Microfiche Collection, 1981 edition. Ralph W. Johnson, editor; Susan Lupton, associate editor. This edition contains sixty-nine tribal codes and an excellent introduction to and analysis of tribal codes.
- Indian Tribal Codes: A Microfiche Collection, 1988 edition. Ralph W. Johnson, editor; Richard Davies, associate editor. This work contains fifty-six tribal

codes and constitutions, but is more extensive than the first edition. Introduction and analysis of tribal codes are provided, as well as indexes of specific subject codifications within individual codes. This edition updates, but does not replace, the 1981 edition.

Through HeinOnline's database integration, users can now browse the code by edition or tribe.



### Continued Growth of the U.S. Congressional Documents Database

More than one million pages were recently added to the U.S. Congressional Documents database, including congressional committee

reports and other congressional documents.

So far, more than 14,000 House and Senate reports have been added to HeinOnline, as well as nearly 3,000 congressional documents, which include House and Senate documents and Senate Treaty Documents.

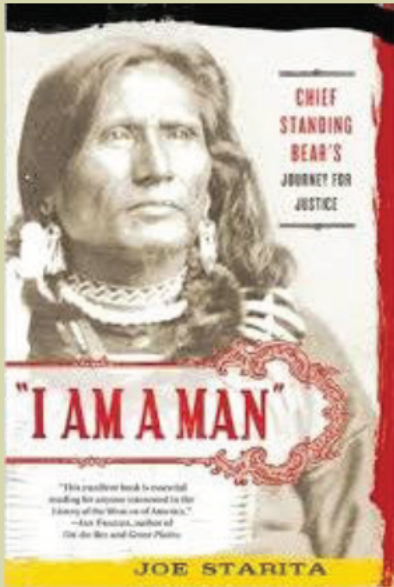
In addition to adding the content, Quick Finder tools were built for each document type, so it is even easier to locate Congressional reports and documents.

This collection currently contains 108,264 titles and more than 22.4 million pages and it will continue to grow, including more hearings, committee reports, committee prints, CRS reports, and other congressional documents.

For assistance locating anything in HeinOnline, or elsewhere, please contact the Library's Reference Desk at (202)208-5815 or [library@ios.doi.gov](mailto:library@ios.doi.gov). We are open Monday through Friday from 7:45 am to 5 pm EST.

*So far, more than 14,000 House and Senate reports have been added to HeinOnline, as well as nearly 3,000 congressional documents, which include House and Senate documents and Senate Treaty Documents.*

## DOI Reads Book Club - Join Us to Discuss “I Am a Man”: Chief Standing Bear’s Journey for Justice by Joe Starita on Wednesday, August 16, 2017



ines the complex relationship between the United States government and the small, peaceful tribe and the legal consequences of land swaps and broken treaties, while never losing sight of the heart-breaking journey the Ponca endured. It is a story of survival---of people left for dead who arose from the ashes of injustice, disease, neglect, starvation, humiliation, and termination.

On another level, it is a story of life and death, despair and fortitude, freedom and patriotism. A story of Christian kindness and bureaucratic evil. And it is a story of hope---of a people still among us today, painstakingly preserving a cultural identity that had sustained them for centuries before their encounter with Lewis and Clark in the fall of 1804.

Before it ends, Standing Bear's long journey home also explores fundamental issues of citizenship, constitutional protection, cultural identity, and the nature of democracy---issues that continue to resonate loudly in twenty-first-century America. It is a story that questions whether native sovereignty, tribal-based societies, and cultural survival are compatible with American democracy. Standing Bear successfully used habeas corpus, the only liberty included in the original text of the Constitution, to gain access to a federal court and ultimately his freedom. This account aptly illuminates how the nation's delicate system of checks and balances worked almost exactly as the Founding Fathers envisioned, a system arguably out of whack and under siege today.

Joe Starita's well-researched and insightful account reads like historical fiction as his careful characterizations and vivid descriptions bring this piece of American history brilliantly to life. Please join us for this discussion; you are welcome to bring your lunch.

The Library does not have enough copies to lend this book to everyone, so please purchase a copy or borrow one from your local library. We do have a copy on hold that you can read in the Library, and we can help you locate a copy to borrow.

Advance RSVPs are welcome but not required. We will meet in Room 2262 of the Main Interior Building, 1849 C Street NW, Washington DC 20240. Anyone is welcome to attend---you do not need to finish the book to join us.

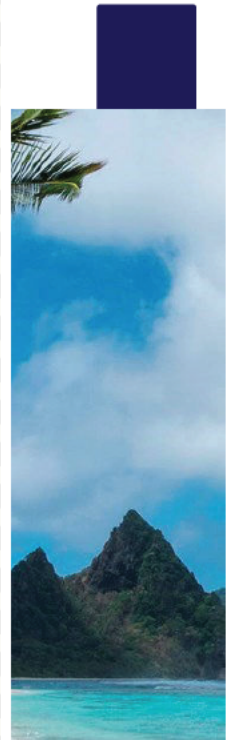
To RSVP or for more information about the DOI Reads Book Club and other DOI Library programs, please contact Law Librarian Shannon Lynch, at 202-208-3686 or [Mary\\_Lynch@ios.doi.gov](mailto:Mary_Lynch@ios.doi.gov).



The DOI Reads Book Club had an excellent discussion of *Nature's New Deal: The Civilian Conservation Corps and the Roots of the American Environmental Movement* by Neil M. Maher during its June meeting.

We will next meet Wednesday, August 16, 2017 from 12:30—1:30 pm to discuss *I Am a Man: Chief Standing Bear's Journey for Justice* by Joe Starita.

In 1877, Chief Standing Bear's Ponca Indian tribe was forcibly removed from their Nebraska homeland and marched to what was then known as Indian Territory (now Oklahoma), in what became the tribe's own Trail of Tears. "I Am a Man" chronicles what happened when Standing Bear set off on a six-hundred-mile walk to return the body of his only son to their traditional burial ground. Along the way, it exam-



**National Park of American Samoa**

# Library Modernization Update

The Department of the Interior Library hopes to re-open its newly modernized space in the first wing of the first floor of the Stewart Lee Udall Department of the Interior Building within the next two months. An announcement of the exact date will be forthcoming.

Movers from the Library's moving and storage contractor have begun the process of moving our collection (which has been in storage at an offsite warehouse for the past three years) back into the newly renovated Library. This process began on July 17th and should take about six to seven weeks. Once this has been completed and all punch list items have been examined, we can be cleared for reopening.



The collection is, for the most part, being placed on new, movable compact shelving. The compact shelving is fairly easy to operate and allows us to store our materials in a smaller amount of space. The movable shelving is located in the basement 1 and basement 2 levels of the Library, as well as on the Main floor.

We also want to remind you that the Library staff have moved from their old temporary office location in the 1300 West corridor of the Stewart Lee Udall Department of the Interior Building. Our Reference Services staff have temporarily moved to the 1500 East Conference Room while the Technical Services staff have moved to the temporary Library in Room 2262. This staff move is short-term, as



all Library staff will be moving into the modernized Library once the space is ready.

The Library staff does not anticipate having to close the temporary Library until the modernized Library is open. We wish to continue our regular services and provide as much access to our materials as possible during this process.

We will keep you updated if there are any changes. Please contact the Library staff by phone at (202) 208-5815 or e-mail at [library@ios.doi.gov](mailto:library@ios.doi.gov) if you have any questions.



## Asian-American and Pacific Islander Heritage Month (Contd.)

In light of the continued work to be done, the Equal Employment Opportunity Commission (EEOC) remains committed to doing its part in protecting civil rights for all in the workplace and creating equal employment opportunity.

Not far from EEOC headquarters in Washington, DC, is the Japanese American Memorial to Patriotism During World War II. The memorial, which features a pair of cranes entangled in barbed wire, commemorates Japanese American veterans

who fought during World War II as well as the patriotism and experience of those held in internment camps during the war. The memorial also includes a quote from President Harry S. Truman made while presenting a citation to a Japanese American regiment:

"You fought not only the enemy but you fought prejudice -- and you won. Keep up that fight and we will continue to win -- to make this great Republic stand for what the Constitution says its stands for: the welfare

of all of the people all of the time."

President Truman's words echo the very core of our work - fighting prejudice and creating equal employment opportunity for everyone in the American workplace. Join me in celebrating the rich history and contributions of Asian Americans, Native Hawaiians, and Pacific Islanders, and reaffirming our commitment to ensuring equal employment opportunity for all.



# Full Text Article/Case Request Form

## Requestor Information

Name: \_\_\_\_\_

Bureau/Agency: \_\_\_\_\_

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To request a full-text version of any of the articles or cases in the July/August 2017 edition of the DOI Library Law Update, please fill out this form and e-mail a scanned copy of it to the DOI Library at [library@ios.doi.gov](mailto:library@ios.doi.gov). The Library staff will produce full-text copies of the article(s) requested and either mail, fax, or e-mail those copies to you. If you have any questions, please call the Library at (202) 208-5815

## Article(s)/Case(s) Requested

Please circle the article/case number(s) that you would like a full-text copy of.

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| 91  | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
| 101 |    |    |    |    |    |    |    |    |     |

# Journal Articles

Please note that full-text versions of these articles are available upon request to the DOI Library Reference Staff

## 1. TRADITIONAL ECOLOGICAL DISCLOSURE: HOW THE FREEDOM OF INFORMATION ACT FRUSTRATES TRIBAL NATURAL RESOURCE CONSULTATION WITH FEDERAL AGENCIES

*Washington Law Review* June, 2017 92  
*Wash. L. Rev.* 937 Sophia E. Amberson

## 2. ARCTIC LAW & POLICY YEAR IN REVIEW: 2016

*Washington Journal of Environmental Law & Policy* June, 2017 7 *Wash. J. Envtl. L. & Pol'y* 115 Arctic Law & Policy Institute, University of Washington

## 3. THE GENESIS OF INDEPENDENT AGENCIES

*New York University Law Review* June, 2017 92 *N.Y.U. L. Rev.* 637 Patrick M. Corrigan, Richard L. Revesz

## 4. WRONGFUL BENEFIT & ARCTIC DRILLING

*U.C. Davis Law Review* June, 2017 50  
*U.C. Davis L. Rev.* 1845 Nicolas Cornell, Sarah E. Light

## 5. INTERNAL ADMINISTRATIVE LAW

*Michigan Law Review* June, 2017 115  
*Mich. L. Rev.* 1239 Gillian E. Metzger, Kevin M. Stack

## 6. MAKING IT WORK: TRIBAL INNOVATION, STATE REACTION, AND THE FUTURE OF TRIBES AS REGULATORY LABORATORIES

*Washington Law Review* June, 2017 92  
*Wash. L. Rev.* 713 Katherine Florey

## 7. PRESIDENTS LACK THE AU-

## THORITY TO ABOLISH OR DIMINISH NATIONAL MONUMENTS

*Virginia Law Review Online* June, 2017  
103 *Va. L. Rev. Online* 55 Mark Squillace, Eric Biber, Nicholas S. Bryner, Sean B. Hecht

## 8. STATE LANDS IN MODERN PUBLIC LAND LAW

*Stanford Environmental Law Journal* May, 2017 36 *Stan. Envtl. L.J.* 147 Uma Outka

## 9. CORRELATIVE RIGHTS AND LIMITED COMMON PROPERTY IN THE PORE SPACE: A RESPONSE TO THE CHALLENGE OF SUBSURFACE TRESPASS IN CARBON CAPTURE AND SEQUESTRATION

*Environmental Law Reporter News & Analysis* May, 2017 47 *Envtl. L. Rep. News & Analysis* 10420 Tara K. Righetti

## 10. AN EMPIRICAL LOOK AT PRELIMINARY INJUNCTIONS IN CHALLENGES UNDER ENVIRONMENTAL PROTECTION LAWS

*Environmental Law Reporter News & Analysis* May, 2017 47 *Envtl. L. Rep. News & Analysis* 10397 George P. Sibley III, Jonathan L. Caulder

## 11. REVIEWING RESERVOIR OPERATIONS: CAN FEDERAL WATER PROJECTS ADAPT TO CHANGE?

*Columbia Journal of Environmental Law* 2017 42 *Colum. J. Envtl. L.* 353 Reed D. Benson

## 12. DOWNSTREAM AND UPSTREAM GREENHOUSE GAS EMISSIONS: THE PROPER SCOPE OF NEPA REVIEW

*Harvard Environmental Law Review* 2017 41 *Harv. Envtl. L. Rev.* 109 Michael Burger, Jessica Wentz

## 13. A CARBON FEE AS MITIGATION

## FOR FOSSIL FUEL EXTRACTION ON FEDERAL LANDS

*Columbia Journal of Environmental Law* 2017 42 *Colum. J. Envtl. L.* 295 Michael Burger

## 14. IDAHO WOOL GROWERS ASSOCIATION v. VILSACK: A PUBLIC LANDS DECISION THAT COULD BE TIERED TO WORK FOR OTHER FEDERAL AGENCIES

*Idaho Law Review* 2017 53 *Idaho L. Rev.* 479 Frank "Patxi" Larrocea-Phillips

## 15. A New Direction for Us Climate Policy: Assessing the First 100 Days of Donald Trump's Presidency

*Carbon & Climate Law Review* 2017 11 *Carbon & Climate L. Rev.* 3 Michael Mehling

## 16. A CLIMATE-CONSTRAINED NEPA

*University of Illinois Law Review* 2017 2017 *U. Ill. L. Rev.* 1091 Jamison E. Colburn

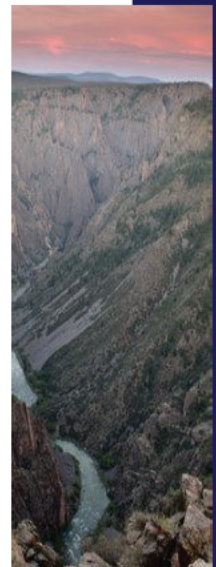
## 17. UNDAMMING THE FEDERAL PRODUCTION TAX CREDIT: CREATING FINANCIAL INCENTIVES FOR DAM TRADING AND DAM REMOVAL

*Idaho Law Review* 2017 53 *Idaho L. Rev.* 93 Mark James Kelsey R. Bain, David E. Sloan

## 18. OPERATIONALIZING FREE, PRIOR, AND INFORMED CONSENT

*Albany Law Review* 2016-2017 80  
*Alb. L. Rev.* 429 Carla F. Fredericks

## 19. HAVING YOUR YELLOW CAKE AND EATING IT TOO:



**Black Canyon of  
The Gunnison  
National Park,  
Colorado**

# Journal Articles (Contd.)

THE ENVIRONMENTAL AND HEALTH IMPACTS OF URANIUM MINING ON THE COLORADO PLATEAU

*Arizona Journal of Environmental Law & Policy* 2017 7 *Ariz. J. Envtl. L. & Pol'y* 27 William Jenney

20. HISTORICAL FLOW OF HYDROELECTRIC REGULATION: A BRIEF HISTORY

*Idaho Law Review* 2017 53 *Idaho L. Rev.* 1 Sam Kalen

22. EXECUTIVE AUTHORITY TO KEEP IT IN THE GROUND: AN ADMINISTRATIVE END TO OIL AND GAS LEASING ON FEDERAL LAND

*UCLA Journal of Environmental Law & Policy* 2017 35 *UCLA J. Envtl. L. & Pol'y* 145 Thomas R. Delehanty

23. LITTLE STREAMS AND LEGAL TRANSFORMATIONS

*Utah Law Review* 2017 2017 *Utah L. Rev.* 1 Dave Owen

24. BATTLING THE (ALGAE) BLOOM: WATERSHED POLICIES AND PLANS IN WISCONSIN

*Boston College Environmental Affairs Law Review* 2017 44 *B.C. Envtl. Aff. L. Rev.* 253 Jamie Konopacky

25. A BIRD IN THE HAND: SHOT-GUNS, DEADLY OIL PITS, CUTE KITTENS, AND THE MIGRATORY BIRD TREATY ACT

*Virginia Environmental Law Journal* 2017 35 *Va. Envtl. L.J.* 153 Samuel J. Panarella

26. USING THE FEDERAL PUBLIC TRUST DOCTRINE TO FILL GAPS

IN THE LEGAL SYSTEMS PROTECTING MIGRATING WILDLIFE FROM THE EFFECTS OF CLIMATE CHANGE

*Nebraska Law Review* 2017 95 *Neb. L. Rev.* 649 Hope M. Babcock

27. SCIENCE, POLICY, AND DATA-DRIVEN DECISIONS IN A DATA VACUUM

*Ecology Law Quarterly* 2017 44 *Ecology L.Q.* 7 Ryan P. Kelly, Phillip S. Levin, Kai N. Lee

28. THINK GLOBAL: INTERNATIONAL RECIPROCITY AS JUSTIFICATION FOR A GLOBAL SOCIAL COST OF CARBON

*Columbia Journal of Environmental Law* 2017 42 *Colum. J. Envtl. L.* 203 Peter Howard, Jason Schwartz

29. FREEDOM VERSUS FORAGE: BALANCING WILD HORSES AND LIVESTOCK GRAZING ON THE PUBLIC LANDS

*Idaho Law Review* 2017 53 *Idaho L. Rev.* 425 Mara C. Hurwitt

30. LESSONS LEARNED FROM THE GREATER SAGE-GROUSE LAND USE PLANNING EFFORT

*Idaho Law Review* 2017 53 *Idaho L. Rev.* 373 Cally Younger, Sam Eaton

31. A WATERSHED MOMENT REVEALING WHAT'S AT STAKE: HOW AG-GAG STATUTES COULD IMPAIR DATA COLLECTION AND CITIZEN PARTICIPATION IN AGENCY RULE-MAKING

*UCLA Law Review Discourse* 2017 65 *UCLA L. Rev. Discourse* 2 Carrie A. Scrufari

32. CLEARING THE PATH FROM

TRAILHEAD TO SUMMIT WITH A LEAVE NO TRACE LAW

*Wisconsin Law Review* 2017 2017 *Wis. L. Rev.* 611 Samuel Case

33. ESTABLISHING APPLICABLE WATER QUALITY STANDARDS FOR SURFACE WATERS ON INDIAN RESERVATIONS

*Emory Law Journal* 2017 66 *Emory L.J.* 965 Jin Hyung Lee

34. TRIBAL JURISDICTION--A HISTORICAL BARGAIN

*Maryland Law Review* 2017 76 *Md. L. Rev.* 593 Matthew L.M. Fletcher, Leah K. Jurss

35. THE ORIGINAL ROLE OF THE STATES IN THE ENDANGERED SPECIES ACT

*Idaho Law Review* 2017 53 *Idaho L. Rev.* 385 John Copeland Nagle

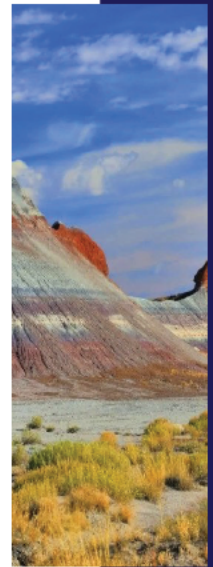
36. CLEARING THE FOG: A HISTORICAL ANALYSIS OF ENVIRONMENTAL AND ENERGY LAW IN COLORADO

*Villanova Environmental Law Journal* 2017 28 *Vill. Envtl. L.J.* 1 Lucas Satterlee

37. A LONG SLOG: WHAT A TEN YEAR HYDROELECTRIC RELICENSING PROCESS DEMONSTRATES ABOUT PUBLIC PARTICIPATION AND ADMINISTRATIVE REGULATION THEORIES

*Idaho Law Review* 2017 53 *Idaho L. Rev.* 41 Heather Payne

38. CLEAR WATERS AHEAD? THE CLEAN WATER RULE AT-



**Petrified Forest National Park, Arizona**



# Journal Articles

**TEMPTS TO BRING CLARITY TO THE SCOPE OF THE CLEAN WATER ACT**

*Cumberland Law Review 2016-2017 47 Cumb. L. Rev. 191 Kayla A. Currie*

**39. CONNECTING THE "DROPS" OF CALIFORNIA WATER DATA: CHAPTER 506: THE OPEN AND TRANSPARENT WATER DATA ACT**

*University of the Pacific Law Review 2017 48 U. Pac. L. Rev. 785 J. Gage Marchini*

**40. THE NATIVE AMERICAN STRUGGLE BETWEEN ECONOMIC GROWTH AND CULTURAL, RELIGIOUS, AND ENVIRONMENTAL PROTECTION: A CORPORATE SOLUTION**

*Notre Dame Law Review Online 2017 92 Notre Dame L. Rev. Online 140 Joseph Patterson*

**41. "UNLEASH US FROM THE TETHER OF FUEL"--THE STRANGE HARMONIOUS DICHOTOMY OF SECTION 526 OF THE ENERGY INDEPENDENCE AND SECURITY ACT**

*Air Force Law Review 2017 76 A.F. L. Rev. 163 Major A.J. Koudelka*

**42. CORPORATE SOCIAL RE-**

**SPONSIBILITY IN THE SHALE PATCH?**

*Lewis & Clark Law Review 2017 21 Lewis & Clark L. Rev. 387 David B. Spence*

**43. THE LEGACY OF THEODORE ROOSEVELT'S APPROACH TO GOVERNMENTAL POWERS**

*North Dakota Law Review 2017 92 N.D. L. Rev. 309 Julia L. Ernst*

**44. PREVENTING INDUSTRIAL DISASTERS IN A TIME OF CLIMATE CHANGE: A CALL FOR FINANCIAL ASSURANCE MANDATES**

*Harvard Environmental Law Review 2017 41 Harv. Envtl. L. Rev. 243 Zachary C.M. Arnold*

**45. BIGGER THAN BLACKFISH: LESSONS FROM CAPTIVE ORCAS DEMONSTRATE A LARGER PROBLEM WITH ANIMAL WELFARE LAWS**

*Boston College Environmental Affairs Law Review 2017 44 B.C. Envtl. Aff. L. Rev. 491 Kaitlin Vigars*

**46. DENYING DISGORGEMENT: THE SUPREME COURT'S REFUSAL TO GRANT THE CROW TRIBE RELIEF**

*Boston College Environmental Affairs Law Review 2017 44 B.C. Envtl. Aff. L. Rev. 559 Alex Galliani*

**47. SHIPPING CORRIDORS AS A FRAMEWORK FOR ADVANCING MARINE LAW AND POLICY IN THE CANADIAN ARCTIC**

*Ocean and Coastal Law Journal 2016-2017 22 Ocean & Coastal L.J. 63 Louie Porta, Erin Abou-Abssi, Jackie Dawson, Olivia Mussells*

**48. THE ENDS AND MEANS OF POLLUTION CONTROL: TOWARD A POSITIVE THEORY OF ENVIRONMENTAL LAW**

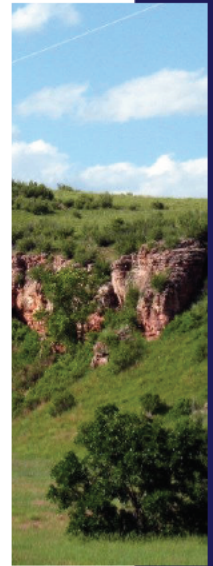
*Utah Law Review 2017 2017 Utah L. Rev. 57 David M. Driesen*

**49. PROTECTING CALIFORNIA'S MARINE ENVIRONMENT FROM FLUSHED POLLUTANTS**

*UCLA Journal of Environmental Law & Policy 2017 35 UCLA J. Envtl. L. & Pol'y 284 Lani M. Maher*

**50. THE CASE FOR U.S. RATIFICATION OF THE BASEL CONVENTION ON HAZARDOUS WASTES**

*New York University Environmental Law Journal 2017 25 N.Y.U. Envtl. L.J. 52 Tseming Yang, C. Scott Fulton*



**Wind Cave National Park, South Dakota**



McKee-Beshers Wildlife Management Area in Maryland is a 2,000 acre tract of woodlands, fields, wooded bottomland and managed wetland. 30 acres of sunflowers reach peak bloom for two weeks each summer.

# Court Cases

Please note that full-text versions of these cases are available upon request to the DOI Library Reference Staff

## Federal Courts of Appeals Decisions

51. DAVID P. HAYES, Trustee for the Paul B Hayes Family Trust, Dated April 30, 2010 Plaintiff - Appellee, v. OSAGE MINERALS COUNCIL, Intervenor Defendant - Appellant, and CHAPARRAL ENERGY, L.L.C., Defendant, UNITED STATES OF AMERICA; DEPARTMENT OF INTERIOR; BUREAU OF INDIAN AFFAIRS, Defendants - Appellees.

*United States Court of Appeals, Tenth Circuit. June 30, 2017 — Fed.Appx.*

This case arises from a dispute over whether the federal government violated the National Environmental Policy Act ("NEPA") when it approved leases and drilling permits for the mineral estate underlying the property of the trustee for the Paul B. Hayes Family Trust. The district court concluded that the Bureau of Indian Affairs...

52. Center for Biological Diversity v. Environmental Protection Agency

*United States Court of Appeals, District of Columbia Circuit. June 30, 2017 861 F.3d 174*

ENVIRONMENTAL LAW - Endangered Species. Court of Appeals possessed exclusive jurisdiction over environmental groups' action alleging EPA violated law by approving cyantraniliprole.

53. Crow Allottees Association v. United States Bureau of Indian

### Affairs

*United States Court of Appeals, Ninth Circuit. June 28, 2017 — Fed.Appx.*

Crow Allottees Association and individual members of the Crow Tribe ("Plaintiffs") appeal the district court's dismissal of their claims on sovereign immunity grounds. "We review de novo whether the United States has waived its sovereign immunity," *Harger v. Dept. of Labor*, 569 F.3d 898, 903 (9th Cir. 2009), and can...

54. Kansas ex rel. Schmidt v. Zinke

*United States Court of Appeals, Tenth Circuit. June 27, 2017 861 F.3d 1024*

NATIVE AMERICANS - Jurisdiction. NIGC Acting General Counsel's letter setting forth opinion that certain tribal lands were eligible for gaming was not a reviewable final agency action.

55. Ouachita Watch League v. United States Forest Service

*United States Court of Appeals, Eighth Circuit. May 30, 2017 858 F.3d 539*

ENVIRONMENTAL LAW - Forests. Organization did not possess Article III standing challenge government's management of natural gas resources in national forest and lake.

56. Public Service Company of New Mexico v. Barboan

*United States Court of Appeals, Tenth Circuit. May 26, 2017 857 F.3d 1101*

NATIVE AMERICANS - Lands. Indian General Allotment Act did not allow condemnation of allotted lands owned in any part by tribe.

57. Stacey v. Zinke

*United States Court of Appeals, Ninth*

*Circuit. May 24, 2017 — Fed.Appx.*

Appellants appeal the district court's decision affirming the decision of the Interior Board of Land Appeals ("IBLA"). The IBLA held that a variety of stone known as "PR 16 gray-wacke" or "Spencer Stone" was not a locatable mineral. We have jurisdiction under 28 U.S.C. § 1291, and we affirm the district...

58. Defenders of Wildlife v. Zinke

*United States Court of Appeals, Ninth Circuit. May 18, 2017 856 F.3d 1248*

ENVIRONMENTAL LAW - Endangered Species. Reduced connectivity resulting from narrowing of corridor between two critical habitat units did not constitute "adverse modification."

59. Alliance for the Wild Rockies v. Bradford

*United States Court of Appeals, Ninth Circuit. May 17, 2017 856 F.3d 1238*

ENVIRONMENTAL LAW - Forests. Barriated roads within national forest, closed immediately upon completion of forest project activities, did not violate NFMA, ESA, or NEPA.

60. Oregon Wild v. Bureau of Land Management

*United States Court of Appeals, Ninth Circuit. May 11, 2017 — Fed.Appx.*

Appellants Scott Timber Co. and Carpenters Industrial Council appeal from a grant of summary judgment in favor of Plaintiffs Oregon Wild and Cascadia Wildlands. The district court held that the Bureau of Land Management (BLM) violated the National Environmental Policy Act (NEPA) when it authorized the White Castle Variable Retention Harvest Project...



Mingo National Wildlife Refuge, Missouri



## Court Cases (Contd.)

61. AquAlliance v. United States Bureau of Reclamation

*United States Court of Appeals, District of Columbia Circuit. May 09, 2017 856 F.3d 101*

GOVERNMENT - Records. Bureau of Reclamation was entitled to withhold unredacted documents relating to water wells in California under Freedom of Information Act (FOIA).

62. Conservation Congress v. Heywood

*United States Court of Appeals, Ninth Circuit. May 04, 2017 — Fed.Appx.*

This case concerns the Gemmill Thin Project to thin trees and undergrowth from portions of the Shasta-Trinity National Forest that contains substantial habitat for the Northern Spotted Owl. Conservation Congress filed a broad-gauged action in district court opposing the project as violative of several federal statutes. The district court granted...

63. Natural Resources Defense Council v. National Park Service

*United States Court of Appeals, Eleventh Circuit. May 01, 2017 Not Reported in F.3d*

ENTRY OF DISMISSAL: Pursuant to Appellants Center for Biological Diversity, Conservancy of Southwest Florida, Earthworks, National Parks Conservation Association and Natural Resources Defense Council's motion for voluntary dismissal, FRAP Rule 42 and 11th Cir. R. 42-1(a), the above referenced appeal was duly entered dismissed on this...

### Federal District Court Decisions

64. SAVE OUR CABINETS, EARTHWORKS, and DEFENDERS OF WILDLIFE, Plaintiffs, v. UNITED STATES FISH AND WILDLIFE SERVICE; CHRISTOPHER S. SAVAGE, Kootenai National Forest Supervisor; and UNITED STATES FOREST SERVICE, Defendants, and MONTANA MINERALS CORPORATION, Defendant-Intervenor.

*United States District Court, D. Montana. June 29, 2017 Slip Copy*

On May 30, 2017, the parties' motions for summary judgment (Docs. 35, 44, and 48) were granted-in-part and denied-in-part and the matter was remanded to the agencies based on claims advanced under the Endangered Species Act ("ESA"). (Doc. 64.) Plaintiffs now request judgment be entered and for the agencies' decision documents to be...

65. North Dakota ex rel. Stenehjem v. United States

*United States District Court, D. North Dakota. June 26, 2017 — F.Supp.3d*

Background: Counties brought action against United States, seeking to quiet title to alleged rights-of-way along section lines within lands managed by Forest Service, and to six roads within a county. State brought separate action against United States, seeking to quiet title to similar alleged rights-of-way. Actions were consolidated....

66. Sauk Prairie Conservation Alliance v. U.S. Department of the Interior

*United States District Court, W.D. Wisconsin. June 26, 2017 Slip Copy*

This suit arises from a dispute over

the use of the Sauk Prairie State Recreation Area (the Area), where the Badger Army Ammunition Plant used to be. According to plaintiff Sauk Prairie Conservation Alliance, the federal government gave the land to the Wisconsin Department of National Resources on the condition that it be reserved for conservation,...

67. Friends of Capital Crescent Trail v. Federal Transit Administration

*United States District Court, District of Columbia. June 26, 2017 — F.Supp.3d*

Currently before the Court is defendant-intervenor the State of Maryland's Motion for Stay Pending Appeal and Reinstatement of Record of Decision [Dkt. #145]. In its motion, Maryland asks me to stay my May 30, 2017 final judgment and my August 3, 2016 Order vacating the Record of Decision ("ROD") approving the Purple Line...

68. Petrowsky v. NextEra Energy Resources, LLC

*United States District Court, D. Kansas. June 21, 2017 Slip Copy*

Plaintiff Edwin Petrowsky opposes the erection of wind towers anywhere in the Aransas-Wood Buffalo migratory population flyway. He does so because whooping cranes migrate through that flyway during several months each year. With that in mind, Petrowsky brings this citizen suit under the Endangered Species Act ("ESA"). He asserts that...

69. Castille v. Apache Deepwater LLC

*United States District Court, W.D. Louisiana, Lafayette Division. June 20, 2017 Slip Copy*

Before the Court is a Motion For Summary Judgment filed by defendant, Island Operating Company, Inc. ("IOC"). [Rec. Doc. 156] and Rory L. Castille and Natasha Castille's Memo-



**Merkle Wildlife Sanctuary, Maryland**

## Court Cases (Contd.)

random in response thereto [Rec. Doc. 173]. For the following reasons, IOC's Motion will be granted.

70. *Wickenheisser v. United States*  
*United States District Court, D. Utah, Central Division. June 19, 2017 Slip Copy*

Before the Court is Defendant's Motion for Summary Judgment. [Dkt. 23]. The motion has been fully briefed and a hearing was held before the Court on June 5, 2017. Plaintiffs were represented at the hearing by Charles Conrad and the United States was represented by John Mangum. Based on the parties' written and oral arguments, as well as the...

71. *Kim v. United States*  
*United States District Court, E.D. California. June 16, 2017 Slip Copy*

Judges in the Eastern District of California carry the heaviest case-loads in the nation, and this Court is unable to devote inordinate time and resources to individual cases and matters. Given the shortage of district judges and staff, this Court addresses only the arguments, evidence, and matters necessary to reach the decision in this order. The...

72. *Fekkes Land, LLC v. United States*  
*United States District Court, E.D. Washington. June 15, 2017 Slip Copy*

Before the Court is Petitioner's Motion for Summary Judgment, ECF No. 11, and Respondents' Cross-Motion for Summary Judgment, ECF No. 15. A hearing was held on June 8, 2017 in Spokane, Washington. Petitioner was represented by Christopher Ries and Respondents by Vanessa Waldref.

The Court took the motions under advisement. For the reasons stated...

73. *Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers*  
*United States District Court, District of Columbia. June 14, 2017 — F.Supp.3d*

Background: Indian tribes brought action under Administrative Procedure Act (APA) against Army Corps of Engineers alleging, inter alia, that Corps' authorization of crude oil pipeline under federally regulated waterway bordering tribes' reservations violated National Environmental Policy Act (NEPA), Rivers and Harbors Act (RHA), and Mineral...

74. SHAWNA COX, and those similarly situated, and those real parties to be joined as their names become known, Plaintiffs, v. UNITED STATES OF AMERICA, and JOHN DOES 1-100, Defendants.

*United States District Court, D. Oregon. June 13, 2017 Slip Copy*

Plaintiff Shawna Cox brings this action to challenge the federal government's ownership of the Malheur National Wildlife Refuge ("MNWR" or "Refuge") in Harney County, Oregon. Her Complaint alleges two causes of action: "to un-cloud and quiet ownership rights" and "declaratory relief regarding federal vs...

75. *Harmon v. United States*  
*United States District Court, D. Idaho. June 12, 2017 Slip Copy 2017 WL 2543297*

The Court has before it the United States' Motion to Dismiss (Dkt. 25). The motion is fully briefed and at issue. For the reasons explained below, the Court will grant the motion. The facts of this case were recited in the Court's March 24 Memorandum Decision and Order

(Dkt. 27) and will be repeated here only... commercially feasible deposits of oil and gas within the Big Cypress National Preserve,...

76. *Friends of Capital Crescent Trail v. Federal Transit Administration*  
*United States District Court, District of Columbia. June 09, 2017 — F.Supp.3d*

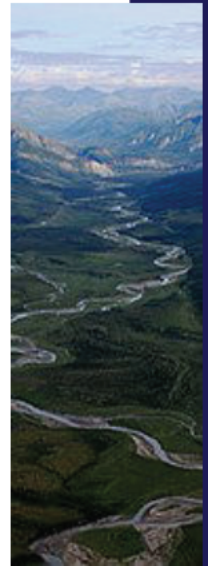
In March 2014, the Federal Transit Administration ("FTA") issued a Record of Decision ("ROD") approving the Purple Line Project, a planned 16.2-mile light rail transit system in Montgomery and Prince George's Counties, Maryland. Friends of the Capital Crescent Trail ("FCCT"), John MacKnight Fitzgerald, and...

77. *Mdewakanton Sioux Indians of Minnesota v. Zinke*  
*United States District Court, District of Columbia. June 09, 2017 — F.Supp.3d*

Plaintiffs are currently engaged in litigation to compel various federal entities to recognize them as an American Indian tribe. Plaintiffs now seek a temporary restraining order, followed by a preliminary injunction, barring an election to amend the constitution of a different tribe, because Plaintiffs assert the amendments would impair their...

78. *El Paso Natural Gas Company LLC v. United States*  
*United States District Court, D. Arizona. June 02, 2017 Slip Copy*

Plaintiff El Paso Natural Gas Company brought suit under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") against Defendants United States of America, United States Department of the Interior, United States Bureau of Indian Affairs, United States Geological Survey, United States Department of Energy,...



**Gates of the Arctic National Park and Preserve, Alaska**

## Court Cases (Contd.)

79. California Valley Miwok Tribe v. Zinke

*United States District Court, E.D. California. June 01, 2017 Slip Copy*

Plaintiffs Silvia Burley, Rashel Reznor, Anjelica Paulk, and Tristian Wallace ("Burley faction") brought this action against defendants Secretary of Interior Ryan Zinke, Acting Assistant Secretary of Interior Michael Black, and Director of the Bureau of Indian Affairs ("BIA") Weldon Loudermilk ("federal...

80. Friends of the Wild Swan, Inc. v. Thorson

*United States District Court, D. Oregon, Portland Division. June 01, 2017 Slip Copy*

On September 9, 2015, the United States Fish and Wildlife Service ("the Service") and the United States Department of Interior ("the Department") released their Recovery Plan for the Coterminous United States Population of Bull Trout ("the Plan"). Approximately seven months later, Plaintiffs Friends of the Wild...

81. Friends of Clearwater v. Probert

*United States District Court, D. Idaho. May 31, 2017 Slip Copy*

Now pending before the Court is Plaintiff's Motion for Preliminary Injunction (Docket No. 26). Having carefully considered the record, participated in oral argument, and otherwise being fully advised, the undersigned enters the following Memorandum Decision and Order: The purpose of the Orogrande Protection Project is to enhance public...

82. Cherokee Nation v. Jewell

*United States District Court, E.D. Oklahoma. May 31, 2017 Slip Copy*

On May 24, 2011, the Bureau of Indian Affairs ("BIA"), Eastern Oklahoma Region ("Region") for the United States Department of the Interior ("DOI") issued a Decision ("2011 Decision") approving an amended application of the United Keetoowah Band of Cherokee Indians in Oklahoma ("UKB") to...

83. Save Our Cabinets, v. United States Fish and Wildlife Service

*United States District Court, D. Montana, Missoula Division. May 30, 2017 — F.Supp.3d*

ENVIRONMENTAL LAW - Endangered Species. USFWS's determination that mine would not jeopardize bull trout despite finding that it would permanently degrade species was arbitrary and capricious

84. Rocky Mountain Wild v. Dallas

*United States District Court, D. Colorado. May 19, 2017 Slip Copy*

Plaintiffs' Motion to Supplement the Administrative Record with Extra-Record Evidence (Doc. 53) requests the Court to re-designate much of the administrative record filed by Defendants to be "extra-record" evidence on which only Plaintiffs can rely, and further requests the Court to include additional documents as part of the...

85. Audubon Society of Portland v. Zinke

*United States District Court, D. Oregon, Medford Division. May 16, 2017 Slip Copy*

On April 17, 2017, the Court ordered the parties to confer regarding a proposed briefing schedule.

The parties agree on most scheduling issues, and their proposed schedules are largely similar; however, the conservation organizations and federal defendants disagree with each other on a procedure for resolving disputes over the completeness of the...

86. Center For Biological Diversity v. Federal Highway Administration

*United States District Court, C.D. California. May 11, 2017 Slip Copy*

The Court's Final Ruling is attached hereto. Proposed Judgments will be filed forthwith. Final Rulings on: (1) Plaintiffs' Motion for Summary Judgment, (2) Federal Defendants' Cross-motion for Summary Judgment...

87. Nooksack Indian Tribe v. Zinke

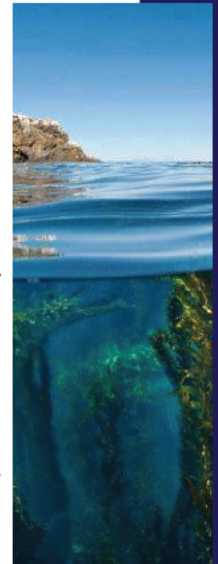
*United States District Court, W.D. Washington, at Seattle. May 11, 2017 Slip Copy*

This matter comes before the Court on Plaintiff the Nooksack Indian Tribe's motion for preliminary injunction (Dkt. No. 19) and Defendants' cross-motion to dismiss (Dkt. No. 26). Having thoroughly considered the parties' briefing and the relevant record, the Court finds oral argument unnecessary and hereby GRANTS Defendants' motion to dismiss and...

88. Center for Biological Diversity v. Zinke

*United States District Court, District of Columbia. May 04, 2017 Slip Copy*

On April 20, 2010, the Deepwater Horizon oil rig exploded in the Gulf of Mexico, killing eleven workers, contaminating roughly 1,100 miles of shoreline, and causing significant losses to the environment and the economy throughout the region. (See Compl., ECF No. 1, ¶¶52-56.) See generally *In re Deepwater Horizon*, 753 F.3d 570...



Channel Islands National Park, California



## Court Cases (Contd.)

**89. Alaska v. Zinke**

*United States District Court, D. Alaska. May 03, 2017*

The State of Alaska ("State") filed suit in January 2017 to challenge federal regulations, promulgated by the National Park Service ("NPS") and the United States Fish and Wildlife Service ("FWS"), governing sport hunting of predators within Alaska's National Preserves and National Wildlife Refuges. A month later,...

**90. Center for Environmental Law and Policy v. United States Fish and Wildlife Service**

*United States District Court, E.D. Washington. May 03, 2017 Slip Copy*

On April 13, 2017, the Court held a hearing on Plaintiff Center for Environmental Law and Policy's (CELP) motion for Permanent Injunction and Entry of Judgment, ECF No. 49. At the hearing, the Court granted CELP's request for a permanent injunction, with terms outlined by the Court. ECF No. 74.

This Order memorializes and supplements the Court's...

**91. WESTERN WATERSHEDS PROJECT; COTTONWOOD ENVIRONMENTAL LAW CENTER, Plaintiffs, v. RYAN ZINKE**

*United States District Court, N.D. California. May 01, 2017 Slip Copy*

Plaintiffs have brought a Motion to Complete the Administrative Record ("Motion") in which they ask the Court to compel production of documents that have been withheld by the United States under the deliberative processes privilege. In its February 6, 2017 Order ("the February 6, 2017 Order"), the Court ruled on some of the...

**92. Godfrey v. United States**

*United States Court of Federal Claims. June 28, 2017 -- Fed.Cl.*

Background: Federal prisoner, as member of Sioux Indian Tribe and former plaintiff in class action to compel historical accounting of funds that Department of Interior

(DOI) held in trust for Native Americans, filed pro se suit against United States, claiming breach of settlement agreement that was authorized by Claims Resolution Act to...

**93. Silver Buckle Mines, Inc. v. United States**

*United States Court of Federal Claims. May 23, 2017 132 Fed.Cl. 77*

**GOVERNMENT - United States.** Unpatented nonplacer lode mining claim holder's illegal exaction claim against United States was not barred by voluntary payment doctrine.

**94. Clear Creek Community Services District v. United States**

*United States Court of Federal Claims. May 17, 2017 132 Fed.Cl.*

**REAL PROPERTY - Eminent Domain.** Water district's claim that Bureau of Reclamation effected taking of district's contractual right to delivery of water was barred by written contract.



**Marais des Cygnes National Wildlife Refuge, Kansas**

## Presidential Documents

Please note that full-text versions of these documents are available upon request to the DOI Library Reference Staff.

**Executive Orders**

95. Executive Order 13800—Strengthening the Cybersecurity of Federal Networks and Critical Infrastructure — May 11, 2017

**Presidential Proclamations**

96. Presidential Proclamation 9604—Law Day, U.S.A., 2017 —



May 1, 2017

97. Presidential Proclamation 9607—Public Service Recognition Week, 2017 — May 5, 2017

98. Presidential Proclamation 9611—Peace Officers Memorial Day and Police Week, 2017 — May 15, 2017

99. Presidential Proclamation 9619—Great Outdoors Month, 2017 — May 31, 2017

100. Presidential Proclamation 9622—National Ocean Month, 2017 — May 31, 2017

101. Presidential Proclamation—Made in America Day and Made in America Week, 2017 — July 17, 2017

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**Biscayne National Park, Florida**

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**To:** [catherine\\_gulac@ios.doi.gov](mailto:catherine_gulac@ios.doi.gov)  
**Subject:** Accepted: Meeting - Climate Change @ Thu Sep 7, 2017 11:30am - 12pm (catherine\_gulac@ios.doi.gov)  
**Attachments:** [invite.ics](#)

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Indur Goklany has accepted this invitation.

Meeting - Climate Change

When Thu Sep 7, 2017 11:30am – 12pm Eastern Time

Where 6117 (map <<https://maps.google.com/maps?q=6117&hl=en>> )

Video call [https://plus.google.com/hangouts/\\_/doi.gov/catherine-gulac](https://plus.google.com/hangouts/_/doi.gov/catherine-gulac) <[https://plus.google.com/hangouts/\\_/doi.gov/catherine-gulac?hceid=Y2F0aGVyaW5lX2d1bGFjQGlvcy5kb2kuZ292.4ea0vn7pcveg4vsp1km0sl2io1](https://plus.google.com/hangouts/_/doi.gov/catherine-gulac?hceid=Y2F0aGVyaW5lX2d1bGFjQGlvcy5kb2kuZ292.4ea0vn7pcveg4vsp1km0sl2io1)>

Calendar [catherine\\_gulac@ios.doi.gov](mailto:catherine_gulac@ios.doi.gov)

Who • [catherine\\_gulac@ios.doi.gov](mailto:catherine_gulac@ios.doi.gov) - organizer, optional

- [indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)
- [james\\_cason@ios.doi.gov](mailto:james_cason@ios.doi.gov)

Your attendance is optional.

Invitation from Google Calendar <<https://www.google.com/calendar/>>

You are receiving this email at the account [catherine\\_gulac@ios.doi.gov](mailto:catherine_gulac@ios.doi.gov) because you are subscribed for invitation replies on calendar [catherine\\_gulac@ios.doi.gov](mailto:catherine_gulac@ios.doi.gov).

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**From:** Buckner, Shawn  
**To:** [OS\\_PPA](#); [Goklany, Indur](#); [Randal Bowman](#)  
**Subject:** Work and Bios 2017  
**Date:** Wednesday, September 06, 2017 12:58:52 PM  
**Attachments:** [PPA Bios\\_20170905.docx](#)  
[PPA Work 20170818 submitted.xlsx](#)

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Hi Team,

Attached are the documents (PPA Assignments and Bios) that I submitted to Department leadership. There are some alterations which are mainly cosmetic.

Thank you all for your quick responses. Chloe will be posting these to our shared drive for your convenience.

Shawn

--

Shawn M. Buckner  
Office of Policy Analysis  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240  
(202) 208-3664



## **Staff Bios**

### **Office of Policy Analysis**

#### **Director (Acting)**

**Shawn M. Buckner** serves as the Acting Director, Office of Policy Analysis (PPA) guiding the office's efforts to provide policy, program, economic and issue analysis and coordination of Departmental activities. Mr. Buckner has nearly twenty years of experience as a management consultant and government leader. He is passionate about leading high priority projects that result in optimal governance. He earned his Bachelors of Arts from Virginia Commonwealth University, his Juris Doctorate from the University of Pittsburgh, School of Law, and Master of Science in Public Policy and Management from the Heinz School at Carnegie Mellon University.

#### **Economic Analysis Team**

**Benjamin Simon** is currently the Chief DOI Economist and manager of the Economics Staff in the Office of Policy Analysis. At Interior he has worked on a wide variety of water and land management issues. He is also an adjunct professor of economics at the George Washington University. In the early 1990s he worked as an economist at the New Zealand Ministry of Finance. He has a master's degree from the University of Michigan and a PhD from the George Washington University.

**Sarah Cline** is an economist and joined the Office of Policy Analysis in 2010. She has broad experience in natural resource economics and has worked on a wide variety of topics while at PPA, including recreation, economic impacts of invasive species, conservation banking, and rural economic development. She also has expertise in survey design and sampling. She has a PhD in Agricultural and Resource Economics from Colorado State University, and a MS in Agricultural and Resource Economics and a BS in Environmental Science from West Virginia University.

**Christian Crowley** is an economist and began his career at the Department of the Interior in 2005 after working as a contractor in the Department of Energy. He has worked on projects in the areas of royalties (hardrock minerals; in-kind oil and gas; and renewable resources), hydro-power licensing, and economic impacts, including the Secretary's report on Interior's economic impact. Christian's duties also involve providing economic support for the Office of Restoration and Damage Assessment in policy and case-work capacities. In 2006, he was awarded a Ph.D. in economics from the George Washington University in Washington, DC.

**Ann Miller** is an economist and joined the Office of Policy Analysis in February 2017. Since joining, she has provided analytic economic support on a variety of issues including the Navajo Generating Station, invasive species, and the national monuments under review per EO 13792. Prior to that she spent six years as an economist at the Bureau of Economic Analysis, most recently as the chief of the Federal Receipts & Expenditures section where she oversaw the production of economic statistics related to the Federal government's role in the economy. Ann has an M.S. in Applied Economics from Johns Hopkins University and a B.S. in Economics and Statistics from the University of Rochester.

**Kristin E. Skrabis** is an economist and joined the Office of Policy Analysis in 1999. She has worked on a variety of projects while at PPA, including economic valuation of natural resource damages, tribal cultural resources, and FERC licensing of hydropower dams and pipelines. Kristin's efforts include providing policy support to the Office of Restoration and Damage Assessment, along with claim development work on over 120 damage assessment cases. Kristin has an M.S. in public policy analysis from the University of Rochester and a Ph.D. in natural resource and environmental economics from the University of Massachusetts at Amherst.

**Adam Stern** is an economist and joined the Office of Policy Analysis in 2012. Adam has focused primarily on energy-related issues at DOI including onshore and offshore leasing policy, economic impacts of unconventional oil and gas production and the economics of energy security. Other topic areas Adam has worked on at Interior include hardrock mineral royalties, hydropower licensing and Indian education. Adam's duties also involve estimating economic impacts and contributions from various DOI activities. Adam earned a M.S. Resource Economics and Policy at the University of Maine and a B.S. in Economics from the University of Wisconsin Oshkosh.

**Carlann Unger** is an economist and began her career in 2012 as a survey statistician for the U.S. Census Bureau where she worked on numerous economic surveys. She joined the Office of Policy Analysis in January 2016. Carlann currently works on a variety of American Indian and Alaska Native issues, including Indian data, Indian water rights settlements, economic development, and Indian education. Carlann has a M.A. and B.B.A. in Economics from New Mexico State University.

#### **Program Analysis Team**

**Sarah Abdelrahim** is a policy analyst and joined DOI's Office of Policy Analysis in 2014. She has worked on several cross cutting issues (e.g., Arctic, Science Advisors, and invasive species). Sarah has broad experience in intra-agency, interagency, and international coordination. Before coming to DOI, Sarah worked with the environmental assessments division of the United Nations Environment Programme, and with the National Oceanic and Atmospheric Administration (NOAA). Sarah has a M.A. in Climate and Society from Columbia University and a B.S. in Physical Sciences from the University of Maryland.

**Randal Bowman** is a policy analyst and joined DOI in August 1985 in the Fish and Wildlife Service legislative office. In 2002, he moved to the office of the Assistant Secretary for Fish and Wildlife and Parks as Senior Policy Advisor, and in June 2009 to the Office of Policy Analysis. Starting in late 2005 he became the Department's senior career staff person for the establishment and implementation of new Marine National Monuments, and continued to work with a number of other ocean-related issues, including the Coral Reef Task Force and marine protected areas. He is now on assignment to the Deputy Secretary's office managing the national monument review process. He has a B.A. in International Relations from American University.

**Indur Goklany** is the Senior Advisor in the Office of Policy Analysis. He has been with the Office since 1986. Prior to that he worked on a wide range of environmental and natural resource issues for the Environmental Protection Agency, the National Commission on Air Quality, the State of Michigan and various private sector consultants. His expertise includes climate change, energy issues, and technology transfer. He has a Ph.D., M.S. and Bachelor's degrees in Electrical Engineering

**Liza Johnson** is a policy analyst and joined the Office of Policy Analysis in 2010. In 2014, she became the Ocean, Great Lakes, and Coastal Coordinator for the Department of the Interior and lead coordinator for the DOI Senior Ocean Policy Team. Since 2011, she has supported the Department on matters related to the National Ocean Council, the Ocean Resource Management Interagency Policy Committee, and the U.S. Coral Reef Task Force. She co-chairs the U.S. Coral Reef Task Force Steering Committee, and supports the Vice Chair of the Extended Continental Shelf Executive Committee. Liza holds a Bachelor's degree in Earth and Atmospheric Science from the Georgia Institute of Technology and a Masters in Environmental Studies from the University of Charleston.

**Chloe Mayne** is a policy specialist and joined the Office of Policy Analysis in February 2017. She has worked on a variety of projects relating to DOI ethics, analysis of public comments on government reform and the BIA labor force report. Many of these projects utilize her skills with geospatial software and data visualization tools such as ArcGIS and Tableau. Prior to joining the Office of Policy Analysis, Chloe worked as an AmeriCorps member at the Office of Surface Mining Reclamation and Enforcement. Chloe graduated from Pitzer College in 2015 with a B.A. in Environmental Science and a minor in Geology.

**Malka Pattison** is a policy analyst and has worked for PPA since 2001, applying her analytical skills to a host of issues pertaining to Indian treaty and trust responsibilities – Indian education, energy, economic development, employment, water rights, and Indian data improvement. Malka has worked for five DOI bureaus (BIA, MMS, BLM, USGS, and OSMRE) and has had assignments to the Council on Environmental Quality, leading workgroups addressing ocean and public land management issues. Malka has an urban and regional planning degree (M.S.) and an anthropology degree (B.A.), both from the University of Arizona.

**Vanitha Sivarajan** is a policy analyst and began working at the Office of Policy Analysis in 2015. Vanitha's background includes a wide range of policy analysis and program coordination relating to land use, natural resource management, environmental, tribal and Arctic/Alaska issues. She completed a detail at the Denali Commission in 2016 coordinating an interagency effort focusing on hazard mitigation, disaster preparedness, and tribal sovereignty issues impacting Alaska Natives villages. Previously, Vanitha has worked on initiatives with Native American communities in the Great Lakes, the Western U.S. and Alaska. She has a Master of Environmental Management from Yale University and a B.A. in Anthropology and B.S. in Microbiology from the University of Illinois at Urbana-Champaign. Vanitha is also a recipient of the William J. Clinton Fellowship for Service in India where she assisted agricultural projects with rural farmers.

**Hilary Smith** is the DOI invasive species coordinator and joined PPA in October 2014, guiding the development and coordination of the Department's national invasive species policy initiatives and providing recommendations, policy development, and program analysis on invasive species issues for DOI leadership. She works closely with bureaus and offices and facilitates inter-agency coordination and efficient implementation of DOI invasive species efforts, such as through establishing the DOI Invasive Species Task Force. Hilary also serves as the principal Departmental contact for internal and external partners and stakeholders on invasive species issues, as well as a liaison to the National Invasive Species Council. Prior to joining the Department, for 12 years Hilary directed a nationally recognized invasive species program in the Adirondack region of New York. Hilary has a M.S. in Biodiversity, Conservation and Policy from the State University of New York at Albany, and a B.A. in Biology from Hamilton College.

**Jonathan Steele** is a policy analyst and began his career at the Department of the Interior in the National Park Service in 2004. He was accepted into the Office of the Secretary Management Development Program in 2005 and joined the Office of Policy Analysis in 2009. Jonathan has experience in a wide range of policy analysis and program coordination activities, including work on resource production, environmental, and Indian Affairs issues. He completed a detail assignment in the U.S. House of Representatives Appropriations Committee in 2012 and 2013. Jonathan served four years active duty and four years reserve duty in the U.S. Army. He has a B.S. in Telecommunications and a M.S. in Environmental Studies, both from Ohio University.

**Noah Van Gilder** is a policy analyst and a member of PPA's programs team. His current portfolio includes program evaluation, economic impact analysis and American Indian/Alaska Native policy research. His professional experience also includes water resources, land and wildlife conservation policy. Before joining Interior in 2015, Noah served in various roles at the US Environmental Protection Agency, Office of Management and Budget and the Nature Conservancy. Noah graduated from Cornell University in 2006 with a bachelor of sciences (BS) in natural resources and from the George Washington University in 2012 with a master of public administration (MPA).

Current PPA Assignments as of 8/18/2017

Project Name	Description	Task Source	Staff/ Allocation
Agricultural and Rural Prosperity Task Force	Represent DOI on the Economic Development Work Group established as part of the inter-agency Agricultural and Rural Prosperity Task Force.	Assistant Secretary - Land and Minerals Management	Sarah Cline (25%)
American Indian/Alaska Native (AIAN) Data Initiative	Work in partnership with the Bureau of Indian Affairs (BIA) and the U.S. Census Bureau to address American Indian and Alaska Native (AIAN) data quality and availability issues. This includes developing an inventory of AIAN data collected by federal agencies and organizing a series of workshops to address AIAN data issues.	BIA	Shawn Buckner (20%), Ben Simon (10%), Malka Pattison (25%), Noah Van Gilder (10%), Carlann Unger (40%), Chloe Mayne (10%)
Arctic Coordination	Manage a monthly DOI Arctic coordination teleconference. The group is also a good resource for input/feedback on cross-bureau or interagency initiatives. Serve as a DC-based DOI point of contact for cross-bureau Arctic issues or inquiries (e.g., from the Budget Office). Arctic Council: Coordinate DOI/US engagement in the Arctic Council's Arctic Resilience Action Framework project. The initial work came about during the U.S. Chairmanship of the Arctic Council (2015-2017), for which the State Department (specifically, the U.S. Senior Arctic Official, Julie Gourley) requested DOI's support. DOI leadership at the time approved PPA's role. The Arctic Resilience Action Framework was adopted by the Arctic Council Ministers in May 2017, and PPA was asked by State Department to remain engaged in the project. Participate in other Arctic Council activities that require DOI expertise, as needed. Recent examples include the Arctic Council One Health project and the Arctic Invasive Alien Species Strategy (led by NISC).	PMB	Sarah Abdelrahim (40%)
Bureau of Indian Education	Review Bureau of Indian Education (BIE) programs and related activities, including BIE student and school performance, underlying factors of student performance, and academic indicators used in state education accountability systems. PPA is also supporting DOI leadership in identifying a set of academic indicators to be used for a potential BIE education accountability system.	Jim Cason, Associate Deputy Secretary	Shawn Buckner (30%), Noah Van Gilder (10%), Vanitha Sivajaran (65%), Adam Stern (20%), Ben Simon (10%), Malka Pattison (25%), Jonathan Steele (65%), Carlann Unger (60%), Chloe Mayne (40%)
Climate Change Review	Indur Goklany is on <b>assignment</b> to the Associate Deputy Secretary focusing on matters related to climate change. These include reviewing and providing feedback on various documents and reports, including DOI and non-DOI reports, departmental manual chapters, and the information contained on websites. Over the past few weeks, this has included working with USGS on a memorandum on Earth Climate History and reviewing a report jointly-funded by Reclamation on the Klamath River Basin. Ongoing activities include working with Reclamation and USGS on developing a write-up on the uncertainties associated with the Klamath report, and reviewing the US Global Change Research Program's draft Climate Science Special Report.	Jim Cason, Associate Deputy Secretary	Indur Goklany (95%)
DOI Annual Economic Report	Provide estimates of employment and economic contributions of DOI's programs and activities, including production of energy and minerals; use of water, timber and forage; support for recreation and tourism; administration of grants and payments; and support of tribal and insular governments. PPA economics staff also provide economic impact analysis as requested.	PMB	Adam Stern (30%), Ann Miller (15%), Ben Simon (15%), Christian Crowley (10%)
DOI Economics Coordination	Coordinate economics work across DOI.	PPA	Ben Simon (5%)
DOI Monthly Educational Seminar Series	Develop a monthly series of educational seminars for DOI employees and the public.	PPA	Shawn Buckner (5%), Malka Pattison (25%)
DOI Ocean, Great Lakes, and Coastal Communications	Communicate DOI's ocean and coastal role both internally and externally.	DOI leadership	Liza Johnson (10%)

Current PPA Assignments as of 8/18/2017

Project Name	Description	Task Source	Staff/ Allocation
DOI Ocean, Great Lakes, and Coastal Coordination	Coordinate the DOI Senior Ocean Policy Team, Regional Ocean Contacts, and Technical Team. Includes bureau leadership and senior staff at HQ and regions. Supported by bureaus through active participation and Working Capital Fund. Formalized in Manual Chapter: "It is the policy of the Department to enhance collaborative and coordinated efforts among ocean and coastal-related programs in all bureaus; to support stewardship, conservation and management of our nation's ocean and coastal resources."	DOI leadership	Shawn Buckner (5%) Liza Johnson (30%)
Energy	Update PPA's <i>Energy Fact Sheet</i> as requested by DOI leadership. PPA is also investigating factors associated with the extent to which energy development occurs on federal or non-federal lands.	PPA	Shawn Buckner (5%) Adam Stern (20%), Ben Simon (20%), Christian Crowley (10%)
Extended Continental Shelf Executive Committee (EC) and Task Force (TF)	Support the mission of the U.S. Extended Continental Shelf (ECS) Project to establish the full extent of the continental shelf of the United States, consistent with international law.	PMB	Liza Johnson (5%)
GAO Response Review	Provide oversight of the comments sent by DOI bureaus to GAO and OIG in response to audits, ensuring that they are clear, relevant and achievable.	Olivia Ferriter, Deputy Assistant Secretary for Budget, Finance, Performance and Acquisition	Shawn Buckner (5%) Noah Van Gilder (15%)
Hardrock Minerals Royalty Analysis	Assist BLM in writing a report requested by OMB. The topic is the potential for assessing a royalty on federal hardrock mineral production.	BLM	Adam Stern (20%), Ben Simon (15%), Christian Crowley (10%)
Indian Policy and Program Review	Review and comment on all legislation, testimony, and reports affecting Indians, Indian Programs, and DOI's trust responsibilities.	PPA	Malka Pattison (25%)
Interagency Working Group on Energy Permitting & Development in Alaska	Coordinate the Interagency Working Group on Energy Permitting and Development in Alaska, which reports to the Deputy Secretary.	DOI leadership	Randal Bowman (5%)
Invasive Species	Work with the DOI Invasive Species Task Force to develop a project estimating the costs of invasive species on DOI lands. This project involves the collection of data from relevant economic literature on the economic impact of invasive species related to recreation, water infrastructure and wildland fire. The information will be compiled in a database, and a short summary document will be prepared describing the database and any overarching findings from the effort. A second phase of this project will produce estimates of the costs of invasive species impacts on DOI assets related to recreation, water infrastructure and wildland fire.	DOI Invasive Species Task Force	Ann Miller (15%), Ben Simon (5%), Sarah Cline (25%)
Support Office of the Secretary (OS) invasive species initiatives	Coordinate the Office of the Secretary's invasive species policy or program initiatives in collaboration with offices and bureaus and provide recommendations, policy development and program analysis on invasive species issues for DOI leadership. Examples include: 1) invasive mussels initiative, 2) sage-grouse/cheat grass management strategy, 3) Rapid Ohia Death Early Detection and Rapid Response (EDRR) project and 4) National EDRR Framework report.	PMB	Shawn Buckner (10%) Hilary Smith (30%) Sarah Abdelrahim (50%)
Lead the DOI Invasive Species Task Force and coordinate implementation of DOI invasive species priorities and action plans	Work with offices and bureaus on invasive species issues and programs and facilitate inter-agency coordination, collaborative activities and efficient implementation of DOI invasive species efforts. Work cooperatively with other invasive species staff experts to develop DOI-specific strategic plans, budget documents, policies and procedures that influence nationwide and agency wide programs. Examples include: 1) data management, 2) performance metrics, 3) DOI Invasive Species Policy, 4) economic analysis and 5) EDRR.	PMB	Hilary Smith (30%)
Liaison to National Invasive Species Council	Support DOI Co-chair of the National Invasive Species Council (NISC). Coordinate DOI input to NISC initiatives, such as the National Invasive Species Council Management Plan. Provide information between the NISC enterprise (NISC, NISC Secretariat, and ISAC) and DOI leaders, offices and bureaus, with special attention to matters of relevance to DOI programs and activities.	PMB	Hilary Smith (20%)
Represent DOI in federal, state, tribal, or partner invasive species initiatives	Represent the Departmental as point of contact for internal and external partners and stakeholders, including officials and senior staff of DOI offices and bureaus, other agencies, members of Congress, state and local government officials, professional societies, industry, etc. Participate in inter-jurisdictional invasive species initiatives. Examples include: 1) Western Governors' Association data management initiative, 2) Western Weed Coordinating Committee's invasive plant action plan and 3) USGS invasive species program review.	PMB	Hilary Smith (20%)



Current PPA Assignments as of 8/18/2017

Project Name	Description	Task Source	Staff/ Allocation
National Monuments review	Randal Bowman is on <b>assignment</b> to the Deputy Secretary's Office to manage the National Monuments review process. PPA economics staff provided an economic profile for each of the National Monuments under consideration.	DOI leadership	Adam Stern (5%), Ann Miller (55%), Christian Crowley (10%), Kristin Skrabis (10%), Randal Bowman (95%) Sarah Cline (10%)
National Ocean Policy (NOP) implementation	Serve as a Policy Advisor for the National Ocean Council (NOC) Steering Committee and Ocean Resource Management Interagency Policy Committee (ORM-IPC), Policy Advisor for the DOI representatives on the NOC Principals and Deputies Committees, Executive Secretariat for the ORM-IPC, Senior Policy Contact for DOI, and ORM-IPC advisor working with the Subcommittee on Ocean Science and Technology advisors.	DOI leadership	Shawn Buckner (5%) Liza Johnson (30%)
Natural Resource Damage Assessment and Restoration (NRDAR) cases	Provide economic analysis to support damage assessment cases.	FWS, BIA, BLM field staff	Christian Crowley (25%), Kristin Skrabis (80%)
Emergency Response and Hazard Mitigation	Support an interagency effort to address emergency response, hazard mitigation and disaster mitigation needs of coastal tribal communities in Alaska and the Lower 48	PMB	Vanitha Sivarajan (25%)
NRDAR policy and economic support	Provide policy and economic analysis support to the Office of Restoration and Damage Assessment (e.g., development of economic analysis tools, training, and review of ongoing NRDAR cases for budget allocation).	Office of Restoration and Damage Assessment (ORDA)	Ben Simon (5%), Christian Crowley (10%), Kristin Skrabis (10%)
Paperwork Reduction Act	Review content and methods used in surveys that must be cleared by the Department as part of the Paperwork Reduction Act.	DOI CIO	Ben Simon (5%), Christian Crowley (5%), Sarah Cline (10%)
Recreation	Support several recreation projects, including a Service First project related to recreation visitation on Federal lands, the Triennial Report to Congress, and DOI input into the Outdoor Recreation Satellite Account.	DOI leadership	Ann Miller (15%), Ben Simon (5%), Christian Crowley (5%), Sarah Cline (30%)
Regulatory Analysis (including EO 13771)	Review or assist bureaus with regulatory analysis on the Department's work including EO 13771 (Reducing Regulation and Controlling Regulatory Costs).	Exec Secretary	Adam Stern (5%), Ben Simon (5%), Christian Crowley (15%)
Review DOI Ethics Training and Activities	Review federal ethics regulations, training activities and other information to provide options and recommendations to improve DOI's ethics program.	Melinda Loftin	Shawn Buckner (10%) Jonathan Steele (30%), Vanitha Sivarajan (5%), Chloe Mayne (30%)
Science Coordination	Organize monthly meetings of the DOI bureau science advisors. Recently, the meetings have been focused on cross-bureau science topics that could benefit from additional collaboration (e.g., geospatial applications, citizen science efforts, etc.). When requested, coordinate reviews by the science advisors of DOI or interagency science-based documents	PMB	Sarah Abdelrahim (10%)
Technology Transfer & Prize Competitions	Coordinate the development of annual report on matters related to technology transfer and prize competitions.	PMB	Indur Goklany (10%)
US Coral Reef Task Force (USCRTF)	Coordinate matters related to the United States Coral Reef Task Force (USCRTF) in conjunction with federal, state, and U.S. territories.	Previously housed in ASFWP. The Executive Secretariat role moved to PPA in 2007 to institutionalize it across the Department, and the Steering Committee Co-chair role followed over to PPA in 2011.	Shawn Buckner (10%) Liza Johnson (25%)

**From:** [catherine\\_gulac@ios.doi.gov](mailto:catherine_gulac@ios.doi.gov)  
**To:** [james\\_cason@ios.doi.gov](mailto:james_cason@ios.doi.gov); [indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)  
**Subject:** Invitation: Meeting - Climate Change @ Thu Sep 7, 2017 11:30am - 12pm ([indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov))  
**Attachments:** [nvl6\\_cs](#)

more details » -<[https://www.google.com/calendar/event?action=VIEW&ei=NGVbMHZaN3BjdmVnNHZcDFr6TbzbDjpbEgaW\\_kdXJZ29tGfueUBpb3MuZG9pLmdvdg&tok=MjcyY2F0aGVyaW5lX2dlbGFjQGlycy5kb2kz29ZzJlNmMyNjBmYyZzGU5N2MwZGEyY2RlZGEwYTJkMzBmODRkOTkzMQ&ctz=America/New\\_York&hl=en](https://www.google.com/calendar/event?action=VIEW&ei=NGVbMHZaN3BjdmVnNHZcDFr6TbzbDjpbEgaW_kdXJZ29tGfueUBpb3MuZG9pLmdvdg&tok=MjcyY2F0aGVyaW5lX2dlbGFjQGlycy5kb2kz29ZzJlNmMyNjBmYyZzGU5N2MwZGEyY2RlZGEwYTJkMzBmODRkOTkzMQ&ctz=America/New_York&hl=en)>

Meeting - Climate Change

When: Thu Sep 7, 2017 11:30am - 12pm Eastern Time

Where: 6117 (map -<<https://maps.google.com/maps?q=6117&hl=en>>)

Video call: [https://plus.google.com/hangouts/\\_/doi.gov/catherine-gulac](https://plus.google.com/hangouts/_/doi.gov/catherine-gulac) -<[https://plus.google.com/hangouts/\\_/doi.gov/catherine-gulac](https://plus.google.com/hangouts/_/doi.gov/catherine-gulac)>

Calendar: [indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)

Who: [catherine\\_gulac@ios.doi.gov](mailto:catherine_gulac@ios.doi.gov) - organizer, optional

• [james\\_cason@ios.doi.gov](mailto:james_cason@ios.doi.gov)

• [indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)

Going? Yes -<[https://www.google.com/calendar/event?action=RESPOND&ei=NGVbMHZaN3BjdmVnNHZcDFr6TbzbDjpbEgaW\\_kdXJZ29tGfueUBpb3MuZG9pLmdvdg&tok=MjcyY2F0aGVyaW5lX2dlbGFjQGlycy5kb2kz29ZzJlNmMyNjBmYyZzGU5N2MwZGEyY2RlZGEwYTJkMzBmODRkOTkzMQ&ctz=America/New\\_York&hl=en](https://www.google.com/calendar/event?action=RESPOND&ei=NGVbMHZaN3BjdmVnNHZcDFr6TbzbDjpbEgaW_kdXJZ29tGfueUBpb3MuZG9pLmdvdg&tok=MjcyY2F0aGVyaW5lX2dlbGFjQGlycy5kb2kz29ZzJlNmMyNjBmYyZzGU5N2MwZGEyY2RlZGEwYTJkMzBmODRkOTkzMQ&ctz=America/New_York&hl=en)>

- Maybe -<[https://www.google.com/calendar/event?action=RESPOND&ei=NGVbMHZaN3BjdmVnNHZcDFr6TbzbDjpbEgaW\\_kdXJZ29tGfueUBpb3MuZG9pLmdvdg&tok=MjcyY2F0aGVyaW5lX2dlbGFjQGlycy5kb2kz29ZzJlNmMyNjBmYyZzGU5N2MwZGEyY2RlZGEwYTJkMzBmODRkOTkzMQ&ctz=America/New\\_York&hl=en](https://www.google.com/calendar/event?action=RESPOND&ei=NGVbMHZaN3BjdmVnNHZcDFr6TbzbDjpbEgaW_kdXJZ29tGfueUBpb3MuZG9pLmdvdg&tok=MjcyY2F0aGVyaW5lX2dlbGFjQGlycy5kb2kz29ZzJlNmMyNjBmYyZzGU5N2MwZGEyY2RlZGEwYTJkMzBmODRkOTkzMQ&ctz=America/New_York&hl=en)>

- No -<[https://www.google.com/calendar/event?action=RESPOND&ei=NGVbMHZaN3BjdmVnNHZcDFr6TbzbDjpbEgaW\\_kdXJZ29tGfueUBpb3MuZG9pLmdvdg&tok=MjcyY2F0aGVyaW5lX2dlbGFjQGlycy5kb2kz29ZzJlNmMyNjBmYyZzGU5N2MwZGEyY2RlZGEwYTJkMzBmODRkOTkzMQ&ctz=America/New\\_York&hl=en](https://www.google.com/calendar/event?action=RESPOND&ei=NGVbMHZaN3BjdmVnNHZcDFr6TbzbDjpbEgaW_kdXJZ29tGfueUBpb3MuZG9pLmdvdg&tok=MjcyY2F0aGVyaW5lX2dlbGFjQGlycy5kb2kz29ZzJlNmMyNjBmYyZzGU5N2MwZGEyY2RlZGEwYTJkMzBmODRkOTkzMQ&ctz=America/New_York&hl=en)>

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**To:** [indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov); [james\\_cason@ios.doi.gov](mailto:james_cason@ios.doi.gov)  
**Subject:** Updated Invitation: Meeting - Climate Change @ Thu Sep 7, 2017 4:15pm - 4:30pm (james\_cason@ios.doi.gov)  
**Attachments:** [invite.ics](#)

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Meeting - Climate Change  
When Changed: Thu Sep 7, 2017 4:15pm - 4:30pm Eastern Time  
Where 6117 (map <<https://maps.google.com/maps?q=6117&hl=en>> )  
Video call [https://plus.google.com/hangouts/\\_/doi.gov/catherine-gulac](https://plus.google.com/hangouts/_/doi.gov/catherine-gulac) <[https://plus.google.com/hangouts/\\_/doi.gov/catherine-gulac](https://plus.google.com/hangouts/_/doi.gov/catherine-gulac)>  
Calendar [james\\_cason@ios.doi.gov](mailto:james_cason@ios.doi.gov)  
Who • [catherine\\_gulac@ios.doi.gov](mailto:catherine_gulac@ios.doi.gov) - organizer, optional  
• [indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)  
• [james\\_cason@ios.doi.gov](mailto:james_cason@ios.doi.gov)

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- Maybe <[https://www.google.com/calendar/event?action=RESPOND&eid=NGVhMHZuN3BjdmVnNHZzcDFhY2FhZjBzEgamFZkXNY2FhZ25AaW9zLmRvaS5ub3Y&rst=3&tok=MjcyY2F0aGVyaW5lX2d1bGFjQGivcy5kb2kz292YjA3ZDE2YzhmMTJlYWRlYW2NmFmMmE2Zjg2YmQzOTgzYzFjZjlsYw&ctz=America/New\\_York&hl=en](https://www.google.com/calendar/event?action=RESPOND&eid=NGVhMHZuN3BjdmVnNHZzcDFhY2FhZjBzEgamFZkXNY2FhZ25AaW9zLmRvaS5ub3Y&rst=3&tok=MjcyY2F0aGVyaW5lX2d1bGFjQGivcy5kb2kz292YjA3ZDE2YzhmMTJlYWRlYW2NmFmMmE2Zjg2YmQzOTgzYzFjZjlsYw&ctz=America/New_York&hl=en)>  
- No <[https://www.google.com/calendar/event?action=RESPOND&eid=NGVhMHZuN3BjdmVnNHZzcDFhY2FhZjBzEgamFZkXNY2FhZ25AaW9zLmRvaS5ub3Y&rst=2&tok=MjcyY2F0aGVyaW5lX2d1bGFjQGivcy5kb2kz292YjA3ZDE2YzhmMTJlYWRlYW2NmFmMmE2Zjg2YmQzOTgzYzFjZjlsYw&ctz=America/New\\_York&hl=en](https://www.google.com/calendar/event?action=RESPOND&eid=NGVhMHZuN3BjdmVnNHZzcDFhY2FhZjBzEgamFZkXNY2FhZ25AaW9zLmRvaS5ub3Y&rst=2&tok=MjcyY2F0aGVyaW5lX2d1bGFjQGivcy5kb2kz292YjA3ZDE2YzhmMTJlYWRlYW2NmFmMmE2Zjg2YmQzOTgzYzFjZjlsYw&ctz=America/New_York&hl=en)>  
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**From:** [catherine\\_gulac@ios.doi.gov](mailto:catherine_gulac@ios.doi.gov)  
**To:** [indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov); [james\\_cason@os.doi.gov](mailto:james_cason@os.doi.gov)  
**Subject:** Updated Invitation: Meeting - Climate Change @ Thu Sep 7, 2017 4:15pm - 4:30pm (indur\_goklany@os.doi.gov)  
**Attachments:** [nvl6\\_cs](#)

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Where 6117 (map <<https://maps.google.com/maps?q=6117&hl=en>> )  
Video call [https://plus.google.com/hangouts/\\_/doi.gov/catherine-gulac](https://plus.google.com/hangouts/_/doi.gov/catherine-gulac) <[https://plus.google.com/hangouts/\\_/doi.gov/catherine-gulac](https://plus.google.com/hangouts/_/doi.gov/catherine-gulac)>  
Calendar indur\_goklany@ios.doi.gov  
Who • catherine\_gulac@ios.doi.gov - organizer, optional  
• indur\_goklany@ios.doi.gov  
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**From:** [Google Calendar](#) on behalf of [Indur Goklany](#)  
**To:** [catherine\\_gulac@ios.doi.gov](mailto:catherine_gulac@ios.doi.gov)  
**Subject:** Accepted: Meeting - Climate Change @ Thu Sep 7, 2017 4:15pm - 4:30pm (catherine\_gulac@ios.doi.gov)  
**Attachments:** [invite.ics](#)

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Indur Goklany has accepted this invitation.

Meeting - Climate Change

When Thu Sep 7, 2017 4:15pm – 4:30pm Eastern Time

Where 6117 (map <<https://maps.google.com/maps?q=6117&hl=en>> )

Video call [https://plus.google.com/hangouts/\\_/doi.gov/catherine-gulac](https://plus.google.com/hangouts/_/doi.gov/catherine-gulac) <[https://plus.google.com/hangouts/\\_/doi.gov/catherine-gulac?hceid=Y2F0aGVyaW5lX2d1bGFjQGlvcy5kb2kuZ292.4ea0vn7pcveg4vsp1km0sl2io1](https://plus.google.com/hangouts/_/doi.gov/catherine-gulac?hceid=Y2F0aGVyaW5lX2d1bGFjQGlvcy5kb2kuZ292.4ea0vn7pcveg4vsp1km0sl2io1)>

Calendar [catherine\\_gulac@ios.doi.gov](mailto:catherine_gulac@ios.doi.gov)

Who • [catherine\\_gulac@ios.doi.gov](mailto:catherine_gulac@ios.doi.gov) - organizer, optional

- [indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)
- [james\\_cason@ios.doi.gov](mailto:james_cason@ios.doi.gov)

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**To:** **(b) (6) Christopher Prandoni**; [andrea\\_travnicek@ios.doi.gov](mailto:andrea_travnicek@ios.doi.gov); [indur\\_goklany@ios.doi.gov](mailto:indur_goklany@ios.doi.gov)  
**Subject:** New event: Climate Change Meeting @ CEQ @ Mon Sep 25, 2017 12:30pm - 1pm  
([andrea\\_travnicek@ios.doi.gov](mailto:andrea_travnicek@ios.doi.gov))  
**Attachments:** [invite.ics](#)

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Climate Change Meeting @ CEQ  
When Mon Sep 25, 2017 12:30pm – 1pm Eastern Time  
Where 730 Jackson Place (map <<https://maps.google.com/maps?q=730+Jackson+Place&hl=en>> )  
Calendar [andrea\\_travnicek@ios.doi.gov](mailto:andrea_travnicek@ios.doi.gov)  
Who • [michelle\\_brown@ios.doi.gov](mailto:michelle_brown@ios.doi.gov) - organizer  
• **(b) (6) Christopher Prandoni**  
• [andrea\\_travnicek@ios.doi.gov](mailto:andrea_travnicek@ios.doi.gov)  
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From: [michelle\\_brown@ios.doi.gov](mailto:michelle_brown@ios.doi.gov)  
To: [ndur\\_goklany@ios.doi.gov](mailto:ndur_goklany@ios.doi.gov); [phillipchristopher@ios.doi.gov](mailto:phillipchristopher@ios.doi.gov); [andrea\\_brannick@ios.doi.gov](mailto:andrea_brannick@ios.doi.gov)  
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Climate Change Meeting @ CEQ  
When: Mon Sep 25, 2017 12:30pm - 1pm Eastern Time  
Where: 730 Jackson Place (map -<<https://maps.google.com/maps?q=730+Jackson+Place&hl=en>> )  
Calendar: [ndur\\_goklany@ios.doi.gov](mailto:ndur_goklany@ios.doi.gov)  
Who: [michelle\\_brown@ios.doi.gov](mailto:michelle_brown@ios.doi.gov) - organizer  
• [ndur\\_goklany@ios.doi.gov](mailto:ndur_goklany@ios.doi.gov)  
• [phillipchristopher@ios.doi.gov](mailto:phillipchristopher@ios.doi.gov)  
• [andrea\\_brannick@ios.doi.gov](mailto:andrea_brannick@ios.doi.gov)

Going? Yes -<[https://www.google.com/calendar/event?action=RESPOND&eid=MThhWkZlZ3Ruc2UhaDY4bWR2YmhuY3Y3dWggawSkxjZ296GFueUjph3MuzG9pLmvdq&stok=MjYjWjJmGvVtYnVnd25AAW9zLmRvaS5sb3ZkMDE5OGE0NTQ0NWQ2NzN2NmZmYwOGRlbnU0NDU1ZTg4ZjY2ZWYyWj&ctz=America/New\\_York&hl=en](https://www.google.com/calendar/event?action=RESPOND&eid=MThhWkZlZ3Ruc2UhaDY4bWR2YmhuY3Y3dWggawSkxjZ296GFueUjph3MuzG9pLmvdq&stok=MjYjWjJmGvVtYnVnd25AAW9zLmRvaS5sb3ZkMDE5OGE0NTQ0NWQ2NzN2NmZmYwOGRlbnU0NDU1ZTg4ZjY2ZWYyWj&ctz=America/New_York&hl=en)>  
- Maybe -<[https://www.google.com/calendar/event?action=RESPOND&eid=MThhWkZlZ3Ruc2UhaDY4bWR2YmhuY3Y3dWggawSkxjZ296GFueUjph3MuzG9pLmvdq&stok=MjYjWjJmGvVtYnVnd25AAW9zLmRvaS5sb3ZkMDE5OGE0NTQ0NWQ2NzN2NmZmYwOGRlbnU0NDU1ZTg4ZjY2ZWYyWj&ctz=America/New\\_York&hl=en](https://www.google.com/calendar/event?action=RESPOND&eid=MThhWkZlZ3Ruc2UhaDY4bWR2YmhuY3Y3dWggawSkxjZ296GFueUjph3MuzG9pLmvdq&stok=MjYjWjJmGvVtYnVnd25AAW9zLmRvaS5sb3ZkMDE5OGE0NTQ0NWQ2NzN2NmZmYwOGRlbnU0NDU1ZTg4ZjY2ZWYyWj&ctz=America/New_York&hl=en)>  
- No -<[https://www.google.com/calendar/event?action=RESPOND&eid=MThhWkZlZ3Ruc2UhaDY4bWR2YmhuY3Y3dWggawSkxjZ296GFueUjph3MuzG9pLmvdq&stok=MjYjWjJmGvVtYnVnd25AAW9zLmRvaS5sb3ZkMDE5OGE0NTQ0NWQ2NzN2NmZmYwOGRlbnU0NDU1ZTg4ZjY2ZWYyWj&ctz=America/New\\_York&hl=en](https://www.google.com/calendar/event?action=RESPOND&eid=MThhWkZlZ3Ruc2UhaDY4bWR2YmhuY3Y3dWggawSkxjZ296GFueUjph3MuzG9pLmvdq&stok=MjYjWjJmGvVtYnVnd25AAW9zLmRvaS5sb3ZkMDE5OGE0NTQ0NWQ2NzN2NmZmYwOGRlbnU0NDU1ZTg4ZjY2ZWYyWj&ctz=America/New_York&hl=en)>  
more options » -<[https://www.google.com/calendar/event?action=VIEW&eid=MThhWkZlZ3Ruc2UhaDY4bWR2YmhuY3Y3dWggawSkxjZ296GFueUjph3MuzG9pLmvdq&stok=MjYjWjJmGvVtYnVnd25AAW9zLmRvaS5sb3ZkMDE5OGE0NTQ0NWQ2NzN2NmZmYwOGRlbnU0NDU1ZTg4ZjY2ZWYyWj&ctz=America/New\\_York&hl=en](https://www.google.com/calendar/event?action=VIEW&eid=MThhWkZlZ3Ruc2UhaDY4bWR2YmhuY3Y3dWggawSkxjZ296GFueUjph3MuzG9pLmvdq&stok=MjYjWjJmGvVtYnVnd25AAW9zLmRvaS5sb3ZkMDE5OGE0NTQ0NWQ2NzN2NmZmYwOGRlbnU0NDU1ZTg4ZjY2ZWYyWj&ctz=America/New_York&hl=en)>  
Invitation from Google Calendar -<<https://www.google.com/calendar/>>  
You are receiving this email at the account [ndur\\_goklany@ios.doi.gov](mailto:ndur_goklany@ios.doi.gov) because you are subscribed for invitations on calendar [ndur\\_goklany@ios.doi.gov](mailto:ndur_goklany@ios.doi.gov).  
To stop receiving these emails, please log in to <https://www.google.com/calendar/> and change your notification settings for this calendar.  
Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More -<<https://support.google.com/calendar/answer/37135#forwarding>>.



**From:** Francois, George  
**Cc:** [Jennifer Klang](#); [Judy Din](#); [Mary Lynch](#); [Shyamalika Ghoshal](#); [Carolyn Frenger](#); [Doriann Dawkins](#)  
**Subject:** DOI Library Law Update - September/October 2017 Issue  
**Date:** Friday, October 06, 2017 4:19:06 PM  
**Attachments:** [Law Update Sep-Oct 2017.pdf](#)

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Hi Everyone

Attached to this e-mail is the September/October 2017 issue (No. 83) of the DOI Library Law Update . This publication has been compiled by the DOI Library staff to provide DOI Library patrons with news about the Library as well as current information on law-related items of interest to the Department of the Interior.

Materials have been selected from online legal database services and legal publications available to the Library. The selection criteria are based on current legal subject areas of interest and relevance to the Department. In addition to law review articles, the Law Update includes overviews of recent federal and state court cases and Presidential documents of interest to the Department of the Interior.

The DOI Library Law Update is published bimonthly. Please feel free to share this issue with others in your office that may be interested. Please note that a Section 508 compliant edition of the DOI Library Law Update is available to the visually impaired upon request. If you have any questions, please contact the Library by e-mail at [library@ios.doi.gov](mailto:library@ios.doi.gov) or by phone at (202) 208-5815.

George

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Library URL: <http://www.doi.gov/library>  
OFAS URL: <http://www.doi.gov/ofas>





# DOI Library Law Update

SEPTEMBER / OCTOBER 2017

ISSUE NO. 83

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## Welcome!

Welcome to issue no. 83 of the DOI Library Law Update. This bimonthly publication has been compiled by the DOI Library staff to provide the DOI Solicitor's Office and other Library patrons with current information on law-related items of interest to the Department of the Interior.

Materials have been selected from online legal databases and legal publications available to the Library. The selection criteria are based on current legal subject areas of interest and relevance to



the Department.

In addition to law review articles, the Law Update includes overviews of recent federal and state court cases of interest to the Department of the Interior and Presidential

documents.

Please notify the Reference Staff at the Library with Law Update suggestions, and comments, as well as requests for full-text copies of the items listed in this issue. We can be reached by calling (202) 208-5815 or e-mailing us at [library@ios.doi.gov](mailto:library@ios.doi.gov).

Requests for the items listed in this publication may be obtained by calling or emailing the Library with the title or number of the requested item.

## The Much-Anticipated Modernized DOI Library Opens!

The DOI Library is thrilled to have moved back to its modernized space in the Stewart Lee Udall Main Interior Building in Washington DC after three years in a temporary location in the building (Room 2262).

The modernized Library features a Reading Room that has been restored to its 1937

grandeur, but with modern features and lighting. High-density mobile compact shelving has replaced the many decks to make the collection more easily accessible—with the press of a button.

The Library now has a conference room available for use by patrons and staff. We plan to host our future training sessions in that room (as well as via Webex).

The Library's hours remain the same: 7:45 am to 5 pm, Monday through Friday, excluding federal holidays. We can still be reached at (202)208-5815 or by email at [library@ios.doi.gov](mailto:library@ios.doi.gov).

If you can, please stop by and take a look at your new Library!

*(Photos of the modernized Library can be seen on page 16)*

## DOI Library Wins FDLP Library of the Year Award

*By Jennifer Klang, Head of Reference Services, Department of Interior Library*

The Department of the Interior library is thrilled to announce that we have been recognized as the 2017 Federal Depository Library of Year. It is an honor to receive this distinguished award from our esteemed colleagues at the Government Publications Office.



FEDERAL DEPOSITORY LIBRARY PROGRAM

Every year, federal depository libraries from across the country submit applications which are reviewed by committee at the GPO. Past applicants have included government agency libraries, military libraries, state libraries and university libraries located both in the US, as well as abroad. This year the competition was stiff, and the DOI library was *(Continued on page 5)*

## Doing Legislative History Research? LLSDC's Legislative Source Book Can Help

If you're new to legislative history research, need a refresher, or have perhaps done research on more modern legislation and now have something old to research, one very valuable source for help is the Legislative Source Book, created by librarian members of the Law Librarians' Society of DC (LLSDC). It's online: <http://www.llsdc.org/sourcebook>

LLSDC members have created and maintained dozens of guides, explanations, resource links, and tables concerning U.S. legislative, regulatory, and statutory research. Sites include information on drafting legislation, legislative history research, the Congressional Record, the Federal Register, the U.S. Code, the U.S. Statutes at Large, Federal administrative law, Freedom of Information Act resources, Presidential documents, CRS reports on Congressional procedures, state laws and regulations, and more.

Law Librarians Richard J. McKinney and Ellen A. Sweet have compiled one guide, "Federal Legislative History Research: A Practitioner's Guide

to Compiling the Documents and Sifting for Legislative Intent" that can be accessed at <http://www.llsdc.org/federal-legislative-history-guide>

This guide covers the basics of how the legislative process works, sources of information, locating already compiled legislative histories, and how to interpret what you locate to find legislative intent. It's very thorough and covers a lot of information—hyperlinks make it easy to



navigate to just the section(s) you need. Luckily, you will mostly be able to consult electronic sources and databases to compile this legislative history—no digging through old musty volumes or microfiche.

You can also contact the DOI Library for legislative history research assistance. We have some already compiled legislative histories in our collection, so you can search the library catalog by Public Law number or title to find what we have. We also have electronic versions of some compiled legislative histories, or may know someone else who does.

Additional sources to locate already compiled legislative histories include ProQuest Legislative Insight, HeinOnline, WestlawNext, and the Hathi Trust Digital Library. The Department of Justice Library also makes accessible some legislative histories it has compiled at <https://www.justice.gov/jmd/lis/legislative-histories>

This list is not exhaustive and librarians are always happy to help. The Reference Desk can be reached at (202)208-3686 or [library@ios.doi.gov](mailto:library@ios.doi.gov).

## FDLP Training and Search Skills Webinars Can Help With Your Research

The DOI Library plans to resume its regular training sessions in November 2017. In the meantime, and as a supplement, there is a great source of webinars and training videos that can provide help researching many of the subjects and skills related to Department of Interior's mission. That source is the FDLP Academy.

One such webcast is "Working with Search Results in govinfo" - a great way to learn to mine govinfo for

legislative information as that site is developed. Topics vary widely and include others like "Web Soil Survey: An Introduction;" "USGS Library: Using USGS Image, Map, and Data Products for Information Inquiries;" and "Using the HathiTrust Federal Documents Collection."

You can participate live or listen to a recording of each session. These webinars can be found at [https://www.fdpl.gov/about-the-fdpl/fdpl-](https://www.fdpl.gov/about-the-fdpl/fdpl-academy)

[academy](https://www.fdpl.gov/about-the-fdpl/fdpl-academy)—scroll down to webinars, where you can also access past recordings. You can check the Events Calendar on the FDLP site for upcoming webinars or sign up for email alerts about FDLP trainings.

Please feel free to ask a DOI Librarian for assistance finding or connecting to FDLP (or any) training webinars: Stop by the Reference Desk, email [library@ios.doi.gov](mailto:library@ios.doi.gov), or call us at (202) 208-5815. Happy learning!

# Upcoming Programs at the DOI Library

## Park Ranger Speaker Series Programs



The Interior Library is proud to present a series of programs on the background and history of sites of interest in the Washington, D.C. region, as well as subjects highlighting the history of the United States. The 45-minute programs, presented by National Park Service Rangers, are held in the Stewart L. Udall Department of the Interior Building. For more information about our Park Ranger Speaker Series programs, please contact the Interior Library by phone at (202) 208-5815 or e-mail at [library@ios.doi.gov](mailto:library@ios.doi.gov).

To register for a specific program, please go to the Library's Park Ranger Speaker Series Registration link found via on the Library's homepage at <http://www.doi.gov/library>

### American Involvement in World War I: Reflections After 100 Years

Tuesday, October 24 2017, 1:00 pm—1:45 pm



As 1917 dawned, the Great War's lethal new technologies and outdated battlefield tactics promised little beyond mounting casualty

lists. Both the Allied and Central Powers grew more apprehensive amidst home front instability and renewed action across the globe. Germany's leaders launched two bold gambles for victory. The Russian Czar abdicated and his former empire—rocked by revolutions and civil war—soon bowed out of the fighting. The Middle East experienced the advancing tide of revolution. It remained unclear by year's end whether the combatants approached victory or collapse.

Into this toxic environment waded the United States, led by President Woodrow Wilson's declaration that the conflict was "the People's War" wherein national populations could determine their futures, free from ancient monarchies and rivalries. The American people rallied around their flag as well as Wilson's high-minded ideals and goals, despite their own bitter divisions along racial, ethnic, cultural and gender lines. Join Park Ranger Michael T. Kelly as he discusses the transformation of the United States and Washington, DC in 1917.

*Please note: This program will be held in the Stewart Lee Udall Department of the Interior Building's Rachel Carson Room, located in the building's base-*

*ment level next to the cafeteria*

## DOI Library Training Sessions



The Interior Library offers regular training sessions to introduce DOI employees and others to its services and to the information sources it makes available through employees' computers or in person. Future Training Sessions will be posted at <https://www.doi.gov/library/programs/training-sessions> as soon as they are scheduled.

With the reopening of the Library in our original home, we hope to resume offering our regular schedule of training sessions in November 2017. Please monitor our website at <http://www.doi.gov/library> for information about future training session offered by the Library.

For questions about Training Sessions, please call the Interior Library at (202) 208-5815 or send us an e-mail at [library@ios.doi.gov](mailto:library@ios.doi.gov).

**The American people rallied around their flag as well as Wilson's high-minded ideals and goals, despite their own bitter divisions along racial, ethnic, cultural and gender lines.**





In 1916, just a few years before women were granted the right to vote via the Nineteenth Amendment, Jeannette Rankin was elected to the 65th Congress as a representative of Montana and sworn into office on April 2, 1917.

## Pioneering Women in Congress

by Christina Miskey and Allison Bailund, Law Library of Congress metadata interns, University of Washington

August 19 is the 97th anniversary of the 19th amendment to the United States Constitution guaranteeing women the right to vote. In honor of this culmination of the women's suffrage movement, we have gathered a list of some of the pioneering female superheroes in Congress.

### Jeannette Rankin

In 1916, just a few years before women were granted the right to vote via the Nineteenth Amendment, Jeannette Rankin was elected to the 65th Congress as a representative of Montana. She was sworn into office on April 2, 1917.



Jeannette Rankin / Portrait, bust, facing left. c1916 Aug. 1. Library of Congress, Prints & Photographs, [hdl.loc.gov/loc.pnp/](https://hdl.loc.gov/loc.pnp/)

The only member of Congress to vote against going to war in both World War I and World War II, Ms. Rankin was a com-

mitted pacifist. She was also a suffragist who helped found the Committee on Woman Suffrage and opened the first debate on the topic of women's suffrage on the House floor.

After her first term ended in 1919, Ms. Rankin unsuccessfully ran for a second term. Later, with the cloud of another war hovering, she ran for office again and served as congresswoman in the 77th Congress. Ms. Rankin remained involved in the pacifist community, and just before her death in 1973 at the age of 93, she considered another election campaign to fight against involvement in the Vietnam War.

### Rebecca Latimer Felton

In 1922, Georgian Senator Tom Watson passed away suddenly, leaving an open Senate seat. Governor Thomas Hardwick saw an opportunity in the coming election, and appointed a former senator's wife, Rebecca Felton, to the open seat. Appointed on October 3, 1922 with midterm elections just weeks away, Governor Hardwick never intended for Rebecca to be sworn in as an official senator. However, President Warren G. Harding called a special session of Congress and Rebecca was sworn in on November 20, 1922.

While she only held the seat for a short time (24 hours), Rebecca Felton has the distinction of being the first woman senator. A prominent women's rights, public education activist, and political writer in Georgia, she continued to write after her brief time in the Senate

and passed away in 1930 at the age of 95.

### Hattie Caraway

When her husband passed away in 1931, Hattie Caraway was appointed to his Senate seat by Governor Harvey Parnell, and in 1932, she won the race in Arkansas and became the first elected woman senator. Hattie gained her political experience while helping her husband, Thaddeus Caraway, to victory in the House and Senate. She

*Photograph shows Mrs. Hattie Wyatt*



Hattie Caraway, Senator from Arkansas. Photo by ACME Newspictures, Inc. 1932 May 10. Library of Congress, Prints & Photographs, [hdl.loc.gov/loc.pnp/ppmsca.18504](https://hdl.loc.gov/loc.pnp/ppmsca.18504).

became an advocate for women's suffrage, and often spoke at women's political groups.

She served in the Senate for 14 years beginning with the 72nd Congress and ending with the 78th. During her tenure, Ms. Caraway set many firsts: She chaired the Enrolled Bills Committee, ran a

*(Continued on page 5)*

## Pioneering Women in Congress (Contd.)

Senate hearing, and became a senior Senate member.

She was a strong advocate for the agricultural industry, often voting against President Roosevelt to pass legislation that was vital to her home state. She later served on two federal commissions, including the Commission Appeals Board until her passing in 1950.

### Nancy Pelosi

Representative Nancy Pelosi has served in the House of Representatives for over 20 years on behalf of



Congresswoman Nancy Pelosi  
the state of California. As her senior-

ty in the House grew, she was able to rise through the ranks and join party leadership.

First, Ms. Pelosi served as minority whip, and later was elected by her peers as the first female Speaker of the House. She served in this position from 2007 until 2011, when midterm elections shifted the party leadership in the House. As of 2017, Nancy continues to serve as the leader of the Democratic party in the House for the 114th Congress. She is active in promoting environmental legislation, healthcare reform, and increases in the federal minimum wage.



Gates of the Arctic National Park, Alaska

## DOI Library Wins FDLP Library of the Year Award (Contd.)

*(Continued from page 1)*

chosen as the winner from among many qualified candidates.

This award is presented annually to a library that demonstrates their commitment to the mission of the Federal Depository Program in providing free access to Government information in exceptional ways. Nominees must demonstrate creativity and innovation. In particular, the FDLP library of the year must show how they have raised the bar in providing this service in a unique or outstanding manner or in unusual circumstances. The DOI Library was selected, in part, for its exceptional programming outreach. This includes training sessions across a variety of Government topic areas such as legislative history and Federal Regulatory research, as well as the very popular Park Ranger Speaker Series.

The Department of the Interior and its Library have had a long and close relationship with the Federal Depository Library program. This partnership is one that dates back to the 19th century. The Interior library

has always believed in the significance of providing access not only to Interior Department staff, but also in allowing other federal employees and the public use of the collection. Patrons visit the library with a variety of interests and research goals.

This honor comes at a particularly auspicious time for us, as the newly renovated DOI library re-opens its doors to the public after 3 ½ years. Since May of 2014, our library has been undergoing a modernization effort. As the library re-opens its doors in early October, the staff are excited to be moving forward into the next era of librarianship. We hope to attract even more visitors, both digitally and in person. The library and its staff are constantly working to provide exceptional and timely service in the most convenient format for our patrons, whether that is in person or electronically.

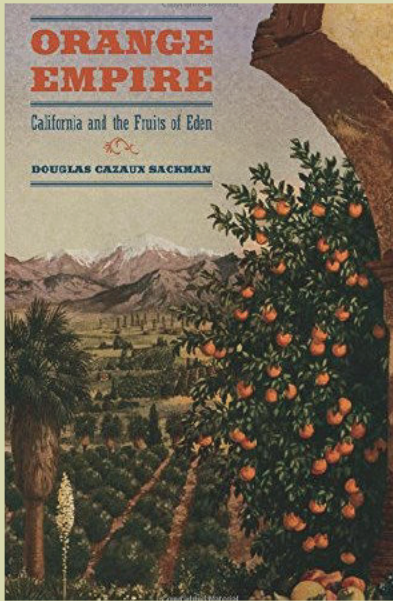
Throughout the modernization project in the DOI Library, the staff of the library has felt it was essential to provide our patrons with access to our collection. Our temporary library has offered references services

from a small, streamlined collection of items. Access to the general collection has also been provided. Although challenging at times, the library was able to maintain its collection in off-site storage, with twice-weekly deliveries to and from the warehouse. This service has provided our patrons with access to the many valuable items in our collections that are not available electronically, and has allowed the library to provide a continued high level of service during the 3 ½ year closure. We have also been so thankful for the patience and continued support of our wonderful library patrons. Their praise and words of thanks mean so much to our entire staff, and make this prestigious honor from the GPO even more meaningful.





## DOI Reads Book Club - Join Us to Discuss “Orange Empire: California and the Fruits of Eden” on Wednesday, October 11, 2017



The DOI Reads Book Club had an excellent discussion of “I am a Man: Chief Standing Bear’s Journey for Justice” by Joe Starita during its August meeting.

We will next meet Wednesday, October 11, 2017 from 12:30—1:30 pm to discuss *Orange Empire: California and the Fruits of Eden* by Douglas Cazaux Sackman. Our meeting location will either be in Room 2262 or the newly renovated Library, please stay in touch to confirm the location.

This innovative history of California opens up new vistas on the interrelationship among culture, nature, and society by focusing on the state’s signature export—the orange.

From the 1870s onward, California oranges were packaged in crates bearing colorful images of an Edenic landscape. This book demystifies those lush images, revealing the orange as a manufactured product of the

state’s orange industry.

Orange Empire brings together for the first time the full story of the orange industry—how growers, scientists, and workers transformed the natural and social landscape of California, turning it into a factory for the production of millions of oranges.

That industry put up billboards in cities across the nation and placed enticing pictures of sun-kissed fruits into nearly every American’s home. It convinced Americans that oranges could be consumed as embodiments of pure nature and talismans of good health.

But, as this book shows, the tables were turned during the Great Depression when Upton Sinclair, Carey McWilliams, Dorothea Lange, and John Steinbeck made the Orange Empire into a symbol

of what was wrong with America’s relationship to nature.

The Library does not have enough copies to lend this book to everyone, so we ask that you borrow one from your local library. We do have a copy on hold that you can read in the Library, and we can help you locate a copy to borrow via Interlibrary loan.

Advance RSVPs are welcome but not required. We will meet in the DOI Library in the Main Interior Building, 1849 C Street NW, Washington DC 20240. Anyone is welcome to attend—you do not need to finish the book to join us.

To RSVP or for more information about the DOI Reads Book Club or to be added to the DOI Reads email list, please contact Law Librarian Shannon Lynch, at 202-208-3686 or [Mary\\_Lynch@ios.doi.gov](mailto:Mary_Lynch@ios.doi.gov).



# Full Text Article/Case Request Form

## Requestor Information

Name: \_\_\_\_\_

Bureau/Agency: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

## Article(s)/Case(s) Requested

Please circle the article/case number(s) that you would like a full-text copy of.

1	2	3	4	5	6	7	8	9	10
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81	82	83	84	85	86	87	88	89	90
91	92	93	94	95	96	97	98	99	100
100	101	102							

To request a full-text version of any of the articles or cases in the September/October 2017 edition of the DOI Library Law Update, please fill out this form and e-mail a scanned copy of it to the DOI Library at [library@ios.doi.gov](mailto:library@ios.doi.gov). The Library staff will produce full-text copies of the article(s) requested and either mail, fax, or e-mail those copies to you. If you have any questions, please call the Library at (202) 208-5815

# Journal Articles

**Please note that full-text versions of these articles are available upon request to the DOI Library Reference Staff**

**1. "COORDINATING" WITH THE FEDERAL GOVERNMENT: ASSESSING COUNTY EFFORTS TO CONTROL DECISIONMAKING ON PUBLIC LANDS**

*Public Land & Resources Law Review* 2017 38 *Pub. Land & Resources L. Rev.* 1

**2. TRUST OR BUST: COMPLICATIONS WITH TRIBAL TRUST OBLIGATIONS AND ENVIRONMENTAL SOVEREIGNTY**

*Vermont Law Review Summer, 2017* 41 *Vt. L. Rev.* 799

**3. THE GENESIS OF INDEPENDENT AGENCIES**

*New York University Law Review June, 2017* 92 *N.Y.U. L. Rev.* 637 Patrick M. Corrigan, Richard L. Revesz

**4. REVIEWING RESERVOIR OPERATIONS: CAN FEDERAL WATER PROJECTS ADAPT TO CHANGE?**

*Columbia Journal of Environmental Law* 2017 42 *Colum. J. Envtl. L.* 353

**5. DOWNSTREAM AND UPSTREAM GREENHOUSE GAS EMISSIONS: THE PROPER SCOPE OF NEPA REVIEW**

*Harvard Environmental Law Review* 2017 41 *Harv. Envtl. L. Rev.* 109

**6. A CARBON FEE AS MITIGATION FOR FOSSIL FUEL EXTRACTION ON FEDERAL LANDS**

*Columbia Journal of Environmental Law* 2017 42 *Colum. J. Envtl. L.* 295

**7. EXAMINING THE PUBLIC TRUST DOCTRINE'S ROLE IN CONSERVING NATURAL RESOURCES ON LOUISIANA'S PUBLIC LANDS**

*Tulane Environmental Law Journal Summer, 2017* 29 *Tul. Envtl. L.J.* 149

**8. AN UPDATE ON ENERGY/ NATURAL RESOURCE ISSUES OF INTEREST**

*Wyoming Law Review* 2017 17 *Wyo. L. Rev.* 211

**9. THE UNCOMFORTABLE CONVERGENCE OF ENERGY AND ENVIRONMENTAL LAW**

*Harvard Environmental Law Review* 2017 41 *Harv. Envtl. L. Rev.* 339

**10. IDAHO WOOL GROWERS ASSOCIATION v. VILSACK: A PUBLIC LANDS DECISION THAT COULD BE TIERED TO WORK FOR OTHER FEDERAL AGENCIES**

*Idaho Law Review* 2017 53 *Idaho L. Rev.* 479

**11. REVIEWING RESERVOIR OPERATIONS: CAN FEDERAL WATER PROJECTS ADAPT TO CHANGE?**

*Columbia Journal of Environmental Law* 2017 42 *Colum. J. Envtl. L.* 353 Reed D. Benson

**12. THE COLORADO RIVER REVISITED**

*University of Colorado Law Review Summer, 2017* 88 *U. Colo. L. Rev.* 475

**13. UNCLOUDING ARIZONA'S WATER FUTURE**

*Arizona State Law Journal Summer, 2017* 49 *Ariz. St. L.J.* 465

**14. THE ANTIQUITIES ACT & NATIONAL MONUMENTS: ANALYSIS OF GEOLOGICAL, ECOLOGICAL, & ARCHAEOLOGICAL RESOURCES OF THE COLORADO PLATEAU**

*Tulane Environmental Law Journal Summer, 2017* 30 *Tul. Envtl. L.J.* 273

**15. LEGAL PATHWAYS FOR A MASSIVE INCREASE IN UTILITY-SCALE RENEWABLE GENERATION CAPACITY**

*Environmental Law Reporter News & Analysis July, 2017* 47 *Envtl. L. Rep. News & Analysis* 10591

**16. MANAGEMENT OF FEDERALLY OWNED GRASSLANDS IN THE CLIMATE CHANGE ERA**

*Kansas Journal of Law & Public Policy Summer, 2017* 26-SUM *Kan. J.L. & Pub. Pol'y* 324

**17. UNDAMMING THE FEDERAL PRODUCTION TAX CREDIT: CREATING FINANCIAL INCENTIVES FOR DAM TRADING AND DAM REMOVAL**

*Idaho Law Review* 2017 53 *Idaho L. Rev.* 93 Mark James Kelsey R. Bain, David E. Sloan

**18. RESTORING THE SKAGIT RIVER DELTA: HABITAT RESTORATION AND FARMLAND RECLAMATION ON FIR ISLAND**

*Public Land & Resources Law Review* 2017 38 *Pub. Land & Resources L. Rev.* 103

**19. FORM AND SUBSTANCE: THE NATIONAL HISTORIC PRESERVATION ACT, BADGER-TWO MEDICINE, AND MEAN-**



**Chickasaw National Recreation Area, Oklahoma**



## Journal Articles (Contd.)

### INGFUL CONSULTATION

*Public Land & Resources Law Review*  
2017 38 *Pub. Land & Resources L*  
*Rev.* 205

### 20. RECONSTITUTING THE FEDERALISM BATTLE IN ENERGY TRANSPORTATION

*Harvard Environmental Law Review*  
2017 41 *Harv. Envtl. L. Rev.* 423

### 21. A REPORT ON THE ECONOMIC IMPACT TO WYOMING'S ECONOMY FROM A POTENTIAL LISTING OF THE SAGE GROUSE

*Wyoming Law Review* 2017 17 *Wyo. L. Rev.* 79

### 22. CHILE, THE BIOBÍO, AND THE FUTURE OF THE COLUMBIA RIVER BASIN

*Idaho Law Review* 2017 53 *Idaho L. Rev.* 239

### 23. PUBLIC LAND STATES IN THE 21ST CENTURY

*Wyoming Law Review* 2017 17 *Wyo. L. Rev.* 173

### 24. USING THE FEDERAL PUBLIC TRUST DOCTRINE TO FILL GAPS IN THE LEGAL SYSTEMS PROTECTING MIGRATING WILDLIFE FROM THE EFFECTS OF CLIMATE CHANGE

*Nebraska Law Review* 2017 95 *Neb. L. Rev.* 649

### 25. USING THE FEDERAL PUBLIC TRUST DOCTRINE TO FILL GAPS IN THE LEGAL SYSTEMS PROTECTING MIGRATING WILDLIFE

### FROM THE EFFECTS OF CLIMATE CHANGE

*Nebraska Law Review* 2017 95 *Neb. L. Rev.* 649 Hope M. Babcock

### 26. FEDERAL LANDS UNDER THE TRUMP ADMINISTRATION

*Denver Law Review Online* 2017 94  
*Den. L. Rev. Online* 1

### 27. ORDER RESTORED? FEDERAL AGENCIES "ACCOUNTABLE" FOR NEPA, ESA VIOLATIONS BUT PROJECT TO PROCEED: EXAMINING PUB. EMPS. FOR ENVTL. RESPONSIBILITY v. HOPPER

*Villanova Environmental Law Journal*  
2017 28 *Vill. Envtl. LJ.* 207

### 28. RULES AND VALUES IN VIRTUAL OPTIMIZATION OF CALIFORNIA HYDROPOWER

*Natural Resources Journal Summer, 2017*  
57 *Nat. Resources J.* 329

### 29. INDIAN CHILDREN AND THE FEDERAL-TRIBAL TRUST RELATIONSHIP

*Nebraska Law Review* 2017 95 *Neb. L. Rev.* 885

### 30. A WATERSHED MOMENT REVEALING WHAT'S AT STAKE: HOW AG-GAG STATUTES COULD IMPAIR DATA COLLECTION AND CITIZEN PARTICIPATION IN AGENCY RULEMAKING

*UCLA Law Review Discourse* 2017 65  
*UCLA L. Rev. Discourse* 2 Carrie A. Scrufari

### 31. RED WOLF COALITION v. NORTH CAROLINA WILDLIFE RESOURCES COMMISSION: BETTER RED THAN DEAD

*Animal Law* 2017 23 *Animal L.* 273

### 32. THINK GLOBAL: INTERNATIONAL RECIPROCITY AS JUSTIFICATION FOR A GLOBAL SOCIAL COST OF CARBON

*Columbia Journal of Environmental Law* 2017 42 *Colum. J. Envtl. L.* 203

### 33. MONTANA'S STATE SCHOOL TRUST LANDS

*Public Land & Resources Law Review*  
2017 38 *Pub. Land & Resources L. Rev.* 149

### 34. THE NATURE OF EXTREME NATURAL RISKS IN THE NATURAL ENVIRONMENT

*Washington Journal of Environmental Law & Policy* July, 2017 7 *Wash. J. Envtl. L. & Pol'y* 340

### 35. FURTIVE SUBSIDIES: REFRAMING FOSSIL FUEL'S REGULAOTRY EXCEPTIONALISM

*Virginia Environmental Law Journal*  
2017 35 *Va. Envtl. LJ.* 420

### 36. CLEARING THE PATH FROM TRAILHEAD TO SUMMIT WITH A LEAVE NO TRACE LAW

*Wisconsin Law Review* 2017 2017  
*Wis. L. Rev.* 611

### 37. A WATERSHED MOMENT REVEALING WHAT'S AT STAKE: HOW AG-GAG STATUTES COULD IMPAIR DATA COLLECTION AND CITIZEN PARTICIPATION IN AGENCY RULEMAKING

*UCLA Law Review Discourse* 2017



Oregon Dunes  
National  
Recreation Area,  
Oregon

## Journal Articles (Contd.)

65 *UCLA L. Rev. Discourse* 2

38. ESTABLISHING APPLICABLE WATER QUALITY STANDARDS FOR SURFACE WATERS ON INDIAN RESERVATIONS

*Emory Law Journal* 2017 66 *Emory LJ*. 965

39. DO SAGEBRUSH REBELS HAVE A COLORABLE CLAIM? THE SPACE BETWEEN PAROCHIALISM AND EXCLUSION IN FEDERAL LANDS MANAGEMENT

*Transnational Law & Contemporary Problems Summer, 2017* 26 *Transnat'l L. & Contemp. Probs.* 343

40. THE ORIGINAL ROLE OF THE STATES IN THE ENDANGERED SPECIES ACT

*Idaho Law Review* 2017 53 *Idaho L. Rev.* 385

41. BIRD TAKE--DEATH TRADE

*UCLA Journal of Environmental Law & Policy* 2017 35 *UCLA J. Envtl. L. & Pol'y* 1

42. GRASSLANDS, AGRICULTURE, AND INTERNATIONAL LAW: A SURVEY OF PROPOSED REFORMS

*Kansas Journal of Law & Public Policy Summer, 2017* 26-SUM *Kan. J.L. & Pub. Pol'y* 297

## Court Cases

Please note that full-text versions of these cases are available upon request to the DOI Library Reference Staff

### Federal Courts of Appeals Decisions

43. Center for Biological Diversity v. Zinke

*United States Court of Appeals, Ninth Circuit. August 28, 2017 -- F.3d*

ENVIRONMENTAL LAW - Endangered Species. Fish and Wildlife Service reasonably concluded that Sonoran Desert Area bald eagle was not distinct population segment eligible for listing under Endangered Species Act.

44. Tillett v. Bureau of Land Management

*United States Court of Appeals, Ninth Circuit. August 17, 2017 -- Fed.Appx.*

Jerri Joette Tillett appeals pro se from the district court's order denying her motion for a preliminary injunction in her action challenging the Bureau of Land Management, Interior Board of Land Appeals, and the United States Department of the Interior's (collectively, "BLM") management of the Pryor Mountain Wild Horse Range...

45. Hill v. Coggins

*United States Court of Appeals, Fourth Circuit. August 14, 2017 867 F.3d 499*

ENVIRONMENTAL LAW - Endangered Species. Visitors had standing to bring action against zoo operator, alleging poor maintenance of bears constituted unlawful taking under Endangered Species Act.

46. Murphy v. Royal

*United States Court of Appeals, Tenth Circuit. August 08, 2017 866 F.3d 1164*

NATIVE AMERICANS - Crimes. Indian reservation was not disestab-

lished, and thus state court lacked jurisdiction to prosecute defendant for murder that occurred on reservation.

47. Guidiville Rancheria of California v. United States

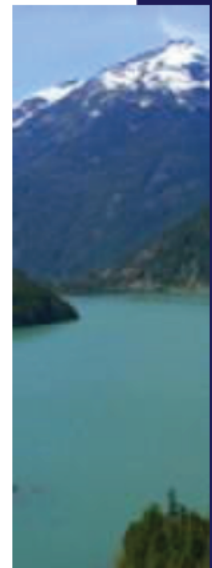
*United States Court of Appeals, Ninth Circuit. August 04, 2017 -- Fed.Appx.*

This appeal presents a dispute between the City of Richmond, California ("the City"), a developer, Upstream Point Molate, LLC ("Upstream"), the Guidiville Band of Pomo Indians ("the Tribe"), and the United States in connection with a proposed development project for Point Molate, the site of a...

48. Humane Society of United States v. Zinke

*United States Court of Appeals, District of Columbia Circuit. August 01, 2017 865 F.3d 585*

ENVIRONMENTAL LAW - Endangered Species. USFWS's designation of distinct population segment of



Lake Chelan National Recreation Area, Washington

## Court Cases (Cont.)

grey wolf without considering whether remaining portion was viable was arbitrary and capricious.

49. *Voces v. Energy Resource Technology, G.O.M., L.L.C.*

*United States Court of Appeals, Fifth Circuit. July 28, 2017 — Fed.Appx.*

Defendant–Appellee Energy Resource Technology GOM, L.L.C. hired an independent contractor to remove one of its oil and gas platforms located on the outer continental shelf off the coast of Louisiana. During the removal, Peter Voces, a welder employed by the independent contractor, was killed. Mr. Voces’s wife, Plaintiff–Appellant...

50. *Farrell-Cooper Mining Company v. United States Department of Interior*

*United States Court of Appeals, Tenth Circuit. July 25, 2017 864 F.3d 1105*

ADMINISTRATIVE PRACTICE - Judicial Review. ALJ’s decision becomes final agency action subject to judicial review when Interior Board of Land Appeals declines to stay ALJ’s decision on review.

51. *Northern New Mexicans Protecting Land, Water and Rights v. United States*

*United States Court of Appeals, Tenth Circuit. July 19, 2017 — Fed.Appx.*

For decades, the San Ildefonso Pueblo and Santa Fe County have disputed whether certain county roads crossing San Ildefonso Pueblo lands are located on a public right-of-way, or if citizens of Santa Fe County (and others who use the roads) are doing so in trespass. This lawsuit began when the Bu-

reau of Indian Affairs (BIA), acting on behalf of the...

52. *Chevron Mining Inc. v. United States*

*United States Court of Appeals, Tenth Circuit. July 19, 2017 863 F.3d 1261*

ENVIRONMENTAL LAW - CERCLA. United States was owner liable under CERCLA for cleanup costs related to molybdenum mining operation.

53. *Western Watersheds Project v. Ruhs*

*United States Court of Appeals, Ninth Circuit. July 18, 2017 — Fed.Appx.*

Western Watersheds Project (“WW”) appeals the district court’s grant of summary judgment in favor of the United States Bureau of Land Management (“BLM”) in WW’s action challenging BLM’s issuance of a final Cave Valley and Lake Valley Watersheds Restoration Plan Environmental Assessment (“EA”), which sought to...

54. *Eason Land Co., LLC v. U.S. Department of the Interior, Secretary*

*United States Court of Appeals, Ninth Circuit. July 07, 2017 — Fed.Appx.*

Eason Land Co., LLC, Jesse White, and Pamela White (collectively, the “Whites”) appeal the district court’s dismissal of their claims against the Secretary of the Department of the Interior and officials of the Bureau of Land Management (collectively, “BLM”). The Whites asked the district court to compel the BLM to comply...

55. *National Mall Tours of Washing-*

*ton, Inc. v. United States Department of the Interior*

*United States Court of Appeals, District of Columbia Circuit. July 07, 2017 862 F.3d 35*

GOVERNMENT CONTRACTS - Bidding. Park Service did not abuse its discretion by making limited request of offeror to ascertain whether ownership change impacted its existing proposal.

56. *Sutton v. Zinke*

*United States Court of Appeals, Ninth Circuit. July 06, 2017 — Fed.Appx.*

Paula Sutton appeals from the district court’s summary judgment in her employment action alleging sex, age, and disability discrimination in violation of Title VII, the Age Discrimination in Employment Act (“ADEA”), and the Rehabilitation Act. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. Vasquez v. County of Los...

57. *City of Rockingham, North Carolina v. Federal Energy Regulatory Commission*

*United States Court of Appeals, Fourth Circuit. July 06, 2017 — Fed.Appx.*

Duke Energy Progress, LLC, filed an application with the Federal Energy Regulatory Commission (“FERC”) to renew its license for operation of two hydroelectric facilities on the Pee Dee River in North Carolina. After numerous proceedings over a period of nine years, consultations with other agencies, and consideration of all objections...

58. *Khenaisser v. Zinke*

*United States Court of Appeals, Ninth Circuit. July 06, 2017 — Fed.Appx.*



Hells Canyon National Recreation Area, Idaho



## Court Cases (Contd.)

Mazen Khenaisser appeals pro se from the district court's judgment dismissing his employment discrimination action. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal for lack of jurisdiction under Fed. R. Civ. P. 12(b)(1) and for failure to state a claim under Fed. R. Civ. P. 12(b)(6).

### District Court Cases

59. *Becerra v. United States Department of Interior*

*United States District Court, N.D. California. August 30, 2017 Slip Copy*

In this case, Plaintiffs People of the State of California, ex rel. Xavier Becerra, Attorney General, and People of the State of New Mexico, ex rel. Hector Balderas, Attorney General, seek a declaration that the action of Defendants United States Department of the Interior ("DOI"), Office of Natural Resources Revenue...

60. *Bay.org v. Zinke*

*United States District Court, N.D. California. August 30, 2017 Slip Copy*

Plaintiffs have brought the above-captioned matters under the Administrative Procedure Act (the "APA"), challenging the Department of Interior's and the U.S. Fish and Wildlife Service's Endangered Species Act (the "ESA") review of the impacts of the California WaterFix project on certain species of wildlife (the...

61. *Cherokee Nation v. Nash*

*United States District Court, District of Columbia. August 30, 2017 — F.Supp.3d*

Although it is a grievous axiom of

American history that the Cherokee Nation's narrative is steeped in sorrow as a result of United States governmental policies that marginalized Native American Indians and removed them from their lands, it is, perhaps, lesser known that both nations' chronicles share the shameful taint of African slavery. This...

62. *Beavertail, Inc. v. United States*

*United States District Court, D. Idaho. August 29, 2017 Slip Copy*

Before the Court is the United States' Motion to Dismiss Plaintiffs' Amended Complaint. See Dkt. 42. For the reasons explained below, the Court will deny the motion to dismiss plaintiffs' tort claims. The Court will also deny the motion to dismiss plaintiffs' quiet title claim, though it will order plaintiffs to either: (1) join the State of Idaho...

63. *Backcountry Against Dumps v. Perry*

*United States District Court, S.D. California. August 29, 2017 Slip Copy*

Pending before the Court is Plaintiffs' motion [Doc. 116] for vacatur or a preliminary injunction as a remedy for Defendant United States Department of Energy's violation of the National Environmental Policy Act, 42 U.S.C. §4321 et seq. The Court decides the matter on the papers submitted and without oral argument. See Civ. L. R....

64. *Kialegee Tribal Town v. Dellinger*

*United States District Court, N.D. Oklahoma. August 29, 2017 Slip Copy*

Now before the Court are plaintiffs' complaint (Dkt. # 2) and Motion for Preliminary Injunction and Temporary Restraining Order (Dkt. # 4).

Plaintiffs Kialegee Tribal Town (Kialegee) and Red Creek Holdings, LLC (Red Creek) are seeking a temporary restraining order and preliminary injunction prohibiting the defendants from excluding the plaintiffs...

65. *Natural Resources Defense Council v. Zinke*

*United States District Court, E.D. California. August 28, 2017 Slip Copy*

On March 1, 2017, Plaintiffs, a coalition of environmental interest groups led by the Natural Resources Defense Council, filed the currently operative Fifth Supplemental Amended Complaint ("SSC"), which includes numerous claims brought under the Administrative Procedure Act ("APA"), 5 U.S.C. §701 et seq., and the...

66. *Center for Biological Diversity v. United States Bureau of Land Management*

*United States District Court, D. Nevada. August 23, 2017 Slip Copy*

The plaintiffs in these consolidated cases challenge the Bureau of Land Management's decision to approve the first phase of a massive water-redistribution pipeline that, when completed, will carry millions of gallons of water from rural areas of eastern-central Nevada to Nevada's most populous county. Clark County. The plaintiffs—the Center...

67. *Nakai v. Zinke*

*United States District Court, District of Columbia. August 23, 2017 — F.Supp.3d*

Plaintiff Heather McMillan Nakai brings this pro se suit against the Department of Interior ("DOI") and various DOI employees challenging



Land Between the Lakes National Recreation Area, Kentucky

## Court Cases (Contd.)

the Bureau of Indian Affairs (“BIA”) denial of her application for Indian Preference. Before the court are Plaintiff’s Motion to Complete the Administrative Record (ECF No. 12),...

### 68. Alaska v. Zinke

*United States District Court, D. Alaska. August 22, 2017 Slip Copy*

At docket 89, proposed intervener Ronald T. West (“West”) moves for relief from the court’s decision denying his request at docket 61 to intervene in this case. West’s motion is brought pursuant to Fed. R. Civ. P. 60(b)(1) and (b)(6). The court’s order is at docket 72, and a judgment holding that West may not intervene is at docket 82....

### 69. Alliance for the Wild Rockies v. Zinke

*United States District Court, D. Montana, Missoula Division. August 22, 2017 — F.Supp.3d*

Plaintiff Alliance for the Wild Rockies (“Alliance”) moves for summary judgment arguing that Defendants Secretary Ryan Zinke and Director Daniel Ashe (collectively “Defendants”) violated the Endangered Species Act (“ESA”) when the U.S. Fish and Wildlife Service (“FWS”) determined that the...

### 70. Picayune Rancheria of Chukchansi Indians v. United States Department of Interior

*United States District Court, E.D. California. August 18, 2017 Slip Copy*

The Picayune Rancheria of Chukchansi Indians (“Picayune”) initiated this action July 1, 2016. Picayune filed an amended complaint on August 16, 2016, alleging eight causes of action against the De-

partment of the Interior, aimed at preventing gaming activity on a 305.49 acre parcel of land in Madera County, California...

### 71. West Slope Colorado Oil and Gas Association v. Jewell

*United States District Court, D. Colorado. August 16, 2017 Slip Copy*

Plaintiff West Slope Colorado Oil and Gas Association (“Plaintiff”) appeals the administrative actions taken by Defendants Sally Jewell, in her official capacity as the Secretary of the United States Department of the Interior; United States Department of the Interior (“DOI”); Daniel M. Ashe, in his official capacity as the...

### 72. El Paso Natural Gas Company LLC v. United States

*United States District Court, D. Arizona. August 15, 2017 Slip Copy*

Plaintiff El Paso Natural Gas Company LLC brings claims against Defendants United States of America, the Department of the Interior, the Bureau of Indian Affairs, the U.S. Geological Survey, the Department of Energy, and the Nuclear Regulatory Commission (collectively, the “United States”) under §§107 and 113 of the...

### 73. Montana Environmental Information Center v. U.S. Office of Surface Mining

*United States District Court, D. Montana, Missoula Division. August 14, 2017 — F.Supp.3d*

Plaintiffs Montana Elders for a Livable Tomorrow, Montana Environmental Law Center, and Montana Chapter of the Sierra Club challenge the United States Office of Surface Mining and Enforcement’s

(“Enforcement Office”) decision to approve Signal Peak Energy’s (“Signal Peak”) application for a federal mining plan modification....

### 74. Government of Province of Manitoba v. Zinke

*United States District Court, District of Columbia. August 10, 2017 — F.Supp.3d*

The National Environmental Protection Act (NEPA), 42 U.S.C. §4321 et seq. (2012), is designed to ensure that federal officials seriously study the environmental effects and implications of any major federal action before proceeding. As this aged litigation makes clear, NEPA’s requirements cannot be sidestepped. In the end, however, NEPA...

### 75. Helget v. Vathayanon

*United States District Court, D. Nevada. August 09, 2017 Slip Copy*

Before the court is defendant U.S. Fish and Wildlife Service’s (“USFWS”) motion to dismiss. ECF No. 9. For the reasons below, the court shall grant USFWS’s motion and dismiss it as a defendant in this action. Plaintiff Lisa Helget (“Helget”) is a resident of Dayton, Nevada, and the former legal custodian of a desert tortoise...

### 76. Pacific Coast Federation of Fishermen’s Associations v. Murillo

*United States District Court, E.D. California. August 09, 2017 Slip Copy*

Plaintiffs Pacific Coast Federation of Fishermen’s Associations, the California Sportfishing Protection Alliance, Friends of the River, San Francisco Crab Boat Owners Association, Inc., the Institute for Fisheries Resources and Felix Smith (collectively, “plaintiffs”) move to reconsider a



**Delaware Water Gap National Recreation Area, Pennsylvania**

## Court Cases (Contd.)

portion of the court's 2016 summary judgment...

**77. Center for Biological Diversity v. Vilsack**

*United States District Court, D. Nevada. August 01, 2017 Slip Copy*

This case centers on a biological-control program initiated by the United States Department of Agriculture (USDA) through two of its agencies: Agricultural Research Services (ARS) and Animal and Plant Health Inspection Services (APHIS). Plaintiffs Center for Biological Diversity, Maricopa Audubon Society, and Dr. Robin Silver...

**78. Center for Biological Diversity v. Zinke**

*United States District Court, D. Alaska. July 28, 2017 Slip Copy*

At docket 19, Pacific Legal Foundation, Alaska Outdoor Council, Big Game Forever, Kurt Whitehead, and Joe Letarte (collectively "PLF") move to intervene in this action pursuant to Rule 24 of the Federal Rules of Civil Procedure. At docket 29, Safari Club International and the National Rifle Association (collectively...

**79. United States v. E.I. du Pont de Nemours and Co.**

*United States District Court, W.D. Virginia, Harrisonburg Division. July 28, 2017 Slip Copy*

Many years ago, between 1929 and 1950, defendant E.I. du Pont de Nemours and Co. ("DuPont") used mercury in the manufacture of acetate fibers at its plant bordering the South River in Waynesboro, Virginia. A quarter century later, mercury was detected in the South River downstream of the plant.

Since that time, many have toiled...

**80. Ak-Chin Indian Community v. Central Arizona Water Conservation District**

*United States District Court, D. Arizona. July 27, 2017 Slip Copy*

Defendant Central Arizona Water Conservation District ("CAWCD") has filed a motion to join parties pursuant to Federal Rule of Civil Procedure 19. Doc. 26. The motion is fully briefed and no party has requested oral argument. Docs. 35, 44. For the reasons stated below, the motion will be granted in part. This dispute concerns Plaintiff.

**81. Oliveira v. United States**

*United States District Court, D. Arizona. July 26, 2017 Slip Copy*

Plaintiff John Oliveira alleges that Defendants the United States of America, the Department of the Interior Kevin Haugrad, Acting Secretary of the Interior Kevin Haugrad, Acting Assistant Secretary of the Interior Weldon "Bruce" Loudermilk, Bureau of Indian Affairs (BIA) Internal Affairs Division Chief Damon Edminsten, BIA Special Agent in...

**82. Alliance for Wild Rockies, Inc. v. U.S. Army Corps of Engineers**

*United States District Court, D. Oregon. July 25, 2017 Slip Copy*

Plaintiff Alliance for the Wild Rockies ("Alliance") seeks attorneys' fees and costs amounting to \$79,873.70 from the United States Army Corps of Engineers, Bureau of Reclamation, and Bonneville Power Administration (collectively "Federal Defendants"). Alliance maintains that it is entitled to an award of attorneys' fees...

**83. Center for Biological Diversity v. Vilsack**

*United States District Court, D. Nevada. July 24, 2017 Slip Copy*

This case centers on a biological-control program initiated by the United States Department of Agriculture (USDA) through two of its agencies: Agricultural Research Services (ARS) and Animal and Plant Health Inspection Services (APHIS). Plaintiffs Center for Biological Diversity, Maricopa Audubon Society, and Dr. Robin Silver (the...

**84. Thomas v. United States Department of Interior**

*United States District Court, M.D. Florida, Fort Myers Division. July 24, 2017 Slip Copy*

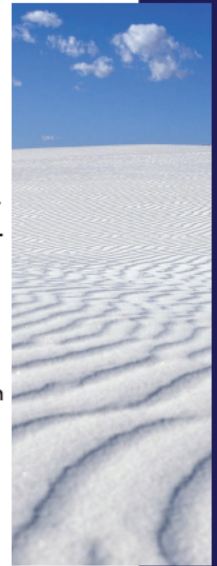
On April 21, 2017, Movant Matthew Thomas (Movant or Thomas) initiated this case by filing a Motion to Challenge Government's Access to Financial Records and Sworn Statement in support. (Doc. #1.) Movant, who is the Chief Sachem of the Narragansett Indian Tribe (the Tribe) ...

**85. Sanders v. Tikras Technology Solutions Corporation**

*United States District Court, E.D. Virginia. July 21, 2017 Slip Copy*

THIS MATTER comes before the Court on Plaintiff's Motion to Strike Defendant's Motion for Summary Judgment and Defendant's Motion for Summary Judgment. In November 2014, Tikras Technology Solutions Corporation ("Defendant") hired Kaptoria L. Sanders ("Plaintiff"). Defendant is a Native American-owned small business and a...

**86. Ruchert v. Williamson**



**White Sands National Monument, New Mexico**



## Court Cases (Contd.)

*United States District Court, D. Idaho. July 21, 2017 Slip Copy*

Pending before the Court is Defendants' Motion to Dismiss for Lack of Jurisdiction (Dkt. 7). The motion is fully briefed and at issue. For the reasons explained below, the Court will grant the motion and dismiss Plaintiffs' claims. This negligence action arises from a motor vehicle collision on March 27, 2014, involving Plaintiffs Dennis Ruchert...

87. *Western Refining Southwest, Inc. v. U.S. Department of the Interior*

*United States District Court, D. New Mexico. July 20, 2017 Slip Copy*

This matter is before the Court on the Motion to Dismiss for Want of Subject Matter Jurisdiction [Doc. 29] filed by intervenors Patrick Adakai and Frank Adakai ("the Adakais")....

88. *Doe H. v. Haskell Indian Nations University*

*United States District Court, D. Kansas. July 18, 2017 Slip Copy*

Plaintiff Jane Doe H. attended Haskell Indian Nations University in Lawrence, Kansas from 2014 to 2016. Haskell is a unique federally-owned university, providing tuition-free higher education to members of recognized Indian Nations. Doe brings the present action against Haskell, the United States, the Secretary of the Department of Interior, and...

89. *Aqualliance v. U.S. Bureau of Reclamation*

*United States District Court, E.D. California. July 14, 2017 Slip Copy*

Plaintiffs, various water resource management and conservation organizations, challenge Defendants' "10-year water transfer program to move water from sellers located upstream of the Sacramento/San Joaquin Delta ("Delta") to willing buyers south of the Delta (the "Project")." ECF No. 16, First...

90. *Western Rangeland Conservation Association v. Zinke*

*United States District Court, D. Utah. July 11, 2017 --- F.Supp.3d*

Now before the court is Plaintiffs' demand for injunctive relief pursuant to 5 U.S.C. §706(1) of the Administrative Procedure Act ("APA"). (See Docket Nos. 2, 51, 103). This lawsuit was initiated in April of 2014 by Plaintiffs Western Rangeland Conservation Association; Pearson Ranch; Yardley Cattle Company;...

91. *Petzel v. Kane County Department of Transportation*

*United States District Court, N.D. Illinois, Eastern Division. July 06, 2017 Slip Copy*

Plaintiff Geoffrey J. Petzel filed a pro se First Amended Complaint against various federal, state, and county agencies and departments, alleging violations of the National Environmental Policy Act ("NEPA")...

92. *Defenders of Wildlife v. United States Army Corps of Engineers*

*United States District Court, D. Montana, Great Falls Division. July 05, 2017 Slip Copy*

The United States Fish and Wildlife Service (FWS) listed pallid sturgeon as endangered in 1990. 55 Fed. Reg. 36, 641. The Missouri River between the Fort Peck Dam and Lake

Sakakawea contains the largest wild pallid sturgeon population. Fewer than 125 wild pallid sturgeons remain and the population appears in decline. (BOR 560; BOR 2216). The...

93. *In re Yosemite National Park Hantavirus Litigation*

*United States District Court, N.D. California. July 05, 2017 Slip Copy*

On June 23, 2017, Plaintiffs Carolyn Garisto and Estate of Bruno Garisto ("Garisto Plaintiffs") and Defendants Delaware North Companies, Inc., Delaware North Companies Parks & Resorts, Inc., DNC Parks & Resorts at Yosemite, Inc., and DNC Parks & Resorts Reservations, Inc. (collectively, the "DNC Defendants") filed a joint...

94. *Stockton East Water District v. United States*

*United States Court of Federal Claims. August 01, 2017 133 Fed.Cl. 204*

GOVERNMENT CONTRACTS - Remedies. California water district was not entitled to expectancy damages for Bureau of Reclamation's breach of surface water supply contracts.

### State Court Cases

95. *DePolo v. Board of Supervisors of Tredyffrin Township*

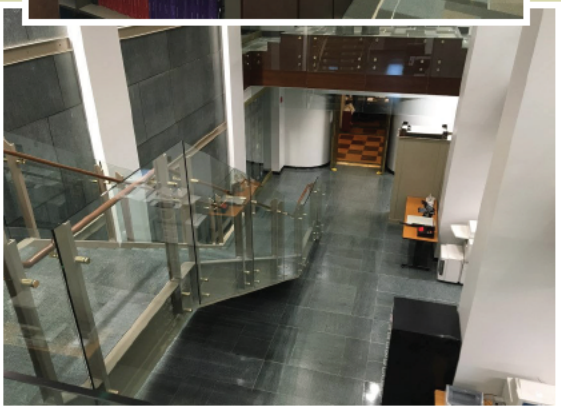
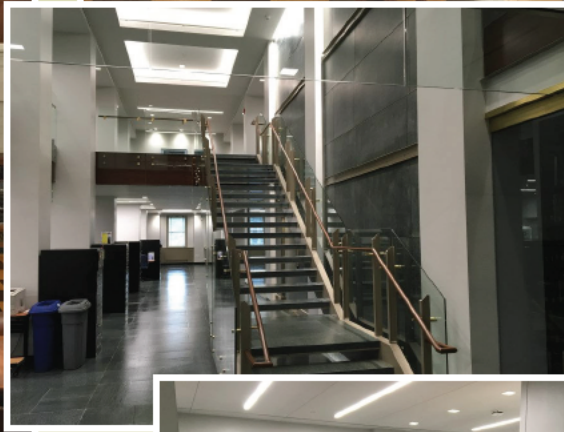
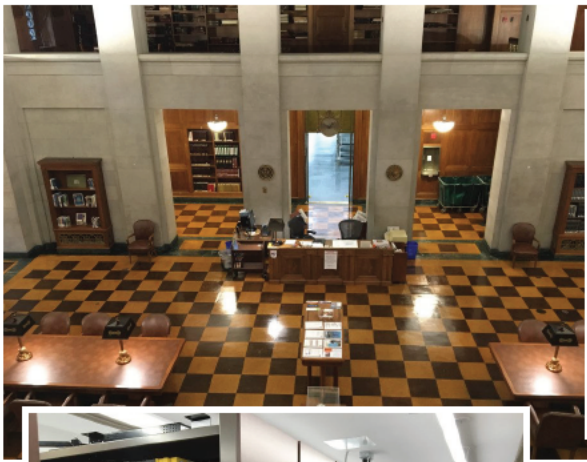
*Commonwealth Court of Pennsylvania. August 02, 2017 --- A.3d*

Background: Amateur radio operator filed action in federal court challenging the township zoning hearing board's denial of his application to construct a 180-foot radio tower on his property. The United States District Court for the Eastern District of Pennsylvania, Stewart Dalzell, J., 105 F.Supp.3d 484, granted defendants' motions to...



Kilauea Point National Wildlife Refuge, Hawaii

# Photos of the Modernized DOI Library





# Presidential Documents

Please note that full-text versions of these documents are available upon request to the DOI Library Reference Staff.



## Executive Orders

96. Executive Order 13805—Establishing a Presidential Advisory Council on Infrastructure — July 19, 2017

97. Executive Order 13807—Establishing Discipline and Accountability in the Environmental Review and Permitting Process

for Infrastructure Projects — August 15, 2017

98. Executive Order 13809—Restoring State, Tribal, and Local Law Enforcement's Access to Life-saving Equipment and Resources — August 28, 2017

## Presidential Proclamations

99. Presidential Proclamation 9628—Anniversary of the Americans with Disabilities Act, 2017 — July 25, 2017

100. Presidential Proclamation 9631—Women's Equality Day, 2017 — August 25, 2017

101. Proclamation 9630—National Employer Support of the Guard and Reserve Week, 2017 — August 20, 2017

102. Presidential Proclamation—National Preparedness Month, 2017 — August 30, 2017



**Seney National Wildlife Refuge, Michigan**

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**From:** Peter Teensma  
**To:** [Goklany, Indur M](#)  
**Subject:** LA Times article explaining why Calif fires are so severe this year  
**Date:** Friday, October 13, 2017 12:38:09 PM  
**Attachments:** [Why the 2017 fire season is shaping up to be one of California"s worst - Los Angeles Times.pdf](#)

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Maybe not the entire picture, but this article is better than most in explaining why fires this year have been so bad in California.

It doesn't point to climate change. But, it doesn't take into account land management practices either (specifically, a lull in active forest management on Federal lands).

But in fairness here, active management on state and private lands has been stepped up by CALFIRE to manage large areas of dead and dying trees, and fires this fall have been on state and private lands. EARLIER fires were more on Federal lands, and those fires were also very troublesome, destroyed many homes and watersheds, but were not as deadly.

Peter

SUBSCRIBE-BUTTON)



## Why the 2017 fire season is shaping up to be one of California's worst

By **PRIYA KRISHNAKUMAR** ([HTTP://TWITTER.COM/PRIYAKKUMAR](http://twitter.com/priyakkumar)) AND **JOE FOX** ([HTTP://TWITTER.COM/JOEMFOX](http://twitter.com/joemfox))

OCT. 13, 2017

Wildfires ravaging Northern California have led to at least 31 deaths and the destruction of about 3,500 structures, including homes and businesses. The governor has declared a state of emergency in Napa, Sonoma and Yuba counties. Meanwhile, the Canyon 2 fire in Southern California has scorched thousands of acres and burned several homes.

It's just the beginning of California's fall fire season — which could prove to be one of the most destructive yet.

**Read more wildfire coverage »**

**(<http://www.latimes.com/local/california/la-northern-california-fires-live-coverage-hundreds-evacuated-blazes-ravage-napa-sonoma-20171009-htlstory.html>)**



Satellite imagery shows fires erupting overnight in Northern California on Oct. 8 and 9. (Source: NOAA's GOES satellite)

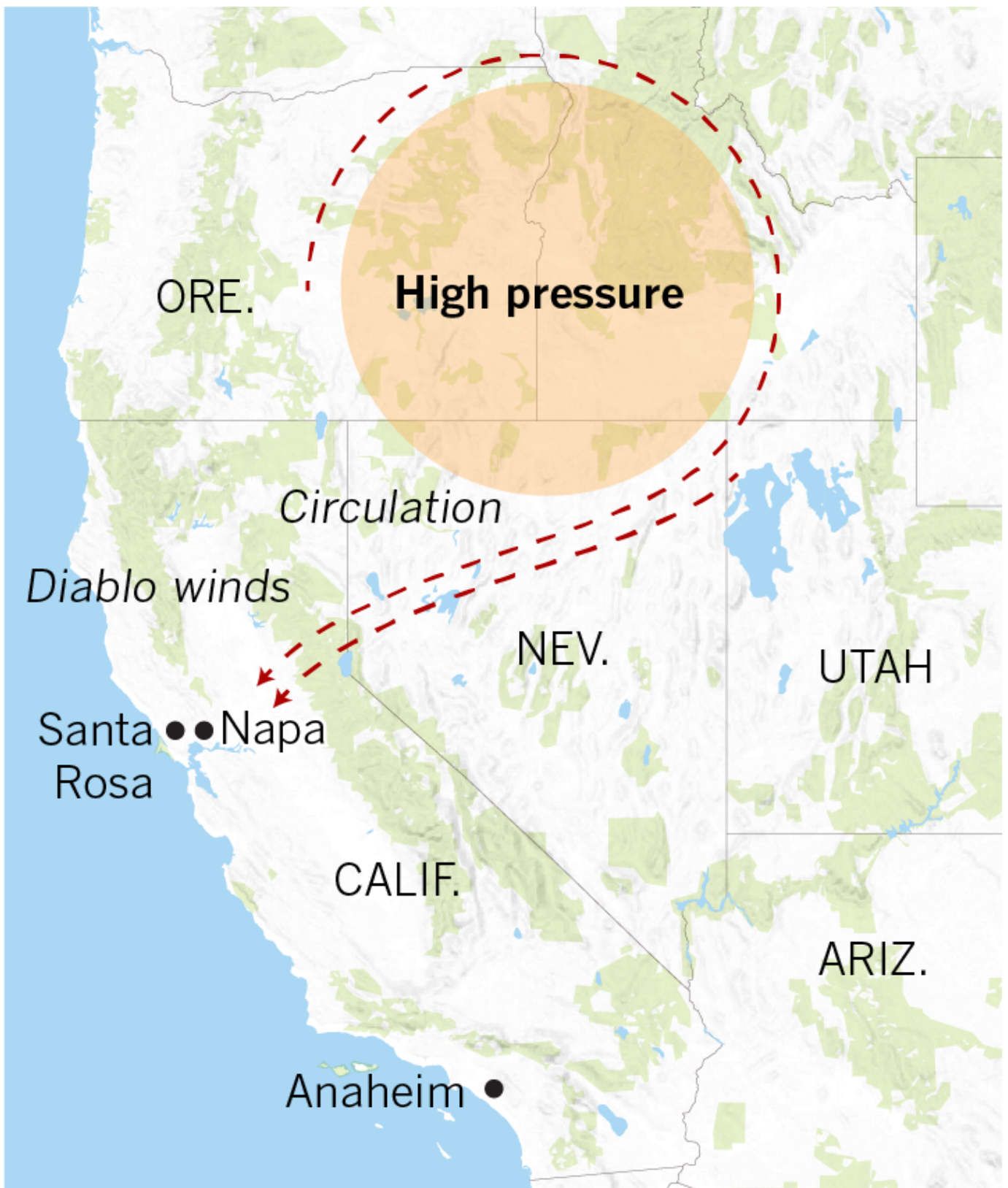
*Are you one of the thousands affected by the wildfires in Northern California? We want to hear your story.*

*(<http://www.latimes.com/local/lanow/la-me-ln-wildfires-northern-california-story-20171011-htlstory.html>)*

### Powerful winds, greater devastation

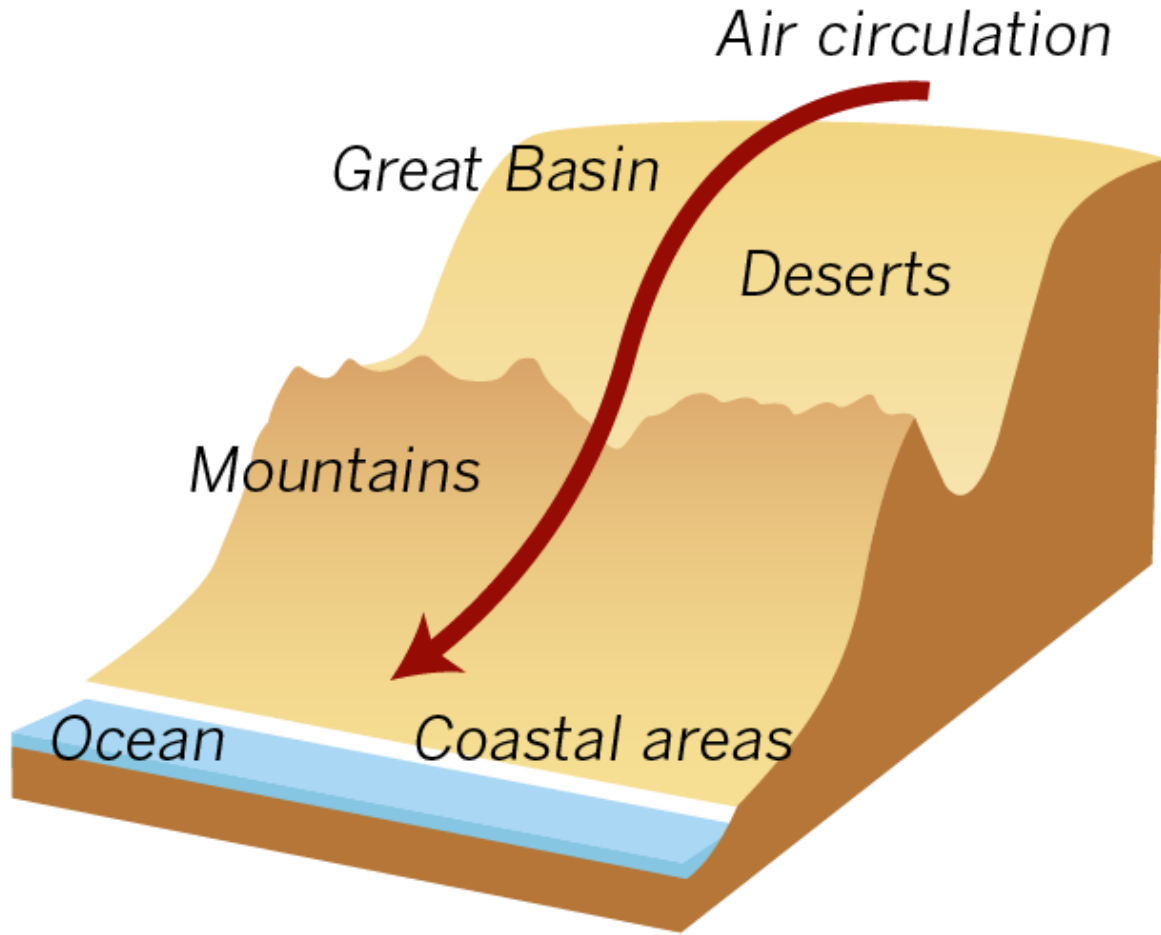
California is susceptible to fires year-round, but fires that occur in fall can be especially dangerous. The effects of hot, dry temperatures during the summer worsen in later months due to winds from the Great Basin. Known as Santa Ana winds in Southern California and Diablo winds in the north, these powerful warm winds cause fires to spread faster and quicker.

## How these winds work



Winds originate inland in areas of high pressure. The winds travel down to lower-pressure, coastal areas, picking up speed and becoming hotter. Winds may speed up more as they squeeze

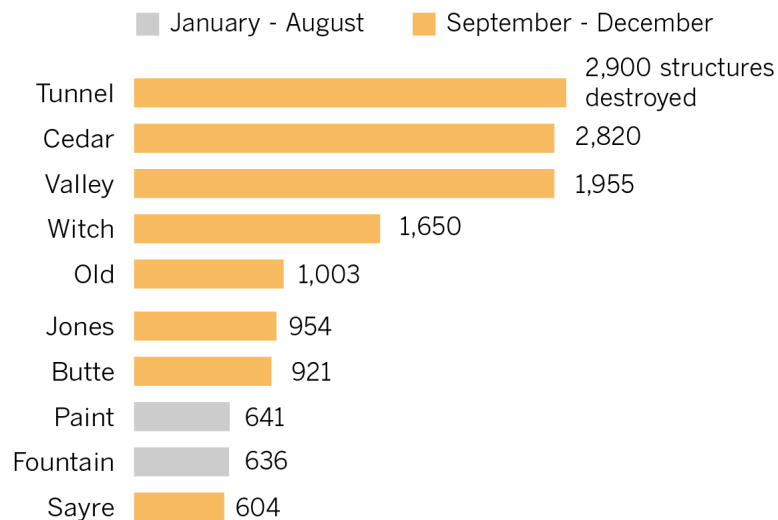
through canyons and narrow mountain spaces.



Source: Times reporting, Mapzen, OpenStreetmap.

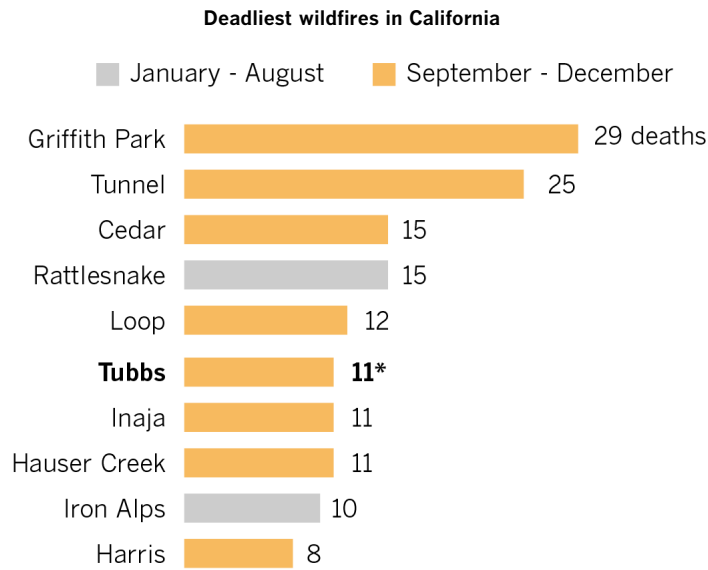
According to a 2015 study (<http://iopscience.iop.org/article/10.1088/1748-9326/10/9/094005#er1518461s3>) that examined fires in Southern California, wildfires occurring during the Santa Ana season — late September through the end of the year — cause far greater structural damage than fires in the summer.

#### Most destructive wildfires in California



Source: Cal Fire ([http://calfire.ca.gov/communications/downloads/fact\\_sheets/Top20\\_Destruction.pdf](http://calfire.ca.gov/communications/downloads/fact_sheets/Top20_Destruction.pdf)). Damage totals are current as of February 2017 and do not reflect the fires currently burning in Northern California.

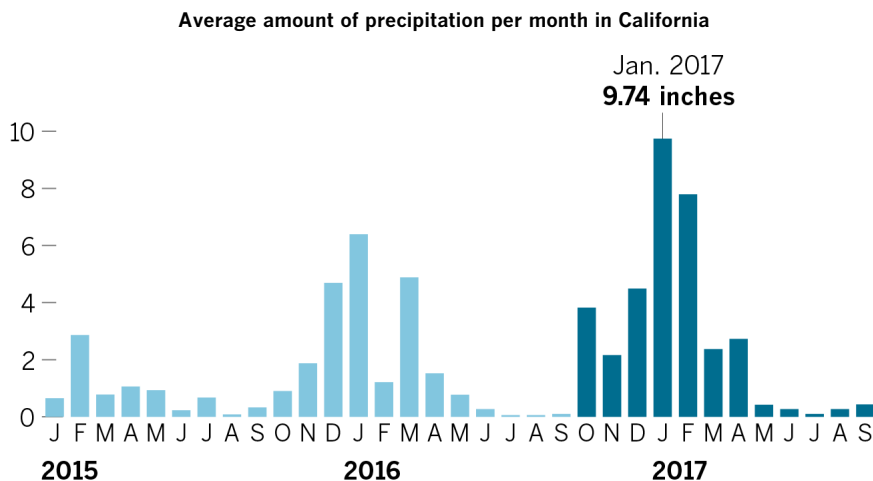
The fires can be deadlier, too. Eight of the 10 deadliest fires burned during the fall season.



Source: Cal Fire ([http://calfire.ca.gov/communications/downloads/fact\\_sheets/Top20\\_Deadliest.pdf](http://calfire.ca.gov/communications/downloads/fact_sheets/Top20_Deadliest.pdf)). \*Tubbs fire deaths are recorded as of Oct. 12, 2017, and do not include all deaths in this week's Northern California fires.

## A wet winter leading into a long, dry summer

Historic amounts of rain and snow in the winter kept large fires from burning in California until April. The 2016-2017 water year set records in the northern Sierra Nevada, which recorded a total of 94.7 inches of rain throughout the year.



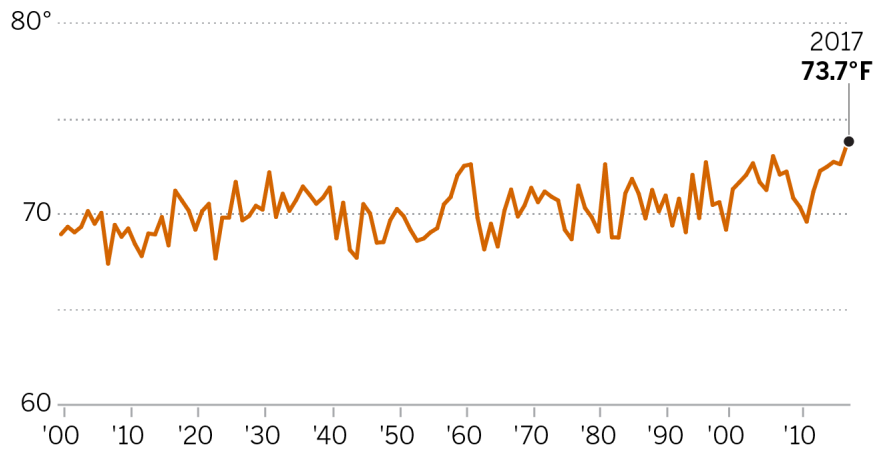
Source: NOAA. (<https://www.ncdc.noaa.gov/cag/time-series/us/4/0/pcp/all/1/2013-2017>)

While wildland vegetation grows every year during the wetter months, the heavy rains led to a larger amount of growth in areas like Santa Rosa and Napa, which hadn't seen large fires in several years. New brush growth is very flammable and can create embers that can travel a considerable distance.

This summer was the hottest ever recorded in California, allowing for new vegetation to dry up.

## Average summer temperature (June - August) per year in California





Source: Western Regional Climate Center

Composite images from the Landsat 8 satellite show just how dry the area around Santa Rosa had become after a recordbreaking rainy winter. In the first months of the year, record-setting rainfall led to increased vegetation in the area, but by summer, much of it had dried up.

**January - March 2017**

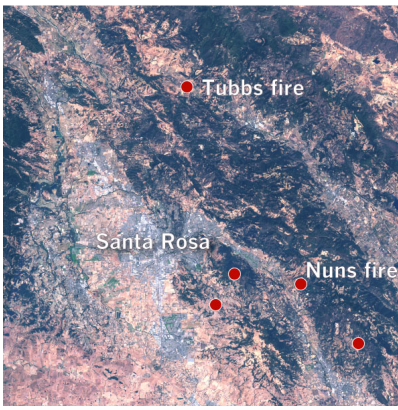


**April - June 2017**



**July - September 2017**





Sources: USGS, NASA, Google, Cal Fire. Red dots indicate active fires.

“You kind of have this perfect storm of weather conditions,” said Yufang Jin, an assistant professor of remote sensing and ecosystem change at UC Davis, who co-authored the study on Southern California wildfires. Given these hot, dry conditions, Jin said, it’s not unusual to see more than 10 wildfires burning in a close area, much like the clusters of fires in Northern California this week.

## As urbanization grows, so does the risk of wildfire

Over time, the edges of cities have encroached on wild spaces. The close proximity between private property and wildlands allows fires to spread more rapidly and damage or destroy more property in the process.

That allows fires during this part of the year to spread more rapidly into urbanized areas, Jin said.

Many of these at-risk areas are in wildland-urban interface areas, or WUIs — where housing and vegetation intermix or come within close proximity of each other.



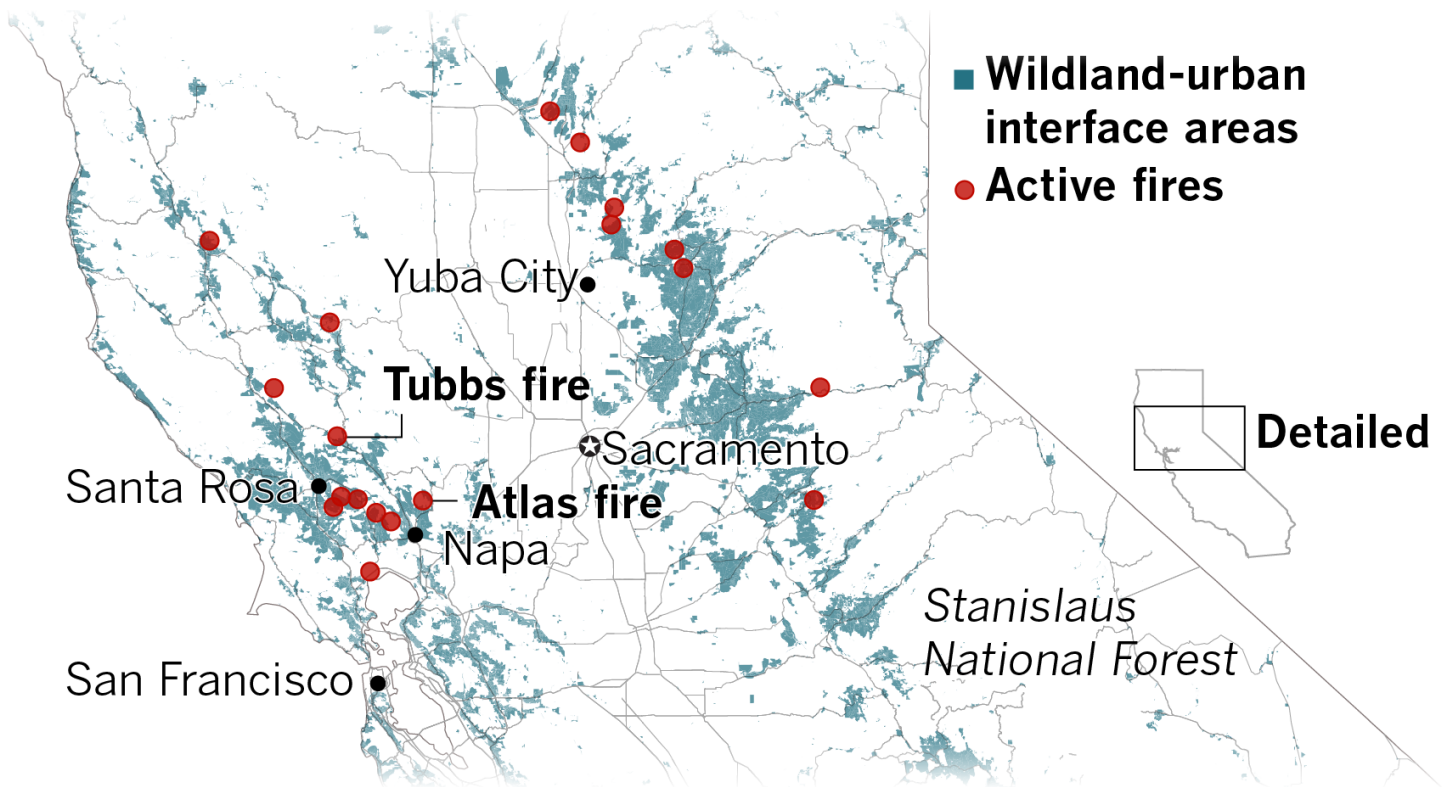
Homes destroyed by wildfire in Santa Rosa, Calif., on Oct. 11, 2017. (Marcus Yam / Los Angeles Times)

Volker Radloff, a professor at the University of Wisconsin-Madison who works at Silvis Labs, describes some WUI areas as “like a medieval city, with an urban city next to a big dark forest.”



Source: Silvis Labs (<http://silvis.forest.wisc.edu/maps/wui>).

Some of the most heavily-damaged areas in Santa Rosa and Napa were in the middle of these areas.



Sources: Silvis Labs, OpenStreetMap, Cal Fire. Locations of active fires as of 11 a.m. on Oct. 12, 2017.

Development in such areas poses a significant problem for firefighters and communities. According to a 2002 report by FEMA (<https://nfa.usfa.fema.gov/downloads/pdf/statistics/v2i16-508.pdf>), 38% of new home construction in the western United States was adjacent to or intermixed with WUI areas.

“We could do better on land-use planning and how we build communities and where we place them,” said Scott Stephens, a professor of fire science at UC Berkeley. “In Northern California, there’s an underappreciation of communities’ vulnerability to fire.”

## So what's next?

High-pressure-driven Santa Ana and Diablo winds can continue through the early spring, leaving an already dry state vulnerable to fast-spreading wildfires. Prescribed burns may not be effective in mitigating damage in areas with lots of low-lying grass and brush, where fire and smoke can spread quickly.



Firefighters work to control the spread the Canyon 2 fire in Anaheim Hills on Monday, Oct. 9, 2017 in Anaheim, Calif. (Patrick T. Fallon / Los Angeles Times)

FEMA has listed several recommendations on how homeowners in WUI areas can protect themselves:

- Construct homes with fire-resistant materials.
- Situate homes on lots to protect them from fire spread.
- Clear a perimeter of defensible space around homes.
- Install smoke alarms.
- Develop and practice evacuation plans in the event of a wildfire.

Many of these recommendations must be acted on before a home is built, making it crucial for communities to work together to prepare for large wildfires, said Stephens. He recommends that homeowners in WUI or high-risk areas meet within their communities and with their local fire officials to make contingency plans before a wildfire.

Homeowners in high-risk areas can also remove flammable shrubbery ([www.readyforwildfire.org/Fire-Safe-Landscaping/](http://www.readyforwildfire.org/Fire-Safe-Landscaping/)) from their yards and consider replacements such as aloe or ice plant — and look into purchasing fire insurance.

**From:** Peter Teensma  
**To:** [Goklany, Indur M](#)  
**Subject:** The fuels part of active management  
**Date:** Friday, October 13, 2017 1:48:55 PM  
**Attachments:** [pnw\\_2017\\_vallant001.01.pdf](#)  
[14\\_5\\_1\\_12\\_Caban\\_JFSP\\_Final\\_Report.pdf](#)

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Goks,

Two new papers that may help shed some light onto active management for just the fuels program. To me, there is no reason to think that the forestry aspects of this wouldn't be at least as significant (a considering past efforts, maybe one or two orders of magnitude more significant, with additional benefits as well, naturally).

At any rate, these are new, and the second isn't even available online yet.

Peter



## fire &amp; fuels management

# An Evaluation of the Forest Service Hazardous Fuels Treatment Program—Are We Treating Enough to Promote Resiliency or Reduce Hazard?

Nicole M. Vaillant and Elizabeth D. Reinhardt

The National Cohesive Wildland Fire Management Strategy recognizes that wildfire is a necessary natural process in many ecosystems and strives to reduce conflicts between fire-prone landscapes and people. In an effort to mitigate potential negative wildfire impacts proactively, the Forest Service fuels program reduces wildland fuels. As part of an internal program assessment, we evaluated the extent of fuel treatments and wildfire occurrence within lands managed by the National Forest System (NFS) between 2008 and 2012. We intersected fuel treatments with historic disturbance rates to assess the extent to which the program compensates for the disturbance deficit caused by fire suppression and with current wildfire hazard to evaluate whether fuel treatments strategically target high hazard locations. Annually, 45% of NFS lands that would have historically burned were disturbed by fuel treatments and characteristic wildfire, indicating that NFS lands remain in a “disturbance deficit.” The highest wildfire hazard class had the lowest percentage of area treated and the highest proportion of both wildfire of any severity and uncharacteristically high-severity wildfire, suggesting that an alternative distribution of fuel treatment locations will probably improve program effectiveness.

**Keywords:** LANDFIRE, mechanical treatment, prescribed fire, resiliency, wildfire hazard

Fire exclusion, past land management, increased frequency of drought, higher temperatures, and longer periods of “fire weather” have contributed to the increased number, extent, and cost of wildfires over the last several decades (Westerling et al. 2006, Dennison et al. 2014, Stephens et al. 2014, Thompson et al. 2015). The 10-year average number of acres burned has more than doubled from the 1985–1994 to 2005–2014 periods (National Interagency

Fire Center [NIFC] 2015). The 2015 fire season experienced a record number of megafires (>100,000 ac) and burned a record 10.1 million ac nationally. This trend is not likely to change as the frequency of conditions and the duration of the season associated with large fire growth are predicted to increase through the mid-21st century as a result of anthropogenic climate change (Barbero et al. 2015). As the area burned has doubled, the cost associated with suppress-

ing wildfires has quadrupled (NIFC 2015). Between 1995 and 2015, the amount of annual funding allocated to fire suppression has risen from 16 to 52% of the US Department of Agriculture (USDA) Forest Service budget (USDA Forest Service 2015a). Even with an increased budget allocation, the Forest Service has relied on emergency funding transfers to continue to suppress fires during the past four fire seasons at the cost of other programs within the agency (Thompson et al. 2015, USDA Forest Service 2015a) including hazardous fuel treatments. Given the predictions for longer fire seasons and a higher frequency of large fires in the future (Barbero et al. 2015), the cost of fire will probably continue to increase unless effective mitigation actions are taken.

Fuel treatments are designed to reduce or redistribute ground, surface, and canopy fuels by removing trees, masticating/mowing small diameter trees and shrubs, piling fuels and burning them, or applying prescribed fire. An effective fuel treatment will slow the spread of fire and reduce the likelihood of crown fire, aid suppression efforts, and reduce the intensity and severity of a

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**Acknowledgments:** This article would not have been possible without the guidance and help of Karen Short, Greg Dillon, Robin Lilly, and Don Long with data acquisition and coaching. We thank Frank Fay, Don Long, Nancy Grulke, Borys Tkacz, Cynthia Miner, Brandon Collins, and two anonymous reviewers for improving the quality of this article.

wildfire under all but the most extreme weather conditions (e.g., Agee and Skinner 2005, Reinhardt et al. 2008). Effective treatments could theoretically reduce the cost of future fire suppression efforts by reducing total acres burned (Thompson et al. 2013), although suppression expenditures depend on a host of variables. Although reducing the rate of fire spread is often the primary target of treatments, the number of burned acres can be less important than reducing fire intensity and, therefore, fire effects (Reinhardt et al. 2008). Ideally, strategic use of fuel treatments can facilitate our ability to manage wildfire for resource benefits and might eventually lead to beneficial increases in wildfire acreage (Reinhardt et al. 2008, North et al. 2015).

Fuel treatment strategies typically fall within two overarching land management objectives: ecosystem maintenance/restoration or fire control (Omi 2015). The primary goal of ecosystem maintenance/restoration is to promote or maintain fire-resilient landscapes. For fire control, the goal of fuel treatments is to facilitate wildfire suppression activities through the reduction of fuel hazards with strategic placement across a landscape. Spatial strategies for fuel management will vary, depending on the objective. Treatments aimed to promote resiliency can be either concentrated in a set area or dispersed across a landscape to break up the continuity of fuels with the goal of promoting variable fire effects when a wildfire inevitably arrives (Ager et al. 2013). Those designed to aid in suppression actions can be for “point protection,” where the treatments are concentrated around a specific value or asset needing protection or to create a network of treatments to contain fires at defensible locations, such as along roads and ridge tops (Agee et al. 2000, Ager et al. 2013). Although a treatment may be designed for fire control or to promote resiliency, these objectives are not always mutually exclusive, and benefits may be seen beyond the treatment boundaries. In a simulation study, Ager et al. (2010) demonstrated that treatments designed to protect homes (fire control) also reduced off-site large tree mortality (resiliency) and vice versa.

Since the inception of the National Fire Plan (2000) in 2001, the use of fuel treatments to reduce the likelihood of uncharacteristic fires by the Forest Service has nearly doubled (USDA Forest Service 2014). The FLAME Act of 2009 and resulting National Cohesive Wildland Fire Management Strat-

egy (“Cohesive Strategy”) (Wildland Fire Leadership Council [WFLC] 2014) reiterate the need to evaluate wildland fire management in the United States. The Cohesive Strategy recognizes that fire is a necessary natural process in many ecosystems and strives to reduce conflicts between fire-prone landscapes and people (WFLC 2014). To achieve this, one of the core goals of the Cohesive Strategy is to manage fuels at the landscape scale to restore and maintain fire-resilient landscapes in accordance with management objectives. Another is to implement safe, effective, and efficient wildfire responses that can be facilitated by hazard reduction through fuel treatments. Prior studies have analyzed federal fuel treatments in the western United States with respect to fire regime (Schoennagel and Nelson 2010) and proximity to the wildland-urban interface, used as a proxy for hazard (Schoennagel et al. 2009). However, because of the lack of spatially explicit data, they created circular buffers based on the treatment centroid. With the development of nationally available, spatially explicit data, it is now possible to evaluate the Forest Service fuel treatment program using the actual treatment footprints. Seeking improved strategies for reducing fuels, the USDA Forest Service fire management leadership initiated this effort to evaluate whether fuel management is impacting enough area in the correct locations. To complete this, we evaluated the extent of mechanical treatments, prescribed fire, and wildfire occurrence within Forest Service-administered lands from 2008 to 2012 with respect to historic fire return intervals and current wildfire hazard.

## Methods

### Fuel Treatments Completed and Wildfire Acres Burned

LANDFIRE provides more than 20 geospatial layers characterizing vegetation, fuels, fire regime, and disturbance for the United States and insular areas, which are widely used in fire and land management, resource assessment, and wildlife habitat modeling (e.g., Rollins 2009, Nelson et al. 2013, Ryan and Opperman 2013). LANDFIRE Disturbance (LANDFIRE 2014a) data layers were used to quantify the type and location of fuel treatments and wildfires on lands administered by the National Forest System (NFS). The disturbance layers were developed using a mix of the LANDFIRE Events database (LANDFIRE 2014b), wildfire occurrence data, and remote sensing-based disturbance detection techniques (Vogelmann et al. 2011, Jin et al. 2013, Nelson et al. 2013). The LANDFIRE Events database includes point and polygon data from both natural (e.g., wildfire and insects) and anthropogenic (e.g., harvesting and fuel treatments) sources and includes at a minimum the year, type, and location of the disturbance (Nelson et al. 2013). LANDFIRE Events data were acquired from federal, state, tribal, local, and private entities, vetted by LANDFIRE personnel, and cleaned by overlapping all the data sources and types to create a single unique event per year and location (Nelson et al. 2013). Wildfire occurrence data come from the Monitoring Trends in Burn Severity (MTBS) (Eidenshink et al. 2007), Burned Area Reflectance Classification (BARC), or Rapid Assessment of Vegetation Condition after Wildfire

### Management and Policy Implications

The Forest Service Strategic Plan (USDA Forest Service 2015b) acknowledges the natural role of fire in many ecosystems as well as the potential threat of wildfire to public safety, property, and natural resources. One of the tools used to proactively mitigate potential negative wildfire impacts is fuel treatments. Understanding where past fuel treatments and wildfires have occurred is important for prioritizing future fuel treatments. We found that current treatment implementation is not focused on the areas that would most reduce fire hazard nor is it at a scale that approximates historic disturbance rates across NFS lands. Strategies to reduce fire hazard and achieve the ecological benefits of fire include the following: increasing the extent of fuel treatments if resources permit; designing treatments to create conditions conducive to naturally ignited fires burning under desired conditions while fulfilling an ecological role; and placing treatments to reduce hazard while providing options for firefighting when highly valued resources and assets are present. The data sets employed in this analysis can be used to better inform future fuel treatment placement when appropriate.

**Table 1. Disturbance type groups, LANDFIRE Disturbance classes associated, total area disturbed, and annual average area disturbed for NFS lands from 2008 to 2012.**

Disturbance type	LANDFIRE Disturbance classes	Total (ac)	Annual (ac/yr)
Mechanical treatment	Clear cut, Harvest, Thinning, Mastication, Other mechanical	2,708,102	541,620
Prescribed fire	Prescribed fire, Wildland fire	5,407,592	1,081,518
Wildfire	Wildfire, Wildland fire use	7,862,655	1,994,010
Characteristic severity		5,755,547	1,151,109
Uncharacteristically low severity		1,232,694	246,539
Uncharacteristically high severity		874,413	174,883

Wildfire severity was defined as characteristic, uncharacteristically low, or uncharacteristically high based on assigned severity class and presumed historical fire regimes. LANDFIRE Disturbance classes are from LANDFIRE (2014a).

(RAVG) programs. The Multi-Index Integrated Change Analysis (MIICA) method, which uses Landsat pairs to detect disturbance and land cover change patterns, was used to detect vegetation change (Jin et al. 2013). LANDFIRE Events were buffered and then overlaid on the MIICA-detected changes to assign a disturbance type. If the disturbance did not fall within any buffered events, it was labeled unknown (Nelson et al. 2013).

LANDFIRE Disturbance types include residential and commercial development, silvicultural treatments (clearcut, thinning, or harvest), mastication, other mechanical treatments, fire (wildfire, wildland fire use, wildland fire, or prescribed fire), weather, chemical (insecticide or herbicide), insects, disease, biological, and unknown. For our analysis we created three disturbance groups: mechanical treatments, prescribed fire, and wildfire (Table 1). The mechanical treatment is a broad category including many disturbance types, all of which have been considered fuel treatments within the Forest Service Activity Tracking System (FACTS). With the exception of the assignment of the prescribed fire disturbance type, we used unaltered LANDFIRE data.

We updated the prescribed fire type assignment because these fires can be incorrectly categorized during the LANDFIRE processing steps. During the LANDFIRE processing steps, if a disturbance was detected and it coincided with a MTBS program fire perimeter, it was categorized as a wildfire, regardless of the fire type. To correct this, prescribed fire perimeters from the LANDFIRE Events data and fire type assigned to the MTBS perimeters were used to check and update the fire type to prescribed fire when warranted. In addition, we reassigned the remaining LANDFIRE un-

known/other fire types to the prescribed fire category for our analysis. Totals were checked against the Incident Management Situation Report (IMSR) archives to verify that prescribed fire and wildfire acres were similar after correction.

Within the LANDFIRE Disturbance product, severity is assigned to each pixel burned in a wildfire. MTBS, BARC, and RAVG wildfire severity classes include unburned/low, low, moderate, and high and were determined by each project's criteria and applied to the LANDFIRE data. These programs accounted for 94% of area burned. For wildfires not mapped by these programs (typically fires of <1,000 ac in the West and <400 ac in the East), LANDFIRE determined severity by using mosaicked difference normalized burn ratio data classified into high-, medium-, and low-severity levels based on a statistical comparison with the MTBS, BARC, and RAVG fire severity (LANDFIRE 2014a). To assess whether severity was characteristic, uncharacteristically low, or uncharacteristically high, we used the LANDFIRE Fire Regime Group (FRG) (LANDFIRE 2014c) definitions of presumed historical severity and compared these to the severity assigned in the LANDFIRE Disturbance products on a pixel-by-pixel basis. For fire regime groups characterized by low- and mixed-severity (FRG I and FRG III), pixels burned at unburned/low, low, and moderate severity were considered characteristic, and pixels burned at high severity were determined to be uncharacteristically high. For fire regime groups characterized by replacement severity (FRG II and FRG IV), pixels burned at high severity were considered characteristic, and all others were uncharacteristically low. For FRG V which is characteristic of any severity, all burned pixels were considered characteristic.

Ideally the fully available temporal period (1999–2012) of LANDFIRE Disturbance data would have been used. Comparisons with tabular data on completed fuel treatment acres (IMSR, National Fire Plan Operations and Reporting System [NFPORS], and FACTS) were poorly correlated with LANDFIRE Disturbance data before 2008. The requirement for National Forest units to spatially define treatment boundaries rather than just the location of the center of each treatment starting in ca. 2007 greatly improved the LANDFIRE Disturbance data starting in 2008. For this reason, the analysis was limited to 5 years, 2008–2012.

### Fire Return Interval

Mean fire return interval (MFRI) data from LANDFIRE (LANDFIRE 2014d) were used to estimate the annual area that would have historically burned as a proxy for annual disturbance required to create or maintain fire-adapted resilient landscapes. MFRI quantifies the time between fires under the presumed historical fire regime and was derived using state and transition modeling. The MFRI data comprised 22 classes, plus nonburnable (water, snow/ice, and barren) and indeterminate (indeterminate fire regime characteristics or sparsely vegetated) classes (Figure 1; Table 2). Similar to North et al. (2012), area within each MFRI category was divided by the maximum value of each category to conservatively estimate acres per year requiring disturbance. For the >1,000-year category, a value of 2,000 years was used.

### Wildfire Hazard Potential (WHP)

The WHP product was used to characterize hazard across NFS lands (Fire Modeling Institute [FMI] 2013, Dillon et al. 2015) (Figure 2). The WHP is a geospatial product, the primary intended use of which was for identifying priority areas for hazardous fuels treatments from a broad, national- to regional-scale perspective (Dillon et al. 2015). The primary objective of the WHP map was to depict the relative potential for the occurrence of fires that had a high likelihood to escape initial attack and/or be difficult to suppress. The WHP map used existing vegetation and fuel characteristics from LANDFIRE to apply a set of resistance to control weights based on fireline construction rates based on fuel types, historic fire occurrence data (Short 2014) to determine small fire (<300 ac) potential, and national estimates of burn probability and fire intensity modeled using the large



fire simulator to determine large fire (>300 ac) likelihood and intensity (Finney et al. 2011). Two versions of the WHP map are available (2012 and 2014). The 2012 version was used because the base data for creation were LANDFIRE 2008, which allows for overlay of fuel treatments and wildfire over the time period of this study.

## Results

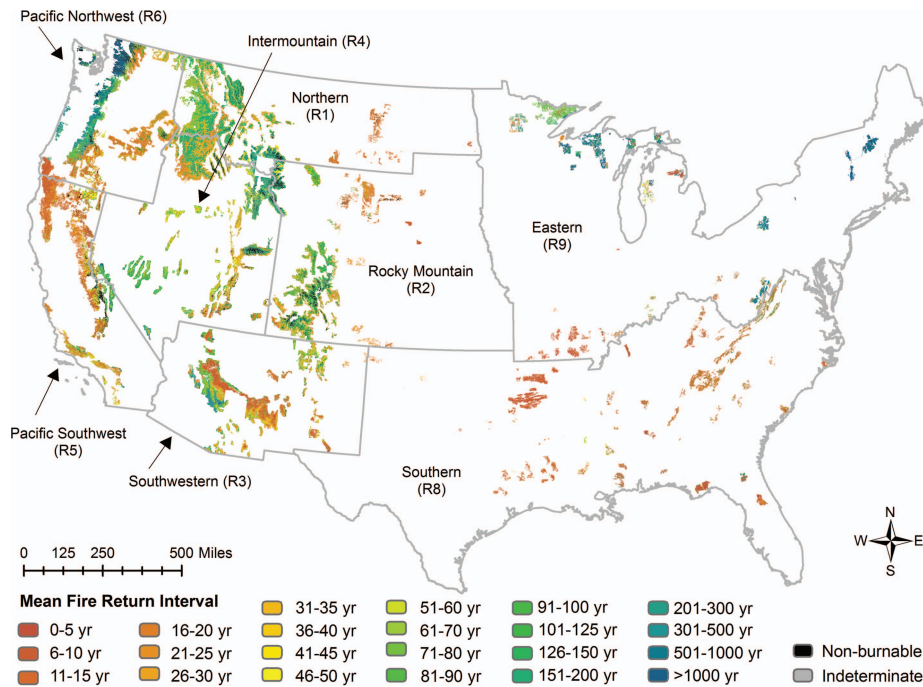
Assessments of disturbance location with respect to resilient ecosystem maintenance/creation and wildfire hazard reduction were conducted for all NFS lands and for each region (Northern [R1], Rocky Mountain [R2], Southwestern [R3], Intermountain [R4], Pacific Southwest [R5], Pa-

cific Northwest [R6], Southern [R8], and Eastern [R9]; Figure 1).

Between 2008 and 2012, 8.1 million ac were treated with prescribed fire or mechanical methods, and 7.9 million ac burned in a wildfire (Table 1). Of the wildfire acres burned, 73% were characteristic (Table 1). This equates to, on average, 1.9% of NFS lands being disturbed by fuel treatments and wildfire of any severity each year or 1.6% if only characteristic wildfire is considered. Seventy-two percent of all of prescribed fire acres were completed in R8, whereas R5 and R6 led the nation in mechanically treated area (17 and 23%, respectively). R3 and R5 account for 51% of wildfire acres (29 and 22%, respectively) nationally. One-quarter of the uncharacteristically low-severity wildfire was in R1, and one-third of the uncharacteristically high-severity wildfire was in R5. The remainder of the results are presented on a per annum basis averaged across the 5 years of data.

## Ecosystem Maintenance/Creation

Over the duration of the analysis, 51% of the NFS lands that would have historically burned annually were either treated (26%), burned in characteristic wildfire (18%), or burned in uncharacteristic wildfire (7%) (Figure 3). Approximately half of the acres burned with prescribed fire were in the most frequent MFRI (<5 years), and



**Figure 1.** Map of MFRI for Forest Service-administered lands in the continuous United States. Data were obtained from LANDFIRE (LANDFIRE 2014d).

**Table 2.** Annual treatment requirements based on MFRI data.

MFRI	R1	R2	R3	R4	R5	R6	R8	R9
	.....(ac/yr).....							
0-5 yr	12,436	284	3,018	0	1,043	807	1,094,216	340,756
6-10 yr	665	94,885	486,437	91,818	439,914	245,186	196,703	68,017
11-15 yr	130,812	79,632	100,167	104,096	288,580	96,134	176,137	33,980
16-20 yr	20,037	83,862	19,066	11,378	104,751	218,865	13,516	4,401
21-25 yr	99,630	29,325	97,056	44,131	19,427	21,481	0	154
26-30 yr	7,487	97,383	19,216	71,656	15,955	20,100	648	9,393
31-35 yr	40,727	3,544	6,949	91,192	32,409	2,775	5,883	498
36-40 yr	20,900	11,151	3,478	9,109	7,212	34,241	8,127	0
41-45 yr	11,828	6,514	1,283	27,037	0	0	4,619	0
46-50 yr	17,737	16,276	37,365	57,683	43,476	20,605	3	8,098
51-60 yr	2,489	10,528	14,163	15,073	14,926	970	2,604	1,187
61-70 yr	24,668	13,043	10,239	20,343	1,486	8,002	9,315	2,711
71-80 yr	34,135	1,993	34,118	3,735	8,598	41,607	155	18,548
81-90 yr	481	1,366	1,149	17,753	5,348	80	565	109
91-100 yr	171	428	0	1,044	445	5,627	3,972	1,134
101-125 yr	443	12,300	9,369	12,812	5,170	3,246	0	6,725
126-150 yr	12,279	39,969	5,200	13,817	559	726	0	3
151-200 yr	39,082	2,412	1,875	22,239	1,316	7,822	2,602	2,618
201-300 yr	3,014	3,425	166	9,885	1,249	56	1,075	2,000
301-500 yr	1,324	263	2,181	2,398	490	4,835	25	131
501-1,000 yr	20	345	467	62	67	459	69	1,882
>1,000 yr	0	0	0	73	16	1,245	0	1,250
Total	480,363	508,931	852,961	627,332	992,438	734,868	1,520,233	503,594

Annual treatment requirement was calculated by dividing the area within each MFRI class by the maximum value of the class. MFRI data are from LANDFIRE (2014d).



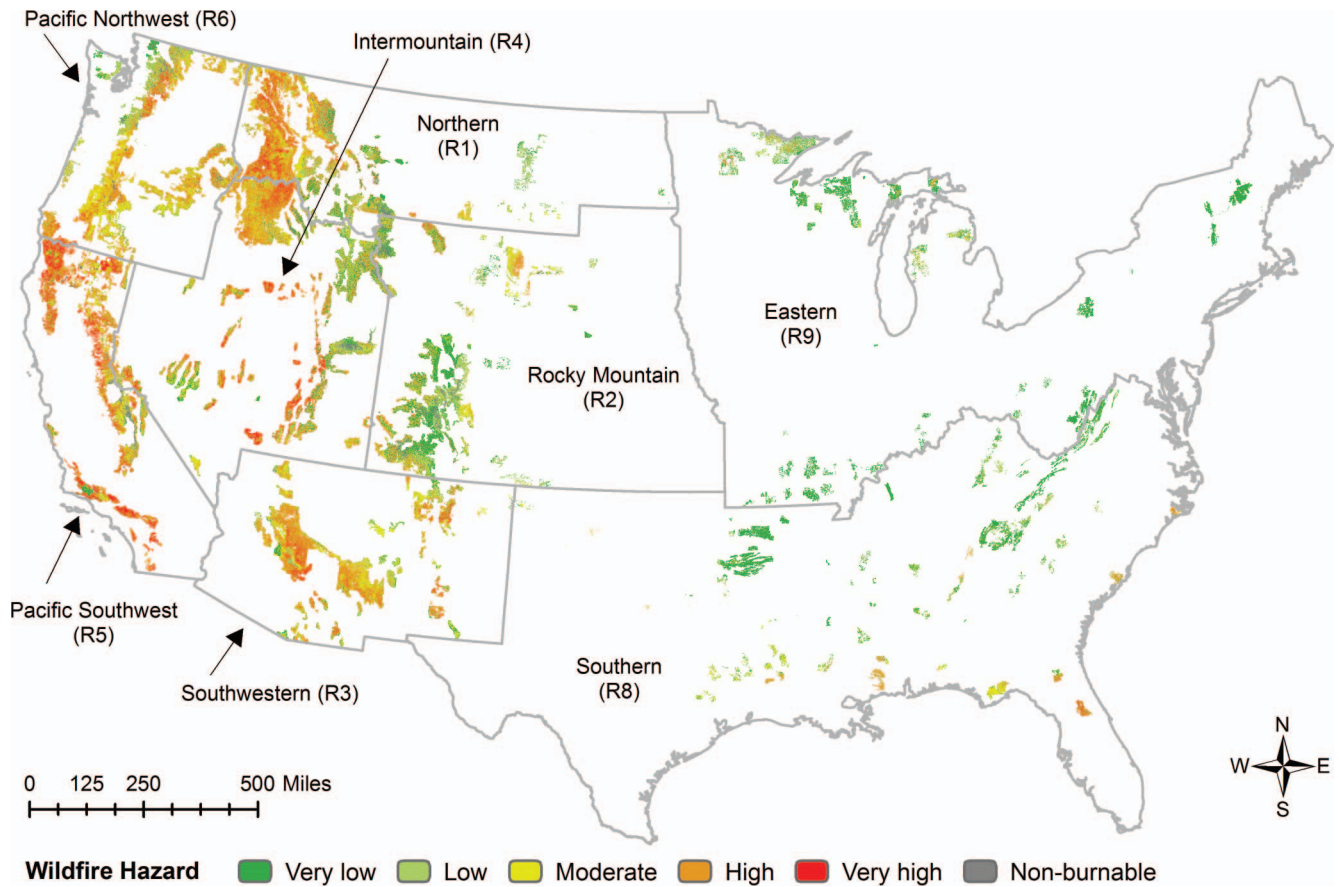


Figure 2. Map of wildland fire hazard for Forest Service-administered lands in the continuous United States. Data were obtained from the WHP map (FMI 2013, Dillon et al. 2015).

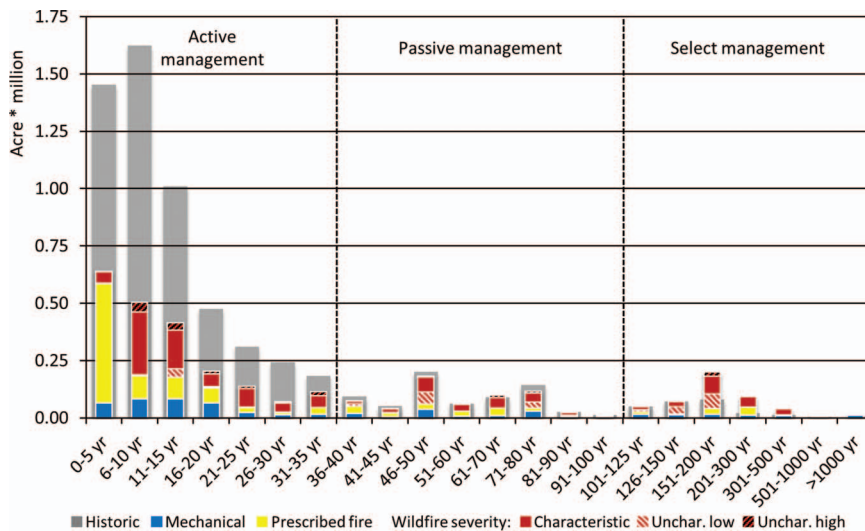
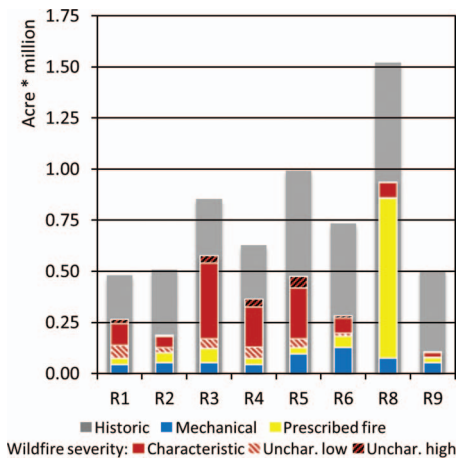


Figure 3. Average annual area being disturbed by mechanical treatments, prescribed fire, and wildfire by severity class (characteristic, uncharacteristically low, and uncharacteristically high) compared with what would have historically burned by MFRI group from 2008 to 2012. Areas that have historically burned frequently would lend themselves to active management with repeated treatment to promote resiliency in the absence of wildfire. Areas that burned less frequently could be treated if needed and then be managed passively allowing for fire to play a more natural role. Areas that burned infrequently can be managed selectively because they only account for a small fraction of the treatment requirement.

two-thirds were within areas that would have historically burned at least every 15 years. Areas with the shortest fire return intervals (<30 years) experienced less disturbance than required to maintain historical area burned, whereas areas with the longest fire rotations (>150 years) experienced more disturbance than would have been historically expected (Figure 3).

The eight Forest Service regions differed greatly for historical area burned versus current disturbance (mechanical treatments, prescribed fire, and wildfire) (Figure 4). Regions with more area in frequent fire return intervals have the most area historically burned and therefore the greatest disturbance required for maintenance. For example, R8 had the highest annual disturbance need (1.5 million ac) because 40% of the NFS lands were within the 0–5 year MFRI group (Figure 4; Table 2). Conversely, R1 had the least annual area historically burned (0.5 million ac) because 44% of the land had a MFRI of 100 years or greater (Figure 4; Table 2).

The ratio of area currently disturbed (treated or burned in wildfire) to area histor-

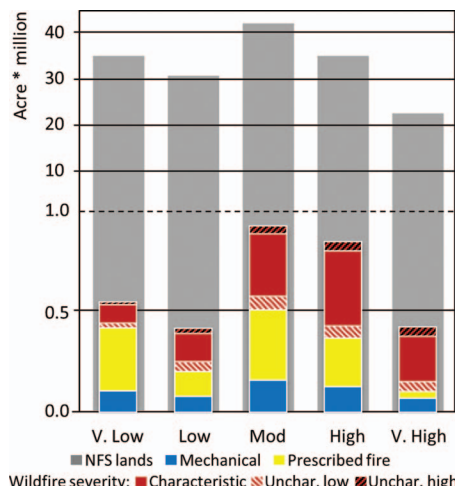


**Figure 4.** Average annual area being disturbed by mechanical treatments, prescribed fire, and wildfire by severity class (characteristic, uncharacteristically low, and uncharacteristically high) compared with what would have historically burned by Forest Service Region from 2008–2012.

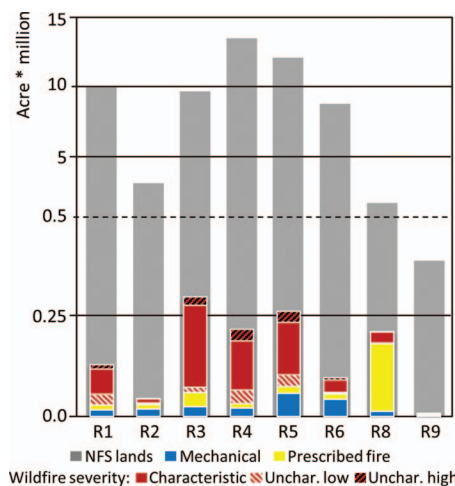
ically burned was calculated to compare the relative ranking across regions. When fuel treatments and wildfires of any severity were considered, R9 and R2 were the most departed (0.21 and 0.37, respectively) and R8 and R3 were the least (0.62 and 0.68, respectively). The same was found when only characteristic wildfire acres were considered. R3 had the highest ratio for wildfire acres (characteristic and all severities) burned, and R8 had the highest ratio for treated acres relative to historic need.

### Fire Control

In 2008, based on the WHP map, the moderate hazard class represented the greatest land area (41.6 million ac), followed by the high hazard class (35.3 million ac), with the very high hazard class the least (23.0 million ac) (Figure 5). Across all hazard classes, 3.2 million ac (1.9%) of NFS lands were disturbed annually by treatments and wildfire of any severity, with variation across the categories ranging from 544,335 to 922,908 ac for the low and moderate hazard classes, respectively. In the very low and low hazard categories, almost twice the area was treated than burned by wildfire of any severity (Figure 5). The opposite was true for the high and very high hazard classes where wildfire of any severity accounted for two-thirds of the disturbance each year. Across the wildfire hazard classes, the percentage of wildfire acres that had uncharacteristically high severity ranged from 9 to 15% with the largest proportion in the very high hazard class (Figure 5).



**Figure 5.** Average annual area disturbed by mechanical treatment, prescribed fire, and wildfire by severity class (characteristic, uncharacteristically low, and uncharacteristically high) relative to NFS lands by WHP class from 2008 to 2012. Note the compressed scale above 1 million ac.



**Figure 6.** Annual average area disturbed by mechanical treatments, prescribed fire, and wildfire by severity class (characteristic, uncharacteristically low, and uncharacteristically high) in the high and very high hazard classes from 2008 to 2012 by Forest Service Region. Note the compressed scale above 0.5 million ac.

The majority of the high and very high hazard was in the western half of the United States, with areas also in the southeast and northern Lake States (Figure 2). Variability exists among the average annual area disturbed for each Forest Service Region in the high and very high hazard classes relative to the total landmass (Figure 6). R4 and R5 had the largest total area in the high and very high hazard classes, and R9 had the least (Figure 6). Because of the frequent use of

prescribed fire, and the relative low area with high or very high hazard, R8 had the highest proportion of high and very high hazard area disturbed annually, which was almost five times that of the next closest region, R3, which had the highest proportion of wildfire of any severity (Figure 6). A higher ratio of area disturbed was by wildfire (any and characteristic severities) than by treatment in half of the regions (R1, R3, R4, and R5) with all wildfire being almost 6 times and characteristic wildfire 4 times that of treatment in R4. Of the regions, R5 had the highest percentage of disturbance by uncharacteristically high-severity wildfire in the high and very high hazard classes (Figure 6).

### Discussion

It is neither realistic nor necessary to do fuel treatments on every acre of the 193 million ac encompassing the NFS lands. With limited budgets and capacity as well as other constraints such as wildlife habitat preservation and inaccessible terrain, it is important to prioritize when, where, and how to treat wildland fuels (Collins et al. 2010). This evaluation explores the location of mechanical treatments, prescribed fires, and wildfires with respect to historic fire return intervals or potential wildfire hazard for NFS lands over the period of 2008 to 2012. This assessment considered the footprint acres disturbed by fuel treatments and wildfire to promote resiliency or reduce hazard; however, in many instances, treatments can be designed to accomplish both simultaneously (Ager et al. 2010, Schoennagel and Nelson 2010). Finding a balance between the two objectives may be necessary when managing for multiple objectives, which is common in federally administered lands.

The creation and maintenance of fire-resilient landscapes can include contemporary disturbance that approximates historical disturbance rates. For this to occur, 6.2 million ac of NFS lands would need to be treated or experience beneficial wildfire annually (Table 2). Over the period assessed, 45% of NFS lands that historically would have burned were disturbed by either fuel treatment (26%) or wildfire with characteristic severity (19%) annually. The current scale and pace of treatment implementation is not keeping up with the current needs or addressing the backlog (North et al. 2012) of the many years of wildfire suppression and limited fuel treatment implementation.

A similar assessment for National Forestlands in California's Sierra Nevada re-

ported that approximately half of required disturbance based on need set by the maximum MFRI was accomplished with fuel treatments or wildfire of any severity (North et al. 2012). This assessment found a similar amount of disturbance for R5, which contains the Sierra Nevada, the Sierras when wildfire of any severity was included, and 10% less when only wildfire of characteristic severity counted. Considerable variability in disturbance was experienced across the National Forest Regions (Figure 4). In half of the regions (R1, R3, R4, and R5), wildfire exceeded the amount of area treated. Although in many cases, these wildfires have accomplished what the landscape needs (characteristic severity), from an ecological point of view, this is not always true. Some wildfires burn with uncharacteristically high severity under extreme weather conditions in heavy fuels and may result in ecological damage. We found over the period assessed that 11% of wildfire acres burn with uncharacteristically high severity. Current treatment rates are insufficient to fully create and maintain resilient landscapes, especially in frequent fire rotation areas. One approach to overcoming the low treatment rate is to create conditions conducive to letting naturally ignited wildfires burn when the opportunity arises, so that unplanned wildfires can be used to meet objectives (Reinhardt et al. 2008, North et al. 2012, 2015, Stevens et al. 2014).

MFRI can be used to define different management regimes with the objective to create and maintain fire-resilient landscapes (Figure 3). Areas that have historically burned frequently (<35 years) would lend themselves to active management with repeated treatment to promote resiliency in the absence of wildfire. These frequent fire systems are typically “fuel-limited,” meaning that with sufficient fuel accumulation they are almost always conducive to burning during the fire season and a lack of frequent disturbance can lead to uncharacteristic high-severity burning (e.g., Schoennagel et al. 2004, Steel et al. 2015). These areas represent the largest disturbance need nationally: 5.3 million ac/year or 85% of the annual disturbance need. Currently, 39% of this area is being disturbed annually (22% treatment, 14% wildfire with characteristic severity, and 3% uncharacteristically severity wildfire). In a different, although related, approach using fire regime group to define treatment need, Schoennagel and Nelson (2010) reported that 43% of treatments in

forested federal lands in the western United States from 2004 to 2008 occurred in areas of high restoration need. High restoration need was defined by areas of a frequent historical wildfire ( $\leq 35$  years) with low to mixed severity or FRG I. In our assessment, 58% of treatments in the western regions occurred in FRG I, showing an improvement in targeting these areas since 2008.

Areas that burned less frequently (MFRI 35–100 years) could be managed differently. These areas could be actively treated if needed and then be managed passively, allowing for wildfire to play a more natural role. Because of the longer MFRI, 11% of the annual disturbance need was within this group, and, of that, 38% was disturbed by treatment with an additional 52 or 34% by wildfire if all severities or only characteristic severity was considered, respectively. Finally, infrequently burned (MFRI >100 yr) “climate-limited” systems, which have sufficient fuels but often lack extreme climatic conditions conducive to wildfire (e.g., Schoennagel et al. 2004, Steel et al. 2015), could be managed selectively because they account for only 4% of the disturbance requirement. The combined disturbance of treatments and characteristic severity wildfire have exceeded the disturbance need based on historic levels where the MFRI is greater than 150 years. In these climate limited systems, one-third of annual wildfire acres burned had uncharacteristically low severity.

When the primary objective of fuel treatments is to aid in fire control, they are often located strategically to reduce wildfire hazard and facilitate wildfire suppression activities. Within some hazard classes, we found that a nonproportional amount of land was treated or burned in wildfire (Figure 5). For example, the very low hazard class accounts for 20% of the NFS lands, and of the treatments completed annually, 26% are in this class, with 8% of the wildfire acres. The very high hazard class had the lowest treatment percentage and the highest incidence of uncharacteristically high-severity wildfire out of all the hazard classes. With the exception of R8, which treated on average 13% of the elevated hazard land (high and very high hazard) annually, all of the other regions treated less than 1% (Figure 6). Areas of very low hazard often are favored for treatment because they are less complex to plan and implement, are more economical to treat, or are in need of retreatment to maintain effectiveness. Very high hazard ar-

eas often require multiple entries to complete treatments, typically with mechanical methods being applied before prescribed fire, if prescribed fire is used, increasing the cost and complexity. In addition, treatments are often placed to protect highly valued resources and assets (HVRAs), where treatment location is predetermined regardless of hazard. Finally, treatments may be placed where they can accomplish multiple objectives, including production of wood products. This may result in selection of locations that are less important for hazard mitigation.

The proportion of wildfire (any and uncharacteristically high severity) in each hazard class increased along with hazards, with a near quadrupling of uncharacteristically high-severity wildfire acres between the very low and very high hazard classes. The higher proportion of wildfire acres in the very high class relative to the very low class is not surprising. In the very low hazard areas, suppression activities are typically more effective, limiting the total area burned. The very high class represents areas with a higher probability of experiencing high-intensity wildfire, which is hard to suppress, and are most likely to escape from initial attack and grow large (Dillon et al. 2015). If reducing potential wildfire hazard is a primary goal, placing treatments in areas of the highest hazard is warranted especially when they intersect HVRAs that are detrimentally affected by wildfire. Whereas a number of considerations including locations of HVRAs and opportunities to meet other restoration objectives may lead to placement of a fuel treatment in a lower hazard area, locating treatments in the areas with the highest hazard is most effective when fire control is the objective.

This assessment used LANDFIRE-assigned wildfire severity to characterize acres burned as characteristic or uncharacteristic with respect to severity based on presumed historical fire regimes. This allows for a more robust assessment of wildfire as a treatment than previous work by North et al. 2012, which assumed that all wildfire acres counted as treatments. Similar to North et al. (2012), Schoennagel and Nelson (2010), and Schoennagel et al. (2009), this assessment examined the interactions of fuel treatments and wildfire on the promotion of resiliency or hazard reduction. With the currently available data and fuel treatment reporting systems in the Forest Service, it was not possible to assess the extent to which fuel treatments create and maintain resiliency or reduce haz-



ard at the national scale. The newly implemented requirement in the FACTS system to note the progress (initial/interim or completed) and whether it is a maintenance or new treatment will facilitate future assessments of fuel treatment effectiveness. Additional requirements to quantify changes to fuels and to note whether the treatments were successful in meeting stated objectives would be beneficial. To quantify the impact of treatments (mapped by LANDFIRE) to reduce wildfire hazard, consistently derived maps of wildfire hazard are required. Currently two versions of the WHP map exist (2012 and 2014) and could be compared to make broad assessments; however, with each iteration differences exist in the input data and the final map so that a direct detailed comparison is not advised (Dillon et al. 2015).

One of the objectives of the Forest Service Strategic Plan (USDA Forest Service 2015b) is to mitigate wildfire risk. The plan acknowledges the natural role of fire in many ecosystems and the potential to use wildfire as a restoration tool, as well as the potential threat of wildfire to public safety, property, and natural resources. To assess the progress toward the strategic plan objective, the Forest Service is initiating two nationally based performance measures. The first assesses the risk of future wildfires to HVRAs. This national risk assessment will identify the likelihood of wildfire, expected wildfire intensity, and expected impacts, positive or negative, on HVRAs (Dillon and Scott 2016). This product will provide up-to-date information on landscapes at risk of detrimental wildfire and will be used to help determine where to invest in fuel treatments and where wildfire may be allowed to play its natural role and achieve ecological benefits based on assessments of risk (Dillon and Scott 2016). Once the baseline measure is completed, it will be periodically remeasured to determine whether overall risk has been reduced as a result of fuel treatments or other disturbances. The second measure assesses the extent to which naturally ignited wildfires achieve beneficial results. This measure recognizes the need and commitment to using wildfire as a restoration tool when appropriate. Previous performance measures (e.g., acres treated and acres treated in the wildland-urban interface) essentially treated all areas as equivalent and did not recognize that some areas are more important to treat than others from a risk mitigation or ecological need stand-

point. These measures will still be reported for continuity.

The use of LANDFIRE data has limitations. Not all treatments were represented in the LANDFIRE Disturbance data for several reasons: only a single event per year per location is used, sometimes LANDFIRE Events data are lacking, and, finally, small patch sizes confound assessment efforts at the national scale. The disturbance with the greatest change to vegetation and/or fuels composition and structure is ranked highest and maintained in the data set (Nelson et al. 2013). When remotely sensed detected changes were not within LANDFIRE Events, they were labeled as unknown (Nelson et al. 2013). Within the current analysis, on average annually 7% of all disturbance acres were classified as unknown and were not included. Remotely sensed disturbed areas of fewer than 50 pixels (about 12 ac) were too small for the purposes of large area updating and were not included (Vogelmann et al. 2011). On the other hand, vegetation management can be completed over a number of years, resulting in partial treatment counting as repeat treatment within the same footprint. However, LANDFIRE Disturbance data permitted direct overlays of all required data layers to conduct the detailed analysis accomplished.

This is the first assessment that intersects the actual footprint of fuel treatments and wildfire with MFRI and wildfire hazard at a national scale. Over the period from 2008 to 2012, ~2% of NFS lands were being disturbed annually by fuel treatments and wildfire. This equates to half of the historic area burned, with the highest wildfire hazard class experiencing the lowest percentage of area treated and the highest incidence of wildfire (any and uncharacteristically high severity). The “disturbance deficit” created by wildfire exclusion is ultimately self-correcting: large wildfires and increased acreage burned are the correction; however, there is no control on the severity of these fires. Treating fuels mechanically or with prescribed fire is an attempt to impose a disturbance that is less severe than wildfire and is used to mitigate the manner in which wildfire will eventually occur. These results suggest that the rate of fuel treatment implementation needs to be increased for this mitigation to be successful and that proactive wildfire management will need to be an important part of the solution.

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# FINAL REPORT

Title: Do fuel treatment costs affect wildfire suppression costs  
and property damages?  
An analysis of costs, damages avoided and return on investment

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# **Do fuel treatment costs affect wildfire suppression costs and property damages?**

## **An analysis of costs, damages avoided and return on investment**

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### **ABSTRACT**

Spatial wildfire suppression costs regressions have been re-estimated at a more disaggregated level for the nine Geographic Area Coordination Center (GACC's) regions using five years of data for fires involving National Forests. Results of these revised regression determined that only in the California GACCs did mechanical fuel treatment reduce wildfire suppression costs. However, the results of our second major hypothesis tests that fuel treatments, by making wildfires less damaging and easier to control, may reduce property damages (i.e., structures—barns, out buildings, etc. and residences lost) seems to be confirmed for acres treated with prescribed burning. In four out of the seven geographic (GACC) regions prescribed burning lowered the number of structures damaged by wildfire. The results for mechanical fuel treatment were more mixed, with a significant negative effect in reducing property damages in two of the three regions with a significant coefficient on mechanical fuel treatment. These results are consistent with past research that suggests that for fuel treatments to reduce wildfire suppression costs it may be necessary to substantially increase the amount of area treated. Further, our results also bring forth another hypothesis that perhaps fuel treatment efforts may reduce the likelihood of large wildfires. This possibility is related to another new hypothesis that our research generated: fuel treatments may reduce the likelihood that small fires will grow into larger more expensive fires to control. If this is the case there is likely to be a substantial cost savings arising from fuel treatments in reducing the number of large fires.

The results of our analysis “Do forest fuel reduction treatments reduce wildfire suppression costs and property damages? A multi-regional nationwide analysis of determinants of USDA Forest Service wildfire suppression costs and wildfire property damages” was presented at the V International Symposium on Fire Economics, Planning and Policy: Wildfires and Ecosystem Services by Armando González-Cabán.

After presenting preliminary results at the V International symposium on Fire Economics, Planning and Policy: Wildfires and Ecosystem Services we received numerous helpful suggestions. As a result we greatly expanded the literature review and refined the regression model specification as suggested by the comments we received. The resulting paper was presented at the Western Agricultural Economics Association on July 10, 2017. After receiving those comments, a final journal manuscript on the results of the tests of whether fuel treatments reduce suppression

costs and property damages was submitted to the *Forest Policy and Economics*.

Keywords: Geospatial regression analysis, hazardous fuel reduction, mechanical fuel treatment, multiple regression analysis, OLS, prescribed burning, wildland-urban interface,

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## **Chapter I. Introduction**

The costs of wildfire management have escalated in the past decades, largely due to increased expenditures for suppressing large wildfires and fires in the wildland-urban interface. Frequent siege-like fire (most recently being called mega fires) incidents have enormous costs in loss of life, property, natural resources and wellbeing. For example, during the last decade the USDA Forest Service (FS) alone has incurred fire suppression costs of over \$19 billion fighting wildfires that have burned more than 39 million ha of forest and brush lands (NIFC 2014). Furthermore, in the period from 1999 to 2010 more than 1100 homes were burned annually and a total of 230 lives lost (Gude et al. 2013). Additionally, there is growing recognition of the futility of fighting fires in ecosystems where prior fire exclusion policies have led to dangerous fuel accumulations.

The economic consequences of alternative management strategies are not well understood. Cost-effectiveness comparison between prescribed fire and mechanical fuel treatments fire suppression expenditures are poorly understood. Current analysis tools for justifying budgets and displaying tradeoffs rarely incorporate consideration of all relevant contributors to fire management costs and net value changes.

### **1. Project Purposes in Relation to Updated Literature Review**

Wildfire suppression costs and fuel treatment costs are two of the most important components in fire management operations. One of the significant problems in studying fuel treatment costs and its relationship with fire suppression costs is the difficulty in trying to establish the productivity of fuel treatments in term of reductions in suppression costs and losses. That is, analytically, the main problem is how to determine a production function for fuel treatments (Omi 2008).

The first purpose of this research project is an analysis and statistical model of the costs of different types of fuel treatments. The importance of estimating the costs of fuel treatment for budgeting and other fire planning purposes has received only limited attention over the past two decades. Rideout and Omi (1995) were one of the first to perform a statistical analysis of the factors influencing fuel treatment costs. Their model used regional dummy variables and included dummy variables for type of fuel treatment (e.g., mechanical, chemical). In 1997, González-Cabán performed an analysis of variance of factors influencing prescribed burning costs in three USDA Forest Services regions. Twelve years later, Hartsough et al. (2008) conducted an analysis using seven western U.S. states. They compared net costs of mechanical fuel reduction (cost net of sale of any wood products) to costs of prescribed burning, and combinations of thinning with prescribed burning. One of the last literature reviews of the cost of fuel reduction treatments in 2008 by Rummer concludes "...there is a questionable basis for many of the general estimates used to date". He cautioned against relying on existing cost literature to estimate costs of future fuel treatments. There is an obvious need to update the analysis of factors influencing fuel treatment costs.

A second purpose of this project is to determine if fuel treatments reduce wildfire suppression costs. The third hypothesis is whether fuel treatments reduce property damages. These two effects provide the means to estimate the return on investment of fuel treatments.

The first step in our analysis process is to understand wildfire suppression costs and the factors

affecting it. One of the first empirical studies attempting this was by McKetta and González-Cabán in 1985. They presented descriptive statistics on estimates of these costs for various modes of suppression (e.g., handcrews vs. helitack, engines, etc.). However it is important to go beyond just statistically summarizing the costs, and move toward an explanatory analysis of what factors determines the wide range of costs of suppression observed. A statistical model was developed that provides an understanding of the factors that influence suppression costs and statistically test whether fuel treatment influences suppression costs.

By and large the three most common reasons for explaining the current increase in wildfire damages and suppression costs are: 1) fuels build up resulting in part from past fire suppression policies, 2) warmer temperatures and drought conditions, and 3) expansion of the WUI into fire-prone landscapes.

A study of suppression costs in Western United States FS Regions (1 through 5) by Gebert et al. (2007), found that higher home values (non-biophysical variable) within 20 miles of a wildfire ignition increased suppression expenditures. All other variables that influenced suppression costs were biophysical variables like extreme fire behavior, drought conditions, wildfire intensity levels, and energy release component. Though not specific to the presence or absence of WUI, Liang et al. (2008) studied wildfire suppression expenditures for 100 large wildfires occurring in the Northern Region (R1) of the US Forest Service. They found wildfire size and the percentage of private land within the burned area had a strong effect on suppression expenditures. This finding supports the idea that non-biophysical variables have an effect on fire suppression costs.

Most recently, Gude et al. (2013) used fires in California's Sierra Nevada to estimate the relationship between housing and fire suppression costs. That is, whether the presence of homes is associated with increases in fire suppression costs after controlling for other biophysical parameters (e.g., size, terrain, weather, etc.). Their study found a small, but statistically significant increase in suppression costs with the presence of homes within a 6-miles radius of an active wildfire.

Recently, Scofield et al. (2015) analyzed the effect of the spatial configuration of house in the WUI on costs of fighting nearly 300 wildfires in Colorado, Montana and Wyoming from 2002 to 2011. Scofield et al. (2015: 3) found that not only does homes in the WUI matter, but that whether the homes are widely dispersed in that landscape (e.g., 35 acre parcel development common in Colorado) versus whether they are clustered together also has an effect on wildfire suppression costs. These authors found that clustering homes in the WUI greatly reduced firefighting costs relative to dispersal of the same number of homes throughout the landscape.

Rideout et al. (2008) explored the topic of whether, theoretically, fuel treatments have the potential to reduce wildfire suppression costs in the treated area. They showed that it is difficult to establish an unambiguous relationship between fuel treatments and resulting suppression costs, without factoring in the implied level of net fire damage. Further, prior fuel treatments often make fire suppression efforts more effective, and hence more, not less, suppression may be warranted in areas that have been treated, than in untreated areas (which may be too unsafe to engage in wildfire suppression or wildfire suppression will do little to reduce damages). On the other hand, because fire suppression may be easier making it more effective, final fire size might be smaller, potentially

reducing fire suppression costs. But what the net effect of these possible relationships are is an empirical question that can only be addressed with data on actual fire suppression costs in treated versus untreated areas.

The recent empirical literature most closely related to the specific purpose of our research includes papers by Cochrane et al. (2012), Butry (2009), Thompson and Anderson (2015), Yoder and Ervin (2012) and Fitch et al. (2017). Cochrane et al. (2012) investigated the effect of 1300 individual fuel treatments on 14 large wildfires using a simulation approach. They calibrated a simulation model to these 14 large fires that had been treated and then used the model to simulate what would have been the fire behavior had these areas not been treated. They conclude that fuel treatments in these 14 large wildfire changed fire spreading rates and reduced the likelihood of fire crowning behavior. They indicate that much larger samples are needed, however. Their study was not intended to nor did they analyze the relationship between fuel treatments and suppression cost, although fire spreading rates and crowning behavior influences fire suppression costs. Thompson and Anderson (2015) also took a modeling approach but they did so to evaluate the effects of fuel treatment on fire suppression costs. They compared three modeling approaches that were applied in different geographic areas (i.e., Oregon, Arizona and the Great Basin). Across this broad geographic span they found that the potential existed for costs of fighting wildfires to be reduced by fuel treatments. However, they noted (Thompson and Anderson, 2015: 169): *“Second, the relative rarity of large wildfire on any given point on the landscape and the commensurate low likelihood of any given area burning in any year suggests the need for large-scale fuel treatments....Thus in order to save large amounts of money on fire suppression, land management agencies may need to spend large amounts of money on large-scale fuel treatment”*. But, Reinhardt et al. (2008) believe the inability to know where the few large and expensive to suppress fires will occur suggest that such widespread fuel treatments might only reduce fire suppression expenditures if used in conjunction with controlling residential development in fire-prone areas and a tempering of the “all-out” approach to fire suppression. Otherwise, they feel it may be a mistake to think that fuel treatments by themselves can reduce wildfire suppression expenditures. Much like Thompson and Anderson (2015), Barnett et al. (2016) also found a relative rarity (6.8%) of the intersection of fuel treatments and wildfire on federal lands in the same coterminous U.S. area we study. In the face of this rarity, Barnett et al. (2016) emphasizes the need to prioritize fuel reduction projects. An example of such prioritization is Jones et al. (2017) where the focus on fuel treatments is on accessible portions of urban watersheds.

Butry (2009) utilized a propensity scoring method to analyze the effect of prescribed fire on what they refer to as wildfire-intensity weighted acres. He makes the case that propensity scoring has advantages over OLS regression when there may be unobservable variables and these unobservable variables are correlated with the prescribed fire fuel treatment. Unfortunately he does not compare the propensity scoring approach to OLS for his data, but suggests OLS models may underestimate the impact of prescribed fire. Nonetheless, even using a propensity scoring model with his fine scale spatial data for the St. Johns River Water Management District in northeast Florida, he finds that in only one of the nine comparisons does prescribed fire reduce wildfire intensity-acres at the 5% level (another one is what he labels “weakly significant” at the 11% level). The largest effect is that a 1% increase in prescribed fire reduces wildfire intensity-acres by 0.0436%, and the average effect across the entire sample is 0.0138%. Thus, even when statistically significant, the effect of fuel treatments is very small.

Fitch et al. (2017) has an intermediate size analysis area of five National Forests in northern Arizona dominated by ponderosa pine. They focus on fires 800 acres and larger. Their wildfire suppression cost regression model includes as explanatory variables the dominant vegetation cover, wildfire size, and distance to WUI areas. Their dependent variable used a natural log transformation of wildfire suppression cost per hectare. Their results indicate that the further the wildfire area was from WUI areas, the lower the wildfire suppression costs. In their modeling effort fuel treatments worked through reducing the proportion of wildfire burning at high severity and mixed severity. A 1% increase in proportion of the wildfire burning at high and mixed severity increased wildfire suppression costs by 6.43% and 4.91% relative to low severity.

Yoder and Ervin (2012) were one of the first to directly test the effect of fuel treatments on fire suppression costs at the county level in the western U.S. To conduct this analysis, they ran the natural log of total suppression costs at the county level as a function of: wildfire acreage, prescribed (RX) burn acres, mechanically thinned acres, amount spent on RX burning, amount spent on thinning, vegetation type, WUI area, temperature, and precipitation. While their model had good explanatory power ( $R^2=0.71$ ) generally neither the acres of prescribed burning nor the cost of prescribed burning nor the acres thinned nor the cost of thinning had a negative and significant effect on suppression costs (just one of the 16 variables).

Several inferences can be made from this literature. First, to isolate the effect of fuel treatment on wildfire suppression costs, it is important to control for whether the wildfire was in WUI and biophysical variables. Specifically, wildfire suppression costs were related to fire size, terrain (e.g., slope), and wildfire intensity levels. Higher fuel loads (e.g., density and type of vegetation) also appear to affect wildfire suppression cost, and thus reducing fuel loading is one of the purposes of prescribed burning and mechanical fuel treatments. Thus, our empirical model specification includes all of these factors in an attempt to control for them when testing whether fuel reduction treatments reduces wildfire suppression costs.

In contrast to Yoder and Ervin (2012) who use county averages, our analyses use individual fire level data. This provides a finer geographic resolution than using counties as a unit of analysis. Unfortunately, much of the literature on the effect of fuel treatment on wildfires that have used individual fire data have focused on fairly small geographic areas (e.g., one county or water district in Florida) and so limit the geographic generalizability of their findings. We have been able to do our analysis at the individual fire level for the entire National Forest System (excluding Alaska and Hawaii). Nonetheless, being nationally comprehensive down to the individual fire level requires that we use what data is consistently available nationwide, so not every variable that every paper has included can be included in our analysis. Nevertheless, we felt the broader geographical generalizability of our results filled an important gap in the fuel treatment-wildfire suppression cost analysis literature.

#### *Specific Objectives of the Analysis*

The expected benefits of our fire suppression cost research is twofold: (a) to determine if there is or is not a statistical relationship between fuel reduction policies and suppression costs and (b) to determine if there is or is not a statistical relationship between fuel reduction policies and property damages from wildfires. If relationship between fuel treatment and suppression costs and property

damage is confirmed, then calculate the net suppression costs savings and hence benefits of fuel reduction treatments. Findings for (a) and (b) would help provide justification to Congress that funding additional fuel reduction treatments is a cost effective way to reduce long run suppression costs and wildfire damages. Further, our multiple regression fuels treatment cost regression model would account for many of the quantitative and qualitative variables that influence the costs of fuel treatment. The resulting model can be applied by fire managers to estimate the cost of fuel treatments tailored to the specifics of their particular application. The tailoring occurs by setting the values of the independent variables at the levels specific to the fuel treatment the manager wants an estimate of the cost for.

## **2. Project Hypotheses**

Building upon the Gude (2014) and Yoder and Ervin's (2012) models, particularly in the latter, we estimate a multiple regression model to test hypotheses and quantify the effect of fuel treatment efforts on wildfire suppression costs and human and resource impacts. More specifically we will answer the following two questions:

- (a) Do presuppression fuel treatments have the potential to reduce wildfire suppression costs in the treated area?
- (b) Do presuppression fuel treatments reduce the number of houses damaged from wildfire?

Our regression models account for many of the quantitative and qualitative variables that influence the costs of suppression and fuel treatments. The regression models will allow us to test these two hypotheses about what factors influence the cost of suppression and fuels treatment as well their influence on human and resource impacts. Each of the variables included in the regression model are considered as a hypothesized variable influencing costs. These hypotheses are tested based on asymptotic t-statistics on each of the variables. The resulting model can also be applied by fire managers to estimate fuel treatment and suppression costs tied to the specifics of their particular fire situation. The linkage to local fire conditions occurs when the manager sets the values of the independent variables at the levels specific to the fuel treatment the manager wants an estimate of the cost for.

## Chapter II Methods

### 1. Final Conceptual Framework

Building upon the available literature, we estimate a multiple regression model to test hypotheses and quantify the effect of fuel treatment efforts on wildfire suppression costs and structures damaged. Our regression models account for many of the quantitative and qualitative variables that influence the costs of wildfire suppression costs. We chose the natural log of the suppression cost per acre to deal with any potential for heteroscedasticity that might be a problem had we used total suppression cost. Our empirical model is:

#### Dependent Variable

$\ln(\text{TSC}_i/\text{WFacres}_i)$  = natural log of (Total Suppression Costs<sub>i</sub>/Wildfire Acres<sub>i</sub>)  
**TSC<sub>i</sub>** = Total Suppression Costs of wildfire i  
**WFacres<sub>i</sub>** = size of wildfire i in acres

#### Independent Explanatory Variables

**Acres\_Mech** = Acres of the wildfire area with prior mechanical fuel treatment  
**Acres\_RXFire** = Acres of the wildfire area with prior prescribed fire fuel treatment  
**WUIY<sub>i</sub>** = intercept shifter variable for whether the wildfire is in a WUI area  
**Elev<sub>i</sub>** = average elevation of the wildfire area in meters  
**Slope<sub>i</sub>** = average slope within the wildfire area  
**pls<sub>i</sub>** = percent of the area with low level of existing fuel loads

The model specified for all geographic regions (defined in more detail below) is:

$$(1) \ln(\text{TSC}_i/\text{WFacres}_i) = B_0 - B_1(\text{Acres\_Mech}) - B_2(\text{Acres\_RXFire}) + B_3(\text{WUIY}_i) + B_4(\text{Elev}_i) + B_5(\text{Slope}_i) - B_6(\text{pls}_i) + \varepsilon_i$$

The coefficients on the fuel treatment variables should be negative and significant if pre-suppression fuel treatment reduces fire suppression costs. Mathematically our hypotheses are:

$$(2) H_0: B_{\text{AcresRXFire}} = 0 \qquad H_a: B_{\text{AcresRXFire}} < 0$$

$$(3) H_0: B_{\text{AcresMech}} = 0 \qquad H_a: B_{\text{AcresMech}} < 0$$

The hypotheses are tested based on asymptotic t-statistics on the two types of pre-suppression fuel treatments.

### Property Damage Model

$$(4) \ln(\#\text{Structures}_i) = A_0 - A_1(\ln\text{WFacres}_i) - A_2(\text{Acres\_Mech}) - A_3(\text{Acres\_RXFire}) + A_4(\text{WUIY}_i) + A_5(\text{Elev}_i) + A_6(\text{Slope}_i) - A_7(\text{pls}_i) + \varepsilon_i$$

Where #Structures is the sum of houses and other structures (barns, out buildings, unattached garages, etc.) damaged by wildfire<sub>i</sub>. This equation was estimated with a count data model because there were a significant number of wildfires with no structures damaged and several wildfires with

only a few structures damaged.

The hypotheses tests for property damage (# structures) is:

$$\begin{array}{ll} (5) H_0: A_{\text{AcresRXFire}} = 0 & H_a: A_{\text{AcresRXFire}} < 0 \\ (6) H_0: A_{\text{AcresMech}} = 0 & H_a: A_{\text{AcresMech}} < 0 \end{array}$$

The hypotheses are tested based on asymptotic t-statistics on two the types of pre-suppression fuel treatments: RX burning and mechanical fuel treatments.

## 2. Study Sites

To make the study as comprehensive as possible and representative of all vegetation types and fuel models, and fuel treatment activities nationally we collected fuel treatment and wildfire suppression costs and associated data in all FS regions region except Alaska and Hawaii. Alaska and Hawaii are so significantly different from all regions in the conterminous US that would require a separate modeling effort. We implement our study by using all USDAFS Regions in the conterminous US.

## Chapter III: Development of the Fuel Treatment Cost and Suppression Cost Data

### 1. Development of Database for Costs of Fuel Treatment

The primary data for the cost of fuel treatment analysis came from the Forest Service Activities System (FACTS). This system covers all the work codes routinely used by the USDAFS. From the large list of activities available in FACTS we used the existing literature to request data on a subset of all the FACTS activities that were relevant to the cost of fire fuel treatments or mechanical fuel treatments. Further, activities in the data were recoded to intercept shifter variables. This resulted in 25 variables. Table 1 below provides a short definition of the FACTS Activities and its FACTS activity code that are used to label the variables in the regression model. Detailed descriptions of these FACTS activity variables can be found in the FACTS User Guide (USDA Forest Service, 2013; <http://fswb.nrm.fs.fed.us>).

Development of the Treatment Cost Database involved:

- All FACTS data sets on fuel treatments for the USDAFS Regions.
- FACTS Data for Regions 1, 2, 3, 4, 5, 6, 8 and 9 were cleaned of inliers (costs \$1 per acre or less) and outliers (usually costs per acre over \$5,000) and missing observations on critical variables.
- GIS spatial data for all Regions.
- GIS spatial data and FACTS data were been merged.
- The data by regions where grouped by Geographic Area Coordination Centers (GACC's).

Table 1 presents the key FACTS ID and associated name of the fuel treatment variables.

**Table 1 Listing of Fuel Related FACTS ID Considered for the Statistical Analysis**

FACTS ID	Activity Name
1111	Broadcast Burn
1112	Jackpot Burning
1113	Underburn Low Intensity
1120	Remove Fuels by Yarding
1130	Burning Piled Material
1131	Cover Brush Pile for Burning
1136	Pruning to Raise Canopy
1150	Re-arrange Fuels
1152	Compacting/Crushing Fuels
1153	Piling of Fuels Hand/Mach
1154	Chipping Fuels
1160	Thinning for Fuels
1180	Fuel Break
2360	Range Control Vegetation
2370	Range Piling Slash
2530	Invasive-Mechanical
4220	Commercial Thinning
4231	Salvage Cut (Intermediate Treatment)
4455	Slashing Pre-Site Preparation
4471	Site Prep for Planting-Burn
4474	Site Prep for Planting-Mechanical
4475	Site Prep for Planting-Manual
4511	Tree Release & Weed
4521	Pre-Commercial Thinning
4530	Prune
4540	Control for Understory Vegetation
6101	Wildlife Habitat RX Burn
8000	Insect & Disease Activities
0100	Other Activities



## **2. Development of Database for Wildfire Suppression Costs**

- Wildfire Suppression data (FS-5100-29) was obtained for all years. However, there were significant concerns regarding the accuracy of the cost data reported, especially for small fires.
- A significant effort was made to collaborate with the USDAFS scientists at the Rocky Mountain Research Station in Missoula to obtain more accurate Wildfire Suppression Cost Data for large wildfires. This more accurate suppression cost data was obtained and merged into the other FS-5100-29 data describing wildfires to create a master database.
- The wildfire suppression data (FS-5100-29) with the FACTS treatment area data was merged to calculate the independent variables for the cost of fire suppression regression.
- Finally the wildfire suppression cost data and the GIS Spatial data was merged into one dataset.

## Chapter IV: Results for Re-estimated Fuel Treatment Cost Analysis

A final fuel treatment cost multiple regression model was specified. The dependent variable is what the USDA Forest Service called Planned Direct cost per acre in its data set. The candidate independent variables included the setting in which the fuel treatment took place (e.g., WUI and Urban) and acres of the treatment at a minimum. Potentially, the model could include a variety of other variables such as data developed from GIS analysis like the Fire Regime Condition Class, slope, elevation, fuel loadings. While this model might be more predicatively accurate, the data requirement costs of a field manager actually trying to use this model to predict fuel treatment costs would be higher. Review of the Year 1 spatial (and non-spatial) models by California wildfire managers indicated that the simpler re-estimated models presented in Table 2 yielded results that were more plausible to them than the original spatial and non-spatial models from Year 1. However, we have retained the original spatial models in Appendix A, as they may serve as a starting point for future researchers wishing to improve upon these spatial models to make them more acceptable to wildfire managers.

The key variables that were used in the final fuel treatment cost analysis models are:

**Acres:** The number of acres actually treated by the activity. It is expected that the cost per acre would fall with the number of acres treated.

**WUI:** Wildland-Urban Interface; whether the activity occurred in or adjacent to an "... area, or zone where structures or other human development meet or intermingle with undeveloped wildland or vegetative fuels" (FACTS manual, page 39). Expected sign positive (more expensive to conduct activities in WUI due to extra precaution needed). Specifically, WUI signifies the fuel treatment area is in a Wildland-Urban Interface area. Using the drop down menu the user selects whether it is in a WUI (Yes) or not (No). If a fuel treatment area includes both then the program should be run twice: once with the acres in WUI and once with the acres not in WUI. The total cost of the treatment is the sum of the costs in the WUI and non-WUI areas.

**Metropolitan County:** A dummy variable equal to 1 for urban counties, zero otherwise; created using the name of the county entered in FACTS. This designation was based on the USDA Economic Research Service classification of economic areas. The rationale for this variable is that cost per acre of fuel treatment is usually influenced by whether the treatment area is in a metropolitan area where wages are higher. The user selects the county that contains the fuel treatment from the drop down menu, and then the variable for whether that county is in a metropolitan area or not is set to 1 or 0 automatically for the user. As with WUI, if the treatment area spans two counties, the user model should be run twice, one time with the amount of acres in one county and another time with the acres in the other county. The total cost of the treatment is the sum of the costs in the metropolitan and non-metropolitan counties.

One characteristic of all the models is that we only included the FACTS activities related to prescribed burning in the prescribed burning cost regression model. Likewise only FACTS activities related to mechanical fuel reduction were included in the mechanical fuel reduction cost regression.

The general form of the fuel treatment equations estimated is:

$$\ln(\text{FTC}_b \text{ or } \text{FTC}_m) = B_1(\ln \text{ acres treated}) + B_2(\text{WUI}) + B_3(\text{Metro}) + B_{F1}(\text{FACTS1}) \dots + B_{Fn}(\text{FACTSn})$$

Where the  $\text{FACTS}_n$  activity  $n$  is the relevant FACTS activity associated with prescribed burning or mechanical fuel treatment.

$B_{F1} \dots B_{Fn}$  coefficients on the FACTS activities indicate how much higher (+) or lower (-) the cost of that FACTS activity is from the baseline activity for prescribed burning or mechanical fuel reduction.

The sum of the coefficients represents the log of planned direct costs per acre. If one is interested in a different fuel treatment activity, then whatever that activity estimated coefficient is, is added to the sum of the other non FACTS two coefficients (i.e., WUI or Metro). Then to get estimated treatment cost per acre, the anti-natural log of that sum is taken (i.e., taking  $e(\beta(\text{WUI}(0 \text{ or } 1)) + \beta(\text{Metro}) + \beta(\text{FACTS}\#))$ ). If the county is non-metro that makes metro equal to zero, so the sum would just be  $e(\beta(\text{WUI}(0 \text{ or } 1)) + \beta(\text{FACTS}\#))$ . Likewise if the area is not a WUI area and not a Metro area, the sum would just be  $e(\beta(\text{FACTS}\#))$ .

As noted above, the original prescribed burning and mechanical fuel treatment cost models estimated in Year 1, were reviewed in Year 2 by wildfire managers and fire officers in California. They felt the more complicated models provided unrealistically large reductions in cost per acre as the amount of acreage treated increase. Further statistical analysis of the data revealed this problem was due to the specification of the acreage variable and its estimated coefficient in the model. This year the models were re-estimated using a different specification of the form of the acreage variable. The results (negative sign on the **LN of acres treated** coefficient) suggest that in three out of the four regressions that the cost per acre continues to fall as acreage increases but at a much slower rate. Wildfire managers and fire officers in California thought these models provided a more plausible relationship between acres treated and cost per acre.

Not surprisingly costs of performing prescribed burning and mechanical fuel reduction are higher in **WUI** areas, and in **Metro** areas where labor costs are higher. The explanatory power of the models is lower than desirable (about 12% to 24% of the variation in costs per acre is explained by the independent variables in the models). We attribute much of the low explanatory power to the “noisiness” in the FACTS treatment cost data, which as was mentioned in the previous section didn’t always appear to be accurate. While we removed “inliers” (obviously incorrect \$0 and \$1 costs per acre), and outliers (0.1% of observations with costs more than 10 standard deviations from the mean), the data still has a great deal of variation that could not be explained by the particular activity and whether it occurred in WUI or a Metropolitan area.

Table 2 presents the results.

**Table 2 Multiple Regressions of Fuel Treatment Costs per Acre in Northern and Southern California**

*Dependent Variable: LN of Costs Per Acre*

VARIABLES	(1)	(2)	(3)	(4)
	South RX Burn	South Mecl	North RX Burn	North Mech
LN of acres treated	-0.0694***	0.0138	-0.0637**	-0.0544***
(standard errors)	(0.0130)	(0.0137)	(0.0248)	(0.0132)
WUI	0.170***	0.466***	0.366***	0.273***
	(0.0409)	(0.0393)	(0.0635)	(0.0355)
Metro	0.547***	0.447***	0.481***	0.339***
	(0.0430)	(0.0398)	(0.116)	(0.0716)
1131.activity		-1.184**		-1.615***
		(0.461)		(0.203)
1136.activity		0.761***		-0.117
		(0.143)		(0.132)
1150.activity		0.212**		0.204*
		(0.0910)		(0.124)
1152.activity		1.229***		0.0424
		(0.0924)		(0.108)
1153.activity		0.329***		0.181**
		(0.0773)		(0.0809)
1154.activity		0.343***		-0.0859
		(0.0966)		(0.123)
1160.activity		0.295***		0.242***
		(0.0799)		(0.0891)
1180.activity		0.523**		0.426***
		(0.203)		(0.138)
2360.activity		-0.863***		
		(0.238)		
2370.activity		0.0598		
		(0.143)		
4220.activity		0.782***		0.0764
		(0.0907)		(0.0959)
4231.activity		0.382*		-0.183
		(0.217)		(0.171)
4331.activity		-0.966***		
		(0.164)		
4474.activity		-0.0215		0.941***
		(0.329)		(0.162)
4511.activity		0.743***		0.210*
		(0.133)		(0.117)
4521.activity		0.475***		0.224***
		(0.0769)		(0.0794)
4530.activity		-0.442***		-0.409
		(0.167)		(0.310)
4540.activity		0.850***		0.543***
		(0.290)		(0.165)
1112.activity	-0.926***		-0.319	
	(0.127)		(0.319)	
1113.activity	-0.333***		0.414**	
	(0.106)		(0.181)	
1130.activity	-0.550***		-0.433**	
	(0.0884)		(0.169)	
6101.activity	-1.424**		0.347	
	(0.707)		(0.290)	

4471.activity			-0.0811 (0.291)	
2530.activity				0.997*** (0.175)
4455.activity				0.431** (0.203)
4475.activity				0.354** (0.140)
4494.activity				1.161*** (0.208)
Constant	5.351*** (0.0993)	4.621*** (0.0856)	4.772*** (0.188)	5.290*** (0.0846)
Observations	1,238	2,135	1,018	2,408
R-squared	0.168	0.243	0.121	0.136

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## Chapter V: Results for Re-estimated Fire Suppression Cost Analysis

### 1. Final Empirical Model

After extensive discussion with the Washington Office of the USDAFS, and the Rocky Mountain Research Station office in Missoula Montana, it was determined that the most accurate data on wildfire suppression costs were for moderate to large size wildfires. To ensure maximum data quality only wildfires in classes C and above (C, D, E, F and G were used). This corresponds to wildfires 300 acres or larger.

#### *Fire Suppression Cost Variables*

##### Dependent Variable

**Ln(TSC/WFacres)** = natural log of Total Suppression Costs/Wildfire Acres

##### Independent Explanatory Variables

<b>Acres_Mech</b>	= Acres of the wildfire area with prior mechanical fuel treatment
<b>Acres_RXFire</b>	= Acres of the wildfire area with prior fire fuel treatment
<b>WUIY</b>	= intercept shifter variable for whether the fire is in a WUI area or
<b>Elev</b>	= average elevation of the wildfire area
<b>Slope</b>	= average slope within the wildfire area
<b>% low severity</b>	= percent of area in low level of existing fuels

The starting or baseline model specified for all GACC groupings is:

$$\ln(\text{TSC}_i/\text{WFacres}_i) = B_0 - B_1(\text{Acres\_Mech}) - B_2(\text{Acres\_RXFire}) + B_3(\text{WUIY}_i) + B_4(\text{Elev}_i) + B_5(\text{Slope}_i) - B_6(\text{pls}_i) + \varepsilon_i$$

#### *Refinement of Hypotheses*

The original major hypothesis is that within a wildfire area, holding everything else about the wildfire constant, we would expect that the larger the percentage of the wildfire area treated with prescribed burning and mechanical fuel treatment the lower the Total Fire Suppression Cost per Wildfire Acre. Thus, we would expect that regression slope coefficients on  $B_1$  and  $B_2$  to be negative ( $B_1 < 0$ ;  $B_2 < 0$ ).

However, fuel treatments may allow firefighters to enter areas to successfully fight fires in areas that without fuel treatments would not have been safe or effective to enter. Thus, fuel treatments could result in more fire suppression effort (Rideout, et al. 2008). Such active suppression on the ground would of course raise suppression costs. In that case  $B_1$  and  $B_2$  could be positive rather than negative.

Depending on the mix of wildfires in a GACC grouping, there may be some wildfires where fuel treatment would reduce the wildfire suppression costs, but there may also be wildfires that with fuel treatments are now safe for fire fighters to enter, which would increase fire suppression costs. The net effect of these two offsetting effects (the first situation reducing suppression cost and the

second situation increasing suppression costs), may result in the coefficient on fuel treatments with respect to suppression costs being not statistically different from zero (i.e., not systematic effect).

However, it is not that fuel treatments are not without other benefits to society. We also test whether the amount of the wildfire area with fuel treatment reduces wildfire damages to structures (e.g., barns, out buildings) and houses. As noted above fuel treatments may make it safer for firefighters to enter the area and be able to “save” houses and structures that without fuel reduction treatments would otherwise be lost. In terms of economic principles, fuel reduction treatments raise the productivity of a given dollar of fire suppression costs.

### *Combining GACC Regions*

Unlike the cost of fuel treatment regressions (where there were very large sample sizes), the wildfire suppression data did not have equivalently large sample sizes. Therefore, we combined similar GACC’s together to conserve degrees of freedom. Specifically, the Northern and Southern California GACC’s were made into one fire suppression cost analysis area, although we did include a intercept shifter for the Southern California GACC to control for any possible differences in wildfire suppression costs per acre. The Eastern and Southern GACC’s were combined based on them having the two lowest average wildfire suppression costs and geography. We also included an intercept shifter, in this case for the Southern GACC to allow for any systematic differences between the Eastern and Southern GACC’s in terms of wildfire cost per acre. Separate regressions were run for all the other GACC’s.

## **2. Selected Descriptive Statistics**

Table 3a. Descriptive Statistics for East & South GACC’s, Northern Rockies GACC and Rocky Mountain GACC

Variable	East and SO		NRCC		RMCC	
	Mean	Median	Mean	Median	Mean	Median
Ln (Supp Cost/WFAcres)	4.31	4.14	4.610	4.31	4.79	5.32
Acres_Mech	0.03	0.00	0.006	0.00	0.05	0.00
Acres_RXFire	136.40	0.00	182.000	0.00	153.07	0.00
WUIY	0.30		0.080		0.28	
Elevation (meters)	307.25	274.11	1680.400	1757.00	1907.00	2027.00
Slope	7.31	6.11	19.110	20.98	10.95	11.25
pls	17.22	17.38	4.417	2.80	7.24	5.44
#Structures Damaged/fire	0.38	0.00	0.460	0.00	1.75	0.00
Sample Size	174		142		81	

Table 3b. Descriptive Statistics for Southwest GACC, Northwest GACC, Great Basin GACC and California GACC's.

Variable	SWCC		NWCC		GBCC		CACC's	
	Mean	Median	Mean	Median	Mean	Median	Mean	Median
Ln (Supp Cost/WFAcres)	4.73	4.74	5.75	6.29	5.92	5.85	6.73	6.94
Acres_Mech	0.03	0.00	0.04	0.00	0.03	0.00	0.01	0.00
Acres_RXFire	221.60	0.00	95.40	0.00	188.16	0.00	188.40	0.00
WUIY	0.18		0.19		0.19		0.32	
Elevation (meters)	1970.90	2044.40	1128.80	1757.00	2029.00	2027.00	1161.70	1058.20
Slope	11.81	11.83	18.10	20.98	17.23	11.25	17.43	17.77
pls	11.12	9.13	2.80	7.63	5.44	10.73	10.50	11.11
# Structures Damaged/fire	0.56	0.00	0.24	0.00	1.46	0.00	3.40	0.00
Sample Size	170		90		132		115	

Generally speaking only small percentages of wildfire areas have had fuel treatments. Thus, it will be challenging to detect the effect of fire on wildfire suppression costs. As can be seen by comparing the mean and median, far less than half the areas had any fuel treatments of any kind.

### 3. Statistical Results of Wildfire Suppression Cost by GACC Groups

Table 4a presents the regression results for the “best” model for the Eastern and Southern GACC's, Northern Rockies GACC and Rocky Mountain GACC.



Table 4a. Suppression Cost Per Acre Regression for Northeast & Southeast GACCs, Northern Rockies GACC and Rocky Mountain GACC.

	Group 1: GACCs		Group 2: GACC		Group 3: GACC	
	Eastern and Southern		Northern Rockies		Rocky Mountain	
	Estimate	Probability	Estimate	Probability	Estimate	Probability
Intercept (t-statistic)	3.0522 (5.454)	1.76e-07 ***	3.8557 (4.389)	2.28e-05 ***	2.4894 (4.426)	3.25e-05 ***
GACCSoCC	0.5279 (1.864)	0.0641*				
Acres_Mech	-0.1718 (-0.260)	0.7951	4.3541 (-1.250)	0.2136	0.5303 (0.798)	0.4277
Acres_RXFire	-0.0004 (-1.035)	0.3023	-0.0001 (-1.810)	0.7610	-0.0005 (-0.952)	0.3440
WUIY	1.1712 (4.617)	7.76e-06 ***	2.8761 (3.806)	0.0002 ***	1.5817 (2.939)	0.0044 ***
Elevation	-0.0004 (-1.220)	0.2241	0.0005 (1.064)	2.893	0.0004 (0.880)	0.3820
Slope	0.0638 (3.194)	0.0017 ***	0.0012 (0.047)	0.9622	0.1023 (2.125)	0.0369 **
pls	0.0122 (0.449)	0.6542	-0.0651 (-1.464)	0.1566	0.0120 (0.524)	0.6020
<b>R squared</b>	<b>0.2024</b>		<b>0.1116</b>		<b>0.3800</b>	

\*significant at the 10% level, \*\* significant at the 5% level and \*\*\* significant at the 1% level

Most of the variable coefficient signs make sense: wildfires involving WUI and steeper slopes have higher than average wildfire suppression costs per acre. Overall the explanatory power in the Eastern/Southern GACCs and the Rocky Mountain GACC is acceptable at 20% and 38%, respectively, for cross section data across such a broad geographic scope.

In terms of our hypotheses tests, neither of these variables, Acres\_Mech Treatment nor Acres\_RXFire Treatment were statistically different from zero. That is, acres of the wildfire area treated with either mechanical or fire fuel treatments appear not to have a systematic effect on fire suppression costs in these three regions.

Table 4b. Suppression Cost per Acre Regression for Southwest GACC, Pacific Northwest and Great Basin GACC.

	Group 2: GACC		Group 3: GACC		Group 3: GACC	
	Southwest		Pacific Northwest		Great Basin	
	Estimate	Probability	Estimate	Probability	Estimate	Probability
Intercept (t-statistic)	2.1744 (3.228)	0.0015 **	4.800 (6.350)	1.09e-08 ***	5.988 (7.587)	6.51e-12 ***
Acres_Mech	0.4490 (0.725)	0.4693	4.649e-01 (0.540)	0.5910	2.023e-01 (-0.295)	0.7685
Acres_RXFire	-0.0003 (-1.113)	0.2674	-2.533e-05 (-0.043)	0.9660	-6.473e-05 (-0.179)	0.8581
WUIY	0.4383 (1.177)	0.2410	-1.717e-01 (-0.256)	0.7980	9.063e-01 (2.127)	0.0353**
Elevation	0.0010 (2.763)	0.0064***	3.384e-04 (0.694)	0.4900	1.028e-05 (0.031)	0.9754
Slope	0.0646 (2.809)	0.0056***	4.523e-02 (1.604)	0.1130	-1.225e-02 (-0.530)	0.5971
pls	-0.0178 (-0.597)	0.5514	-2.599e-02 (-1.068)	0.2890	-6.183e-03 (-0.280)	0.7803
<b>R-square</b>	<b>0.1181</b>		<b>0.0539</b>		<b>0.0445</b>	

\*significant at the 10% level, \*\* significant at the 5% level and \*\*\* significant at the 1% level

These models have fewer statistically significant variables and lower explanatory power. Only in the Great Basin GACC do wildfires involving WUI have higher wildfire suppression costs per acre. Only in the Southwest GACC does steeper slopes have higher than average wildfire suppression costs per acre. Overall the explanatory power is pretty low for these three regression models.

In terms of our hypotheses tests, neither of Acres\_Mech Treatment nor Acres\_RXFire Treatment were statistically different from zero. That is, acres of the wildfire area treated with either mechanical or fire fuel treatments appear not to have a systematic effect on wildfire suppression costs per acre in these three regions.

Table 4c. Suppression Cost Per Acre Regression for Southern and Northern California GACC

Group 4: GACCs		
Southern & Northern CA		
	Estimate	Probability
Intercept	6.227e+00	1.69e-15 ***
(t-statistic)	(9.329)	
GACCSOCA	-2.614e-01	0.4116
	(-0.824)	
Acres_Mech	-6.451e+00	0.0048***
	(-2.882)	
Acres_RXFire	-1.053e-04	0.2220
	(-1.228)	
WUIY	-5.679e-01	5.21e-07 ***
	(-5.018)	
Elevation	-0.0005	0.1145
	(-1.591)	
Slope	3.992e-02	0.05764*
	(1.919)	
pls	2.704e-02	0.1725
	(1.373)	
<b>R-square</b>	<b>0.1720</b>	

\*significant at 10%; \*\*significant at 5% level and \*\*\*significant at 1% level

In the Northern and Southern California GACC's the variable coefficient signs make sense: wildfires on steeper slopes result in higher than average wildfire suppression costs per acre. The explanatory power is acceptable with 17% of the variation in the wildfire suppression cost per acre explained by the independent variables.

In terms of our hypotheses tests, the statistical significance and negative sign on Acres Mech Treatment indicates that the more acres of a wildfire area treated with mechanical fuel reduction, the lower the costs per acre of wildfire suppression in California. However, Acres Fire Treatment

was not statistically different than zero. That is, acres of the wildfire area treated with a fire fuel treatment appear not to have a systematic effect on fire suppression costs.

#### **4. Summary of Fire Suppression Cost Regression Results and Hypotheses Test**

As noted above in our discussion of hypotheses, it is possible that the general lack of statistical significance of the fuel treatment variables may be due to opposing effects: in some wildfires fuel treatment did lower suppression costs, but in other wildfires, fuel treatments allowed fire fighters to enter areas that would otherwise not be safe, thereby raising wildfire suppression costs. As Rideout et al. (2008) point out this is result is theoretically possible under plausible circumstances. In addition, as noted by Thompson and Anderson (2015) there may simply be too little of fuel treatments in areas with wildfires to detect any effects of fuel treatments on wildfire suppression costs. That lack of significance of prescribed burning (Acres\_RX) and mechanical fuel reduction (Acres\_Mech) almost uniformly across all but one GACC regions is consistent with the findings of Yoder and Ervin (2012) at the county level for the western U.S. and Butry (2009) for his micro-scale analysis in one area of Florida. Our results are also consistent with the general finding of Gude et al. (2014) that the Firewise Communities Program of reducing vegetative fuels around homes did not reduce wildfire suppression costs either.

These results also bring about a new hypothesis, which perhaps the real impact of fuel treatments is to reduce the probability that small fires grow into larger wildfires that are more expensive to control. If this is the case, then there may be **a cost savings** from fuel treatment programs in reducing the need to number of large wildfires. Unfortunately, we were unable to obtain the data that would be necessary to test this new hypothesis in the fourth year of the project.

## **Chapter VI: Results for Effect of Fuel Treatment on Property Damages**

Our second hypothesis test is that fuel reduction treatments such as prescribed burning and mechanical fuel reduction would reduce the number of homes and other structures damaged by wildfires by raising the marginal productivity of a given expenditure of fire suppression money. This is a finding of Bostwick et al. for one fire (Wallow Fire) in the southwestern U.S. Obviously testing with multiple fires in multiple geographic regions is necessary to determine if this is the usual result or not.

As was shown previously in Tables 3a and 3b, the relatively low number of structures (i.e., houses, barns, out buildings) damaged relative to the large number of fires suggested that a count data model might be the appropriate statistical technique to estimate the effect of fuel treatments on property damages. A count data is well suited to handle small integers, including zeros better than OLS regression does. At the recommendation of our project statistician we adopted a rather parsimonious model to test for the effect of the number of acres of the wildfire treated with mechanical fuel reduction (Acres\_Mech) and the number of acres treated with prescribed fire fuel treatment (Acres\_RX). Other variables included were size of wildfire (lnWFacres) and whether the fire occurred in a Wildland Urban Interface (WUI) area. We would expect larger fires and certainly fires burning in WUI areas where there are homes and developed structures in place to potentially have higher property damages.

The results are presented in Tables 5a, 5b and 5c.

Table 5a. Count data models for Structures damaged by wildfire Eastern & Southern GACCs, Northern Rockies GACC and Rocky Mountain GACC

	Group 1: GACCs		Group 2: GACC		Group 3: GACC	
	Eastern and Southern		Northern Rockies		Rocky Mountain	
	Estimate	Probability	Estimate	Probability	Estimate	Probability
Intercept (t-statistics)	-9.1775 (-4.86)	2.84e-05 ***	-1.129e+01 (-8.540)	< 2e-16 ***	-1.491 (-21.171)	2e-16***
GACCSOCC	-4.6055 (-7.562)	3.97e-14 ***				
lnWFacres	0.5181 (2.937)	0.00331 ***	1.183 (8.496)	< 2e-16 ***	1.579 (26.740)	2e-16 ***
Acres_Mech	-58.5281 (-0.990)	0.32228	-2.986 (-4.049)	5.14e-05 ***	-4.561 (-2.313)	0.0207*
Acres_RXFire	0.0020 (5.515)	3.49e-08 ***	-5.435e-04 (-1.810)	0.0704*	-5.096e-03 (-13.828)	2e-16***
WUIY	4.6003 (4.472)	7.76e-06 ***	3.321 (10.969)	< 2e-16 ***	3.838 (26.521)	2e-16 ***
Elevation	0.0005 (0.506)	0.61320	1.480e-03 (4.212)	2.53e-05 ***	2.857 (1.905)	40.0568*
Slope	-0.3360 (-2.617)	0.00887 **	-1.626e-01 (-6.324)	2.55e-10 ***	6.334e-02 (4.344)	1.46e-05***
pls	0.2400 (4.746)	2.07e-06 ***	-4.790e-03 (-0.116)	0.9079	-8.112e-02	0.003 ***

\*significant at the 10% level, \*\* significant at the 5% level and \*\*\* significant at the 1% level

Table 5b. Count data models for Structures damaged by wildfire Southwest GACC, Pacific Northwest GACC and Great Basin GACC

	Group 4: GACC		Group 5: GACC		Group 6: GACC	
	Southwest		Northwest		Great Basin	
	Estimate	Probability	Estimate	Probability	Estimate	Probability
Intercept (t-statistic)	-2.434e+01 (-14.881)	<2e-16 ***	-8.2249 (-4.062)	4.87e-05 *** (-9.712)	-3.8016	< 2e-16***
lnWFacres	1.184 (10.167)	<2e-16 ***	0.7736 (4.334)	1.47e-05 *** (16.948)	0.5613	< 2e-16 ***
Acres_Mech	5.561e-01 (0.589)	0.556	0.1315 (0.299)	0.7649 (-1.296)	-3.6940	0.195
Acres_RXFire	-5.792e-05 (-0.695)	0.487	-0.0002 (-0.429)	0.6682 (-3.915)	-0.0061	9.04e-05 ***
WUIY	4.391 (11.619)	<2e-16 ***	1.7696 (3.460)	0.00054 *** (9.924)	1.1464	< 2e-16 ***
Elevation	3.002e-03 (11.774)	<2e-16 ***	0.0007 (0.864)	0.3878 (1.249)	0.0002	0.212
Slope	2.148e-01 (9.415)	<2e-16 ***	0.0119 (0.382)	0.7023 (-5.860)	-0.0505	4.63e-09 ***
pls	-1.888e-02 (-0.340)	0.734	-0.2456 (-2.979)	0.9079 (1.233)	0.0101	0.217

\*significant at the 10% level, \*\* significant at the 5% level and \*\*\* significant at the 1% level

Table 5c. Count data models for Structures damaged by wildfire California GACCs

<b>Group 7: GACCs</b>		
<b>Southern &amp; Northern CA</b>		
	Estimate	Probability
Intercept	-6.6272	<2e-16 ***
(t-statistics)	(-14.523)	
GACCSOCA	1.6216 (10.126)	<2e-16 ***
lnWFacres	1.0229 (2.251)	<2e-16**
Acres_Mech	16.0169 (11.395)	<2e-16 ***
Acres_RXFire	-0.0099 (-4.035)	5.45e-05 ***
WUIY	-0.6337 (-5.018)	5.21e-07 ***
Elevation	-0.0005 (-2.524)	0.0116**
Slope	0.0432 (4.637)	3.53e-06 ***
pls	-0.2559 (-13.838)	< 2e-16 ***

\*significant at 10%; \*\*significant at 5% level and \*\*\*significant at 1% level

The results in Tables 5a-5c show that wildfires in WUI areas naturally resulted in more structures damaged. In terms of our hypothesis, in four GACC's the coefficient on prescribed fire is negative and statistically significant, indicating that as acres treated with prescribed fire went up, the number of structures damaged decreased (in two GACC's prescribed fire was not significant). The results were more mixed for mechanical fuel reduction. Only in two of the GACC's did the area of mechanical fuel reduction have a negative and statistically significant effect on reducing the



number of structures damaged by fire. It may be the stronger results for prescribed burning arise because an order of magnitude of more acres were treated with prescribed fire compared to mechanical fuel reduction (something not too surprising given the relative cost of the two different types of fuel reduction activities). Thus, for some geographic areas, Rideout et al.'s (2008) interpretation that prescribed burning and mechanical fuel reduction may reduce property damages seems to apply.

## Chapter VII: Conclusion

In the fourth and final year, we updated the fuel treatment costs regressions and had them reviewed by wildfire specialists in California. In addition, we refined the wildfire suppression cost regressions as well. Overall, we found that the extent of fuel treatments may be too limited to have a significant effect on reducing wildfire suppression costs. As noted in the literature, it may be that for fuel treatments to have a significant effect on wildfire suppression costs, there has to be a more substantial effort on prescribed burning and mechanical fuel reduction than as is the case (Thompson and Anderson, 2015). Alternatively, as pointed out by Rideout et al. (2008) fuel treatments may increase the effectiveness of wildfire suppression efforts leading to reduced resource and property damages. In the case of property damages, Rideout et al.'s (2008) hypothesis seems borne out. In our data, areas with prescribed burning did reduce property damages when a wildfire occurred.

The results of this research was presented in two papers at the Fifth International Symposium on Fire Economics, Planning and Policy. The first presentation focused on the revised costs of fuel treatment regression models in California. The second presentation focused on the results on the effect of the two fuel treatment methods (e.g., prescribed burning and mechanical fuel treatment) on wildfire suppression costs and property damage. Both of the papers were included in the CD provided to participants at the Fifth International Symposium on Fire Economics, Planning and Policy. Finally, the revised paper was presented at the 2017 Western Agricultural Economics Association meetings.

A journal manuscript with the results of the effect of fuel treatment on wildfire suppression costs and property damages was written and submitted for technical review. After the technical review we followed the reviewers' suggestions and revised and re-estimated the empirical models. After comments received after presentation at the two professional meetings we greatly updated and expanded the literature review of the manuscript and refined the empirical model. The resulting manuscript was submitted to the journal, *Forest Policy and Economics* in July of 2017.

### VIII. Deliverables and Science Delivery

Deliverable Type (see proposal instructions)	Description	Delivery Dates
Database	Fuel treatments and suppression costs databases	Completed November 2015
Conference presentation	Western Regional Science Association Conference	Completed February 2016
Conference presentation	Fifth International Symposium on fire economics	Completed November 2016
Proceedings paper publication	Fifth International Symposium on fire economics	Completed November 2016
Paper presentation	Western Agricultural Economics Association	Completed July 2017
Refereed publication	Journal article submission to <i>Forest Policy and Economics</i>	Completed July 2017

### IX. Roles of Investigators and Associated Personnel

Personnel	Role	Responsibility
Armando González-Cabán	PI	Overall project coordination and analysis of data and regression models development, reports & manuscripts writing
John B. Loomis	Co-PI	Field project coordinator, analysis of data, regression models development, reports & manuscripts writing
Douglas Rideout & Robin Reich (deceased)	Co-PIs	Consultants on econometrics and fire economics, regression models development
José J. Sánchez	Co-PI	Data analysis, regression models development and estimation
Post-Doc Researcher	Analyst	Data collection, data revision, regression models development

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## APPENDIX A

### Spatial and Non-Spatial Regression Results for FACTS Cost of Mechanical and Fire Fuel Treatments for all Continental U.S.

The cost of fuel treatment regressions have been estimated for all Prescribed Burning Fuel Reductions (spatial and non-spatial) and Mechanical Treatment (spatial and non spatial). Separate regressions were estimated for prescribed fire and fire related activities and for mechanical treatments and their related activities.

One the characteristics of all the models, is that we used a testing down to statistically significant variable so not every variable is included in every model. Thus a variable or FACTS activity that is omitted did not have a cost statistically different than the baseline activity. The baseline activity varied treatment. For **fire fuel treatment the baseline activity was broadcast burning**, which was FACTS activity 1111. For the **mechanical fuel treatment the default activity is 1120, which is Yarding**—removal of fuels by carrying or dragging. Thus, the costs of the other treatments are measured relative to the Yarding. So to calculate a predicted cost, the analyst would just determine if the fuel treatment is in the WUI or not in the WUI and whether it is in a Metropolitan county or not (0 if no, 1 if yes). The implicit cost of the default activity varies with these two variables. Specifically, if the treatment is in the WUI and a Metro county, those two coefficients represent the joint cost of WUI, Metro and the default activity. This sum of the coefficients represents the log of planned direct costs per acre. If one is interested in a different fuel treatment activity, then whatever that estimated coefficient is of that activity is added to the sum of the other two coefficients. Then to get estimated treatment cost per acre, the anti-natural log of that sum is taken (i.e., taking  $e^{(WUI(0 \text{ or } 1)+Metro+FACTS\#)}$ ). If the county is non-metro that makes metro equal to zero, so the sum would just be  $e^{(WUI(0 \text{ or } 1)+FACTS\#)}$ . ActN8000 represents any activity related to insect or disease control.

The general form of the spatial fuel treatment equations estimated is:

$$FTC_b \text{ or } m = B_1(WUI)+B_2(Metro)+B_{F1}(FACTS1)\dots+B_{Fn}(FACTSn) +B_{Sp1}(Spatial_1)\dots+B_{Sp}(Spatial_t)$$

Where  $FACTS_n$  is FACTS activity relevant to b(prescribed burning) or m(mechanical fuel treatment).

$B_{Fn}$  coefficients on the FACTS activities in terms of how much higher (+) or lower (-) they are from the baseline activity for prescribed burning or mechanical fuel reduction.

$B_{Sp}$  is coefficients on the spatial variables such as elevation, slope, crown density, %low severity fuels, %mixed severity fuels, Fire Return Interval.

A total of 28 cost of fuel treatment regressions were run: (a) one for each GACC for mechanical fuel treatments and a separate regression for fire fuel treatments; (b) each of these model was estimated with and without spatial variables to determine the significance of adding the spatial variables such as elevation, slope, fuel severity class, and fire return interval. Originally the intent of these models was to include estimated costs of treatment in the fire suppression cost regressions.

Here we summarize the general pattern of results from the 28 models. The full 28 spatial and non spatial regression model statistical output is provided in the next section.

- **WUI** was positive and statistically significant in all 28 prescribed burning and mechanical fuel treatment equations, i.e., higher costs to do fuel treatments in areas with a WUI.
- **Metro** was positive and statistically significant in 22 of the prescribed burning and mechanical fuel treatment equations, i.e., higher costs to do fuel treatments in areas within Metropolitan counties.
- Average **elevation** of the fuel treatment was significant 8 out of 14 spatial models
- Average **slope** of the fuel treatment was significant 7 out of 14 spatial models
- Average **fuel severity** (either low or mixed or both) was significant in all 14 spatial models
- Average **crown bulk density** was significant in 12 of the 14 spatial models
- **Fire Return Interval** was significant in 9 of the 14 spatial models.

After reviewing all 28 estimating model results in their entirety, the project statistician believed that the excessive statistical noise in these equations due to the underlying poor FACTS cost data quality might introduce error into the relatively good quality fire suppression costs data (at least for the large fires) so acres treated was used in the fire suppression cost equations.

1. Results for Northern California GACC-Fire Fuel Treatment

Table 1. Regression Results for Fire Fuel Treatment—Northern California GACC Non Spatial Model

Dependent variable is the natural log (ln) of Cost of per acre for the activity.

Variable	Estimate	Std. Error	t value	Significance level
WUI0	4.97018	0.15550	31.963	0.0000 ***
WUI1	5.25181	0.15384	34.137	0.0000 ***
Metro cnty	0.77697	0.05536	14.035	0.0000 ***
activity1112	-0.65053	0.20793	-3.129	0.00179 **
activity1113	0.28078	0.15038	1.867	0.06207 .
activity1130	-0.32627	0.14180	-2.301	0.02153 *
activity4471	-0.15009	0.27096	-0.554	0.57973
activity6101	0.41257	0.26676	1.547	0.12217
activity8000	2.33348	0.28732	8.122	0.00000 ***
lnacres	-0.80620	0.01697	-47.519	0.00000 ***

\*\*\* significant at the 99.99% level; \*\* significant at the 99.9%;

\* significant at the 99% level; + significant at the 95% level; R square: 68%

A few details of this model are worth noting as its form of the regression is similar to the remaining GACC's. First WUI0 signifies the fuel treatment area is **not** in a Wildland Urban Interface area. WUI1 signifies the fuel treatment area **is** in a Wildland Urban Interface area. Including both is possible as the model is estimated without a constant term.

As can be seen by looking at the large number of highly statistically significant variables there are many activities that have statistically different costs than one another. The cost of any activity that is omitted means that their cost is not significantly different than costs of the reference activity, Broadcast Burning over a majority of the unit. Further, if the activity occurs in a WUI area or in a Metropolitan area it has slightly higher costs than fuel treatments that do not. In this sense the signs on the coefficients are sensible.

The model also has a reasonably good explanatory power of 68%, meaning that 68% of the cost per acre is explained by this set of variables. This means that 32% of the variability in costs per acre is unexplained by the model.

The next table presents the results for the Northern California GACC including two spatial variables.



Table 2 Regression Results for Northern California Fire Fuel Treatment Costs—Spatial Model  
 Dependent variable is the natural log (ln) of Cost of per acre for the activity.

<b>Variable</b>	<b>Estimate</b>	<b>Std. Error</b>	<b>t value</b>	<b>Significance Level</b>
WUI0	4.726343	0.158555	29.809	0.0000 ***
WUI1	4.952459	0.158060	31.333	0.0000 ***
Metro cnty	0.783953	0.053829	14.564	0.0000 ***
activity1112	-0.390815	0.204257	-1.913	0.0559 .
activity1113	0.270055	0.146597	1.842	0.0656 .
activity1130	-0.235709	0.138775	-1.698	0.0896 .
activity4471	-0.016400	0.264180	-0.062	0.9505
activity6101	0.484501	0.259539	1.867	0.0621 .
activity8000	2.366464	0.279527	8.466	0.0000***
lnacres	-0.791682	0.016561	-47.804	0.0000 ***
% low severity	0.039356	0.004454	8.836	0.0000 ***
% mixed severity	-0.041329	0.004378	-9.441	0.0000 ***

\*\*\* significant at the 99.99% level; \*\* significant at the 99.9%; \* significant at the 99% level;  
 + significant at the 95% level; R square: 70%

This spatial model performs quite well with numerous statistically significant variables. The explanatory power is 70% meaning that 70% of the variation in the cost per acre is explained by the set of independent variables. The spatial variables are statistically significant making this model somewhat superior to the non-spatial prescribed burning model. Thus if the fire management officer or fire specialist has GIS data on the mix of fuels, percentage of fires in the treatment area that are low severity or mixed severity then costs will be estimated more precisely using that information with the spatial model. Whatever percentages these two variables are set at by the fire specialist, the user model then calculates the percentage of the area is in high severity fire.

As can be seen by looking at the large number of highly statistically significant variables there are many activities that have statistically different costs than one another. The cost of any activity that is omitted means that their cost is not significantly different than costs of the reference activity, Broadcast Burning over a majority of the unit. Further, if the activity occurs in a WUI area or in a Metropolitan area it has slightly higher costs than fuel treatments that do not. In this sense the signs on the coefficients are sensible.

The model also has a reasonably good explanatory power of 70%, meaning that 70% of the cost per acre is explained by this set of variables. This means that only 30% of the variability in costs per acre is unexplained by the model.

## 2. Results for Southern California GACC-Fire Fuel Treatment

Table 3 presents the results for the non-spatial fire fuel treatment model. Note, that the Default Activity is 1111, which is Broadcast Burning covering the majority of the unit. Thus, the costs of the other treatments are measured relative to that. ActN8000 represents any activity related to insect or disease control.

Table 3. Regression Results for Fire Fuel Treatment—Southern California GACC Non Spatial Model

Dependent variable is the natural log (ln) of Cost of per acre for the activity.

<b>Variable</b>	<b>Estimate</b>	<b>Std. Error</b>	<b>t value</b>	<b>Significance Level</b>
WUI0	5.48507	0.14677	37.371	0.0000 ***
WUI1	5.53243	0.15386	35.957	0.0000 ***
Metro cnty	0.83870	0.08758	9.577	0.0000 ***
activity1112	-1.39359	0.18062	-7.716	0.0000 ***
activity1113	-0.99771	0.18787	-5.311	0.0000 ***
activity1130	-1.21428	0.13016	-9.329	0.0000 ***
activity8000	-0.52530	0.23276	-2.257	0.0247 *
lnacres	-0.75163	0.02570	-29.243	0.0000 ***

\*\*\* significant at the 99.99% level; \*\* significant at the 99.9%; \* significant at the 99% level; + significant at the 95% level; R square: 76%

As can be seen by looking at the large number of highly statistically significant variables there are many activities that have statistically different costs than one another. The cost of any activity that is omitted means that their cost is not significantly different than costs of the reference activity, Broadcast Burning over a majority of the unit. Further, if the activity occurs in a WUI area or in a Metropolitan area it has slightly higher costs than fuel treatments that do not. In this sense the signs on the coefficients are sensible.

The model also has a reasonably good explanatory power of 76%, meaning that 76% of the cost per acre is explained by this set of variables. This means that only 24% of the variability in costs per acre is unexplained by the model.

Table 4. Regression Results for Fire Fuel Treatment—Southern California GACC Spatial Model

Dependent variable is the natural log (ln) of Cost of per acre for the activity.

<b>Variable</b>	<b>Estimate</b>	<b>Std. Error</b>	<b>t value</b>	<b>Significance Level</b>
WUI0	5.624736	0.161542	34.819	0.0000 ***
WUI1	5.674312	0.162679	34.880	0.0000 ***
Metro cnty	0.643834	0.086352	7.456	0.0000 ***
activity1112	-1.427712	0.171917	-8.305	0.0000 ***
activity1113	-1.180036	0.181622	-6.497	0.0000 ***
activity1130	-1.202148	0.123261	-9.753	0.0000 ***
activity8000	-0.618483	0.219590	-2.817	0.0000***
lnacres	-0.731005	0.024485	-29.856	0.0000 ***
slope	0.026349	0.005551	4.747	0.0000 ***
%low severity	-0.035019	0.007951	-4.404	0.0000 ***
%mixedseverity	0.013160	0.008640	1.523	0.12871

\*\*\* significant at the 99.99% level; \*\* significant at the 99.9%; \* significant at the 99% level; + significant at the 95% level; R square: 79%

As can be seen by looking at the number of highly statistically significant variables there are several activities that have statistically different costs than one another. The cost of any activity that is omitted means that their cost is not significantly different than costs of the reference activity, Broadcast Burning over a majority of the unit. Further, if the activity occurs in a WUI area or in a Metropolitan area it has slightly higher costs than fuel treatments that do not. In this sense the signs on the coefficients are sensible.

The model also has a very good explanatory power of 79%, meaning that 79% of the cost per acre is explained by this set of variables. This means that only 21% of the variability in costs per acre is unexplained by the model.

### 3. Results for Northern California GACC- Mechanical Fuel Reduction Activities

Table 5 presents the results for the non-spatial mechanical fuel treatment model for Northern California. Note, that the Default Activity is 1120, which is Yarding—removal of fuels by carrying or dragging. Thus, the costs of the other treatments are measured relative to the Default Activity (1120). ActN8000 represents any activity related to insect or disease control.

Table 5. Regression Results for Northern California Mechanical Fuel Treatment Non Spatial Model

Dependent variable is the natural log (ln) of Cost of per acre for the activity.

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<u>Variable</u>	<u>Estimate</u>	<u>Std. Error</u>	<u>t value</u>	<u>Probability</u>	
WUI0	5.21495	0.07551	69.065	0.0000	***
WUI1	5.55609	0.07144	77.769	0.0000	***
Metro cnty	0.48708	0.04791	10.166	0.0000	***
activity1131	-1.69792	0.20797	-8.164	0.0000	***
activity1136	-0.13413	0.13353	-1.004	0.315228	
activity1150	0.12285	0.11249	1.092	0.274913	
activity1152	0.32036	0.09122	3.512	0.000452	***
activity1153	0.04535	0.07009	0.647	0.517646	
activity1154	-0.20933	0.10855	-1.928	0.053898	.
activity1160	0.06098	0.07721	0.790	0.429708	
activity1180	0.52961	0.13635	3.884	0.000105	***
activity2530	1.11187	0.17382	6.397	1.85e-10	***
activity4220	0.15049	0.08787	1.713	0.086888	.
activity4231	-0.18408	0.17068	-1.079	0.280898	
activity4455	0.41172	0.21411	1.923	0.054592	.
activity4474	0.84322	0.17977	4.691	0.0000	***
activity4475	0.41136	0.14012	2.936	0.003354	**
activity4494	1.15351	0.21370	5.398	7.31e-08	***
activity4511	0.35372	0.10704	3.305	0.000963	***
activity4521	0.26733	0.07013	3.812	0.000141	***
activity4530	-0.38995	0.42507	-0.917	0.359024	
activity4540	0.58679	0.16372	3.584	0.000344	***
activity8000	-0.26051	0.20813	-1.252	0.210805	
lnacres	-0.74075	0.01211	-61.182	0.000000	***

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\*\*\* significant at the 99.99% level; \*\* significant at the 99.9%; \* significant at the 99% level; + significant at the 95% level; R square: 66%

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As can be seen by looking at the large number of highly statistically significant variables there are many activities that have statistically different costs than one another. The cost of any activity that is omitted means that their cost is not different than costs of the reference activity, Yarding--removal of fuels by dragging or carrying. Further, if the activity occurs in a WUI area or in a Metropolitan area it has higher costs than fuel treatments that do not. In this sense the signs on the

coefficients are sensible.

The model also has a reasonable explanatory power of 66%, meaning that 66% of the cost per acre is explained by this set of variables.

Table 6 presents the results for the spatial mechanical fuel treatment model. Note, that the Default Activity, 1120, is the same as in the non-spatial model, which is Yarding—removal of fuels by carrying or dragging. Thus, the costs of the other treatments are measured relative to that the Default Activity 1120. ActN8000 represents any activity related to insect or disease control. The spatial model utilizes the coordinates of the treatment area to calculate the mean percent mixed severity fuels, crown bulk density, and mean fire return interval.

Table 6. Northern California Regression Results for Mechanical Fuel Treatment  
Spatial Model

Dependent variable is the natural log (ln) of Cost of per acre for the activity.

<u>Variable</u>	<u>Estimate</u>	<u>Std. Error</u>	<u>t value</u>	<u>Significance</u>	
<u>Level</u>					
WUI0	5.170251	0.080884	63.922	0.00000	***
WUI1	5.514510	0.076959	71.655	0.00000	***
Metro cnty	0.463407	0.048158	9.623	0.00000	***
activity1131	-1.659023	0.208114	-7.972	0.00000	***
activity1136	-0.122768	0.133563	-0.919	0.35808	
activity1150	0.104435	0.112499	0.928	0.35332	
activity1152	0.341299	0.091312	3.738	0.00018	***
activity1153	0.045672	0.070084	0.652	0.51466	
activity1154	-0.184486	0.108741	-1.697	0.08989	.
activity1160	0.065290	0.077181	0.846	0.39766	
activity1180	0.549366	0.136508	4.024	0.00000	***
activity2530	1.097713	0.234437	4.682	0.00000	***
activity4220	0.161504	0.088163	1.832	0.06707	.
activity4231	-0.231112	0.171819	-1.345	0.17870	
activity4455	0.371081	0.214210	1.732	0.08332	.
activity4474	0.789024	0.180166	4.379	0.00000	***
activity4475	0.405898	0.140316	2.893	0.00384	**
activity4494	1.162337	0.213779	5.437	0.00000	***
activity4511	0.358432	0.106994	3.350	0.00081	***
activity4521	0.275943	0.070156	3.933	0.00000	***
activity4530	-0.299834	0.425303	-0.705	0.48087	
activity4540	0.577340	0.163887	3.523	0.00043	***
activity8000	-0.237488	0.208321	-1.140	0.25438	
lnacres	-0.740065	0.012192	-60.701	0.00000	***
crown bulk density	0.003273	0.002281	1.435	0.15149	
%mixed severity	0.022808	0.005525	4.128	0.00000	**
Fire return interval	-0.022021	0.005391	-4.085	0.00000	***

\*\*\* significant at the 99.99% level; \*\* significant at the 99.9%; \* significant at the 99% level; + significant at the 95% level; R square: 64%

As can be seen by looking at the large number of highly statistically significant variables there are many activities that have statistically different costs than one another. The cost of any activity that is omitted means that their cost is not different than costs of the reference FACTS activity #1120, Yarding-- removal of fuels by dragging or carrying. Further, if the activity occurs in a WUI area or in a Metropolitan area it has slightly higher costs than fuel treatments that do not. In this sense the signs on the coefficients are sensible.

The model also has reasonable explanatory power of 64%, meaning that 64% of the cost per acre is explained by this set of variables. Surprisingly, the explanatory power of the spatial model is only 1% higher than the non-spatial model despite all the spatial variables being statistically significant.

#### 4. Results for Southern California GACC- Mechanical Fuel Reduction Activities

Table 7 presents the Southern California GACC for mechanical fuel treatment cost non spatial model.

Table 7. Regression Results for Southern California Mechanical Fuel Treatment Non Spatial Model

Dependent variable is the natural log (ln) of Cost of per acre for the activity.

<b>Variable</b>	<b>Estimate</b>	<b>Std. Error</b>	<b>t value</b>	<b>Probability</b>	
WUI0	4.45675	0.12512	35.620	0.00000	***
WUI1	4.81634	0.11970	40.235	0.00000	***
Metro cnt	0.71205	0.06100	11.673	0.00000	***
activity1131	-0.88492	0.45364	-1.951	0.05130	.
activity1136	1.02346	0.17925	5.710	0.00010	***
activity1150	-0.04950	0.11871	-0.417	0.6767	
activity1152	1.35374	0.14914	9.077	0.00000	***
activity1153	0.71179	0.11579	6.147	0.00000	***
activity1154	0.57651	0.13769	4.187	0.00000	***
activity1160	0.50185	0.11428	4.391	0.00000	***
activity1180	0.82466	0.22183	3.717	0.00021	***
activity2360	-0.72564	0.24096	-3.011	0.00265	**
activity2370	0.08136	0.15567	0.523	0.60130	
activity4220	0.78415	0.11453	6.847	0.00000	***
activity4231	0.50480	0.21779	2.318	0.02063	*
activity4331	-0.85730	0.17461	-4.910	0.00000	**
activity4474	0.10831	0.32662	0.332	0.74024	
activity4511	0.23218	0.20086	1.156	0.24795	
activity4521	0.41988	0.10358	4.054	0.00000	***
activity4530	-0.38160	0.17475	-2.184	0.02918	*
activity8000	0.17611	0.30713	0.573	0.56649	

lnacres            -0.72982        0.01909   -38.227    0.00000   \*\*\*

\*\*\* significant at the 99.99% level; \*\* significant at the 99.9%; \* significant at the 99% level;  
 + significant at the 95% level; R square: 64%

The model also has reasonable explanatory power of 64%, meaning that 64% of the cost per acre is explained by this set of variables.

As can be seen by looking at the large number of highly statistically significant variables there are many activities that have statistically different costs than one another. The cost of any activity that is omitted means that their cost is not different than costs of the reference FACTS activity #1120, Yarding-- removal of fuels by dragging or carrying. Further, if the activity occurs in a WUI area or in a Metropolitan area it has slightly higher costs than fuel treatments that do not. In this sense the signs on the coefficients are sensible.

Table 8 presents the Southern California GACC for mechanical fuel treatment cost spatial model.

Table 8. Regression Results for Southern California Mechanical Fuel Treatment Spatial Model

Dependent variable is the natural log (ln) of Cost of per acre for the activity.

<b>Variable</b>	<b>Estimate</b>	<b>Std. Error</b>	<b>t value</b>	<b>Probability</b>	
WUI0	4.100e+00	1.641e-01	24.984	0.00000	***
WUI1	4.319e+00	1.548e-01	27.910	0.00000	***
Metro cnty	7.189e-01	6.765e-02	10.626	0.00000	***
activity1131	-8.338e-01	4.381e-01	-1.903	0.05727	.
activity1136	1.035e+00	1.740e-01	5.951	0.00000	***
activity1150	-4.163e-02	1.151e-01	-0.362	0.71756	
activity1152	1.224e+00	1.450e-01	8.446	0.00000	***
activity1153	6.984e-01	1.124e-01	6.216	0.00000	***
activity1154	6.002e-01	1.357e-01	4.424	0.00000	***
activity1160	4.964e-01	1.120e-01	4.433	0.00000	***
activity1180	6.716e-01	2.170e-01	3.096	0.00201	**
activity2360	-5.538e-01	2.341e-01	-2.366	0.01816	*
activity2370	2.790e-01	1.524e-01	1.831	0.06736	.
activity4220	8.742e-01	1.115e-01	7.839	0.00000	***
activity4231	5.114e-01	2.106e-01	2.429	0.01531	*
activity4331	-7.682e-01	1.711e-01	-4.490	0.00000	***
activity4474	2.695e-01	3.157e-01	0.854	0.39345	
activity4511	3.108e-01	1.942e-01	1.601	0.10975	
activity4521	4.553e-01	1.001e-01	4.548	0.00000	***
activity4530	-3.629e-01	1.691e-01	-2.146	0.03211	*
activity8000	1.072e-01	2.981e-01	0.360	0.71929	
lnacres	-7.272e-01	1.845e-02	-39.416	0.00000	***

Crown bulk den	-2.719e-02	4.148e-03	-6.556	0.00000	***
Elevation	3.589e-04	5.746e-05	6.246	0.00000	***
Slope	1.681e-02	3.212e-03	5.233	0.00000	***
%low sever	2.368e-02	5.780e-03	-4.097	0.00000	***
%mixed sever	1.614e-02	5.511e-03	2.929	0.00347	**

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\*\*\* significant at the 99.99% level; \*\* significant at the 99.9%; \* significant at the 99% level;  
+ significant at the 95% level; R square: 66%

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As can be seen by looking at the large number of highly statistically significant variables there are many activities that have statistically different costs than one another. The cost of any activity that is omitted means that their cost is not different than costs of the reference FACTS activity #1120, Yarding-- removal of fuels by dragging or carrying. Further, if the activity occurs in a WUI area or in a Metropolitan area it has slightly higher costs than fuel treatments that do not. In this sense the signs on the coefficients are sensible.

The model also has reasonable explanatory power of 66%, meaning that 66% of the cost per acre is explained by this set of variables. Surprisingly, the explanatory power of the spatial model is only 1% higher than the non-spatial model despite all the spatial variables being statistically significant.



5. Results for Pacific Northwest GACC- Mechanical Fuel Reduction Activities

Table 9. Pacific Northwest Non-spatial mechanical treatment model

Dependent variable is the natural log (ln) of Cost of per acre for the activity.

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<b>Variable</b>	<b>Estimate</b>	<b>Std. Error</b>	<b>t value</b>	<b>Probability</b>
WUI0	4.39309	0.05769	76.152	< 2e-16 ***
WUI1	4.48385	0.05868	76.412	< 2e-16 ***
Metro cnty	-0.24380	0.02703	-9.020	< 2e-16 ***
activity1136	0.77298	0.10698	7.226	5.51e-13 ***
activity1150	0.49557	0.06423	7.716	1.37e-14 ***
activity1152	1.54322	0.13517	11.417	< 2e-16 ***
activity1153	1.24280	0.05263	23.616	< 2e-16 ***
activity1154	0.72273	0.07339	9.848	< 2e-16 ***
activity1160	1.16644	0.07479	15.595	< 2e-16 ***
activity1180	0.99894	0.18258	5.471	4.62e-08 ***
activity4131	0.92087	0.27700	3.324	0.00089 ***
activity4143	1.20218	0.40425	2.974	0.00295 **
activity4151	1.46769	0.33089	4.436	9.33e-06 ***
activity4152	0.88227	0.21458	4.112	3.97e-05 ***
activity4193	1.43324	0.19498	7.351	2.20e-13 ***
activity4194	1.50793	0.31536	4.782	1.77e-06 ***
activity4210	0.01892	0.13900	0.136	0.89173
activity4220	0.88518	0.05715	15.489	< 2e-16 ***
activity4231	2.03343	0.14436	14.086	< 2e-16 ***
activity4241	-1.73217	0.20173	-8.587	< 2e-16 ***
activity4455	0.88801	0.37428	2.373	0.01769 *
activity4474	1.70014	0.20702	8.212	2.56e-16 ***
activity4475	0.04060	0.16518	0.246	0.80586
activity4494	1.48233	0.37480	3.955	7.73e-05 ***
activity4495	0.17655	0.10800	1.635	0.10215
activity4511	0.89133	0.11690	7.625	2.77e-14 ***
activity4521	0.99849	0.05007	19.943	< 2e-16 ***
activity4530	0.98575	0.12526	7.869	4.10e-15 ***
activity4540	1.59922	0.40466	3.952	7.82e-05 ***
activity6103	0.95346	0.17474	5.456	5.03e-08 ***
activity9008	0.82999	0.44229	1.877	0.06062 .
lnacres	-0.85360	0.01038	-82.200	< 2e-16 ***

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\*\*\* significant at the 99.99% level; \*\* significant at the 99.9%; \* significant at the 99% level; + significant at the 95% level; . significant at the 90% level. R square: 56%

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As can be seen by looking at the large number of highly statistically significant variables there are many activities that have statistically different costs than one another. The cost of any activity that is omitted means that their cost is not different than costs of the reference FACTS activity #1120, Yarding-- removal of fuels by dragging or carrying. Further, if the activity occurs in a WUI area it has slightly higher costs than fuel treatments that do not. In this sense the signs on the coefficient is sensible. The model also has reasonable explanatory power of 56%, meaning that 56% of the cost per acre is explained by this set of variables.

Table 10. Pacific Northwest spatial mechanical treatment model  
 Dependent variable is the natural log (ln) of Cost of per acre for the activity.

<b>Variable</b>	<b>Estimate</b>	<b>Std. Error</b>	<b>t value</b>	<b>Probability</b>
WUI0	3.779e+00	9.275e-02	40.746	< 2e-16 ***
WUI1	3.904e+00	8.949e-02	43.623	< 2e-16 ***
Metro cnty	-1.458e-01	3.043e-02	-4.792	1.69e-06 ***
activity1136	9.369e-01	1.060e-01	8.839	< 2e-16 ***
activity1150	6.508e-01	6.449e-02	10.091	< 2e-16 ***
activity1152	1.469e+00	1.311e-01	11.207	< 2e-16 ***
activity1153	1.290e+00	5.150e-02	25.047	< 2e-16 ***
activity1154	8.633e-01	7.169e-02	12.041	< 2e-16 ***
activity1160	1.193e+00	7.321e-02	16.298	< 2e-16 ***
activity1180	9.062e-01	1.771e-01	5.116	3.20e-07 ***
activity4131	7.972e-01	2.684e-01	2.970	0.00299 **
activity4143	1.086e+00	3.918e-01	2.772	0.00559 **
activity4151	1.491e+00	3.210e-01	4.644	3.48e-06 ***
activity4152	1.141e+00	2.092e-01	5.455	5.07e-08 ***
activity4193	1.397e+00	1.895e-01	7.370	1.91e-13 ***
activity4194	1.428e+00	3.061e-01	4.666	3.13e-06 ***
activity4210	-8.120e-02	1.351e-01	-0.601	0.54784
activity4220	7.725e-01	5.643e-02	13.689	< 2e-16 ***
activity4231	2.055e+00	1.409e-01	14.586	< 2e-16 ***
activity4241	-1.422e+00	1.962e-01	-7.247	4.71e-13 ***
activity4455	7.512e-01	3.633e-01	2.068	0.03872 *
activity4474	1.668e+00	2.008e-01	8.304	< 2e-16 ***
activity4475	2.686e-01	1.625e-01	1.654	0.09826 .
activity4494	1.755e+00	3.643e-01	4.817	1.49e-06 ***
activity4495	4.389e-01	1.069e-01	4.104	4.10e-05 ***
activity4511	9.583e-01	1.136e-01	8.436	< 2e-16 ***
activity4521	9.755e-01	4.916e-02	19.842	< 2e-16 ***
activity4530	9.985e-01	1.221e-01	8.176	3.46e-16 ***
activity4540	1.770e+00	3.924e-01	4.512	6.53e-06 ***
activity6103	1.274e+00	1.704e-01	7.479	8.42e-14 ***
activity9008	9.614e-01	4.295e-01	2.239	0.02521 *
lnacres	-8.294e-01	1.037e-02	-80.000	< 2e-16 ***
elevation	1.248e-04	4.562e-05	2.736	0.00623 **
slope	6.687e-03	1.857e-03	3.601	0.00032 ***
crown density	2.829e-02	1.919e-03	14.744	< 2e-16 ***
%low severity	-2.339e-02	2.163e-03	-10.813	< 2e-16 ***
%med severity	4.029e-02	3.792e-03	10.627	< 2e-16 ***
Fire return	-1.505e-02	3.187e-03	-4.723	2.37e-06 ***
Interval				

\*\*\* significant at the 99.99% level; \*\* significant at the 99.9%; \* significant at the 99% level; + significant at the 95% level; . significant at the 90% level. R square: 58%

The spatial model has a similar performance of the non spatial model, and an explanatory power only slightly higher at 58% than the non spatial model (56%). However, all the spatial variables are highly statistically significant indicating their inclusion is improves the model. The coefficients also make sense in that steeper slopes raise treatment costs, and as does crown density. The percent of the area in low severity fuels reduces fuel treatment costs, while percent medium severity fuels increases fuel treatment costs.

6. Results for Pacific Northwest GACC- Fire Fuel Reduction Activities

Table 11. Pacific Northwest prescribed fire treatment non spatial model

Dependent variable is the natural log (ln) of Cost of per acre for the activity.

<b>Variable</b>	<b>Estimate</b>	<b>Std. Error</b>	<b>t value</b>	<b>Probability</b>
WUI0	5.07237	0.11823	42.904	< 2e-16 ***
WUI1	5.01892	0.11920	42.105	< 2e-16 ***
Metro cnty	0.22373	0.03458	6.470	1.16e-10 ***
activity1112	-0.14905	0.14167	-1.052	0.292849
activity1113	-0.12388	0.11513	-1.076	0.282002
activity1117	1.29765	0.15994	8.113	7.31e-16 ***
activity1130	-1.06841	0.11090	-9.634	< 2e-16 ***
activity4511	0.63544	0.36682	1.732	0.083337 .
activity4521	0.17715	0.14955	1.185	0.236307
activity6101	0.91234	0.24279	3.758	0.000175 ***
lnacres	-0.82484	0.01176	-70.127	< 2e-16 ***

\*\*\* significant at the 99.99% level; \*\* significant at the 99.9%; \* significant at the 99% level; + significant at the 95% level; . significant at the 90% level. R square: 66%

The statistically significant coefficient for Metro make sense as that adds to the cost of prescribed fire treatments. The explanatory power of this non spatial model is very good at 66% and 8 of the 11 variables are statistically significant at the 90% level or higher.

Table 12. Pacific Northwest prescribed fire treatment spatial model

Dependent variable is the natural log (ln) of Cost of per acre for the activity.

<b>Variable</b>	<b>Estimate</b>	<b>Std. Error</b>	<b>t value</b>	<b>Probability</b>
WUI0	5.214821	0.125575	41.527	< 2e-16 ***
WUI1	5.154646	0.126619	40.710	< 2e-16 ***
Metro cnty	0.128834	0.037858	3.403	0.000676 ***
activity1112	-0.156043	0.139821	-1.116	0.264508
activity1113	-0.158051	0.113811	-1.389	0.165029
activity1117	1.075917	0.161941	6.644	3.66e-11 ***
activity1130	-1.088531	0.109574	-9.934	< 2e-16 ***
activity4511	0.539806	0.362353	1.490	0.136410
activity4521	0.104159	0.147973	0.704	0.481552
activity6101	0.909554	0.240349	3.784	0.000157 ***
lnacres	-0.818160	0.011833	-69.143	< 2e-16 ***
crown den	-0.010101	0.002271	-4.448	9.01e-06 ***
%low severity	-0.009806	0.002599	-3.773	0.000165 ***
%med severity	-0.017307	0.005648	-3.064	0.002203 **
Fire return	0.021920	0.004956	4.423	1.01e-05 ***
Interval				

\*\*\* significant at the 99.99% level; \*\* significant at the 99.9%; \* significant at the 99% level; + significant at the 95% level; . significant at the 90% level. R square: 67%

The spatial variables are all statistically significant, although the explanatory power over the non spatial model barely increases, but it is still good (67%). As with the non spatial model performing prescribed burning costs slightly more in metropolitan counties than in non metropolitan counties.

7. Results for Great Basin GACC- Mechanical Fuel Reduction Activities

Table 13. Great Basin Non-spatial mechanical treatment model  
Dependent variable is the natural log (ln) of Cost of per acre for the activity.

<b>Variable</b>	<b>Estimate</b>	<b>Std. Error</b>	<b>t value</b>	<b>Probability</b>
WUI0	4.17507	0.11439	36.499	< 2e-16 ***
WUI1	4.23103	0.11661	36.284	< 2e-16 ***
activity1136	0.31257	0.17045	1.834	0.06679 .
activity1150	0.19903	0.11090	1.795	0.07281 .
activity1152	0.44445	0.15189	2.926	0.00346 **
activity1153	0.85371	0.11417	7.478	1.03e-13 ***
activity1154	0.18657	0.11491	1.624	0.10458
activity1160	0.46427	0.10892	4.263	2.09e-05 ***
activity1180	-0.21205	0.14657	-1.447	0.14807
activity4117	0.18294	0.19415	0.942	0.34613
activity4151	1.18349	0.22115	5.352	9.48e-08 ***
activity4177	-0.63475	0.30746	-2.064	0.03907 *
activity4183	1.78347	0.30745	5.801	7.39e-09 ***
activity4193	2.50301	0.44653	5.605	2.29e-08 ***
activity4220	2.14414	0.19185	11.176	< 2e-16 ***
activity4231	-0.32304	0.34374	-0.940	0.34743
activity4232	0.39953	0.32415	1.233	0.21786
activity4474	1.13886	0.21948	5.189	2.28e-07 ***
activity4511	0.08468	0.12591	0.673	0.50132
activity4521	0.53141	0.10821	4.911	9.63e-07 ***
activity9008	-0.83628	0.44745	-1.869	0.06174 .
lnacres	-0.67301	0.01271	-52.939	< 2e-16 ***

\*\*\* significant at the 99.99% level; \*\* significant at the 99.9%; \* significant at the 99% level;  
+ significant at the 95% level; . significant at the 90% level. R square: 57%

The explanatory power of the non spatial model is reasonable at 57%. Mechanical fuel treatments in WUI areas cost slightly more than in non WUI areas.

Table 14 Great Basin Spatial mechanical treatment model

Dependent variable is the natural log (ln) of Cost of per acre for the activity.

Variable	Estimate	Std. Error	t value	Probability
WUI0	3.387e+00	1.501e-01	22.568	< 2e-16 ***
WUI1	3.494e+00	1.504e-01	23.228	< 2e-16 ***
activity1136	4.133e-01	1.704e-01	2.425	0.015384 *
activity1150	3.325e-01	1.102e-01	3.019	0.002563 **
activity1152	4.269e-01	1.497e-01	2.851	0.004386 **
activity1153	7.824e-01	1.125e-01	6.954	4.47e-12 ***
activity1154	2.930e-01	1.140e-01	2.570	0.010238 *
activity1160	5.183e-01	1.072e-01	4.836	1.40e-06 ***
activity1180	-1.944e-01	1.480e-01	-1.314	0.189099
activity4117	-8.858e-02	1.945e-01	-0.455	0.648821
activity4151	8.429e-01	2.195e-01	3.841	0.000125 ***
activity4177	-8.665e-01	3.025e-01	-2.864	0.004214 **
activity4183	1.768e+00	3.016e-01	5.861	5.19e-09 ***
activity4193	2.472e+00	4.381e-01	5.643	1.86e-08 ***
activity4220	2.302e+00	1.887e-01	12.200	< 2e-16 ***
activity4231	-3.205e-01	3.376e-01	-0.950	0.342432
activity4232	2.925e-01	3.195e-01	0.916	0.359911
activity4474	1.216e+00	2.153e-01	5.647	1.80e-08 ***
activity4511	2.446e-01	1.242e-01	1.969	0.049074 *
activity4521	6.032e-01	1.074e-01	5.619	2.12e-08 ***
activity9008	-9.764e-01	4.392e-01	-2.223	0.026302 *
lnacres	-6.986e-01	1.280e-02	-54.584	< 2e-16 ***
elevation	3.802e-04	4.651e-05	8.174	4.58e-16 ***
crown den	-7.224e-03	4.386e-03	-1.647	0.099635 .
%low severity	-1.871e-02	4.002e-03	-4.675	3.09e-06 ***
%med severity	1.035e-02	4.588e-03	2.256	0.024134 *
Fire return	8.524e-03	3.309e-03	2.576	0.010055 *
Interval				

\*\*\* significant at the 99.99% level; \*\* significant at the 99.9%; \* significant at the 99% level; + significant at the 95% level; . significant at the 90% level. R square: 59%

The explanatory power of the spatial model is improved slightly to 59%. Mechanical fuel treatments in WUI areas cost slightly more than in non WUI areas. The spatial variables are all statistically significant indicating their importance in the model.

8. Results for Great Basin GACC- Fire Fuel Reduction Activities

Table 15. Great Basin Non-spatial fire fuel treatment model  
Dependent variable is the natural log (ln) of Cost of per acre for the activity.

<b>Variable</b>	<b>Estimate</b>	<b>Std. Error</b>	<b>t value</b>	<b>Probability</b>
WUI0	4.26792	0.15305	27.886	< 2e-16 ***
WUI1	4.66202	0.15230	30.610	< 2e-16 ***
Metro cnty	0.45232	0.08632	5.240	2.12e-07 ***
activity1112	-0.28352	0.25421	-1.115	0.26509
activity1113	-0.09179	0.13036	-0.704	0.48156
activity1117	1.01901	0.13936	7.312	7.12e-13 ***
activity1130	-0.29612	0.11408	-2.596	0.00964 **
activity4471	2.43138	0.36723	6.621	7.06e-11 ***
activity6101	0.31493	0.23543	1.338	0.18143
lnacres	-0.76863	0.02273	-33.817	< 2e-16 ***

\*\*\* significant at the 99.99% level; \*\* significant at the 99.9%; \* significant at the 99% level; + significant at the 95% level; . significant at the 90% level. R square: 71%

The Great Basin fire treatment model has intuitive coefficients. In particular, the cost of performing a prescribe fire is higher in WUI areas and in Metropolitan counties than non-WUI areas and rural areas (i.e., non metropolitan counties). The explanatory power is quite good at 71% of the cost of treatment explained by the variables included in the model.

Table 16. Great Basin Spatial fire fuel treatment model

<b>Variable</b>	<b>Estimate</b>	<b>Std. Error</b>	<b>t value</b>	<b>Probability</b>
WUI0	3.244e+00	2.377e-01	13.647	< 2e-16 ***
WUI1	3.742e+00	2.296e-01	16.296	< 2e-16 ***
metrol	5.429e-01	8.413e-02	6.453	2.04e-10 ***
activity1112	-6.900e-02	2.452e-01	-0.281	0.778506
activity1113	8.482e-02	1.291e-01	0.657	0.511461
activity1117	9.983e-01	1.340e-01	7.451	2.71e-13 ***
activity1130	-2.325e-01	1.103e-01	-2.109	0.035311 *
activity4471	2.722e+00	3.537e-01	7.697	4.73e-14 ***
activity6101	7.874e-01	2.333e-01	3.376	0.000777 ***
lnacres	-7.764e-01	2.223e-02	-34.921	< 2e-16 ***
Elevation	5.372e-04	8.014e-05	6.704	4.17e-11 ***
Crown density	-1.781e-02	7.767e-03	-2.293	0.022169 *
%low severity	2.380e-02	7.794e-03	3.054	0.002342 **
%med severity	-2.399e-02	7.851e-03	-3.055	0.002332 **

\*\*\* significant at the 99.99% level; \*\* significant at the 99.9%; \* significant at the 99% level; + significant at the 95% level; . significant at the 90% level. R square: 74%

Addition of spatial variables boosted the explanatory power somewhat (to 74%) meaning that nearly three-quarters of the variation in treatment costs per acre is explained by the variables in the models.

9. Results for Northern Rocky Mountain GACC- Mechanical Fuel Reduction Activities

Table 17. Northern Rockies non spatial mechanical treatment model  
Dependent variable is the natural log (ln) of Cost of per acre for the activity.

<b>Variable</b>	<b>Estimate</b>	<b>Std. Error</b>	<b>t value</b>	<b>Probability</b>
WUI0	5.12926	0.10840	47.319	< 2e-16 ***
WUI1	5.02026	0.10554	47.567	< 2e-16 ***
metrol	0.17042	0.04576	3.725	0.000201 ***
activity1136	1.00789	0.28398	3.549	0.000395 ***
activity1150	-0.14070	0.10420	-1.350	0.177064
activity1152	1.02462	0.30332	3.378	0.000743 ***
activity1153	0.19398	0.10342	1.876	0.060826 .
activity1154	0.52720	0.18535	2.844	0.004492 **
activity1160	0.06765	0.11826	0.572	0.567332
activity1180	-0.18009	0.19681	-0.915	0.360274
activity4220	-0.57793	0.17426	-3.316	0.000927 ***
activity4231	0.18825	0.21823	0.863	0.388429
activity4232	0.25275	0.32958	0.767	0.443232
activity4241	0.47149	0.26779	1.761	0.078433 .
activity4455	-0.06948	0.18520	-0.375	0.707586
activity4511	0.06061	0.12326	0.492	0.623000
activity4521	0.01095	0.10234	0.107	0.914833
activity4530	-0.60256	0.11253	-5.355	9.49e-08 ***
activity6103	0.21975	0.28319	0.776	0.437847
activity6133	0.69220	0.30491	2.270	0.023297 *
activity8200	1.40052	0.36718	3.814	0.000140 ***
lnacres	-0.70086	0.01387	-50.529	< 2e-16 ***

\*\*\* significant at the 99.99% level; \*\* significant at the 99.9%; \* significant at the 99% level; + significant at the 95% level; . significant at the 90% level. R square: 59%

The Northern Rockies fire treatment model has intuitive coefficients. In particular, the cost of performing a prescribe fire is higher in WUI areas and in Metropolitan counties than non-WUI areas and rural areas (i.e., non-metropolitan counties). This is to be expected as salary and wages are higher in WUI and Metropolitan counties. The explanatory power is good at 59% of the cost of treatment explained by the variables included in the model. This means that 41% of the variability in costs per acre is unexplained by the model.



Table 18. Northern Rockies spatial mechanical treatment model  
 Dependent variable is the natural log (ln) of Cost of per acre for the activity.

<b>Variable</b>	<b>Estimate</b>	<b>Std. Error</b>	<b>t value</b>	<b>Probability</b>
WUI0	5.022381	0.114464	43.877	< 2e-16 ***
WUI1	4.922062	0.113791	43.255	< 2e-16 ***
metrol	0.155132	0.046030	3.370	0.000764 ***
activity1136	1.010867	0.282995	3.572	0.000362 ***
activity1150	-0.145236	0.103794	-1.399	0.161876
activity1152	1.066799	0.302458	3.527	0.000429 ***
activity1153	0.185434	0.103098	1.799	0.072220 .
activity1154	0.555593	0.185269	2.999	0.002741 **
activity1160	0.062529	0.117884	0.530	0.595868
activity1180	-0.197150	0.196379	-1.004	0.315527
activity4220	-0.570744	0.174809	-3.265	0.001112 **
activity4231	0.093164	0.219238	0.425	0.670919
activity4232	0.294898	0.328834	0.897	0.369928
activity4241	0.430463	0.268989	1.600	0.109680
activity4455	-0.115457	0.184705	-0.625	0.531980
activity4511	-0.001568	0.125333	-0.013	0.990019
activity4521	0.008538	0.102239	0.084	0.933451
activity4530	-0.592732	0.112770	-5.256	1.62e-07 ***
activity6103	0.292695	0.282478	1.036	0.300239
activity6133	0.588437	0.305579	1.926	0.054281 .
activity8200	1.467325	0.366385	4.005	6.42e-05 ***
lnacres	-0.702905	0.013898	-50.575	< 2e-16 ***
slope	0.005830	0.002259	2.581	0.009913 **
crown density	0.011666	0.004664	2.501	0.012460 *
%low severity	0.006357	0.002902	2.191	0.028582 *
%mixed severity	-0.006870	0.003056	-2.248	0.024649 *

\*\*\* significant at the 99.99% level; \*\* significant at the 99.9%; \* significant at the 99% level;  
 + significant at the 95% level; . significant at the 90% level. R square: 59.7%

The additional variables in the spatial model did not add much explanatory power as it increased by less than 1% going from 59% to 59.7%.

10. Results for Northern Rocky Mountain GACC- Fire Fuel Reduction Activities

Table 19. Northern Rocky Mtn Non-spatial fire treatment model  
Dependent variable is the natural log (ln) of Cost of per acre for the activity.

<b>Variable</b>	<b>Estimate</b>	<b>Std. Error</b>	<b>t value</b>	<b>Probability</b>
WUI0	4.87181	0.09451	51.550	< 2e-16 ***
WUI1	5.06419	0.08839	57.293	< 2e-16 ***
activity1112	-0.14361	0.15124	-0.950	0.342492
activity1113	-0.04692	0.07556	-0.621	0.534736
activity1117	0.50941	0.10067	5.060	4.71e-07 ***
activity1130	-0.28971	0.07694	-3.765	0.000173 ***
activity4471	1.23486	0.36496	3.384	0.000734 ***
activity4491	0.48916	0.26254	1.863	0.062628 .
activity6101	-0.21000	0.20889	-1.005	0.314911
lnacres	-0.80975	0.01541	-52.538	< 2e-16 ***

\*\*\* significant at the 99.99% level; \*\* significant at the 99.9%; \* significant at the 99% level; + significant at the 95% level; . significant at the 90% level. R square: 69%

As can be seen by looking at the number of highly statistically significant variables there are several activities that have statistically different costs than one another. The cost of any activity that is omitted means that their cost is not significantly different than costs of the reference activity, Broadcast Burning over a majority of the unit. Further, if the activity occurs in a WUI area it has slightly higher costs than fuel treatments that do not. In this sense the signs on the coefficients are sensible.

The model also has a very good explanatory power of 69%, meaning that 69% of the cost per acre is explained by this set of variables. This means that only 31% of the variability in costs per acre is unexplained by the model.

Table 20. Northern Rocky Mountain Spatial fire treatment model

Dependent variable is the natural log (ln) of Cost of per acre for the activity.

<b>Variable</b>	<b>Estimate</b>	<b>Std. Error</b>	<b>t value</b>	<b>Probability</b>
WUI0	5.007273	0.107335	46.651	< 2e-16 ***
WUI1	5.186337	0.101336	51.180	< 2e-16 ***
activity1112	-0.163626	0.153215	-1.068	0.285714
activity1113	-0.026419	0.075777	-0.349	0.727407
activity1117	0.564439	0.103863	5.434	6.41e-08 ***
activity1130	-0.274643	0.078938	-3.479	0.000517 ***
activity4471	1.239038	0.363796	3.406	0.000677 ***
activity4491	0.505484	0.262233	1.928	0.054093 .
activity6101	-0.194303	0.210130	-0.925	0.355284
lnacres	-0.811780	0.015568	-52.144	< 2e-16 ***
crown density	-0.012775	0.005916	-2.159	0.030981 *
%low severity	-0.012050	0.004412	-2.731	0.006382 **
%Med severity	0.015161	0.006065	2.500	0.012530 *
Fire return int.	-0.009698	0.004613	-2.102	0.035687 *

\*\*\* significant at the 99.99% level; \*\* significant at the 99.9%; \* significant at the 99% level; + significant at the 95% level; . significant at the 90% level. R square: 69%

The explanatory power of the spatial model is the same as the non spatial at 69%. Fire fuel treatments in WUI areas cost slightly more than in non WUI areas. The spatial variables are all statistically significant indicating their importance in the model.

## 11. Eastern GACC Mechanical Fuel Treatment

Table 21. Eastern GACC Non-spatial mechanical treatment model

Dependent variable is the natural log (ln) of Cost of per acre for the activity.

<b>Variable</b>	<b>Estimate</b>	<b>Std. Error</b>	<b>t value</b>	<b>Probability</b>
WUI0	4.383923	0.245923	17.826	< 2e-16 ***
WUI1	4.765758	0.243778	19.550	< 2e-16 ***
metrol	0.002321	0.047617	0.049	0.961135
activity1150	0.289046	0.252168	1.146	0.251784
activity1152	-0.201494	0.266230	-0.757	0.449205
activity1153	0.631350	0.243210	2.596	0.009480 **
activity1154	-0.509194	0.257364	-1.978	0.047964 *
activity1160	0.832528	0.250662	3.321	0.000907 ***
activity1180	0.148292	0.247313	0.600	0.548809
activity2530	0.136849	0.283551	0.483	0.629396
activity4102	-0.690028	0.253221	-2.725	0.006467 **
activity4113	-0.141746	0.278918	-0.508	0.611350
activity4115	-0.833374	0.345411	-2.413	0.015895 *
activity4117	-0.375225	0.244675	-1.534	0.125242
activity4131	-0.227191	0.273472	-0.831	0.406173
activity4132	-0.436839	0.292548	-1.493	0.135485
activity4143	-0.152399	0.492284	-0.310	0.756905
activity4151	-0.304651	0.254605	-1.197	0.231572
activity4194	-0.831920	0.298645	-2.786	0.005376 **
activity4220	-0.478510	0.242728	-1.971	0.048772 *
activity4231	0.514056	0.385926	1.332	0.182960
activity4241	-2.718943	0.355611	-7.646	2.78e-14 ***
activity4270	-0.113799	0.355421	-0.320	0.748854
activity4473	0.434391	0.442204	0.982	0.326015
activity4474	0.731944	0.248699	2.943	0.003274 **
activity4475	0.331949	0.321976	1.031	0.302636
activity4484	0.848519	0.294497	2.881	0.003989 **
activity4492	1.337335	0.321621	4.158	3.30e-05 ***
activity4493	0.591448	0.243612	2.428	0.015248 *
activity4494	0.786543	0.260613	3.018	0.002566 **
activity4495	0.878584	0.242037	3.630	0.000288 ***
activity4511	0.695760	0.240365	2.895	0.003824 **
activity4521	0.651676	0.242142	2.691	0.007157 **
activity4530	0.512856	0.272977	1.879	0.060376 .
activity6107	0.416858	0.245359	1.699	0.089428 .
lnacres	-0.809845	0.013720	-59.028	< 2e-16 ***

\*\*\* significant at the 99.99% level; \*\* significant at the 99.9%; \* significant at the 99% level; + significant at the 95% level; . significant at the 90% level. R square: 66%

As can be seen by looking at the large number of highly statistically significant variables there are many activities that have statistically different costs than one another. The cost of any activity that is omitted means that their cost is not different than costs of the reference FACTS activity #1120, Yarding-- removal of fuels by dragging or carrying. Further, if the activity occurs in a WUI area it has slightly higher costs than fuel treatments that do not. In this sense the signs on the coefficient is sensible. The model also has reasonable explanatory power of 66%, meaning that 66% of the cost

per acre is explained by this set of variables.

Table 22. Eastern GACC Spatial mechanical fuel treatment model

Dependent variable is the natural log (ln) of Cost of per acre for the activity.

<b>Variable</b>	<b>Estimate</b>	<b>Std. Error</b>	<b>t value</b>	<b>Probability</b>
WUI0	3.9071264	0.2444706	15.982	< 2e-16 ***
WUI1	4.3029128	0.2422624	17.761	< 2e-16 ***
activity1150	0.0284042	0.2425665	0.117	0.906790
activity1152	-0.3119648	0.2581113	-1.209	0.226896
activity1153	0.2686337	0.2332869	1.152	0.249613
activity1154	-0.6801202	0.2468920	-2.755	0.005910 **
activity1160	0.6710139	0.2401604	2.794	0.005239 **
activity1180	0.2493748	0.2367054	1.054	0.292187
activity2530	-0.0729713	0.2988396	-0.244	0.807107
activity4102	-0.8096384	0.2424046	-3.340	0.000848 ***
activity4113	-0.3864286	0.2688923	-1.437	0.150791
activity4115	-0.9887793	0.3305775	-2.991	0.002803 **
activity4117	-0.4641746	0.2342411	-1.982	0.047615 *
activity4131	-0.5107780	0.2636142	-1.938	0.052767 .
activity4132	-0.5652140	0.2809421	-2.012	0.044326 *
activity4143	-0.2894396	0.4718174	-0.613	0.539621
activity4151	-0.4674388	0.2435222	-1.919	0.055018 .
activity4194	-0.9624090	0.2861206	-3.364	0.000779 ***
activity4220	-0.6676128	0.2328283	-2.867	0.004168 **
activity4231	0.1670540	0.3923523	0.426	0.670302
activity4241	-2.6669501	0.3406537	-7.829	6.79e-15 ***
activity4270	-0.0330208	0.3403509	-0.097	0.922717
activity4473	0.3799445	0.4233233	0.898	0.369510
activity4474	0.4328997	0.2388449	1.812	0.070014 .
activity4475	0.4051037	0.3093574	1.310	0.190466
activity4484	0.5052869	0.2836569	1.781	0.074961 .
activity4492	1.0110020	0.3096862	3.265	0.001109 **
activity4493	0.7076624	0.2340367	3.024	0.002518 **
activity4494	0.5408235	0.2502050	2.162	0.030735 *
activity4495	0.7046644	0.2324532	3.031	0.002455 **
activity4511	0.4362722	0.2305028	1.893	0.058495 .
activity4521	0.7748995	0.2326752	3.330	0.000878 ***
activity4530	0.1258655	0.2623480	0.480	0.631430
activity6107	0.3512916	0.2349758	1.495	0.135018
lnacres	-0.8051671	0.0135983	-59.211	< 2e-16 ***
Elevation	0.0005172	0.0001573	3.288	0.001020 **
Slope	0.0312211	0.0048347	6.458	1.24e-10 ***
Crown density	0.0550116	0.0069289	7.939	2.85e-15 ***
%low severity	-0.0074498	0.0015987	-4.660	3.30e-06 ***
Fire return Interval	0.0149143	0.0015533	9.601	< 2e-16 ***

\*\*\* significant at the 99.99% level; \*\* significant at the 99.9%; \* significant at the 99% level; + significant at the 95% level; . significant at the 90% level. R square: 69%

The explanatory power of the spatial model is the same as the non spatial at 69%, a slight

improvement over the non spatial model. Mechanical fuel treatments in WUI areas cost slightly more than in non WUI areas. The spatial variables are all statistically significant indicating their importance in the model.

*12. Eastern GACC Fire Fuel Treatment*

Table 23. Eastern GACC Non-spatial fire fuel treatment model

Dependent variable is the natural log (ln) of Cost of per acre for the activity.

<b>Variable</b>	<b>Estimate</b>	<b>Std. Error</b>	<b>t value</b>	<b>Probability</b>
WUI0	4.64837	0.09237	50.322	< 2e-16 ***
WUI1	4.85132	0.07547	64.282	< 2e-16 ***
metrol	0.21467	0.07935	2.705	0.00694 **
activity1113	-0.02925	0.08395	-0.348	0.72759
activity1117	2.24914	0.29428	7.643	5.04e-14 ***
activity1130	-0.54356	0.07251	-7.497	1.46e-13 ***
activity4471	0.82569	0.58158	1.420	0.15600
activity4481	1.17772	0.22632	5.204	2.38e-07 ***
activity4491	1.24244	0.29531	4.207	2.82e-05 ***
activity6101	-0.09580	0.07257	-1.320	0.18711
lnacres	-0.86217	0.01650	-52.254	< 2e-16 ***

\*\*\* significant at the 99.99% level; \*\* significant at the 99.9%; \* significant at the 99% level; + significant at the 95% level; . significant at the 90% level. R square: 94%

All but three of the fire fuel activities are statistically significant. Fire fuel treatments are more expensive in WUI's (WUI1) and Metropolitan areas. What is particularly noteworthy is the very high explanatory power at 94%. This implies that only 6% of the variation of cost of fire fuel treatments is unexplained.

Table 24. Eastern GACC Spatial fire treatment model

Dependent variable is the natural log (ln) of Cost of per acre for the activity.

<b>Variable</b>	<b>Estimate</b>	<b>Std. Error</b>	<b>t value</b>	<b>Probability</b>
WUI0	3.9399383	0.1344112	29.313	< 2e-16 ***
WUI1	4.0992660	0.1269346	32.294	< 2e-16 ***
metrol	0.4823268	0.0860283	5.607	2.69e-08 ***
activity1113	-0.0952970	0.0849061	-1.122	0.261978
activity1117	2.2059761	0.2893952	7.623	5.91e-14 ***
activity1130	-0.5851276	0.0778411	-7.517	1.27e-13 ***
activity4471	0.9929440	0.5645637	1.759	0.078930 .
activity4481	1.0110014	0.2236734	4.520	6.95e-06 ***
activity4491	1.1439771	0.2879702	3.973	7.64e-05 ***
activity6101	-0.0899257	0.0715241	-1.257	0.208956
lnacres	-0.8609115	0.0169049	-50.927	< 2e-16 ***
Elevation	0.0008618	0.0002004	4.300	1.88e-05 ***
Crown density	0.0440844	0.0114451	3.852	0.000125 ***
%low severity	0.0252805	0.0052104	4.852	1.42e-06 ***
%med severity	-0.0486322	0.0081559	-5.963	3.47e-09 ***
Fire return Interval	0.0236782	0.0049023	4.830	1.59e-06 ***

\*\*\* significant at the 99.99% level; \*\* significant at the 99.9%; \* significant at the 99% level; + significant at the 95% level; . significant at the 90% level. R square: 79%

All the added spatial variables being highly significant. However, the explanatory power (R square) of this spatial model is somewhat lower than the non spatial model, a very odd result. Nonetheless, the explanatory power is still quite good with nearly 80% of the variation in the fire fuel treatment costs being explained by the model.

### 13. Southern Mechanical Fuel Treatment Models

Table 25. Southern Non-spatial mechanical treatment model  
Dependent variable is the natural log (ln) of Cost of per acre for the activity.

<b>Variable</b>	<b>Estimate</b>	<b>Std.Error</b>	<b>t value</b>	<b>Probability</b>
WUI0	2.98056	0.44624	6.679	2.76e-11 ***
WUI1	3.13786	0.44542	7.045	2.21e-12 ***
metrol	0.28915	0.03289	8.791	< 2e-16 ***
activity1152	3.43834	0.62880	5.468	4.85e-08 ***
activity1154	1.90599	0.47029	4.053	5.17e-05 ***
activity1160	0.65023	0.49686	1.309	0.190731
activity1180	1.35861	0.52085	2.608	0.009132 **
activity2510	0.58350	0.54415	1.072	0.283648
activity4113	1.65854	0.53108	3.123	0.001804 **
activity4117	1.29798	0.46173	2.811	0.004963 **
activity4131	3.12861	0.45223	6.918	5.37e-12 ***
activity4132	1.35776	0.47825	2.839	0.004550 **
activity4142	0.17856	0.48746	0.366	0.714153
activity4145	0.15472	0.48761	0.317	0.751028
activity4146	1.46595	0.56185	2.609	0.009113 **
activity4151	-0.42291	0.51318	-0.824	0.409935
activity4152	2.00499	0.53102	3.776	0.000162 ***
activity4177	3.30680	0.54527	6.065	1.46e-09 ***
activity4193	2.65045	0.49280	5.378	7.99e-08 ***
activity4194	1.58796	0.53101	2.990	0.002804 **
activity4220	1.14169	0.44568	2.562	0.010456 *
activity4231	-0.56806	0.46954	-1.210	0.226422
activity4232	1.23202	0.44952	2.741	0.006160 **
activity4241	0.87647	0.58778	1.491	0.136010
activity4270	1.21332	0.50720	2.392	0.016797 *
activity4455	1.39143	0.51315	2.712	0.006728 **
activity4472	1.61057	0.52091	3.092	0.002004 **
activity4474	1.65220	0.45340	3.644	0.000272 ***
activity4475	1.48293	0.47676	3.110	0.001882 **
activity4492	1.82193	0.47654	3.823	0.000134 ***
activity4493	1.25462	0.47070	2.665	0.007723 **
activity4494	1.69583	0.45619	3.717	0.000204 ***
activity4495	1.66447	0.44689	3.725	0.000199 ***
activity4511	1.60492	0.44497	3.607	0.000314 ***
activity4521	1.35981	0.44587	3.050	0.002306 **
activity6103	1.86680	0.46259	4.036	5.56e-05 ***
activity6105	1.19883	0.52165	2.298	0.021609 *
activity6106	1.39867	0.46349	3.018	0.002564 **
activity6107	1.03151	0.44560	2.315	0.020674 *
lnacres	-0.63787	0.01147	-55.627	< 2e-16 ***

\*\*\* significant at the 99.99% level; \*\* significant at the 99.9%; \* significant at the 99% level;  
+ significant at the 95% level; . significant at the 90% level. R square: 61%

Obviously there are a large number of mechanical fuel treatment activities that have costs different than the baseline activity. Performing mechanical fuel treatment activities in the South is higher in WUI areas and Metropolitan counties.



Table 26. Southern Spatial mechanical treatment model

<b>Variable</b>	<b>Estimate</b>	<b>Std. Error</b>	<b>t value</b>	<b>Probability</b>
WUI0	2.612e+00	4.423e-01	5.905	3.83e-09 ***
WUI1	2.755e+00	4.415e-01	6.240	4.86e-10 ***
metrol	2.508e-01	3.273e-02	7.661	2.35e-14 ***
activity1152	3.584e+00	6.167e-01	5.812	6.68e-09 ***
activity1154	2.006e+00	4.611e-01	4.350	1.40e-05 ***
activity1160	6.823e-01	4.872e-01	1.401	0.161429
activity1180	1.563e+00	5.111e-01	3.059	0.002239 **
activity2510	4.025e-01	5.339e-01	0.754	0.450955
activity4113	1.693e+00	5.209e-01	3.250	0.001164 **
activity4117	1.428e+00	4.528e-01	3.153	0.001628 **
activity4131	2.896e+00	4.439e-01	6.525	7.74e-11 ***
activity4132	1.488e+00	4.693e-01	3.171	0.001534 **
activity4142	1.555e-01	4.781e-01	0.325	0.745008
activity4145	6.157e-02	4.783e-01	0.129	0.897583
activity4146	1.502e+00	5.512e-01	2.726	0.006445 **
activity4151	-1.915e-01	5.034e-01	-0.380	0.703728
activity4152	1.902e+00	5.210e-01	3.650	0.000266 ***
activity4177	3.279e+00	5.350e-01	6.130	9.73e-10 ***
activity4193	2.568e+00	4.834e-01	5.313	1.14e-07 ***
activity4194	1.427e+00	5.212e-01	2.739	0.006197 **
activity4220	1.288e+00	4.372e-01	2.945	0.003247 **
activity4231	-4.647e-01	4.606e-01	-1.009	0.313061
activity4232	1.268e+00	4.412e-01	2.875	0.004061 **
activity4241	9.938e-01	5.764e-01	1.724	0.084735 .
activity4270	1.359e+00	4.975e-01	2.732	0.006318 **
activity4455	1.157e+00	5.039e-01	2.295	0.021770 *
activity4472	1.707e+00	5.109e-01	3.341	0.000844 ***
activity4474	1.680e+00	4.446e-01	3.778	0.000161 ***
activity4475	1.489e+00	4.676e-01	3.185	0.001459 **
activity4492	1.715e+00	4.675e-01	3.669	0.000247 ***
activity4493	1.337e+00	4.617e-01	2.897	0.003790 **
activity4494	1.750e+00	4.473e-01	3.914	9.26e-05 ***
activity4495	1.492e+00	4.384e-01	3.404	0.000670 ***
activity4511	1.516e+00	4.363e-01	3.473	0.000520 ***
activity4521	1.395e+00	4.372e-01	3.191	0.001431 **
activity6103	1.841e+00	4.540e-01	4.055	5.12e-05 ***
activity6105	1.246e+00	5.115e-01	2.436	0.014897 *
activity6106	1.521e+00	4.546e-01	3.347	0.000824 ***
activity6107	1.112e+00	4.370e-01	2.544	0.010990 *
lnacres	-6.219e-01	1.162e-02	-53.515	< 2e-16 ***
Elevation	3.697e-04	6.281e-05	5.885	4.33e-09 ***
Slope	1.055e-02	2.677e-03	3.939	8.33e-05 ***
Crown density	6.927e-02	1.350e-02	5.131	3.04e-07 ***
%low severity	-6.404e-03	3.393e-03	-1.887	0.059173 .
Fire return Interval	1.386e-02	2.578e-03	5.375	8.11e-08 ***

\*\*\* significant at the 99.99% level; \*\* significant at the 99.9%; \* significant at the 99% level; + significant at the 95% level; . significant at the 90% level. R square: 63%

The explanatory power of the spatial model is slightly higher than the non spatial and the spatial variables are statistically significant.

*14. Southern GACC Fire Fuel Treatment*

Table 27. Southern CACC Non-spatial fire treatment model

Dependent variable is the natural log (ln) of Cost of per acre for the activity.

<b>Variable</b>	<b>Estimate</b>	<b>Std.Error</b>	<b>t value</b>	<b>Probability</b>
WUI0	3.503803	0.028017	125.060	< 2e-16 ***
WUI1	3.596527	0.025288	142.224	< 2e-16 ***
Metrol	0.124055	0.012576	9.864	< 2e-16 ***
activity1112	-0.117544	0.182595	-0.644	0.52
activity1113	0.156349	0.015490	10.094	< 2e-16 ***
activity1117	1.053029	0.069886	15.068	< 2e-16 ***
activity4471	0.643673	0.043465	14.809	< 2e-16 ***
activity4491	0.834865	0.043499	19.193	< 2e-16 ***
activity4541	0.502105	0.075487	6.652	3.29e-11 ***
activity6101	0.310350	0.021095	14.712	< 2e-16 ***
lnacres	-0.766403	0.003958	-193.619	< 2e-16 ***

\*\*\* significant at the 99.99% level; \*\* significant at the 99.9%; \* significant at the 99% level; + significant at the 95% level; . significant at the 90% level. R square: 93%

This compact model performs very well, with all but one variable statistically significantly different than the baseline activity, broadcast burning. Costs are slightly higher in WUI areas and significantly higher in metropolitan areas. The explanatory power is quite strong with 93% of the variation in the cost per acre explained by the model.

Table 28. Southern GACC Spatial fire treatment model

Dependent variable is the natural log (ln) of Cost of per acre for the activity.

<b>Variable</b>	<b>Estimate</b>	<b>Std.Error</b>	<b>t value</b>	<b>Probability</b>
WUI0	3.080e+00	2.994e-02	102.876	< 2e-16 ***
WUI1	3.149e+00	2.816e-02	111.823	< 2e-16 ***
metrol	1.446e-01	1.175e-02	12.309	< 2e-16 ***
activity1112	-2.073e-02	1.651e-01	-0.126	0.90009
activity1113	9.584e-02	1.446e-02	6.629	3.82e-11 ***
activity1117	9.498e-01	6.345e-02	14.970	< 2e-16 ***
activity4471	6.329e-01	3.932e-02	16.096	< 2e-16 ***
activity4491	8.462e-01	3.947e-02	21.438	< 2e-16 ***
activity4541	5.715e-01	6.837e-02	8.360	< 2e-16 ***
activity6101	2.955e-01	1.940e-02	15.235	< 2e-16 ***
lnacres	-7.455e-01	3.719e-03	-200.464	< 2e-16 ***
Elevation	6.383e-04	5.029e-05	12.692	< 2e-16 ***
Slope	5.399e-03	2.023e-03	2.668	0.00765 **
Crown density	5.923e-02	4.695e-03	12.617	< 2e-16 ***
%med severity	-2.173e-02	2.684e-03	-8.097	7.39e-16 ***
Fire Return Interval	2.285e-02	2.608e-03	8.763	< 2e-16 ***

\*\*\* significant at the 99.99% level; \*\* significant at the 99.9%; \* significant at the 99% level; + significant at the 95% level; . significant at the 90% level. R square: 95%

All the spatial variables are statistically significant and the explanatory power increases slightly over the non spatial model.