

LEGAL DEPARTMENT



January 23, 2018

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**Re: Request Under Freedom of Information Act
(Expedited Processing & Fee Waiver Requested)**

To Whom It May Concern:

The American Civil Liberties Union and the American Civil Liberties Union Foundation (together, the “ACLU”)¹ submit this Freedom of Information Act (“FOIA”) request (the “Request”) for records pertaining to cooperation between federal, state, and local law enforcement entities and between federal law enforcement entities and private security companies around preparations for anticipated protests against the Keystone XL pipeline.

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I. Background

On January 27, 2017, the White House released its Presidential Memorandum Regarding Construction of the Keystone XL Pipeline, which expedited the approval process for the Canada-to-Texas oil pipeline that President Barack Obama had previously rejected.² Two months later, President Donald Trump announced that his administration had formally approved the pipeline.³

These decisions generated intense public controversy and debate. The president’s approval of the Keystone XL Pipeline set the stage for renewed protest against oil pipelines, which activist groups say accelerate climate change,

¹ The American Civil Liberties Union Foundation is a 26 U.S.C. § 501(c)(3) organization that provides legal representation free of charge to individuals and organizations in civil rights and civil liberties cases, educates the public about civil rights and civil liberties issues across the country, directly lobbies legislators, and mobilizes the American Civil Liberties Union’s members to lobby their legislators. The American Civil Liberties Union is a separate non-profit, 26 U.S.C. § 501(c)(4) membership organization that educates the public about the civil liberties implications of pending and proposed state and federal legislation, provides analysis of pending and proposed legislation, directly lobbies legislators, and mobilizes its members to lobby their legislators.

² See Presidential Memorandum Regarding Construction of the Keystone XL Pipeline (Jan. 24, 2017), <https://www.whitehouse.gov/presidential-actions/presidential-memorandum-regarding-construction-keystone-xl-pipeline/>; Elise Labott & Dan Berman, *Obama Rejects Keystone XL Pipeline*, CNN (Nov. 6, 2015), <http://www.cnn.com/2015/11/06/politics/keystone-xl-pipeline-decision-rejection-kerry/index.html>.

³ Elise Labott & Jeremy Diamond, *Trump Administration Approves Keystone XL Pipeline*, CNN (Mar. 24, 2017), <http://www.cnn.com/2017/03/23/politics/keystone-xl-pipeline-trump-approve/index.html>.

threaten clean water reserves, and invade cultural sites of American Indian tribes.⁴ In response to the president's announcement, then-chairman of the Standing Rock Sioux tribe, David Archambault II, stated, "We opposed Keystone before, and we'll oppose it again."⁵ Environmental groups, too, have made clear their intention to protest Keystone XL's construction; one prominent group has invited advocates to sign a "Pledge of Resistance," which includes a commitment to "participate in peaceful direct action that may result in my arrest, should construction begin on the Keystone XL pipeline."⁶

Government officials have consequently made clear their intention to prevent a repeat of the prolonged protests against the Dakota Access Pipeline, which drew thousands of activists to the North Dakota site, sparked physical confrontation with law enforcement authorities, and captured worldwide attention.⁷ Officials have pursued numerous strategies for impeding these protests, such as asking the federal government for guidance on the possibility of prosecuting protestors under domestic terrorism laws,⁸ enacting legislation that allows a governor or sheriff to prohibit groups numbering more than 20 from gathering on public land,⁹ and fostering cooperation between federal, state, and local law enforcement entities and private security contractors.¹⁰ As a

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⁴ Heather Brady, *4 Key Impacts of the Keystone XL and Dakota Access Pipelines*, National Geographic (Jan. 25, 2017), <https://news.nationalgeographic.com/2017/01/impact-keystone-dakota-access-pipeline-environment-global-warming-oil-health/>.

⁵ Stand with Standing Rock, *Standing Rock Sioux Chairman Responds to Keystone Pipeline Permit Approval* (Mar. 24, 2017), <http://standwithstandingrock.net/standing-rock-sioux-chairman-responds-keystone-pipeline-permit-approval/>.

⁶ Bold Alliance, *Sign the Keystone XL Pledge of Resistance* (last visited Dec. 27, 2017), https://boldalliance.webaction.org/p/dia/action3/common/public/?action_KEY=20257; see also Michael McLaughlin, *Keystone XL Protesters Won't Back Down After Trump Approval*, Huffington Post (Mar. 24, 2017), https://www.huffingtonpost.com/entry/keystone-xl-protesters-trump-approval_us_58d55333e4b02a2eaab3819e.

⁷ See, e.g., Paul Hammel, *Nebraska Law Enforcement, Keystone XL Pipeline Foes Prepare for Possible Protests*, Omaha World-Herald (Apr. 11, 2017), http://www.omaha.com/news/nebraska/nebraska-law-enforcement-keystone-xl-pipeline-foes-prepare-for-possible/article_d85522c1-73cd-541c-98f2-f9b3375e8a3c.html.

⁸ Timothy Gardner, *U.S. Lawmakers Ask DOJ If Terrorism Law Covers Pipeline Activists*, Reuters (Oct. 23, 2017), <https://www.reuters.com/article/us-usa-pipelines-activism/u-s-lawmakers-ask-doj-if-terrorism-law-covers-pipeline-activists-idUSKBN1CS2XY>.

⁹ South Dakota Senate Bill 176 (Mar. 27, 2017), <https://www.courthousenews.com/wp-content/uploads/2017/03/SB-176.pdf>.

¹⁰ Alleen Brown, *Nebraska Approves Keystone XL Pipeline as Opponents Face Criminalization of Protests*, The Intercept (Nov. 20, 2017), <https://theintercept.com/2017/11/20/nebraska-approves-keystone-xl-pipeline-as-opponents-face-criminalization-of-protests/>; *Lincoln Police Prepare for All Scenarios as Pipeline Protests Near*,

further threat to activists who may wish to repeat their actions at the Dakota Access Pipeline, the *Guardian* reports that Joint Terrorism Task Force agents have attempted to contact multiple individuals involved with the North Dakota anti-pipeline movement.¹¹

Evidence of cooperation among law enforcement officials and private corporations in the area of oil pipeline protests has been widely documented. On May 27, 2017, *The Intercept* published internal documents of the security firm TigerSwan that revealed close cooperation between TigerSwan, state police forces, and federal law enforcement in at least five states around the Dakota Access Pipeline.¹² For example, a TigerSwan situation report on March 29, 2016 explicitly named the state and federal actors in attendance at a joint meeting the day before: “Met with the Des Moines Field Office of the FBI, with the Omaha and Sioux Fall offices joining by conference call. Also in attendance were representatives of the Joint Terrorism Task Force, Department of Homeland Security . . . Topics covered included the current threat assessment of the pipeline, the layout of current security assets and persons of interests. The FBI seemed were [sic] very receptive . . . follow-up meetings with individuals will be scheduled soon[.]”¹³ *The Intercept* also published communications detailing coordination “between a wide range of local, state, and federal agencies,” including the revelation that the FBI participated in law enforcement operations related to the Dakota Access Pipeline protests.¹⁴ Finally, a review of federal lobbying disclosure forms by *DeSmog*, a blog focused on topics related to climate change, has revealed that the National Sheriffs’ Association was

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1011 Now (Aug. 1, 2017), <http://www.1011now.com/content/news/Lincoln-Police-prepare-for-all-scenarios-as-pipeline-protests--437938853.html>.

¹¹ Sam Levin, *Revealed: FBI Terrorism Taskforce Investigating Standing Rock Activists*, *The Guardian* (Feb. 10, 2017), <https://www.theguardian.com/us-news/2017/feb/10/standing-rock-fbi-investigation-dakota-access>.

¹² Alleen Brown, Will Parrish, and Alice Speri, *Leaked Documents Reveal Counterterrorism Tactics Used at Standing Rock to “Defeat Pipeline Insurgencies”*, *The Intercept* (May 27, 2017), <https://theintercept.com/2017/05/27/leaked-documents-reveal-security-firms-counterterrorism-tactics-at-standing-rock-to-defeat-pipeline-insurgencies/>.

¹³ Alleen Brown, Will Parrish, and Alice Speri, *TigerSwan Responded to Pipeline Vandalism by Launching Multistate Dragnet*, *The Intercept* (Aug. 26, 2017), <https://theintercept.com/2017/08/26/dapl-security-firm-tigerswan-responded-to-pipeline-vandalism-by-launching-multistate-dragnet/>.

¹⁴ Brown, Parrish & Speri, *Leaked Documents Reveal Counterterrorism Tactics*; see also *Intel Group Email Thread*, *The Intercept* (May 27, 2017), <https://theintercept.com/document/2017/05/27/intel-group-email-thread/> (documenting FBI participation in law enforcement operations around the Dakota Access Pipeline protests).

lobbying Congress for surplus military gear and on issues related to the Dakota Access Pipeline.¹⁵

Law enforcement officials have signaled that such cooperation will assist them in responding to future protests against Keystone XL and other oil pipelines. For example, on April 11, 2017, the *Omaha Herald* reported that Morton County, North Dakota Sheriff Kyle Kirchmeier, whose department was involved in responding to the Dakota Access Pipeline protests, has been in communication with other states over how to respond to oil pipeline protestors.¹⁶

Such indications and the recent existence of cooperation on this exact issue raise important questions about federal agencies' level of collaboration with state and local governments and with private security contractors in connection with oil pipeline protest actions. These questions are especially important given the uncertainty around whether and to what extent the government was engaged in surveillance of Dakota Access Pipeline protestors.¹⁷ The First Amendment protects political speech from the threat of undue government scrutiny, and the extent of such scrutiny is currently unknown.¹⁸

To provide the American public with information about federal cooperation with state and local governments and with private security contractors over possible oil pipeline protests, the ACLU seeks such information through this FOIA request.

II. Requested Records

¹⁵ Steven Horn & Curtis Waltman, *In Heat of Dakota Access Protests, National Sheriffs' Association Lobbied for More Military Gear*, DeSmog (Apr. 27, 2017), <https://www.desmogblog.com/2017/04/27/dakota-access-sheriffs-lobbying-military-gear>.

¹⁶ Paul Hammel, *Nebraska Law Enforcement, Keystone XL Pipeline Foes Prepare for Possible Protests*, Omaha World Herald (Apr. 11, 2017), http://www.omaha.com/news/nebraska/nebraska-law-enforcement-keystone-xl-pipeline-foes-prepare-for-possible/article_d85522c1-73cd-541c-98f2-f9b3375e8a3c.html.

¹⁷ Alyssa Newcomb, Daniel A. Medina, Emmanuelle Saliba, and Chiara A. Sottile, *At Dakota Pipeline, Protestors Questions of Surveillance and 'Jamming' Linger*, NBC (Oct. 31, 2016), <https://www.nbcnews.com/storyline/dakota-pipeline-protests/dakota-pipeline-protesters-questions-surveillance-jamming-linger-n675866>; Morgan Chalfant, *ACLU Challenges Warrant to Search Facebook Page of Dakota Access Opponents*, The Hill (Mar. 9, 2017), <http://thehill.com/policy/cybersecurity/323131-aclu-challenges-police-effort-to-search-facebook-page-of-dakota-access>.

¹⁸ See Motion to Quash Search Warrant, American Civil Liberties Union, *In Re Search Warrant No. 17A03639 Served On Facebook* at 5 (filed Mar. 8, 2017), https://www.aclu.org/sites/default/files/field_document/motion_to_quash_-_filed.pdf.

With respect to **all agencies** listed above, the ACLU seeks the release of all records¹⁹ created since January 27, 2017, concerning:

(1) Legal and policy analyses and recommendations related to law enforcement funding for and staffing around oil pipeline protests. Such recommendations may include, but are not limited to, declarations of a state of emergency by state and local entities in order to marshal additional funds, and requests by state or local entities for federal agencies to provide funding or personnel for counter-protest operations; and

(2) Travel of federal employees to speaking engagements, private and public meetings, panels, and conferences on the subject of preparation for oil pipeline protests and/or cooperation with private corporations in furtherance thereof; and

(3) Meeting agendas, pamphlets, and other distributed matter at speaking engagements, private and public meetings, panels, and conferences where federal employees are present to discuss preparation for oil pipeline protests and/or cooperation with private corporations in furtherance thereof; and

(4) Communications between federal employees and state or local law enforcement entities or employees thereof, and between federal employees and private security companies or employees thereof, discussing cooperation in preparation for oil pipeline protests.

With respect to the **Office of the Secretary of Defense**, the ACLU seeks the release of all records created since January 27, 2017, concerning:

(5) Purchases, requests for purchase, and requests by state and local law enforcement officials of riot gear, including but not limited to tear gas, concussion grenades, and water cannons, from the U.S. Department of Defense's Law Enforcement Support Office, also known as the 1033 program.

With respect to the form of production, *see* 5 U.S.C. § 552(a)(3)(B), the ACLU requests that responsive electronic records be provided electronically in their native file format, if possible. Alternatively, the ACLU requests that the records be provided electronically in a text-searchable, static-image format (PDF), in the best image quality in the agency's possession, and that the records be provided in separate, Bates-stamped files.

III. Application for Expedited Processing

¹⁹ For the purposes of this Request, "records" are collectively defined to include, but are not limited to, final drafts of legal and policy memoranda; guidance documents; instructions; training documents; formal and informal presentations; directives; contracts or agreements; and memoranda of understanding.

The ACLU requests expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E).²⁰ There is a “compelling need” for these records, as defined in the statute, because the information requested is “urgen[tly]” needed by an organization primarily engaged in disseminating information “to inform the public concerning actual or alleged Federal Government activity.” 5 U.S.C. § 552(a)(6)(E)(v)(II).

A. *The ACLU is an organization primarily engaged in disseminating information in order to inform the public about actual or alleged government activity.*

The ACLU is “primarily engaged in disseminating information” within the meaning of the statute. 5 U.S.C. § 552(a)(6)(E)(v)(II).²¹ Obtaining information about government activity, analyzing that information, and widely publishing and disseminating that information to the press and public are critical and substantial components of the ACLU’s work and are among its primary activities. *See ACLU v. DOJ*, 321 F. Supp. 2d 24, 29 n.5 (D.D.C. 2004) (finding non-profit public interest group that “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience” to be “primarily engaged in disseminating information”).²²

The ACLU regularly publishes *STAND*, a print magazine that reports on and analyzes civil liberties-related current events. The magazine is disseminated to over 980,000 people. The ACLU also publishes regular updates and alerts via email to over 3.1 million subscribers (both ACLU members and non-members). These updates are additionally broadcast to over 3.8 million social media followers. The magazine as well as the email and social-media alerts often include descriptions and analysis of information obtained through FOIA requests.

The ACLU also regularly issues press releases to call attention to documents obtained through FOIA requests, as well as other breaking news,²³

²⁰ *See also* 28 C.F.R. § 16.5(e); 32 C.F.R. § 286.8(e); 6 C.F.R. § 5.5(e).

²¹ *See also* 28 C.F.R. 16.5(e)(1)(ii); 32 C.F.R. § 286.8(e)(1)(i)(B); 6 C.F.R. § 5.5(e)(1)(ii).

²² Courts have found that the ACLU as well as other organizations with similar missions that engage in information-dissemination activities similar to the ACLU are “primarily engaged in disseminating information.” *See, e.g., Leadership Conference on Civil Rights v. Gonzales*, 404 F. Supp. 2d 246, 260 (D.D.C. 2005); *ACLU*, 321 F. Supp. 2d at 29 n.5; *Elec. Privacy Info. Ctr. v. DOD*, 241 F. Supp. 2d 5, 11 (D.D.C. 2003).

²³ *See, e.g.,* Press Release, American Civil Liberties Union, U.S. Releases Drone Strike ‘Playbook’ in Response to ACLU Lawsuit (Aug. 6, 2016), <https://www.aclu.org/news/us-releases-drone-strike-playbook-response-aclu-lawsuit>; Press Release, American Civil Liberties Union, Secret Documents Describe Graphic Abuse and Admit Mistakes (June 14, 2016), <https://www.aclu.org/news/cia-releases-dozens-torture-documents-response-aclu-lawsuit>; Press

and ACLU attorneys are interviewed frequently for news stories about documents released through ACLU FOIA requests.²⁴

Similarly, the ACLU publishes reports about government conduct and civil liberties issues based on its analysis of information derived from various sources, including information obtained from the government through FOIA requests. This material is broadly circulated to the public and widely available to everyone for no cost or, sometimes, for a small fee. ACLU national projects regularly publish and disseminate reports that include a description and analysis of government documents obtained through FOIA requests.²⁵ The ACLU also regularly publishes books, “know your rights” materials, fact sheets, and

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Release, American Civil Liberties Union, U.S. Releases Targeted Killing Memo in Response to Long-Running ACLU Lawsuit (June 23, 2014), <https://www.aclu.org/national-security/us-releases-targeted-killing-memo-response-long-running-aclu-lawsuit>; Press Release, American Civil Liberties Union, Justice Department White Paper Details Rationale for Targeted Killing of Americans (Feb. 4, 2013), <https://www.aclu.org/national-security/justice-department-white-paper-details-rationale-targeted-killing-americans>; Press Release, American Civil Liberties Union, Documents Show FBI Monitored Bay Area Occupy Movement (Sept. 14, 2012), <https://www.aclu.org/news/documents-show-fbi-monitored-bay-area-occupy-movement-insidebayareacom>.

²⁴ See, e.g., Cora Currier, *TSA’s Own Files Show Doubtful Science Behind Its Behavioral Screen Program*, *The Intercept*, Feb. 8, 2017, <https://theintercept.com/2017/02/08/tsas-own-files-show-doubtful-science-behind-its-behavior-screening-program/> (quoting ACLU attorney Hugh Handeyside); Karen DeYoung, *Newly Declassified Document Sheds Light on How President Approves Drone Strikes*, *Wash. Post*, Aug. 6, 2016, <http://wapo.st/2jy62cW> (quoting former ACLU deputy legal director Jameel Jaffer); Catherine Thorbecke, *What Newly Released CIA Documents Reveal About ‘Torture’ in Its Former Detention Program*, *ABC*, June 15, 2016, <http://abcn.ws/2jy40d3> (quoting ACLU staff attorney Dror Ladin); Nicky Woolf, *US Marshals Spent \$10M on Equipment for Warrantless Stingray Device*, *Guardian*, Mar. 17, 2016, <https://www.theguardian.com/world/2016/mar/17/us-marshals-stingray-surveillance-airborne> (quoting ACLU attorney Nate Wessler); David Welna, *Government Suspected of Wanting CIA Torture Report to Remain Secret*, *NPR*, Dec. 9, 2015, <http://n.pr/2jy2p71> (quoting ACLU project director Hina Shamsi).

²⁵ See, e.g., Hugh Handeyside, *New Documents Show This TSA Program Blamed for Profiling Is Unscientific and Unreliable — But Still It Continues* (Feb. 8, 2017, 11:45 AM), <https://www.aclu.org/blog/speak-freely/new-documents-show-tsa-program-blamed-profiling-unscientific-and-unreliable-still>; Carl Takei, *ACLU-Obtained Emails Prove that the Federal Bureau of Prisons Covered Up Its Visit to the CIA’s Torture Site* (Nov. 22, 2016, 3:15 PM), <https://www.aclu.org/blog/speak-freely/aclu-obtained-emails-prove-federal-bureau-prisons-covered-its-visit-cias-torture>; Brett Max Kaufman, *Details Abound in Drone ‘Playbook’ — Except for the Ones That Really Matter Most* (Aug. 8, 2016, 5:30 PM), <https://www.aclu.org/blog/speak-freely/details-abound-drone-playbook-except-ones-really-matter-most>; Nathan Freed Wessler, *ACLU- Obtained Documents Reveal Breadth of Secretive Stingray Use in Florida* (Feb. 22, 2015, 5:30 PM), <https://www.aclu.org/blog/free-future/aclu-obtained-documents-reveal-breadth-secretive-stingray-use-florida>; Ashley Gorski, *New NSA Documents Shine More Light into Black Box of Executive Order 12333* (Oct. 30, 2014, 3:29 PM), <https://www.aclu.org/blog/new-nsa-documents-shine-more-light-black-box-executive-order-12333>; ACLU, *ACLU Eye on the FBI: Documents Reveal Lack of Privacy Safeguards and Guidance in Government’s “Suspicious Activity Report” Systems* (Oct. 29, 2013), https://www.aclu.org/sites/default/files/assets/eye_on_fbi_-_sars.pdf.

educational brochures and pamphlets designed to educate the public about civil liberties issues and government policies that implicate civil rights and liberties.

The ACLU publishes a widely read blog where original editorial content reporting on and analyzing civil rights and civil liberties news is posted daily. *See* <https://www.aclu.org/blog>. The ACLU creates and disseminates original editorial and educational content on civil rights and civil liberties news through multi-media projects, including videos, podcasts, and interactive features. *See* <https://www.aclu.org/multimedia>. The ACLU also publishes, analyzes, and disseminates information through its heavily visited website, www.aclu.org. The website addresses civil rights and civil liberties issues in depth, provides features on civil rights and civil liberties issues in the news, and contains many thousands of documents relating to the issues on which the ACLU is focused. The ACLU's website also serves as a clearinghouse for news about ACLU cases, as well as analysis about case developments, and an archive of case-related documents. Through these pages, and with respect to each specific civil liberties issue, the ACLU provides the public with educational material, recent news, analyses of relevant Congressional or executive branch action, government documents obtained through FOIA requests, and further in-depth analytic and educational multi-media features.

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The ACLU website includes many features on information obtained through the FOIA.²⁶ For example, the ACLU's "Predator Drones FOIA" webpage, <https://www.aclu.org/national-security/predator-drones-foia>, contains commentary about the ACLU's FOIA request, press releases, analysis of the FOIA documents, numerous blog posts on the issue, documents related to litigation over the FOIA request, frequently asked questions about targeted killing, and links to the documents themselves. Similarly, the ACLU maintains an online "Torture Database," a compilation of over 100,000 pages of FOIA documents that allows researchers and the public to conduct sophisticated searches of FOIA documents relating to government policies on rendition,

²⁶ *See, e.g.*, Nathan Freed Wessler & Dyan Cortez, *FBI Releases Details of 'Zero-Day' Exploit Decisionmaking Process* (June 26, 2015, 11:00 AM), <https://www.aclu.org/blog/free-future/fbi-releases-details-zero-day-exploit-decisionmaking-process>; Nathan Freed Wessler, *FBI Documents Reveal New Information on Baltimore Surveillance Flights* (Oct. 30, 2015, 8:00 AM), <https://www.aclu.org/blog/free-future/fbi-documents-reveal-new-information-baltimore-surveillance-flights>; *ACLU v. DOJ – FOIA Case for Records Relating to the Killing of Three U.S. Citizens*, ACLU Case Page, <https://www.aclu.org/national-security/anwar-al-awlaki-foia-request>; *ACLU v. Department of Defense*, ACLU Case Page, <https://www.aclu.org/cases/aclu-v-department-defense>; *Mapping the FBI: Uncovering Abusive Surveillance and Racial Profiling*, ACLU Case Page, <https://www.aclu.org/mappingthefbi>; *Bagram FOIA*, ACLU Case Page <https://www.aclu.org/cases/bagram-foia>; *CSRT FOIA*, ACLU Case Page, <https://www.aclu.org/national-security/csrt-foia>; *ACLU v. DOJ – Lawsuit to Enforce NSA Warrantless Surveillance FOIA Request*, ACLU Case Page, <https://www.aclu.org/aclu-v-doj-lawsuit-enforce-nsa-warrantless-surveillance-foia-request>; *Patriot FOIA*, ACLU Case Page, <https://www.aclu.org/patriot-foia>; *NSL Documents Released by DOD*, ACLU Case Page, <https://www.aclu.org/nsl-documents-released-dod?redirect=cpreirect/32088>.

detention, and interrogation.²⁷

The ACLU has also published a number of charts and explanatory materials that collect, summarize, and analyze information it has obtained through the FOIA. For example, through compilation and analysis of information gathered from various sources—including information obtained from the government through FOIA requests—the ACLU created an original chart that provides the public and news media with a comprehensive summary index of Bush-era Office of Legal Counsel memos relating to interrogation, detention, rendition, and surveillance.²⁸ Similarly, the ACLU produced an analysis of documents released in response to a FOIA request about the TSA's behavior detection program²⁹; a summary of documents released in response to a FOIA request related to the FISA Amendments Act³⁰; a chart of original statistics about the Defense Department's use of National Security Letters based on its own analysis of records obtained through FOIA requests³¹; and an analysis of documents obtained through FOIA requests about FBI surveillance flights over Baltimore.³²

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The ACLU plans to analyze, publish, and disseminate to the public the information gathered through this Request. The records requested are not sought for commercial use and the requesters plan to disseminate the information disclosed as a result of this Request to the public at no cost.

B. The records sought are urgently needed to inform the public about actual or alleged government activity.

²⁷ *The Torture Database*, ACLU, <https://www.thetorturedatabase.org>; see also *Countering Violent Extremism FOIA Database*, ACLU, <https://www.aclu.org/foia-collection/cve-foia-documents>; *TSA Behavior Detection FOIA Database*, ACLU, <https://www.aclu.org/foia-collection/tsa-behavior-detection-foia-database>; *Targeted Killing FOIA Database*, ACLU, <https://www.aclu.org/foia-collection/targeted-killing-foia-database>.

²⁸ *Index of Bush-Era OLC Memoranda Relating to Interrogation, Detention, Rendition and/or Surveillance*, ACLU (Mar. 5, 2009), https://www.aclu.org/sites/default/files/pdfs/safefree/olcmemos_2009_0305.pdf.

²⁹ *Bad Trip: Debunking the TSA's 'Behavior Detection' Program*, ACLU (2017), https://www.aclu.org/sites/default/files/field_document/dem17-tsa_detection_report-v02.pdf.

³⁰ *Summary of FISA Amendments Act FOIA Documents Released on November 29, 2010*, ACLU, <https://www.aclu.org/files/pdfs/natsec/faafoia20101129/20101129Summary.pdf>.

³¹ *Statistics on NSL's Produced by Department of Defense*, ACLU, <https://www.aclu.org/other/statistics-nsls-produced-dod>.

³² Nathan Freed Wessler, *FBI Documents Reveal New Information on Baltimore Surveillance Flights* (Oct. 30, 2015, 8:00 AM), <https://www.aclu.org/blog/free-future/fbi-documents-reveal-new-information-baltimore-surveillance-flights>.

These records are urgently needed to inform the public about actual or alleged government activity. *See* 5 U.S.C. § 552(a)(6)(E)(v)(II).³³ Specifically, the requested records relate to forthcoming cooperation between federal, state, and local law enforcement entities and between federal law enforcement entities and private security companies around preparations for protests against the Keystone XL pipeline. As discussed in Part I, *supra*, oil pipelines, protests against them, and law enforcements responses to these protests are the subject of widespread public controversy and media attention.³⁴ The records sought relate to a matter of widespread and exceptional media interest in planned oil pipelines, protests against them, and law enforcement responses to these protests.

Given the foregoing, the ACLU has satisfied the requirements for expedited processing of this Request.

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IV. Application for Waiver or Limitation of Fees

The ACLU requests a waiver of document search, review, and duplication fees on the grounds that disclosure of the requested records is in the public interest and because disclosure is “likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii).³⁵ The ACLU also requests a waiver of search fees on the grounds that the ACLU qualifies as a “representative of the news media” and the records are not sought for commercial use. 5 U.S.C. § 552(a)(4)(A)(ii)(II).

A. The Request is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the ACLU.

As discussed above, credible media and other investigative accounts underscore the substantial public interest in the records sought through this Request. Given the ongoing and widespread media attention to this issue, the records sought will significantly contribute to public understanding of an issue of profound public importance. Because little specific information about cooperation between federal, state, and local law enforcement entities and between federal entities and private security companies around anticipated pipeline protests is publicly available, the records sought are certain to contribute significantly to the public’s understanding of what type of efforts the federal government is undertaking in preparation for protests against the Keystone XL pipeline.

³³ *See also* 28 C.F.R. 16.5(e)(1)(ii); 32 C.F.R. § 286.8(e)(1)(i)(B); 6 C.F.R. § 5.5(e)(1)(ii).

³⁴ *See supra* notes 4–7 and accompanying text.

³⁵ *See also* 28 C.F.R. § 16.10(k)(2); 32 C.F.R. § 286.12(l)(1); 6 C.F.R. § 5.11(k)(1).

The ACLU is not filing this Request to further its commercial interest. As described above, any information disclosed by the ACLU as a result of this FOIA Request will be available to the public at no cost. Thus, a fee waiver would fulfill Congress's legislative intent in amending FOIA. *See Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) ("Congress amended FOIA to ensure that it be liberally construed in favor of waivers for noncommercial requesters." (quotation marks omitted)).

B. The ACLU is a representative of the news media and the records are not sought for commercial use.

The ACLU also requests a waiver of search fees on the grounds that the ACLU qualifies as a "representative of the news media" and the records are not sought for commercial use. 5 U.S.C. § 552(a)(4)(A)(ii)(II).³⁶ The ACLU meets the statutory and regulatory definitions of a "representative of the news media" because it is an "entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience." 5 U.S.C. § 552(a)(4)(A)(ii)(III)³⁷; *see also Nat'l Sec. Archive v. DOD*, 880 F.2d 1381, 1387 (D.C. Cir. 1989) (finding that an organization that gathers information, exercises editorial discretion in selecting and organizing documents, "devises indices and finding aids," and "distributes the resulting work to the public" is a "representative of the news media" for purposes of the FOIA); *Serv. Women's Action Network v. DOD*, 888 F. Supp. 2d 282 (D. Conn. 2012) (requesters, including ACLU, were representatives of the news media and thus qualified for fee waivers for FOIA requests to the Department of Defense and Department of Veterans Affairs); *ACLU of Wash. v. DOJ*, No. C09-0642RSL, 2011 WL 887731, at *10 (W.D. Wash. Mar. 10, 2011) (finding that the ACLU of Washington is an entity that "gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience"); *ACLU*, 321 F. Supp. 2d at 30 n.5 (finding non-profit public interest group to be "primarily engaged in disseminating information"). The ACLU is therefore a "representative of the news media" for the same reasons it is "primarily engaged in the dissemination of information."

Furthermore, courts have found other organizations whose mission, function, publishing, and public education activities are similar in kind to the ACLU's to be "representatives of the news media" as well. *See, e.g., Cause of Action v. IRS*, 125 F. Supp. 3d 145 (D.C. Cir. 2015); *Elec. Privacy Info. Ctr.*, 241 F. Supp. 2d at 10-15 (finding non-profit public interest group that

³⁶ *See also* 28 C.F.R. 16.10(k)(2)(ii)(B); 32 C.F.R. § 286.12 (l)(2)(ii)(b); 6 C.F.R. § 5.11(k)(2)(iii).

³⁷ *See also* 28 C.F.R. 16.10(b)(6); 32 C.F.R. § 286.12(b)(6); 6 C.F.R. § 5.11(b)(6).

disseminated an electronic newsletter and published books was a “representative of the news media” for purposes of the FOIA); *Nat’l Sec. Archive*, 880 F.2d at 1387; *Judicial Watch, Inc. v. DOJ*, 133 F. Supp. 2d 52, 53–54 (D.D.C. 2000) (finding *Judicial Watch*, self-described as a “public interest law firm,” a news media requester).³⁸

On account of these factors, fees associated with responding to FOIA requests are regularly waived for the ACLU as a “representative of the news media.”³⁹ As was true in those instances, the ACLU meets the requirements for a fee waiver here.

* * *

Pursuant to applicable statutes and regulations, the ACLU expects a determination regarding expedited processing within 10 days. *See* 5 U.S.C. § 552(a)(6)(E)(ii); 28 C.F.R. 16.5(e)(4); 32 C.F.R. § 286.8(e)(1); 6 C.F.R. § 5.5(e)(4).

If the Request is denied in whole or in part, the ACLU asks that you justify all deletions by reference to specific exemptions to FOIA. The ACLU expects the release of all segregable portions of otherwise exempt material. The ACLU reserves the right to appeal a decision to withhold any information or deny a waiver of fees.

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION

³⁸ Courts have found these organizations to be “representatives of the news media” even though they engage in litigation and lobbying activities beyond their dissemination of information / public education activities. *See, e.g., Elec. Privacy Info. Ctr.*, 241 F. Supp. 2d 5; *Nat’l Sec. Archive*, 880 F.2d at 1387; *see also Leadership Conference on Civil Rights*, 404 F. Supp. 2d at 260; *Judicial Watch, Inc.*, 133 F. Supp. 2d at 53–54.

³⁹ In August 2017, CBP granted a fee-waiver request regarding a FOIA request for records relating to a muster sent by CBP in April 2017. In May 2017, CBP granted a fee-waiver request regarding a FOIA request for documents related to electronic device searches at the border. In April 2017, the CIA and the Department of State granted fee-waiver requests in relation to a FOIA request for records related to the legal authority for the use of military force in Syria. In March 2017, the Department of Defense Office of Inspector General, the CIA, and the Department of State granted fee-waiver requests regarding a FOIA request for documents related to the January 29, 2017 raid in al Ghayil, Yemen. In May 2016, the FBI granted a fee-waiver request regarding a FOIA request issued to the DOJ for documents related to Countering Violent Extremism Programs. In April 2013, the National Security Division of the DOJ granted a fee-waiver request with respect to a request for documents relating to the FISA Amendments Act. Also in April 2013, the DOJ granted a fee-waiver request regarding a FOIA request for documents related to “national security letters” issued under the Electronic Communications Privacy Act. In August 2013, the FBI granted the fee-waiver request related to the same FOIA request issued to the DOJ. In June 2011, the DOJ National Security Division granted a fee waiver to the ACLU with respect to a request for documents relating to the interpretation and implementation of a section of the PATRIOT Act. In March 2009, the State Department granted a fee waiver to the ACLU with regard to a FOIA request for documents relating to the detention, interrogation, treatment, or prosecution of suspected terrorists.

Thank you for your prompt attention to this matter. Please furnish the applicable records to:

Jacob Hutt
American Civil Liberties Union
125 Broad Street, 18th Floor
New York, New York 10004
T: 212.519.7809
jhutt@aclu.org

I affirm that the information provided supporting the request for expedited processing is true and correct to the best of my knowledge and belief. *See* 5 U.S.C. § 552(a)(6)(E)(vi).

Respectfully,

/s/ Jacob J. Hutt
Jacob J. Hutt
American Civil Liberties Union
Foundation
125 Broad Street, 18th Floor
New York, NY 10004
T: 212.519.7809
jhutt@aclu.org

Alex Rate
Legal Director
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P.O. Box 9138
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ratea@aclumontana.org

Courtney A. Bowie*
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*Admitted in MS, AL, and
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Heather Smith
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Sioux Falls, SD 57101
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heather.smith@aclu.org

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

Privacy Office, Mail Stop 0655

January 25, 2018

SENT VIA E-MAIL TO: jhutt@aclu.org

Jacob J. Hutt
American Civil Liberties Union Foundation
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004

Re: **2018-HQFO-00539**

Dear Mr. Hutt:

This acknowledges receipt by the Department of Homeland Security (DHS) Privacy Office of your January 23, 2018 Freedom of Information Act (FOIA) request that you addressed to our offices seeking records relating to:

- (1) Legal and policy analyses and recommendations related to law enforcement funding for and staffing around oil pipeline protests. Such recommendations may include, but are not limited to, declarations of a state of emergency by state and local entities in order to marshal additional funds, and requests by state or local entities for federal agencies to provide funding or personnel for counter-protest operations; and
- (2) Travel of federal employees to speaking engagements, private and public meetings, panels, and conferences on the subject of preparation for oil pipeline protests and/or cooperation with private corporations in furtherance thereof; and
- (3) Meeting agendas, pamphlets, and other distributed matter at speaking engagements, private and public meetings, panels, and conferences where federal employees are present to discuss preparation for oil pipeline protests and/or cooperation with private corporations in furtherance thereof; and
- (4) Communications between federal employees and state or local law enforcement entities or employees thereof, and between federal employees and private security companies or employees thereof, discussing cooperation in preparation for oil pipeline protests.

On January 24, 2018, you conferred with the undersigned and agreed that our office would forward your request to FEMA, I & A, and FLETC to review to determine if those offices have any equity in this request.

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Upon review of your request by the FEMA office, I have determined that this is a matter under the purview of FEMA, another DHS component; therefore, I am transferring your request to the FOIA Officer for FEMA, for processing and direct response to you. Their contact info is:

FOIA Officer FEMA
500 C Street, S.W., Room 840
Washington, D.C. 20472
Phone: 202-646-3323
Fax: 202-646-3347
E-mail: fema-foia@fema.dhs.gov
[FEMA Website](#)

FLETC confirmed that their office does not have any equity in this request. As I & A is still reviewing the request, we will advise you of their response as soon as possible.

Your request has been assigned the reference number **2018-HQFO-00539**. Please refer to this identifier in future correspondence. You may contact this office at our toll-free telephone number, 1-866-431-0486, or at 202-343-1743.

Sincerely,

Maura Busch

Maura Busch
FOIA Program Specialist

U.S. Department of Homeland Security
500 C Street, S.W. Mail Stop 3172
Washington, DC 20472-3172



FEMA

January 26, 2018

SENT VIA E-MAIL TO: jhutt@aclu.org

Jacob J. Hutt
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004

Re: **FEMA FOIA Case Number 2018-FEFO-00405**

Dear Mr. Hutt:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), dated January 23, 2018 and to your request for expedited treatment and a waiver of all assessable fees. This office received your request on January 25, 2018. You are seeking Keystone XL pipeline records created since January 27, 2017 regarding:

- (1) Legal and policy analyses and recommendations related to law enforcement funding for and staffing around oil pipeline protests. Such recommendations may include, but are not limited to, declarations of a state of emergency by state and local entities in order to marshal additional funds, and requests by state or local entities for federal agencies to provide funding or personnel for counter-protest operations; and
- (2) Travel of federal employees to speaking engagements, private and public meetings, panels, and conferences on the subject of preparation for oil pipeline protests and/or cooperation with private corporations in furtherance thereof; and
- (3) Meeting agendas, pamphlets, and other distributed matter at speaking engagements, private and public meetings, panels, and conferences where federal employees are present to discuss preparation for oil pipeline protests and/or cooperation with private corporations in furtherance thereof; and
- (4) Communications between federal employees and state or local law enforcement entities or employees thereof, and between federal employees and private security companies or employees thereof, discussing cooperation in preparation for oil pipeline protests.

Your request for expedited treatment is hereby denied.

Under the DHS FOIA regulations, expedited processing of a FOIA request is warranted if the request involves "circumstances in which the lack of expedited treatment could reasonably be

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expected to pose an imminent threat to the life or physical safety of an individual,” 6 C.F.R. § 5.5(d)(1)(i), or “an urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information,” 6 C.F.R. § 5.5(d)(1)(ii). Requesters seeking expedited processing must submit a statement explaining in detail the basis for the request, and that statement must be certified by the requester to be true and correct. 6 C.F.R. § 5.5(d)(3).

Your request for expedited processing is denied because you do not qualify for either category under 6 C.F.R. § 5.5(d)(1). You have not established that lack of expedited treatment in this case will pose an imminent threat to the life or physical safety of an individual. The information sought in your request is retrospective and you have not established that the information would have a bearing on immediate or resultant future situations. In addition, you are not primarily engaged in the dissemination of information to the public. You have not shown that you have the ability to educate the public beyond limited constituency, nor have you established with the requisite specificity why you feel there is an urgency to inform your limited audience about past DHS actions. Qualifying urgency would need to exceed the public’s right to know about government activity generally. Finally, you did not offer any supporting evidence of public interest that is any greater than the public’s general interest in Keystone XL pipeline.

You have requested a fee waiver. The DHS FOIA Regulations at 6 CFR § 5.11(k)(2), set forth six factors DHS is required to evaluate in determining whether the applicable legal standard for a fee waiver has been met: (1) Whether the subject of the requested records concerns “the operations or activities of the government;” (2) Whether the disclosure is “likely to contribute” to an understanding of government operations or activities; (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requestor or a narrow segment of interested persons; (4) Whether the contribution to public understanding of government operations or activities will be “significant;” (5) Whether the requester has a commercial interest that would be furthered by the requested disclosure; and (6) Whether the magnitude of any identified commercial interest to the requestor is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requestor.

Upon review of the subject matter of your request, and an evaluation of the six factors identified above, DHS has determined that it will conditionally grant your request for a fee waiver. The fee waiver determination will be based upon a sampling of the responsive documents received from the various DHS program offices as a result of the searches conducted in response to your FOIA request. DHS will, pursuant to DHS regulations applicable to non-commercial requestors, provide two hours of search time and process the first 100 pages at no charge to you. If upon review of these documents, DHS determines that the disclosure of the information contained in those documents does not meet the factors permitting DHS to waive the fees then DHS will at that time either deny your request for a fee waiver entirely or allow for a percentage reduction in the amount of the fees corresponding to the amount of relevant material found that meets the factors allowing for a fee waiver. In either case, DHS will promptly notify you of its final decision regarding your request for a fee waiver and provide you with the responsive records as required by DHS regulations. In the event that your fee waiver is denied, and you determine that you still want the records DHS shall charge you 10-cents a page for duplication for records and

the per quarter-hour rate of the searcher in accordance with the DHS FOIA regulations as they apply to non-commercial requestors.

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. § 5.5(a) of the DHS FOIA regulations, the Department processes FOIA requests according to their order of receipt. Although DHS' goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances. As your request seeks documents that will require a thorough and wide-ranging search, DHS will invoke a 10-day extension for your request pursuant to 5 U.S.C. § 552(a)(6)(B). If you would like to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations, as they apply to media requestors. As a media requester, you will be charged 10 cents per page for duplication; the first 100 pages are free. We will construe the submission of your request as an agreement to pay up to \$25.00. This office will contact you before accruing any further fees.

You have the right to appeal the determination to deny your request for expedited treatment. Should you wish to do so, you must **send your appeal within 90 days of the date of this letter** to: Information Management Division – FOIA Appeals, Office of the Chief Administrative Officer, FEMA, 500 C Street, S.W. – Mail Stop 3172, Washington, DC 20472-3172, following the procedures outlined in Subpart A, Section 5.9, of the DHS Regulations. Your envelope and letter should be marked "Freedom of Information Act Appeal." The implementing Department regulations establish the criteria under which the FOIA is administered. Copies of the FOIA and regulations are available at www.dhs.gov.

We have queried the appropriate FEMA organizations for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the processors in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number **2018-FEFO-00405**. Please refer to this identifier in any future correspondence. To check the status of your FOIA request, you may contact this office at (202) 646-3323 or email at FEMA-FOIA@fema.dhs.gov, or you may check the status of your request online at <https://www.dhs.gov/check-status-your-foia-request>.

Sincerely,
Paula
Presley

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Paula Presley
Date: 2018.01.26
12:09:34 -05'00'

Presley, Paula
FOIA Program Specialist

U.S. Department of Homeland Security
500 C Street, S.W. Mail Stop 3172
Washington, DC 20472-3172



FEMA

March 23, 2018

SENT VIA E-MAIL TO: jhutt@aclu.org

Jacob J. Hutt
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004

Re: **FEMA FOIA Case Number 2018-FEFO-00405**

Dear Mr. Hutt:

This is the final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated January 23, 2018. You requested a copy of the following:

- 1- Legal and policy analyses and recommendations related to law enforcement funding for and staffing around oil pipeline protests. Such recommendations may include, but are not limited to, declarations of a state of emergency by state and local entities in order to marshal additional funds, and requests by state or local entities for federal agencies to provide funding or personnel for counter-protest operations; and
- 2- Travel of federal employees to speaking engagements, private and public meetings, panels, and conferences on the subject of preparation for oil pipeline protests and/or cooperation with private corporations in furtherance thereof; and
- 3- Meeting agendas, pamphlets, and other distributed matter at speaking engagements, private and public meetings, panels, and conferences where federal employees are present to discuss preparation for oil pipeline protests and/or cooperation with private corporations in furtherance thereof; and
- 4- Communications between federal employees and state or local law enforcement entities or employees thereof, and between federal employees and private security companies or employees thereof, discussing cooperation in preparation for oil pipeline protests.

With respect to the Office of the Secretary of Defense, the ACLU seeks the release of all records created since January 25, 2017, concerning:

- 5- Purchases, requests for purchase, and requests by state and local law enforcement officials of riot gear, including but not limited to tear gas, concussion grenades, and water cannons, from the U.S. Department of Defense's Law Enforcement Support Office, also known as the 1033 program.

DHS referred your request to this office for processing and direct response to you. Your request was received by Federal Emergency Management Agency (FEMA) on January 27, 2018.

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We conducted a comprehensive search of files within FEMA's Region VIII for records responsive to your request. Unfortunately, we were unable to locate or identify any responsive records.

You have the right to appeal if you disagree with FEMA's response. The procedure for administrative appeals is outlined in the DHS regulations at 6 C.F.R. § 5.8. In the event you wish to submit an appeal, we encourage you to both state the reason(s) you believe FEMA's initial determination on your FOIA request was erroneous in your correspondence, and include a copy of this letter with your appeal. Should you wish to do so, you must send your appeal within 90 days from the date of this letter to fema-foia@fema.dhs.gov, or alternatively, via mail at the following address:

FEMA
Office of the Chief Administrative Officer
Information Management Division (FOIA Appeals)
500 C Street, SW, Seventh Floor, Mail Stop 3172
Washington, D.C. 20472-3172

As part of the 2007 amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road- OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770/Toll-free: 1-877-684-6448
Facsimile: 202-741-5769

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$25 minimum, there is no charge.

If you need any further assistance or would like to discuss any aspect of your request, please contact us and refer to FOIA case number **2018-FEFO-00405**. You may send an e-mail to fema-foia@fema.dhs.gov, call (202) 646-3323, or you may contact our FOIA Public Liaison in the same manner.

Sincerely,

ERIC A
NEUSCHAEFER

Digitally signed by ERIC
A NEUSCHAEFER
Date: 2018.03.23
10:41:45 -04'00'

Eric Neuschaefter
Chief, Disclosure Branch
Information Management Division
Mission Support

From: Jacob Hutt
To: [FEMA-FOIA](#)
Subject: FOIA Appeal_2018-FEFO-00405
Date: Thursday, June 14, 2018 2:01:27 PM
Attachments: [image001.gif](#)
[image006.jpg](#)
[image007.png](#)
[2018.6.14_Keystone FOIA Appeal_FEMA.pdf](#)

To Whom it May Concern:

Attached please find the ACLU's appeal of FEMA's determination that there are no records responsive to the ACLU's Freedom of Information Act ("FOIA") request concerning cooperation between federal, state, and local law enforcement entities and between federal law enforcement entities and private security companies around preparation for anticipated protests against the Keystone XL pipeline.

Please contact me with any questions.

Warmly,

Jacob Hutt
Brennan Fellow | Speech, Privacy & Technology Project
American Civil Liberties Union
125 Broad St., 18th Floor, New York, NY 10004
(212) 519-7809
[aclu.org](#)



June 14, 2018

FEMA
Office of the Chief Administrative Officer
Information Management Division (FOIA Appeals)
500 C Street, SW, Seventh Floor, Mail Stop 3172
Washington, D.C. 20472-3172

Re: **FOIA Appeal**
FEMA FOIA Case Number 2018-FEFO-00405

To Whom It May Concern:

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION

Requesters American Civil Liberties Union and American Civil Liberties Union Foundation (collectively, “ACLU”) write to appeal Federal Emergency Management Agency’s (“FEMA”) determination that there are no records responsive to the ACLU’s Freedom of Information Act (“FOIA”) request concerning cooperation between federal, state, and local law enforcement entities and between federal law enforcement entities and private security companies around preparation for anticipated protests against the Keystone XL pipeline. *See* Ex. A (FOIA Request dated January 23, 2018). FOIA Officer Eric Neuschafer’s response letter is dated March 23, 2018. *See* Ex. B (Response Letter, FEMA FOIA Case Number 2018-FEFO-00405). The ACLU respectfully appeals from FEMA’s determination on the basis that the agency did not conduct an adequate search for records.

“An inadequate search for records constitutes an improper withholding under the FOIA.” *Dean v. U.S. Dep’t of Justice*, 141 F. Supp. 3d 46, 48 (D.D.C. 2015). “An agency’s search is adequate if its methods are reasonably calculated to locate records responsive to a FOIA request.” *Hodge v. FBI*, 764 F. Supp. 2d 134, 141 (D.D.C. 2011); *see also* 6 C.F.R. § 5.3(b) (explaining that FOIA requires agencies to “locate [records requested] with a reasonable amount of effort.”). By failing to disclose responsive records within the applicable timeframe and failing to provide a plausible justification for nondisclosure, the FEMA has violated 5 U.S.C. § 552(a)(6)(A). To the extent that this failure is attributable to the adequacy of the FEMA’s search for responsive records, the FEMA violated 5 U.S.C. § 552(a)(3)(C), (D).

First, it is not plausible that a “comprehensive” search by FEMA would fail to return responsive records. Protests of the Dakota Access Pipeline at Standing Rock, around which federal, state, and local law enforcement entities cooperated in containing, occasionally took place amid extreme weather conditions, with the potential for serious bodily injury and death. Planned protests of the Keystone XL pipeline will likely involve similar emergency situations. FEMA’s mission succinctly states: “Helping people before, during,

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and after disasters.”¹ It is therefore not credible that FEMA possesses no records related to preparation for anticipated protests of the Keystone XL pipeline, given demonstrated cooperation among federal agencies with state and local law enforcement agencies and private security contractors around this issue. An adequate search would have returned records responsive to the Request. FEMA has failed to conduct a search “reasonably calculated to locate” responsive records. *Hodge*, 764 F. Supp. 2d at 141.

Second, FEMA’s Response lacks any explanation concerning the reason why the agency found no responsive records. FEMA merely asserted that its component agencies conducted “a comprehensive search,” but did not specify what agency components were searched, nor the search terms or methods used to seek responsive records. Because an agency “cannot limit its search to only one record system if there are others that are likely to turn up the information requested,” *Oglesby v. U.S. Dep’t of Army*, 920 F.2d 57, 68 (D.C. Cir. 1990), the agency “at a minimum ha[s] to aver that it has searched all files likely to contain relevant documents.” *AIC v. DHS*, 950 F. Supp. 2d 221, 230 (D.D.C. 2013). A reasonable search for records responsive to the Request would include searches of, at a minimum: Legal and policy analyses and recommendations related to law enforcement funding for and staffing around oil pipeline protests; travel of federal employees to speaking engagements, private and public meetings, panels, and conferences on the subject of preparation for oil pipeline protests and/or cooperation with private corporations in furtherance thereof; meeting agendas, pamphlets, and other distributed matter at speaking engagements, private and public meetings, panels, and conferences where federal employees are present to discuss preparation for oil pipeline protests and/or cooperation with private corporations in furtherance thereof; and communications between federal employees and state or local law enforcement entities or employees thereof, and between federal employees and private security companies or employees thereof, discussing cooperation in preparation for oil pipeline protests.

FEMA’s decision to deny the ACLU’s records pertaining to law enforcement preparation for oil pipeline protests was in error. Accordingly, we respectfully request that you order a new search using methods “reasonably calculated to uncover all relevant documents.” My phone and email contact information is below.

Thank you for your consideration of this appeal, and we look forward to your prompt response.

Respectfully Submitted,

¹ See “About the Agency,” Federal Emergency Management Agency, <https://www.fema.gov/about-agency> (last visited June 14, 2018).

Jacob Hutt
Speech, Privacy, and Technology Project
American Civil Liberties Union
125 Broad Street, 18th Floor
New York, NY 10004
(212) 519-7809
jhutt@aclu.org

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION

EXHIBIT A

LEGAL DEPARTMENT



January 23, 2018

Federal Bureau of Investigation
Attn: FOI/PA Request
Record/Information Dissemination Section
170 Marcel Drive
Winchester, VA 22602-4843
Fax: (540) 868-4391/4997
Email: foiparequest@ic.fbi.gov

Melissa Golden (née Kassier)
Lead Paralegal and FOIA Specialist
Office of Legal Counsel
Room 5511, 950 Pennsylvania Avenue, N.W.
Department of Justice
Washington, DC 20530-0001
Fax: (202) 514-2053
Email: usdoj-officeoflegalcounsel@usdoj.gov

OSD/JS FOIA Requester Service Center
Office of Freedom of Information
1155 Defense Pentagon
Washington, DC 20301-1155
Fax: (571) 372-0500

Nicole Barksdale-Perry (Acting)
The Privacy Office
U.S. Department of Homeland Security
245 Murray Lane SW
STOP-0655
Washington, D.C. 20528-0655
Fax: (202) 343-4011
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U.S. Army Humphreys Engineer Support Center
Attention: CEHEC-OC
7701 Telegraph Road
Alexandria, Virginia 22315-3860
Fax: (703) 428-7633

National FOIA Office
Bureau of Land Management
Attn: FOIA Office (WO-640)

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**Re: Request Under Freedom of Information Act
(Expedited Processing & Fee Waiver Requested)**

To Whom It May Concern:

The American Civil Liberties Union and the American Civil Liberties Union Foundation (together, the “ACLU”)¹ submit this Freedom of Information Act (“FOIA”) request (the “Request”) for records pertaining to cooperation between federal, state, and local law enforcement entities and between federal law enforcement entities and private security companies around preparations for anticipated protests against the Keystone XL pipeline.

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I. Background

On January 27, 2017, the White House released its Presidential Memorandum Regarding Construction of the Keystone XL Pipeline, which expedited the approval process for the Canada-to-Texas oil pipeline that President Barack Obama had previously rejected.² Two months later, President Donald Trump announced that his administration had formally approved the pipeline.³

These decisions generated intense public controversy and debate. The president’s approval of the Keystone XL Pipeline set the stage for renewed protest against oil pipelines, which activist groups say accelerate climate change,

¹ The American Civil Liberties Union Foundation is a 26 U.S.C. § 501(c)(3) organization that provides legal representation free of charge to individuals and organizations in civil rights and civil liberties cases, educates the public about civil rights and civil liberties issues across the country, directly lobbies legislators, and mobilizes the American Civil Liberties Union’s members to lobby their legislators. The American Civil Liberties Union is a separate non-profit, 26 U.S.C. § 501(c)(4) membership organization that educates the public about the civil liberties implications of pending and proposed state and federal legislation, provides analysis of pending and proposed legislation, directly lobbies legislators, and mobilizes its members to lobby their legislators.

² See Presidential Memorandum Regarding Construction of the Keystone XL Pipeline (Jan. 24, 2017), <https://www.whitehouse.gov/presidential-actions/presidential-memorandum-regarding-construction-keystone-xl-pipeline/>; Elise Labott & Dan Berman, *Obama Rejects Keystone XL Pipeline*, CNN (Nov. 6, 2015), <http://www.cnn.com/2015/11/06/politics/keystone-xl-pipeline-decision-rejection-kerry/index.html>.

³ Elise Labott & Jeremy Diamond, *Trump Administration Approves Keystone XL Pipeline*, CNN (Mar. 24, 2017), <http://www.cnn.com/2017/03/23/politics/keystone-xl-pipeline-trump-approve/index.html>.

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threaten clean water reserves, and invade cultural sites of American Indian tribes.⁴ In response to the president's announcement, then-chairman of the Standing Rock Sioux tribe, David Archambault II, stated, "We opposed Keystone before, and we'll oppose it again."⁵ Environmental groups, too, have made clear their intention to protest Keystone XL's construction; one prominent group has invited advocates to sign a "Pledge of Resistance," which includes a commitment to "participate in peaceful direct action that may result in my arrest, should construction begin on the Keystone XL pipeline."⁶

Government officials have consequently made clear their intention to prevent a repeat of the prolonged protests against the Dakota Access Pipeline, which drew thousands of activists to the North Dakota site, sparked physical confrontation with law enforcement authorities, and captured worldwide attention.⁷ Officials have pursued numerous strategies for impeding these protests, such as asking the federal government for guidance on the possibility of prosecuting protestors under domestic terrorism laws,⁸ enacting legislation that allows a governor or sheriff to prohibit groups numbering more than 20 from gathering on public land,⁹ and fostering cooperation between federal, state, and local law enforcement entities and private security contractors.¹⁰ As a

⁴ Heather Brady, *4 Key Impacts of the Keystone XL and Dakota Access Pipelines*, National Geographic (Jan. 25, 2017), <https://news.nationalgeographic.com/2017/01/impact-keystone-dakota-access-pipeline-environment-global-warming-oil-health/>.

⁵ Stand with Standing Rock, *Standing Rock Sioux Chairman Responds to Keystone Pipeline Permit Approval* (Mar. 24, 2017), <http://standwithstandingrock.net/standing-rock-sioux-chairman-responds-keystone-pipeline-permit-approval/>.

⁶ Bold Alliance, *Sign the Keystone XL Pledge of Resistance* (last visited Dec. 27, 2017), https://boldalliance.webaction.org/p/dia/action3/common/public/?action_KEY=20257; see also Michael McLaughlin, *Keystone XL Protesters Won't Back Down After Trump Approval*, Huffington Post (Mar. 24, 2017), https://www.huffingtonpost.com/entry/keystone-xl-protesters-trump-approval_us_58d55333e4b02a2eaab3819e.

⁷ See, e.g., Paul Hammel, *Nebraska Law Enforcement, Keystone XL Pipeline Foes Prepare for Possible Protests*, Omaha World-Herald (Apr. 11, 2017), http://www.omaha.com/news/nebraska/nebraska-law-enforcement-keystone-xl-pipeline-foes-prepare-for-possible/article_d85522c1-73cd-541c-98f2-f9b3375e8a3c.html.

⁸ Timothy Gardner, *U.S. Lawmakers Ask DOJ If Terrorism Law Covers Pipeline Activists*, Reuters (Oct. 23, 2017), <https://www.reuters.com/article/us-usa-pipelines-activism/u-s-lawmakers-ask-doj-if-terrorism-law-covers-pipeline-activists-idUSKBN1CS2XY>.

⁹ South Dakota Senate Bill 176 (Mar. 27, 2017), <https://www.courthousenews.com/wp-content/uploads/2017/03/SB-176.pdf>.

¹⁰ Alleen Brown, *Nebraska Approves Keystone XL Pipeline as Opponents Face Criminalization of Protests*, The Intercept (Nov. 20, 2017), <https://theintercept.com/2017/11/20/nebraska-approves-keystone-xl-pipeline-as-opponents-face-criminalization-of-protests/>; *Lincoln Police Prepare for All Scenarios as Pipeline Protests Near*,

further threat to activists who may wish to repeat their actions at the Dakota Access Pipeline, the *Guardian* reports that Joint Terrorism Task Force agents have attempted to contact multiple individuals involved with the North Dakota anti-pipeline movement.¹¹

Evidence of cooperation among law enforcement officials and private corporations in the area of oil pipeline protests has been widely documented. On May 27, 2017, *The Intercept* published internal documents of the security firm TigerSwan that revealed close cooperation between TigerSwan, state police forces, and federal law enforcement in at least five states around the Dakota Access Pipeline.¹² For example, a TigerSwan situation report on March 29, 2016 explicitly named the state and federal actors in attendance at a joint meeting the day before: “Met with the Des Moines Field Office of the FBI, with the Omaha and Sioux Fall offices joining by conference call. Also in attendance were representatives of the Joint Terrorism Task Force, Department of Homeland Security . . . Topics covered included the current threat assessment of the pipeline, the layout of current security assets and persons of interests. The FBI seemed were [sic] very receptive . . . follow-up meetings with individuals will be scheduled soon[.]”¹³ *The Intercept* also published communications detailing coordination “between a wide range of local, state, and federal agencies,” including the revelation that the FBI participated in law enforcement operations related to the Dakota Access Pipeline protests.¹⁴ Finally, a review of federal lobbying disclosure forms by *DeSmog*, a blog focused on topics related to climate change, has revealed that the National Sheriffs’ Association was

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1011 Now (Aug. 1, 2017), <http://www.1011now.com/content/news/Lincoln-Police-prepare-for-all-scenarios-as-pipeline-protests--437938853.html>.

¹¹ Sam Levin, *Revealed: FBI Terrorism Taskforce Investigating Standing Rock Activists*, *The Guardian* (Feb. 10, 2017), <https://www.theguardian.com/us-news/2017/feb/10/standing-rock-fbi-investigation-dakota-access>.

¹² Alleen Brown, Will Parrish, and Alice Speri, *Leaked Documents Reveal Counterterrorism Tactics Used at Standing Rock to “Defeat Pipeline Insurgencies”*, *The Intercept* (May 27, 2017), <https://theintercept.com/2017/05/27/leaked-documents-reveal-security-firms-counterterrorism-tactics-at-standing-rock-to-defeat-pipeline-insurgencies/>.

¹³ Alleen Brown, Will Parrish, and Alice Speri, *TigerSwan Responded to Pipeline Vandalism by Launching Multistate Dagnet*, *The Intercept* (Aug. 26, 2017), <https://theintercept.com/2017/08/26/dapl-security-firm-tigerswan-responded-to-pipeline-vandalism-by-launching-multistate-dagnet/>.

¹⁴ Brown, Parrish & Speri, *Leaked Documents Reveal Counterterrorism Tactics; see also Intel Group Email Thread*, *The Intercept* (May 27, 2017), <https://theintercept.com/document/2017/05/27/intel-group-email-thread/> (documenting FBI participation in law enforcement operations around the Dakota Access Pipeline protests).

lobbying Congress for surplus military gear and on issues related to the Dakota Access Pipeline.¹⁵

Law enforcement officials have signaled that such cooperation will assist them in responding to future protests against Keystone XL and other oil pipelines. For example, on April 11, 2017, the *Omaha Herald* reported that Morton County, North Dakota Sheriff Kyle Kirchmeier, whose department was involved in responding to the Dakota Access Pipeline protests, has been in communication with other states over how to respond to oil pipeline protestors.¹⁶

Such indications and the recent existence of cooperation on this exact issue raise important questions about federal agencies' level of collaboration with state and local governments and with private security contractors in connection with oil pipeline protest actions. These questions are especially important given the uncertainty around whether and to what extent the government was engaged in surveillance of Dakota Access Pipeline protestors.¹⁷ The First Amendment protects political speech from the threat of undue government scrutiny, and the extent of such scrutiny is currently unknown.¹⁸

To provide the American public with information about federal cooperation with state and local governments and with private security contractors over possible oil pipeline protests, the ACLU seeks such information through this FOIA request.

II. Requested Records

¹⁵ Steven Horn & Curtis Waltman, *In Heat of Dakota Access Protests, National Sheriffs' Association Lobbied for More Military Gear*, DeSmog (Apr. 27, 2017), <https://www.desmogblog.com/2017/04/27/dakota-access-sheriffs-lobbying-military-gear>.

¹⁶ Paul Hammel, *Nebraska Law Enforcement, Keystone XL Pipeline Foes Prepare for Possible Protests*, Omaha World Herald (Apr. 11, 2017), http://www.omaha.com/news/nebraska/nebraska-law-enforcement-keystone-xl-pipeline-foes-prepare-for-possible/article_d85522c1-73cd-541c-98f2-f9b3375e8a3c.html.

¹⁷ Alyssa Newcomb, Daniel A. Medina, Emmanuelle Saliba, and Chiara A. Sottile, *At Dakota Pipeline, Protestors Questions of Surveillance and 'Jamming' Linger*, NBC (Oct. 31, 2016), <https://www.nbcnews.com/storyline/dakota-pipeline-protests/dakota-pipeline-protesters-questions-surveillance-jamming-linger-n675866>; Morgan Chalfant, *ACLU Challenges Warrant to Search Facebook Page of Dakota Access Opponents*, The Hill (Mar. 9, 2017), <http://thehill.com/policy/cybersecurity/323131-aclu-challenges-police-effort-to-search-facebook-page-of-dakota-access>.

¹⁸ See Motion to Quash Search Warrant, American Civil Liberties Union, *In Re Search Warrant No. 17A03639 Served On Facebook* at 5 (filed Mar. 8, 2017), https://www.aclu.org/sites/default/files/field_document/motion_to_quash_-_filed.pdf.

With respect to **all agencies** listed above, the ACLU seeks the release of all records¹⁹ created since January 27, 2017, concerning:

(1) Legal and policy analyses and recommendations related to law enforcement funding for and staffing around oil pipeline protests. Such recommendations may include, but are not limited to, declarations of a state of emergency by state and local entities in order to marshal additional funds, and requests by state or local entities for federal agencies to provide funding or personnel for counter-protest operations; and

(2) Travel of federal employees to speaking engagements, private and public meetings, panels, and conferences on the subject of preparation for oil pipeline protests and/or cooperation with private corporations in furtherance thereof; and

(3) Meeting agendas, pamphlets, and other distributed matter at speaking engagements, private and public meetings, panels, and conferences where federal employees are present to discuss preparation for oil pipeline protests and/or cooperation with private corporations in furtherance thereof; and

(4) Communications between federal employees and state or local law enforcement entities or employees thereof, and between federal employees and private security companies or employees thereof, discussing cooperation in preparation for oil pipeline protests.

With respect to the **Office of the Secretary of Defense**, the ACLU seeks the release of all records created since January 27, 2017, concerning:

(5) Purchases, requests for purchase, and requests by state and local law enforcement officials of riot gear, including but not limited to tear gas, concussion grenades, and water cannons, from the U.S. Department of Defense's Law Enforcement Support Office, also known as the 1033 program.

With respect to the form of production, *see* 5 U.S.C. § 552(a)(3)(B), the ACLU requests that responsive electronic records be provided electronically in their native file format, if possible. Alternatively, the ACLU requests that the records be provided electronically in a text-searchable, static-image format (PDF), in the best image quality in the agency's possession, and that the records be provided in separate, Bates-stamped files.

III. Application for Expedited Processing

¹⁹ For the purposes of this Request, "records" are collectively defined to include, but are not limited to, final drafts of legal and policy memoranda; guidance documents; instructions; training documents; formal and informal presentations; directives; contracts or agreements; and memoranda of understanding.

The ACLU requests expedited processing pursuant to 5 U.S.C. § 552(a)(6)(E).²⁰ There is a “compelling need” for these records, as defined in the statute, because the information requested is “urgen[tly]” needed by an organization primarily engaged in disseminating information “to inform the public concerning actual or alleged Federal Government activity.” 5 U.S.C. § 552(a)(6)(E)(v)(II).

A. *The ACLU is an organization primarily engaged in disseminating information in order to inform the public about actual or alleged government activity.*

The ACLU is “primarily engaged in disseminating information” within the meaning of the statute. 5 U.S.C. § 552(a)(6)(E)(v)(II).²¹ Obtaining information about government activity, analyzing that information, and widely publishing and disseminating that information to the press and public are critical and substantial components of the ACLU’s work and are among its primary activities. *See ACLU v. DOJ*, 321 F. Supp. 2d 24, 29 n.5 (D.D.C. 2004) (finding non-profit public interest group that “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience” to be “primarily engaged in disseminating information”).²²

The ACLU regularly publishes *STAND*, a print magazine that reports on and analyzes civil liberties-related current events. The magazine is disseminated to over 980,000 people. The ACLU also publishes regular updates and alerts via email to over 3.1 million subscribers (both ACLU members and non-members). These updates are additionally broadcast to over 3.8 million social media followers. The magazine as well as the email and social-media alerts often include descriptions and analysis of information obtained through FOIA requests.

The ACLU also regularly issues press releases to call attention to documents obtained through FOIA requests, as well as other breaking news,²³

²⁰ *See also* 28 C.F.R. § 16.5(e); 32 C.F.R. § 286.8(e); 6 C.F.R. § 5.5(e).

²¹ *See also* 28 C.F.R. 16.5(e)(1)(ii); 32 C.F.R. § 286.8(e)(1)(i)(B); 6 C.F.R. § 5.5(e)(1)(ii).

²² Courts have found that the ACLU as well as other organizations with similar missions that engage in information-dissemination activities similar to the ACLU are “primarily engaged in disseminating information.” *See, e.g., Leadership Conference on Civil Rights v. Gonzales*, 404 F. Supp. 2d 246, 260 (D.D.C. 2005); *ACLU*, 321 F. Supp. 2d at 29 n.5; *Elec. Privacy Info. Ctr. v. DOD*, 241 F. Supp. 2d 5, 11 (D.D.C. 2003).

²³ *See, e.g.,* Press Release, American Civil Liberties Union, U.S. Releases Drone Strike ‘Playbook’ in Response to ACLU Lawsuit (Aug. 6, 2016), <https://www.aclu.org/news/us-releases-drone-strike-playbook-response-aclu-lawsuit>; Press Release, American Civil Liberties Union, Secret Documents Describe Graphic Abuse and Admit Mistakes (June 14, 2016), <https://www.aclu.org/news/cia-releases-dozens-torture-documents-response-aclu-lawsuit>; Press

and ACLU attorneys are interviewed frequently for news stories about documents released through ACLU FOIA requests.²⁴

Similarly, the ACLU publishes reports about government conduct and civil liberties issues based on its analysis of information derived from various sources, including information obtained from the government through FOIA requests. This material is broadly circulated to the public and widely available to everyone for no cost or, sometimes, for a small fee. ACLU national projects regularly publish and disseminate reports that include a description and analysis of government documents obtained through FOIA requests.²⁵ The ACLU also regularly publishes books, “know your rights” materials, fact sheets, and

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Release, American Civil Liberties Union, U.S. Releases Targeted Killing Memo in Response to Long-Running ACLU Lawsuit (June 23, 2014), <https://www.aclu.org/national-security/us-releases-targeted-killing-memo-response-long-running-aclu-lawsuit>; Press Release, American Civil Liberties Union, Justice Department White Paper Details Rationale for Targeted Killing of Americans (Feb. 4, 2013), <https://www.aclu.org/national-security/justice-department-white-paper-details-rationale-targeted-killing-americans>; Press Release, American Civil Liberties Union, Documents Show FBI Monitored Bay Area Occupy Movement (Sept. 14, 2012), <https://www.aclu.org/news/documents-show-fbi-monitored-bay-area-occupy-movement-insidebayareacom>.

²⁴ See, e.g., Cora Currier, *TSA's Own Files Show Doubtful Science Behind Its Behavioral Screen Program*, The Intercept, Feb. 8, 2017, <https://theintercept.com/2017/02/08/tsas-own-files-show-doubtful-science-behind-its-behavior-screening-program/> (quoting ACLU attorney Hugh Handeyside); Karen DeYoung, *Newly Declassified Document Sheds Light on How President Approves Drone Strikes*, Wash. Post, Aug. 6, 2016, <http://wapo.st/2jy62cW> (quoting former ACLU deputy legal director Jameel Jaffer); Catherine Thorbecke, *What Newly Released CIA Documents Reveal About 'Torture' in Its Former Detention Program*, ABC, June 15, 2016, <http://abcn.ws/2jy40d3> (quoting ACLU staff attorney Dror Ladin); Nicky Woolf, *US Marshals Spent \$10M on Equipment for Warrantless Stingray Device*, Guardian, Mar. 17, 2016, <https://www.theguardian.com/world/2016/mar/17/us-marshals-stingray-surveillance-airborne> (quoting ACLU attorney Nate Wessler); David Welna, *Government Suspected of Wanting CIA Torture Report to Remain Secret*, NPR, Dec. 9, 2015, <http://n.pr/2jy2p71> (quoting ACLU project director Hina Shamsi).

²⁵ See, e.g., Hugh Handeyside, *New Documents Show This TSA Program Blamed for Profiling Is Unscientific and Unreliable — But Still It Continues* (Feb. 8, 2017, 11:45 AM), <https://www.aclu.org/blog/speak-freely/new-documents-show-tsa-program-blamed-profiling-unscientific-and-unreliable-still>; Carl Takei, *ACLU-Obtained Emails Prove that the Federal Bureau of Prisons Covered Up Its Visit to the CIA's Torture Site* (Nov. 22, 2016, 3:15 PM), <https://www.aclu.org/blog/speak-freely/aclu-obtained-emails-prove-federal-bureau-prisons-covered-its-visit-cias-torture>; Brett Max Kaufman, *Details Abound in Drone 'Playbook' — Except for the Ones That Really Matter Most* (Aug. 8, 2016, 5:30 PM), <https://www.aclu.org/blog/speak-freely/details-abound-drone-playbook-except-ones-really-matter-most>; Nathan Freed Wessler, *ACLU- Obtained Documents Reveal Breadth of Secretive Stingray Use in Florida* (Feb. 22, 2015, 5:30 PM), <https://www.aclu.org/blog/free-future/aclu-obtained-documents-reveal-breadth-secretive-stingray-use-florida>; Ashley Gorski, *New NSA Documents Shine More Light into Black Box of Executive Order 12333* (Oct. 30, 2014, 3:29 PM), <https://www.aclu.org/blog/new-nsa-documents-shine-more-light-black-box-executive-order-12333>; ACLU, *ACLU Eye on the FBI: Documents Reveal Lack of Privacy Safeguards and Guidance in Government's "Suspicious Activity Report" Systems* (Oct. 29, 2013), https://www.aclu.org/sites/default/files/assets/eye_on_fbi_-_sars.pdf.

educational brochures and pamphlets designed to educate the public about civil liberties issues and government policies that implicate civil rights and liberties.

The ACLU publishes a widely read blog where original editorial content reporting on and analyzing civil rights and civil liberties news is posted daily. *See* <https://www.aclu.org/blog>. The ACLU creates and disseminates original editorial and educational content on civil rights and civil liberties news through multi-media projects, including videos, podcasts, and interactive features. *See* <https://www.aclu.org/multimedia>. The ACLU also publishes, analyzes, and disseminates information through its heavily visited website, www.aclu.org. The website addresses civil rights and civil liberties issues in depth, provides features on civil rights and civil liberties issues in the news, and contains many thousands of documents relating to the issues on which the ACLU is focused. The ACLU's website also serves as a clearinghouse for news about ACLU cases, as well as analysis about case developments, and an archive of case-related documents. Through these pages, and with respect to each specific civil liberties issue, the ACLU provides the public with educational material, recent news, analyses of relevant Congressional or executive branch action, government documents obtained through FOIA requests, and further in-depth analytic and educational multi-media features.

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The ACLU website includes many features on information obtained through the FOIA.²⁶ For example, the ACLU's "Predator Drones FOIA" webpage, <https://www.aclu.org/national-security/predator-drones-foia>, contains commentary about the ACLU's FOIA request, press releases, analysis of the FOIA documents, numerous blog posts on the issue, documents related to litigation over the FOIA request, frequently asked questions about targeted killing, and links to the documents themselves. Similarly, the ACLU maintains an online "Torture Database," a compilation of over 100,000 pages of FOIA documents that allows researchers and the public to conduct sophisticated searches of FOIA documents relating to government policies on rendition,

²⁶ *See, e.g.,* Nathan Freed Wessler & Dyan Cortez, *FBI Releases Details of 'Zero-Day' Exploit Decisionmaking Process* (June 26, 2015, 11:00 AM), <https://www.aclu.org/blog/free-future/fbi-releases-details-zero-day-exploit-decisionmaking-process>; Nathan Freed Wessler, *FBI Documents Reveal New Information on Baltimore Surveillance Flights* (Oct. 30, 2015, 8:00 AM), <https://www.aclu.org/blog/free-future/fbi-documents-reveal-new-information-baltimore-surveillance-flights>; *ACLU v. DOJ – FOIA Case for Records Relating to the Killing of Three U.S. Citizens*, ACLU Case Page, <https://www.aclu.org/national-security/anwar-al-awlaki-foia-request>; *ACLU v. Department of Defense*, ACLU Case Page, <https://www.aclu.org/cases/aclu-v-department-defense>; *Mapping the FBI: Uncovering Abusive Surveillance and Racial Profiling*, ACLU Case Page, <https://www.aclu.org/mappingthefbi>; *Bagram FOIA*, ACLU Case Page <https://www.aclu.org/cases/bagram-foia>; *CSRT FOIA*, ACLU Case Page, <https://www.aclu.org/national-security/csrt-foia>; *ACLU v. DOJ – Lawsuit to Enforce NSA Warrantless Surveillance FOIA Request*, ACLU Case Page, <https://www.aclu.org/aclu-v-doj-lawsuit-enforce-nsa-warrantless-surveillance-foia-request>; *Patriot FOIA*, ACLU Case Page, <https://www.aclu.org/patriot-foia>; *NSL Documents Released by DOD*, ACLU Case Page, <https://www.aclu.org/nsl-documents-released-dod?redirect=cpreldirect/32088>.

detention, and interrogation.²⁷

The ACLU has also published a number of charts and explanatory materials that collect, summarize, and analyze information it has obtained through the FOIA. For example, through compilation and analysis of information gathered from various sources—including information obtained from the government through FOIA requests—the ACLU created an original chart that provides the public and news media with a comprehensive summary index of Bush-era Office of Legal Counsel memos relating to interrogation, detention, rendition, and surveillance.²⁸ Similarly, the ACLU produced an analysis of documents released in response to a FOIA request about the TSA's behavior detection program²⁹; a summary of documents released in response to a FOIA request related to the FISA Amendments Act³⁰; a chart of original statistics about the Defense Department's use of National Security Letters based on its own analysis of records obtained through FOIA requests³¹; and an analysis of documents obtained through FOIA requests about FBI surveillance flights over Baltimore.³²

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The ACLU plans to analyze, publish, and disseminate to the public the information gathered through this Request. The records requested are not sought for commercial use and the requesters plan to disseminate the information disclosed as a result of this Request to the public at no cost.

B. The records sought are urgently needed to inform the public about actual or alleged government activity.

²⁷ *The Torture Database*, ACLU, <https://www.thetorturedatabase.org>; see also *Countering Violent Extremism FOIA Database*, ACLU, <https://www.aclu.org/foia-collection/cve-foia-documents>; *TSA Behavior Detection FOIA Database*, ACLU, <https://www.aclu.org/foia-collection/tsa-behavior-detection-foia-database>; *Targeted Killing FOIA Database*, ACLU, <https://www.aclu.org/foia-collection/targeted-killing-foia-database>.

²⁸ *Index of Bush-Era OLC Memoranda Relating to Interrogation, Detention, Rendition and/or Surveillance*, ACLU (Mar. 5, 2009), https://www.aclu.org/sites/default/files/pdfs/safefree/olcmemos_2009_0305.pdf.

²⁹ *Bad Trip: Debunking the TSA's 'Behavior Detection' Program*, ACLU (2017), https://www.aclu.org/sites/default/files/field_document/dem17-tsa_detection_report-v02.pdf.

³⁰ *Summary of FISA Amendments Act FOIA Documents Released on November 29, 2010*, ACLU, <https://www.aclu.org/files/pdfs/natsec/faafoia20101129/20101129Summary.pdf>.

³¹ *Statistics on NSL's Produced by Department of Defense*, ACLU, <https://www.aclu.org/other/statistics-nsls-produced-dod>.

³² Nathan Freed Wessler, *FBI Documents Reveal New Information on Baltimore Surveillance Flights* (Oct. 30, 2015, 8:00 AM), <https://www.aclu.org/blog/free-future/fbi-documents-reveal-new-information-baltimore-surveillance-flights>.

These records are urgently needed to inform the public about actual or alleged government activity. *See* 5 U.S.C. § 552(a)(6)(E)(v)(II).³³ Specifically, the requested records relate to forthcoming cooperation between federal, state, and local law enforcement entities and between federal law enforcement entities and private security companies around preparations for protests against the Keystone XL pipeline. As discussed in Part I, *supra*, oil pipelines, protests against them, and law enforcements responses to these protests are the subject of widespread public controversy and media attention.³⁴ The records sought relate to a matter of widespread and exceptional media interest in planned oil pipelines, protests against them, and law enforcement responses to these protests.

Given the foregoing, the ACLU has satisfied the requirements for expedited processing of this Request.

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IV. Application for Waiver or Limitation of Fees

The ACLU requests a waiver of document search, review, and duplication fees on the grounds that disclosure of the requested records is in the public interest and because disclosure is “likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii).³⁵ The ACLU also requests a waiver of search fees on the grounds that the ACLU qualifies as a “representative of the news media” and the records are not sought for commercial use. 5 U.S.C. § 552(a)(4)(A)(ii)(II).

A. The Request is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the ACLU.

As discussed above, credible media and other investigative accounts underscore the substantial public interest in the records sought through this Request. Given the ongoing and widespread media attention to this issue, the records sought will significantly contribute to public understanding of an issue of profound public importance. Because little specific information about cooperation between federal, state, and local law enforcement entities and between federal entities and private security companies around anticipated pipeline protests is publicly available, the records sought are certain to contribute significantly to the public’s understanding of what type of efforts the federal government is undertaking in preparation for protests against the Keystone XL pipeline.

³³ *See also* 28 C.F.R. 16.5(e)(1)(ii); 32 C.F.R. § 286.8(e)(1)(i)(B); 6 C.F.R. § 5.5(e)(1)(ii).

³⁴ *See supra* notes 4–7 and accompanying text.

³⁵ *See also* 28 C.F.R. § 16.10(k)(2); 32 C.F.R. § 286.12(l)(1); 6 C.F.R. § 5.11(k)(1).

The ACLU is not filing this Request to further its commercial interest. As described above, any information disclosed by the ACLU as a result of this FOIA Request will be available to the public at no cost. Thus, a fee waiver would fulfill Congress's legislative intent in amending FOIA. *See Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) ("Congress amended FOIA to ensure that it be liberally construed in favor of waivers for noncommercial requesters." (quotation marks omitted)).

B. The ACLU is a representative of the news media and the records are not sought for commercial use.

The ACLU also requests a waiver of search fees on the grounds that the ACLU qualifies as a "representative of the news media" and the records are not sought for commercial use. 5 U.S.C. § 552(a)(4)(A)(ii)(II).³⁶ The ACLU meets the statutory and regulatory definitions of a "representative of the news media" because it is an "entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience." 5 U.S.C. § 552(a)(4)(A)(ii)(III)³⁷; *see also Nat'l Sec. Archive v. DOD*, 880 F.2d 1381, 1387 (D.C. Cir. 1989) (finding that an organization that gathers information, exercises editorial discretion in selecting and organizing documents, "devises indices and finding aids," and "distributes the resulting work to the public" is a "representative of the news media" for purposes of the FOIA); *Serv. Women's Action Network v. DOD*, 888 F. Supp. 2d 282 (D. Conn. 2012) (requesters, including ACLU, were representatives of the news media and thus qualified for fee waivers for FOIA requests to the Department of Defense and Department of Veterans Affairs); *ACLU of Wash. v. DOJ*, No. C09-0642RSL, 2011 WL 887731, at *10 (W.D. Wash. Mar. 10, 2011) (finding that the ACLU of Washington is an entity that "gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience"); *ACLU*, 321 F. Supp. 2d at 30 n.5 (finding non-profit public interest group to be "primarily engaged in disseminating information"). The ACLU is therefore a "representative of the news media" for the same reasons it is "primarily engaged in the dissemination of information."

Furthermore, courts have found other organizations whose mission, function, publishing, and public education activities are similar in kind to the ACLU's to be "representatives of the news media" as well. *See, e.g., Cause of Action v. IRS*, 125 F. Supp. 3d 145 (D.C. Cir. 2015); *Elec. Privacy Info. Ctr.*, 241 F. Supp. 2d at 10-15 (finding non-profit public interest group that

³⁶ *See also* 28 C.F.R. 16.10(k)(2)(ii)(B); 32 C.F.R. § 286.12 (l)(2)(ii)(b); 6 C.F.R. § 5.11(k)(2)(iii).

³⁷ *See also* 28 C.F.R. 16.10(b)(6); 32 C.F.R. § 286.12(b)(6); 6 C.F.R. § 5.11(b)(6).

disseminated an electronic newsletter and published books was a “representative of the news media” for purposes of the FOIA); *Nat’l Sec. Archive*, 880 F.2d at 1387; *Judicial Watch, Inc. v. DOJ*, 133 F. Supp. 2d 52, 53–54 (D.D.C. 2000) (finding *Judicial Watch*, self-described as a “public interest law firm,” a news media requester).³⁸

On account of these factors, fees associated with responding to FOIA requests are regularly waived for the ACLU as a “representative of the news media.”³⁹ As was true in those instances, the ACLU meets the requirements for a fee waiver here.

* * *

Pursuant to applicable statutes and regulations, the ACLU expects a determination regarding expedited processing within 10 days. *See* 5 U.S.C. § 552(a)(6)(E)(ii); 28 C.F.R. 16.5(e)(4); 32 C.F.R. § 286.8(e)(1); 6 C.F.R. § 5.5(e)(4).

If the Request is denied in whole or in part, the ACLU asks that you justify all deletions by reference to specific exemptions to FOIA. The ACLU expects the release of all segregable portions of otherwise exempt material. The ACLU reserves the right to appeal a decision to withhold any information or deny a waiver of fees.

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION

³⁸ Courts have found these organizations to be “representatives of the news media” even though they engage in litigation and lobbying activities beyond their dissemination of information / public education activities. *See, e.g., Elec. Privacy Info. Ctr.*, 241 F. Supp. 2d 5; *Nat’l Sec. Archive*, 880 F.2d at 1387; *see also Leadership Conference on Civil Rights*, 404 F. Supp. 2d at 260; *Judicial Watch, Inc.*, 133 F. Supp. 2d at 53–54.

³⁹ In August 2017, CBP granted a fee-waiver request regarding a FOIA request for records relating to a muster sent by CBP in April 2017. In May 2017, CBP granted a fee-waiver request regarding a FOIA request for documents related to electronic device searches at the border. In April 2017, the CIA and the Department of State granted fee-waiver requests in relation to a FOIA request for records related to the legal authority for the use of military force in Syria. In March 2017, the Department of Defense Office of Inspector General, the CIA, and the Department of State granted fee-waiver requests regarding a FOIA request for documents related to the January 29, 2017 raid in al Ghayil, Yemen. In May 2016, the FBI granted a fee-waiver request regarding a FOIA request issued to the DOJ for documents related to Countering Violent Extremism Programs. In April 2013, the National Security Division of the DOJ granted a fee-waiver request with respect to a request for documents relating to the FISA Amendments Act. Also in April 2013, the DOJ granted a fee-waiver request regarding a FOIA request for documents related to “national security letters” issued under the Electronic Communications Privacy Act. In August 2013, the FBI granted the fee-waiver request related to the same FOIA request issued to the DOJ. In June 2011, the DOJ National Security Division granted a fee waiver to the ACLU with respect to a request for documents relating to the interpretation and implementation of a section of the PATRIOT Act. In March 2009, the State Department granted a fee waiver to the ACLU with regard to a FOIA request for documents relating to the detention, interrogation, treatment, or prosecution of suspected terrorists.

Thank you for your prompt attention to this matter. Please furnish the applicable records to:

Jacob Hutt
American Civil Liberties Union
125 Broad Street, 18th Floor
New York, New York 10004
T: 212.519.7809
jhutt@aclu.org

I affirm that the information provided supporting the request for expedited processing is true and correct to the best of my knowledge and belief. *See* 5 U.S.C. § 552(a)(6)(E)(vi).

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION

Respectfully,

/s/ Jacob J. Hutt
Jacob J. Hutt
American Civil Liberties Union
Foundation
125 Broad Street, 18th Floor
New York, NY 10004
T: 212.519.7809
jhutt@aclu.org

Alex Rate
Legal Director
ACLU of Montana
P.O. Box 9138
Missoula, MT 59807
T: 406.224.1447
ratea@aclumontana.org

Courtney A. Bowie*
Legal Director
ACLU of North Dakota
P.O. Box 1190
Fargo, ND 58107
T: 201.284.9500
cbowie@aclu.org
*Admitted in MS, AL, and
MA (inactive)

Amy Miller
Legal Director
ACLU of Nebraska
134 S. 13th St. #1010
Lincoln, NE 68508
T: 402.476.8091 ext. 106
amiller@aclunbraska.org

Heather Smith
Executive Director
ACLU of South Dakota
P.O. Box 1170
Sioux Falls, SD 57101
T: 605.362.2661
heather.smith@aclu.org

EXHIBIT B

U.S. Department of Homeland Security
500 C Street, S.W. Mail Stop 3172
Washington, DC 20472-3172



FEMA

March 23, 2018

SENT VIA E-MAIL TO: jhutt@aclu.org

Jacob J. Hutt
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004

Re: FEMA FOIA Case Number 2018-FEFO-00405

Dear Mr. Hutt:

This is the final response to your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated January 23, 2018. You requested a copy of the following:

- 1- Legal and policy analyses and recommendations related to law enforcement funding for and staffing around oil pipeline protests. Such recommendations may include, but are not limited to, declarations of a state of emergency by state and local entities in order to marshal additional funds, and requests by state or local entities for federal agencies to provide funding or personnel for counter-protest operations; and
- 2- Travel of federal employees to speaking engagements, private and public meetings, panels, and conferences on the subject of preparation for oil pipeline protests and/or cooperation with private corporations in furtherance thereof; and
- 3- Meeting agendas, pamphlets, and other distributed matter at speaking engagements, private and public meetings, panels, and conferences where federal employees are present to discuss preparation for oil pipeline protests and/or cooperation with private corporations in furtherance thereof; and
- 4- Communications between federal employees and state or local law enforcement entities or employees thereof, and between federal employees and private security companies or employees thereof, discussing cooperation in preparation for oil pipeline protests.

With respect to the Office of the Secretary of Defense, the ACLU seeks the release of all records created since January 25, 2017, concerning:

- 5- Purchases, requests for purchase, and requests by state and local law enforcement officials of riot gear, including but not limited to tear gas, concussion grenades, and water cannons, from the U.S. Department of Defense's Law Enforcement Support Office, also known as the 1033 program.

DHS referred your request to this office for processing and direct response to you. Your request was received by Federal Emergency Management Agency (FEMA) on January 27, 2018.

USA_FEMA_000042

We conducted a comprehensive search of files within FEMA's Region VIII for records responsive to your request. Unfortunately, we were unable to locate or identify any responsive records.

You have the right to appeal if you disagree with FEMA's response. The procedure for administrative appeals is outlined in the DHS regulations at 6 C.F.R. § 5.8. In the event you wish to submit an appeal, we encourage you to both state the reason(s) you believe FEMA's initial determination on your FOIA request was erroneous in your correspondence, and include a copy of this letter with your appeal. Should you wish to do so, you must send your appeal within 90 days from the date of this letter to fema-foia@fema.dhs.gov, or alternatively, via mail at the following address:

FEMA
Office of the Chief Administrative Officer
Information Management Division (FOIA Appeals)
500 C Street, SW, Seventh Floor, Mail Stop 3172
Washington, D.C. 20472-3172

As part of the 2007 amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road- OGIS
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>
Telephone: 202-741-5770/Toll-free: 1-877-684-6448
Facsimile: 202-741-5769

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$25 minimum, there is no charge.

If you need any further assistance or would like to discuss any aspect of your request, please contact us and refer to FOIA case number **2018-FEFO-00405**. You may send an e-mail to fema-foia@fema.dhs.gov, call (202) 646-3323, or you may contact our FOIA Public Liaison in the same manner.

Sincerely,

ERIC A
NEUSCHAEFER

Digitally signed by ERIC
A NEUSCHAEFER
Date: 2018.03.23
10:41:45 -04'00'

Eric Neuschaefter
Chief, Disclosure Branch
Information Management Division
Mission Support

U.S. Department of Homeland Security
500 C Street, S.W. Mail Stop 3172
Washington, DC 20472-3172



FEMA

June 21, 2018

SENT VIA E-MAIL TO: JHUTT@ACLU.ORG

Jacob J. Hutt
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, New York 10004

Re: **FEMA FOIA Case Number 2018-FEAP-00023**

Dear Mr. Hutt:

The Department of Homeland Security (DHS)/ Federal Emergency Management Agency (FEMA), Information Management Division has received your appeal of Freedom of Information Act (FOIA) case number **2018-FEFO-00405**. We acknowledge receipt of your June 14, 2018 appeal and have assigned case number **FEMA Appeal 2018-FEAP-00023** for tracking purposes. Please reference this case number in any future communications regarding your appeal. You are appealing FEMA's alleged improper search.

To check the status of your FOIA requests you may use the online check status capability at <http://www.dhs.gov/foia-status>. Simply enter your request number and click the "Check Status" button. More information concerning the FOIA and implementing DHS regulations is available on-line at: www.dhs.gov/xfoia/editorial_0318.shtm.

A high number of FOIA requests to FEMA have resulted in an appeal backlog. While we will make every effort to process your appeal on a timely basis, there may be some delay in resolving this matter. If you need to contact our office concerning this request, please call (202) 646-3323 or electronically at FEMA-FOIA@fema.dhs.gov.

Sincerely,

DAVID D Digitally signed by
DAVID D MCCOY
MCCOY Date: 2018.06.21
15:29:04 -04'00'

David D. McCoy
Appeals Team
Government Information Specialist
Disclosure Branch
Information Management Division
Federal Emergency Management Agency

USA_FEMA_000044



August 31, 2018

SENT VIA E-MAIL TO: JHUTT@ACLU.ORG

Jacob J. Hutt
American Civil Liberties Union
125 Broad Street, 18th Floor
New York, New York 10004

Re: **FEMA FOIA Appeal Number 2018-FEAP-00023**
FEMA FOIA Request Number 2018-FEFO-00405

Dear Mr. Hutt:

This is the final response to your Freedom of Information Act (FOIA) appeal to the U.S. Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA), dated June 14, 2018.

In your FOIA request, dated January 23, 2018, you sought copies of the following enumerated categories of records, "pertaining to cooperation between federal, state, and local law enforcement entities and between federal law enforcement entities and private security companies around preparations for anticipated protests against the Keystone XL pipeline."

- 1- Legal and policy analyses and recommendations related to law enforcement funding for and staffing around oil pipeline protests. Such recommendations may include, but are not limited to, declarations of a state of emergency by state and local entities in order to marshal additional funds, and requests by state or local entities for federal agencies to provide funding or personnel for counter-protest operations;
- 2- Travel of federal employees to speaking engagements, private and public meetings, panels, and conferences on the subject of preparation for oil pipeline protests and/or cooperation with private corporations in furtherance thereof;
- 3- Meeting agendas, pamphlets, and other distributed matter at speaking engagements, private and public meetings, panels, and conferences where federal employees are present to discuss preparation for oil pipeline protests and/or cooperation with private corporations in furtherance thereof;
- 4- Communications between federal employees and state or local law enforcement entities or employees thereof, and between federal employees and private security companies or employees thereof, discussing cooperation in preparation for oil pipeline protests.

With respect to the Office of the Secretary of Defense, the ACLU seeks the release of all records created since January 25, 2017, concerning:

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Jacob J. Hutt

2

FEMA 2018-FEAP-0023

- 5- Purchases, requests for purchase, and requests by state and local law enforcement officials of riot gear, including but not limited to tear gas, concussion grenades, and water cannons, from the U.S. Department of Defense's Law Enforcement Support Office, also known as the 1033 program.

By letter dated March 23, 2018, FEMA's Information Management Division, Disclosure Branch, provided a final response to the subject FOIA request, informing you that a search was conducted within FEMA's Region VIII for records responsive to your request. Unfortunately, we were unable to locate or identify any responsive records. You appealed the agency's search alleging that FEMA failed to conduct an adequate search for records.

After consideration of your appeal, and a comprehensive review of the administrative record, I am denying your appeal. I determined that a search reasonably calculated to uncover responsive records was conducted.

While FEMA's Mission Statement states that FEMA assists "before, during, and after disasters," FEMA prioritizes the assistance contemplated in the Mission Statement for major, repeating disasters such as floods and hurricanes. For instance, around the time of the Dakota Access Pipeline protests, the State of North Dakota incurred significant law enforcement costs associated with that event. The State submitted a formal declaration request seeking federal financial assistance from FEMA. That request was denied by the President on the grounds that the Stafford Act did not cover that particular event. During the protest, FEMA monitored the situation due to the potential for and eventual receipt of the State's formal request for federal funding, as well as the fact that the State utilized the Emergency Management Assistance Compact, which is assistance from other states, to supplement its own resources. FEMA therefore may have records related to the Dakota Access Pipeline event.

By contrast, FEMA's Region VIII advised Disclosure Branch it received no similar request for assistance regarding any Keystone XL Pipeline protests that may have occurred.

As part of the 2007 FOIA amendments, the Office of Government Information Services (OGIS) was created to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. You may contact OGIS in any of the following ways:

Office of Government Information Services
National Archives and Records Administration
(OGIS) 8601 Adelphi Road
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Web: <https://ogis.archives.gov>

Telephone: 202-741-5770/Facsimile: 202-741-5769/Toll-free: 1-877-684-6448

USA_FEMA_000046

Jacob J. Hutt
FEMA 2018-FEAP-0023

3

Judicial review of my final action on your appeal is available to you in the United States District Court for the judicial district in which you reside, or in the District of Columbia.

If you have any questions or would like to discuss this matter, please refer to **FEMA 2018-FEAP-00023**.

You may contact this office at (202) 646-3323 or electronically at FEMA-FOIA@fema.dhs.gov.

Sincerely,

**WILLIAM H
HOLZERLAND**

Digitally signed by
WILLIAM H HOLZERLAND
Date: 2018.08.31 16:05:40
-04'00'

William H. Holzerland
Senior Director for Information Management
Office of the Chief Administrative Officer
Federal Emergency Management Agency
U.S. Department of Homeland Security

From: McCoy, David
To: naramayo@aclu.org
Cc: McCoy, David
Subject: FW: FEMA Final Response to Freedom of Information Act (FOIA) Appeal, FEMA 2018 FEAP-00023
Attachments: [FEMA - FINAL RESPONSE \(18-FEAP-00023\).20180831.pdf](#)

Good morning Mr. Nicolas Aramayo,

The message below explains that Mr. Hutt has transferred this appeal to you. We have some additional information we would like to share with you concerning this appeal. Please contact us asap in order that we may share this information. However, if we do not hear from you **by Friday September 21, 2018, we will consider the matter closed.**

It is always the intention of FEMA to provide excellent customer service. If further assistance is required, **please contact David D. McCoy directly at 202-716-6907 or electronically at david.mccoy@fema.dhs.gov.**

Please confirm receipt of this email to ensure accuracy of our summary analysis.

Again, thank you and best regards.

David D. McCoy
Appeals Team
Government Information Specialist -Disclosure Branch
Information Management Division
Office of the Chief Administrative Officer
Federal Emergency Management Agency
U.S. Department of Homeland Security
Desk phone: 202-212-5061
Mobile phone: 202-716-6907
E-mail address: david.mccoy@fema.dhs.gov

From: McCoy, David
Sent: Tuesday, September 4, 2018 6:30 AM
To: 'naramayo@aclu.org' <naramayo@aclu.org>
Cc: McCoy, David <David.Mccoy@fema.dhs.gov>
Subject: FW: FEMA Final Response to Freedom of Information Act (FOIA) Appeal, FEMA 2018 FEAP-00023

Good morning Mr. Nicolas Aramayo,

Mr. Hutt has informed us that he is no longer employed by the ACLU. Please send all ACLU-related emails to Nicolas Aramayo at naramayo@aclu.org or contact Nicolas at (212) 519-2566. Please contact us (202) 716-6907 to discuss this matter. Have a great day!!

David D. McCoy

Appeals Team

Government Information Specialist -Disclosure Branch

Information Management Division

Office of the Chief Administrative Officer

Federal Emergency Management Agency

U.S. Department of Homeland Security

Desk phone: 202-212-5061

Mobile phone: 202-716-6907

E-mail address: david.mccoy@fema.dhs.gov

From: McCoy, David

Sent: Saturday, September 1, 2018 12:00 AM

To: naramayo@aclu.org

Cc: McCoy, David <David.Mccoy@fema.dhs.gov>

Subject: FW: FEMA Final Response to Freedom of Information Act (FOIA) Appeal, FEMA 2018 FEAP-00023

Dear Mr. Aramayo:

Attached is the final response to your Freedom of Information Act (FOIA) Appeal, **FEMA 2018-FEAP-00023**. **Please reply to this email to confirm receipt**. If you need to contact our office concerning this request, please call [\(202\) 646-3323](tel:(202)646-3323) or electronically at FEMA-FOIA@dhs.gov and refer to **FEMA 2018-FEAP-00023**.

Thank you,

The FEMA Disclosure Branch

I am no longer employed by the ACLU. Please send all ACLU-related emails to Nicolas Aramayo at naramayo@aclu.org or contact Nicolas at (212) 519-2566. I may be reached for non-ACLU related matters at jacob.hutt@gmail.com.

David D. McCoy

Appeals Team

Government Information Specialist -Disclosure Branch

Information Management Division

Office of the Chief Administrative Officer

Federal Emergency Management Agency

U.S. Department of Homeland Security

Desk phone: 202-212-5061

Mobile phone: 202-716-6907

USA_FEMA_000049

E-mail address: david.mccoy@fema.dhs.gov

From: McCoy, David

Sent: Friday, August 31, 2018 6:32 PM

To: JHUTT@ACLU.ORG

Cc: McCoy, David <David.Mccoy@fema.dhs.gov>

Subject: FEMA Final Response to Freedom of Information Act (FOIA) Appeal, FEMA 2018 FEAP-00023

Dear Mr. Hutt:

Attached is the final response to your Freedom of Information Act (FOIA) Appeal, **FEMA 2018-FEAP-00023**. **Please reply to this email to confirm receipt.** If you need to contact our office concerning this request, please call [\(202\) 646-3323](tel:(202)646-3323) or electronically at FEMA-FOIA@dhs.gov and refer to **FEMA 2018-FEAP-00023**.

Thank you,

The FEMA Disclosure Branch

David D. McCoy

Appeals Team

Government Information Specialist -Disclosure Branch

Information Management Division

Office of the Chief Administrative Officer

Federal Emergency Management Agency

U.S. Department of Homeland Security

Desk phone: 202-212-5061

Mobile phone: 202-716-6907

E-mail address: david.mccoy@fema.dhs.gov

From: Titze, Tina <Tina.Titze@state.sd.us>
Sent: Saturday, July 14, 2018 11:50 AM
To: Depalo, Lee; Dragani, Nancy
Subject: Fwd: Keystone XL
Attachments: received_2032659403442453.jpeg

Chairman's response.

Begin forwarded message:

From: Charles RedCrow <zcsold@gmail.com <mailto:zcsold@gmail.com> >
Date: July 13, 2018 at 11:33:39 AM CDT
To: "Pudwill, Patti" <Patti.Pudwill@state.sd.us <mailto:Patti.Pudwill@state.sd.us> >
Subject: Re: [EXT] Keystone XL

And his response is no surprise ☐

On Fri, Jul 13, 2018, 10:31 AM Pudwill, Patti <Patti.Pudwill@state.sd.us <mailto:Patti.Pudwill@state.sd.us> > wrote:

Thanks Charles! This is very interesting.

Patti Pudwill

Region 3 Coordinator

SD DPS-Office of Emergency Management

Aberdeen, SD 57401

Office: (605) <tel:(605)%C2%A0%20626-2031> 626-2031

Click here for a two question customer experience survey. <<https://www.surveymonkey.com/r/MXKDRS8>>

Confidentiality Note: The information contained in this document is confidential or privileged material and is intended only for use by the individual or entity to whom they are addressed. Use or distribution of information contained in this document by any other individual or entity not intended to receive this is strictly prohibited.

On Jul 13, 2018, at 11:07 AM, Charles RedCrow <zcsold@gmail.com <mailto:zcsold@gmail.com> > wrote:

Thought you might find this interesting.

<received_2032659330109127.jpeg>

CHAIRMAN

Harold C. Frazier

SECRETARY

EvAnn White Feather

TREASURER

Benita Clark

VICE-CHAIRMAN

Robert Chasing Hawk, Sr.



P.O. Box 590
Eagle Butte, South Dakota 57625
Phone: (605) 964-4155
Fax: (605) 964-4151

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Raymond Uses The Knife
Robert Chasing Hawk, Sr.
Derek Bartlett

DISTRICT 6

Tuffy Thompson
Wade Tater Ward

July 12, 2018

Via e-mail to Nadine_Busmann@transcanada.com

TransCanada

450 – 1st Street SW, Calgary, Alberta, Canada T2P 5H1

Tel: 403-920-4417

Nadine_Busmann@transcanada.com

Re: KEYSTONE XL PIPELINE – UNITED STATES UPDATE

Dear TransCanada,

We will be waiting.

Regards,

Harold C. Frazier, Chairman
Cheyenne River Sioux Tribe

The blue represents the thunderclouds above the world where live the thunder birds who control the four winds. The rainbow is for the Cheyenne River Sioux people who are keepers of the Most Sacred Calf Pipe, a gift from the White Buffalo Calf Maiden. The eagle feathers at the edges of the rim of the world represent the spotted eagle who is the protector of all Lakota. The two pipes fused together are for unity. One pipe is for the Lakota, the other for all the other Indian Nations. The yellow hoops represent the Sacred Hoop, which shall not be broken. The Sacred Calf Pipe Bundle in red represents Wakan Tanka – The Great Mystery. All the colors of the Lakota are visible. The red, yellow, black and white represent the four major races. The blue is for heaven and the green for Mother Earth.

From: Titze, Tina <Tina.Titze@state.sd.us>
Sent: Saturday, July 14, 2018 11:49 AM
To: Dragani, Nancy; Depalo, Lee
Subject: Fwd: Keystone XL

This is just an FYI as you should be aware of the Chairman's response for overall situational awareness. I'll send his response in next email.

Tina

From: Charles RedCrow <zcsold@gmail.com>
Date: July 13, 2018 at 11:07:22 AM CDT
To: Patti Pudwill- Region 3 Coordinator
<Patti.Pudwill@state.sd.us>
Subject: [EXT] Keystone XL

Thought you might find this interesting.

TransCanada
450 – 1st Street SW, Calgary, Alberta, Canada T2P 5H1
Tel: 403.920.4417
Nadine_busmann@transcanada.com



July 11, 2018

Via e-mail to frazierbuckinghorses@rocketmail.com and via FedEx or Priority Post

Harold Frazier, Chairman
Cheyenne River Sioux Tribe
2001 N. Main Street
Eagle Butte SD 57625

Re: KEYSTONE XL PIPELINE PROJECT – UNITED STATES UPDATE

Dear Chairman Frazier,

I wanted to take this opportunity to provide you with a further update regarding the Keystone XL Pipeline Project. Beginning in July 2018, and continuing through the fall, TransCanada will begin to move materials and prepare construction-related sites in Montana and South Dakota. Activities may include increased truck and trailer traffic to support delivery of materials as well as the movement of equipment to conduct some preparatory clearing work for staging areas and pipe yards. This work will position us to begin primary construction in 2019, assuming receipt of final permits and approvals.

In addition to the activities mentioned above, TransCanada continues to make progress with XL securing the remaining authorizations and achieving our internal milestones. This includes not only our planning work but also continuing our dialogue with stakeholders and Tribal Nations.

TransCanada recognizes Tribal Nations as rightsholders who have a distinct relationship to the land. We appreciate the concern that local Tribal leadership and community members may have with the increased activities throughout Montana and South Dakota, and welcome the opportunity to discuss further. We also remain committed to creating opportunities for an open dialogue with you, your representatives and Tribal members to discuss potential opportunities for participation in the project, and to address any questions.

I invite you to contact Scott Coburn, Indigenous Relations US Team Lead, at scott_coburn@transcanada.com if you have any questions or to arrange a meeting.

Regards,

Nadine Busmann
Sr. Manager
Indigenous Relations, Keystone XL
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cc: Steven Vance, THPO, Cheyenne River Sioux Tribe

KXL1399-TCP-IR-LT-0014

1/1

From: Greff, Stacie <Stacie.Greff@fema.dhs.gov>
Sent: Tuesday, July 31, 2018 2:35 PM
To: Americanos, Christopher
Subject: Info: Cheyenne River Sioux Tribe chairman to pipeline builder: 'We will be waiting'

And this article.

From: Greff, Stacie
Sent: Tuesday, July 17, 2018 12:06 PM
To: Dick, Jennifer <Jennifer.Dick@fema.dhs.gov>
Subject: Info: Cheyenne River Sioux Tribe chairman to pipeline builder: 'We will be waiting'

From: Greff, Stacie
Sent: Tuesday, July 17, 2018 9:01 AM
To: Depalo, Lee <lee.depalo@fema.dhs.gov>; Dragani, Nancy <nancy.dragani@fema.dhs.gov>
Cc: Floyd, Megan <Megan.Floyd@fema.dhs.gov>
Subject: Info: Cheyenne River Sioux Tribe chairman to pipeline builder: 'We will be waiting'

[Lee – Relates back to the letters you shared over the weekend, and why Cheyenne River Sioux is exploring a PDA and possible direct request versus going through the state.](#)

From: Corcoran, John
Sent: Tuesday, July 17, 2018 8:44 AM
To: R8 External Affairs <R8PublicAffairs@fema.dhs.gov>
Subject: RE: Region VIII news clips July 17, 2018

Additional story of interest:

Cheyenne River Sioux Tribe chairman to pipeline builder: 'We will be waiting' (Rapid City Journal, Rapid City, SD)

Christopher Vondracek, July 17, 2018

On July 11, TransCanada sent a letter to the chairman of Cheyenne River Sioux Tribe about upcoming construction for the Keystone XL Pipeline.

A day later, Harold Frazier responded with four words: "We will be waiting."

In November, TransCanada received approval from a board in Omaha to begin the final build-out phase of its XL pipeline project, which will carry crude oil in a 36-inch pipe from the Alberta Tar Sands to a refinery in Illinois.

The 1,000-plus mile line will cross treaty land ceded to the Cheyenne River Sioux Tribe in the 1851 Treaty of Fort Laramie. Tribal spokesman Remi Bald Eagle said the pipe will also cross the Cheyenne River closely

upstream from the reservation and the nature of riparian lands means "so the pipeline will ultimately be on the reservation at some point."

Under federal law, consultation must take place. However, consultation can be fulfilled by TransCanada merely communicating to the tribes its intentions.

The July 11 letter from Nadine Busmann, senior manager of Indigenous Relations, Keystone XL, with TransCanada was "an opportunity to provide you with a further update." The letter stated TransCanada would move materials and "prepare construction-related sites in Montana and South Dakota" beginning in July. Activities could include truck and trailer traffic and new equipment to "staging areas and pipe yards."

The letter also acknowledges the "distinct relationship to the land" held by tribal nations and "the concern" tribes may have with construction of the pipeline. Busmann says TransCanada remains committed to dialogue and open to "discuss potential opportunities for participation in the project."

On TransCanada's website, the Keystone XL Pipeline is described as a "safe, reliable and environmentally responsible way to deliver crude oil to markets in the U.S."

In 2016, protest initiated by the Standing Rock Sioux Tribe culminated in thousands trekking to the Cannonball River in North Dakota to protest the Dakota Access Pipeline. That pipeline received expedited review under President Donald Trump and began pumping oil in May 2017.

Following the protest on Standing Rock, the South Dakota legislature passed Senate Bill 176, which allows the governor the authority to establish "public safety zones" of 20 people or fewer.

Thanks,
Jack

Jack Corcoran

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From: Corcoran, John

Sent: Tuesday, July 17, 2018 8:41 AM

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COLORADO

Colorado wildfire update: Frequent lightning, higher risk of flash floods forecast Tuesday (Denver Post, Denver, CO)

Kirk Mitchell, July 17, 2018

The expression “double-edged sword” has often been used to describe Colorado’s 2018 fire season whenever storm clouds approach.

On Tuesday, it’ll likely be used with regularity across the state as a powerful weather front creeps over burn areas with the potential to drop large hail stones and bring frequent lightning strikes and brief heavy rain.

The storm could help firefighters extend fire lines and mop up a dozen active wildfires from Costilla County in the southern part of Colorado all the way to the Wyoming border. It could also be the harbinger of new headaches including flash floods, lightning-sparked spot fires and high winds spreading fires.

Forecasters warn that flash flooding and winds up to 60 mph are possible Tuesday over burn areas.

“We don’t want too much rain,” said Jennifer Costich, spokeswoman for the Christine Lake fire a mile west of Basalt.

In burned-out fire areas, stripped of trees and other vegetation, as little as .03 inches of rain in a short period of time can trigger a “very dangerous situation,” according to the National Weather Service.

Flash flooding typically occurs in waterways, along creek and river beds, but it can also occur along roadways, in ravines and in most any down slope area — places that don’t usually carry or channel water.

People in areas under flash flood watches and warnings should be prepared to take action and move to higher, safe ground at a moment’s notice.

416 FIRE

The fire area north of Durango is under a flash flood watch Tuesday afternoon through Tuesday evening.

The burn scar area in northwest La Plata County could see heavy rainfall and residents in the area, especially along the U.S. 550 corridor near Hermosa, “should prepare for potential flooding impacts,” the weather service said. “Elsewhere, be prepared for flash flooding and debris flows on many area highways and roads.”

The fire, which started June 1, has burned more than 54,000 acres and was 50 percent contained Monday afternoon, fire officials said.

SPRING CREEK FIRE

Moderate, cooler weather and ongoing rains, including thunderstorms along the eastern edge of the fire area, has increased chances of flash flooding, fire officials said. Lightning in recent days has also been a concern.

“Fire weakened trees continue to pose a hazard and flash floods are occurring in areas that receive rainfall,” fire officials said Monday.

Isolated to scattered thunderstorms are possible Tuesday afternoon and evening, the weather service reports. “Dangerous cloud-to-ground lightning, with wind gusts up to 40 mph and locally heavy rainfall will be the primary storm risks,” the weather service said. “Any heavy rainfall which occurs on burn scars could produce dangerous flash flooding.”

Chances for thunderstorms will decrease mid- to late-week as drier air pushes into the region. But lightning, brief heavy rainfalls and winds up to 50 mph will still be possible and could raise concerns.

Thunderstorm chances ramp up again Friday and into the weekend as monsoon moisture returns.

The fire, in Costilla and Huerfano counties, has burned more than 108,000 acres and was 91 percent contained Monday night.

LAKE CHRISTINE FIRE

On Sunday, fire crews built hand lines along the northwestern edge of the fire, officials said Monday.

“Much of the burned area has exposed soils which could lead to an increased potential for erosion or runoff during rainfall,” fire officials said.

Utility companies continue repairs along damaged transmission lines. Late in the afternoon Sunday, some isolated flareups, creeping fire, smoldering and isolated torching occurred in the northern fire section. The northern end of the fire remains uncontained. Burning in steep, rugged terrain, the fire will likely continue to spread north. Smoke will continue to plume for some time and flames may be visible in the evening.

The fire has burned just over 6,800 acres and was 59 percent contained Monday night.

WESTON PASS FIRE

Cooler temperatures and a chance for rain are expected to impede fire growth and help fire crews reach full containment.

The lightning-sparked 13,023-acre wildfire nine miles southwest of Fairplay is at 93 percent containment.

Hot, dry temperatures Thursday through Sunday are another concern.

Colorado wildfire update: Post-fire flooding big concern after blazes decimated vegetation (Denver Post, Denver, CO)

Kirk Mitchell, July 16, 2018

As the majority of Colorado wildfires approach 100 percent containment, Forest Service teams are beginning to visit burn areas on U.S. Forest Service lands to assess their vulnerability to flooding, landslides and other fire-related catastrophes.

Nine of the 12 wildfires still plotted on the U.S. Forest Service fire map are at 90 percent containment or higher, including the largest wildfire in 2018, the Spring Creek fire in south-central Colorado.

The aftermath of the wildfires will pose hazards for years to come because hills and mountain sides are stripped of vegetation, according to Forest Service officials. Fire can destroy roads and homes while leaving communities downstream of burn areas at risk of flooding and rock slides, according to Forest Service officials.

The U.S. Forest Service has assembled a team of hydrologists, soil scientists, road engineers, wildlife specialists and fisheries biologists to assess damage caused by wildfires to make recommendations for emergency mitigation work to protect human life as well as cultural and natural resources.

“Everyone near and downstream from the burned areas should remain alert and stay updated on weather conditions that may result in heavy rains over the burn scars,” according to a Forest Service report. “Flash flooding may occur quickly during heavy rain.”

Here’s a wrap-up of the largest wildfires in Colorado:

SPRING CREEK FIRE

A flash flood warning is in effect through 6 p.m. today.

Rain has dramatically reduced the activity of the 108,045-acre wildfire five miles northeast of Fort Garland. It is now 91 percent contained.

The number of firefighters still tasked to the fire has fallen to 594 and most of them are stationed in a steep wilderness area on the northwest corner of the fire.

The Spring Creek fire is the third largest in state history.

416 FIRE

Steady rains have taken the punch out of the wildfire that started 13 miles north of Durango on June 1.

In early June, more than 1,000 firefighters were tasked to the fire. Now only 21 people are assigned to the wildfire, mostly to repair fire lines when needed.

The fire is 50 percent contained. The wildfire is burning in wilderness in the San Juan National Forest where containment is not a goal.

All the areas along the eastern flank and southern end of the fire are completely contained.

LAKE CHRISTINE

The 6,822-acre wildfire, which started July 3 about a mile from Basalt, is 59 percent contained.

“We got some sprinkles last night and that helped out. We don’t want too much rain or that could cause flooding,” fire spokeswoman Jennifer Costich said Monday.

Fire crews are picking their battles in heavily forested areas to avoid risk to firefighters. Some areas in the more active northwest corner of the wildfire only have one entry and exit road, which is dangerous for fire crews, she said.

“It may take a long time to get there because of the safety issue,” Costich said.

Firefighters are attacking scree areas, where rock slides limit vegetation, to build fire lines, she said. Helicopters are dropping water and retardant on hot spots once they begin to smolder.

Two people are accused of igniting the wildfire while firing tracer bullets at a shooting range near Lake Christine, according to the district attorney’s office. The 2,100 people who were evacuated have since been allowed to return home. The fire destroyed three homes.

WESTON PASS FIRE

Isolated rain is expected Monday morning beginning at around 6 a.m. Increasing rain showers and thunderstorms are expected between noon and 8 p.m.

Containment on the 13,023-acre wildfire located nine miles southwest of Fairplay has ballooned to 93 percent.

The remaining 272 firefighters still tasked to the blaze are mostly building fire lines and putting out hot spots.

A bird’s-eye view of what floods may bring (The Durango Herald, Durango, CO)

Ryan Simonovich, July 17, 2018

A perfect storm could send debris hurtling down canyons and potentially damage property adjacent to the 416 Fire burn scar. To prepare for the worst-case scenario, La Plata County Office of Emergency Management is using a drone to get a bird's-eye view of problem areas.

On Monday, Tom McNamara, emergency management coordinator, flew a drone with a camera attachment along Hermosa Creek to survey what kind of debris may become problematic in case it floods. He has done the same behind the Falls Creek subdivision and above the Lower Hermosa Campground.

“Primarily, there’s trees – old, dead fall that’s made its way into the creek,” McNamara said.

When trees are swept downstream by rushing water, they could become caught on bridges and dam the river, he said. If there is flooding, large debris could smash into structures and homes.

Despite warnings from the National Weather Service and emergency officials, no floods had occurred as of Monday afternoon near the burn scar. However, it’s just a matter of the right storm conditions in the right area, said Butch Knowlton, director for La Plata County Emergency Management.

“If it’s a dump in a short period of time, then that pushes a lot of stuff down in a hurry,” Knowlton said. “If it’s the way it’s been for the last few days ... then we do see a little bit of ash movement, but it hasn’t created any significant problems yet.”

Areas of specific concern include Dyke Canyon, Tripp Creek and the Hermosa Creek Drainage.

The goal of the drone work is to have a better idea of what lies upstream that is waiting to come down. Then, emergency officials can inform homeowners who are in the path of a potential debris flow.

When a big storm comes, they can also send emergency notifications and issue evacuations or pre-evacuations for areas expected to be hit hard by debris flows.

“If we get enough information, and understand what’s happening well enough, we should be able to be in a better position to keep people out of the way when something bad may happen or is happening,” McNamara said.

In addition to drone flyovers, emergency planners have existing flood maps, terrain modeling and geologic data such as soil types and slope gradient. Another good resource includes historic accounts from longtime residents who have experienced floods in the past.

Many residents remember the mudslides and debris flows that came after the 2002 Missionary Ridge Fire, which caused significant property damage to homes on East Animas Road (County Road 250), Florida Road (County Road 240) and the Vallecito area, among others.

In some cases, mud and rock broke through doors and flooded basements, garages and main living floors of homes.

“We have the experience,” Knowlton said, referring to the aftermath of Missionary Ridge. “We have the knowledge of what could occur.”

McNamara adds that a large part of the planning is finding areas that previously wouldn’t have posed a problem. Before the fire, hillsides might have been able to handle a lot of rain. Now, because they are void of vegetation, heavy rain will create mudslides or flooding.

The hope is that officials will be better prepared for danger, because with the drone imagery, they will be able to predict whether an area will flood or have large debris flows.

According to the National Weather Service, there is up to a 40 percent chance of thunderstorms Tuesday and a 20 percent chance Wednesday. Chances of storms decrease later in the week.

Whatever the weather does, there will be danger lurking on the mountain.

“The material is up there, the terrain is up there, the risk is up there,” Knowlton said. “It’s all solely dependent on the volume of rain that comes with each storm.”

Wildfires initially tough on wildlife, but some can benefit long-term (The Daily Sentinel, Grand Junction, CO)

Dennis Webb, July 17, 2018

When the Divide Fire raged through remote terrain in rural Moffat County in late June and early July, it not only consumed multiple residences — it torched nearly 20,000 acres of priority habitat for the imperiled greater sage-grouse.

The fire served as a reminder that wildfires have consequences for wildlife, too. Other reminders have come in the story of a bear cub that is being rehabilitated after its paws were severely burned in the 416 Fire north of Durango, and officials warning residents in the Basalt area to watch for hungry, displaced bears and other wildlife after a bear was spotted along the fire line of the 6,600-acre Lake Christine Fire and another showed up at the firefighter camp.

But while animals can be among the casualties when blazes break out, the overall impacts of fires can be not just negative but positive, depending on the species, particularly over the long term.

Brad Petch, senior wildlife biologist in northwest Colorado for Colorado Parks and Wildlife, said any fire results in local loss of wildlife.

"The larger the fire, the more significant that is," he said.

But larger animals such as big game and mobile ones such as adult birds often are able to move quickly enough to escape, he said. Younger animals tend to fare worse.

"Fawns and calves disproportionately get caught for deer and elk," he said.

While bigger, faster-burning fires create more challenges for animals trying to escape, Petch said oftentimes there are pockets within the fire perimeter that don't get burned.

"It's not uncommon for wildlife to hole up in those," he said.

Petch said he doesn't want to minimize the loss that occurs due to animals being trapped and killed by fires.

"But it's not as severe, often at least for larger wildlife, as it looks like it must be to watch a fire burn across a landscape."

Petch said wildlife have adapted to wildfire over generations. He added that once a fire is out, wildlife returns to a burned area pretty quickly.

"Particularly in a little bit wetter year than this one, it's not uncommon to see antelope back in a fire before the ashes are cool. Within a day or two you have antelope really using fire scars and working out what green vegetation is left," he said.

Drier, hotter fires result in less early regrowth, but still, plants often begin to recover within a few weeks, and are highly attractive to wildlife, Petch said.

He said among the first big-game species to come back after a fire are elk. They're predisposed by their size, movement and focus as grazers to take advantage of the grasses that are among the first types of vegetation to regenerate, and elk particularly benefit over the first decade after blazes, Petch said.

Later, perhaps 20 to 40 years afterward, shrubs have flourished, leading to positive responses by other animals such as deer, he said.

He said there's less benefit from fire for animals such as sage-grouse and species that nest in trees.

"The longer-term effects are variable by species, but in the long run, at least for big-game species, they tend to benefit more from fire than they are harmed by it," Petch said.

Bureau of Land Management spokesman David Boyd said young, new native vegetation that sprouts after a fire can be highly nutritious for animals such as big game.

Fire also can create mosaic patterns of vegetation with openings where animals can feed and areas of unburned cover where they can hide and be out of the elements, Boyd said. Land managers often strive to create such mosaic patterns when they use prescribed fires or mechanically treat landscapes to mimic wildfires, he noted.

Bigger fires may be less beneficial to animals, burning through an area more uniformly, burning so hot it's harder for plants to recover, and killing important microorganisms in soil, Boyd said.

Petch said there are more front-end negatives in the case of bigger fires. He said a 40,000-acre fire is very different for wildlife than a 5,000-acre fire, depending on the species and factors such as its range over the course of a year. But he said sometimes a fire that resets a landscape "can be a tremendously valuable thing for wildlife" 30 or 40 years down the road.

He said it can be hard to talk about the potential long-term benefits of fire to some wildlife when it's the middle of fire season and people are out of their homes due to evacuations, or when fires limit hunting access. But those are short-term impacts, he said, while a fire's benefits can last for generations to come.

Unfortunately, that's not so much the case for the sage-grouse habitat that recent flames have consumed in northwest Colorado. The greater sage-grouse ranges over a number of western states and the BLM has imposed numerous restrictions on activities such as oil and gas development and livestock grazing to try to keep it from needing protection under the Endangered Species Act. In Colorado, it's found only in the northwestern part of the state, and particularly in Moffat County. So the Divide Fire, along with the 1,636-acre Thornburg Fire west of Maybell in Moffat County, were setbacks to the bird and its habitat.

Fire has been identified in the Great Basin, a multistate region west of Colorado, as a big threat to sage-grouse habitat. Boyd said there's a concern that after large fires especially, such as the Divide Fire, annual grasses can

move in that make it hard for sagebrush to re-establish itself. Cheatgrass, an invasive species that sprouts up after fires and also is prone to burning, can perpetuate the fire cycle.

Petch said Colorado is less susceptible to cheatgrass infestation than some other states, but losing thousands of acres of sagebrush all at once can have at least short-term effects on sage grouse. He said it can take 20 to 30 years for sagebrush to come back after fires, particularly in the case of hotter ones.

He said some of the sage-grouse habitat that burned is among the wetter habitat in Colorado for the bird, which will aid in recovery, but it's still "not moist by any means," so that recovery still will take a while.

Petch said he believes the Divide Fire burned an area that doesn't contain many sage-grouse leks, or springtime breeding grounds, but does contain habitat the birds use a lot in the summer.

Nanci Limbach, who runs the Pauline S. Schneegas Wildlife Foundation wildlife rehabilitation facility near Silt, said the Basalt-area fire occurred as hawks were fledging and probably on the ground, so she expects many fledglings died.

Her center has gotten calls from people about hawks in their yards. Limbach said the birds probably flew from the fire and were exhausted.

"We've just had people leave them and so far every one of them within a day has managed to fly off," she said.

Her center once treated a hawk that had feathers burned in a wildfire in the Battlement Mesa area before a firefighter was able to hose it off and save it.

In the past, the center also has worked on deer whose legs were burned.

"Some of them make it and some don't. It depends on the extent of the burn," she said.

She said amputation isn't an option because it's not allowed for rehabbing wildlife in Colorado.

Limbach said the center has had deer with ears burned off as well. They can live without ears, she said. But she said the stress and pain can be fatal. She said for deer and other ruminants, just the stress of running long distances to escape flames can be deadly.

Limbach and her husband are partners in a honeybee yard she said got wiped out by the Lake Christine Fire. She said the fire unfortunately went through the one part of the property containing the hives. Ironically, bees are kept calm in their hives by beekeepers using smoke.

Petch said people living near burn areas should be aware of the increased chances for seeing displaced wildlife, including bears. Authorities are asking that homeowners near fires secure food sources so as not to attract bears in particular and get them used to living near homes.

Petch said wildlife officials ask that if people see a fire-injured animal, they don't try to care for the animal themselves but mark where it is and let CPW know.

"Oftentimes the most humane thing is to try to put those animals down but we do try to care for and rehabilitate the ones that have a chance of recovery," he said.

MONTANA

Why There's Only \$4 Million In Montana's Firefighting Fund (Montana Public Radio, Missoula, MT)

Eric Whitney, July 16, 2018

The State's fire fighting savings account started this month with the second lowest balance since it was created a decade ago.

There's only about \$4 million in the fund's reserves for this fire season. That's about a fifth of what the state needs to cover an average fire season bill.

But John Tubbs, the head of Montana's Department of Natural Resources and Conservation, says that won't stop the state from sending out crews and aircraft to put out fires this year.

"When the balance is low, firefighting will remain a priority and we go into the supplemental appropriations approach," he says.

That means DNRC will spend whatever it has to to fight fires, pulling in money it's set aside for other purposes, with the expectation that during the next legislative session lawmakers will backfill that spending, through what's called a supplemental appropriation.

While the state gets some federal reimbursement and it can draw on other emergency funds, Tubbs says it isn't ideal for the state's fire reserves to get zeroed out.

"It is better to have the fire fund with a balance so that we don't impact the next Legislature."

When DNRC has to ask the Legislature to backfill its firefighting costs, it eats into what the state can build in for its next budget. The cost of the 2017 fire season had a lot to do with last year's state budget crisis, and, Nancy Ballance who sits on the Legislative Finance Committee, says depending on what happens this fire season it could happen again.

"If we look at the possibility of an extreme fire season like we had last time, then yes we do see a potential shortfall in 2019-2021 that we will need to cover somehow when we go into the next budget session," Ballance said.

Last summer, the state's firefighting costs were far in excess of the savings built up in the fire fund. That issue was compounded after, in the regular session, lawmakers took out half of the fire fund to plug other holes in the state budget.

Then, after the big firefighting bills were added up, Governor Bullock called a special legislative session in November, in part to pay off 2017 firefighting costs, and to provide money for this year's fire season.

Lawmakers were able to set aside money to pay last year's fire debt, but then political debates stalled. Together, lawmakers and the governor failed to set aside much money to fight fires this year.

"I'm not surprised that the balance is lower than we had hoped," says Senate Minority leader Jon Sesso, also a member of the Legislative Finance Committee.

Sesso says Republicans didn't agree to tax increases, including some on lodging and rental cars, that could have raised more money for the state, including its firefighting costs.

“When we left the special session we left with our work unfinished,” Sesso says. “Proposals that we walked in to the special session weren't passed. We didn't put one extra percent on beds and we didn't do the rental cars. And we didn't do the fee that we hoped to raise on stock brokers; all of which we thought, I thought, were very reasonable to raise the dollars necessary to replenish and to prepare a reasonable fund for calendar year 2018 fire season.”

Governor Steve Bullock also blames the Republicans for the lack of fire money available because they didn't support his ideas to increase revenue through taxes.

When Republicans declined to vote for the proposed tax increases they instead passed legislation pushing for Governor Bullock to make a deal to extend the contract of the state's only private prison in Shelby, run by CoreCivic. Some of the money from that deal would have gone into the fire fund.

Republican Senator Llew Jones says, “There had been the thought process that with Shelby included there would be enough for an average season, which is around \$25 million.”

Governor Bullock negotiated with CoreCivic, but in April rejected a deal extending the private prison contract.

And, since the special session was called, additional fire costs from 2017 have stacked up, setting the state fire fund back even further.

Last month Governor Steve Bullock received his annual fire season briefing at Fort Harrison, in Helena, where forecasters said to expect above average temperatures and fire conditions running into the fall. News broke then that the fire fund had around four million dollars in it heading into the summer.

“As far as how we'll address it, it's way too premature to talk about it,” Bullock said. “What I can convey to both Montanas and to any member of the Legislature that are saying 'well, now what do we do,' that we'll address it. And I will expect the Legislature to be partners in figure out how to do that.”

It was at the same annual fire briefing last year that Bullock was told by forecasters the state would likely see average fire conditions in 2017. That forecast was wrong, and Montana's government budget fell apart amid what turned out to be a historic fire season.

The ripples of that fiscal crisis left the state's fire fund just under \$20 million short of covering an average fire season. The extent of this year's burn will have a lot to do with how big a budget challenge state lawmakers face when they return to the capitol in January.

Two areas listed for moderate drought; most of state normal (Bozeman Daily Chronicle, Bozeman, MT)

Michael Wright, July 17, 2018

All but two parts of Montana have avoided drought conditions so far this summer, something state officials are happy to see after last year's droughts turned into a large fire season.

Michael Downey, chief of the water planning section for the state's Department of Natural Resources and Conservation, told the Montana Legislature's Water Policy Interim Committee on Monday that north central Montana and the northwestern corner are drier than normal, with portions of each considered to be in moderate drought. The rest of the state remains near normal.

Downey said that's certainly better than 2017, when much of the state went bone-dry and fueled several large wildfires. That could all still happen, though, and he said it all depends on what comes next.

"It's going to depend on what we get for precipitation in the next few weeks and really how hot it gets," Downey said.

Drought problems are looking significantly worse elsewhere in the West, according to the National Drought Mitigation Center's website. Montana has appeared better off for most of the year, as the snow piled high and broke records.

But a warm May sent the abundant snow downhill quickly, setting streamflow records and causing significant flooding on several of the state's rivers.

Downey said this past May was the warmest on record, with only four days recording low temperatures below 32 degrees.

"It wasn't that our highs were so high," he said. "It was that our lows tended to be quite a bit higher."

June counteracted that, bringing plenty of rain and temperatures that didn't climb too high. But the June moisture blast missed the north central and northwest, making for this month's moderate drought conditions.

The Climate Prediction Center's monthly outlook predicts above normal precipitation through this month for the south central and southeastern parts of the state. It also predicted below normal temperatures for all but the easternmost parts of the state through the same time period.

Reser Reservoir being drained following damage (Billings Gazette, Billings, MT)

July 17, 2018

Reser Reservoir, a Bureau of Land Management reservoir located about 18 miles northwest of Chinook, will be slowly drained throughout the summer due to structural damage at the dam.

A small washout was discovered this spring, and repair and maintenance to the dam is necessary to avoid a complete loss.

Montana Fish, Wildlife & Parks is working with BLM staff to coordinate the drawdown while trying to salvage and transfer as many gamefish as possible. FWP personnel is setting trap nets to collect yellow perch, bluegill, black crappie, and largemouth bass. These fish are then placed into tanks and transferred to other waterbodies.

The perch and black crappie will be going to Bailey's reservoir, the bluegill to Salmo Reservoir, and the largemouth bass to Dry Fork Reservoir.

FWP encourages anglers to go to Reser Reservoir and enjoy this fishing opportunity while it lasts. Once repairs are made to the dam and water returns, FWP will stock fish and re-establish the popular fishery.

For more information contact fisheries biologist Cody Nagel at 406-265-6177.

NORTH DAKOTA

Emergency manager wants radar for Watford City after tornado (Houston Chronicle, Houston, TX)

Associated Press, July 16, 2018

WATFORD CITY, N.D. (AP) — A local emergency manager is pushing for better weather radar coverage in western North Dakota after a tornado ripped through the area.

The closest Doppler radars to Watford City are about 140 miles (225 kilometers) away near Minot, the Bismarck Tribune reported. Radars at that distance detect storms forming at least 10,000 feet (3,048 meters) above ground, said John Paul Martin, a warning coordination meteorologist for the National Weather Service in Bismarck.

Emergency manager Karolin Jappe is advocating for a radar closer to McKenzie County, which leads the state in oil production.

"We're the epicenter of the oilfield, and we have so much risk here it's scary," Jappe said.

Watford City faced an EF2 classification tornado last week that killed a newborn baby and injured more than two dozen people. The Weather Service issued a severe thunderstorm warning with a statement about a possible tornado about an hour before the twister hit the city, Martin said.

Officials aren't clear whether better radar coverage would've changed the outcome, but Gov. Doug Burgum said state officials plan to look into the issue.

"When the dust is settled and the cleanup has happened and we've taken care of all the immediate needs, we want to make sure we don't lose sight of lessons learned," Burgum said. "One way that you prevent this kind of tragedy is to make sure that you've got good warning systems."

Meteorologist Daryl Ritchison doesn't believe having a radar closer to Watford City would have led to a more advanced warning of the tornado, but he said he would still like to see a Doppler radar better cover the region.

"It was a unique type of tornado that is very, very difficult to pick up," said Ritchison, interim director of the North Dakota Agricultural Weather Network. "It was just a tornado at the wrong place at the wrong time."

Watford City Local creates business for tornado victims (KFYR, NBC Affiliate, Bismarck, ND)

Jemeisha Lyde, July 16, 2018

WATFORD CITY, N.D. - A tornado ripped through a path of this section in Watford City causing damage to RV's and trailers at Prairie View Park.

"The cleanup efforts are going actually really well. We had so many people call up and they wanted to do all they could and we had all sorts of big companies that are here in McKenzie County and we made a list," said McKenzie County Emergency Manager Karoline Jappe.

Residents salvaged any items they could before being taken to the shelter.

"We worked for three days straight trying to find temporary housing and more permanent housing because we had 75 families and people displaced because there was 75 RV's that were totally unlivable," said Jappe.

The relief teams at the Red Cross and surrounding cities stepped up to donate useful items like food and water to the victims. It's a generous effort, but is still a long way to recovery.

"I think if we had a few more companies help us we could get dishes, silverware that kind of thing," said Jappe.

That's when #WatfordStrong was created. It's an online T-Shirt business that's become popular in the Bakken raising proceeds for those affected from the tornado.

"It's one of those opportunities where you just feel called to step up," said Katie McGilvray, Founder of #WatfordStrong.

#WatfordStrong has been in operation for only six days. It's become the latest media buzz in Watford that's bringing aid to victims.

"I was telling one of my friends we went to eat lunch after we dropped our clothes and stuff off and I said I just feel like I need to do something more and she said "What?" and I said "What if we made a shirt," said McGilvray.

McGilvray says it's been mind-blowing seeing the community come together during tough times like this and because of the support her business has raised nearly \$15,000.

"When I opened my account I was like oh my goodness you know and it's been incredible, so incredible," said McGilvray.

It's a lot of money, but Katie says it's been far worth the effort.

"We are going to go through the Chamber of Commerce and some of the different churches in town to figure out which families need help with medical bills or back to school stuff," said McGilvray.

Disaster can strike at any given moment, but when you have a community like this there's nothing the city can't face. For more information about hashtag Watford Strong, you can go to.

28 more homes to face demolition with changes to Fargo-Moorhead flood diversion project (Inforum, Fargo, ND)

Tu-Uyen Tran, July 16, 2018

FARGO — On the big screen, Phil and Ellen Sondreal and their neighbor Sue Nelson could see an aerial photo of their cul-de-sac with their properties outlined in red along with four other properties, Monday, July 16.

Their riverside homes are among 28 the city expects it will have to condemn to make way for new dikes as part of an effort to win approval for the Fargo-Moorhead flood diversion from Minnesota regulators.

The dikes are needed because more Red River floodwater would be allowed through Fargo-Moorhead to reduce upstream impact.

The Sondreals and Nelson accepted that they might have to leave the Riverwood Addition they've called home for 25 years, but they had a lot of questions about how they'll be treated.

"Are we going to get dinged with a low assessment because of our location and that's going to make them buy us out at a lower price?" Ellen Sondreal wondered, fearing appraisers would lower the value of homes that will be condemned.

"It's something we don't want to do," her husband said. "We want to stay where we're at, but if we have to leave of course we want to have a fair assessment."

Nelson said she feared getting hurt twice, once by getting less money from the city than her home's worth and again when trying to buy a comparable home, which will be higher in value.

However, Nathan Boerboom, the city's top engineering official working on the diversion project, said appraisers typically value homes as if they're not being condemned.

Under the previous diversion plan, an upstream dam would release floodwater into the Red River through Fargo and Moorhead until the river gauge near Fargo's water treatment plant reaches 35 feet. The rest of the water would go through the diversion channel or remain behind the dam.

Swayed by upstream landowners complaining about disproportionate impact, a task force working with Minnesota regulators agreed to allow the gauge to reach 37 feet.

Many dikes Fargo and Moorhead have built over the years as part of the diversion project will contribute to that, according to Boerboom. But more and higher dikes are needed in several areas where they weren't needed before.

These include:

- An industrial area just north of Hector International Airport where easements are needed but no properties will be bought. An easement is where the city buys the right to build a dike on private land.
- Riverwood Addition in the city's northeast corner where the city plans to buy out six properties and pay for easements on one.
- Royal Oaks Drive north of the wastewater treatment plant where the city plans 12 buyouts.
- Woodcrest Addition near the Veterans Administration hospital where the city plans four buyouts and five easements.
- Elm Circle north of Mickelson Field where the city plans four buyouts.
- The Oak Grove neighborhood near downtown where the city plans two buyouts.
- The drainway going under Interstate 29 near Mills Fleet Farm where no buyouts or easements are needed.

The Sondreals and Nelson, for their part, were already thinking about how the buyouts will change their lives.

"I don't think we're going to buy a river lot again," Phil Sondreal said. "But we sure enjoy it out there. That's why we went there, it's because it's beautiful — and the great neighbors, of course."

SOUTH DAKOTA

South Dakota hail storms caused so much damage, you can see it from space (Argus Leader, Sioux Falls, SD)

Jeremy J. Fugleberg, July 16, 2018

Hail pounded through western and central South Dakota last month, as storm-hurled balls of ice blasted car windows and shredded crops.

How bad was it? NASA can help.

Because you can see the damage from space.

That's right. The space agency's satellites can see the damage left by the late-June hail, a light-brown tear stretching across more than half the state. In some spots, the hail scar is 6 miles wide.

“Crops and grasslands can present a very uniform and green background when observed from space. With wind-driven hail capable of shredding the vegetation, the storm damage becomes visible in satellite imagery,” said Jordan Bell, a research meteorologist with NASA’s Short-term Prediction Research and Transition Center (SPoRT), in a NASA news post.

The damage was so severe, it shows up on NASA satellite sensors that detect land surface heat. Hail-stripped areas run hotter than surrounding areas, because they lack protection from crops and other vegetation.

The first storm swept from southwestern North Dakota into north central South Dakota on June 27, just missing Pierre. Another storm on June 29 developed over Wyoming and swung into western South Dakota, spawning tornadoes and 4.5-inch hail stones, according to the National Weather Service.

The damage will fade in time. A similar situation in 2003 resulted in hail scars visible to satellites for about six weeks.

Official Cautions: Be Wary On The River (Yankton Daily Press & Dakotan, Yankton, SD)

Randy Dockendorf, July 16, 2018

Flooding isn't the only concern with the rising Missouri River.

As the “Mighty Mo” continues its high flow, the Yankton County Office of Emergency is warning about debris.

Yankton County Emergency Manager Paul Scherschligt posted a warning Monday on his Facebook page.

“(Our office) wants to remind people that with the higher flow on the Missouri River, they are going to see more trash in the river due to a faster current. Therefore, this will produce hazardous conditions due to the intensity of water flow,” he said.

“There will be hidden objects in the water that may damage your boat, tear your inner tubes, and/or flip your watercraft. Use extreme caution when on the river or Lewis and Clark Lake. Always wear life jackets when on any body of water.”

The objects have ranged across the board, with some of considerable size, Scherschligt said.

“There have been reports of floating trees and other types of debris in the water due to the higher flows and higher lake levels,” he said.

“Conditions can change rapidly, so use precautions when out on the water during this high water event.”

The Corps of Engineers recently announced plans to increase the releases from Fort Randall Dam at Pickstown and Gavins Point Dam near Yankton.

U.S. Army Corps of Engineers officials said the increased flows are intended to evacuate flood waters out of the mainstem reservoirs. The planned called for increasing the flows by about 25,000 cubic feet per second (cfs), while taking into account downstream tributaries and flooding.

Gavins Point flows currently stand at 54,000 cfs, Scherschligt said. The Corps will increase the flow to 60,000 cfs by July 23, with the Corps maintaining those releases through the summer and possibly into autumn.

The National Weather Service has issued a flood warning until further notice for the Missouri River at Verdel, Nebraska; Niobrara, Nebraska; and Springfield.

At 8 a.m. Monday, the stage stood at 11.03 feet at Springfield, while the flood stage is 10 feet. At stages nearly 12 feet, some camping areas at Springfield Recreational Area will be flooded.

At 8 a.m. Monday, the stage stood at 23.99 feet at Verdel, with the flood stage at 24 feet. At stages near 25 feet, boat docks at Lazy River Acres near Verdel will be flooded and some homes will be surrounded by water.

At 8 a.m. Monday, the stage stood at 21.72 at Niobrara, with the flood stage at 21 feet. At stages near 22 feet, the bottom road floods near Springfield.

Recent heavy rainfalls and other conditions have created problems for roads and bridges.

In Knox County, Nebraska, one portion of one road was closed starting Monday.

A portion of 531st Ave. north of Center, Nebraska, will remain closed until further notice for road repairs, according to Highway Superintendent Kevin Barta.

The closure will affect 886 Road to 889 Road on 531 Avenue. Work is estimated to be completed in two weeks.

A weekend incident near Parkston reinforced the importance of observing road barricades for flooded areas.

On its Facebook page, the South Dakota Highway Patrol posted photos and the narrative Saturday about an accident that occurred when the driver ignored a warning.

“Troopers responded to a crash about four miles northeast of Parkston. The driver of a Chevrolet Equinox drove past a road closed sign, vaulted across a wash out, and came to rest with the front bumper and back bumper on each side of the washout,” the post said.

“The driver was wearing a seat belt and was transported to a hospital with serious, non-life threatening injuries. The Parkston Police Department, Hutchinson County Sheriff’s Department, Parkston Fire and Rescue, Parkston EMS and Tracy’s Towing assisted.”

The Highway Patrol released more information Monday to the Press & Dakotan about the accident, which occurred around 10:40 a.m. Saturday.

Erin Geidel, 35, of Dimock was driving southbound in a 2015 Chevrolet Equinox at the intersection of 272nd Street and 413th Avenue. The vehicle kept going south through the intersection, bypassing a posted road closed sign. The vehicle traveled another 100 yards before colliding with a washout caused by previous rainfall.

Geidel was wearing a seatbelt and suffered serious non-life threatening injuries. The lone passenger was a juvenile male (age unavailable). He was properly secured in a child restraint and suffered no injuries.

Both persons were transported to the Parkston hospital.

The Highway Patrol investigated the incident, with charges pending.

The Highway Patrol concluded its Facebook post with a strong reminder.

“We have posted pictures before about driving around ‘Road Closed’ signs,” the post said. “Please..... DON’T DO IT. There is a reason the sign is in the middle of the road — the road is CLOSED.”

UTAH

Dollar Ridge Fire 65% contained; smoke may be visible for weeks to come (Fox 13, Salt Lake City, UT)

Mark Green, July 16, 2018

DUCHESNE COUNTY, Utah — The Dollar Ridge Fire in Duchesne County is 65% contained as of Monday and is no longer threatening structures, but officials say smoke from the fire will be visible for weeks.

The fire has burned an estimated 56,734 acres and forced hundreds of people to evacuate earlier this month, though those evacuations have since been lifted. The fire destroyed dozens of homes and hundreds of trailers, sheds and outbuildings.

Fire crews say that while the fire no longer currently poses any threats to the public or structures, smoke from the fire area may be visible for weeks to come.

Officials say they have mopped up the majority of hot spots along the fire line, but due to safety reasons firefighters will not be extinguishing every individual hot spot within the containment area.

“Hot spots are more noticeable at night, and often appear larger than they actually are,” fire officials stated Monday. “Generally, if a hot spot is campfire size, it poses no threat. If a group of trees torch out, or fire is seen outside the fire containment line, please inform fire officials.”

Evacuations to be lifted for area impacted by Dollar Ridge Fire (Deseret News, Salt Lake City, UT)

Ashley Imlay, July 16, 2018

FRUITLAND, Duchesne County — As firefighters increase containment of the Dollar Ridge Fire, residents in areas of the evacuation zone can soon return to their homes, Duchesne County Sheriff's Office announced on Monday.

About 470 firefighters were still fighting the human-caused blaze, which has burned more than 56,700 acres and was 85 percent contained Monday.

The evacuation order will change to pre-evacuation status at noon on Tuesday for residents with property along 11500 South, Strawberry River Road west of Camelot, and in Timber Canyon, officials said, allowing property owners to return to their homes.

Residents will not be required to leave their homes "unless it becomes necessary to evacuate the area again for their safety," the office said.

Only property owners will be able to go to those areas beginning Tuesday. Officials hope to open the areas back up to the public "on or about" July 25, the estimated containment date for the fire, according to officials.

Firefighters Monday were continuing to build an "indirect fire line" on the uncontained southwestern side of the fire.

"This is an area of the fire where a lot of bug-killed timber is still standing and posing a threat to firefighters, so an indirect line is the safest option," state fire officials reported in a press release.

With warmer weather and less humidity expected in coming weeks, officials said smoke from the fire would continue to be visible but shouldn't pose a threat to the public or to buildings as the smoke is "in the interior of the fire area."

However, if someone spots fire burning outside the containment line, they should contact fire officials, the release stated.

Flash flooding causes havoc from Georgia to Utah (The Washington Post, Washington, DC)

July 17, 2018

WASHINGTON — Flash flooding has been rampant across the United States since the spring, and it continued over the weekend in several states from the Southeast to the Mountain West.

Two men in a vehicle got caught up in a flash flood Saturday evening in Bonne Terre, Mo., south of St. Louis. As much as 4 inches of rain had fallen in the area, causing several streams and creeks to overflow.

When emergency officials arrived, the car was already downstream. One man had already made it to dry land, but the other was still in the water, hanging on to a tree branch for at least an hour.

Nine miles southeast, first responders rescued a woman who drove into the flood and was locked in her car after water shorted the vehicle's electronics.

In Georgia, flash flooding prompted officials to evacuate an apartment complex in Jonesboro, a suburb of Atlanta, Saturday.

In Colorado, torrential rain caused landslides and road closures when a creek west of Pueblo overflowed.

In the Flagstaff, Ariz., area, flooding was bad enough on Sunday that the American Red Cross opened a shelter at a middle school for families affected.

Floods add to long Southern Utah history of water-caused damage (St George Spectrum & Daily News, St George, UT)

July 16, 2018

Emergency crews and volunteers were still working Monday to clean up after the damage done to Washington County communities by flash flooding over the past five days.

In Dammeron Valley, consecutive heavy storms Thursday and Friday swamped dozens of homes and yards with mud and debris. Even after a considerable community effort on Sunday, when about 1,500 volunteers showed up to pitch in with clean-up efforts, some homeowners still faced ruined basements and expensive rebuilds.

Some residents measured more than three inches of rain falling in a single storm late Thursday, all coming over the course of a few hours.

In Washington City, flood waters followed a similar path into basements and low-lying yards, with neighbors rushing to help limit the damage.

The rain forced the temporary closure of the Zion-Mount Carmel Highway inside Zion National Park, and officials closed several of the park's most popular hiking routes after rockfalls, mudslides and other debris took out large chunks of trails.

Neighboring Kane County had seen major flooding as well, with rocks and debris carving into homes and inundating area roadways.

A history of flooding

No deaths or significant injuries have been attributed to this week's floods, but they add to an extensive history in and around Zion and the greater St. George area. Such events have always claimed lives and property, but the damage has increased in recent years as the population has grown and more of the area has developed.

Some of the more significant flooding incidents in the area include:

2015

- On Sept. 14, 2015, in the deadliest known flash flood event in Utah's history, three mothers and 10 of their children were believed to have been killed in Hildale when their two vehicles were washed into a nearby flood channel. Three young boys survived, with 12 found dead. One boy, presumed dead, is still missing.
- On the same day, 20 miles to the north in Zion National Park, there were no survivors among a group of seven adventurers who wandered into a slot canyon to go canyoneering.
- In a separate incident the same day in the nearby Arizona Strip, a local man was found dead several miles away from where his heavily-damaged vehicle sat in a floodplain.

2010

- Several days of sustained rain in December of 2010 destroyed several small bridges and damaged homes in various parts of the county. Across the Arizona border in Littlefield, flooding in the Beaver Dam Wash

destroyed several homes in the Beaver Dam Resort area, undercutting the banks and sending the houses plunging into the muddy water.

- Two men who had reportedly intended to build a log raft and float down the Virgin River through the Narrows in Zion National Park were found dead downstream.

2005

- The most memorable flooding for many current residents was in January 2005 when the Santa Clara River swelled from heavy rains and melting snow, cutting through its river banks and sending homes toppling into the water. More than \$200 million in damages were reported and 50 families lost their homes.

One death was reported - a man driving near Quail Creek Reservoir was washed away after climbing onto the roof of his vehicle when trying to drive through a flooded wash.

1998

- Another flood in the Narrows in 1998 left two California hikers dead. A heavy rainstorm had caused the river to flow at more than 700 percent its normal range.

1997

- Eleven people were either killed or lost and presumed dead in a 1997 flash flood that swept through a normally dry wash in Antelope Canyon near Lake Powell. Only one person, a trail guide, survived the event by reportedly grabbing onto a ledge. His clothes were torn off by the force of the water.

1961

- Five Boy Scouts were presumed dead when their party experienced a flash flood while hiking the Narrows. A group of 26 Scouts from the Salt Lake City area camped overnight before heading into the popular hiking area, where a wall of water and debris swept through and carried off five members.

‘Severe’ flood alert issued for City of Kanab, Kane County (Fox 13, Salt Lake City, UT)

Taylor Hartman, July 16, 2018

KANAB, Utah – A flash flood warning for Kanab Creek and southern portions of Kane County was announced Monday, and the City of Kanab warned residents to exercise caution.

According to the National Weather Service Salt Lake City, the warning was issued for Kanab Creek, which drains down into the city of Kanab.

The flash flood warning will be in effect until 6:30 p.m. Monday, and Kanab City advised residents to exercise caution and “keep out of canyons and drainages.”

Flood waters destroy popular Zion National Park trails (Good4Utah, Salt Lake City, UT)

Kierra Dotson, July 16, 2018

ZION NATIONAL PARK (News4Utah)- Clean up continues in Zion National Park after a flood swept through the area last week, causing mudslides and rockfalls.

Officials at the park say several popular trails remain closed Monday. Including Angels Landing, Kayenta, Upper Emerald Pools, and West Rim from the Grotto to Cabin Springs.

Shuttles are running as normal. They will not be visiting the Grotto Shuttle Stop.

Officials in the park released the following updates on damages:

Riverside Walk –

Sand, debris and small rockfalls were the issue on Riverside Walk. In one area, the sand was three feet deep covering the trail. Trail crews worked all day Wednesday and Thursday morning on clearing the trail. In the meantime, the Zion Shuttle turned around at Big Bend and there was no access to The Narrows from the Temple of Sinawava. Now that Riverside Walk is clear, shuttles have resumed their full route.

Zion-Mount Carmel Hwy (SR-9) –

Mud and debris on the Zion-Mount Carmel Highway was 3-4 feet deep in several areas, overwhelming the road drainage culverts and making the road impassable. Dozens of vehicles were initially stranded in the 1.1 mile tunnel and some stuck in the mudflow. Roads crews were able to plow a path to the vehicles to get them out late Wednesday night. Crews finished clearing the rest of the road and the culverts by late afternoon Friday.

West Rim Trail (access to Angels Landing from Zion Canyon) –

There is major damage on the West Rim Trail, in the area of Refrigerator Canyon. A section of retaining wall failed, causing an 18-foot gap in the trail that is over 5 feet deep. The West Rim between Cabin Spring (near campsite #1) and the Grotto is closed. This includes Zion's popular Angels Landing Trail. There is no estimate for when the trail will be reopened. Visitors are encouraged to use Observation Point Trail or Hidden Canyon Trail as alternatives. The West Rim campsites are open and accessible from Lava Point.

Emerald Pools Area Trails –

Much of the Emerald Pools Trail complex is also closed due to major damage. Just past the alcove at the end of Lower Emerald Pools Trail, a 20 foot by 10-foot boulder that was supporting part of the trail fell, leaving a deep void in the trail. Two large retaining walls also failed. On the Kayenta Trail, numerous large boulders completely crushed approximately 50 feet of trail. The Kayenta Trail, Upper Emerald Pools Trail and a small section of Lower Emerald Pools Trail will remain closed until repairs can be made. There is no estimate for when the repairs will be complete. The Lower Emerald Pools waterfall is still visible from the Lower Emerald Pools Trail, but visitors can no longer walk behind it. Watchman Trail, Weeping Rock, and Riverside Walk are suggested alternatives.

The damage after the floods – locals look at their properties in Richfield (Fox 13, Salt Lake City, UT)

Erin Cox, July 16, 2018

RICHFIELD, Utah - Locals in Richfield are recovering after devastating flash floods over the weekend.

"I was running around trying to stop the water from coming down, but after a while, there's not much you can do," recalled Kirk Harris, who lost more than 200 acres of his sod farm in just 4 hours.

Harris said that kind of loss will likely cost him more than a million dollars.

Pointing out pipelines and water channels ruined because of the flood's flow, Harris said it may take until 2020 to get his sod business back on track.

After working with 30 percent less water this year, Harris said they scrimped and saved to make it through, and now, they still don't have enough to replant.

"We'll probably have to shut down for a year," Harris said.

But he's not the only one hurting. Harris said he helped other neighbors minimize the damage to their homes and land.

Surveying his property, Harris also pointed out the damage done to a gravel pit company down the road from him.

The pit was entirely filled up with water, and a bulldozer sat right in the middle, barely peaking up above the water.

"It's going to take a while to get it all cleaned up," Harris said.

Harris said he's working with Sevier County on a few projects to help minimize flood damage in the future.

Sevier County Commissioner Tooter Ogden said he's been working on getting funding for research projects on the water tables so they can know how to better handle floods in the future.

"Now, we're trying to make it," Ogden said. "Identify these areas; hopefully we can get the funding to help with trying to put in some detention dams.

WYOMING

Wyoming Wildfire Danger Slightly Lower Than Typical (Casper Star-Tribune, Casper, WY)

Shane Sanderson, July 16, 2018

CASPER, Wyo. (AP) — The Badger Creek Fire has burned for more than a month along the Colorado border, consuming more than 32 square miles (82 square kilometers) in the process. Six hours north, the Terek Fire, more than twice the size of its southern counterpart, has burned for more than a week.

The fires, which were almost completely contained Friday, will likely not be the last to ignite in Wyoming this summer.

This summer shouldn't bring with it an inferno, however. Authorities are predicting a relatively mild fire season in a state historically prone to bouts of burning wildland throughout the summer months. Those forecasts come with a significant disclaimer, however.

"As always, it all depends on our short-term weather," said Wyoming State Forester Bill Crapser.

The National Weather Service does not predict an unusually dry summer, according to drought outlook maps provided by the agency. Current conditions indicate nearly all of the state should remain untouched by drought through September, the maps show.

However, short-lived events, the agency warns, can impact the predictive power of the mapping.

And it is short-lived events — like an exceptionally hot and dry week — that can lead to rapid wildfire spread, Crapser told the Casper Star-Tribune.

The Badger Creek Fire, first began in early June, grew with the help of a week like that. On June 1, low temperatures meant low fire danger in the area. Just more than a week later, after fuel sources had been dried out by a heat wave, the fire ignited and spread rapidly. The fire's spread resembled that of an early-August burn, Crapser said.

The Terek Fire, burning near Worland, spread after a wind ribbon pushed lightning-caused fires across cheat grass, Crapser said. The invasive species, once dry, "will burn like gasoline," Crapser said.

Although Wyoming had a wet spring, Crapser said, it won't necessarily limit fire risk. The heavy rainfall promoted plant growth. When those plants dry out, they serve as additional fuel for wildfires.

A heavy rain won't rehydrate dried plants, Natrona County Emergency Manager John Harlin said. Once a plant has dried out, it will remain dead — and prime material to feed wildfires, he said.

"Even a torrential rainstorm won't change ... overall fuel levels too much," he said.

For the month of July, the danger is "below normal" in northern Wyoming, according to maps provided by the National Interagency Fire Center. Through October, the entire state's wildfire potential is rated as "normal."

Update: Park Firefighters Located, Suppressing Beaver Creek Fire (Jackson Hole News & Guide, Jackson Hole, WY)

Frederica Kowley, July 16, 2018

Monday afternoon at about 1:30 p.m., Grand Teton National Park firefighters located and started suppressing the small fire that started smoking Sunday evening west of the Beaver Creek area.

Officials received a smoke report at approximately 5:15 p.m. Sunday, July 15 from a park employee. An engine and firefighters on foot were dispatched to the scene at that time, said Denise Germann, the public information officer for Grand Teton National Park.

Park officials believe the cause of the fire was a lightning holdover from last week's storm, she said. Heavy rain showers following the storm prevented firefighters from locating the fire until it began smoking yesterday.

The fire is approximately one-tenth of an acre in area, Germann said.

It's important to completely put out campfires so they are cold to the touch and immediately call 911 or the interagency fire dispatch if park visitors see smoke, she said.

"It's a good reminder for everybody as we get into the middle of July and vegetation starts drying out," Germann said.

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Civil Disturbance Planning Workshop Notes August 30th, 2018

Future Meeting Dates:

- Sept. 19
- Oct. 24
- Nov. 14

Law Enforcement Morning Breakout Session:

Major (b)(6) SDHP welcomed everyone to the meeting and provided an overview of what planning effort has taken place up to this point. (b)(6) provided the group with the latest known information provided regarding the Keystone XL pipeline timeframe.

Prisoner transport/housing discussion:

Pennington County

- Pennington Co. Sheriff was working to make arrangements with ICE to utilize their facility in Rapid City for temporarily housing pipeline arrestees. The ICE facility can house 80 prisoners at one time. The ICE facility is a temporary housing facility that cannot hold anyone for longer than 6-8 hours. This is due to ICE rules and regulations. At this time overnight housing at this facility would not be possible. Conversations with ICE will continue in the future.
- Pennington County has set up a temporary booking area for adults in their juvenile detention center. This facility was converted to hold adults on a temporary basis.
- Pennington County has a bus that can hold 44 prisoners for transportation. A new prisoner bus is due to arrive in September to replace the current bus. Pennington County is considering holding onto the current bus in preparation to transport prisoners arrested during the pipeline protest. They have two 12 passenger vans on hand. They have and can provide the LE for transporting prisoners.

Harding County

- Harding Co. Sheriff indicated that they planning to handle processing in the county to avoid transport/housing issues.

Meade County

- Meade Co. Sheriff indicated that he has a 80 bed jail that is currently housing 42 people. Pipeline protest arrestees could be housed in his jail depending on capacity at the time. Meade County has an old jail used during rally that could be utilized for housing prisoners. Could utilize school buses for transport depending on time of year. He indicated he would prefer to transport out of county to process to delay time for protesters to get back to the protest line.

Tripp County

- Working on obtaining use of a building in Winner for a temporary holding/booking area.
- Transport and staffing will be an issue in Tripp County.

Other discussions:

Discussed booking prisoner in a separate county than where arrested. UJS member mentioned concern that arrestees may get lost in the system which could hinder prosecution. The group was in agreement, due to lessons learned from ND, that the arresting officer would complete the booking paperwork to avoid confusion on the back side.

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Discussed question as to how it would work if arrestees were transported to a county which is in a separate circuit court district. The group was informed that Judges have been allowed to handle cases out of their circuit in the past and would be no different in this case. UJS has discussed using retired Judges to hear cases should the court become overwhelmed. Circuit Courts plan to utilize "I TV" so the Judges can complete initial appearances via webcam. Court System is worried about court security and protesters. Court security was not specifically addressed any further other than utilizing I TV so Judges are at a separate location.

Pennington County Sheriff said he has had discussions about the possibility of using Salamander to print id cards for arrestees and scan to track Officer, charges and person's name/photo.

SDHP told the group about field force training coming up with hope to train 150-200 officers. This would speed up officers getting on protest line since they've already had the proper training.

US Attorney General

- Federal Statutes where discussed that can be used.
- Discussed training for LE to get SLEC training to be able to work on Federal/Tribal Land. SDHP pointed out that they have Troopers who have taken this training, approximately 4 years ago, but have yet to receive their "card" to show certification to enforce laws on Federal land.

County Commission Morning Breakout Session:

Roadways

Harding Co has 2 State Highways and 1 Federal Highway passing through the jurisdiction. If something happens on these roadways Harding Co will not be dealing with the protesters. They will wait until state or federal law enforcement arrive to deal with the situation. This is because they feel if they intervene that they will be liable for the cost. They will deal with county roads within the jurisdiction. Resources will be dependent on others as the county has limited resources. They county is unable to take care of state and federal highways due to the cost. It was discussed that this is something for the LE group to discuss and come to a resolution on versus the commissioners group.

2 mill/funding

This type of incident will break counties financially. Counties are already financially strained and collecting taxes is not an option because opt outs have failed in the past when they go to a county vote. It is unknown where funding will come from. Loans and an opt out is not an option according to the Harding County Commissioners. Is there assistance if a county goes over their 2 mill? Governor assistance according to state law is a 60% state/40% county split. Some counties may be able to meet the 2 mill but probably won't be able to meet an additional 40%. In North Dakota the pipeline offered some assistance through grants. Discussed SDCL 34-48A-32 and specifically the last sentence which says the Governor upon finding it necessary for the preservation of life and property may authorize additional state financial assistance. The question is does this allow the Governor to potentially pay more than 60% after the county reaches the two-mill amount?

DOT

A man camp with up to nine hundred workers will be placed west of Buffalo. Harding Co wants the DOT to adjust speed limits near or around the camp. They would also like to see no parking along roadways leading into the major intersection leading into to Buffalo. This area is an issue now and will become a larger issue when truck traffic picks up. They want to know what the detour plan looks like.

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Resources

Harding Co has made reciprocity agreements with neighboring counties across state lines. SDCL 34-48-46 was discussed that the Governor has to approve all cross-border MOU's for them to be legally binding. Further discussion about this law raised a question about normal daily activities that are not considered a disaster. For example, can an ambulance run across the border with their MOU they have in place? By definition of disaster in state law, it may be possible for these MOU's to be allowed without Governor approval if they are for normal daily activities and not just for disasters. This needs to be explored with the legal team for further answers.

EMAC requests were discussed along with the statewide mutual aid agreement within the state for resources.

Emergency Management Morning Breakout Session:

- (b)(6) discussed the 2 mills questions (b)(6) from Harding County submitted and the information he found on them. (see attachment at end of notes)
- The group discussed the difficulty in getting people to work in the EOC, especially if the incident lasts an extended period of time. Pennington County does utilize some non-essential code enforcement personnel for their EOC. They are also looking toward some Civic Groups- Masons, Lyons, Kiwanis etc. for people they could have work the EOC. Small counties said their small population of people is essentially tapped out already wearing multiple hats. It was also noted that these people also have full-time jobs they can't just leave empty handed or shorthanded especially for an extended period of time...and some are ranchers etc. who have responsibilities too.
- Discussed the Regional EOC Concept due to staffing shortage challenges. Pennington County said they could sustain working approximately 3 weeks for an incident response.
- It was noted that TransCanada is not communicating its plans well with Haakon Co.
- (b)(6) from Harding County stated there is a workforce camp to be set up beginning in September in her jurisdiction. They are essentially setting up a small city and expecting to have 700-900 people in this camp. It is only going to be 6 miles from Buffalo. She said those challenges alone could cause her to set up a soft or small EOC as that is a new small town suddenly impacting things in their area.
- Haakon County also has a windmill workers camp projected to have approximately 200 people setting up in their county. The project will involve construction of 75-80 wind towers and logistics involved with construction as well as the camp.
- Information was provided on three options for EOC's; single county EOC, Regional EOC, and a Joint EOC. It was discussed there would be a need for buy-in if forming a regional or joint EOC concept as resources will be ordered by other counties for operations in various impacted counties, so they would be expending money for another county. It was discussed and stressed that the focus of the EOC needs to be support the incident and keeping the operational aspects of the incident in the field. Counties would need to sign on to the regional or joint EOC concept.
- It was asked that more information be provided regarding the Incident Command Post facility or Forward Operating Base and if emergency managers would need to support any of those logistics. The RFP that SDOEM has sent out on this for a private company to provide the logistics and equipment was discussed. SDNG also discussed some of their capabilities. (b)(6) asked that SDOEM let them know of RFPs we may be doing related to civil disturbance incidents.

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- It was discussed that there will be a need for a planning section liaison to gather info from operations in the field (logistical type information on how many people to feed following day etc.) Operationally, what are the field component needs going to be and will the EOC be responsible for filling those needs.
- It was discussed that role responsibility, expectations, and operations need to be discussed at the local level between the Sheriff and Emergency Manager.
- It was discussed there is a need to identify resources, to include what is needed and locations, a Regional or Joint EOC could be operated. There are options, but some may be a large distance from the event, which may still work, but all factors need to be assessed. The EOC may grow and shrink in size depending on the incident(s). Selected locations must have good radio and cell coverage and the facility can comfortably work 30-40 people if needed. It also needs to be considered that there will be a need for sleeping arrangements as well. There are several locations in Rapid City and Pennington County that would possibly work. Jurisdictions should not plan to use schools.
- It was discussed that a local backup EOC may be in a different town etc. too if a COOP situation occurred or if the main EOC was rendered unusable due to protests etc. There may be departments or agencies that do not want their facility used for this type of an event.
- The group discussed First Net and that they will eventually add 38 towers across SD- many in Western SD.
- The group discussed the need for GIS support during an incident. Band Width and getting GIS information to the operation may be a challenge as well. Discussed that some GIS map images may not be free and that there may be availability to information and data from EROS.
- It was discussed that some counties may be eager to invite help in but not support other counties through mutual aid, especially for this type of event.
- It was discussed that there will be five worker camps, and this may cause some infrastructure impacts. It was discussed that it may be beneficial to have some GIS mapping of these areas potentially as well.

Afternoon General Session:

- A rolling power point which displays resource information was briefly discussed by OEM staff. A request was announced to the state agencies in attendance to forward any resource information that would be valuable or useable during a Civil Disturbance event to (b)(6) who will continue to update the power point.
- A recap of the morning breakout sessions was provided by representatives from those meetings and their information is captured in the individual notes already referenced.
- It was discussed that there was a sample IAP sent to all county EM's to use in their county. The IAP was developed in-part with input and considerations derived from the Montana IAP. It was mentioned that the HSIN – Adobe Connect page is available as a source of information regarding the pipeline and that (b)(6) from the Fusion Center will be invited to the next meeting to describe the page.
- Information was provided that the ICS Form 205 (Communications Plan) is being left out of IAP's due to the sensitivity of the information. This type of incident may warrant removal of the 205's.

Additional Harding County Questions & Answers:

Based on the scenarios it appears each disaster/emergency is its own event, and each must hit the two mills rule even if they are within the same 12-month period? If I have a flooding event, for example, in April which gets a declaration, followed by a fire event in August, which also gets a declaration, and then

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a snow event in January, which also gets a declaration, can it look at the total spent on all three events when it was the snow event that will put me over the top on the 2 mill rule? Or do they have to be like events?

Answer: Assuming all declaration are Governor's declared events then the county can combine all the expenses for 12 months preceding the last Governor's declaration.

I would assume that the County will need to make a declaration request to the Governor. Do the other local governments (towns) also need to make this request?

Answer: Counties yes. Towns no.

Does the combined total of what each jurisdiction in the county (towns, townships, county, etc.) spends count toward the two mills?

Answer: yes

SDCL 34-48A-5 states that "in the event of a disaster, war, act of terrorism as define in state law, or emergency this is beyond local government capability, the Governor: (1) May assume direct operational control over all or any part of the emergency management functions within the state which may affect all or any portion of the state. If the Governor should take this control, who assumes the costs?

Answer: Just because the Governor assumes control does not mean you do not have to still meet your two-mill requirement. The county will still assume the costs of the operation.

I had asked if the SDDOT would be willing to allow the use of their DOT yard as a "safe area" in the event we request state and other outside resources (jurisdictions). **If DOT deems it available and allows you to utilize the space, then you may use it.** I am looking at SDCL 34-48A-26, duty to utilize already existing facilities. I am also wondering if this ties my hands on utilizing an outside facility for my EOC rather than utilizing the courthouse or other county owned building.

Answer: No, you can use outside facilities for your EOC, but you must exhaust your own government resources first and if you have no available/functional area suitable for your EOC, then you can go to an outside facility.

SDCL 34-48A-34 Estimate of costs and certification of county needs. This appears to give the county the ability to submit pay request estimates to the state as the event progresses. Could you expound on this?

Answer: Yes, the State can make up front cost payments from estimates, but you must show a need exists and the County Commission will have to certify the need to the County Treasurer. The County Treasurer will then submit this request to the DPS Secretary. No capital assets can be paid for, such as cop cars, etc. An example may payroll costs over and above the two-mill amount. You could potentially need funds to pay your payroll costs and you could request funding up front if the County Commission certifies it as a need. A detailed report will need to outline what you are requesting and then the DPS Secretary will evaluate the costs.

From:	(b)(6)@state.sd.us>
To:	"/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8afa30658c2749c7b60053a1127f3733-Depalo, Lee"; "Dragani, Nancy </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0192d7decf9a4c21af3ac4c267429dd5-Dragani, Na>"
Subject:	Fwd: Keystone XL
Date:	2018/07/14 13:50:19
Priority:	Normal
Type:	Note

Chairman's response.

Begin forwarded message:

From: (b)(6)@gmail.com>
Date: July 13, 2018 at 11:33:39 AM CDT
To: (b)(6)@state.sd.us>
Subject: Re: [EXT] Keystone XL

And his response is no surprise ☐☐

On Fri, Jul 13, 2018, 10:31 AM (b)(6)

<(b)(6)@state.sd.us> wrote:

Thanks (b)(6) This is very interesting.

(b)(6)

Region 3 Coordinator
SD DPS-Office of Emergency Management
Aberdeen, SD 57401
Office: (b)(6)

[Click here for a two question customer experience survey.](#)

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On Jul 13, 2018, at 11:07 AM, (b)(6) (b)(6)@gmail.com wrote:

Thought you might find this interesting.

<received_2032659330109127.jpeg>



Sender:	(b)(6)@state.sd.us>
Recipient:	"/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8afa30658c2749c7b60053a1127f3733-Depalo, Lee"; "Dragani, Nancy </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0192d7decf9a4c21af3ac4c267429dd5-Dragani, Na>"
Sent Date:	2018/07/14 13:50:07
Delivered Date:	2018/07/14 13:50:19

Civil Disturbance Meeting 9/19/18

Opening Statements:

- Secretary (b)(6) opened the meeting by thanking everyone for coming and acknowledged there were more people in attendance than previous meetings.
- (b)(6) described the breakout sessions and schedule for the day.
- (b)(6) spoke to the large group to describe the statewide Stop the Bleed initiative.
- (b)(6) reminded everyone there is only a credentialing system sign-in; there wouldn't be a paper sign-in sheet. Also mentioned that there would be a State Office of Emergency Management representative in each breakout.

Emergency Management Breakout Session:

Communications:

- (b)(6) BIT, opened the floor with discussions of radios and using repeaters with encrypted AES to hand out. Other option is to go with a Motorola cache. These can be encrypted as well. He went on to describe how much each type of radio cost per amount of days. The longer you keep the radios the lower the price per day is.
- (b)(6) had talked with a comms person involved in the North Dakota DAPL incident, and that person indicated he has two caches of radios but needs to confirm the total number right now. An EMAC request can be made to request these. They are AES encrypted.
- (b)(6) described how to go about completing an EMAC request, and that there can still be cost involved. EMAC could only be used with a Governor's declaration. However, ND could decide not to charge SD at all for lending the radios, though there would be costs if equipment is broken/damaged/etc.
- (b)(6) reminded everyone that it's likely that there would be more than one incident happening at the same time in different locations and that this will affect comms logistics.
- Question was asked related to who determines who gets encryption? (b)(6) answered that's a decision to be made with operations. Not everyone in the response would need encryption, maybe only law enforcement/tactical operations. To support the comms plan, they would need to know more information about how many radios they'd need, who'd need encryption, etc. Some of the EMs felt the encryption piece was really important. There was a concern that anything said over the radio unencrypted must be assumed is heard by anyone who shouldn't have heard it.
- VTAC channels might be possible channels to use during incident. Would need to make sure agencies have access to these. Maybe not all people would have Special Ops 9 and 10, and that would need to be taken into consideration. A spreadsheet on channels and who has them was passed around. These would help with comms plans or completing a 205. VTAC 33 and VTAC 34 and other upper level VTAC's are channels many locals don't have in their radios and said they would need them for these types of incidents.

- Discussion around the table is that the law enforcement and EM need to make a collective decision about the radios needed and encryption as well.
- Some felt the decisions regarding radio channels/encryption are too specific and tactical and thought it would be difficult to find the answer in these planning sessions.
- Questions asked- has anyone done a thorough coverage map for portable radio coverage and Verizon/FirstNet coverage, especially along the pipeline and roads near that area. (b)(6) said they know the mobile coverage of a specific area but not the portable coverage.
- Also asked if there was a list of towers along the pipeline area, in particular ones that are encrypted.
- EMs asked about radio caches and how the encryption keys would work. (b)(6) said each radio would need to have a key input.
- It was discussed that vendors don't appreciate when the state does a lot of radio work themselves because that's taking business away from them. Some work can be done as long as the state isn't encrypting hundreds of radios. Some EMs felt vendors should not have the encryption keys.
- There was discussion related to the logistics of code plugging each radio and how field programming takes a long time, most likely several days. If the state plugged a bank of radios, it would erase everything the locals had input themselves.
- (b)(6) will take all code plugs. Harding County purchased two radios and will send code plugs for those to (b)(6)
- It was discussed that some EMs have brought in vendors for a day to program radios, so they can just pay for the tech portion and responders bring radios in to be programmed.

Procurement:

- (b)(6) discussed an RFP that was put out for disaster housing, feeding, and other operational support services. This would be to house and feed the first responders, among other things. Only one response was received. The company was called OK's Cascade out of Washington. They have experience working these types of operations. They worked Harvey and Irma and did thousand-based camps for first responders. Also did some work for the post office in Aberdeen for the remodel they had. During this situation they were able to keep the tent cool for people working. This company can run multiple sites at a time.
 - The response was received in the format of services. They have a full prep kitchen (sample menu provided), tent to feed everyone which could also be heated, multiple shower trailers, mobile laundry services, restroom facilities (these would be port-a-potties but could be put in a heated tent as well) operations facility (tent that would have area for ICP, rest area, and more). The company assured OEM that they could operate in any type of weather. Medical capabilities were not included in this response and would not be provided by them.
 - OK's Cascade would have their services operational within 96 hours once they received a request for work.
 - The cost for this would be broken down by number of people. It's a two-week minimum to use their services – from mobilization to demobilization.
 - 50 people for 1 month costs:
 - Housing: \$563,000

- Feeding: \$450,000.
 - 200 people for one month costs:
 - \$2.1 million total for feeding and housing costs
- (b)(6) wanted to know if there are other RFP's that should go out based on what everyone thinks is needed. The group remarked there are private ambulance services that could be used when medical becomes needed.
- Question was asked related to the National Guard's capabilities for services. (b)(6) said they could do smaller things like supply a medic tent or other resources such as this. The issue is their supplies are not guaranteed based on other incidents that might be occurring in the same timeframe or if they are deployed.
- NEMAC compact could be used without a governor's declaration for smaller requests.

Questions for state officials:

- It was discussed that some EMs are unsure of their role in this type of incident. For example, the Law Enforcement breakout session was also discussing housing of first responders. It was felt more communication needs to happen between entities. Others agreed that there is confusion as to what LE is discussing and will be requesting of the EM and more communication needs to happen. This was especially true with housing and other logistics. More specific questions of law enforcement group will be asked.
- A hypothetical situation where protesters are blocking a state highway was discussed in terms of counties not having adequate resources. It was stated that as long as the protesters were on the state highway, EMs felt some of their sheriffs wouldn't try to move them. They would remain there until State Highway Patrol responded.

Other discussions:

- It was discussed that specificity may not be reasonable as there is a high level of uncertainty as to how the incident could go etc. This threat is too dynamic to come up with by-the-number pre-plans or specific IAPs. The RFP for housing is a good example of an answer to a large question and work that can be done ahead of an incident.
- There was a question as to how the first responder housing/feeding logistics will be paid in the smaller counties. Those items were to be discussed in the county commissioner breakout session.
- State GIS said they'll be in the support role, but they said they have no data. It was mentioned that there is a Keystone Pipeline GIS layer which can be shared. Discussed that other data sets could be created or overlaid etc.
- EMs would like to see TransCanada at these civil disturbance meetings.

Questions formulated by EM group which need answered by large group:

- Is law enforcement going to develop the communications plan or is this something they want the EMs to write? Should it be a county comms plan or regional comms plan? Or should they set up a time to develop together?
- Who will need encryption?
- Is it law enforcement's expectation that the EM's have encryption in their radios?

- Who decides who should have encryption – law enforcement or EM? This info will allow state radio to do trainings and assist with radio logistics.
- What specific radio channels will all counties need access to?
- EMs need to know what the trigger points are from moving from dispatch ordering to EOC resource ordering. County or regional approach?

County Commissioner Breakout:

Funding

- (b)(6) explained the 2-mil rule in detail to the group. He further explained what the Governor's Assistance is in reference of up to 60%.
- Some commissioners in the room explained that there is no way to raise money to cover the 2-mil or other costs. There are possibilities to set bonds for the pipeline.
- Some counties plan on running the costs through the EM budget to track the 2-mil costs accurately.
- Commissioners want all approval to go through the commission for any resource orders during the incident.

Response

- A question came up on what if the county is not able to handle the incident and the state comes in to assist. It was explained that the cost will still fall on the county up to the 2-mil.
- It was questioned who would cover response/costs if the incident was on GFP or Federal land. The group was unsure of the answer.
- On the topic of trespassing, a suggestion was made of contacting landowners along the pipeline route to get written permission to arrest.
 - It was suggested that designated protest areas could be created.
 - Commissioners were concerned about the community involvement and are focused on controlling their citizens.
- Some in the group wanted to know who was having a dialogue with Federal partners. It was pointed out that those contacts have been made and are occurring in other breakout sessions.

Large Group Session Post-Lunch Discussions:

- (b)(6) opened the large group session to introduce (b)(6) the Director of the Fusion Center, to discuss HSIN. HSIN is an online data conglomerate that includes a map section, chat area, and file section. Updates of the work TransCanada is doing will be sent to the Fusion Center daily, and that information will be uploaded to the file share section. Two people from DPS have access to this software. DPS has their own EM area of this program that they can move information to from the classified pipeline area so others outside LE have access to this information.

Individual Group Report Outs:

County Commission Group Report Out, Spokesperson- Dave Beintema, State OEM:

- The breakout focused mainly around funding and the 2 mil. There is still a question of how a county can fund an incident in their jurisdiction and the consensus is they cannot properly fund without assistance. Many feel they cannot reach the 2 mil without breaking the county.
- Discussion was held on how to raise money for funding issues, but no viable way was found. Surplus was an option to consider, but no counties had a surplus that could be used.
- Wanted to know if an incident occurs on federal land, who is responsible for that?
- They identified protest areas in the counties where they could protest peacefully.
- Trespassing issues on private property were discussed. It's a possibility to discuss a trespassing agreement with the private landowners along the pipeline.
- Asked to know who is leading the dialogue with federal partners like DOJ and FEMA? Is funding being discussed?
- How is the oil field going to be handled in applicable counties?
- There was discussion of how to track spending during an incident. The county commissioners would need to see all requests run through their office during an incident because the counties cannot expend money that they don't have.

State's Attorney Group Report Out, Spokesperson- (b)(6) SD DPS:

- Funding and security concerns discussed.
- Specifically concerns regarding security of courthouses was also discussed.

Law Enforcement Report Out, Spokesperson- (b)(6) SD HP:

- Discussed legal issues regarding school and public lands and applicable statutes.
- DCI provided a presentation regarding social media safety. Referenced the issues in North Dakota that involved social media hacking of personnel and attempts to create bank accounts in personnel's names.
- Housing first responders was discussed along with transporting responders to housing with busses. (b)(6) asked for more details about their ideas on housing first responders. (b)(6) said no preference one way or the other but acknowledged that the time of year and location might make the determination on this.
- Discussed means for mass arrests and how to handle that logistically.
- A communications working group is being created.

EM Report Out, Spokesperson: (b)(6) SD OEM:

- Discussed housing RFP and the one response they received.
- (b)(6) thinks a couple EMs could be in the law enforcement comms working group. (b)(6) volunteered.
- (b)(6) asked the questions discussed in the breakout group. In response to how resource ordering will occur, (b)(6) spoke for the county commissioners that a regional EOC resource ordering system wouldn't be feasible with their need to see resource costs and requests come

across their desk. A commissioner expressed concern regarding state sending resources and leaving the county with a bill. Commissioner would like to know what responsibility State would have when sending resources.

- (b)(6) stated that the breakout sessions don't encourage large-scale groupthink, and the breakout sessions tend to have the mindset of "We can't do it, the state will do it." In particular (b)(6) wants to have a large group discussion related to some of the questions and also to discuss the commissioners' request that all resource ordering go through their office, because that might not be practical in an emergency situation where resources are needed quickly.
- A commissioner asked why TransCanada has no liability for the cost that incurs (b)(6) suggested on a county level they can have those discussions with TransCanada and she knows of some grant opportunities from them to counties. Counties can look into what they offer. (b)(6) then asked if anyone would agree that a TransCanada rep should be in future meetings, and people did agree.
- (b)(6) asked if there were any other stakeholders who should be in these meetings, and (b)(6) said that it was discussed during the county commission meeting that it would be helpful to have finance personnel in these meetings also.
- It was asked if the PUC (Public Utilities Commission) was invited to the meetings because they were told that the PUC is the only person who can deal with Keystone Pipeline on specific monetary issues/county damage issues.
- Harding County asked if they could use the TransCanada man camps to house responders, and a County Commissioner stated in conversations they have had with the vender for TransCanada that this is an option. (b)(6) said he spoke to TransCanada and they specifically said they would not help with responder logistics, but that he would look into it again.
- It was noted that Commissioner's cannot attend the second and fourth Wednesdays of every month due to local meetings, other counties have meetings on Tuesdays.
- (b)(6) discussed the finance issues. (b)(6) said State agencies have to go by the law. (b)(6) encourages the local level to change the law with legislation to assist with financial issues if there are concerns.

From: (b)(6)@state.sd.us>
 Sent: Monday, October 29, 2018 6:51 AM
 To: (b)(6) - Jones County
 (b)(6)@hotmail.com);
 (b)(6)@midconetwork.com); (b)(6)
 (b)(6)
 (b)(6), Ziebach County Emergency Manager
 (b)(6)@gmail.com); (b)(6)@meadecounty.org);
 (b)(6)@co.pennington.sd.us);
 (b)(6)
 (b)(6)
 (b)(6)@trippcounty.us); (b)(6)
 (b)(6) -
 (b)(6)@gwtc.net); (b)(6)
 (b)(6)@mail.mil); Schroder, Robert; (b)(6)
 (b)(6)

Subject: Civil Disturbance Planning Survey

Civil Disturbance stakeholders,

Thank you for attending the monthly civil disturbance planning meetings. Please take this short four question survey related to the monthly meetings to provide us feedback on how we may tailor the meetings to benefit you the most. Please also share this email with your team from your county or others from your office that have been attending, so we can ensure all attendees have an opportunity to provide feedback.

<https://www.surveymonkey.com/r/GMWC6RM>

(b)(6) MEP
 Response Branch Team Leader
 SD Office of Emergency Management
 Office: (b)(6)
 Email: (b)(6)@state.sd.us
 Follow OEM on

Click here for a two question customer experience survey.

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From: (b)(6)@state.sd.us>
Sent: Wednesday, November 14, 2018 10:43 AM
To: (b)(6) - Jones County
(b)(6)@hotmail.com);
(b)(6)@midconetwork.com); (b)(6)
(b)(6) - Ziebach County Emergency Manager
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Subject: Civil Disturbance Planning Workshop - Wednesday November
28th
Attachments: Planning Workshop Agenda November 28 2018.pdf

Please find attached the agenda for the upcoming Civil Disturbance Planning Workshop scheduled for Wednesday, November 28th at the Mickelson Building in Pierre starting at 10:00am CT. If you have any questions, please contact me.

Thanks, (b)(6)

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Civil Disturbance Planning Workshop July 24, 2018

Future Meeting Dates 10 AM-3PM CT:

- Aug 30
- Sept. 19
- Oct. 24
- Nov. 14

Please feel free to invite County Commissioners to future meetings if you desire. Please ensure they do not violate any open meeting regulations in terms of too many in attendance etc.

We will put together specific topics to be discussed during the morning individual breakout sessions. That information will be shared prior to each meeting.

Funding & Two Mills Discussions:

Provided funding handouts related to costs and two mills. Here are three scenarios to clarify when costs incurred will count towards the two mills local effort before state financial assistance can be received.

Scenario 1: The county has a two mills requirement of \$1 million to expend on an emergency or disaster before state financial assistance is provided. They have a civil disturbance event on January 1, 2019 and they spend \$1.3 million on the response between January 1 and January 10. The State responds as well and the Governor subsequently declares a State of Emergency in this county on January 15, 2019. Since the Governor declared a State of Emergency on January 15th, the county expenses related to this Governor's declared State of Emergency (civil disturbance event) from the prior 12 months counts towards the county two mills requirement. In this scenario, since the county spent \$1.3 million relating to the Governor's declared State of Emergency for civil disturbance within the prior 12 months and their two mills requirement is \$1 million, then they may be eligible for state financial assistance for the amount over their required two mills local effort requirement or in this case \$300,000. The Governor will then determine at what rate the \$300,000 is reimbursed, not to exceed sixty percent of the \$300,000.

Scenario 2: Using a similar scenario, but a different timeline. The county has a two mills requirement of \$1 million to expend on an emergency or disaster before state financial assistance is provided. They have a short, but costly civil disturbance event on January 1, 2019 and they spend \$1.3 million on the response between January 1-2, 2019. The State did not need to respond and the Governor did not declare a State of Emergency in this county. No state financial assistance is available for this event.

Scenario 3: Once again using a similar scenario. The county has a two mills requirement of \$1 million to expend on an emergency or disaster before state financial assistance is provided. They have a short, but costly civil disturbance event on January 1, 2019 and they spend \$1.3 million on the response between January 1-2, 2019. The State did not need to respond to this short-lived event and the Governor did not declare a State of Emergency in this county. No state financial assistance is available for this event. Then on January 3, 2020, another civil disturbance event explodes and lasts for 30 days and costs another \$900,000. The State responds and the Governor declares of State of Emergency for this event. No financial assistance is available for this event either because it is below the required two mills requirement and pay close attention to the date.

References:

SDCL 34-48A-1(7) "Local effort," the expenditure for emergency or disaster purposes within the twelve-month period preceding the date of the request, of an amount equal to two mills of the assessed valuation, exclusive of capital asset purchases, in each county for the assessment date preceding the date of the request under an emergency or disaster declaration by the Governor;

SDCL 34-48A-30. Minimum local effort required for state aid. In order to qualify for state financial assistance to meet the costs of an emergency or disaster declared by the Governor, a county shall meet the minimum standard of local effort as specified in subdivision 34-48A-1(7).

SDCL 34-48A-32. Amount of state financial assistance--Additional assistance authorized. In those counties in which the Governor has officially declared an emergency or disaster and in which local effort requirements have been met, the state will provide financial assistance for such additional operational costs needed for the particular emergency or disaster situation up to a maximum of sixty percent of additional local effort expenditures; provided, however, that the Governor upon finding it necessary for the preservation of life and property may authorize additional state financial assistance.

State Agency Discussions & Follow-up Questions:

We are working with agencies now to gather additional information on these topics as needed also-

- DENR-Authorities related to sanitation for large groups related to ground water, solid waste disposal etc. Are there any steps the locals can take to speed up the process by which the state could come in and give fines etc.? Co EMs discussed how some Co Commissions are hesitant to pass ordinances which would limit land owners rights on their own property—such as passing the draft camping or gathering ordinances. Private land vs public lands and authority questions exist. Info provided: Local laws can be enforced by States Attorney. Proof must be established, which can take weeks or months to prove that a violation has occurred. Regulations in place depends on certain circumstances, fines can be misdemeanor to \$10,000/day once violation is proven. It is not a fast process to document and enforce these regulations.
- DOH-Will Staff be on the ground to monitor disease outbreak within the camps? Does DOH have a database or way of identifying individuals who may be willing to deploy and assist local clinics, EMS etc?
- BIT- Network capabilities, data transfer rates
 - State Radio-Encryption, Re-encryption, Laws related to encryption, Codes, Extenders, portable towers, and other equipment needs, First Net Capabilities, Portable COWs and locked down capabilities, Staff Support at Command and Local EOCs, JIT equipment training if needed, Cache of radios availability for local operations and support staff to program and encrypt these radios. Determine what areas are good signal areas and which would not be good locations for Command or FOBs etc. They have a VHF extender unit with VHF radio, which will connect to the trunk system and can be programmed into other radios. They also have a cache of portable radios that can be programmed and brought in for availability to an incident. Their encryption is set up as OFB not AES (Federal side). They can also change the encryption key daily or as needed.
- GF&P-Discuss GIS capabilities. Authorities or issues with a lack of some authorities so not placed in the wrong missions, support activities and resources available.
- DOA-
 - Wildland Fire- Would staff who are not otherwise involved in fire activity be available to assist as a Command Support Team, support setting up appropriate feeding and other logistics, would any current contracts for feeding etc. that Wildfire has in place able to be used for feeding operations for this type of event? If yes, how would these resources be ordered? Will strike teams be available if there is a high fire danger, especially given the large # of acres of land within Harding Co which are state owned.
- DOT-Can DOT shop yards be used for vehicles, trailers etc. since these are somewhat secure facilities or could easily be guarded as needed? Traffic Control/Reroute Plans discussions needed, are there additional resources such as barricades available, does this depend on the time of year or would private resources be needed? What is the protocol for Federal Highways if they are blocked off?
- DPS-

- PIO-Open Records Info, Social Media Team Support, Local PIO Support, PIO Training, Video Capabilities (ground and air)
- HP-State Highway Response- who will respond if a highway is blocked, task force to respond immediately, 1st Amendment Training- beginning during fall district meetings and will be open to locals as well. Ensure troopers come self-sufficient for 24-48 hours. Determine if MREs or other prepackaged food is needed as this will relieve stress in initial feeding ops.
- OEM-Cell phone company support, cell phone encryption capabilities, IMAT team information to include duration of deployments (need and availability of) and expertise in areas such as comms, tactical dispatcher, EOC support, command post support, GIS , Sheltering information, resource information- lay out a menu almost of what resources may be needed and are available- need to ask ND what they had to bring in for support resources as this will be a good starting point, EOC Training- develop a short almost refresher type training
 - Do we have a resource for Portable showers
 - Verify with NG that they can still support feeding operations with personnel including setting up of tents. Update – we are currently working on an RFP to get a contractor on stand-by to be able to rapidly (within 72 hours) set-up a large forward operating base to include feeding operations, housing operations, command buildings, shower units, and bathroom units. The contract will be for a scalable operation starting with a base for 50 responders on up.
- Judicial - In subsequent meetings can agency report out as to any unique issues they foresee or are planning for to include additional security at courthouses, additional hours for judges, clerk of court staff etc.

Other Topics:

- GIS-a separate working group will be formed to discuss this topic, will determine State agencies who may have GIS Support Staff who can assist with GIS and analytics prior to and during incident response. Check with colleges for GIS support.
- Discussed the remote areas, need to feeding operation support from mutual aid resources by day 2 of the operation. Will need additional feeding support from others for the duration of the incident. (see note above under OEM and the contractor being established for this issue.)
- Sheltering trailers will be needed to support sheltering of additional personnel. Site of the incident and availability of structures to house individuals will need to be immediately assessed. Additional resources, such as tents etc. may be needed. (see note above under OEM and the contractor being established for this issue.)
- Shortage of available volunteers or people to work the incident and be in the Local EOC is a big concern. This is amplified in areas which have work camps as people who may have had free time to volunteer are now employed supporting the man camps.
- Discussed need to recognize an incident is moving beyond local capabilities and transition from ordering resources through dispatch to establishing a local EOC with a single order point so the State EOC can more effectively fulfill resource requests and avoid duplication which can lead to unnecessary deployments and costs. It was discussed that after the first 24 hour ops period is generally when it would switch to a single ordering point and 12 hour Ops periods. This will also ensure additional law enforcement and others will have the necessary logistics they need to support their missions.
- Increase Federal partners involvement in planning efforts to include BIA.
- Credentialing- need to ID and verify as well as track resources
- Discussed mass arrests, booking, jailing, transport and the need for additional discussions around these topics in order to develop plans etc.

- Determine landowners who are likely welcome protesters in advance
- State Agency planning and activities, need to share this information with everyone.
- Need for counties to lean on mutual aid from others such as Penn Co. through the Reg. 4 Mutual Aid agreement in the first 24 hours for support such as meals etc.
- Will the pipeline be willing to support feeding operations for responders at the onset. For how long. This would not mean the responders going into man camps instead food could be picked up from the camps and delivered to the feeding area. This is a stop gap measure until other feeding support can be obtained.
- What technology can be obtained ahead of an incident to ensure good information sharing and communications between the various sites to include the State EOC.
- Further discussions related to command operations are needed
- Ensure state staff who deploys come self-sufficient for a period of time as this will lesson impact on feeding operations.
- Remember that resources are not close at hand in most scenarios with an event along this pipeline. Areas will be very remote and grocery stores etc. may not be available or could be quickly overrun by additional people in the area.
- Pre-identify facilities where sleeping operations could occur in towns along the pipeline. Have discussions beforehand on the use of these facilities for responder operations.
- Discussed that some entities, churches, business etc. may not want to support this type of incident.

Law Enforcement General Discussion Topics

- Discussed creating a multi-agency task force to respond to initial incidents.
- Discussed getting a solid list of federal resources. BLM land
- Discussed ensuring that all jurisdictions should be utilizing Salamander system for credentials.
- Discussed the DOT traffic plan. They have one in place if needed to re-route traffic due to civil disturbance issues.
- Talked about OEM setting up some basic EOC training. Short course/refresher.
- Talked about the need for PIO assistance at the local level. This is part of the state planning efforts.
- Discussed the need to develop a plan or ideas on how large numbers of prisoners could be transported to jails. Need more discussion on this topic at another meeting.
- Discussed First Net and cellular services. COWs and State Radio coverage for radios/portable towers.
- Discussed BIT (network side) about the possible need for increased bandwidth for data transfer. BIT is working on this.
- Discussed 1st amendment training. HP will be doing it at district meetings this fall and it will be open to other agencies.
- Talked about visiting with land owners in advance about people trespassing on their land and how LE would respond.
- Discussed the need for counties to pass local ordinances for camping, large gatherings on private land. Need for emergency plan, wastewater disposal etc.
- Discussed setting up another meeting for Sheriffs and other LE to discuss response and tactics. This will be set for late August.
- Discussed the need to educate county commissions on potential issues including costs associated with response to civil unrest.
- Discussed sharing the state planning efforts when it gets past draft form.

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Subject: Civil Disturbance Workshop

Follow Up Flag: Follow up
Flag Status: Completed

Civil Disturbance Stakeholders,

Thank you once again for attending the November 28th meeting and collaborating on the topic discussed. Please provide us feedback by taking this short 3 question survey to help us tailor future meetings. Your feedback is important to us.

<https://www.surveymonkey.com/r/MBZCPSR>

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Subject:	Keystone XL pipeline builder asks judge to allow some work
Date:	2018/11/27 14:06:12
Priority:	Normal
Type:	Note

https://www.aberdeennews.com/wire/ap-state-sd/keystone-xl-pipeline-builder-asks-judge-to-allow-some-work/article_b818bc64-c665-5a8c-8c09-65e94fe2bd4d.html

Keystone XL pipeline builder asks judge to allow some work

- • * By MATT VOLZ Associated Press
- • * Nov 26, 2018 Updated 13 hrs ago

HELENA, Mont. (AP) — The company that wants to build the Keystone XL pipeline is asking a judge to change his order blocking the project to allow pre-construction work to continue, such as purchasing materials and finalizing contracts.

Attorneys for the company will argue in a Wednesday telephone conference that U.S. District Judge Brian Morris should clarify or amend his ruling to say the injunction does not apply to activities such as finalizing contracts, purchasing materials, conducting land surveys and discussing federal permits.

TransCanada wants to keep that preliminary work on track so that the Calgary-based company can be prepared to start pipeline construction as early as mid-February.

Blocking the pre-construction work even for several weeks would likely cause the company to miss the entire 2019 construction season and delay its 2021 target for oil to start flowing through the pipeline.

"A one-year delay in construction of the pipeline would result in substantial harm to TransCanada, as well as to United States workers, and to TransCanada's customers relying on the current in-service date of the project," TransCanada Pipelines Limited Senior Vice President Norrie Ramsay said in a written statement to the court.

A year-long delay would cost TransCanada \$949 million in earnings and put off the hiring of about 6,600 workers for construction, Ramsay said.

On Nov. 8, Morris blocked TransCanada's permit to build the pipeline from Alberta's oil sands through a half-dozen U.S. states to the Gulf of Mexico.

The judge had ruled the Trump administration had not fully considered the environmental effects of the pipeline.

TransCanada's attorneys say the company is considering appealing Morris' order. Ramsay also estimates that it could take as long as the first quarter of 2019 for federal agencies to complete the review that Morris ordered.

One group that sued to block the pipeline project, the Northern Plains Resource Council, declined comment on TransCanada's request, spokesman Dustin Ogdin said.

The attorney for another plaintiff, Indigenous Environmental Network, did not respond to a voicemail requesting comment.

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Subject:	FEMA Region VIII New Clips Monday, September 17, 2018
Date:	2018/09/17 12:34:49
Priority:	Normal
Type:	Note

**FEMA Region VIII Clips
Monday, September 17, 2018**

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[Florence floodwaters topple Colorado rescue rig carrying evacuees, forcing rescue - Denver Post](#)

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[Former Columbine principal speaks at Sioux Falls conference – KSFY TV ABC- Sioux](#)

[Falls](#)

[Mennonite found guilty after protest at Standing Rock – The Mennonite](#)

(reference to FEMA trailers see highlight in story)

UTAH

[Additional evacuations ordered in Utah County, US-6 closed again as Pole Creek, Bald](#)

[Mountain fires burn – FOX 13 Salt Lake City](#)

[Fires may keep some Utah County residents out of their homes for weeks – Salt Lake Tribune](#)

[Thousands in Utah County warned they may not return home for 2 weeks – Deseret News](#)

[Utah experiencing serious wildfire season: a comprehensive list of Utah wildfires – 2KUTV](#)

WYOMING

[Firefighters monitor Leigh Canyon Fire - Jackson Hole News and Guide](#)

[Fast-moving fire injures two men caught in blaze - Jackson Hole News and Guide](#)

[New Colorado Fire Crosses Into Wyoming, Forces Evacuations - K2 Radio Casper](#)

[Mountain West Firefighters And Volunteers Head East To Respond To Hurricane Florence - Wyoming Public Media Laramie](#)

STORIES

COLORADO

Colorado wildfire update: Silver Creek fire bolstered by dry, hot winds (The Denver Post, Denver, CO)

Monte Whaley, September 15, 2018

The Silver Creek fire in Grand County has grown to more than 9,000 acres and has prompted the evacuation of nearly 200 homeowners on Saturday.

The fire, started by lightning on July 19, made a push to the northeast Thursday night causing the blaze to nearly double in size from more than 5,000 acres to 9,412 Saturday afternoon.

The initial containment of the fire was at 76 percent but now sits at 35 percent.

Neighborhoods in the Old Park and Gore Lakes communities south of the fire have been told to evacuate, according to the Colorado Division of Fire Prevention and Control. The fire is about 16 miles northwest of Kremmling.

More than 174 firefighters are now working the fire.

Silver Creek is among 12 active grass fires in Colorado, including the Boone Draw fire which ignited Sept. 13 about 50 miles west of Craig. The Boone Draw fire has burned more than 8,000 acres of private and Bureau of Land Management land. However, firefighters made progress on it Saturday and it is now 40 percent contained.

Fire officials say the cause of the blaze has not been determined.

U.S. Highway 40 remains in limbo as Silver Creek Fire grows (Craig Daily Press, Craig, CO)

Matt Stensland, September 15, 2018

STEAMBOAT SPRINGS — The Silver Creek Fire burning southeast of Steamboat Springs remained menacing Saturday.

Between Wednesday and Saturday, the fire had more than doubled in size from a steady 5,008 acres to 10,559 acres, according to Saturday evening updates.

Containment is listed at 35 percent. Before the fire blew up, it was 76 percent contained.

According to cotrip.org, Colorado Highway 134 has been closed from mile marker 17 to 27, and U.S. Highway 40 remains in limbo.

“The fire isn’t going to close it,” said Clark resident Chuck Vale, who works for the Colorado Division of Emergency Management. “The smoke is going to close it. I think we’re OK.”

There are currently 275 people working on the lightning-caused fire.

Latigo Guest Ranch, the Yost Ranch, Gore Lakes and Old Park have been evacuated. Pre-evacuation notices have been issued for Rabbit Ears Village, Bear Mountain Ranch and the Lake Agnes area. Grand County issued an evacuation order for the Milk Creek State Wildlife Area.

The Rocky Mountain Incident Management Blue Team is now managing the fire. The team is lead by incident commander Michael Haydon.

The team is focusing efforts on preparing containment line to the northeast of the fire, which is the direction the wind has been going.

“This is the safest option with the highest probability of success,” the team stated in their Saturday report. “Personnel are actively engaging the fire where it is safe to do so and implementing a full suppression strategy.”

Bull Draw Fire grows 400 acres; more robust team takes command (The Durango Herald, Durango, CO)

The Journal, September 16, 2018

The Bull Draw Fire has grown about 400 acres in the past week and continues to produce smoke visible on the Western Slope.

At 7 a.m. Sunday, fire management officers from the Grand Mesa, Uncompahgre and Gunnison National Forests upgraded the Bull Draw Fire to a Type 3 incident command because of a surge in fire intensity and growth.

“Over the past 24 hours an increase in overall temperature and wind activity along with a decrease in humidity has caused the 31,100 acre fire to rapidly spread to the north, crossing Long Canyon and is actively burning in the UC Drainage,” said U.S. Forest Service public information officer Dylan Peters. “Wildland fire crews attempted to halt the blaze at National Forest System Road 407.”

Limited visibility on NFSR 402 (Divide Road), coupled with the presence of additional fire crews and equipment, has led to an immediate safety hazard. The public is advised to slow down and take extreme caution when traveling along the Divide Road.

The fire's growth in the Long Canyon area was attributed to an increase in temperature and winds and a decrease in humidity.

The fire is at 60 percent containment. Personnel continue to monitor the fire and patrol its perimeter, Peters said.

Fire management officials expect pockets of vegetation inside the perimeter of the fire to burn until a "season-ending" event such as a heavy rain or snow occurs, Peters said in a press release.

Steep and rugged terrain in the Long Canyon area have slowed attempts to establish control lines in Long Canyon, Peters said, adding that a helicopter will drop water in the area.

Management of the Bull Draw Fire was turned over to a local Type 4 team on Sept. 5, a day after a reduction in land closures was announced.

Peters also announced that the Middle Fork Fire, about 13 miles east of Ridgway, has kicked up and is producing smoke. The fire is burning on 5 acres in isolated and rugged terrain south of Silverjack Reservoir.

Did Climate Change Play a Role in the 2013 Flood? (The Tribune of Greeley, Greeley, CO)

Trevor Reid, September 15, 2018

GREELEY, Colo. (AP) — Using dynamic forecasting models, climate scientists like Andreas Prein are looking at how intense rainstorms are changing over the coming decades.

Prein, a climate modeling scientist at the National Center for Atmospheric Research in Boulder, said warmer climates are leading to more frequent heavy rainfalls. Since 1950, the number of three-inch rainfalls in a day has increased about 25 percent across the U.S., according to Chad Gimmestad, senior forecaster for the National Weather Service Office in Boulder. Prein explained that the warmer air holds more moisture, so when rain falls more water is dumped than normal in cooler conditions.

"We have stronger evaporation over the ocean because it's warmer, and then this moisture is transported over the continent," Prein said. "It is basically exactly what happened in 2013 during the Colorado flood."

Looking at the regional trends, Gimmestad said the heaviest two rainfalls expected in a year have increased about 10 to 20 percent in the western U.S. In Colorado, where there were once a two-and-a-quarter inch rainfalls, forecasters see two-and-a-half inch rainfalls, he said. While that increase isn't as large as it is in the eastern U.S., where the heaviest rainfalls in a year have increased from 30 to 60 percent, it still has a significant effect.

"That's when your flood occurs, so you just made your flood 10 percent bigger," Gimmestad said.

Because of the Front Range's location on the slope of the mountains and at the start of the plains, the area is no stranger to big floods. In 1965, a sustained thunderstorm caused the largest flood of record on the South Platte River and the costliest flood in Colorado history, accounting for inflation.

"Every drop of water between South Park and the Wyoming border winds up going past the Platte and Poudre confluence just east of Greeley, so all the rain that falls over that huge area ends up going right by Greeley," Gimmestad said.

Prein said the Front Range's major flood events are often related to a stream of moisture from the Gulf of Mexico from the south traveling north along the mountains and turning west to create upslope flows. As the mountains push the moist air upwards, the heavy rainfalls are practically anchored by the mountains. Gimmestad, who commuted from Greeley to Boulder during the floods, said forecasters knew something big could happen from the weather patterns in 2013, but seeing it was something else. Gimmestad drove to Boulder on the night of Sept. 12, the second night of the heaviest rain during the flood. After about three hours of driving around, he found the one bridge still above the water over Boulder Creek. By the time he drove back to Greeley the morning of Sept. 13, he had to go out to Kersey because everything upstream on the Platte had flooded.

"You can say, '20 inches of rain,' but when you actually put it on the ground and see what happens, you really can't imagine it," he said.

Laura Read, a water resources engineer at the National Center for Atmospheric Research, said the heavy rainfalls led to sustained flooding because of the Front Range's relatively flat topography next to the steep gradient of the foothills. Residents in areas like Milliken didn't see the flooding go down for as long as two weeks because the flood brought the groundwater table up, she explained. As the water came up from the ground from the 2013 flood, it caused additional damages to structures.

Despite the Federal Emergency Management Agency's periodic mapping of floodplains, Read said rapid development, such as the recent growth in Weld County, can have major effects on the ability of the area to absorb water. Without careful planning, impervious concrete and engineered channels can increase the risk of flooding.

"When you have a static map trying to communicate (flood risk), it's not quite matching up with the reality that if somebody builds a big development right on the river, or near the river, your flood risk just changed and nobody came out and reassessed that," Read said.

Having worked at the National Weather Service office in Boulder since 1994, Gimmestad saw 10- or 12-inch rains annually somewhere in Colorado, but the 2013 event lasted longer and covered a larger area than normal. A similar rainfall in 1938 farther south, along with two rainfalls in the late 19th century, show the Front Range might expect rainfalls like this about four times every 150 years, Gimmestad said.

"These are things that happen periodically," he said. "But as the climate is gradually changing, the frequency or magnitude of that event is also changing."

Brad Udall, senior water and climate research scientist at Colorado State University's Colorado Water Institute, said scientists of just a few years ago were asking the wrong question about climate change's effect on extreme weather events. Where scientists before framed the conversation about whether or not climate change caused extreme weather, they're now looking at how it impacts these cyclical events.

"Climate change may not have caused them, but they add to their intensity. It adds to their frequency. It can add to their duration," Udall said.

Scientists are still hashing out the degree to which climate change impacted the 2013 flood, Udall said. Heavier rainfalls, drier soils and growing risk for wildfires — which leads to more erosion, Read explained — are expected with the warming climates, experts said. Though there's not yet enough data to definitively say whether these conditions will lead to more events like the 2013 flood, Udall said climate change is creating unprecedented weather events.

"We're now in an era, because of climate change, where all the sudden our predictability has gone away," he said. "We need to be prepared for really bad outcomes."

Tropical Storm Florence: Colorado Task Force to the rescue (The Denver Post, Denver, CO)

Sam Tabachnik, September 15, 2018

The Lakewood-based Colorado Task Force One, deployed in North Carolina for Tropical Storm Florence, has performed more than two dozen rescues so far on Saturday, the West Metro Fire rescue agency tweeted.

Heavy rains continue to batter Lumberton and Pembroke, N.C., where the task force is based. Rivers are expected to top record levels in the coming days.

The Colorado crew of 45 first responders drove east Wednesday to assist with search-and-rescue missions during the storm. The task force is working in tandem with FEMA and local officials. They have been stationed at the University of North Carolina at Pembroke, roughly 80 miles from the coast. Some areas of Pembroke have up to two feet of water.

The gym on campus, where the task force is staying, has stayed relatively dry thus far, but the roof has started to leak. As of 12:30 a.m. EDT, some crew members were still out on search missions, while others lay on their cots.

Officials have blamed 11 deaths on the storm thus far, which has dropped 30 inches of rain on North Carolina. The storm is forecasted to stall over the state, a development that could add another 15 inches of rain.

The head of the North Carolina Department of Transportation has asked travelers from the north and south to avoid driving through the state entirely.

Florence floodwaters topple Colorado rescue rig carrying evacuees, forcing rescue (The Denver Post, Denver, CO)

Bruce Finley, September 16, 2018

A Colorado urban search-and-rescue team deployed to North Carolina as Tropical Storm Florence raged on Sunday conducted a rescue of rescuers when floodwaters slammed into and tipped one of their vehicles carrying evacuees.

About 50 miles in from the Atlantic coast, members of Colorado Task Force One were in the process of moving six men and women just pulled from inundated homes — using an elevated six-wheel military vehicle, team safety manager John Bolger said Sunday night.

“We encountered flash floodwaters. Those waters pushed the vehicle into a creek. It toppled over,” Bolger said.

Rain was pelting the vehicle. Creek currents were surging around it, nearly 3 feet high. Inside the vehicle, the evacuees and their rescuers “grabbed rails, grabbed for dear life,” said Bolger, who was in another vehicle nearby and in radio contact.

Team members not in the creek deployed boats. They approached the toppled vehicle, climbed onto its raised side and opened the rear hatch, Bolger said.

They guided the evacuees climbing out of the capsized vehicle got them in the boats. The Colorado rescuers then ferried them to a high point, made sure they weren't hurt, and drove on with them to a high school aid station farther inland.

This federal government-backed Colorado team includes veterans who, like Bolger, helped in 2005 during Hurricane Katrina. This time, they left Colorado on Sept. 11. They've been rolling around North Carolina since Florence hit.

"Sleep has not been plentiful. These are certainly really harsh environmental conditions. Humidity. Constant rain. Wind. And you really have to watch for flooding," Bolger said.

"We've been inundated with flash flood warnings since we got here. We're not seeing as many deaths as in Katrina. Folks seem like they are holding together fairly well. They are weathering this storm. They're mostly nourished and hydrated. But food and water is becoming more scarce."

MONTANA

Expect a text from President Trump this week – NBC Montana

NATALIE GRIM, Circa
Sunday, September 16, 2018

WASHINGTON ([CIRCA](#)) - President Trump is going to text you on Thursday. Actually, he's going to text the whole country.

The Federal Emergency Management Agency (FEMA) and the Federal Communications Commission are going to be testing the nationwide Emergency Alert System on Thursday afternoon.

"The EAS is a national public warning system that provides the President with the capability to address the nation during a national emergency." The FEMA news release said.

All cell phones that are on and have providers registered with the system should be capable of receiving the "Presidential Alert" text.

Many have taken to social media to express their unfavorable opinions of the new system. Those with participating wireless providers will be unable to opt out of the messages due to the Communications Act of 1934. The law authorizes the President to use certain private sector communications systems for priority communications, such as sending emergency messages.

NORTH DAKOTA

Minot's Blighted Lots Initiative Helps Auction 15 Homes – Associated Press

Sept. 16, 2018

MINOT, N.D. (AP) — Minot officials say the city's new initiative aimed at fixing blighted and vacant properties has successfully assisted in the sale of more than a dozen lots.

The Minot Daily News reports that the 15 properties in Neighbor Next Door were acquired by the city through various state grants received between 2013 and 2016. The lots include homes seriously damaged from the 2011 Souris River flood and for which property owners lacked the funds for rehabilitation.

John Zakian manages Minot's Disaster Resilience Grant Program. He says the Federal Emergency Management Agency encourages cities that experienced flooding to promote programs that result in reducing damage from future flooding. He says Minot is using a proactive approach by promoting the Neighbor Next Door program, which doesn't allow structures to be built on parcels.

Saying goodbye to North Dakota's Land Component Commander after 40 years of service

– myNDNow.com

Posted: Sep 16, 2018 06:57 PM CDT

Updated: Sep 16, 2018 06:57 PM CDT

After nearly four decades, North Dakota will be welcoming a new Land Component Commander to its National Guard. A ceremony was held today to welcome new Commander Col. Leo Ryan and say goodbye to current commander Gen. Robert Fode.

Previous Commander, Gen. Robert Fode, began his career in the National Guard in 1978 giving him 40 years of military experience. New Commander Col. Leo Ryan will be overseeing the state's nearly 3,000 Army Guardsman. Col. Ryan has over three decades of experience to his new assignment as land commander.

Gen. Fode's departure was filled with both laughs and tears. Coworkers, friends, and family all gathered to wish him farewell. Although Fode handed over his position this afternoon, he will not officially retire until October.

Mandan's Rural Fire Department receives grant to fight wildfires- KFYP TV Bismarck

[John Salling](#) | Updated: Sun 7:12 PM, Sep 16, 2018

MANDAN, N.D. - Mandan's Rural Fire Department received a \$42,000 grant to help fight North Dakota wildfires.

The department now owns a compressed air foam system. The full cost for the new equipment was \$142,000.

The advantage of the foam is that it sticks to surfaces, unlike water which runs off quickly. "With the compressed air foam, it allows us to put out fires much more effectively, efficiently with less water, and less manpower. It's just a great safety factor for our people and the people in our district" says Lynn Gustin, Mandan Rural Fire Chief.

The foam is forest service approved to have no toxic affect on wildlife or plant-life and is biodegradable.

SOUTH DAKOTA

Former Columbine principal speaks at Sioux Falls conference – KSFY TV ABC- Sioux

Falls - Sept 13, 2018

SIoux FALLS, S.D. (KSFY) - The former principal of Columbine High School made a stop in Sioux Falls to discuss the lessons learned in Colorado and how to better prepare for tragedy in our community.

Frank DeAngelis spoke at a South Dakota Emergency Management conference Thursday morning.

He said people cannot change what happened at previous school shootings but can only prevent future violence.

"I still believe schools are the safest place, and we need to come together and say enough is enough," DeAngelis said. "I think what happened in Parkland got the kids saying 'never again,' and I think we need to all come together. We can't give up hope."

Thirteen people were killed when two gunmen opened fire at Columbine High School in Colorado on April 20, 1999.

At the time, it was the deadliest high school shooting in U.S. history.

Mennonite found guilty after protest at Standing Rock – The Mennonite

(reference to FEMA trailers see highlighted below)

9.17. 2018 Written By: Gordon Houser

Dennis Lehmann has dedicated much of his life working for peace and justice. In February 2017, that dedication landed him in jail. A year and a half later, he finally appeared in court.

On Sept. 7, after a brief deliberation, a six-member Morton County, North Dakota, jury found the 65-year-old Freeman, South Dakota, native guilty of Class A misdemeanor charges of physical obstruction of a government function. Judge James Hill sentenced Lehmann to 90 days of unsupervised probation and ordered him to pay court fines. If he's arrested for any reason within that period, Lehmann will have to serve five days in jail for his conviction.

According to a Sept. 10 release by the Water Protector Legal Collective (WPLC), Lehmann said after the conviction: "I see it more as an honor than as a stigma. Any time I have to report my conviction I'll be able to communicate why I'm actually proud of what I did."

What he did was serve as a "water protector," trying to help stop the Dakota Access Pipeline from running through land north of the Standing Rock Sioux tribal land.

Jonathan Wallace, Lehman's attorney, does pro bono work for WPLC and was in North Dakota from his home in Long Island, New York, to help handle multiple cases. In a Sept. 11 phone interview, he said he has been representing about 50 clients in North Dakota.

He said he "has tremendous respect for Dennis. He's a person who has wonderful values, a lot of compassion." Lehmann is the first Mennonite he's met, he said.

In court, Lehmann brought a Bible with him and hoped to remind the jury of the parable of the Good Samaritan, but Judge Hill wouldn't allow a lengthy explanation from the stand, according to the WPLC release.

"I was disappointed that he kept shutting me down," Lehmann said. "The jury still might've found me guilty, but I wanted them to understand why it was important to stand with those protecting the water."

Wallace said judges treat testimony differently; some allow statements, others don't. "This one allowed Dennis to say some things, but not all he wanted."

In his closing argument, Wallace said, he countered the prosecution's stance that Lehmann technically broke the law and argued instead that he was following his conscience and beliefs. "A Brooklyn, N.Y., jury would have probably exonerated him," Wallace said, "but that was unlikely here."

In a July 31 phone interview, Lehmann related the story of his arrest on Feb. 23, 2017. He said he was “in the right place at the right time” with the water protectors when the police came and arrested everyone there, about 45 people, for “a physical obstruction of a governmental function,” and they refused to leave.

They were put in vans and taken to Mandan, North Dakota, near Bismark, to an enclosed garage, where authorities took their winter clothes and possessions, put them in other clothes, then in steel cages, men and women separate, Lehmann said. About 30 of the men were taken four hours away to Grand Forks, cuffed from behind with plastic cuffs. “We asked to be cuffed in front, but the guard refused,” Lehmann said. “The last three hours were like torture; we weren’t allowed to use a restroom during the [entire] trip.”

Once they arrived at Grand Forks, the guards removed the cuffs and allowed them one phone call. “One person was able to pay \$500 cash to get out, but the rest stayed,” Lehmann said. They had to remove their clothes and were put in orange uniforms. They didn’t get into their cells until midnight, then got up at 6 a.m. to shower and have breakfast.

Later, he said, a legal team came and got some people out with money contributed by people across the country. Some stayed until their arraignment. Lehmann and nine others met with a judge via video and pled not guilty. “I asked to have the \$500 fee waived, but the judge refused,” he said. That evening they were released when a legal team from the Freshet Collective paid their bail.

This was the bond Lehmann forfeited at his recent trial, thus covering his court fines. Lehman first went to Standing Rock in the fall of 2016, to the Seven Council Fires campground and the Sacred Stone campground. He said it was a positive experience, that people accepted one another for who they were and were nonjudgmental. He stayed three days.

He explained that the Dakota Access Pipeline wanted to put a pipeline under the Missouri River, where the tribe got its water. The water intake was downstream from where they wanted to put the pipeline. The water protectors tried to prevent this “geographical racism,” he said. Five earthen dams were built in the 1940s and ’50s for electricity and recreation and flooded lands owned by tribes rather than lands owned by whites.

This summer, Lehmann volunteered for Mennonite Disaster Service at the Pine Ridge reservation. MDS is building nine new houses this year for people there, he said. Most of the houses there are old FEMA trailers. Maretta Champagne, an Oglala Lakota tribal member, said the new houses will be especially helpful because they’re solid. People in their current homes are afraid they’ll blow away.

Lehmann said he is not interested in full-time work and follows a simple lifestyle. He served in Congo with Mennonite Central Committee for two years. He’s single, with three children. While Lehmann has no immediate plans to get rearrested, he keeps a close watch on the section of the Keystone pipeline located closer to his South Dakota home, according to the WPLC release. “We had a leak eight miles from Freeman, which is north of the Keystone pipeline,” he

explained. "The safety monitors didn't go off as designed and the oil spilled out for five to six hours. All their safety measures meant to prevent exactly this kind of thing completely failed, and 16,000 gallons of oil fouled the farmland."

"We're all living on land that was once occupied by Native people," Lehmann said, "and we often forget that. People should find out which tribes lived on the land where they live and try to develop relationships with those tribes." He's done that in the Freeman area through the Freeman Network for Justice and Peace.

In a Sept. 14 phone interview, he explained why he chose to be tried by a jury rather than only a judge: "It was important to me to share my reasons with a jury of my peers, even if I didn't expect to be found not guilty." He said he wanted to talk to them about how Natives and non-Natives can understand one another better and work together on a better life for all. He was disappointed that the judge cut him off.

UTAH

Additional evacuations ordered in Utah County, US-6 closed again as Pole Creek, Bald

Mountain fires burn – FOX 13 Salt Lake City

Updated September 17, 2018

UTAH COUNTY -- The [Pole Creek and Bald Mountain fires](#) have continued to grow in Utah County, causing highway closures and thousands to be evacuated.

Diamond Fork and Sheep Creek Canyons were under mandatory evacuations Sunday afternoon as the pair of fires jumped US-6.

The right-hand fork of Hobble Creek Canyon was also under evacuations Sunday evening. The left-hand fork of the canyon was under a pre-evacuation notice.

As of Sunday, US-6 was closed again in both directions of Spanish Fork Canyon.

Fire officials called Sunday a "Red Flag day," due to high winds and low humidity. The fires have grown to over 80,000 acres and are two percent contained, a press release made by the Utah County Sheriff said.

More than 6,000 people have been evacuated due to the fire, which was threatening at least 2,000 homes.

Two Type 1 incident teams are on-scene fighting the fire.

"Fire officials anticipate closures and evacuations will remain in place for at least another 48 hours," the release said.

The following road closures are still in place:

- •* Santaquin Canyon is closed.
- •* Payson Canyon is closed.
- •* Nebo Loop Road at SR-132 in Nephi Canyon is closed.
- •* US Highway 89, in Spanish Fork Canyon, is closed from mile 312, at Thistle Junction, to mile 298, at the Utah /Sanpete County line.
- •* US Highway 6 through Spanish Fork Canyon is now closed as of 2:30 p.m. Sunday. It was opened for several hours in the morning Sunday, but was re-closed due to fire activity.

Mandatory evacuations are in place for the following areas:

- •* All residents living along US HWY-89 in the area from Nebo Creek to Thistle Junction.
- •* All residents in Covered Bridge community near the mouth of Spanish Fork Canyon.
- •* All residents living in the cities of Woodland Hills and Elk Ridge.

For residents who "have an urgent need to get to their home," the Utah County Sheriff said access points are set up at 1200 S Woodland Hills Drive for Woodland Hills, and 11200 S Loafer Canyon Road and 11200 S Elk Ridge Drive (1600 West) for Elk Ridge.

"Access to Covered Bridge may not be available because of ongoing fire operations," the press release stated. "A Deputy will escort those who have these needs."

Fires may keep some Utah County residents out of their homes for weeks – Salt Lake Tribune

Scott D. Pierce / September 17, 2018

The Pole Creek and Bald Mountain fires kept highway closed and 6,000 Utah County residents out of their homes on Monday morning — and the evacuees may not get to return to their houses for days, if not weeks.

That was the warning from the Utah County Sheriff's Office as firefighters continued to battle the blazes — and have prevented the fires from reaching any of the 2,000 threatened homes. The latest official updates put the size of the Pole Creek fire at 61,000 acres, and the Bald Mountain fire at 13,500 acres, with 2 percent containment.

More than 500 firefighters are battling the two blazes, burning inside the Uinta-Wasatch-Cache National Forest in Juab and Utah Counties.

Mandatory evacuations remained in effect for Woodland Hills; Elk Ridge; the area from Thistle Junction to Nebo Creek along US-89; and the Covered Bridge area.

All Nebo District schools were open as usual on Monday.

Highway US-6 in Spanish Fork Canyon — which was opened Sunday morning and re-closed on Sunday afternoon — was closed in both directions on Monday, and was expected to remain unpassable indefinitely.

Diamond Fork and Sheep Creek Canyons remained under evacuation orders after the fires jumped US-6 on Sunday. Santaquin Canyon, Payson Canyon and the right fork of Hobbles Creek Canyon were all closed.

Other closures include US-89 in Spanish Fork Canyon from mileposts 298-312 and the Nebo Loop Road in Nephi Canyon.

Thousands in Utah County warned they may not return home for 2 weeks – Deseret News
'We have to have hope,' evacuated Elk Ridge homeowner says
By [Katie McKellar @KatieMcKellar1](#) Published: Updated: 10 hours ago

SALEM, Utah County — Standing in front of a crowd of thousands whose homes were being threatened by two massive mountain-side fires, Elk Ridge Mayor Ty Ellis braced for any "rotten tomatoes" about to fly his way as he prepared to share the bad news.

The auditorium at Salem Hills High School — a gathering place for some of the estimated 6,000 evacuees forced out of their homes four days ago by the blazes — fell quiet as Ellis went on to warn that evacuation orders might be in place for two weeks.

"I can't tell you when we're going to go home. I don't know. I wish I did," the mayor said, explaining the two-week window is a best estimate officials have so far for the erratic and explosive pair of fires that have together scorched more than 80,000 acres.

"I just don't know, so all we can tell you is let's just look at this a little longer term," Ellis said, adding that he and his family, as evacuees themselves, are in the same aggravating situation. "It's frustrating," Ellis said. "All I wanted yesterday was clean air."

Ellis didn't get any rotten tomatoes hurled his way. Evacuees from Elk Ridge and Woodland Hills — some comforting crying children, some somber-faced — listened quietly. Some, like Belva Horton, were accepting of the news.

"It will be fine," she said. "We have to have faith, and we have to have hope it's really not going to be that long."

Horton, of Elk Ridge, who has a son who works as a firefighter, said she understands the importance of putting human lives above saving property.

"It can all be replaced," she said. "We just have to stay cool and live it. We'll look back on this as something that we conquered."

As Horton and her husband gathered a few pictures and important documents from their home when they evacuated Thursday, Horton said she felt "at peace," mostly because she knew how her community would handle the situation with grace.

"It's so helpful to know there are thousands of people that are affected by this and we all feel the same — we're all here to help each other," she said.

So until further notice, the Hortons, along with their cat and dog, planned to stay in their camper trailer in the Salem Hills High parking lot, along with the rest of the families who are now living out of their trailers or RVs.

Having hope and faith was a recurring thought for many evacuees who spent most of Sunday at the high school, where thousands came to get more information about the blazes threatening their homes.

'Miracle' efforts

As of Sunday morning, the Pole Creek Fire had burned more than 61,000 acres, while the Bald Mountain Fire had charred about 13,500 acres, Spanish Fork public safety officials reported. Later Sunday, the Utah County Sheriff's Office reported total acreage estimates vary but have reached more than 80,000, with just 2 percent containment.

Evacuation orders remain in effect for more than 6,000 people — or about 2,000 homes — in Elk Ridge and Woodland Hills. Later Sunday, Diamond Fork and Sheep Creek areas were also ordered to evacuate.

The city of Salem had also placed residents living south of the Highline Canal under a pre-evacuation notice, urging residents to be prepared to evacuate with little notice.

Utah Lt. Governor Spencer Cox called Saturday's efforts to battle relentless winds and contain two wildfires threatening thousands of Utah County homes "nothing short of a miracle." But Sunday, he tweeted, "will be another test."

And sure enough, conditions appeared to change for the worse about 2 p.m. when fire officials decided once again to close U.S. 6 through Spanish Fork Canyon after opening up the highway earlier Sunday morning.

Forest officials said the Pole Creek Fire was "spotted over the canyon" at the U.S. 89 and U.S. 6 junction. Aircraft was sent to the scene.

"This fire is serious," Elk Ridge Fire Chief Seth Waite told evacuees, noting that because of rapidly changing winds and extremely dry conditions, the fire could jump large distances within seconds.

Throughout the day, large plumes of white smoke wafted from the mountainside. While those smokey conditions might not look as threatening as flames, Waite warned that the fires continue to "smolder," and as heat builds up, the blaze can "flash" when large trees "explode," sending hot embers high into the sky.

"It's been crazy up there," the chief said. "We're not out of the woods."

Although air quality had improved Sunday, the Utah Department of Environmental Quality still urged residents with heart or lung conditions to take precautions.

'Blessings'

In a showing of faith and prayer for safety, about a dozen neighborhood wards of The Church of Jesus Christ of Latter-day Saints affected by the fires attended a prayer meeting and a luncheon at Salem Hills High School to break a day-long fast.

President David Christensen, a counselor in the Salem Utah Stake presidency, said church leaders organized the fast to "call on God for help and assistance" and "pray that we might be able to get back into our homes at some point in the near future."

President Christensen, whose family evacuated from a Woodland Hills neighborhood, held back tears as he explained the experience has been, believe it or not, "a tremendous blessing."

"I can't possibly put into words the outpouring of love that we have felt from the surrounding community," he said.

In fact, so many donations have flooded in from fellow Utahns, that a Salem warehouse holding the items was overwhelmed, and officials had to ask the community to put a pause on donations. Local eateries have donated food and time. Community members have been helping each other so much, the local Red Cross has even felt underutilized, President Christensen said.

"The blessings and the love that I have felt is immeasurable, and I am truly grateful for what I have personally experienced," he said. "You know, my house is a possession. It's OK. It can be replaced."

Other Utah fires

- Meanwhile, a fire that destroyed two Herriman homes and a shed — a more than 100-acre blaze that officials say was started by a juvenile boy playing with a smoke bomb — was 95 percent contained by Sunday afternoon. Fire crews monitored the fire, near 13508 S. 7530 West, until late Sunday, said Unified Fire Authority spokesman Matthew McFarland.

- Firefighters also continued to tackle another 800-acre blaze that shut down I-80 near Tooele on Saturday, snarling traffic and causing major delays. State Route 201, however, remained closed — and was expected to remain closed through Monday morning's commute — because of downed power lines that fell onto the road. The cause of the fire was not yet known Sunday, according to Ryan Willden, spokesman for the North Tooele Fire District.

As of Sunday, both directions of I-80 were open, and the fire was 50 percent contained, Tooele County Emergency Management officials reported. The fire still burned high on the mountain.

- A new fire was reported Saturday about 19 miles northeast of Kamas that is burning along the north side of Mirror Lake Highway. The Cobblerest Fire was not posing risks to lives or property, but motorists on the highway are being encouraged to slow down and not stop in the area of mile marker 18 to mile marker 22.

- The lightning-caused Slate Fire has spread to 200 acres in an area about 6 miles northeast of Kamas, 3 ½ miles north of the Mirror Lake Highway. It began Aug. 23 and currently poses no risk to lives or property. Firefighters on the ground were assessing fire conditions and said they may suppress the west edge of the fire to better contain fire activity.

Utah experiencing serious wildfire season: a comprehensive list of Utah wildfires – 2KUTV

Hunter Geisel, Alyssa Roberts and Larry D. Curtis/Sunday, September 16, 2018

(KUTV) – Utah has been experiencing a very serious wildfire season.

In May, 2News reported that Utah could be facing its worst wildfire season in years.

Since June, wildfires have been scorching across the state. And, as of Aug. 2, at least 850 fires were reported and more than 120,000 acres have been burned in Utah.

2News compiled a comprehensive list of the wildfires that we've covered in 2018.

(Note: one acre is equivalent to one football field)

Summit County - Coblerest Fire: Start Date: Sept. 15

Location: 19 miles northeast of Kamas, along northside of US Highway 150 (Mirror Lake Highway)

Fire Size: 200 Acres

Cause: Unknown

Closures: Forest Service Road 41 (Spring Canyon Road) is closed at the SR-150 Junction up to Washington Lake

Structures threatened: None

Percent Contained: virtually none

Fire Crews/Resources: Current personnel include a 20-person hand crew, two 10-person squads, one engine and three helicopters; Type 3 Incident Management Team will assume command of the fire at 6 a.m. Monday and another 20-person hand crew will be on scene as firefighting operations continue

Evacuations: None

Injuries: None

Utah County - Bald Mountain Fire:

Start Date: Aug. 24

Location: Started in Mount Nebo Wilderness, just off the top of Bald Mountain

Fire Size: Small for weeks, massive growth on Sept. 12

Cause: Lightning

Closures:

Structures threatened: Homes near the mouth of Payson Canyon, growth near Elk Ridge, Woodland Hills

Percent Contained: virtually none

Fire Crews/Resources:

Evacuations: Elk Ridge, Woodland Hills

Injuries: None

Utah County - Pole Creek Fire:

Start Date: Sept. 6

Location: 12 miles northeast of Nephi, off Mount Nebo Loop Road

Fire Size: 68,000 acres

Cause: Lightning, pushed by strong winds

Closures: U.S. Highway 6, Highway 89

Structures threatened: Union Pacific Railroad

Percent Contained: two percent

Fire Crews/Resources: 433 personnel fighting fire

Evacuations: Elk Ridge, Woodland Hills

Injuries: None known

Summit County - Tervels Fire:

Start Date: Sept. 3

Location: 6.5 miles northeast of Coalville

Fire Size: 536 acres

Cause: Human, arson

Closures:

Structures threatened:

Percent Contained: 48 percent on Sept. 6

Fire Crews/Resources: mop up crews, once had 7 engines, 2 helicopters, 2 helltack crew, 2 dozers, 3 handcrews 116 personnel

Evacuations: Echo Creek Ranches evacuation now lifted

Injuries: None

Weber County - Avon Fire:

Start Date: Sept. 2

Location: North of Liberty / Eden

Fire Size: 783 acres

Cause: Human

Closures: Pre-evacuation for Powder Mountain, since lifted

Structures threatened:

Percent Contained:

Fire Crews/Resources:

Evacuations:

Injuries:

Summit County - Murdock Fire:

Start Date: Aug. 30

Location: 22 miles northeast of Kamas

Fire Size: Seven acres

Cause: Lightning

Closures: none

Structures threatened: none

Percent Contained: unknown

Fire Crews/Resources: Confine and contain suppression

Evacuations: none

Injuries: none

Utah County - Coal Hollow Fire:

Start Date: Aug. 12

Location: 15 miles southeast of Spanish Fork

Fire Size: 31,661 acres

Cause: Lightning

Closures: Closed North Fork Road, Skyline Road from Highway 6 to Bear Ridge Road

Structures threatened:

Percent Contained: 96 percent of perimeter

Fire Crews/Resources: now 13
Evacuations: Areas in Spanish Fork Canyon, now lifted
Injuries: None known

Duchesne County - Dollar Ridge Fire:

Start Date: July 1
Location: Eight miles southwest of Duchesne, Utah
Fire Size: 68,869 Acres
Cause: Human
Closures: Access in to Camelot on the Strawberry River Rd is closed; Access in to Timber Canyon from all directions is closed
Structures threatened: None known
Percent Contained: 94 percent
Fire Crews/Resources: Great Basin Incident Management Team 4, led by Type 3 Incident Commander Billy Britt; transitioned to a local Type 4 team, which continued to patrol the fire since Aug. 31
Evacuations: Beaver Canyon and Timber Canyon; Camelot and downriver from Camelot; Cedar Mountain area south of Currant Creek and West of Lower Red Creek Road; Pinyon Ridge west of Sam's Wash; pre-evacuations were issued to all homes in the Fruitland area
Injuries: None known
(Note: evacuations and closures have been lifted since August)

Sanpete County - Hilltop Fire:

Start Date: Aug. 6
Location: 15 air miles north of Mt. Pleasant, Uta
Fire Size: 1,834 acres
Cause: Human
Closures: Closed North Fork Road, Skyline Road from Highway 6 to Bear Ridge Road
Structures threatened: 150 homes
Percent Contained: 100 percent
Fire Crews/Resources: Over 100 personnel
Evacuations: Black Hawk Estates, and areas North of Hilltop Road and West of Milburn Road were under mandatory evacuations
Injuries: None known

Beaver County - Black Mountain Fire:

Start Date: June 28
Location: Highway 130, three miles south of Minersville
Fire Size: Estimated 5,988 acres on Friday (Note: one acre is equivalent to one football field)
Cause: Human-caused - vehicle accident.
Closures: All roads leading into the fire will require a fire personnel escort to ensure public safety.
Structures Threatened: The fire remains in the vicinity of Minersville Town. One seasonal cabin and communications tower remains threatened.
Percent Contained: The Black Mountain Fire was 30% contained by Friday.

Fire Crews/Resources: Multiple resources from Color Country Interagency Fire reportedly responded.

Evacuations: No evacuations were ordered as of 4 p.m. Thursday

Injuries: No injuries were reported on Friday.

Box Elder County - Rough Canyon Fire:

Start Date: June 27

Location: Three miles southwest of Portage City Park in Box Elder County

Fire Size: Estimated 5,142 acres as of 9 p.m. on Thursday

Cause: Officials believe the fire was human-caused. The cause remains under investigation.

Closures: No active road closures were reported as of 5 p.m. Thursday.

Structures Threatened: Structure protection was put in place for the town of Portage and three nearby unoccupied cabins.

Percent Contained: The Rough Canyon Fire was 15 percent contained as of 9 p.m. Thursday.

Fire Crews/Resources: 81 people, 4 water tenders, 10 engines, two single engine air tankers, two helicopters and 10 overhead personnel were dispatched to help contain the fire.

Evacuations: No evacuations were ordered as of 4 p.m. Thursday

Injuries: No injuries were reported as of 4 p.m. Thursday.

Smoke from the Rough Canyon Fire was visible from the Malad, Brigham City and Ogden areas, officials reported.

Washington County - West Valley Fire:

A Red Flag warning was put in effect Thursday.

Start Date: Wednesday at approximately 2:59 p.m.

Location: One mile east of Gardner Peak, three miles northeast of Pine Valley Campground.

Fire Size: The fire was estimated to have burned 7,200 acres as of 9 p.m. Thursday. (Note: one acre is equivalent to one football field)

Cause: The fire investigation remains ongoing.

Closures (as of 5 p.m. Thursday):

- Summit Trail
- Gardner Peak from the junction with Canal Trail
- Water Canyon Trail
- Mill Canyon Trail
- White Rocks Trail
- Long Flat Trail
- Upper Grant Ranch Trail
- Comanche Trail
- Anderson Valley Trail
- Syler Springs Trail

Forest Road 011 (Grassy Valley) from Forest Road 35 to Forest Road 0411 was closed

Structures Threatened: Approximately 10 homes on private land, near the Mill Flat Trailhead, located three to five miles from the fire.

Containment: The fire was zero percent contained as of Thursday morning.

Fire Crews/Resources: Eight Fire Engines, six hand crews, three Heavy air tankers, two heli-tankers, two helicopters, four Single Engine Air Tankers (SEATs) and two air attack platforms were assigned. Five additional hand crews were ordered.

Evacuations: No evacuations were ordered.

Injuries: No injuries were reported.

Smoke from the West Valley Fire was visible from most of Iron and Washington Counties, officials reported. The fire was "wind-driven" throughout much of the day Thursday, and it increased significantly in size, officials said in a press release.

Southern Utah's West Valley Fire concerns officials for the fight ahead

Emery County - Trail Mountain Fire:

Start Date: June 4

Location: 15 miles northwest of Orangeville

Fire Size: Estimated 17,767 acres as of 7:30 p.m. on Wednesday

(Note: one acre is equivalent to one football field)

Cause: The Trail Mountain Fire was a prescribed fire that officials say "escaped" due to high winds

Percent Contained: The Trail Mountain Fire was 85 percent contained on June 30

Fire Crews/Resources: 81 people, 4 water tenders, 10 engines, two single engine air tankers, two helicopters and 10 overhead personnel were dispatched to help contain the fire.

Evacuations: No evacuations were ordered as of 10 a.m. Thursday

A Red Flag Warning was issued for the Trail Mountain Fire area with hot, dry, unstable weather conditions estimated to continue through Friday. Drivers traveling along SR 31, are asked to use caution and follow the posted speed limit, officials said. The fire had not crossed SR 31 as of Thursday at 8 p.m., state fire officials said in a tweet.

Duchesne County- Fruitland Shed Fire:

Start Date: Wednesday

Location: Two miles east of Fruitland in Duchesne County

Fire Size: Estimated 20 acres as of Thursday morning

(Note: one acre is equivalent to one football field)

Cause: The fire is human-caused, however, the details about how it began are still being investigated, officials said.

Closures: No active road closures were reported as of 5 p.m. Thursday.

Structures Threatened: Two permanent residences were destroyed in the fire, officials said. Seven structures total were burned.

Percent Contained: The Fruitland Shed Fire was 75 percent contained as of Thursday morning.

Evacuations: People living in the area were evacuated.

Injuries: Two people suffered smoke inhalation. One was a firefighter.

Firefighters were working Thursday toward reaching full containment. Smoky conditions were expected throughout the Uintah Basin due to a number of fires burning around the state, officials said.

Iron County - Dry Canyon Fire:

CONTAINED: June 30

Location: Parowan Canyon; Highway 143 mile marker 4

Fire Size: Estimated 23 acres as of 10 p.m., Friday.

(Note: one acre is equivalent to one football field)

Cause: The fire is human-caused, however, the details about how it began are still being investigated, officials said.

Closures: No closures

Structures Threatened: No structures threatened

Percent Contained: The Dry Canyon Fire was 95 percent contained as of 10 p.m., Friday.

Evacuations: No evacuations were reported.

Injuries: No injuries were reported.

Summit County - Monviso Fire:

Start Date: June 21 -- Last update June 24

Location: North slope of the Uinta Mountains south of Evanston

Fire Size: Estimated 65 acres as of Tuesday

(Note: one acre is equivalent to one football field)

Cause: The fire is human-caused, however, the details about how it began are still being investigated, officials said.

Closures: No active road closures were reported as of 5 p.m. Thursday.

Structures Threatened: No structures were reportedly threatened as of 5 p.m. Thursday.

Percent Contained: The Monviso Fire was 95 percent contained as of Thursday.

Evacuations: No evacuations were in effect as of Tuesday, but officials advised homeowners in the Monviso subdivision to drive and park carefully and be mindful of firefighters still working in the area.

Injuries: No injuries were reported.

WYOMING

Firefighters monitor Leigh Canyon Fire (Jackson Hole News and Guide, Jackson Hole, WY)

Melissa Cassutt, Rebecca Huntington, and Julie Kukral, September 15, 2018

UPDATE, 8:30 p.m. Saturday — Grand Teton National Park reported three campsites were evacuated as a precautionary measure on Saturday: 16, 14A and 14B, all located on the west shore of Leigh Lake.

Teton Interagency firefighters responded to what is being called the Leigh Canyon Fire Saturday afternoon after receiving reports of smoke. The fire, approximately 3 1/2 acres, is located at 7,600 feet, about a mile above Leigh Canyon from the west side of the lake.

The cause of the fire remains unknown. Crews are monitoring the fire by ground and air, and will continue to keep an eye on the blaze throughout the evening. Combating the fire is challenging, as the flames are burning "in a remote area," according to a Park statement, "and priority is firefighter and public safety."

Backcountry permits have been temporarily suspended for the CMC camp on Mt. Moran, campsites near Leigh Lake, Bearpaw and Trapper Lakes, Bearpaw Bay and Little Grassy Island.

Park-goers in Paintbrush Canyon or near southern Leigh Lake should be prepared to modify plans as necessary.

"Fire plays a vital role in the ecosystem reducing fuel loads, allowing future fires to not grow as rapidly," the park statement reads. "Fire management objectives include firefighter and public safety, park, and forest infrastructure; while monitoring the fire as it fulfills its natural role on the landscape. Management strategies will adjust to changing conditions."

UPDATE, 5:45 p.m. — Crews are conducting aerial surveys of the fire, which is estimated to encompass 3 1/2 acres with heavy spotting on the west shore of Leigh Lake, said CJ Adams, a spokesman with Grand Teton National Park.

"Earlier this afternoon we got a report that there was a fire on the west shore of Leigh Lake," Adams said. "We don't know if it was man-made or naturally caused."

In addition to campsite evacuations, backcountry permits for Leigh Lake, Bearpaw and Trapper Lakes and Little Grassy Island have also been suspended, Adams said.

The park is on red flag warning due to high winds.

UPDATE, 3:55 p.m. — Campers are evacuating the area, though many — like Teton Valley resident and Garage Grown Gear founder Amy Hatch, who was interviewed while re-stuffing sleeping bags and packing up a tent — are disappointed to be leaving their sites.

"We respect the Park Service's call, but are super sad to leave," Hatch said. "We just barely got here after lots of packing, schlepping, paddling and cajoling of 6 year olds. It's not the idyllic weekend we imagined when we signed up for a permit in January."

ORIGINAL STORY, 3 p.m. — Campers on the west side of Leigh Lake in Grand Teton National Park are being asked to evacuate as crews work on suppressing a nearby fire in Leigh Canyon near the south buttress of Mount Moran.

A helicopter has been spotted in the area with what looks like equipment for water drops, reports managing editor Rebecca Huntington, who is on site. Huntington's husband, Reed Finlay, spotted and called in the fire at 12:14 p.m.

Additional information is unknown at this time, Grand Teton National Park spokeswoman Denise Germann said.

Fast-moving fire injures two men caught in blaze (Jackson Hole News and Guide, Jackson Hole, WY)

Tom Hallberg, September 16, 2018

Dry, windy conditions resulted in an array of wildfires over the weekend.

Anyone near the Upper Hoback probably saw the plume of smoke from the Roosevelt Fire.

The blaze had burned roughly 300 acres as of Sunday evening, according to Grand Teton National Park spokeswoman Denise Germann, who was covering fires in the Bridger-Teton National Forest as well as in the park. It is burning in heavily forested land about three miles west of the Upper Hoback trailhead near Roosevelt Meadows. Hunters in the area reported the blaze to the Bridger-Teton on Saturday afternoon. Its cause is unknown.

U.S. Forest Service Trail 131, the Upper Hoback River Trail, is closed from the end of Forest Service Road 30700, Upper Hoback River Road, to where it merges with the North Horse Creek Trail. The forest is asking forest users to avoid the area around the fire.

Two men were injured in the fire. They were caught in the area and forced to retreat into a creek. They were transported to St. John's Medical Center, and as of Sunday night were being transferred to a burn center in Salt Lake City, according to a press release Germann sent. The extent of their injuries was unknown at press time.

The "Bridger-Teton National Forest was under Red Flag conditions for high winds and low relative humidity the day the fire was discovered. Warm, dry conditions are expected to continue through the week. There will be smoke visible in the area," said a forest press release.

Crews are monitoring the blaze but are not actively attempting to suppress it.

"That fire is being used on the landscape to reintroduce fire in its natural role," Bridger-Teton spokeswoman Mary Cernicek said.

The Roosevelt Fire joins a cadre of blazes on public lands near Jackson. The Bridger-Teton reported two other blazes Sunday on its Facebook page. One, the Spider Fire near Bald Mountain Basin, is about 2 acres. The other, the Martin Fire near the Macdougall Gap in the Wyoming Range, is reported on the Teton Interagency Fire website as being 300 acres, though the weather made it difficult to assess.

"That is a wind-driven fire," Cernicek said.

In Teton park, Teton Interagency firefighters responded to the Leigh Canyon Fire on Saturday afternoon after receiving reports of smoke. The fire, approximately 3 1/2 acres, is located at 7,600 feet, about a mile above Leigh Canyon from the west side of Leigh Lake.

The cause remains unknown. Crews are monitoring the fire by ground and air. Combating it is challenging, as the flames are burning "in a remote area," according to a park statement, "and priority is firefighter and public safety."

Teton park reported that three campsites were evacuated as a precautionary measure Saturday: 16, 14A and 14B, all on the west shore of Leigh Lake.

Backcountry permits have been temporarily suspended for the CMC camp on Mount Moran, campsites near Leigh Lake, Bearpaw and Trapper lakes, Bearpaw Bay and Little Grassy Island.

Park-goers in Paintbrush Canyon or near southern Leigh Lake should be prepared to modify plans as necessary.

“Fire plays a vital role in the ecosystem reducing fuel loads, allowing future fires to not grow as rapidly,” the park statement reads. “Fire management objectives include firefighter and public safety, park, and forest infrastructure; while monitoring the fire as it fulfills its natural role on the landscape. Management strategies will adjust to changing conditions.”

New Colorado Fire Crosses Into Wyoming, Forces Evacuations (K2 Radio, Casper, WY)

Nick Learned, September 16, 2018

Hunters and campers in southern Wyoming and Colorado have been forced to evacuate due to intense activity from a new wildfire that began just south of the border late Saturday and crossed into Wyoming Sunday evening.

The Ryan Fire is burning in Colorado's Jackson County on the Routt National Forest and Mt. Zirkel Wilderness. A Sunday night update from Aaron Voos of the U.S. Forest Service put the fire at 1,832 acres in size.

Smoke is visible from southeastern Wyoming as well as much of northern Colorado.

The fire origin is located three miles southeast of Hog Park Guard Station, two miles south of the state line and two miles west of Buffalo Ridge Trailhead, in the extreme northern tip of the wilderness area.

After the fire was reported late Saturday, helicopters and fire crews were initially able to implement suppression efforts until high winds fueled rapid fire growth mid-day Sunday. That forced aircraft and ground crews to disengage.

From there, fire managers focused on evacuating nearby hunters and campers. As of Sunday evening, Voos says that all known, occupied camps and hunters in the path of the fire had been successfully evacuated.

The Forest Service implemented a broad area closure due to the fire's extreme growth on Sunday. During this part of the year, the closure will mostly impact hunters.

The Hog Park Area in Wyoming has been evacuated and is now closed, while Forest Roads 496 and 404 have also been closed. Forest Road 80 in Colorado is closed, with hunters and campers in the area being evacuated.

The area around Wyoming's Blackhall Mountain has also been closed.

In Wyoming, elk hunt area 13 and deer hunt area 81 are closed. In Colorado, the closure is for game management unit 161. Local law enforcement and fire staff are assisting with the evacuations.

As the fire has quickly grown in complexity, fire management will quickly be turned over to higher-level teams. The type IV initial response will transition to a type III command on Monday, with Rocky Mountain Team Black -- the Type II team that handled the Badger Creek Fire and Britania Mountain Fire earlier this year -- taking over on Tuesday.

Some 50 personnel are working the fire as of Sunday night, with more on the way.

The fire does not pose an immediate risk to structures, and none have been destroyed so far. The nearest buildings are roughly three miles to the northeast at Big Creek and Jerry Parks in Wyoming.

The fire is currently zero percent contained, burning mainly both live and bug-killed lodgepole pine. The cause is under investigation and no injuries have been reported.

Voos says that the strategy for fire managers is full suppression, meaning direct actions where they can be safely and effectively executed.

Mountain West Firefighters And Volunteers Head East To Respond To Hurricane Florence (Wyoming Public Media, Laramie, WY)

Ali Budner, September 14, 2018

Teams of people from the Mountain West, including firefighters and Red Cross volunteers, have already been deployed to the East Coast in preparation for Hurricane Florence.

Colorado and Utah are sending members of their Urban Search and Rescue Task Force One teams to the area to provide support. There are 28 FEMA-funded teams like this across the country, set up to respond to local state and national disasters.

Rod Tyus leads the Colorado Task Force One, which sent 47 people to North Carolina this week. Tyus said they're on the ground working with other agencies. "They'll be assigned to work on search and rescue," he said.

Most of the members are working firefighters, but Tyus said there are also structural engineers, doctors, certified drivers, and swiftwater rescuers.

Utah's Task Force One team sent 16 of its responders.

Scores of Red Cross volunteers from across the Mountain West are also on the East Coast helping prepare for the storm. They'll be there offering food, water, and emergency shelter.

"We have about 35 people from Colorado and Wyoming that are volunteers that have come here to North Carolina and South Carolina to take care of people especially following the storm," said Bill Fortune, a spokesperson with the Red Cross.

Fortune said being out there to help just makes common sense.

"When we have a major disaster in Colorado, such as the wildfires, the floods, things like that, people from all over the country came to Colorado to help us," he said. "Likewise, when disasters happen in other parts of the country, our volunteers want to be there to reciprocate."

Red Cross volunteers from Montana, Idaho, and Utah are also part of the relief effort.

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STORIES

COLORADO

Colorado wildfire update: Silver Creek fire bolstered by dry, hot winds (The Denver Post, Denver, CO)

Monte Whaley, September 15, 2018

The Silver Creek fire in Grand County has grown to more than 9,000 acres and has prompted the evacuation of nearly 200 homeowners on Saturday.

The fire, started by lightning on July 19, made a push to the northeast Thursday night causing the blaze to nearly double in size from more than 5,000 acres to 9,412 Saturday afternoon.

The initial containment of the fire was at 76 percent but now sits at 35 percent.

Neighborhoods in the Old Park and Gore Lakes communities south of the fire have been told to evacuate, according to the Colorado Division of Fire Prevention and Control. The fire is about 16 miles northwest of Kremmling.

More than 174 firefighters are now working the fire.

Silver Creek is among 12 active grass fires in Colorado, including the Boone Draw fire which ignited Sept. 13 about 50 miles west of Craig. The Boone Draw fire has burned more than 8,000 acres of private and Bureau of Land Management land. However, firefighters made progress on it Saturday and it is now 40 percent contained.

Fire officials say the cause of the blaze has not been determined.

U.S. Highway 40 remains in limbo as Silver Creek Fire grows (Craig Daily Press, Craig, CO)

Matt Stensland, September 15, 2018

STEAMBOAT SPRINGS — The Silver Creek Fire burning southeast of Steamboat Springs remained menacing Saturday.

Between Wednesday and Saturday, the fire had more than doubled in size from a steady 5,008 acres to 10,559 acres, according to Saturday evening updates.

Containment is listed at 35 percent. Before the fire blew up, it was 76 percent contained.

According to cotrip.org, Colorado Highway 134 has been closed from mile marker 17 to 27, and U.S. Highway 40 remains in limbo.

“The fire isn’t going to close it,” said Clark resident Chuck Vale, who works for the Colorado Division of Emergency Management. “The smoke is going to close it. I think we’re OK.”

There are currently 275 people working on the lightning-caused fire.

Latigo Guest Ranch, the Yost Ranch, Gore Lakes and Old Park have been evacuated. Pre-evacuation notices have been issued for Rabbit Ears Village, Bear Mountain Ranch and the Lake Agnes area. Grand County issued an evacuation order for the Milk Creek State Wildlife Area.

The Rocky Mountain Incident Management Blue Team is now managing the fire. The team is lead by incident commander Michael Haydon.

The team is focusing efforts on preparing containment line to the northeast of the fire, which is the direction the wind has been going.

“This is the safest option with the highest probability of success,” the team stated in their Saturday report. “Personnel are actively engaging the fire where it is safe to do so and implementing a full suppression strategy.”

Bull Draw Fire grows 400 acres; more robust team takes command (The Durango Herald, Durango, CO)
The Journal, September 16, 2018

The Bull Draw Fire has grown about 400 acres in the past week and continues to produce smoke visible on the Western Slope.

At 7 a.m. Sunday, fire management officers from the Grand Mesa, Uncompahgre and Gunnison National Forests upgraded the Bull Draw Fire to a Type 3 incident command because of a surge in fire intensity and growth.

“Over the past 24 hours an increase in overall temperature and wind activity along with a decrease in humidity has caused the 31,100 acre fire to rapidly spread to the north, crossing Long Canyon and is actively burning in the UC Drainage,” said U.S. Forest Service public information officer Dylan Peters. “Wildland fire crews attempted to halt the blaze at National Forest System Road 407.”

Limited visibility on NFSR 402 (Divide Road), coupled with the presence of additional fire crews and equipment, has led to an immediate safety hazard. The public is advised to slow down and take extreme caution when traveling along the Divide Road.

The fire’s growth in the Long Canyon area was attributed to an increase in temperature and winds and a decrease in humidity.

The fire is at 60 percent containment. Personnel continue to monitor the fire and patrol its perimeter, Peters said.

Fire management officials expect pockets of vegetation inside the perimeter of the fire to burn until a "season-ending" event such as a heavy rain or snow occurs, Peters said in a press release.

Steep and rugged terrain in the Long Canyon area have slowed attempts to establish control lines in Long Canyon, Peters said, adding that a helicopter will drop water in the area.

Management of the Bull Draw Fire was turned over to a local Type 4 team on Sept. 5, a day after a reduction in land closures was announced.

Peters also announced that the Middle Fork Fire, about 13 miles east of Ridgway, has kicked up and is producing smoke. The fire is burning on 5 acres in isolated and rugged terrain south of Silverjack Reservoir.

Did Climate Change Play a Role in the 2013 Flood? (The Tribune of Greeley, Greeley, CO)
Trevor Reid, September 15, 2018

GREELEY, Colo. (AP) — Using dynamic forecasting models, climate scientists like Andreas Prein are looking at how intense rainstorms are changing over the coming decades.

Prein, a climate modeling scientist at the National Center for Atmospheric Research in Boulder, said warmer climates are leading to more frequent heavy rainfalls. Since 1950, the number of three-inch rainfalls in a day has increased about 25 percent across the U.S., according to Chad Gimmestad, senior forecaster for the National Weather Service Office in Boulder. Prein explained that the warmer air holds more moisture, so when rain falls more water is dumped than normal in cooler conditions.

"We have stronger evaporation over the ocean because it's warmer, and then this moisture is transported over the continent," Prein said. "It is basically exactly what happened in 2013 during the Colorado flood."

Looking at the regional trends, Gimmestad said the heaviest two rainfalls expected in a year have increased about 10 to 20 percent in the western U.S. In Colorado, where there were once a two-and-a-quarter inch rainfalls, forecasters see two-and-a-half inch rainfalls, he said. While that increase isn't as large as it is in the eastern U.S., where the heaviest rainfalls in a year have increased from 30 to 60 percent, it still has a significant effect.

"That's when your flood occurs, so you just made your flood 10 percent bigger," Gimmestad said.

Because of the Front Range's location on the slope of the mountains and at the start of the plains, the area is no stranger to big floods. In 1965, a sustained thunderstorm caused the largest flood of record on the South Platte River and the costliest flood in Colorado history, accounting for inflation.

"Every drop of water between South Park and the Wyoming border winds up going past the Platte and Poudre confluence just east of Greeley, so all the rain that falls over that huge area ends up going right by Greeley," Gimmestad said.

Prein said the Front Range's major flood events are often related to a stream of moisture from the Gulf of Mexico from the south traveling north along the mountains and turning west to create upslope flows. As the mountains push the moist air upwards, the heavy rainfalls are practically anchored by the mountains. Gimmestad, who commuted from Greeley to Boulder during the floods, said forecasters knew something big could happen from the weather patterns in 2013, but seeing it was something else. Gimmestad drove to Boulder on the night of Sept. 12, the second night of the heaviest rain during the flood. After about three hours of driving around, he found the one bridge still above the water over Boulder Creek. By the time he drove back to Greeley the morning of Sept. 13, he had to go out to Kersey because everything upstream on the Platte had flooded.

"You can say, '20 inches of rain,' but when you actually put it on the ground and see what happens, you really can't imagine it," he said.

Laura Read, a water resources engineer at the National Center for Atmospheric Research, said the heavy rainfalls led to sustained flooding because of the Front Range's relatively flat topography next to the steep gradient of the foothills. Residents in areas like Milliken didn't see the flooding go down for as long as two weeks because the flood brought the groundwater table up, she explained. As the water came up from the ground from the 2013 flood, it caused additional damages to structures.

Despite the Federal Emergency Management Agency's periodic mapping of floodplains, Read said rapid development, such as the recent growth in Weld County, can have major effects on the ability of the area to absorb water. Without careful planning, impervious concrete and engineered channels can increase the risk of flooding.

"When you have a static map trying to communicate (flood risk), it's not quite matching up with the reality that if somebody builds a big development right on the river, or near the river, your flood risk just changed and nobody came out and reassessed that," Read said.

Having worked at the National Weather Service office in Boulder since 1994, Gimmestad saw 10- or 12-inch rains annually somewhere in Colorado, but the 2013 event lasted longer and covered a larger area than normal. A similar rainfall in 1938 farther south, along with two rainfalls in the late 19th century, show the Front Range might expect rainfalls like this about four times every 150 years, Gimmestad said.

"These are things that happen periodically," he said. "But as the climate is gradually changing, the frequency or magnitude of that event is also changing."

Brad Udall, senior water and climate research scientist at Colorado State University's Colorado Water Institute, said scientists of just a few years ago were asking the wrong question about climate change's effect on extreme weather events. Where scientists before framed the

conversation about whether or not climate change caused extreme weather, they're now looking at how it impacts these cyclical events.

"Climate change may not have caused them, but they add to their intensity. It adds to their frequency. It can add to their duration," Udall said.

Scientists are still hashing out the degree to which climate change impacted the 2013 flood, Udall said. Heavier rainfalls, drier soils and growing risk for wildfires — which leads to more erosion, Read explained — are expected with the warming climates, experts said. Though there's not yet enough data to definitively say whether these conditions will lead to more events like the 2013 flood, Udall said climate change is creating unprecedented weather events.

"We're now in an era, because of climate change, where all the sudden our predictability has gone away," he said. "We need to be prepared for really bad outcomes."

Tropical Storm Florence: Colorado Task Force to the rescue (The Denver Post, Denver, CO)
Sam Tabachnik, September 15, 2018

The Lakewood-based Colorado Task Force One, deployed in North Carolina for Tropical Storm Florence, has performed more than two dozen rescues so far on Saturday, the West Metro Fire rescue agency tweeted.

Heavy rains continue to batter Lumberton and Pembroke, N.C., where the task force is based. Rivers are expected to top record levels in the coming days.

The Colorado crew of 45 first responders drove east Wednesday to assist with search-and-rescue missions during the storm. The task force is working in tandem with FEMA and local officials. They have been stationed at the University of North Carolina at Pembroke, roughly 80 miles from the coast. Some areas of Pembroke have up to two feet of water.

The gym on campus, where the task force is staying, has stayed relatively dry thus far, but the roof has started to leak. As of 12:30 a.m. EDT, some crew members were still out on search missions, while others lay on their cots.

Officials have blamed 11 deaths on the storm thus far, which has dropped 30 inches of rain on North Carolina. The storm is forecasted to stall over the state, a development that could add another 15 inches of rain.

The head of the North Carolina Department of Transportation has asked travelers from the north and south to avoid driving through the state entirely.

Florence floodwaters topple Colorado rescue rig carrying evacuees, forcing rescue (The Denver Post, Denver, CO)
Bruce Finley, September 16, 2018

A Colorado urban search-and-rescue team deployed to North Carolina as Tropical Storm Florence raged on Sunday conducted a rescue of rescuers when floodwaters slammed into and tipped one of their vehicles carrying evacuees.

About 50 miles in from the Atlantic coast, members of Colorado Task Force One were in the process of moving six men and women just pulled from inundated homes — using an elevated six-wheel military vehicle, team safety manager John Bolger said Sunday night.

“We encountered flash floodwaters. Those waters pushed the vehicle into a creek. It toppled over,” Bolger said.

Rain was pelting the vehicle. Creek currents were surging around it, nearly 3 feet high. Inside the vehicle, the evacuees and their rescuers “grabbed rails, grabbed for dear life,” said Bolger, who was in another vehicle nearby and in radio contact.

Team members not in the creek deployed boats. They approached the toppled vehicle, climbed onto its raised side and opened the rear hatch, Bolger said.

They guided the evacuees climbing out of the capsized vehicle got them in the boats. The Colorado rescuers then ferried them to a high point, made sure they weren’t hurt, and drove on with them to a high school aid station farther inland.

This federal government-backed Colorado team includes veterans who, like Bolger, helped in 2005 during Hurricane Katrina. This time, they left Colorado on Sept. 11. They’ve been rolling around North Carolina since Florence hit.

“Sleep has not been plentiful. These are certainly really harsh environmental conditions. Humidity. Constant rain. Wind. And you really have to watch for flooding,” Bolger said.

“We’ve been inundated with flash flood warnings since we got here. We’re not seeing as many deaths as in Katrina. Folks seem like they are holding together fairly well. They are weathering this storm. They’re mostly nourished and hydrated. But food and water is becoming more scarce.”

MONTANA

Expect a text from President Trump this week – NBC Montana

NATALIE GRIM, Circa

Sunday, September 16, 2018

WASHINGTON (CIRCA) - President Trump is going to text you on Thursday. Actually, he's going to text the whole country.

The Federal Emergency Management Agency (FEMA) and the Federal Communications Commission are going to be testing the nationwide Emergency Alert System on Thursday afternoon.

"The EAS is a national public warning system that provides the President with the capability to address the nation during a national emergency." The FEMA news release said.

All cell phones that are on and have providers registered with the system should be capable of receiving the "Presidential Alert" text.

Many have taken to social media to express their unfavorable opinions of the new system. Those with participating wireless providers will be unable to opt out of the messages due to the Communications Act of 1934. The law authorizes the President to use certain private sector communications systems for priority communications, such as sending emergency messages.

NORTH DAKOTA

Minot's Blighted Lots Initiative Helps Auction 15 Homes – Associated Press

Sept. 16, 2018

MINOT, N.D. (AP) — Minot officials say the city's new initiative aimed at fixing blighted and vacant properties has successfully assisted in the sale of more than a dozen lots.

The Minot Daily News reports that the 15 properties in Neighbor Next Door were acquired by the city through various state grants received between 2013 and 2016. The lots include homes seriously damaged from the 2011 Souris River flood and for which property owners lacked the funds for rehabilitation.

John Zakian manages Minot's Disaster Resilience Grant Program. He says the Federal Emergency Management Agency encourages cities that experienced flooding to promote programs that result in reducing damage from future flooding. He says Minot is using a proactive approach by promoting the Neighbor Next Door program, which doesn't allow structures to be built on parcels.

Saying goodbye to North Dakota's Land Component Commander after 40 years of service – myNDNow.com

Posted: Sep 16, 2018 06:57 PM CDT

Updated: Sep 16, 2018 06:57 PM CDT

After nearly four decades, North Dakota will be welcoming a new Land Component Commander to its National Guard. A ceremony was held today to welcome new Commander Col. Leo Ryan and say goodbye to current commander Gen. Robert Fode.

Previous Commander, Gen. Robert Fode, began his career in the National Guard in 1978 giving him 40 years of military experience. New Commander Col. Leo Ryan will be overseeing the state's nearly 3,000 Army Guardsmen. Col. Ryan has over three decades of experience to his new assignment as land commander.

Gen. Fode's departure was filled with both laughs and tears. Coworkers, friends, and family all gathered to wish him farewell. Although Fode handed over his position this afternoon, he will not officially retire until October.

Mandan's Rural Fire Department receives grant to fight wildfires- KFYP TV Bismarck

John Salling | Updated: Sun 7:12 PM, Sep 16, 2018

MANDAN, N.D. - Mandan's Rural Fire Department received a \$42,000 grant to help fight North Dakota wildfires.

The department now owns a compressed air foam system. The full cost for the new equipment was \$142,000.

The advantage of the foam is that it sticks to surfaces, unlike water which runs off quickly. "With the compressed air foam, it allows us to put out fires much more effectively, efficiently with less water, and less manpower. It's just a great safety factor for our people and the people in our district" says Lynn Gustin, Mandan Rural Fire Chief.

The foam is forest service approved to have no toxic affect on wildlife or plant-life and is biodegradable.

SOUTH DAKOTA

Former Columbine principal speaks at Sioux Falls conference – KSFY TV ABC- Sioux Falls - Sept 13, 2018

SIoux FALLS, S.D. (KSFY) - The former principal of Columbine High School made a stop in Sioux Falls to discuss the lessons learned in Colorado and how to better prepare for tragedy in our community.

Frank DeAngelis spoke at a South Dakota Emergency Management conference Thursday morning.

He said people cannot change what happened at previous school shootings but can only prevent future violence.

"I still believe schools are the safest place, and we need to come together and say enough is enough," DeAngelis said. "I think what happened in Parkland got the kids saying 'never again,' and I think we need to all come together. We can't give up hope."

Thirteen people were killed when two gunmen opened fire at Columbine High School in Colorado on April 20, 1999.

At the time, it was the deadliest high school shooting in U.S. history.

Mennonite found guilty after protest at Standing Rock – The Mennonite (reference to FEMA trailers see highlighted below)

9.17. 2018 Written By: Gordon Houser

Dennis Lehmann has dedicated much of his life working for peace and justice. In February 2017, that dedication landed him in jail. A year and a half later, he finally appeared in court.

On Sept. 7, after a brief deliberation, a six-member Morton County, North Dakota, jury found the 65-year-old Freeman, South Dakota, native guilty of Class A misdemeanor charges of physical

obstruction of a government function. Judge James Hill sentenced Lehmann to 90 days of unsupervised probation and ordered him to pay court fines. If he's arrested for any reason within that period, Lehmann will have to serve five days in jail for his conviction.

According to a Sept. 10 release by the Water Protector Legal Collective (WPLC), Lehmann said after the conviction: "I see it more as an honor than as a stigma. Any time I have to report my conviction I'll be able to communicate why I'm actually proud of what I did."

What he did was serve as a "water protector," trying to help stop the Dakota Access Pipeline from running through land north of the Standing Rock Sioux tribal land.

Jonathan Wallace, Lehman's attorney, does pro bono work for WPLC and was in North Dakota from his home in Long Island, New York, to help handle multiple cases. In a Sept. 11 phone interview, he said he has been representing about 50 clients in North Dakota.

He said he "has tremendous respect for Dennis. He's a person who has wonderful values, a lot of compassion." Lehmann is the first Mennonite he's met, he said.

In court, Lehmann brought a Bible with him and hoped to remind the jury of the parable of the Good Samaritan, but Judge Hill wouldn't allow a lengthy explanation from the stand, according to the WPLC release.

"I was disappointed that he kept shutting me down," Lehmann said. "The jury still might've found me guilty, but I wanted them to understand why it was important to stand with those protecting the water."

Wallace said judges treat testimony differently; some allow statements, others don't. "This one allowed Dennis to say some things, but not all he wanted."

In his closing argument, Wallace said, he countered the prosecution's stance that Lehmann technically broke the law and argued instead that he was following his conscience and beliefs. "A Brooklyn, N.Y., jury would have probably exonerated him," Wallace said, "but that was unlikely here."

In a July 31 phone interview, Lehmann related the story of his arrest on Feb. 23, 2017. He said he was "in the right place at the right time" with the water protectors when the police came and arrested everyone there, about 45 people, for "a physical obstruction of a governmental function," and they refused to leave.

They were put in vans and taken to Mandan, North Dakota, near Bismark, to an enclosed garage, where authorities took their winter clothes and possessions, put them in other clothes, then in steel cages, men and women separate, Lehmann said. About 30 of the men were taken four hours away to Grand Forks, cuffed from behind with plastic cuffs. "We asked to be cuffed in front, but the guard refused," Lehmann said. "The last three hours were like torture; we weren't allowed to use a restroom during the [entire] trip."

Once they arrived at Grand Forks, the guards removed the cuffs and allowed them one phone call. "One person was able to pay \$500 cash to get out, but the rest stayed," Lehmann said. They had to remove their clothes and were put in orange uniforms. They didn't get into their cells until midnight, then got up at 6 a.m. to shower and have breakfast.

Later, he said, a legal team came and got some people out with money contributed by people across the country. Some stayed until their arraignment. Lehmann and nine others met with a judge via video and pled not guilty. "I asked to have the \$500 fee waived, but the judge refused," he said. That evening they were released when a legal team from the Freshet Collective paid their bail.

This was the bond Lehmann forfeited at his recent trial, thus covering his court fines. Lehman first went to Standing Rock in the fall of 2016, to the Seven Council Fires campground and the Sacred Stone campground. He said it was a positive experience, that people accepted one another for who they were and were nonjudgmental. He stayed three days.

He explained that the Dakota Access Pipeline wanted to put a pipeline under the Missouri River, where the tribe got its water. The water intake was downstream from where they wanted to put the pipeline. The water protectors tried to prevent this "geographical racism," he said. Five earthen dams were built in the 1940s and '50s for electricity and recreation and flooded lands owned by tribes rather than lands owned by whites.

This summer, Lehmann volunteered for Mennonite Disaster Service at the Pine Ridge reservation. MDS is building nine new houses this year for people there, he said. Most of the houses there are old FEMA trailers. Maretta Champagne, an Oglala Lakota tribal member, said the new houses will be especially helpful because they're solid. People in their current homes are afraid they'll blow away.

Lehmann said he is not interested in full-time work and follows a simple lifestyle. He served in Congo with Mennonite Central Committee for two years. He's single, with three children. While Lehmann has no immediate plans to get rearrested, he keeps a close watch on the section of the Keystone pipeline located closer to his South Dakota home, according the WPLC release. "We had a leak eight miles from Freeman, which is north of the Keystone pipeline," he explained. "The safety monitors didn't go off as designed and the oil spilled out for five to six hours. All their safety measures meant to prevent exactly this kind of thing completely failed, and 16,000 gallons of oil fouled the farmland."

"We're all living on land that was once occupied by Native people," Lehmann said, "and we often forget that. People should find out which tribes lived on the land where they live and try to develop relationships with those tribes." He's done that in the Freeman area through the Freeman Network for Justice and Peace.

In a Sept. 14 phone interview, he explained why he chose to be tried by a jury rather than only a judge: "It was important to me to share my reasons with a jury of my peers, even if I didn't expect to be found not guilty." He said he wanted to talk to them about how Natives and non-

Natives can understand one another better and work together on a better life for all. He was disappointed that the judge cut him off.

UTAH

Additional evacuations ordered in Utah County, US-6 closed again as Pole Creek, Bald Mountain fires burn – FOX 13 Salt Lake City

Updated September 17, 2018

UTAH COUNTY -- The Pole Creek and Bald Mountain fires have continued to grow in Utah County, causing highway closures and thousands to be evacuated.

Diamond Fork and Sheep Creek Canyons were under mandatory evacuations Sunday afternoon as the pair of fires jumped US-6.

The right-hand fork of Hobbles Creek Canyon was also under evacuations Sunday evening. The left-hand fork of the canyon was under a pre-evacuation notice.

As of Sunday, US-6 was closed again in both directions of Spanish Fork Canyon.

Fire officials called Sunday a "Red Flag day," due to high winds and low humidity. The fires have grown to over 80,000 acres and are two percent contained, a press release made by the Utah County Sheriff said.

More than 6,000 people have been evacuated due to the fire, which was threatening at least 2,000 homes.

Two Type 1 incident teams are on-scene fighting the fire.

"Fire officials anticipate closures and evacuations will remain in place for at least another 48 hours," the release said.

The following road closures are still in place:

- Santaquin Canyon is closed.
- Payson Canyon is closed.
- Nebo Loop Road at SR-132 in Nephi Canyon is closed.
- US Highway 89, in Spanish Fork Canyon, is closed from mile 312, at Thistle Junction, to mile 298, at the Utah /Sanpete County line.
- US Highway 6 through Spanish Fork Canyon is now closed as of 2:30 p.m. Sunday. It was opened for several hours in the morning Sunday, but was re-closed due to fire activity.

Mandatory evacuations are in place for the following areas:

- All residents living along US HWY-89 in the area from Nebo Creek to Thistle Junction.
- All residents in Covered Bridge community near the mouth of Spanish Fork Canyon.
- All residents living in the cities of Woodland Hills and Elk Ridge.

For residents who "have an urgent need to get to their home," the Utah County Sheriff said access points are set up at 1200 S Woodland Hills Drive for Woodland Hills, and 11200 S Loafer Canyon Road and 11200 S Elk Ridge Drive (1600 West) for Elk Ridge.

"Access to Covered Bridge may not be available because of ongoing fire operations," the press release stated. "A Deputy will escort those who have these needs."

Fires may keep some Utah County residents out of their homes for weeks – Salt Lake Tribune

Scott D. Pierce / September 17, 2018

The Pole Creek and Bald Mountain fires kept highway closed and 6,000 Utah County residents out of their homes on Monday morning — and the evacuees may not get to return to their houses for days, if not weeks.

That was the warning from the Utah County Sheriff's Office as firefighters continued to battle the blazes — and have prevented the fires from reaching any of the 2,000 threatened homes. The latest official updates put the size of the Pole Creek fire at 61,000 acres, and the Bald Mountain fire at 13,500 acres, with 2 percent containment.

More than 500 firefighters are battling the two blazes, burning inside the Uinta-Wasatch-Cache National Forest in Juab and Utah Counties.

Mandatory evacuations remained in effect for Woodland Hills; Elk Ridge; the area from Thistle Junction to Nebo Creek along US-89; and the Covered Bridge area.

All Nebo District schools were open as usual on Monday.

Highway US-6 in Spanish Fork Canyon — which was opened Sunday morning and re-closed on Sunday afternoon — was closed in both directions on Monday, and was expected to remain unpassable indefinitely.

Diamond Fork and Sheep Creek Canyons remained under evacuation orders after the fires jumped US-6 on Sunday. Santaquin Canyon, Payson Canyon and the right fork of Hobbler Creek Canyon were all closed.

Other closures include US-89 in Spanish Fork Canyon from mileposts 298-312 and the Nebo Loop Road in Nephi Canyon.

Thousands in Utah County warned they may not return home for 2 weeks – Deseret News

'We have to have hope,' evacuated Elk Ridge homeowner says

By Katie McKellar @KatieMcKellar1 Published: Updated: 10 hours ago

SALEM, Utah County — Standing in front of a crowd of thousands whose homes were being threatened by two massive mountain-side fires, Elk Ridge Mayor Ty Ellis braced for any "rotten tomatoes" about to fly his way as he prepared to share the bad news.

The auditorium at Salem Hills High School — a gathering place for some of the estimated 6,000 evacuees forced out of their homes four days ago by the blazes — fell quiet as Ellis went on to warn that evacuation orders might be in place for two weeks.

"I can't tell you when we're going to go home. I don't know. I wish I did," the mayor said, explaining the two-week window is a best estimate officials have so far for the erratic and explosive pair of fires that have together scorched more than 80,000 acres.

"I just don't know, so all we can tell you is let's just look at this a little longer term," Ellis said, adding that he and his family, as evacuees themselves, are in the same aggravating situation. "It's frustrating," Ellis said. "All I wanted yesterday was clean air."

Ellis didn't get any rotten tomatoes hurled his way. Evacuees from Elk Ridge and Woodland Hills — some comforting crying children, some somber-faced — listened quietly. Some, like Belva Horton, were accepting of the news.

"It will be fine," she said. "We have to have faith, and we have to have hope it's really not going to be that long."

Horton, of Elk Ridge, who has a son who works as a firefighter, said she understands the importance of putting human lives above saving property.

"It can all be replaced," she said. "We just have to stay cool and live it. We'll look back on this as something that we conquered."

As Horton and her husband gathered a few pictures and important documents from their home when they evacuated Thursday, Horton said she felt "at peace," mostly because she knew how her community would handle the situation with grace.

"It's so helpful to know there are thousands of people that are affected by this and we all feel the same — we're all here to help each other," she said.

So until further notice, the Hortons, along with their cat and dog, planned to stay in their camper trailer in the Salem Hills High parking lot, along with the rest of the families who are now living out of their trailers or RVs.

Having hope and faith was a recurring thought for many evacuees who spent most of Sunday at the high school, where thousands came to get more information about the blazes threatening their homes.

'Miracle' efforts

As of Sunday morning, the Pole Creek Fire had burned more than 61,000 acres, while the Bald Mountain Fire had charred about 13,500 acres, Spanish Fork public safety officials reported. Later Sunday, the Utah County Sheriff's Office reported total acreage estimates vary but have reached more than 80,000, with just 2 percent containment.

Evacuation orders remain in effect for more than 6,000 people — or about 2,000 homes — in Elk Ridge and Woodland Hills. Later Sunday, Diamond Fork and Sheep Creek areas were also ordered to evacuate.

The city of Salem had also placed residents living south of the Highline Canal under a pre-evacuation notice, urging residents to be prepared to evacuate with little notice.

Utah Lt. Governor Spencer Cox called Saturday's efforts to battle relentless winds and contain two wildfires threatening thousands of Utah County homes "nothing short of a miracle." But Sunday, he tweeted, "will be another test."

And sure enough, conditions appeared to change for the worse about 2 p.m. when fire officials decided once again to close U.S. 6 through Spanish Fork Canyon after opening up the highway earlier Sunday morning.

Forest officials said the Pole Creek Fire was "spotted over the canyon" at the U.S. 89 and U.S. 6 junction. Aircraft was sent to the scene.

"This fire is serious," Elk Ridge Fire Chief Seth Waite told evacuees, noting that because of rapidly changing winds and extremely dry conditions, the fire could jump large distances within seconds.

Throughout the day, large plumes of white smoke wafted from the mountainside. While those smokey conditions might not look as threatening as flames, Waite warned that the fires continue to "smolder," and as heat builds up, the blaze can "flash" when large trees "explode," sending hot embers high into the sky.

"It's been crazy up there," the chief said. "We're not out of the woods."

Although air quality had improved Sunday, the Utah Department of Environmental Quality still urged residents with heart or lung conditions to take precautions.

'Blessings'

In a showing of faith and prayer for safety, about a dozen neighborhood wards of The Church of Jesus Christ of Latter-day Saints affected by the fires attended a prayer meeting and a luncheon at Salem Hills High School to break a day-long fast.

President David Christensen, a counselor in the Salem Utah Stake presidency, said church leaders organized the fast to "call on God for help and assistance" and "pray that we might be able to get back into our homes at some point in the near future."

President Christensen, whose family evacuated from a Woodland Hills neighborhood, held back tears as he explained the experience has been, believe it or not, "a tremendous blessing." "I can't possibly put into words the outpouring of love that we have felt from the surrounding community," he said.

In fact, so many donations have flooded in from fellow Utahns, that a Salem warehouse holding the items was overwhelmed, and officials had to ask the community to put a pause on donations. Local eateries have donated food and time. Community members have been helping each other so much, the local Red Cross has even felt underutilized, President Christensen said.

"The blessings and the love that I have felt is immeasurable, and I am truly grateful for what I have personally experienced," he said. "You know, my house is a possession. It's OK. It can be replaced."

Other Utah fires

- Meanwhile, a fire that destroyed two Herriman homes and a shed — a more than 100-acre blaze that officials say was started by a juvenile boy playing with a smoke bomb — was 95 percent contained by Sunday afternoon. Fire crews monitored the fire, near 13508 S. 7530 West, until late Sunday, said Unified Fire Authority spokesman Matthew McFarland.

- Firefighters also continued to tackle another 800-acre blaze that shut down I-80 near Tooele on Saturday, snarling traffic and causing major delays. State Route 201, however, remained closed — and was expected to remain closed through Monday morning's commute — because of downed power lines that fell onto the road. The cause of the fire was not yet known Sunday, according to Ryan Willden, spokesman for the North Tooele Fire District.

As of Sunday, both directions of I-80 were open, and the fire was 50 percent contained, Tooele County Emergency Management officials reported. The fire still burned high on the mountain.

- A new fire was reported Saturday about 19 miles northeast of Kamas that is burning along the north side of Mirror Lake Highway. The Cobblest Fire was not posing risks to lives or property, but motorists on the highway are being encouraged to slow down and not stop in the area of mile marker 18 to mile marker 22.

- The lightning-caused Slate Fire has spread to 200 acres in an area about 6 miles northeast of Kamas, 3 ½ miles north of the Mirror Lake Highway. It began Aug. 23 and currently poses no risk to lives or property. Firefighters on the ground were assessing fire conditions and said they may suppress the west edge of the fire to better contain fire activity.

Utah experiencing serious wildfire season: a comprehensive list of Utah wildfires – 2KUTV Hunter Geisel, Alyssa Roberts and Larry D. Curtis/Sunday, September 16, 2018

(KUTV) -- Utah has been experiencing a very serious wildfire season.

In May, 2News reported that Utah could be facing its worst wildfire season in years.

Since June, wildfires have been scorching across the state. And, as of Aug. 2, at least 850 fires were reported and more than 120,000 acres have been burned in Utah.

2News compiled a comprehensive list of the wildfires that we've covered in 2018,

(Note: one acre is equivalent to one football field)

Summit County - Coblerest Fire: Start Date: Sept. 15

Location: 19 miles northeast of Kamas, along northside of US Highway 150 (Mirror Lake Highway)

Fire Size: 200 Acres

Cause: Unknown

Closures: Forest Service Road 41 (Spring Canyon Road) is closed at the SR-150 Junction up to Washington Lake

Structures threatened: None

Percent Contained: virtually none

Fire Crews/Resources: Current personnel include a 20-person hand crew, two 10-person squads, one engine and three helicopters; Type 3 Incident Management Team will assume command of the fire at 6 a.m. Monday and another 20-person hand crew will be on scene as firefighting operations continue

Evacuations: None

Injuries: None

Utah County - Bald Mountain Fire:

Start Date: Aug. 24

Location: Started in Mount Nebo Wilderness, just off the top of Bald Mountain

Fire Size: Small for weeks, massive growth on Sept. 12

Cause: Lightning

Closures:

Structures threatened: Homes near the mouth of Payson Canyon, growth near Elk Ridge, Woodland Hills

Percent Contained: virtually none

Fire Crews/Resources:

Evacuations: Elk Ridge, Woodland Hills

Injuries: None

Utah County - Pole Creek Fire:

Start Date: Sept. 6

Location: 12 miles northeast of Nephi, off Mount Nebo Loop Road

Fire Size: 68,000 acres

Cause: Lightning, pushed by strong winds

Closures: U.S. Highway 6, Highway 89

Structures threatened: Union Pacific Railroad

Percent Contained: two percent

Fire Crews/Resources: 433 personnel fighting fire

Evacuations: Elk Ridge, Woodland Hills

Injuries: None known

Summit County - Tervels Fire:

Start Date: Sept. 3

Location: 6.5 miles northeast of Coalville

Fire Size: 536 acres

Cause: Human, arson

Closures:

Structures threatened:

Percent Contained: 48 percent on Sept. 6

Fire Crews/Resources: mop up crews, once had 7 engines, 2 helicopters, 2 helltack crew, 2 dozers, 3 handcrews 116 personnel

Evacuations: Echo Creek Ranches evacuation now lifted

Injuries: None

Weber County - Avon Fire:

Start Date: Sept. 2

Location: North of Liberty / Eden

Fire Size: 783 acres

Cause: Human

Closures: Pre-evacuation for Powder Mountain, since lifted

Structures threatened:

Percent Contained:

Fire Crews/Resources:

Evacuations:

Injuries:

Summit County - Murdock Fire:

Start Date: Aug. 30

Location: 22 miles northeast of Kamas

Fire Size: Seven acres

Cause: Lightning

Closures: none

Structures threatened: none

Percent Contained: unknown

Fire Crews/Resources: Confine and contain suppression

Evacuations: none

Injuries: none

Utah County - Coal Hollow Fire:

Start Date: Aug. 12

Location: 15 miles southeast of Spanish Fork

Fire Size: 31,661 acres

Cause: Lightning

Closures: Closed North Fork Road, Skyline Road from Highway 6 to Bear Ridge Road

Structures threatened:

Percent Contained: 96 percent of perimeter

Fire Crews/Resources: now 13

Evacuations: Areas in Spanish Fork Canyon, now lifted

Injuries: None known

Duchesne County - Dollar Ridge Fire:

Start Date: July 1

Location: Eight miles southwest of Duchesne, Utah

Fire Size: 68,869 Acres

Cause: Human

Closures: Access in to Camelot on the Strawberry River Rd is closed; Access in to Timber Canyon from all directions is closed

Structures threatened: None known

Percent Contained: 94 percent

Fire Crews/Resources: Great Basin Incident Management Team 4, led by Type 3 Incident Commander Billy Britt; transitioned to a local Type 4 team, which continued to patrol the fire since Aug. 31

Evacuations: Beaver Canyon and Timber Canyon; Camelot and downriver from Camelot; Cedar Mountain area south of Currant Creek and West of Lower Red Creek Road; Pinyon Ridge west of Sam's Wash; pre-evacuations were issued to all homes in the Fruitland area

Injuries: None known

(Note: evacuations and closures have been lifted since August)

Sanpete County - Hilltop Fire:

Start Date: Aug. 6

Location: 15 air miles north of Mt. Pleasant, Uta

Fire Size: 1,834 acres

Cause: Human

Closures: Closed North Fork Road, Skyline Road from Highway 6 to Bear Ridge Road

Structures threatened: 150 homes

Percent Contained: 100 percent

Fire Crews/Resources: Over 100 personnel

Evacuations: Black Hawk Estates, and areas North of Hilltop Road and West of Milburn Road were under mandatory evacuations

Injuries: None known

Beaver County - Black Mountain Fire:

Start Date: June 28

Location: Highway 130, three miles south of Minersville

Fire Size: Estimated 5,988 acres on Friday (Note: one acre is equivalent to one football field)

Cause: Human-caused - vehicle accident.

Closures: All roads leading into the fire will require a fire personnel escort to ensure public safety.

Structures Threatened: The fire remains in the vicinity of Minersville Town. One seasonal cabin and communications tower remains threatened.

Percent Contained: The Black Mountain Fire was 30% contained by Friday.

Fire Crews/Resources: Multiple resources from Color Country Interagency Fire reportedly responded.

Evacuations: No evacuations were ordered as of 4 p.m. Thursday

Injuries: No injuries were reported on Friday.

Box Elder County - Rough Canyon Fire:

Start Date: June 27

Location: Three miles southwest of Portage City Park in Box Elder County

Fire Size: Estimated 5,142 acres as of 9 p.m. on Thursday

Cause: Officials believe the fire was human-caused. The cause remains under investigation.

Closures: No active road closures were reported as of 5 p.m. Thursday.

Structures Threatened: Structure protection was put in place for the town of Portage and three nearby unoccupied cabins.

Percent Contained: The Rough Canyon Fire was 15 percent contained as of 9 p.m. Thursday.

Fire Crews/Resources: 81 people, 4 water tenders, 10 engines, two single engine air tankers, two helicopters and 10 overhead personnel were dispatched to help contain the fire.

Evacuations: No evacuations were ordered as of 4 p.m. Thursday

Injuries: No injuries were reported as of 4 p.m. Thursday.

Smoke from the Rough Canyon Fire was visible from the Malad, Brigham City and Ogden areas, officials reported.

Washington County - West Valley Fire:

A Red Flag warning was put in effect Thursday.

Start Date: Wednesday at approximately 2:59 p.m.

Location: One mile east of Gardner Peak, three miles northeast of Pine Valley Campground.

Fire Size: The fire was estimated to have burned 7,200 acres as of 9 p.m. Thursday. (Note: one acre is equivalent to one football field)

Cause: The fire investigation remains ongoing.

Closures (as of 5 p.m. Thursday):

- Summit Trail
- Gardner Peak from the junction with Canal Trail
- Water Canyon Trail
- Mill Canyon Trail
- White Rocks Trail
- Long Flat Trail
- Upper Grant Ranch Trail
- Comanche Trail
- Anderson Valley Trail
- Syler Springs Trail

Forest Road 011 (Grassy Valley) from Forest Road 35 to Forest Road 0411 was closed

Structures Threatened: Approximately 10 homes on private land, near the Mill Flat Trailhead, located three to five miles from the fire.

Containment: The fire was zero percent contained as of Thursday morning.

Fire Crews/Resources: Eight Fire Engines, six hand crews, three Heavy air tankers, two heli-tankers, two helicopters, four Single Engine Air Tankers (SEATs) and two air attack platforms were assigned. Five additional hand crews were ordered.

Evacuations: No evacuations were ordered.

Injuries: No injuries were reported.

Smoke from the West Valley Fire was visible from most of Iron and Washington Counties, officials reported. The fire was "wind-driven" throughout much of the day Thursday, and it increased significantly in size, officials said in a press release.

Southern Utah's West Valley Fire concerns officials for the fight ahead

Emery County - Trail Mountain Fire:

Start Date: June 4

Location: 15 miles northwest of Orangeville

Fire Size: Estimated 17,767 acres as of 7:30 p.m. on Wednesday

(Note: one acre is equivalent to one football field)

Cause: The Trail Mountain Fire was a prescribed fire that officials say "escaped" due to high winds

Percent Contained: The Trail Mountain Fire was 85 percent contained on June 30

Fire Crews/Resources: 81 people, 4 water tenders, 10 engines, two single engine air tankers, two helicopters and 10 overhead personnel were dispatched to help contain the fire.

Evacuations: No evacuations were ordered as of 10 a.m. Thursday

A Red Flag Warning was issued for the Trail Mountain Fire area with hot, dry, unstable weather conditions estimated to continue through Friday. Drivers traveling along SR 31, are asked to use caution and follow the posted speed limit, officials said. The fire had not crossed SR 31 as of Thursday at 8 p.m., state fire officials said in a tweet.

Duchesne County- Fruitland Shed Fire:

Start Date: Wednesday

Location: Two miles east of Fruitland in Duchesne County

Fire Size: Estimated 20 acres as of Thursday morning

(Note: one acre is equivalent to one football field)

Cause: The fire is human-caused, however, the details about how it began are still being investigated, officials said.

Closures: No active road closures were reported as of 5 p.m. Thursday.

Structures Threatened: Two permanent residences were destroyed in the fire, officials said.

Seven structures total were burned.

Percent Contained: The Fruitland Shed Fire was 75 percent contained as of Thursday morning.

Evacuations: People living in the area were evacuated.

Injuries: Two people suffered smoke inhalation. One was a firefighter.

Firefighters were working Thursday toward reaching full containment. Smoky conditions were expected throughout the Uintah Basin due to a number of fires burning around the state, officials said.

Iron County - Dry Canyon Fire:

CONTAINED: June 30

Location: Parowan Canyon; Highway 143 mile marker 4

Fire Size: Estimated 23 acres as of 10 p.m., Friday.

(Note: one acre is equivalent to one football field)

Cause: The fire is human-caused, however, the details about how it began are still being investigated, officials said.

Closures: No closures

Structures Threatened: No structures threatened

Percent Contained: The Dry Canyon Fire was 95 percent contained as of 10 p.m., Friday.

Evacuations: No evacuations were reported.

Injuries: No injuries were reported.

Summit County - Monviso Fire:

Start Date: June 21 -- Last update June 24

Location: North slope of the Uinta Mountains south of Evanston

Fire Size: Estimated 65 acres as of Tuesday

(Note: one acre is equivalent to one football field)

Cause: The fire is human-caused, however, the details about how it began are still being investigated, officials said.

Closures: No active road closures were reported as of 5 p.m. Thursday.

Structures Threatened: No structures were reportedly threatened as of 5 p.m. Thursday.

Percent Contained: The Monviso Fire was 95 percent contained as of Thursday.

Evacuations: No evacuations were in effect as of Tuesday, but officials advised homeowners in the Monviso subdivision to drive and park carefully and be mindful of firefighters still working in the area.

Injuries: No injuries were reported.

WYOMING

Firefighters monitor Leigh Canyon Fire (Jackson Hole News and Guide, Jackson Hole, WY)

Melissa Cassutt, Rebecca Huntington, and Julie Kukral, September 15, 2018

UPDATE, 8:30 p.m. Saturday — Grand Teton National Park reported three campsites were evacuated as a precautionary measure on Saturday: 16, 14A and 14B, all located on the west shore of Leigh Lake.

Teton Interagency firefighters responded to what is being called the Leigh Canyon Fire Saturday afternoon after receiving reports of smoke. The fire, approximately 3 1/2 acres, is located at 7,600 feet, about a mile above Leigh Canyon from the west side of the lake.

The cause of the fire remains unknown. Crews are monitoring the fire by ground and air, and will continue to keep an eye on the blaze throughout the evening. Combating the fire is challenging, as the flames are burning "in a remote area," according to a Park statement, "and priority is firefighter and public safety."

Backcountry permits have been temporarily suspended for the CMC camp on Mt. Moran, campsites near Leigh Lake, Bearpaw and Trapper Lakes, Bearpaw Bay and Little Grassy Island.

Park-goers in Paintbrush Canyon or near southern Leigh Lake should be prepared to modify plans as necessary.

"Fire plays a vital role in the ecosystem reducing fuel loads, allowing future fires to not grow as rapidly," the park statement reads. "Fire management objectives include firefighter and public safety, park, and forest infrastructure; while monitoring the fire as it fulfills its natural role on the landscape. Management strategies will adjust to changing conditions."

UPDATE, 5:45 p.m. — Crews are conducting aerial surveys of the fire, which is estimated to encompass 3 1/2 acres with heavy spotting on the west shore of Leigh Lake, said CJ Adams, a spokesman with Grand Teton National Park.

"Earlier this afternoon we got a report that there was a fire on the west shore of Leigh Lake," Adams said. "We don't know if it was man-made or naturally caused."

In addition to campsite evacuations, backcountry permits for Leigh Lake, Bearpaw and Trapper Lakes and Little Grassy Island have also been suspended, Adams said.

The park is on red flag warning due to high winds.

UPDATE, 3:55 p.m. — Campers are evacuating the area, though many — like Teton Valley resident and Garage Grown Gear founder Amy Hatch, who was interviewed while re-stuffing sleeping bags and packing up a tent — are disappointed to be leaving their sites.

"We respect the Park Service's call, but are super sad to leave," Hatch said. "We just barely got here after lots of packing, schlepping, paddling and cajoling of 6 year olds. It's not the idyllic weekend we imagined when we signed up for a permit in January."

ORIGINAL STORY, 3 p.m. — Campers on the west side of Leigh Lake in Grand Teton National Park are being asked to evacuate as crews work on suppressing a nearby fire in Leigh Canyon near the south buttress of Mount Moran.

A helicopter has been spotted in the area with what looks like equipment for water drops, reports managing editor Rebecca Huntington, who is on site. Huntington's husband, Reed Finlay, spotted and called in the fire at 12:14 p.m.

Additional information is unknown at this time, Grand Teton National Park spokeswoman Denise Germann said.

Fast-moving fire injures two men caught in blaze (Jackson Hole News and Guide, Jackson Hole, WY)

Tom Hallberg, September 16, 2018

Dry, windy conditions resulted in an array of wildfires over the weekend.

Anyone near the Upper Hoback probably saw the plume of smoke from the Roosevelt Fire.

The blaze had burned roughly 300 acres as of Sunday evening, according to Grand Teton National Park spokeswoman Denise Germann, who was covering fires in the Bridger-Teton National Forest as well as in the park. It is burning in heavily forested land about three miles

west of the Upper Hoback trailhead near Roosevelt Meadows. Hunters in the area reported the blaze to the Bridger-Teton on Saturday afternoon. Its cause is unknown.

U.S. Forest Service Trail 131, the Upper Hoback River Trail, is closed from the end of Forest Service Road 30700, Upper Hoback River Road, to where it merges with the North Horse Creek Trail. The forest is asking forest users to avoid the area around the fire.

Two men were injured in the fire. They were caught in the area and forced to retreat into a creek. They were transported to St. John's Medical Center, and as of Sunday night were being transferred to a burn center in Salt Lake City, according to a press release Germann sent. The extent of their injuries was unknown at press time.

The "Bridger-Teton National Forest was under Red Flag conditions for high winds and low relative humidity the day the fire was discovered. Warm, dry conditions are expected to continue through the week. There will be smoke visible in the area," said a forest press release.

Crews are monitoring the blaze but are not actively attempting to suppress it.

"That fire is being used on the landscape to reintroduce fire in its natural role," Bridger-Teton spokeswoman Mary Cernicek said.

The Roosevelt Fire joins a cadre of blazes on public lands near Jackson. The Bridger-Teton reported two other blazes Sunday on its Facebook page. One, the Spider Fire near Bald Mountain Basin, is about 2 acres. The other, the Martin Fire near the Macdougall Gap in the Wyoming Range, is reported on the Teton Interagency Fire website as being 300 acres, though the weather made it difficult to assess.

"That is a wind-driven fire," Cernicek said.

In Teton park, Teton Interagency firefighters responded to the Leigh Canyon Fire on Saturday afternoon after receiving reports of smoke. The fire, approximately 3 1/2 acres, is located at 7,600 feet, about a mile above Leigh Canyon from the west side of Leigh Lake.

The cause remains unknown. Crews are monitoring the fire by ground and air. Combating it is challenging, as the flames are burning "in a remote area," according to a park statement, "and priority is firefighter and public safety."

Teton park reported that three campsites were evacuated as a precautionary measure Saturday: 16, 14A and 14B, all on the west shore of Leigh Lake.

Backcountry permits have been temporarily suspended for the CMC camp on Mount Moran, campsites near Leigh Lake, Bearpaw and Trapper lakes, Bearpaw Bay and Little Grassy Island.

Park-goers in Paintbrush Canyon or near southern Leigh Lake should be prepared to modify plans as necessary.

“Fire plays a vital role in the ecosystem reducing fuel loads, allowing future fires to not grow as rapidly,” the park statement reads. “Fire management objectives include firefighter and public safety, park, and forest infrastructure; while monitoring the fire as it fulfills its natural role on the landscape. Management strategies will adjust to changing conditions.”

New Colorado Fire Crosses Into Wyoming, Forces Evacuations (K2 Radio, Casper, WY)
Nick Learned, September 16, 2018

Hunters and campers in southern Wyoming and Colorado have been forced to evacuate due to intense activity from a new wildfire that began just south of the border late Saturday and crossed into Wyoming Sunday evening.

The Ryan Fire is burning in Colorado's Jackson County on the Routt National Forest and Mt. Zirkel Wilderness. A Sunday night update from Aaron Voos of the U.S. Forest Service put the fire at 1,832 acres in size.

Smoke is visible from southeastern Wyoming as well as much of northern Colorado.

The fire origin is located three miles southeast of Hog Park Guard Station, two miles south of the state line and two miles west of Buffalo Ridge Trailhead, in the extreme northern tip of the wilderness area.

After the fire was reported late Saturday, helicopters and fire crews were initially able to implement suppression efforts until high winds fueled rapid fire growth mid-day Sunday. That forced aircraft and ground crews to disengage.

From there, fire managers focused on evacuating nearby hunters and campers. As of Sunday evening, Voos says that all known, occupied camps and hunters in the path of the fire had been successfully evacuated.

The Forest Service implemented a broad area closure due to the fire's extreme growth on Sunday. During this part of the year, the closure will mostly impact hunters.

The Hog Park Area in Wyoming has been evacuated and is now closed, while Forest Roads 496 and 404 have also been closed. Forest Road 80 in Colorado is closed, with hunters and campers in the area being evacuated.

The area around Wyoming's Blackhall Mountain has also been closed.

In Wyoming, elk hunt area 13 and deer hunt area 81 are closed. In Colorado, the closure is for game management unit 161. Local law enforcement and fire staff are assisting with the evacuations.

As the fire has quickly grown in complexity, fire management will quickly be turned over to higher-level teams. The type IV initial response will transition to a type III command on Monday, with Rocky Mountain Team Black -- the Type II team that handled the Badger Creek Fire and Britania Mountain Fire earlier this year -- taking over on Tuesday.

Some 50 personnel are working the fire as of Sunday night, with more on the way.

The fire does not pose an immediate risk to structures, and none have been destroyed so far. The nearest buildings are roughly three miles to the northeast at Big Creek and Jerry Parks in Wyoming.

The fire is currently zero percent contained, burning mainly both live and bug-killed lodgepole pine. The cause is under investigation and no injuries have been reported.

Voos says that the strategy for fire managers is full suppression, meaning direct actions where they can be safely and effectively executed.

Mountain West Firefighters And Volunteers Head East To Respond To Hurricane Florence (Wyoming Public Media, Laramie, WY)
Ali Budner, September 14, 2018

Teams of people from the Mountain West, including firefighters and Red Cross volunteers, have already been deployed to the East Coast in preparation for Hurricane Florence.

Colorado and Utah are sending members of their Urban Search and Rescue Task Force One teams to the area to provide support. There are 28 FEMA-funded teams like this across the country, set up to respond to local state and national disasters.

Rod Tyus leads the Colorado Task Force One, which sent 47 people to North Carolina this week. Tyus said they're on the ground working with other agencies. "They'll be assigned to work on search and rescue," he said.

Most of the members are working firefighters, but Tyus said there are also structural engineers, doctors, certified drivers, and swiftwater rescuers.

Utah's Task Force One team sent 16 of its responders.

Scores of Red Cross volunteers from across the Mountain West are also on the East Coast helping prepare for the storm. They'll be there offering food, water, and emergency shelter.

“We have about 35 people from Colorado and Wyoming that are volunteers that have come here to North Carolina and South Carolina to take care of people especially following the storm,” said Bill Fortune, a spokesperson with the Red Cross.

Fortune said being out there to help just makes common sense.

“When we have a major disaster in Colorado, such as the wildfires, the floods, things like that, people from all over the country came to Colorado to help us,” he said. “Likewise, when disasters happen in other parts of the country, our volunteers want to be there to reciprocate.”

Red Cross volunteers from Montana, Idaho, and Utah are also part of the relief effort.

From:	McGuire, Bruce </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7161D464404D4BA8A41CF4CF875DA113-MCGUIRE, BR>
To:	"McGuire, Bruce </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7161d464404d4ba8a41cf4cf875da113-McGuire, Br>"
Subject:	FW: Project Proposal(1)
Date:	2019/02/05 15:47:30
Priority:	Normal
Type:	Note

From: (b)(6)@state.sd.us]
Sent: Thursday, December 13, 2018 12:26 PM
To: (b)(6)@fema.dhs.gov>
Subject: RE: Project Proposal




Let's go with Tuesday at 10AM CST. Does that work for you? I'll get you a rough project outline to you asap.

[Click here to complete a two question customer experience survey](#)

(b)(6)

Logistics & Admin Branch Team Leader
SD Office of Emergency Management
221 S Central Avenue
Pierre, SD 57501

(b)(6)

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From: McGuire, Bruce <Bruce.McGuire@fema.dhs.gov>
Sent: Thursday, December 13, 2018 12:40 PM
To: (b)(6)@state.sd.us>
Subject: RE: [EXT] Project Proposal

(b)(6)

Tuesday, Thursday or Friday will work. If these don't work let me know. If you could provide some advance information about your proposed project that might be useful. Thanks.

Bruce McGuire
Region VIII Grants Division
(303) 235-4625 w
(303) 720-2126 c

From: (b)(6)@state.sd.us]
Sent: Thursday, December 13, 2018 11:21 AM
To: McGuire, Bruce <Bruce.McGuire@fema.dhs.gov>
Subject: Project Proposal

Bruce,




Myself and (b)(6) would like to have a conference call with you to discuss a project proposal. Is there a time next week that works for you? This may result in an amendment to our current work plan and we are more than willing to do that, if necessary.

Thanks,

[Click here to complete a two question customer experience survey](#)

(b)(6)
Logistics & Admin Branch Team Leader
SD Office of Emergency Management
221 S Central Avenue
Pierre, SD 57501

(b)(6)

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Recipient:	"McGuire, Bruce </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7161d464404d4ba8a41cf4cf875da113-McGuire, Br>"
Sent Date:	2019/02/05 15:47:29
Delivered Date:	2019/02/05 15:47:30

From:	McGuire, Bruce </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7161D464404D4BA8A41CF4CF875DA113-MCGUIRE, BR>
To:	"McGuire, Bruce </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7161d464404d4ba8a41cf4cf875da113-McGuire, Br>"
Subject:	FW: radio encryption project(2)
Date:	2019/02/05 15:58:01
Priority:	Normal
Type:	Note

From: (b)(6)@state.sd.us]
Sent: Friday, December 14, 2018 1:57 PM
To: McGuire, Bruce <Bruce.McGuire@fema.dhs.gov>
Subject: RE: radio encryption project

Thank you! Have a great weekend!

From: McGuire, Bruce <Bruce.McGuire@fema.dhs.gov>
Sent: Friday, December 14, 2018 2:56 PM
To: (b)(6)@state.sd.us>
Subject: RE: [EXT] radio encryption project

(b)(6)

I will run this by Brad and Dan, who is the financial side, and should know if anything additional is needed for the budget. I will get back to you.

Bruce McGuire
Region VIII Grants Division
(303) 235-4625 w
(303) 720-2126 c

From: (b)(6)@state.sd.us]
Sent: Friday, December 14, 2018 10:34 AM
To: McGuire, Bruce <Bruce.McGuire@fema.dhs.gov>
Cc: (b)(6)@state.sd.us>; (b)(6)@state.sd.us>
Subject: radio encryption project

Bruce,

To re-cap our conversation we just had, we identified a radio gap through our planning process with counties on response to a civil disturbance type event whether it be for the Keystone Pipeline project that is slated to be constructed through our state or any other potential civil disturbance event that may occur. In any event like this, it will be important for our statewide interoperable radio communications system to be secure (disrupters not able to listen to response tactics over a scanner). This was a major lesson learned from North Dakota in their response to the DAPL protests. To ensure this for the safety and security of our emergency management and law enforcement officials, we need to add radio encryption to our statewide interoperable radios we have in place. This requires each radio to have programming added to allow for the encryption. The cost for this software programming is \$1,100 per radio and we are proposing to have this added to approximately 3 radios in each county as well as a cache of radios at the state level and our OEM radio's. Total cost will be about \$189,000 for this plan.




We will report these activities in our EMPG workplan under the objective for sustaining all other emergency management activities and our budget narrative captures this as well in the area for equipment where we have funds set aside for needs related to items identified in gap analysis', which this clearly fits that because it is an identified gap through our planning process and interoperable radio communication is an EMPG authorized equipment list item and this radio encryption will be placed on the statewide interoperable radio system.

Through our discussion today, it was understood that this project doesn't require any changes to our EMPG workplan or budget narrative, but if you have more thoughts about it after our discussion, we are more than welcome to accommodate any request you may have for us to make any required updates to our work plan or budget as needed. We will begin moving forward with this project as discussed to ensure we are prepared for the identified gap.

Thank you for speaking to us this morning and helping us talk through this process to ensure we are meeting all the requirements for our EMPG.

-
-
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(b)(6)
SD Dept. of Public Safety | Office of Emergency Management
605.773.3231

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Recipient:	"McGuire, Bruce </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7161d464404d4ba8a41cf4cf875da113-McGuire, Br>"
Sent Date:	2019/02/05 15:58:00

Delivered Date: 2019/02/05 15:58:01
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From:	McGuire, Bruce </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7161D464404D4BA8A41CF4CF875DA113-MCGUIRE, BR>
To:	"McGuire, Bruce </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7161d464404d4ba8a41cf4cf875da113-McGuire, Br>"
Subject:	FW: radio encryption project(3)
Date:	2019/02/05 15:59:58
Priority:	Normal
Type:	Note

From: Carlson, Dan
Sent: Monday, December 17, 2018 1:27 PM
To: McGuire, Bruce <Bruce.McGuire@fema.dhs.gov>; Hufford, Bradford <bradford.hufford@fema.dhs.gov>
Subject: RE: radio encryption project

Hello

Yes, this is fine.

Thanks

Dan C.

From: McGuire, Bruce
Sent: Monday, December 17, 2018 12:29 PM
To: Hufford, Bradford <bradford.hufford@fema.dhs.gov>; Carlson, Dan <Dan.Carlson@fema.dhs.gov>
Subject: FW: radio encryption project

Brad & Dan,

I received the following message from (b)(6) on Friday that summarizes a discussion I had with him the same day. I have attached their budget which contains a non-specific line item as he mentions in the email below. I looked on the AEL and found the following items which are allowable expenditures for EMPG. Please review details below and let me know if you have any questions and if you would like any modification to their budget. I did ask if any funding was available under HSGP and apparently there is not.

I do not see anything that would prevent South Dakota from making this purchase. Thanks.

Bruce McGuire
Region VIII Grants Division
(303) 235-4625 w

(303) 720-2126 c

Bottom of Form

05EN-00-ECRP - Software, Encryption

Encryption software for protecting stored data files or email messages.

05EN-00-ETRN - Encryption, Data Transmission

A class of network access solutions, usually for remote access, that provide encrypted user access. May be used for remote access, point to point, or link encryption. Includes virtual private networks, and encrypted transmission modes such as SSH and SSL.

From: (b)(6)@state.sd.us]
Sent: Friday, December 14, 2018 10:34 AM
To: McGuire, Bruce <Bruce.McGuire@fema.dhs.gov>
Cc: (b)(6)@state.sd.us>; (b)(6)@state.sd.us>
Subject: radio encryption project

Bruce,

To re-cap our conversation we just had, we identified a radio gap through our planning process with counties on response to a civil disturbance type event whether it be for the Keystone Pipeline project that is slated to be constructed through our state or any other potential civil disturbance event that may occur. In any event like this, it will be important for our statewide interoperable radio communications system to be secure (disrupters not able to listen to response tactics over a scanner). This was a major lesson learned from North Dakota in their response to the DAPL protests. To ensure this for the safety and security of our emergency management and law enforcement officials, we need to add radio encryption to our statewide interoperable radios we have in place. This requires each radio to have programming added to allow for the encryption. The cost for this software programming is \$1,100 per radio and we are proposing to have this added to approximately 3 radios in each county as well as a cache of radios at the state level and our OEM radio's. Total cost will be about \$189,000 for this plan.

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our work plan or budget as needed. We will begin moving forward with this project as discussed to ensure we are prepared for the identified gap.




Thank you for speaking to us this morning and helping us talk through this process to ensure we are meeting all the requirements for our EMPG.

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(b)(6)

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(b)(6)

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Recipient:	"McGuire, Bruce </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7161d464404d4ba8a41cf4cf875da113-McGuire, Br>"
Sent Date:	2019/02/05 15:59:57
Delivered Date:	2019/02/05 15:59:58
Message Flags:	Unread

From:	McGuire, Bruce </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7161D464404D4BA8A41CF4CF875DA113-MCGUIRE, BR>
To:	"McGuire, Bruce </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7161d464404d4ba8a41cf4cf875da113-McGuire, Br>"
Subject:	FW: radio encryption project(4)
Date:	2019/02/05 16:01:28
Priority:	Normal
Type:	Note

From: (b)(6)@state.sd.us]
Sent: Tuesday, December 18, 2018 9:14 AM
To: McGuire, Bruce <Bruce.McGuire@fema.dhs.gov>
Cc: Hufford, Bradford <bradford.hufford@fema.dhs.gov>; Carlson, Dan <Dan.Carlson@fema.dhs.gov>
Subject: RE: radio encryption project

Thank you! Happy Holidays!

From: McGuire, Bruce <Bruce.McGuire@fema.dhs.gov>
Sent: Tuesday, December 18, 2018 10:12 AM
To: (b)(6)@state.sd.us>
Cc: Hufford, Bradford <bradford.hufford@fema.dhs.gov>; Carlson, Dan <Dan.Carlson@fema.dhs.gov>
Subject: RE: [EXT] radio encryption project

Jason,

I ran this by Dan as well and he didn't indicate any revisions to the budget were necessary. I can see the need for this software based on your gap analysis and real world events. This type of equipment is allowable according to the AEL/SEL and probably applicable to a few categories. I found [05EN-00-ECRP - Software, Encryption](#) to be relevant here. Your project to purchase and deploy approximately three software encryption applications per county in addition to a "cache" or radios on hand at the state is approved. The approximate cost will be \$189,000. Once you actually purchase the software and install it to the relevant sites I would appreciate it if you could provide the final radio count and actual cost. In addition, as your gap analysis finds other areas that may need equipment purchases please keep us apprised of the projects so we can track them based on your budget submission. I hope this software assists your efforts in the emergency management efforts in South Dakota. Your cooperation is appreciated.

Bruce McGuire
Region VIII Grants Division

(303) 235-4625 w

(303) 720-2126 c

From: (b)(6)@state.sd.us]
Sent: Friday, December 14, 2018 10:34 AM
To: McGuire, Bruce <Bruce.McGuire@fema.dhs.gov>
Cc: (b)(6)@state.sd.us>; (b)(6)@state.sd.us>
Subject: radio encryption project

Bruce,

To re-cap our conversation we just had, we identified a radio gap through our planning process with counties on response to a civil disturbance type event whether it be for the Keystone Pipeline project that is slated to be constructed through our state or any other potential civil disturbance event that may occur. In any event like this, it will be important for our statewide interoperable radio communications system to be secure (disrupters not able to listen to response tactics over a scanner). This was a major lesson learned from North Dakota in their response to the DAPL protests. To ensure this for the safety and security of our emergency management and law enforcement officials, we need to add radio encryption to our statewide interoperable radios we have in place. This requires each radio to have programming added to allow for the encryption. The cost for this software programming is \$1,100 per radio and we are proposing to have this added to approximately 3 radios in each county as well as a cache of radios at the state level and our OEM radio's. Total cost will be about \$189,000 for this plan.

We will report these activities in our EMPG workplan under the objective for sustaining all other emergency management activities and our budget narrative captures this as well in the area for equipment where we have funds set aside for needs related to items identified in gap analysis', which this clearly fits that because it is an identified gap through our planning process and interoperable radio communication is an EMPG authorized equipment list item and this radio encryption will be placed on the statewide interoperable radio system.

Through our discussion today, it was understood that this project doesn't require any changes to our EMPG workplan or budget narrative, but if you have more thoughts about it after our discussion, we are more than welcome to accommodate any request you may have for us to make any required updates to our work plan or budget as needed. We will begin moving forward with this project as discussed to ensure we are prepared for the identified gap.

Thank you for speaking to us this morning and helping us talk through this process to ensure we are meeting all the requirements for our EMPG.

-




-

[Click here to complete a two question customer experience survey](#)

(b)(6)

SD Dept. of Public Safety | Office of Emergency Management

(b)(6)

 [Description: M:\DOL\Publications\ images\other logos\Social Media\social-media-icons\[1\]\Social-Media-Icons.jpg](#)  [Description: M:\DOL\Publications\ images\other logos\Social Media\social-media-icons\[1\]\Social-Media-Icons.jpg](#)  [OEM logo trademark](#)

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Sender:	McGuire, Bruce </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7161D464404D4BA8A41CF4CF875DA113-MCGUIRE, BR>
Recipient:	"McGuire, Bruce </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7161d464404d4ba8a41cf4cf875da113-McGuire, Br>"
Sent Date:	2019/02/05 16:01:26
Delivered Date:	2019/02/05 16:01:28
Message Flags:	Unread

From:	McGuire, Bruce </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7161D464404D4BA8A41CF4CF875DA113-MCGUIRE, BR>
To:	"Hufford, Bradford </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1e347b181a2a4a349544582a9122c08a-Hufford, Br>"; "Carlson, Dan </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6e97073f5764f0c878c34b572308424-Carlson, Da>"
Subject:	FW: radio encryption project
Date:	2018/12/17 14:29:09
Priority:	Normal
Type:	Note

Brad & Dan,

I received the following message from (b)(6) on Friday that summarizes a discussion I had with him the same day. I have attached their budget which contains a non-specific line item as he mentions in the email below. I looked on the AEL and found the following items which are allowable expenditures for EMPG. Please review details below and let me know if you have any questions and if you would like any modification to their budget. I did ask if any funding was available under HSGP and apparently there is not.

I do not see anything that would prevent South Dakota from making this purchase. Thanks.

Bruce McGuire
Region VIII Grants Division
(303) 235-4625 w
(303) 720-2126 c

Bottom of Form

[05EN-00-ECRP - Software, Encryption](#)

Encryption software for protecting stored data files or email messages.

[05EN-00-ETRN - Encryption, Data Transmission](#)

A class of network access solutions, usually for remote access, that provide encrypted user access. May be used for remote access, point to point, or link encryption. Includes virtual private networks, and encrypted transmission modes such as SSH and SSL.

From: (b)(6)@state.sd.us]
Sent: Friday, December 14, 2018 10:34 AM
To: McGuire, Bruce <Bruce.McGuire@fema.dhs.gov>
Cc: (b)(6)@state.sd.us>; (b)(6)@state.sd.us>
Subject: radio encryption project

Bruce,

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Thank you for speaking to us this morning and helping us talk through this process to ensure we are meeting all the requirements for our EMPG.




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(b)(6)

SD Dept. of Public Safety | Office of Emergency Management

(b)(6)

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Sender:	McGuire, Bruce </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7161D464404D4BA8A41CF4CF875DA113-MCGUIRE, BR>
Recipient:	"Hufford, Bradford </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1e347b181a2a4a349544582a9122c08a-Hufford, Br>"; "Carlson, Dan </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b6e97073f5764f0c878c34b572308424-Carlson, Da>"
Sent Date:	2018/12/17 14:29:06
Delivered Date:	2018/12/17 14:29:09

BUDGET
EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG)
FISCAL YEAR 2018

*Budget figures represent the total of the Federal share and non-Federal share.

Total Federal and non-Federal share: \$6,358,746.00

1. PERSONNEL (\$1,059,814.00)

A. Professionals supported under the EMPG by title and specific duties.

EMPG Positions

Division Director – (b)(6) (\$24,600.00; 27% EMPG): Responsible for the administration of the Emergency Services Division.

Director – (b)(6) (annual salary \$75,873.00; 100% EMPG): Responsible for the overall administration of the Office of Emergency Management.

Deputy Director – (b)(6) (annual salary \$67,633.00; 100% EMPG): Supports the Director with the administration of the office by monitoring personnel issues and maintaining a high understanding of all office programs.

Logistics and Administration Branch Team Leader – (b)(6) (annual salary \$52,810.00; 100% EMPG): Develops and implements the Emergency Management Performance Grant (EMPG). Acts as a team leader for the Logistics and Administrative staff.

Preparedness Branch Team Leader – (b)(6) (annual salary \$52,810.00; 100% EMPG): Develops and implements preparedness activities to ensure the Office remains ready to respond to emergencies within the State. Acts as the team leader to support staff in the Preparedness branch.

Response Branch Team Leader – (b)(6) (annual salary \$50,340.00; 100% EMPG): Develops and implements the State and Local agreement with counties and leads field operations. The State and Local agreement is the EMPG funds granted to counties to sustain and enhance their local emergency management organizations.

Regional Coordinators – (b)(6) (6 positions; annual salaries \$40,450.00, \$45,873.00, \$41,190.00, \$44,980.00, \$49,540.00, and \$49,240.00; 100% EMPG): Provide guidance to the local county officials concerning state and federal emergency management program requirements; act as liaisons between all levels of government and exercise diplomacy in resolving complex issues regarding assistance, compliance, and funding.

Planner/Individual Assistance Officer – (b)(6) (annual salary \$42,480.00; 100% EMPG): Administers the Individual Assistance Program following a Presidential disaster

declaration as well coordinating other recovery activities statewide. This position also administers COOP Planning.

GIS/Incident Management Software Specialist – (b)(6) (annual salary \$53,550.00; 100% EMPG): Administers the incident management software and GIS software.

Training Coordinator – (b)(6) (annual salary \$44,480.00; 100% EMPG): Develops a training program that will benefit both state and local personnel. This position also tracks training on individual transcripts.

Exercise Coordinator – (b)(6) (annual salary \$47,950.00; 100% EMPG): Develops an exercise program that will benefit both state and local personnel. This position is also a technical advisor to local jurisdictions on exercises.

VOAD Coordinator – (b)(6) (annual salary \$57,940.00; 100% EMPG): Coordinates VOAD activities statewide as well as strengthening private partnerships to aid following disasters.

Credentialing System Coordinator – (b)(6) (annual salary \$40,470.00; 100% EMPG): This position is responsible for the implementation of the Comprehensive Resource Management & Credentialing System for first responders.

Planner/HMEP Coordinator – (b)(6) (\$32,450.00; 67% EMPG): Updates all administrative plans and operational procedures for the Office. Administers the Hazardous Material Emergency Preparedness grant.

Logistics Coordinator – (b)(6) (\$53,080.00; 100% EMPG): This position handles all of the logistics related tasks for the office including managing office inventory, warehouse inventory, shelter trailer inventory, and EOC equipment testing.

NFIP Coordinator – (b)(6) (\$3,420.00; 5% EMPG): This position serves as a Duty Officer. The remaining portion of the salary for this position is paid for by the NFIP – CAP grant program. The activities of this position are related to NFIP and mitigation. These activities are captured within the workplan because they support emergency management as a whole.

Mitigation and Recovery Branch Manager – (b)(6) (\$2,750; 5% EMPG): This position serves as a Duty Officer. The remaining portion of the salary for this position is paid for through disaster funds. The activities of this position are related to mitigation and the public assistance program. These activities are captured within the workplan because they support emergency management as a whole.

Disaster Closeout Coordinator – (b)(6) \$2,200; 5% EMPG): This position serves as a Duty Officer. The remaining portion of the salary for this position is paid for through disaster funds. The activities of this position are related to the public assistance program. These activities are captured within the workplan because they support emergency management as a whole.

Disaster Closeout Coordinator - (b)(6) (\$2,400; 5% EMPG): This position serves as a Duty Officer. The remaining portion of the salary for this position is paid for through disaster funds. The activities of this position are related to the public assistance program. These activities are captured within the workplan because they support emergency management as a whole.

State Hazard Mitigation Officer - (b)(6) (\$2,450; 5% EMPG): This position serves as a Duty Officer. The remaining portion of the salary for this position is paid for through mitigation funds. The activities of this position are related to the mitigation program. These activities are captured within the workplan because they support emergency management as a whole.

Mitigation Specialist - (b)(6) (\$2,250; 5% EMPG): This position serves as a Duty Officer. The remaining portion of the salary for this position is paid for through mitigation funds. The activities of this position are related to the mitigation program. These activities are captured within the workplan because they support emergency management as a whole.

Secretary - (b)(6) (b)(6) (2 positions; annual salaries \$24,525.00 and \$27,040.00; 100% EMPG): Perform all clerical duties within the Office.

Information Officer - (b)(6) (annual salary \$11,600.00; 24% EMPG): Responsible for coordinating all social media sources as well as updating the Office website to ensure the public is well informed throughout all roles of emergency management. Promotes emergency management information through various forms such as mailing, booths, etc.

Accountant/Auditor Manager - (b)(6) (\$13,440.00; 23% EMPG): Processes payments and reconciles grants related to emergency management.

B. Each position will expend 2080 hours, unless otherwise noted.

C. All personnel costs will be linked directly to achieving items listed in the program narrative.

Personnel Metrics	Data
EMPG Program funds (Federal and match) allocated towards state emergency management personnel	\$1,059,814.00
EMPG Program funds (Federal and match) allocated towards non-state emergency management personnel (local, Tribal, territories)	\$2,807,088.00
Total Number of state emergency management full-time equivalent (FTE) personnel (including those supported and not supported by the EMPG Program)	30
Number of state emergency management full-time equivalent (FTE) personnel supported (fully or partially) by the EMPG Program	30
Total Number of state, local, Tribal and territory (SLTT) emergency management personnel supported (fully or partially) by the EMPG Program	99

2. FRINGE BENEFITS (\$286,150.00):

The basis for computation of rates, including the types of benefits to be provided, is:

base pay + social security + retirement + insurance + Workman's Compensation

3. TRAVEL (\$183,000.00):

Out of state conferences, seminars, training opportunities: 30 @ \$1,500 per trip (average) = \$45,000.00

Monitoring visits: 396 @ \$150.00 per trip = \$59,400.00

Other in-state travel for meetings: \$78,600.00

The basis for the monitoring visits is each regional coordinator will travel to each county in their region at least once a quarter. This represents 264 trips (66 counties x 4 trips a year). The other 132 visits are for regional coordinator trips to assist counties with extraordinary items that come up throughout the year, including emergency response.

4. EQUIPMENT (\$971,854.00)

21 laptop computers under \$1,800 each: \$37,800.00

Emergency response equipment identified through a gap analysis. Equipment will be authorized on the U.S. Department of Homeland Security Authorized Equipment List that will enhance emergency response at the state and local level following a disaster or prior to a disaster: \$934,054.00

5. SUPPLIES and MATERIALS (\$60,000.00):

The supplies expense is based upon the prior year usage of supplies, materials, postage, and publications.

6. CONTRACTS/GRANTS (\$3,696,870.00):

County emergency management SLA grants: 58 counties = \$2,807,088.00 – Funds to manage county emergency management offices.

SD Department of Health, Emergency Medical Services grant - \$26,282.00: Facilitate first responder training to ensure first responders are prepared to accomplish their duties in an emergency.

Training courses to support State/local emergency management: \$77,500.00

State Services Contracts: \$786,000.00

County emergency management SLA grants expenses are based upon county pass through funds which are matched 50% by the county receiving the funds. The training and state services contracts are based upon the prior year usage.

7. INDIRECT COSTS (\$101,058.00):

This amount budgeted is based on a rate approved by a Federal Agency. The percentage is 6.2%.

8. PROJECTED UNOBLIGATED BALANCE, FY 2017: All funds obligated.

A 50% match for the EMPG funds will come from the State General Fund, State in-kind match, county funds.

All costs are either estimated costs based upon prior year expenses or actual costs based upon contracts that are in place.

From: Espinosa, Adam
Sent: Tuesday, October 30, 2018 9:56 AM
To: Knapp, Nathan
Cc: Schroder, Robert; Williams, Tamara
Subject: FW: Civil Disturbance Meeting Notes - September 24th
Attachments: Civil Disturbance Planning Workshop Notes 7-24-18.pdf

For discussion

From: (b)(6)@state.sd.us]
Sent: Wednesday, August 1, 2018 12:07 PM
To: Espinosa, Adam <Adam.Espinosa@fema.dhs.gov>
Subject: FW: Civil Disturbance Meeting Notes - September 24th

Sorry Adam, meant to include you on this email as well. Any questions, let me know.

Thanks, (b)(6)

(b)(6) MEP
Response Branch Team Leader
SD Office of Emergency Management
Office: (b)(6)
Email: (b)(6)@state.sd.us
Follow OEM on

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From: (b)(6)
Sent: Wednesday, August 1, 2018 12:00 PM
To: (b)(6)@state.sd.us>; (b)(6)
(b)(6)@state.sd.us>;
(b)(6)@state.sd.us>; (b)(6)
(b)(6)@state.sd.us>; (b)(6)
(b)(6)@state.sd.us>; (b)(6)@state.sd.us>
Subject: Civil Disturbance Meeting Notes - September 24th

Good morning everyone. On September 24th, we held a Civil Disturbance Planning Workshop in Pierre in order to facilitate discussions on response issues, planning, and coordination to a civil disturbance event. We concentrated this meeting with invitees from county emergency management agencies and local law enforcement agencies. The meetings went very well and a number of questions and topics

were brought forward for additional discussion. We are sending this message to you this morning for two reasons, first, to invite you as a representative of your agency to future meetings, and two, to provide you information on the questions that were raised to help develop answers or responses to them.

I've attached the notes from the workshop in preparation for our next meeting scheduled in Pierre at the Mickelson Building, scheduled for Thursday August 30th beginning with breakout sessions at 10:00am. An agenda and more specific morning discussion topics will be distributed in a few weeks.

The dates for additional future meetings after the August meeting are:

- * September 19th
- * October 24th
- * November 14th

If you have any questions regarding the meetings or the notes, please feel free to contact me.

Thanks, (b)(6)

(b)(6) MEP
Response Branch Team Leader
SD Office of Emergency Management
Office: (b)(6)
Email: (b)(6)@state.sd.us
Follow OEM on

[Click here for a two question customer experience survey.](#)

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From:	Panzer, Scott
SentVia:	Panzer, Scott </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=02bfe50934e0438ea64d34d6dbfdae55-Panzer, Sco>
To:	(b)(6)@ios.doi.gov"
Subject:	FW: Law Enforcement and Emergency Management planning for Keystone Pipeline and lessons learned RFI from FEMA
Date:	2018/08/27 18:24:00
Priority:	Normal
Type:	Note

Good Afternoon,

Adam Espinosa asked that I forward the attached agenda for the Planning Workshop hosted by the SD Department of Public Safety, scheduled Aug 30 1000-1500 in Pierre, SD.

Address: State EOC / Amphitheater of the Mickelson Building 1302 E Hwy 14, Pierre SD 57501

Adam has been asked to support Hurricane Lane in Hawaii and will no longer be able to attend and AJ has since left the agency. Please let me know if you have any questions or concerns.

V/R,

Scott Panzer
 Operations Branch
 FEMA | Region VIII | Response
scott.panzer@fema.dhs.gov
 (tel) (303) 235-4864
 (c) (303) 859-6035

From: Espinosa, Adam
Sent: Monday, August 27, 2018 3:21 PM
To: Panzer, Scott <scott.panzer@fema.dhs.gov>
Subject: FW: Law Enforcement and Emergency Management planning for Keystone Pipeline and lessons learned RFI from FEMA

From: (b)(6)@ios.doi.gov [mailto:(b)(6)@ios.doi.gov] **On Behalf Of** DOI, WatchOffice
Sent: Friday, August 17, 2018 10:22 AM
To: (b)(6)@ios.doi.gov; (b)(6)
 (b)(6)@ios.doi.gov>
Cc: (b)(6)@ios.doi.gov; (b)(6)@ios.doi.gov; (b)(6)
 (b)(6)@ios.doi.gov; Lyman, AJ <aaron.lyman@fema.dhs.gov>; Espinosa, Adam

<Adam.Espinosa@fema.dhs.gov>; (b)(6)@blm.gov; (b)(6)
(b)(6)@blm.gov; (b)(6)@ios.doi.gov; (b)(6)
(b)(6)@ios.doi.gov>

Subject: Law Enforcement and Emergency Management planning for Keystone Pipeline and lessons learned RFI from FEMA

Good afternoon,
Representatives from FEMA Region 8 have been in contact with the IOC to get POCs from the North/South Dakota area and Headquarters to confab about lessons learned and future strategies regarding prior civil unrest and the Keystone Pipeline.

FEMA region 8 POCs: Aaron Lyman 303-350-0412 and Adam Espinosa (LNO South Dakota) are CC'd in this email.

To be clear, according to FEMA, they have no information about an immediate civil event at this time, but want to initiate a meeting with stakeholders to discuss lesson learned from 2017 as building blocks as the pipeline moves forward.

v/r

(b)(6)

Interior Operations Center
Office of Emergency Management
U.S. Department of the Interior
877.246.1373 :Toll Free
202.208.4108 :Main Phone
(b)(6):Secure
202.208.3421 :Fax
Email: (b)(6)@ios.doi.gov

Sender:	Panzer, Scott; Panzer, Scott </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=02bfe50934e0438ea64d34d6dbfdae55-Panzer, Sco>
Recipient:	(b)(6)@ios.doi.gov"
Sent Date:	2018/08/27 18:24:05
Delivered Date:	2018/08/27 18:24:00



SOUTH DAKOTA
DEPARTMENT
OF PUBLIC SAFETY

Civil Disturbance Planning Workshop

Aug. 30, 2018

10:00am – 3:00pm Central Time

Pierre

Agenda:

10:00am to 10:30am	Opening Remarks
10:30am to 12:00pm	Functional Discussion Sessions -Emergency Management, County Commissioners, Law Enforcement, and Other Agency Individual Breakout Sessions
12:00pm to 1:00pm	Lunch on your own
1:00pm to 3:00pm	General Assembly –Breakout Session Reports / State Agency Capability and Question & Answer Discussions

Individual Group Functional Discussion Questions:

Law Enforcement General:

Discussion focus areas have been selected. The focus of this meeting will be related to judicial, jailing, and transport.

1. If you have a Civil Disturbance Incident within your jurisdiction, what plans have you made to arrest, transport and jail individuals?
2. Has your jurisdiction made any plans or agreements with surrounding counties to support operations within their jurisdiction or to jail any of their arrests?
 - a. Does your facility have the capacity you anticipate in a larger event? How many arrested would cause you to max out capacity?
 - b. If no, what alternatives are you considering?
 - c. What plans are you making to transport a large number of individuals who have been arrested?
 - d. Have you had any of these discussions with your County Emergency Manager related to any resources or logistical support you may need?



SOUTH DAKOTA
DEPARTMENT
OF PUBLIC SAFETY

3. Discuss developing a standardized booking form.
4. What specific Judicial related questions do you have?
5. What questions do you have for State Officials related to judicial, jailing and transport?
Specifically outline 1-2 questions related to the following state agencies so these questions can be addressed and additional planning can occur.
 - a. Dept. of Transportation
 - b. Dept. of Public Safety
 - c. Dept. of Health
 - d. Dept. of Ag / Wildland Fire
 - e. Dept. of Game Fish & Parks
 - f. BIT / State Radio Communications
 - g. DCI / Attorney General's Office
 - h. UJS
 - i. Others?

Law Enforcement, Pipeline Counties:

State law enforcement and the Sheriffs from the 9 counties that the pipeline passes through will meet following the general session to discuss topics that are specific to their counties. This session will be limited to the Sheriffs only from Pennington, Meade, Tripp, Lyman, Haakon, Perkins, Butte, Jones and Harding Counties.

Emergency Management

Discussion focus areas have been selected. The focus of this meeting will be related to staffing EOC, regional EOC concepts, to include joint EOC ordering for multi-county incident response efforts.

1. What efforts are you undertaking to recruit and training individuals within the community to work in the local EOC? How are you identifying these individuals?
2. What challenges do you foresee with a regional EOC staffing concept?
 - a. Are you currently utilizing regional staffing model?
 - b. Does your EOC have the capacity in terms of space and resources to expand to a regional size EOC operation? What alternative locations can be utilized if your EOC is not able to be used (alternate COOP location) or not large enough.



SOUTH DAKOTA
DEPARTMENT
OF PUBLIC SAFETY

- c. What resource shortages do you anticipate within your local EOC related to communications, more staff, ...
-
3. What questions do you have for State Officials related to judicial, jailing and transport? Specifically outline 1-2 questions related to the following state agencies so these questions can be addressed and additional planning can occur.
 - a. Dept. of Transportation
 - b. Dept. of Public Safety
 - c. Dept. of Health
 - d. Dept. of Ag / Wildland Fire
 - e. Dept. of Game Fish & Parks
 - f. BIT / State Radio Communications
 - g. DCI / Attorney General's Office
 - h. Others?

County Commissioners

Discussion focus areas have been selected. The focus of this meeting will be related to the two-mill requirement per SDCL 34-48A-30.

SDCL 34-48A-1(7) "Local effort," the expenditure for emergency or disaster purposes within the twelve-month period preceding the date of the request, of an amount equal to two mills of the assessed valuation, exclusive of capital asset purchases, in each county for the assessment date preceding the date of the request under an emergency or disaster declaration by the Governor;

SDCL 34-48A-30. Minimum local effort required for state aid. In order to qualify for state financial assistance to meet the costs of an emergency or disaster declared by the Governor, a county shall meet the minimum standard of local effort as specified in subdivision 34-48A-1(7).

SDCL 34-48A-32. Amount of state financial assistance--Additional assistance authorized. In those counties in which the Governor has officially declared an emergency or disaster and in which local effort requirements have been met, the state will provide financial assistance for such additional operational costs needed for the particular emergency or disaster situation up to a maximum of sixty percent of additional local effort expenditures; provided, however, that the Governor upon finding it necessary for the preservation of life and property may authorize additional state financial assistance.

1. How will the county fund a large-scale response when state financial assistance is not available per SDCL 34-48A-32 until you meet the two-mill assessed valuation?
2. What mechanisms do you have to be able to seek additional county funds for the response costs?



SOUTH DAKOTA
DEPARTMENT
OF PUBLIC SAFETY

General Assembly Questions for Federal / State Agencies:

1. If requested how long will it take for your agency staff to be on-scene?
2. What specific resources does your agency have which may be requested during a large scale Civil Disturbance Event.
3. What technical capabilities does your staff have which could be offered either remotely or onscene at an event?
4. What other critical pieces of information do you as a supporting agency need from local law enforcement or county emergency management officials in order to plan for a Civil Disturbance Event?

From: Espinosa, Adam
Sent: Tuesday, October 30, 2018 10:05 AM
To: Schroder, Robert
Cc: Williams, Tamara
Subject: FW: Law Enforcement and Emergency Management planning for
Keystone Pipeline and lessons learned RFI from FEMA

DOI Notes

From: Lyman, AJ
Sent: Friday, August 17, 2018 11:30 AM
To: (b)(6)@ios.doi.gov; (b)(6)
(b)(6)@ios.doi.gov;
(b)(6)@ios.doi.gov
Cc: (b)(6)@ios.doi.gov; (b)(6)
(b)(6)@ios.doi.gov; (b)(6)
(b)(6)@ios.doi.gov; Espinosa, Adam
<Adam.Espinosa@fema.dhs.gov>; (b)(6)
(b)(6)@blm.gov; (b)(6)@blm.gov;
(b)(6)
(b)(6)@ios.doi.gov; (b)(6)
(b)(6)@ios.doi.gov
Subject: Re: Law Enforcement and Emergency Management planning for
Keystone Pipeline and lessons
learned RFI from FEMA

Thanks, all.

Adam Espinosa will be the POC on this.

Much appreciated, (b)(6)

AJ

AJ Lyman
Operations Branch
Response Division
FEMA Region VIII
303.350.0412 - Mobile

From: (b)(6)@ios.doi.gov
Date: Friday, August 17, 2018 at 10:23:00
To: (b)(6)@ios.doi.gov, (b)(6)
(b)(6)
(b)(6)@ios.doi.gov
(b)(6)@ios.doi.gov, (b)(6)
(b)(6)@ios.doi.gov, (b)(6)
(b)(6)@ios.doi.gov, "Lyman, AJ"

<aaron.lyman@fema.dhs.gov>, "Espinosa, Adam"
<Adam.Espinosa@fema.dhs.gov>, (b)(6)
(b)(6)@blm.gov>, (b)(6)@blm.gov>,
(b)(6)
(b)(6)@ios.doi.gov>, (b)(6)
(b)(6)@ios.doi.gov>

Subject: Law Enforcement and Emergency Management planning for
Keystone Pipeline and
lessons learned RFI from FEMA

Good afternoon,
Representatives from FEMA Region 8 have been in contact with the IOC
to get POCs from the
North/South Dakota area and Headquarters to confab about lessons
learned and future strategies
regarding prior civil unrest and the Keystone Pipeline.

FEMA region 8 POCs: Aaron Lyman 303-350-0412 and Adam Espinosa (LNO
South Dakota)
are CC'd in this email.

To be clear, according to FEMA, they have no information about an
immediate civil event at this
time, but want to initiate a meeting with stakeholders to discuss
lesson learned from 2017 as
building blocks as the pipeline moves forward.

v/r

(b)(6)

Interior Operations Center
Office of Emergency Management
U.S. Department of the Interior
877.246.1373 :Toll Free
202.208.4108 :Main Phone
(b)(6) :Secure
202.208.3421 :Fax
Email: (b)(6)@ios.doi.gov

From:	Schroder, Robert </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=67B7CCF013FA46B6862E68E39519B990-SCHRODER, R>
To:	"Knapp, Nathan </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0232703a08644616a9a9573b3f4d5560-Knapp, Nath>"; "Williams, Tamara </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e80031b7b5d0433bafde38c2e4f36ad9-Williams, T>"
CC:	"Greff, Stacie </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=deb1206708b84547b984ca21572d5ca9-Greff, Stac>"; "Dick, Jennifer </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=98f20fa840524c2b841d09dc2a2a2229-Dick, Jenni>"; "Americanos, Christopher </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d139c9fe4f134b54b23322cf204322fd-Americanos,>"; "Floyd, Megan </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ea02b1f88e044e6b6e5090e00f4f9fc-Floyd, Mega>"; "Espinosa, Adam </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ea04e58ea5e949458c1f928efe69b097-Espinosa, A>"
Subject:	FW: Meeting Agenda - January 24th
Date:	2019/01/11 09:56:08
Priority:	Normal
Type:	Note




FYI only we are not involved.

From: (b)(6)@state.sd.us>
Sent: Friday, January 11, 2019 7:19 AM
To: (b)(6)@state.sd.us>; (b)(6)@hotmail.com)
(b)(6)@hotmail.com>; (b)(6)@state.sd.us>; (b)(6)
(b)(6)@midconetwork.com) (b)(6)@midconetwork.com>; (b)(6)
(b)(6)@state.sd.us>; (b)(6)@state.sd.us>; (b)(6)
(b)(6)@gmail.com) (b)(6)@gmail.com>; (b)(6)
(b)(6)@state.sd.us>; (b)(6)@state.sd.us>; (b)(6)
(b)(6)@meadecounty.org) (b)(6)@meadecounty.org>; (b)(6)
(b)(6)@state.sd.us>; (b)(6)@co.pennington.sd.us)
(b)(6)@co.pennington.sd.us>; (b)(6)@state.sd.us>; (b)(6)
(b)(6)@state.sd.us>; (b)(6)@state.sd.us>; (b)(6)
(b)(6)@state.sd.us>; (b)(6)@state.sd.us>; (b)(6)
(b)(6)@trippcounty.us) (b)(6)@trippcounty.us>; (b)(6)@state.sd.us>;
(b)(6)@sdplains.com>; (b)(6)@gwtc.net)
(b)(6)@gwtc.net>; (b)(6)@state.sd.us>; (b)(6)
(b)(6)@lymancoso.org>; (b)(6)@state.sd.us>; (b)(6)
(b)(6)@mail.mil) (b)(6)@mail.mil>; Schroder, Robert
<Robert.Schroder@fema.dhs.gov>; (b)(6)@state.sd.us>; (b)(6)
(b)(6)@state.sd.us>; (b)(6)@state.sd.us>; (b)(6)
(b)(6)@state.sd.us>; (b)(6)@state.sd.us>; (b)(6)
(b)(6)@state.sd.us>; (b)(6)@state.sd.us>; (b)(6)
(b)(6)@state.sd.us>

Subject: Meeting Agenda - January 24th

Here is the agenda for the next Civil Disturbance Workshop scheduled for January 24th. Please let me know if you have any questions. Thanks, (b)(6)

(b)(6) **MEP**
 Response Branch Team Leader
 SD Office of Emergency Management
 Office: (b)(6)
 Email: (b)(6)@state.sd.us

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Recipient:	"Knapp, Nathan </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=0232703a08644616a9a9573b3f4d5560-Knapp, Nath>"; "Williams, Tamara </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e80031b7b5d0433bafde38c2e4f36ad9-Williams, T>"; "Greff, Stacie </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=deb1206708b84547b984ca21572d5ca9-Greff, Stac>"; "Dick, Jennifer </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=98f20fa840524c2b841d09dc2a2a2229-Dick, Jenni>"; "Americanos, Christopher </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d139c9fe4f134b54b23322cf204322fd-Americanos,>"; "Floyd, Megan </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ea02b1f88e044e6b6e5090e00f4f9fc-Floyd, Mega>"; "Espinosa, Adam </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ea04e58ea5e949458c1f928efe69b097-Espinosa, A>"
Sent Date:	2019/01/11 09:56:04
Delivered Date:	2019/01/11 09:56:08



SOUTH DAKOTA
DEPARTMENT
OF PUBLIC SAFETY

Civil Disturbance Planning Workshop

January 24th, 2019

10:00am – 3:00pm Central Time

Mickelson Building, Pierre SD

Agenda:

10:00am to 10:15am	Opening Remarks
10:15am to 12:00pm	Functional Discussion Sessions -Emergency Management/County Commissioners and Law Enforcement Breakout Sessions
12:00pm to 1:00pm	Lunch on your own
1:15pm to 3:00 pm	TransCanada Briefing Federal Updates PIO Briefing Breakout Session Reports / State Agency Capability and Q & A Discussions

Law Enforcement General:

Discussion focus areas have been selected. The focus of this meeting will be to make decisions and start formulating a plan.

1. Updates:
 - a. Radio / Cell Phone Inventory
 - b. Judicial & Law Enforcement Meeting
 - c. Radio Communications Recording
2. HSIN Demonstration – Tactical Situational Awareness
3. Rules of Engagement Coordination / SDHP Policy – Review & Consensus
4. Jail, Holding, and Transport – Information discussion

Emergency Management and County Commissioners

Discussion focus areas have been selected. The focus of this meeting will be to make decisions and start formulating a plan.

1. Radio Encryption
2. Common Radio Channels/Vtac Channels/Portable Repeater Needs
3. Communication Between Field Operations to Local EOC to State EOC
4. County Credential Equipment Preparations
5. County Housing Plans for First Responders

From: Espinosa, Adam
Sent: Tuesday, October 30, 2018 10:06 AM
To: Schroder, Robert; Williams, Tamara
Subject: FW: Mtg Dates
Attachments: Civil Disturbance Planning Workshop Notes 7-24-18.pdf

(b)(6) is the PSA for SD I mentioned

From: Espinosa, Adam
Sent: Friday, August 17, 2018 9:50 AM
To: (b)(6)@hq.dhs.gov>
Subject: Mtg Dates

I've attached the notes from the workshop in preparation for our next meeting scheduled in Pierre at the Mickelson Building, scheduled for Thursday August 30th beginning with breakout sessions at 10:00am. An agenda and more specific morning discussion topics will be distributed in a few weeks.

The dates for additional future meetings after the August meeting are:

- * September 19th
- * October 24th
- * November 14th

From: Schroder, Robert
Sent: Tuesday, December 18, 2018 2:58 PM
To: Knapp, Nathan; Williams, Tamara
Subject: FW: November 28 Meeting Notes
Attachments: Long Version Civil Disturbance Meeting Notes 11-28-18.pdf

Nate and Tamara,

SD Minutes.

Bob

From: (b)(6)@state.sd.us>
Sent: Tuesday, December 18, 2018 1:41 PM
To: (b)(6)@state.sd.us>; (b)(6) - Jones County (b)(6)@hotmail.com)
(b)(6)@hotmail.com>; (b)(6)
(b)(6)@state.sd.us>; (b)(6)
(b)(6)@midconetwork.com) (b)(6)@midconetwork.com>; (b)(6)
(b)(6)
(b)(6)@state.sd.us>; (b)(6)@state.sd.us>;
(b)(6) - Ziebach County
Emergency Manager (b)(6)@gmail.com) (b)(6)@gmail.com>; (b)(6)
(b)(6)@state.sd.us>;
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(b)(6)@meadecounty.org)
(b)(6)@meadecounty.org>; (b)(6)
(b)(6)@state.sd.us>; (b)(6)
(b)(6)@co.pennington.sd.us)
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(b)(6)@state.sd.us>; (b)(6)@state.sd.us>;
(b)(6)@state.sd.us>; (b)(6) - Tripp County
(b)(6)@trippcounty.us)
(b)(6)@trippcounty.us>; (b)(6)
(b)(6)@Glines@state.sd.us>; (b)(6)
(b)(6)@sdplains.com>; (b)(6) - Haakon County
(b)(6)@gwtc.net)
(b)(6)@gwtc.net>; (b)(6)@state.sd.us>; (b)(6)
(b)(6)
(b)(6)@mail.mil) (b)(6)@mail.mil>;
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(b)(6)@fema.dhs.gov>; (b)(6)
(b)(6)@state.sd.us>; (b)(6)
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(b)(6)@state.sd.us>; (b)(6)
(b)(6)@state.sd.us>; (b)(6)
(b)(6)@state.sd.us>

Subject: November 28 Meeting Notes

Here are the meeting notes from the November 28th meeting. The agenda for the January meeting will come out after the first of the year. Thanks and Happy Holidays!

(b)(6)

(b)(6) MEP
Response Branch Team Leader
SD Office of Emergency Management
Office: (b)(6)
Email: (b)(6)@state.sd.us
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From: Schroder, Robert
Sent: Friday, October 12, 2018 11:49 AM
To: Espinosa, Adam
Subject: FW: October 24th Civil Disturbance Workshop
Attachments: Planning Workshop Agenda 10-24-18.pdf; Civil Disturbance Meeting Notes 9-19-18F.PDF

Adam,

Here are notes from their last meeting.

The one item I wanted to make sure you were aware of is the 6th bullet down under the following titles:

Individual Group Report Outs:

County Commission Group Report Out, Spokesperson- (b)(6)
(b)(6), State OEM:

It is a question on dialogue and funding.

Bob

From: (b)(6)@state.sd.us]
Sent: Friday, October 12, 2018 8:03 AM
To: (b)(6)@state.sd.us>; (b)(6)
(b)(6)@hotmail.com)
(b)(6)@hotmail.com>; (b)(6)
(b)(6)@state.sd.us>; (b)(6)
(b)(6)@midconetwork.com) (b)(6)@midconetwork.com>; (b)(6)
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(b)(6)@state.sd.us>; (b)(6)
(b)(6)@sdplains.com>; (b)(6)
(b)(6)@gwtc.net)
(b)(6)@gwtc.net>; (b)(6)@state.sd.us>; (b)(6)
(b)(6)@mail.mil) (b)(6)@mail.mil>;
Schroder, Robert

<Robert.Schroder@fema.dhs.gov>; (b)(6)
<Joannah.Tornow@state.sd.us>; (b)(6)
(b)(6)@state.sd.us>; (b)(6)@state.sd.us>
Cc: (b)(6)@state.sd.us>; (b)(6)
(b)(6)@state.sd.us>; (b)(6)
(b)(6)@state.sd.us>
Subject: October 24th Civil Disturbance Workshop

Good morning everyone. Please find attached the workshop notes from the last meeting in September and the agenda for the upcoming meeting on October 24th. As you will note in reviewing the agenda, the upcoming meeting will be conducted differently than the past few meetings. We are asking that each jurisdiction strive to have the following representatives attend from their jurisdiction:

- * Sheriff
- * Emergency Manager
- * County Commissioner(s) - abiding by quorum rules
- * States Attorney
- * County Auditor

We will also be asking you to sit as a jurisdiction when arrive. There will be staff on hand to help get you to your assigned row.

As always if you have any questions regarding the Workshop, please feel free to contact me.

Thanks, (b)(6)

(b)(6) MEP
Response Branch Team Leader
SD Office of Emergency Management
Office: (b)(6)
Email: (b)(6)@state.sd.us
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To:	"Dick, Jennifer </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=98f20fa840524c2b841d09dc2a2a2229-Dick, Jenni>"; "Greff, Stacie </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=deb1206708b84547b984ca21572d5ca9-Greff, Stac>"
CC:	"Schroder, Robert </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=67b7ccf013fa46b6862e68e39519b990-Schroder, R>"
Subject:	FW: October 24th Meeting Notes
Date:	2018/11/07 22:02:19
Priority:	Normal
Type:	Note

Jen and Stacie,

Need to provide direction to the state LNOs on whether to attend or not. Think the recommendation is that this situation is outside our statutory lane at present, but want to confirm and see if you've had any additional coord with the RA/DRA and gain a consolidated recommendation, then pass to the Bob and Tamara for action with the state.

Thanks,
Nate

From: Schroder, Robert
Sent: Wednesday, November 7, 2018 8:58 AM
To: Knapp, Nathan <nathan.knapp@fema.dhs.gov>
Cc: Espinosa, Adam <Adam.Espinosa@fema.dhs.gov>; Williams, Tamara <Tamara.Williams@fema.dhs.gov>
Subject: FW: October 24th Meeting Notes

Hi Nate,

Below is the latest update from (b)(6) on their CD discussions.

If you could give me a call later today when you have a moment that would be great.

I need to give (b)(6) a call back.

Bob

From: (b)(6)@state.sd.us>
Sent: Monday, November 5, 2018 8:48 AM
To: (b)(6)@state.sd.us>; (b)(6) - Jones County (b)(6)@hotmail.com) (b)(6)@hotmail.com>; (b)(6)@state.sd.us>; (b)(6)@midconetwork.com) (b)(6)@midconetwork.com>; (b)(6)@state.sd.us>; (b)(6)@state.sd.us>; (b)(6) - Ziebach County




(b)(6)@gmail.com) (b)(6)@gmail.com>; (b)(6)
 (b)(6)@meadecounty.org) (b)(6)@meadecounty.org>; (b)(6)
 @state.sd.us>; (b)(6)@co.pennington.sd.us)
 (b)(6)@co.pennington.sd.us>; (b)(6)@state.sd.us>; (b)(6)
 @state.sd.us>; (b)(6)@state.sd.us>; (b)(6)
 (b)(6)@state.sd.us>; (b)(6) - Tripp County (b)(6)@trippcounty.us)
 (b)(6)@trippcounty.us>; (b)(6)@state.sd.us>; (b)(6)
 (b)(6)@sdplains.com>; (b)(6) - Haakon County ((b)(6)@gwtc.net)
 (b)(6)@gwtc.net>; (b)(6)@state.sd.us>; (b)(6)
 (b)(6)@mail.mil (b)(6)@mail.mil>; Schroder, Robert
 <Robert.Schroder@fema.dhs.gov>; (b)(6)@state.sd.us>; (b)(6)
 (b)(6)@state.sd.us>; (b)(6)@state.sd.us>

Subject: October 24th Meeting Notes

Please find attached the meeting notes from the Civil Disturbance Planning Workshop held in Pierre on October 24th, 2018.

Thanks, (b)(6)

(b)(6) **MEP**
 Response Branch Team Leader
 SD Office of Emergency Management
 Office: (b)(6)
 Email: (b)(6)@state.sd.us

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Sent Date:	2018/11/07 22:02:16
Delivered Date:	2018/11/07 22:02:19

Civil Disturbance Meeting

Oct. 24, 2018

Opening Statements:

- (b)(6) reminded everyone to sit with their county team in the row labeled for their county. State agency rep's could fill in throughout the available seating.
- Changes to the agenda: The meeting will start with a video, then go into the county scenarios. Lunch break, then more of the video. Representatives from TransCanada will be at the meeting to provide a law enforcement briefing and answer questions after lunch. After the TransCanada briefing, then any county scenarios remaining from the morning session will be discussed

Video: The Rise and Fall of Standing Rock: <https://youtu.be/wlVQhhPVG64>

Scenarios

- Counties were given 15 minutes to discuss their county specific scenarios.

Perkins County Scenario:

- **Command Structure:** ICS structure would be used. Actions would depend on if the protesters were violent or not. Forward operating base. A regional EOC might be an option if Meade County was willing. Actions might also depend on what existing relationship there is between the county and the protesters.
- **Resources:** The county is geographically large. The ambulance would come out of Faith. Law enforcement would also be needed to ensure safety of EMS. They might have to communicate with the camp on how injured would be retrieved from them. These types of decisions could already be in place based on pre-existing relationship with the camp. Response to the camp would be about 50 miles one way. Highway Patrol will most likely be called if there are any in the area. (b)(6) said HP could assist, though there might not be many in the area. Flight might also be a necessity depending on the urgency of the situation.
- **Communications:** Good state radio coverage in that area. Spotty cell phone coverage. Would hope to have encryption to protect law enforcement. It would take approximately 3 hours to get the tower and cache of radios to the location.
- **Operation Periods:** If things are peaceful, Perkins can sustain with Sheriff's office for more than one operational period.
- Laws allow law enforcement to remove protesters in that area. Counties are encouraged to discuss applicable laws with their state's attorneys. This particular statute is 5-4-18.

Pennington County Scenario:

- **Command Structure:** Joint Command from inside the building. Special Response Team (SRT) and Mobile Response Team would be there, along with EM and a federal representative. Law Enforcement would let the protesters stay for now since they're not blocking anything, and there are several alternative routes. They'd block off the area with barricades and patrol cars.
- **Resources:** The SRT and Highway Patrol would provide enough assistance for this scenario.
- **Communications:** No comms issues noted. There are mutual aid channels they can use depending on the scale of the incident. They feel they will need to have encrypted channels. The process for that is ongoing currently in the county. There would be more communication issues the farther out in the county the incident would be, but no issues in downtown RC.
- **Operation Periods:** No issues with operational periods; Rapid City has enough officers to cover. Would need to keep in mind getting the officers rested and fed but no issues foreseen there.

Harding County Scenario:

- **Command Structure:** Sheriff would act as IC. No EOC used, would just run things through dispatch as things are currently peaceful. If requested, HP would come and assist as usual and command would remain with the county.
- **Resources:** Detours would be needed on a state highway. DOT would make alternate routes as needed on state roads and Harding County would need to make detours for local roads.
- **Communications:** No issues foreseen for this incident which is in town. A deployable cell on wheels can be requested via BIT from AT&T or Verizon for any area that has spotty cell phone coverage within 14 hours.

Lyman County Scenario:

- **Command Structure:** Utilize local resources for staging areas. Dispatch would be used for resource requests.
- **Resources:** HP and/or law enforcement from neighboring counties. Staging area for ambulance and fire service. Amount of fire service available would be dependent upon time of year. Might contact DOT for detours at a later point but wouldn't move the protesters at this time.
- **Communications:** No cell coverage in this area and no state radio service in part of the area. They'd request resources from AT&T/Verizon/State Radio. With FirstNet, commercial traffic would get kicked out if there were too many people utilizing it, and responders would still have the access as priority.
- **Operation Periods:** Would need mutual aid to cover multiple operations periods.

Meade County Scenario:

- **Command Structure:** Will need law enforcement to divert around cattle. Unified Command between Meade County, HP, and the workforce camp's security team if they have one. Investigation will occur. HP would work jointly with the sheriff to assist with what they want to do regarding the state highway.
- **Resources:** Housing responders would occur in Sturgis or Faith, and meals brought to LE.
- **Operation Periods:** Date would dictate how challenging this scenario would be for the county. County could handle the feeding or housing if the scale isn't too large and the time of year is agreeable.
- Counties should not make decisions based on who would order what and the costs associated, because ultimately the Governor could decide a resource is needed that hasn't been ordered at any time. Payment will be decided afterward, but counties are ultimately responsible for the costs up to the 2 mill amount per state law and then the Governor can determine what percentage to pay after the 2 mill amount is met, but not more than 60%.

Butte County Scenario:

- **Command Structure:** Staging area would be needed.
- **Resources:** Fire, DOT, law enforcement. If it stays small, they should have the resources. This is close to the Perkins County line so mutual aid might come from there.
- **Communications:** Digital radio is in-and-out, and cell phone coverage is almost non-existent. Towers, etc. might need to be brought in. BIT says there is a tower in that area; (b)(5) says there are hills and other parts of the area that are worse than others.
- **Operation Periods:** More than one operational period would be a struggle and other options would need to be found.

Haakon County Scenario:

- **Command Structure:** ICS with Sheriff as IC out of his vehicle.

- **Resources:** HP, DOT to assist with rerouting traffic and disseminating obstruction information. Would be difficult to have a staging area at both areas with lack of personnel but would have them ready on standby. Fire/EMS from other counties needed. DOT requires contractor to do signage/flagging if state highways are impacted by construction. **Communications:** Might need to bring in boosters, towers, etc. to boost cell and radio service.
- **Operation Periods:** Would be very difficult to maintain for more than one operational period, particularly for housing and feeding.

Jones County Scenario:

- **Command Structure:** Divide the situation into two incidents. No EOC activated unless longer operational periods are needed. Two IC's. Reroute. Park will have city and HP officers. Interstate will have sheriff and HP officers.
- **Resources:** Will need DOT assistance for barricades. No issues for radio or cell service. DOT would need to be involved in any operation involving shutting down an interstate because of the huge impact to the transportation system.

TransCanada Briefing/Questions:

(b)(6) Head of Security

(b)(6) Security Liaisons between TransCanada and the state and local levels of government.

- The pipeline will meet two other pipelines in Steele City, NE.
- The pipeline areas are divided into "spreads" – spreads 5 and 6 are the two areas in South Dakota that will see construction starting in May 2019 and will continue until January/February 2020.
- Work crews will arrive in May and begin installing the pipe June through November.
- Pipe yards and work camps are being created in preparation for work to begin. One work camp is 1 miles North of Philip and one is near Opal.
- Haul roads are being built up now to handle the increase in truck traffic.
- This Fall there are crews clearing the first 30 miles of where the pipeline will be laid so it's prepared for next spring's construction. This includes creating right-of-way's and clearing trees/bushes/etc., so wildlife does not nest or occupy the area in the spring when construction will begin.
- Once the pipe starts arriving to the pipe yards, private security hired by the pipe company will be in place 24/7 including surveillance cameras. This will be in place until the last piece of pipe leaves the yard. Pipe yards are located near Bridger and Philip.
- Pipe coming in is 80 ft. long with three pieces of pipe to a trailer. The pipe basically are the trailer and they put wheels underneath the pipe for transport. Similar to how the wind towers are trucked is how they will truck the pipe. It is being shipped via rail first from North Dakota and then will be trucked to the pipe yards.
- 26 buildings coming into the Philip work map, including dormitories, dining facilities, exercises facilities, and recreation areas.
- Workers for the pipeline aren't like oil field workers who learn a skill on site for what's needed. These are union workers that have a particular skill needed for the pipeline construction. This job is their livelihood. Their behavior is highly regulated. If they mess up they lose their job and are sent home and their career may be over.
- Community meeting held in Philip 10/23/18 with county and city officials. Additional community meetings will be occurring in the near future.
- There will be fire suppression capabilities within the work camp with adequate fresh water supply on site to ensure firefighting capabilities and drinking water does not take away from the

- community needs outside the work camp area. Philip will also provide some water for fire suppression for their work camp. A water reservoir will be created to accommodate this.
- Typical workday: 6:00 am start. 10-12 hours a day, 6 days a week. Potential for 7-day work weeks. Workers bussed between work camp and work site, with 10 - 12 miles between the sites. TransCanada wants to minimize traffic on these roads. Specialized work trucks will also travel with the worker busses carrying tools and other items needed for their work.
 - Summer 2019 will see up to 40 miles of open work site area at any given time in SD. Montana will also have pipeline being built during this same time period which will spread out the work area more and hopefully as a result, protestor activity will not be concentrated to one area.
 - Buildings within the work camp will be set up far enough away from each other that a fire incident in one building would not endanger the other buildings.
 - There will be 300 RV spots for workers at the camps if they prefer to bring in their own camper. Workers are highly incentivized with money to stay on site at the work camps.
 - Some workers bring a spouse with them. Some couples have both spouses working for the company. Any visitors must be verified as a true family member by their employer. The family member will be scanned in and out of the camp each time. All workers are also scanned in and out of the work camp for accountability. No one is allowed inside the work camp who does not have a badge and has not been signed in.
 - 50 extra beds available in the work camp for off-duty law enforcement who provide security for the camps.
 - Alcohol is allowed in the dormitories/RV's. No public alcohol consumption allowed.
 - Drug-testing can be done on site. Any personnel testing positive for drugs will be fired and removed immediately.
 - Two active work zones in 2020 in Lyman/Tripp County in the Winner area and in Harding County. Nebraska will be getting pipeline work in 2020 and work in Montana will be finishing up at that time.
 - Any wear and tear done to local roads because of trucks associated with the pipeline or heavier local traffic on roads that are being used more heavily because they are staying away from the construction haul roads can be addressed with TransCanada after the work is completed.
 - TransCanada is willing to accommodate safety requests for the camps such as beacons on top of the buildings to alert emergency responders of the building that is in need of assistance. For fire incidents, TransCanada will take any fire suppression support the county can provide, but full fire suppression teams will be on site from TransCanada because they know not all areas can support.
 - Contact TransCanada personnel to get access to the TransCanada website and get access to maps. You may contact (b)(6) at (b)(6).
 - TransCanada makes an effort to hire as many local personnel as possible. For contractors, there is a potential vendor list that is created through Community Relations. There will be RFP's as applicable. RFP decisions for contractors should be made around January. Those contractors will then go to the communities and job fairs will be held on-site so locals can get jobs with the contractors themselves. Security will also be hired locally, and TransCanada will bear all costs associated with their security for the work camps and their onsite security they supply at the work-sites.
 - TransCanada is willing to have these discussions on what they can do to assist with protest response costs.
 - TransCanada has grant information on their website. TransCanada is in favor of legacy gifts – i.e. using the grants to purchase items such as body cam's and first responder vehicles that the county can keep after the pipeline work is over. Grants are not used for what would be perceived as militarizing the police.
 - There will be a helipad on site or airport access nearby of the work camps, along with a triage area and ambulance.

- TransCanada would work directly with law enforcement for any questioning or arrests that are made of workers.
- TransCanada will hire PIO's. PIO's trained in ICS from TransCanada will be used for any JIC/EOC issues. All law enforcement and security will have body cam's. This will be used as evidence and to get the true message out of what's going on during these incidents. Videographers are being hired to videotape everything. All data on body worn cam's can be immediately turned over to local law enforcement for their use in investigations. Data will be stored via either SD cards or a cloud-based solution.
- Cell boosters will be brought to workcamps. TransCanada is in contact with local cell providers on what capacity they already have and what additional needs there are to ensure there is enough capacity for the increased cell traffic.
- Construction in Canada (Alberta, Saskatchewan) will begin next year, but they do not foresee the same amount of opposition in Canada as they see in the U.S. However, they do still have plans in place.
- Bryan Gortmaker with TransCanada will send a weekly e-mail for situational awareness to the SD Fusion Center for public officials in all nine counties. Fusion Center is also pushing the same information through the HSIN page.

Final Discussion:

- The State has a JIC established in the Pierre EOC. There is a robust social media plan if/when protests are involved, and the plan is flexible to county needs. Someone from the state can work directly with a county PIO to strategize and create social media posts and plans. They can also place a state PIO in the county if necessary.
- The state only has jurisdiction to arrest on tribal land if the incident only involves non-tribal members. If any tribal members are involved, HP cannot arrest. Because of this, it is believed protest camps will be made on tribal land just on the border where neither state nor local law enforcement has authority to arrest. It would take a federal injunction to re-open a road on tribal land. TransCanada's route avoids tribal-owned land.
- November 28th is the current rescheduled date of the next meeting. Input requested from attendees on preference between large group meetings and breakout groups with disciplines.
 - Meetings will start making specific planning decisions.
 - (b)(6) will work on getting PUC invited to the next meeting. State will ask if newly appointed state officials will be able to attend any future meetings. TransCanada is invited to every meeting from here on out.
 - Starting in December, scheduling of the meetings will try to avoid Tuesdays and Wednesdays.
- (b)(6) introduced herself as the new Interim Secretary of Public Safety and thanked everyone for coming. She hoped the group could continue to work together and communicate. Feedback from attendees is very helpful.

Butte

While returning from a training flight, a CAP aircraft reports several small fires in the Northeast corner of Butte County. Upon further investigation the pilot reports he can see several vehicles and individuals discharging what appears to be fireworks. The pilot also reports the fires appear to be heading towards work crews for the XL Pipeline. With the coordinates provided by the CAP pilot, dispatch determined the approximate location of the fires at Cottonwood Township Rd & Zeona Rd. Another fire is reported by Hwy 79 and Norwegian Narrow Gage Rd. just north of Hoover.

Dewey

The Tribal Chairman and Council members have allowed water protestors to start a camp at the Rodeo grounds in Eagle Butte. There are reports coming into your Sheriff's office that non-tribal protestors are creating chaos within the camp and around the City of Eagle Butte. The City of Eagle Butte Police Chief confirms the information and is requesting your assistance as there is 400 protestors with an expected arrival of 600 protestors to arrive on buses tomorrow.

Haakon County

10-15 People have gathered for the past two days at the pipe yard along Hwy 34/73. They blocked the driveway into and out of the yard until trucks start moving then slowly move out of the way. Each day it takes them longer to move and they are getting more vocal. This same procedure is being used at the workers compound north of Philip. A Facebook post is threatening that starting tomorrow there will be 50-100 people at each location and they will be shutting down the traffic in and out of these locations.

Harding

For one week now approximately 50 – 100 protesters have been camping at Lake Gardner. For the past 3 days, approximately 20 protesters have been peacefully protesting at the intersection of Hwy 85 and Hwy. 20. They have not restricted access to any of the businesses nor have they impeded the flow of traffic. Local law enforcement, requested mutual aid from Perkins and Butte County; each county responded with 2 deputies each. SD Highway Patrol responded also with two Troopers. Today, Bowman County (ND) Sheriff reports a large group was overheard at the truck stop stating they were on their way to Buffalo to stop the trucks to the work camp. The Bowman County Sheriff estimates 50 to 70 protesters.

Jones County

Murdo City Park has become a campground. There are 30 campers there and the city has ordered them to move on. The police office is requesting assistance in removing them. They are also manning a prayer chain on an over pass near the location where the pipeline will be bored under the interstate. They are also hanging a huge banner in protest to the pipeline over the interstate from the over pass.

Lyman County

A large group of protestors are attempting to block Hwy 53 south of I-90 to trucks hauling pipe and supplies to the crossing at the White River.

EXERCISE ONLY

Meade

For several weeks protesters have been harassing workers at the work force camp by discharging fireworks in the middle of the night and trying to block their access to the work sites. Ranchers have reported fences being cut and their cattle being herded out onto Hwy 212. Due to this situation, several accidents have been reported. Several ranchers have threatened to take “matters into their own hands”. In addition, several attempts have been made by the protesters to enter the work force camp at night. There are approximately 50 law enforcement officers on scene that are maintaining the peace. Intelligence now is reporting that they suspect multiple protests to take place two days from now; exact locations are not known. However, social media would indicate protesters plan on marching on the Capitol in Pierre while a special session is taking place. Other sites will include Haakon, Tripp and Harding counties all which are experiencing increase in activities by the protesters. Most of these activities are small in sizes which could best be described as “guerilla tactics”. Law enforcement officers and resources are in short supply.

Pennington

Security officers at the Federal Courthouse located on 9th St. and Main St Rapid City have reported several cars and three buses have stopped on ninth St. and approximately 100 individuals consisting of male and female adults with children have formed a line on the sidewalk in front of the Federal Building. This line extends from Main St. to St Joseph St. Several of the individuals are carrying signs opposing the XL Pipeline. Leaders are using bull horns to lead anti pipeline chants. So far, they are not blocking traffic and are allowing free access and egress to the building. However, many in the group appear to be more agitated then the others and are making more threats about taking the building. They are requesting law enforcement to maintain the peace.

Perkins

The NWS has issued a Severe Thunderstorm watch for SE Harding County, NE Butte County and SW Perkins County. This area includes the McKenna Ranch School and Public Lands, where 80-100 protesters have established a camp. From this camp they have been protesting at the work force camp on Hwy 212 located within a few miles of the Ben Ash Monument. At 1100 hours, dispatch received a call that an ambulance was needed at the McKenna Ranch. A 56-year-old female was having chest pains and difficulty breathing. NWS has issued a Severe Thunderstorm Warning with large hail and winds up to 70 mph within this area.

Tripp County

Protestors are blocking the road to the White River crossing as it goes across tribal lands east of the sight.

EXERCISE ONLY

Ziebach

The Tribal Chairman has allowed water protestors to establish camp on the reservation land near Bridger and the Cheyenne River, which encompasses tribal and non-tribal members. There are reports of the camp size currently being around 300 protestors. There are several social media sites that say, “We welcome anyone willing to fight the great fight to our camp near Bridger, #waterprotestors #saveourland #tribalnationsunite.” There are also an expected 500 more protestors arriving in buses tomorrow according to the social media sites.

From: Schroder, Robert
Sent: Wednesday, November 7, 2018 8:57 AM
To: Knapp, Nathan
Cc: Espinosa, Adam; Williams, Tamara
Subject: FW: October 24th Meeting Notes
Attachments: Oct 24 2018 CD Meeting Notes Consolidated
(002).docx; Scenario 1.docx

Hi Nate,

Below is the latest update from (b)(6) on their CD discussions.

If you could give me a call later today when you have a moment that would be great.

I need to give (b)(6) a call back.

Bob

From: (b)(6)@state.sd.us>
Sent: Monday, November 5, 2018 8:48 AM
To: (b)(6)@state.sd.us>; (b)(6) - Jones County (b)(6)@hotmail.com) <(b)(6)@hotmail.com>; (b)(6) <(b)(6)@state.sd.us>; (b)(6) <(b)(6)@midconetwork.com> <(b)(6)@midconetwork.com>; (b)(6) <(b)(6)@state.sd.us>; (b)(6) <(b)(6)@state.sd.us>; (b)(6) - Ziebach County Emergency Manager (b)(6)@gmail.com) <(b)(6)@gmail.com>; (b)(6) <(b)(6)@meadecounty.org> <(b)(6)@meadecounty.org>; (b)(6) <(b)(6)@state.sd.us>; (b)(6) <(b)(6)@co.pennington.sd.us> <(b)(6)@co.pennington.sd.us>; (b)(6) <(b)(6)@state.sd.us>; (b)(6) <(b)(6)@state.sd.us>; (b)(6) <(b)(6)@state.sd.us>; (b)(6) <(b)(6)@state.sd.us>; (b)(6) - Tripp County (b)(6)@trippcounty.us) <(b)(6)@trippcounty.us>; (b)(6) <(b)(6)@state.sd.us>; (b)(6) <(b)(6)@sdplains.com>; (b)(6) - Haakon County (b)(6)@gwtc.net) <(b)(6)@gwtc.net>; (b)(6)@state.sd.us>; (b)(6) <(b)(6)@mail.mil> <(b)(6)@mail.mil>; (b)(6) <(b)(6)@fema.dhs.gov>; (b)(6) <(b)(6)@state.sd.us>; (b)(6) <(b)(6)@state.sd.us>; (b)(6)@state.sd.us>
Subject: October 24th Meeting Notes

Please find attached the meeting notes from the Civil Disturbance Planning Workshop held in Pierre on October 24th, 2018.

Thanks, (b)(6)

(b)(6) MEP
Response Branch Team Leader
SD Office of Emergency Management
Office: (b)(6)
Email: (b)(6)@state.sd.us
Follow OEM on

[Click here for a two question customer experience survey.](#)

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From: Espinosa, Adam
Sent: Tuesday, October 30, 2018 10:09 AM
To: Schroder, Robert; Williams, Tamara
Subject: FW: SD request for assistance info

DOJ info I provided the state . A little background the state asked Lee what his response would be to a EM/DR request for this type of event. So senior leadership is aware .

From: (b)(6)@state.sd.us]
Sent: Monday, August 20, 2018 8:15 AM
To: Espinosa, Adam <Adam.Espinosa@fema.dhs.gov>; (b)(6)
(b)(6)@state.sd.us>
Cc: (b)(6)@usdoj.gov; Depalo, Lee <lee.depalo@fema.dhs.gov>; Jones, Susan K <Susan.Jones2@fema.dhs.gov>
Subject: RE: SD request for assistance info

Great info. Thanks Adam
Tina

From: Espinosa, Adam <Adam.Espinosa@fema.dhs.gov>
Sent: Monday, August 20, 2018 8:44 AM
To: (b)(6)@state.sd.us>
Cc: (b)(6)@state.sd.us>; (b)(6)@usdoj.gov;
Depalo, Lee <lee.depalo@fema.dhs.gov>; Jones, Susan K <Susan.Jones2@fema.dhs.gov>
Subject: FW: [EXT] SD request for assistance info

As promised.
Thanks for the contact info (b)(6)

From: (b)(6)@usdoj.gov [mailto:(b)(6)@usdoj.gov]
Sent: Friday, August 17, 2018 1:34 PM
To: Espinosa, Adam <Adam.Espinosa@fema.dhs.gov>
Cc: (b)(6)@usdoj.gov; (b)(6)@usdoj.gov; Depalo, Lee <lee.depalo@fema.dhs.gov>; (b)(6)@usdoj.gov
Subject: SD request for assistance info

In regards to South Dakota and civil unrest issues, there are a few potential sources of financial support.

1. - The US Department of Justice manages the Emergency Federal Law Enforcement Assistance (EFLEA) program, which is designed to assist local agencies with incidents that exceed their capabilities. It is currently funded with \$16m, and would require that the state apply for and be granted those funds.

2. - USDOJ also manages the Justice Assistance Grant (JAG) program.
In recent past, they were able to assist San Bernardino and Orlando with expenses following the attacks there. This would also be a grant application, and would have to be approved.
3. - The state can request reprogramming a portion of your JAG grants, and SD could also apply for potential emergency JAG grant funds.

With all EFLEA and JAG grants, funding is not guaranteed.

SD's contact for DOJ funding sources is JAG Deputy Director (b)(6)

(b)(6)

(b)(6)@usdoj.gov

She may also be able to help identify other potential funding reprogramming, and identifying other eligible funding sources.

4. - Your FEMA liaison can assist with determining if any SHSGP or other DHS funding can be provided or reprogrammed from existing programs to assist with your needs.

Please feel free to contact me with any questions or concerns.

(b)(6)

ESF #13 Regional Field Coordinator - CO, MT, ND, SD, UT, WY
US Department of Justice

(b)(6)

(b)(6)@usdoj.gov

From: Espinosa, Adam
Sent: Wednesday, October 31, 2018 11:46 AM
To: Schroder, Robert; Williams, Tamara
Subject: FW: SD Transportation
Attachments: Keystone Background Summary.docx; Special Conditions.pdf

FYI Ron is the DOT ESF POC

From: (b)(6) (FHWA) [mailto:(b)(6)@dot.gov]
Sent: Thursday, July 19, 2018 8:22 AM
To: Espinosa, Adam <Adam.Espinosa@fema.dhs.gov>
Subject: RE: SD Transportation

Adam,

I am forwarding documents provided by PHMSA.

(b)(6)

From: Espinosa, Adam [mailto:Adam.Espinosa@fema.dhs.gov]
Sent: Monday, July 16, 2018 2:20 PM
To: (b)(6) (FHWA) <(b)(6)@dot.gov>
Subject: SD Transportation

After attending the Sturgis planning meeting for SD it seems there's a little concern with the Trans Canada pipeline that's scheduled to run thru South Dakota and parts of the Cheyenne River Sioux area. I was wondering if you can provide me with a quick fact sheet on the project as it runs thru the states that we monitor. Any information you can provide would be much appreciated.

From:	Greff, Stacie </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DEB1206708B84547B984CA21572D5CA9-GREFF, STAC>
To:	"Dick, Jennifer </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=98f20fa840524c2b841d09dc2a2a2229-Dick, Jenni>"; "Floyd, Megan </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ea02b1f88e044e6b6e5090e00f4f9fc-Floyd, Mega>"
Subject:	Fwd: Pipeline Protest
Date:	2018/09/12 17:04:18
Priority:	Normal
Type:	Note

Viz...

From: "Holmes, Lanney" <Lanney.Holmes@fema.dhs.gov>
Date: Wednesday, September 12, 2018 at 2:44:48 PM
To: "Depalo, Lee" <lee.depalo@fema.dhs.gov>, "Dragani, Nancy" <nancy.dragani@fema.dhs.gov>, "Knapp, Nathan" <nathan.knapp@fema.dhs.gov>, "Carroll, Thomas" <Thomas.Carroll@fema.dhs.gov>, "Greff, Stacie" <Stacie.Greff@fema.dhs.gov>
Cc: "Gafkjen, Jeffrey" <Jeffrey.Gafkjen@fema.dhs.gov>, "Warren, Ronnie" <Ronnie.Warren@fema.dhs.gov>, "Nyquist, Daniel" <Daniel.Nyquist@fema.dhs.gov>
Subject: Pipeline Protest

Speaking with Scott Behunin here in SLC – concern (Tina spoke to this at State Directors meeting) from MT and SD regarding intel coming in reference Keystone pipeline; specifically, resource limited state and local agencies being overwhelmed if/when this activity ensues. Homeland Security reps from S. Dakota here in SLC are trying to assess where assisting resources/funding could come from to support what could be a years’ long incident. It may be a good idea to convene a meeting with the expected players, both government and P/S to gain SA, game plan and set expectations amongst all stakeholders. We have lessons learned from ND, but this could dwarf what happened there if it comes to be.

V/R

Lanney D. Holmes
 Federal Preparedness Coordinator
 FEMA Region VIII
 Denver, CO 80225
 303-235-4629

Sender:	Greff, Stacie </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DEB1206708B84547B984CA21572D5CA9-GREFF, STAC>
Recipient:	"Dick, Jennifer </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=98f20fa840524c2b841d09dc2a2a2229-Dick, Jenni>";

	"Floyd, Megan </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7ea02b1f88e044e6b6e5090e00f4f9fc-Floyd, Mega>"
Sent Date:	2018/09/12 17:04:18

From:	Greff, Stacie </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DEB1206708B84547B984CA21572D5CA9-GREFF, STAC>
To:	"Americanos, Christopher </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d139c9fe4f134b54b23322cf204322fd-Americanos,>"
Subject:	Info: Cheyenne River Sioux Tribe chairman to pipeline builder: 'We will be waiting'
Date:	2018/07/31 16:35:00
Priority:	Normal
Type:	Note

And this article.

From: Greff, Stacie
Sent: Tuesday, July 17, 2018 12:06 PM
To: Dick, Jennifer <Jennifer.Dick@fema.dhs.gov>
Subject: Info: Cheyenne River Sioux Tribe chairman to pipeline builder: 'We will be waiting'

From: Greff, Stacie
Sent: Tuesday, July 17, 2018 9:01 AM
To: Depalo, Lee <lee.depalo@fema.dhs.gov>; Dragani, Nancy <nancy.dragani@fema.dhs.gov>
Cc: Floyd, Megan <Megan.Floyd@fema.dhs.gov>
Subject: Info: Cheyenne River Sioux Tribe chairman to pipeline builder: 'We will be waiting'

Lee – Relates back to the letters you shared over the weekend, and why Cheyenne River Sioux is exploring a PDA and possible direct request versus going through the state.

From: Corcoran, John
Sent: Tuesday, July 17, 2018 8:44 AM
To: R8 External Affairs <R8PublicAffairs@fema.dhs.gov>
Subject: RE: Region VIII news clips July 17, 2018

Additional story of interest:

Cheyenne River Sioux Tribe chairman to pipeline builder: 'We will be waiting' (Rapid City Journal, Rapid City, SD)

Christopher Vondracek, July 17, 2018

On July 11, TransCanada sent a letter to the chairman of Cheyenne River Sioux Tribe about upcoming construction for the Keystone XL Pipeline.

A day later, Harold Frazier responded with four words: "We will be waiting."

In November, TransCanada received approval from a board in Omaha to begin the final build-out phase of its XL pipeline project, which will carry crude oil in a 36-inch pipe from the Alberta Tar Sands to a refinery in Illinois.

The 1,000-plus mile line will cross treaty land ceded to the Cheyenne River Sioux Tribe in the 1851 Treaty of Fort Laramie. Tribal spokesman Remi Bald Eagle said the pipe will also cross the Cheyenne River closely upstream from the reservation and the nature of riparian lands means "so the pipeline will ultimately be on the reservation at some point."

Under federal law, consultation must take place. However, consultation can be fulfilled by TransCanada merely communicating to the tribes its intentions.

The July 11 letter from Nadine Busmann, senior manager of Indigenous Relations, Keystone XL, with TransCanada was "an opportunity to provide you with a further update." The letter stated TransCanada would move materials and "prepare construction-related sites in Montana and South Dakota" beginning in July. Activities could include truck and trailer traffic and new equipment to "staging areas and pipe yards."

The letter also acknowledges the "distinct relationship to the land" held by tribal nations and "the concern" tribes may have with construction of the pipeline. Busmann says TransCanada remains committed to dialogue and open to "discuss potential opportunities for participation in the project."

On TransCanada's website, the Keystone XL Pipeline is described as a "safe, reliable and environmentally responsible way to deliver crude oil to markets in the U.S."

In 2016, protest initiated by the Standing Rock Sioux Tribe culminated in thousands trekking to the Cannonball River in North Dakota to protest the Dakota Access Pipeline. That pipeline received expedited review under President Donald Trump and began pumping oil in May 2017.

Following the protest on Standing Rock, the South Dakota legislature passed Senate Bill 176, which allows the governor the authority to establish "public safety zones" of 20 people or fewer.

Thanks,
Jack

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COLORADO

Colorado wildfire update: Frequent lightning, higher risk of flash floods forecast Tuesday (Denver Post, Denver, CO)

Kirk Mitchell, July 17, 2018

The expression “double-edged sword” has often been used to describe Colorado’s 2018 fire season whenever storm clouds approach.

On Tuesday, it’ll likely be used with regularity across the state as a powerful weather front creeps over burn areas with the potential to drop large hail stones and bring frequent lightning strikes and brief heavy rain.

The storm could help firefighters extend fire lines and mop up a dozen active wildfires from Costilla County in the southern part of Colorado all the way to the Wyoming border. It could also be the harbinger of new headaches including flash floods, lightning-sparked spot fires and high winds spreading fires.

Forecasters warn that flash flooding and winds up to 60 mph are possible Tuesday over burn areas.

“We don’t want too much rain,” said Jennifer Costich, spokeswoman for the Christine Lake fire a mile west of Basalt.

In burned-out fire areas, stripped of trees and other vegetation, as little as .03 inches of rain in a short period of time can trigger a “very dangerous situation,” according to the National Weather Service.

Flash flooding typically occurs in waterways, along creek and river beds, but it can also occur along roadways, in ravines and in most any down slope area — places that don’t usually carry or channel water.

People in areas under flash flood watches and warnings should be prepared to take action and move to higher, safe ground at a moment's notice.

416 FIRE

The fire area north of Durango is under a flash flood watch Tuesday afternoon through Tuesday evening.

The burn scar area in northwest La Plata County could see heavy rainfall and residents in the area, especially along the U.S. 550 corridor near Hermosa, "should prepare for potential flooding impacts," the weather service said. "Elsewhere, be prepared for flash flooding and debris flows on many area highways and roads."

The fire, which started June 1, has burned more than 54,000 acres and was 50 percent contained Monday afternoon, fire officials said.

SPRING CREEK FIRE

Moderate, cooler weather and ongoing rains, including thunderstorms along the eastern edge of the fire area, has increased chances of flash flooding, fire officials said. Lightning in recent days has also been a concern.

"Fire weakened trees continue to pose a hazard and flash floods are occurring in areas that receive rainfall," fire officials said Monday.

Isolated to scattered thunderstorms are possible Tuesday afternoon and evening, the weather service reports. "Dangerous cloud-to-ground lightning, with wind gusts up to 40 mph and locally heavy rainfall will be the primary storm risks," the weather service said. "Any heavy rainfall which occurs on burn scars could produce dangerous flash flooding."

Chances for thunderstorms will decrease mid- to late-week as drier air pushes into the region. But lightning, brief heavy rainfalls and winds up to 50 mph will still be possible and could raise concerns.

Thunderstorm chances ramp up again Friday and into the weekend as monsoon moisture returns.

The fire, in Costilla and Huerfano counties, has burned more than 108,000 acres and was 91 percent contained Monday night.

LAKE CHRISTINE FIRE

On Sunday, fire crews built hand lines along the northwestern edge of the fire, officials said Monday.

"Much of the burned area has exposed soils which could lead to an increased potential for erosion or runoff during rainfall," fire officials said.

Utility companies continue repairs along damaged transmission lines. Late in the afternoon Sunday, some isolated flareups, creeping fire, smoldering and isolated torching occurred in the northern fire section. The northern end of the fire remains uncontained. Burning in steep, rugged terrain, the fire will likely continue to spread north. Smoke will continue to plume for some time and flames may be visible in the evening.

The fire has burned just over 6,800 acres and was 59 percent contained Monday night.

WESTON PASS FIRE

Cooler temperatures and a chance for rain are expected to impede fire growth and help fire crews reach full containment.

The lightning-sparked 13,023-acre wildfire nine miles southwest of Fairplay is at 93 percent containment.

Hot, dry temperatures Thursday through Sunday are another concern.

Colorado wildfire update: Post-fire flooding big concern after blazes decimated vegetation (Denver Post, Denver, CO)

Kirk Mitchell, July 16, 2018

As the majority of Colorado wildfires approach 100 percent containment, Forest Service teams are beginning to visit burn areas on U.S. Forest Service lands to assess their vulnerability to flooding, landslides and other fire-related catastrophes.

Nine of the 12 wildfires still plotted on the U.S. Forest Service fire map are at 90 percent containment or higher, including the largest wildfire in 2018, the Spring Creek fire in south-central Colorado.

The aftermath of the wildfires will pose hazards for years to come because hills and mountain sides are stripped of vegetation, according to Forest Service officials. Fire can destroy roads and homes while leaving communities downstream of burn areas at risk of flooding and rock slides, according to Forest Service officials.

The U.S. Forest Service has assembled a team of hydrologists, soil scientists, road engineers, wildlife specialists and fisheries biologists to assess damage caused by wildfires to make recommendations for emergency mitigation work to protect human life as well as cultural and natural resources.

“Everyone near and downstream from the burned areas should remain alert and stay updated on weather conditions that may result in heavy rains over the burn scars,” according to a Forest Service report. “Flash flooding may occur quickly during heavy rain.”

Here's a wrap-up of the largest wildfires in Colorado:

SPRING CREEK FIRE

A flash flood warning is in effect through 6 p.m. today.

Rain has dramatically reduced the activity of the 108,045-acre wildfire five miles northeast of Fort Garland. It is now 91 percent contained.

The number of firefighters still tasked to the fire has fallen to 594 and most of them are stationed in a steep wilderness area on the northwest corner of the fire.

The Spring Creek fire is the third largest in state history.

416 FIRE

Steady rains have taken the punch out of the wildfire that started 13 miles north of Durango on June 1.

In early June, more than 1,000 firefighters were tasked to the fire. Now only 21 people are assigned to the wildfire, mostly to repair fire lines when needed.

The fire is 50 percent contained. The wildfire is burning in wilderness in the San Juan National Forest where containment is not a goal.

All the areas along the eastern flank and southern end of the fire are completely contained.

LAKE CHRISTINE

The 6,822-acre wildfire, which started July 3 about a mile from Basalt, is 59 percent contained.

"We got some sprinkles last night and that helped out. We don't want too much rain or that could cause flooding," fire spokeswoman Jennifer Costich said Monday.

Fire crews are picking their battles in heavily forested areas to avoid risk to firefighters. Some areas in the more active northwest corner of the wildfire only have one entry and exit road, which is dangerous for fire crews, she said.

"It may take a long time to get there because of the safety issue," Costich said.

Firefighters are attacking scree areas, where rock slides limit vegetation, to build fire lines, she said. Helicopters are dropping water and retardant on hot spots once they begin to smolder.

Two people are accused of igniting the wildfire while firing tracer bullets at a shooting range near Lake Christine, according to the district attorney's office. The 2,100 people who were evacuated have since been allowed to return home. The fire destroyed three homes.

WESTON PASS FIRE

Isolated rain is expected Monday morning beginning at around 6 a.m. Increasing rain showers and thunderstorms are expected between noon and 8 p.m.

Containment on the 13,023-acre wildfire located nine miles southwest of Fairplay has ballooned to 93 percent.

The remaining 272 firefighters still tasked to the blaze are mostly building fire lines and putting out hot spots.

A bird's-eye view of what floods may bring (The Durango Herald, Durango, CO)

Ryan Simonovich, July 17, 2018

A perfect storm could send debris hurtling down canyons and potentially damage property adjacent to the 416 Fire burn scar. To prepare for the worst-case scenario, La Plata County Office of Emergency Management is using a drone to get a bird's-eye view of problem areas.

On Monday, Tom McNamara, emergency management coordinator, flew a drone with a camera attachment along Hermosa Creek to survey what kind of debris may become problematic in case it floods. He has done the same behind the Falls Creek subdivision and above the Lower Hermosa Campground.

"Primarily, there's trees – old, dead fall that's made its way into the creek," McNamara said.

When trees are swept downstream by rushing water, they could become caught on bridges and dam the river, he said. If there is flooding, large debris could smash into structures and homes.

Despite warnings from the National Weather Service and emergency officials, no floods had occurred as of Monday afternoon near the burn scar. However, it's just a matter of the right storm conditions in the right area, said Butch Knowlton, director for La Plata County Emergency Management.

"If it's a dump in a short period of time, then that pushes a lot of stuff down in a hurry," Knowlton said. "If it's the way it's been for the last few days ... then we do see a little bit of ash movement, but it hasn't created any significant problems yet."

Areas of specific concern include Dyke Canyon, Tripp Creek and the Hermosa Creek Drainage.

The goal of the drone work is to have a better idea of what lies upstream that is waiting to come down. Then, emergency officials can inform homeowners who are in the path of a potential debris flow.

When a big storm comes, they can also send emergency notifications and issue evacuations or pre-evacuations for areas expected to be hit hard by debris flows.

“If we get enough information, and understand what’s happening well enough, we should be able to be in a better position to keep people out of the way when something bad may happen or is happening,” McNamara said.

In addition to drone flyovers, emergency planners have existing flood maps, terrain modeling and geologic data such as soil types and slope gradient. Another good resource includes historic accounts from longtime residents who have experienced floods in the past.

Many residents remember the mudslides and debris flows that came after the 2002 Missionary Ridge Fire, which caused significant property damage to homes on East Animas Road (County Road 250), Florida Road (County Road 240) and the Vallecito area, among others.

In some cases, mud and rock broke through doors and flooded basements, garages and main living floors of homes.

“We have the experience,” Knowlton said, referring to the aftermath of Missionary Ridge. “We have the knowledge of what could occur.”

McNamara adds that a large part of the planning is finding areas that previously wouldn’t have posed a problem. Before the fire, hillsides might have been able to handle a lot of rain. Now, because they are void of vegetation, heavy rain will create mudslides or flooding.

The hope is that officials will be better prepared for danger, because with the drone imagery, they will be able to predict whether an area will flood or have large debris flows.

According to the National Weather Service, there is up to a 40 percent chance of thunderstorms Tuesday and a 20 percent chance Wednesday. Chances of storms decrease later in the week.

Whatever the weather does, there will be danger lurking on the mountain.

“The material is up there, the terrain is up there, the risk is up there,” Knowlton said. “It’s all solely dependent on the volume of rain that comes with each storm.”

Wildfires initially tough on wildlife, but some can benefit long-term (The Daily Sentinel, Grand Junction, CO)

Dennis Webb, July 17, 2018

When the Divide Fire raged through remote terrain in rural Moffat County in late June and early July, it not only consumed multiple residences — it torched nearly 20,000 acres of priority habitat for the imperiled greater sage-grouse.

The fire served as a reminder that wildfires have consequences for wildlife, too. Other reminders have come in the story of a bear cub that is being rehabilitated after its paws were severely burned in the 416 Fire north of Durango, and officials warning residents in the Basalt area to watch for hungry, displaced bears and other wildlife after a bear was spotted along the fire line of the 6,600-acre Lake Christine Fire and another showed up at the firefighter camp.

But while animals can be among the casualties when blazes break out, the overall impacts of fires can be not just negative but positive, depending on the species, particularly over the long term.

Brad Petch, senior wildlife biologist in northwest Colorado for Colorado Parks and Wildlife, said any fire results in local loss of wildlife.

"The larger the fire, the more significant that is," he said.

But larger animals such as big game and mobile ones such as adult birds often are able to move quickly enough to escape, he said. Younger animals tend to fare worse.

"Fawns and calves disproportionately get caught for deer and elk," he said.

While bigger, faster-burning fires create more challenges for animals trying to escape, Petch said oftentimes there are pockets within the fire perimeter that don't get burned.

"It's not uncommon for wildlife to hole up in those," he said.

Petch said he doesn't want to minimize the loss that occurs due to animals being trapped and killed by fires.

"But it's not as severe, often at least for larger wildlife, as it looks like it must be to watch a fire burn across a landscape."

Petch said wildlife have adapted to wildfire over generations. He added that once a fire is out, wildlife returns to a burned area pretty quickly.

"Particularly in a little bit wetter year than this one, it's not uncommon to see antelope back in a fire before the ashes are cool. Within a day or two you have antelope really using fire scars and working out what green vegetation is left," he said.

Drier, hotter fires result in less early regrowth, but still, plants often begin to recover within a few weeks, and are highly attractive to wildlife, Petch said.

He said among the first big-game species to come back after a fire are elk. They're predisposed by their size, movement and focus as grazers to take advantage of the grasses that are among the first types of vegetation to regenerate, and elk particularly benefit over the first decade after blazes, Petch said.

Later, perhaps 20 to 40 years afterward, shrubs have flourished, leading to positive responses by other animals such as deer, he said.

He said there's less benefit from fire for animals such as sage-grouse and species that nest in trees.

"The longer-term effects are variable by species, but in the long run, at least for big-game species, they tend to benefit more from fire than they are harmed by it," Petch said.

Bureau of Land Management spokesman David Boyd said young, new native vegetation that sprouts after a fire can be highly nutritious for animals such as big game.

Fire also can create mosaic patterns of vegetation with openings where animals can feed and areas of unburned cover where they can hide and be out of the elements, Boyd said. Land managers often strive to create such mosaic patterns when they use prescribed fires or mechanically treat landscapes to mimic wildfires, he noted.

Bigger fires may be less beneficial to animals, burning through an area more uniformly, burning so hot it's harder for plants to recover, and killing important microorganisms in soil, Boyd said.

Petch said there are more front-end negatives in the case of bigger fires. He said a 40,000-acre fire is very different for wildlife than a 5,000-acre fire, depending on the species and factors such as its range over the course of a year. But he said sometimes a fire that resets a landscape "can be a tremendously valuable thing for wildlife" 30 or 40 years down the road.

He said it can be hard to talk about the potential long-term benefits of fire to some wildlife when it's the middle of fire season and people are out of their homes due to evacuations, or when fires limit hunting access. But those are short-term impacts, he said, while a fire's benefits can last for generations to come.

Unfortunately, that's not so much the case for the sage-grouse habitat that recent flames have consumed in northwest Colorado. The greater sage-grouse ranges over a number of western states and the BLM has imposed numerous restrictions on activities such as oil and gas development and livestock grazing to try to keep it from needing protection under the Endangered Species Act. In Colorado, it's found only in the northwestern part of the state, and particularly in Moffat County. So the Divide Fire, along with the 1,636-acre Thornburg Fire west of Maybell in Moffat County, were setbacks to the bird and its habitat.

Fire has been identified in the Great Basin, a multistate region west of Colorado, as a big threat to sage-grouse habitat. Boyd said there's a concern that after large fires especially, such as the Divide Fire, annual grasses can move in that make it hard for sagebrush to re-establish itself. Cheatgrass, an invasive species that sprouts up after fires and also is prone to burning, can perpetuate the fire cycle.

Petch said Colorado is less susceptible to cheatgrass infestation than some other states, but losing thousands of acres of sagebrush all at once can have at least short-term effects on sage grouse.

He said it can take 20 to 30 years for sagebrush to come back after fires, particularly in the case of hotter ones.

He said some of the sage-grouse habitat that burned is among the wetter habitat in Colorado for the bird, which will aid in recovery, but it's still "not moist by any means," so that recovery still will take a while.

Petch said he believes the Divide Fire burned an area that doesn't contain many sage-grouse leks, or springtime breeding grounds, but does contain habitat the birds use a lot in the summer.

Nanci Limbach, who runs the Pauline S. Schneegas Wildlife Foundation wildlife rehabilitation facility near Silt, said the Basalt-area fire occurred as hawks were fledging and probably on the ground, so she expects many fledglings died.

Her center has gotten calls from people about hawks in their yards. Limbach said the birds probably flew from the fire and were exhausted.

"We've just had people leave them and so far every one of them within a day has managed to fly off," she said.

Her center once treated a hawk that had feathers burned in a wildfire in the Battlement Mesa area before a firefighter was able to hose it off and save it.

In the past, the center also has worked on deer whose legs were burned.

"Some of them make it and some don't. It depends on the extent of the burn," she said.

She said amputation isn't an option because it's not allowed for rehabbing wildlife in Colorado.

Limbach said the center has had deer with ears burned off as well. They can live without ears, she said. But she said the stress and pain can be fatal. She said for deer and other ruminants, just the stress of running long distances to escape flames can be deadly.

Limbach and her husband are partners in a honeybee yard she said got wiped out by the Lake Christine Fire. She said the fire unfortunately went through the one part of the property containing the hives. Ironically, bees are kept calm in their hives by beekeepers using smoke.

Petch said people living near burn areas should be aware of the increased chances for seeing displaced wildlife, including bears. Authorities are asking that homeowners near fires secure food sources so as not to attract bears in particular and get them used to living near homes.

Petch said wildlife officials ask that if people see a fire-injured animal, they don't try to care for the animal themselves but mark where it is and let CPW know.

"Oftentimes the most humane thing is to try to put those animals down but we do try to care for and rehabilitate the ones that have a chance of recovery," he said.

MONTANA

Why There's Only \$4 Million In Montana's Firefighting Fund (Montana Public Radio, Missoula, MT)

Eric Whitney, July 16, 2018

The State's fire fighting savings account started this month with the second lowest balance since it was created a decade ago.

There's only about \$4 million in the fund's reserves for this fire season. That's about a fifth of what the state needs to cover an average fire season bill.

But John Tubbs, the head of Montana's Department of Natural Resources and Conservation, says that won't stop the state from sending out crews and aircraft to put out fires this year.

"When the balance is low, firefighting will remain a priority and we go into the supplemental appropriations approach," he says.

That means DNRC will spend whatever it has to to fight fires, pulling in money it's set aside for other purposes, with the expectation that during the next legislative session lawmakers will backfill that spending, through what's called a supplemental appropriation.

While the state gets some federal reimbursement and it can draw on other emergency funds, Tubbs says it isn't ideal for the state's fire reserves to get zeroed out.

"It is better to have the fire fund with a balance so that we don't impact the next Legislature."

When DNRC has to ask the Legislature to backfill its firefighting costs, it eats into what the state can build in for its next budget. The cost of the 2017 fire season had a lot to do with last year's state budget crisis, and, Nancy Ballance who sits on the Legislative Finance Committee, says depending on what happens this fire season it could happen again.

"If we look at the possibility of an extreme fire season like we had last time, then yes we do see a potential shortfall in 2019-2021 that we will need to cover somehow when we go into the next budget session," Ballance said.

Last summer, the state's firefighting costs were far in excess of the savings built up in the fire fund. That issue was compounded after, in the regular session, lawmakers took out half of the fire fund to plug other holes in the state budget.

Then, after the big firefighting bills were added up, Governor Bullock called a special legislative session in November, in part to pay off 2017 firefighting costs, and to provide money for this year's fire season.

Lawmakers were able to set aside money to pay last year's fire debt, but then political debates stalled. Together, lawmakers and the governor failed to set aside much money to fight fires this year.

"I'm not surprised that the balance is lower than we had hoped," says Senate Minority leader Jon Sesso, also a member of the Legislative Finance Committee.

Sesso says Republicans didn't agree to tax increases, including some on lodging and rental cars, that could have raised more money for the state, including its firefighting costs.

"When we left the special session we left with our work unfinished," Sesso says. "Proposals that we walked in to the special session weren't passed. We didn't put one extra percent on beds and we didn't do the rental cars. And we didn't do the fee that we hoped to raise on stock brokers; all of which we thought, I thought, were very reasonable to raise the dollars necessary to replenish and to prepare a reasonable fund for calendar year 2018 fire season."

Governor Steve Bullock also blames the Republicans for the lack of fire money available because they didn't support his ideas to increase revenue through taxes.

When Republicans declined to vote for the proposed tax increases they instead passed legislation pushing for Governor Bullock to make a deal to extend the contract of the state's only private prison in Shelby, run by CoreCivic. Some of the money from that deal would have gone into the fire fund.

Republican Senator Llew Jones says, "There had been the thought process that with Shelby included there would be enough for an average season, which is around \$25 million."

Governor Bullock negotiated with CoreCivic, but in April rejected a deal extending the private prison contract.

And, since the special session was called, additional fire costs from 2017 have stacked up, setting the state fire fund back even further.

Last month Governor Steve Bullock received his annual fire season briefing at Fort Harrison, in Helena, where forecasters said to expect above average temperatures and fire conditions running into the fall. News broke then that the fire fund had around four million dollars in it heading into the summer.

"As far as how we'll address it, it's way too premature to talk about it," Bullock said. "What I can convey to both Montanas and to any member of the Legislature that are saying 'well, now what do we do,' that we'll address it. And I will expect the Legislature to be partners in figure out how to do that."

It was at the same annual fire briefing last year that Bullock was told by forecasters the state would likely see average fire conditions in 2017. That forecast was wrong, and Montana's government budget fell apart amid what turned out to be a historic fire season.

The ripples of that fiscal crisis left the state's fire fund just under \$20 million short of covering an average fire season. The extent of this year's burn will have a lot to do with how big a budget challenge state lawmakers face when they return to the capitol in January.

Two areas listed for moderate drought; most of state normal (Bozeman Daily Chronicle, Bozeman, MT)

Michael Wright, July 17, 2018

All but two parts of Montana have avoided drought conditions so far this summer, something state officials are happy to see after last year's droughts turned into a large fire season.

Michael Downey, chief of the water planning section for the state's Department of Natural Resources and Conservation, told the Montana Legislature's Water Policy Interim Committee on Monday that north central Montana and the northwestern corner are drier than normal, with portions of each considered to be in moderate drought. The rest of the state remains near normal.

Downey said that's certainly better than 2017, when much of the state went bone-dry and fueled several large wildfires. That could all still happen, though, and he said it all depends on what comes next.

"It's going to depend on what we get for precipitation in the next few weeks and really how hot it gets," Downey said.

Drought problems are looking significantly worse elsewhere in the West, according to the National Drought Mitigation Center's website. Montana has appeared better off for most of the year, as the snow piled high and broke records.

But a warm May sent the abundant snow downhill quickly, setting streamflow records and causing significant flooding on several of the state's rivers.

Downey said this past May was the warmest on record, with only four days recording low temperatures below 32 degrees.

"It wasn't that our highs were so high," he said. "It was that our lows tended to be quite a bit higher."

June counteracted that, bringing plenty of rain and temperatures that didn't climb too high. But the June moisture blast missed the north central and northwest, making for this month's moderate drought conditions.

The Climate Prediction Center's monthly outlook predicts above normal precipitation through this month for the south central and southeastern parts of the state. It also predicted below normal temperatures for all but the easternmost parts of the state through the same time period.

Reser Reservoir being drained following damage (Billings Gazette, Billings, MT)

July 17, 2018

Reser Reservoir, a Bureau of Land Management reservoir located about 18 miles northwest of Chinook, will be slowly drained throughout the summer due to structural damage at the dam.

A small washout was discovered this spring, and repair and maintenance to the dam is necessary to avoid a complete loss.

Montana Fish, Wildlife & Parks is working with BLM staff to coordinate the drawdown while trying to salvage and transfer as many gamefish as possible. FWP personnel is setting trap nets to collect yellow perch, bluegill, black crappie, and largemouth bass. These fish are then placed into tanks and transferred to other waterbodies.

The perch and black crappie will be going to Bailey's reservoir, the bluegill to Salmo Reservoir, and the largemouth bass to Dry Fork Reservoir.

FWP encourages anglers to go to Reser Reservoir and enjoy this fishing opportunity while it lasts. Once repairs are made to the dam and water returns, FWP will stock fish and re-establish the popular fishery.

For more information contact fisheries biologist Cody Nagel at 406-265-6177.

NORTH DAKOTA

Emergency manager wants radar for Watford City after tornado (Houston Chronicle, Houston, TX)

Associated Press, July 16, 2018

WATFORD CITY, N.D. (AP) — A local emergency manager is pushing for better weather radar coverage in western North Dakota after a tornado ripped through the area.

The closest Doppler radars to Watford City are about 140 miles (225 kilometers) away near Minot, the Bismarck Tribune reported. Radars at that distance detect storms forming at least 10,000 feet (3,048 meters) above ground, said John Paul Martin, a warning coordination meteorologist for the National Weather Service in Bismarck.

Emergency manager Karolin Jappe is advocating for a radar closer to McKenzie County, which leads the state in oil production.

"We're the epicenter of the oilfield, and we have so much risk here it's scary," Jappe said.

Watford City faced an EF2 classification tornado last week that killed a newborn baby and injured more than two dozen people. The Weather Service issued a severe thunderstorm warning with a statement about a possible tornado about an hour before the twister hit the city, Martin said.

Officials aren't clear whether better radar coverage would've changed the outcome, but Gov. Doug Burgum said state officials plan to look into the issue.

"When the dust is settled and the cleanup has happened and we've taken care of all the immediate needs, we want to make sure we don't lose sight of lessons learned," Burgum said. "One way that you prevent this kind of tragedy is to make sure that you've got good warning systems."

Meteorologist Daryl Ritchison doesn't believe having a radar closer to Watford City would have led to a more advanced warning of the tornado, but he said he would still like to see a Doppler radar better cover the region.

"It was a unique type of tornado that is very, very difficult to pick up," said Ritchison, interim director of the North Dakota Agricultural Weather Network. "It was just a tornado at the wrong place at the wrong time."

Watford City Local creates business for tornado victims (KFYR, NBC Affiliate, Bismarck, ND)

Jemeisha Lyde, July 16, 2018

WATFORD CITY, N.D. - A tornado ripped through a path of this section in Watford City causing damage to RV's and trailers at Prairie View Park.

"The cleanup efforts are going actually really well. We had so many people call up and they wanted to do all they could and we had all sorts of big companies that are here in McKenzie County and we made a list," said McKenzie County Emergency Manager Karoline Jappe.

Residents salvaged any items they could before being taken to the shelter.

"We worked for three days straight trying to find temporary housing and more permanent housing because we had 75 families and people displaced because there was 75 RV's that were totally unlivable," said Jappe.

The relief teams at the Red Cross and surrounding cities stepped up to donate useful items like food and water to the victims. It's a generous effort, but is still a long way to recovery.

"I think if we had a few more companies help us we could get dishes, silverware that kind of thing," said Jappe.

That's when #WatfordStrong was created. It's an online T-Shirt business that's become popular in the Bakken raising proceeds for those affected from the tornado.

"It's one of those opportunities where you just feel called to step up," said Katie McGilvray, Founder of #WatfordStrong.

#WatfordStrong has been in operation for only six days. It's become the latest media buzz in Watford that's bringing aid to victims.

"I was telling one of my friends we went to eat lunch after we dropped our clothes and stuff off and I said I just feel like I need to do something more and she said "What?" and I said "What if we made a shirt," said McGilvray.

McGilvray says it's been mind-blowing seeing the community come together during tough times like this and because of the support her business has raised nearly \$15,000.

"When I opened my account I was like oh my goodness you know and it's been incredible, so incredible," said McGilvray.

It's a lot of money, but Katie says it's been far worth the effort.

"We are going to go through the Chamber of Commerce and some of the different churches in town to figure out which families need help with medical bills or back to school stuff," said McGilvray.

Disaster can strike at any given moment, but when you have a community like this there's nothing the city can't face. For more information about hashtag Watford Strong, you can go to.

28 more homes to face demolition with changes to Fargo-Moorhead flood diversion project (Inforum, Fargo, ND)

Tu-Uyen Tran, July 16, 2018

FARGO — On the big screen, Phil and Ellen Sondreal and their neighbor Sue Nelson could see an aerial photo of their cul-de-sac with their properties outlined in red along with four other properties, Monday, July 16.

Their riverside homes are among 28 the city expects it will have to condemn to make way for new dikes as part of an effort to win approval for the Fargo-Moorhead flood diversion from Minnesota regulators.

The dikes are needed because more Red River floodwater would be allowed through Fargo-Moorhead to reduce upstream impact.

The Sondreals and Nelson accepted that they might have to leave the Riverwood Addition they've called home for 25 years, but they had a lot of questions about how they'll be treated.

"Are we going to get dinged with a low assessment because of our location and that's going to make them buy us out at a lower price?" Ellen Sondreal wondered, fearing appraisers would lower the value of homes that will be condemned.

"It's something we don't want to do," her husband said. "We want to stay where we're at, but if we have to leave of course we want to have a fair assessment."

Nelson said she feared getting hurt twice, once by getting less money from the city than her home's worth and again when trying to buy a comparable home, which will be higher in value.

However, Nathan Boerboom, the city's top engineering official working on the diversion project, said appraisers typically value homes as if they're not being condemned.

Under the previous diversion plan, an upstream dam would release floodwater into the Red River through Fargo and Moorhead until the river gauge near Fargo's water treatment plant reaches 35 feet. The rest of the water would go through the diversion channel or remain behind the dam.

Swayed by upstream landowners complaining about disproportionate impact, a task force working with Minnesota regulators agreed to allow the gauge to reach 37 feet.

Many dikes Fargo and Moorhead have built over the years as part of the diversion project will contribute to that, according to Boerboom. But more and higher dikes are needed in several areas where they weren't needed before.

These include:

- An industrial area just north of Hector International Airport where easements are needed but no properties will be bought. An easement is where the city buys the right to build a dike on private land.
- Riverwood Addition in the city's northeast corner where the city plans to buy out six properties and pay for easements on one.
- Royal Oaks Drive north of the wastewater treatment plant where the city plans 12 buyouts.
- Woodcrest Addition near the Veterans Administration hospital where the city plans four buyouts and five easements.
- Elm Circle north of Mickelson Field where the city plans four buyouts.
- The Oak Grove neighborhood near downtown where the city plans two buyouts.
- The drainway going under Interstate 29 near Mills Fleet Farm where no buyouts or easements are needed.

The Sondreals and Nelson, for their part, were already thinking about how the buyouts will change their lives.

"I don't think we're going to buy a river lot again," Phil Sondreal said. "But we sure enjoy it out there. That's why we went there, it's because it's beautiful — and the great neighbors, of course."

SOUTH DAKOTA

South Dakota hail storms caused so much damage, you can see it from space (Argus Leader, Sioux Falls, SD)

Jeremy J. Fugleberg, July 16, 2018

Hail pounded through western and central South Dakota last month, as storm-hurled balls of ice blasted car windows and shredded crops.

How bad was it? NASA can help.

Because you can see the damage from space.

That's right. The space agency's satellites can see the damage left by the late-June hail, a light-brown tear stretching across more than half the state. In some spots, the hail scar is 6 miles wide.

"Crops and grasslands can present a very uniform and green background when observed from space. With wind-driven hail capable of shredding the vegetation, the storm damage becomes visible in satellite imagery," said Jordan Bell, a research meteorologist with NASA's Short-term Prediction Research and Transition Center (SPoRT), in a NASA news post.

The damage was so severe, it shows up on NASA satellite sensors that detect land surface heat. Hail-stripped areas run hotter than surrounding areas, because they lack protection from crops and other vegetation.

The first storm swept from southwestern North Dakota into north central South Dakota on June 27, just missing Pierre. Another storm on June 29 developed over Wyoming and swung into western South Dakota, spawning tornadoes and 4.5-inch hail stones, according to the National Weather Service.

The damage will fade in time. A similar situation in 2003 resulted in hail scars visible to satellites for about six weeks.

Official Cautions: Be Wary On The River (Yankton Daily Press & Dakotan, Yankton, SD)

Randy Dockendorf, July 16, 2018

Flooding isn't the only concern with the rising Missouri River.

As the "Mighty Mo" continues its high flow, the Yankton County Office of Emergency is warning about debris.

Yankton County Emergency Manager Paul Scherschligt posted a warning Monday on his Facebook page.

"(Our office) wants to remind people that with the higher flow on the Missouri River, they are going to see more trash in the river due to a faster current. Therefore, this will produce hazardous conditions due to the intensity of water flow," he said.

"There will be hidden objects in the water that may damage your boat, tear your inner tubes, and/or flip your watercraft. Use extreme caution when on the river or Lewis and Clark Lake. Always wear life jackets when on any body of water."

The objects have ranged across the board, with some of considerable size, Scherschligt said.

"There have been reports of floating trees and other types of debris in the water due to the higher flows and higher lake levels," he said.

"Conditions can change rapidly, so use precautions when out on the water during this high water event."

The Corps of Engineers recently announced plans to increase the releases from Fort Randall Dam at Pickstown and Gavins Point Dam near Yankton.

U.S. Army Corps of Engineers officials said the increased flows are intended to evacuate flood waters out of the mainstem reservoirs. The planned call for increasing the flows by about 25,000 cubic feet per second (cfs), while taking into account downstream tributaries and flooding.

Gavins Point flows currently stand at 54,000 cfs, Scherschligt said. The Corps will increase the flow to 60,000 cfs by July 23, with the Corps maintaining those releases through the summer and possibly into autumn.

The National Weather Service has issued a flood warning until further notice for the Missouri River at Verdel, Nebraska; Niobrara, Nebraska; and Springfield.

At 8 a.m. Monday, the stage stood at 11.03 feet at Springfield, while the flood stage is 10 feet. At stages nearly 12 feet, some camping areas at Springfield Recreational Area will be flooded.

At 8 a.m. Monday, the stage stood at 23.99 feet at Verdel, with the flood stage at 24 feet. At stages near 25 feet, boat docks at Lazy River Acres near Verdel will be flooded and some homes will be surrounded by water.

At 8 a.m. Monday, the stage stood at 21.72 at Niobrara, with the flood stage at 21 feet. At stages near 22 feet, the bottom road floods near Springfield.

Recent heavy rainfalls and other conditions have created problems for roads and bridges.

In Knox County, Nebraska, one portion of one road was closed starting Monday.

A portion of 531st Ave. north of Center, Nebraska, will remain closed until further notice for road repairs, according to Highway Superintendent Kevin Barta.

The closure will affect 886 Road to 889 Road on 531 Avenue. Work is estimated to be completed in two weeks.

A weekend incident near Parkston reinforced the importance of observing road barricades for flooded areas.

On its Facebook page, the South Dakota Highway Patrol posted photos and the narrative Saturday about an accident that occurred when the driver ignored a warning.

“Troopers responded to a crash about four miles northeast of Parkston. The driver of a Chevrolet Equinox drove past a road closed sign, vaulted across a wash out, and came to rest with the front bumper and back bumper on each side of the washout,” the post said.

“The driver was wearing a seat belt and was transported to a hospital with serious, non-life threatening injuries. The Parkston Police Department, Hutchinson County Sheriff’s Department, Parkston Fire and Rescue, Parkston EMS and Tracy’s Towing assisted.”

The Highway Patrol released more information Monday to the Press & Dakotan about the accident, which occurred around 10:40 a.m. Saturday.

Erin Geidel, 35, of Dimock was driving southbound in a 2015 Chevrolet Equinox at the intersection of 272nd Street and 413th Avenue. The vehicle kept going south through the intersection, bypassing a posted road closed sign. The vehicle traveled another 100 yards before colliding with a washout caused by previous rainfall.

Geidel was wearing a seatbelt and suffered serious non-life threatening injuries. The lone passenger was a juvenile male (age unavailable). He was properly secured in a child restraint and suffered no injuries.

Both persons were transported to the Parkston hospital.

The Highway Patrol investigated the incident, with charges pending.

The Highway Patrol concluded its Facebook post with a strong reminder.

“We have posted pictures before about driving around ‘Road Closed’ signs,” the post said. “Please..... DON’T DO IT. There is a reason the sign is in the middle of the road — the road is CLOSED.”

UTAH

Dollar Ridge Fire 65% contained; smoke may be visible for weeks to come (Fox 13, Salt Lake City, UT)

Mark Green, July 16, 2018

DUCHESNE COUNTY, Utah — The Dollar Ridge Fire in Duchesne County is 65% contained as of Monday and is no longer threatening structures, but officials say smoke from the fire will be visible for weeks.

The fire has burned an estimated 56,734 acres and forced hundreds of people to evacuate earlier this month, though those evacuations have since been lifted. The fire destroyed dozens of homes and hundreds of trailers, sheds and outbuildings.

Fire crews say that while the fire no longer currently poses any threats to the public or structures, smoke from the fire area may be visible for weeks to come.

Officials say they have mopped up the majority of hot spots along the fire line, but due to safety reasons firefighters will not be extinguishing every individual hot spot within the containment area.

“Hot spots are more noticeable at night, and often appear larger than they actually are,” fire officials stated Monday. “Generally, if a hot spot is campfire size, it poses no threat. If a group of trees torch out, or fire is seen outside the fire containment line, please inform fire officials.”

Evacuations to be lifted for area impacted by Dollar Ridge Fire (Deseret News, Salt Lake City, UT)

Ashley Imlay, July 16, 2018

FRUITLAND, Duchesne County — As firefighters increase containment of the Dollar Ridge Fire, residents in areas of the evacuation zone can soon return to their homes, Duchesne County Sheriff's Office announced on Monday.

About 470 firefighters were still fighting the human-caused blaze, which has burned more than 56,700 acres and was 85 percent contained Monday.

The evacuation order will change to pre-evacuation status at noon on Tuesday for residents with property along 11500 South, Strawberry River Road west of Camelot, and in Timber Canyon, officials said, allowing property owners to return to their homes.

Residents will not be required to leave their homes "unless it becomes necessary to evacuate the area again for their safety," the office said.

Only property owners will be able to go to those areas beginning Tuesday. Officials hope to open the areas back up to the public "on or about" July 25, the estimated containment date for the fire, according to officials.

Firefighters Monday were continuing to build an "indirect fire line" on the uncontained southwestern side of the fire.

"This is an area of the fire where a lot of bug-killed timber is still standing and posing a threat to firefighters, so an indirect line is the safest option," state fire officials reported in a press release.

With warmer weather and less humidity expected in coming weeks, officials said smoke from the fire would continue to be visible but shouldn't pose a threat to the public or to buildings as the smoke is "in the interior of the fire area."

However, if someone spots fire burning outside the containment line, they should contact fire officials, the release stated.

Flash flooding causes havoc from Georgia to Utah (The Washington Post, Washington, DC)

July 17, 2018

WASHINGTON — Flash flooding has been rampant across the United States since the spring, and it continued over the weekend in several states from the Southeast to the Mountain West.

Two men in a vehicle got caught up in a flash flood Saturday evening in Bonne Terre, Mo., south of St. Louis. As much as 4 inches of rain had fallen in the area, causing several streams and creeks to overflow.

When emergency officials arrived, the car was already downstream. One man had already made it to dry land, but the other was still in the water, hanging on to a tree branch for at least an hour.

Nine miles southeast, first responders rescued a woman who drove into the flood and was locked in her car after water shorted the vehicle's electronics.

In Georgia, flash flooding prompted officials to evacuate an apartment complex in Jonesboro, a suburb of Atlanta, Saturday.

In Colorado, torrential rain caused landslides and road closures when a creek west of Pueblo overflowed.

In the Flagstaff, Ariz., area, flooding was bad enough on Sunday that the American Red Cross opened a shelter at a middle school for families affected.

Floods add to long Southern Utah history of water-caused damage (St George Spectrum & Daily News, St George, UT)

July 16, 2018

Emergency crews and volunteers were still working Monday to clean up after the damage done to Washington County communities by flash flooding over the past five days.

In Dammeron Valley, consecutive heavy storms Thursday and Friday swamped dozens of homes and yards with mud and debris. Even after a considerable community effort on Sunday, when about 1,500 volunteers showed up to pitch in with clean-up efforts, some homeowners still faced ruined basements and expensive rebuilds.

Some residents measured more than three inches of rain falling in a single storm late Thursday, all coming over the course of a few hours.

In Washington City, flood waters followed a similar path into basements and low-lying yards, with neighbors rushing to help limit the damage.

The rain forced the temporary closure of the Zion-Mount Carmel Highway inside Zion National Park, and officials closed several of the park's most popular hiking routes after rockfalls, mudslides and other debris took out large chunks of trails.

Neighboring Kane County had seen major flooding as well, with rocks and debris carving into homes and inundating area roadways.

A history of flooding

No deaths or significant injuries have been attributed to this week's floods, but they add to an extensive history in and around Zion and the greater St. George area. Such events have always claimed lives and property, but the damage has increased in recent years as the population has grown and more of the area has developed.

Some of the more significant flooding incidents in the area include:

2015

- On Sept. 14, 2015, in the deadliest known flash flood event in Utah's history, three mothers and 10 of their children were believed to have been killed in Hildale when their two vehicles were washed into a nearby flood channel. Three young boys survived, with 12 found dead. One boy, presumed dead, is still missing.
- On the same day, 20 miles to the north in Zion National Park, there were no survivors among a group of seven adventurers who wandered into a slot canyon to go canyoneering.

- In a separate incident the same day in the nearby Arizona Strip, a local man was found dead several miles away from where his heavily-damaged vehicle sat in a floodplain.

2010

- Several days of sustained rain in December of 2010 destroyed several small bridges and damaged homes in various parts of the county. Across the Arizona border in Littlefield, flooding in the Beaver Dam Wash destroyed several homes in the Beaver Dam Resort area, undercutting the banks and sending the houses plunging into the muddy water.
- Two men who had reportedly intended to build a log raft and float down the Virgin River through the Narrows in Zion National Park were found dead downstream.

2005

- The most memorable flooding for many current residents was in January 2005 when the Santa Clara River swelled from heavy rains and melting snow, cutting through its river banks and sending homes toppling into the water. More than \$200 million in damages were reported and 50 families lost their homes.

One death was reported - a man driving near Quail Creek Reservoir was washed away after climbing onto the roof of his vehicle when trying to drive through a flooded wash.

1998

- Another flood in the Narrows in 1998 left two California hikers dead. A heavy rainstorm had caused the river to flow at more than 700 percent its normal range.

1997

- Eleven people were either killed or lost and presumed dead in a 1997 flash flood that swept through a normally dry wash in Antelope Canyon near Lake Powell. Only one person, a trail guide, survived the event by reportedly grabbing onto a ledge. His clothes were torn off by the force of the water.

1961

- Five Boy Scouts were presumed dead when their party experienced a flash flood while hiking the Narrows. A group of 26 Scouts from the Salt Lake City area camped overnight before heading into the popular hiking area, where a wall of water and debris swept through and carried off five members.

'Severe' flood alert issued for City of Kanab, Kane County (Fox 13, Salt Lake City, UT)

Taylor Hartman, July 16, 2018

KANAB, Utah – A flash flood warning for Kanab Creek and southern portions of Kane County was announced Monday, and the City of Kanab warned residents to exercise caution.

According to the National Weather Service Salt Lake City, the warning was issued for Kanab Creek, which drains down into the city of Kanab.

The flash flood warning will be in effect until 6:30 p.m. Monday, and Kanab City advised residents to exercise caution and “keep out of canyons and drainages.”

Flood waters destroy popular Zion National Park trails (Good4Utah, Salt Lake City, UT)

Kierra Dotson, July 16, 2018

ZION NATIONAL PARK (News4Utah)- Clean up continues in Zion National Park after a flood swept through the area last week, causing mudslides and rockfalls.

Officials at the park say several popular trails remain closed Monday. Including Angels Landing, Kayenta, Upper Emerald Pools, and West Rim from the Grotto to Cabin Springs.

Shuttles are running as normal. They will not be visiting the Grotto Shuttle Stop.

Officials in the park released the following updates on damages:

Riverside Walk –

Sand, debris and small rockfalls were the issue on Riverside Walk. In one area, the sand was three feet deep covering the trail. Trail crews worked all day Wednesday and Thursday morning on clearing the trail. In the meantime, the Zion Shuttle turned around at Big Bend and there was no access to The Narrows from the Temple of Sinawava. Now that Riverside Walk is clear, shuttles have resumed their full route.

Zion-Mount Carmel Hwy (SR-9) –

Mud and debris on the Zion-Mount Carmel Highway was 3-4 feet deep in several areas, overwhelming the road drainage culverts and making the road impassable. Dozens of vehicles were initially stranded in the 1.1 mile tunnel and some stuck in the mudflow. Roads crews were able to plow a path to the vehicles to get them out late Wednesday night. Crews finished clearing the rest of the road and the culverts by late afternoon Friday.

West Rim Trail (access to Angels Landing from Zion Canyon) –

There is major damage on the West Rim Trail, in the area of Refrigerator Canyon. A section of retaining wall failed, causing an 18-foot gap in the trail that is over 5 feet deep. The West Rim