

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Morning Energy  
**Sent:** Thur 10/5/2017 2:06:12 PM  
**Subject:** POLITICO's Morning Energy, presented by Chevron: Zinke's mixing politics with business draws scrutiny — Report: Perry took charter flight last week — Federal judge reinstates parts of methane waste rule

By Anthony Adragna | 10/05/2017 10:00 AM EDT

*With help from Ben Lefebvre and Darius Dixon*

*Morning Energy will not publish on Monday Oct. 9. Our next [Morning Energy](#) newsletter will publish on Tuesday Oct. 10. Please continue to follow PRO Energy issues [here](#).*

**MIXING PUBLIC LANDS AND POLITICS:** Over the course of his first months in office, Interior Secretary Ryan Zinke has met with big donors or political groups more than a half-dozen times while on official travel, raising questions about the appropriateness of those habits even if they don't cross any legal red lines, Pro's Ben Lefebvre and Esther Whieldon [report](#). GOP donors shelled out up to \$5,000 per couple for a photo with him during a nearly two-hour Virgin Islands Republican Party fundraiser during a stop on an official trip related to the Interior Department's role overseeing the U.S. territory. Tickets for the fundraiser, which was attended by local party members and elected officials, ranged from \$75 per person to as much as \$5,000 per couple.

**Though ethics watchdogs said Zinke's appearance was legal,** they said attending a fundraiser during his first month as secretary is not in line with past administrations' conduct. "It happens on occasion with other Cabinet secretaries, perhaps even a little more often as you get near the election, but it is not a very common practice for Cabinet members to be hopping around from campaign event to campaign event like we're seeing with Zinke," said Craig Holman, government affairs specialist for government watchdog Public Citizen. An Interior spokeswoman said Zinke always follows the law but declined to answer specific questions about his appearance at the Virgin Islands fundraiser, nor would say if he planned to continue raising funds.

**Zinke's not alone:** Obama administration officials had their own struggles mixing official business with politics. A watchdog group requested a probe of whether then-Secretary Ken Salazar had violated the Hatch Act while taking an Obama re-election campaign RV tour of Colorado. The Office of Special Counsel [found](#) HHS Secretary Kathleen Sebelius violated the Hatch Act in 2012, saying she had made "extemporaneous partisan remarks" in North Carolina. Former Interior chief Sally Jewell said she thought Zinke was within his rights, noting she once appeared at a fundraiser for Democratic Sen. [Maria Cantwell](#) that she paid her own way to. "If he had legitimate business while he's on the island, to do a political thing on the side I don't think that is that unusual," Jewell said.

**But some see Zinke's activity** as trying to maintain political contacts so can keep his options available for what to do after he leaves the Trump administration. "I think he's definitely got political aspirations, that that's one of the reasons why he is where he is at right now," said Land Tawney, executive director of Backcountry Hunters and Anglers. "You don't go from being a

Montana legislator to a first-term congressman to [Interior] secretary without having ambition." He's widely seen an attractive candidate for Montana's open-seat governor's race in 2020.

**Quotes that keep coming back to ME:** "Put another way, just because something is legal doesn't make it right," OMB director Mick Mulvaney wrote last week. "So much of what happens around here is based on appearances. If it just appears wrong, don't do it," Senate Energy Chairman Lisa Murkowski told reporters last week.

**REPORT: PERRY TOOK CHARTER TOO - LAST WEEK:** Energy Secretary Rick Perry took a chartered flight last week from Hazleton Regional Airport in Pennsylvania to the Greater Portsmouth Regional Airport in Ohio one day before HHS Secretary Tom Price resigned last week, Reuters reports, citing "PMH Aviation, the company that runs the Portsmouth airport." Information about the cost of the flight were not available and the agency did not respond to requests for comment. PMH declined to confirm the flight when contacted by ME Wednesday night. But FlightAware has details of a Sept. 28 trip that appears to match Perry's itinerary that day; his tour of a uranium facility started at 8:30 the following morning. After the tour, Perry tweeted that he was headed to the Cincinnati/Northern Kentucky International Airport.

**SPEAKING OF TRAVEL:** The Western Values Project told ME it plans to file a complaint in federal court today complaining Interior has not responded to FOIA requests it filed in June asking the extent that Zinke's wife has accompanied him on official work business. Lola Zinke has accompanied her husband on some official trips, either ceremonial events to which she had been officially invited or on trips on which she has paid her way, Interior spokeswoman Heather Swift told ME. And CNN reports Interior's inspector general expanded its existing probe on Zinke's non-commercial travel to also include a summer visit to the Vegas Golden Knights hockey team.

**WELCOME TO THURSDAY EVERYBODY!** I'm your host Anthony Adragna, and DOE's Diane Meck was first up to identify Rep. Sala Burton as the lawmaker Nancy Pelosi replaced in Congress. For today: How many - and which - current members of Congress replaced their spouses in their seats? Send your tips, energy gossip and comments to [aadragna@politico.com](mailto:aadragna@politico.com), or follow us on Twitter [@AnthonyAdragna](https://twitter.com/AnthonyAdragna), [@Morning\\_Energy](https://twitter.com/Morning_Energy), and [@POLITICOPro](https://twitter.com/POLITICOPro).

**"I DID NOT SIGN UP TO GO BLOW UP THE MARKETS":** Recently minted FERC Commissioner Robert Powelson didn't hold back Wednesday making it clear that he's not going to be a rubber stamp on the Energy Department's grid pricing proposal, and warned against politicizing FERC. According to SNL, the audience gathered for a meeting of the Organization of PJM States broke into a standing ovation when the former longtime Pennsylvania regulator declared, "We will not destroy the marketplace." Powelson, a Republican, reportedly said he wouldn't support a rule that undoes the power markets FERC oversees. "When that happens, we're done. I'm done; I don't need this job," he said, according to SNL. "FERC does not do politics. We don't do energy politics," he also said. "I did not sign up to go blow up the markets."

**Something to keep in mind:** Organization of PJM States includes state regulators spanning Illinois to New Jersey and down to North Carolina, and its meetings include not only officials from PJM, the nation's largest power market, but consumer counsels from those states and plenty

of power companies. PJM is also the market that would be the most affected by DOE's proposed rule. This is Powelson's crowd.

**We need lots of information:** Late Wednesday, FERC posted 53 questions and other requests for information as it dives into DOE controversial resiliency pricing proposal, Pro's Darius Dixon [reports](#). The six-page [document](#) splits those questions into categories looking for feedback on rates, the 90-day on-site fuel requirement envisioned by DOE, and how pricing changes would be implemented, among other issues.

**METHANE RULE LIVES - FOR NOW:** A federal court in California [ruled](#) Wednesday that BLM unlawfully postponed key compliance dates for a methane waste rule in June, effectively putting the rule back on the books for now. Pro's Alex Guillén [reports](#). Magistrate Judge Elizabeth Laporte said the agency was too late to delay components of the regulation because its effective date had already passed and therefore should have gone through a round of notice-and-comment rulemaking before suspending any part of the rule. Her decision came the same day Interior [proposed](#) an 18-month delay of the methane waste rule as it works to rewrite it. BLM will accept comments on that proposal for 30 days.

**\*\* A message from Chevron:** When an endangered butterfly was found near a Chevron refinery, we protected the habitat and still plant the only thing they eat-buckwheat. Watch the video: <http://politi.co/2fVfOTm> \*\*

**EPA STRATEGIC PLAN DROPS CLIMATE FOCUS:** EPA's priorities for the next four years would no longer make reference to climate change or rules to reduce carbon emissions under a [draft strategic plan](#), Pro's Alex Guillén [reports](#). The document, which went out to EPA employees Wednesday, instead defines the agency's "core mission" as ensuring clean air, water and land, calls for more "cooperative federalism" and touts the "rule of law and process." Accompanying graphic that went to employees [here](#).

**DEMOCRATS OFFERING CLIMATE METRIC BILL:** Led by Sen. [Michael Bennet](#), eight Senate Democrats today are introducing [a bill](#) - the Transparent Pollution Accounting Act - that would standardize the metric used across the federal government to quantify the cost of climate pollution. The Trump administration suspended use of the existing social cost of carbon earlier this year, prompting the need for a codified value, the Democrats argue.

**WATCH THAT WRAP UP TODAY:** Murkowski wants to have Kevin McIntyre, Trump's pick to chair FERC, and Rich Glick, who serves as general counsel to energy committee Democrats, onto the commission before the chamber adjourns for the Columbus Day recess, Pro's Darius Dixon [reports](#).

**Barrasso: Baran's renom needs a big offset:** If Democrats want to secure a full five-year term for Nuclear Regulatory Commission member Jeff Baran, they're going to have to agree to "a fairly significant, robust [nomination] package for me to agree to allow him through," Sen. [John Barrasso](#) told ME. Democrats have insisted that Baran, a former aide to ex-Rep. Henry Waxman who has been on the commission since 2014, get a new term alongside the confirmations of GOP commission nominees Annie Caputo and David Wright, who were approved by EPW in July.

**Barrasso's comments suggest** that Democratic support for Caputo and Wright likely isn't enough to get him to go along with Baran, especially considering his frustration with objections to EPA enforcement nominee Susan Bodine. Still, there's not much to hang over the Democrats in the near term: It's a Republican administration with plenty of EPA nominees they don't like, and Baran's seat doesn't expire until June.

**ADMINISTRATION SENDS OVER DISASTER FUNDING REQUEST:** Officials formally sent over a request for nearly \$30 billion in disaster relief Wednesday that included \$12.8 billion for FEMA's disaster relief fund, \$16 billion for the National Flood Insurance Program and \$576.5 million for the forest service's firefighting fund, Pro Budget and Appropriations Brief's Sarah Ferris [reports](#). That came as San Juan's mayor [blasted Trump](#) on Wednesday as the "miscommunicator in chief" and called his visit to the island "insulting."

**Murkowski's focused on immediate relief:** Murkowski expressed concern about the "slow" federal response to Hurricane Maria and said building a more resilient Puerto Rican grid was secondary to getting the lights back on. "When you think about the extent of a disaster like this, we all want to say, 'Okay, let's improve, let's improve the grid here, let's build the Puerto Rican grid of the future,' but first and foremost-we've just gotta try and clean up," she told reporters. An aide said Murkowski planned to visit the island with other lawmakers next week but that those details are still being finalized.

**PHMSA, NOAA PICKS ADVANCE:** The Senate Commerce Committee advanced the nominations of Howard Elliott to run PHMSA and Timothy Gallaudet to be No. 2 at NOAA by voice vote Wednesday. Add them to the ever-increasing backlog of nominees waiting for a Senate floor vote.

**DEMOCRATS SEEK PROBE OF PRUITT'S SPENDING:** Two senior House Transportation Democrats - [Peter DeFazio](#) and [Grace Napolitano](#) - asked EPA's inspector general in a [letter](#) to probe "wasteful" spending by Pruitt on round-the-clock security and a \$25,000 soundproof phone booth. "This culture, which is reflected in travel and lifestyle choices from the president on down, seems to embolden senior, politically appointed officials of the Trump administration to undertake lavish spending of taxpayer dollars for their sole and personal benefit, and not for the benefit of the Americans paying the tab," they write.

**Udall considering private plane rider:** Sen. [Tom Udall](#), top Democrat on Appropriations subcommittee responsible for EPA spending, told ME he was "exploring" some sort of rider barring officials from private plane travel. "What I end up seeing is there's some very wasteful things going on," he said.

**SENIOR E&C MEMBER MURPHY TO RETIRE:** Rep. [Tim Murphy](#), who chairs the Energy and Commerce Subcommittee on Oversight, announced late Wednesday he'll retire at the end of his current term, POLITICO's Rachael Bade, Elena Schneider and John Bresnahan [report](#). The staunchly pro-life Murphy allegedly suggested a mistress get an abortion.

**MINE SAFETY PICK ACKNOWLEDGES FAULTS:** David Zatezalo, Trump's mine safety

pick, told a Senate panel Wednesday he was "not proud of the fact" the coal company Rhino Resources he used to run got notices of safety violations, Pro Labor's Ian Kullgren [reports](#). He also said he'd have no trouble working with career staff that issued the notices in 2010 and 2011.

**ZINKE HEADS TO FLORIDA:** Today, the Interior secretary will get a briefing on "infrastructure upgrades and Everglades restoration at Lake Okeechobee." He'll also visit National Park Service sites Friday impacted by recent hurricanes.

**CONSERVATIVES FOR CLEAN ENERGY:** Hundreds are expected to gather today at the Hyatt Regency for the Conservative Clean Energy Summit. Multiple lawmakers are expected to address the gathering, including Sens. [Mike Rounds](#), [Rob Portman](#) and [Lindsey Graham](#), as well as Rep. [Scott W. Taylor](#). More information [here](#).

**Milestone for House climate caucus:** There are now 60 members of the House Climate Solutions Caucus with the additions of Reps. [Pete Aguilar](#) and [Mimi Walters](#).

**PERRY AIDE ADDS MORE CLIENTS:** Jeff Miller, a former adviser to Energy Secretary Rick Perry during his second presidential run, has signed three new clients - including Pacific Gas and Electric, the massive California utility. Miller reported lobbying DOE in the second quarter on behalf of six clients, including AECOM, Lucid Motors (as a subcontractor to Hobart Hallaway & Quayle), the Nuclear Energy Institute, Occidental Petroleum, Southern Company and Valero Energy. He's signed 15 clients since he started lobbying in Washington this year and Perry became DOE chief (h/t [POLITICO Influence](#)).

**END OF A (SHORT) ERA:** The Rogue EPA Twitter account is going on hiatus, it announced Wednesday. "We started this account to be sure the public knew what was happening at EPA. Now, the world sees...It may be time to take a step back and let others carry the torch for a while. Those of us at the helm, here, are tired," a [couple of tweets](#) said.

## QUICK HITS

- Putin Says He'd Drive a Tesla. [Bloomberg](#).
- Interior Department whistleblower resigns, calling Ryan Zinke's leadership a failure. [Washington Post](#).
- Contrary To Original Plan, Atlantic Coast Pipeline May Extend Beyond North Carolina. [WUNC](#).
- Former AG Sorrell Skips Deposition, Sparks War of Words. [Seven Days](#).
- Here's the leaked anti-leak training email sent to DOE staff. [Wired](#).
- Putin says oil cut deal with OPEC could last to end of 2018. [CNBC](#).
- Climate change could nearly triple airplane turbulence in the next decades, study says. [ABC](#).

News.

**THAT'S ALL FOR ME!**

**\*\* A message from Chevron:** This is a story about DOERS, butterflies, and buckwheat. In '75, the endangered El Segundo Blue butterfly was found near a Chevron refinery. We protected the habitat and planted the only thing they eat-buckwheat. We're still planting and keeping an eye on our littlest neighbor. Watch the video: <http://politi.co/2fVfOTm> \*\*

*To view online:*

<http://www.politico.com/tipsheets/morning-energy/2017/10/05/zinkes-mixing-politics-with-business-draws-scrutiny-222667>

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