

To: BLM_UT_All[blm_ut_all@blm.gov]
From: Sutherland, Ryan
Sent: 2017-02-15T14:05:00-05:00
Importance: Normal
Subject: Daily News Report - Feb. 15
Received: 2017-02-15T14:05:14-05:00
Daily News Report February 15.docx

Attached is the daily news report for Feb. 15.

Ryan Sutherland
Bureau of Land Management Utah
Public Affairs Specialist
rrsutherland@blm.gov
801 539 4089



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

UTAH – TOP STORIES – FEBRUARY 15, 2017

1. **Outdoor industry execs ramp up rhetoric, send ultimatum to Utah governor**

The Salt Lake Tribune, Feb. 14 | Brian Maffly

Leading U.S. outdoor retailers are again threatening to pull their twice-a-year trade show out of Salt Lake City, this time in an ultimatum to Utah Gov. Gary Herbert demanding he reverse course on key public-lands policies.

2. **Southern Utah residents speak against resolution to make Grand Staircase-Escalante smaller**

The Deseret News, Feb. 14 | Sam Penrod

PANGUITCH, Garfield County — The debate over the Grand Staircase-Escalante National Monument heated up Tuesday when Garfield County commissioners brought up a resolution to ask Congress to cut the size of the national monument.

3. **Cox: Republicans 'have done a terrible job' talking about public lands**

Utah Policy, Feb. 14 | Bryan Schott, Managing Editor

The very public spat over the new Bears Ears National Monument has spiraled beyond anything anyone expected, but Lt. Gov. Spencer Cox hopes cooler heads will prevail.

4. **Forest Service came to the rescue for turn-of-the-century Utah**

The Salt Lake Tribune, Feb. 14 | Tom Wharton

When Utahns recreate in national forest lands close to population centers, the beauty of clear-flowing mountain streams, shaded public campgrounds, lush meadows and hills covered with pine trees and aspens can be taken for granted.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

5. **My view: BLM must protect Zion**

The Deseret News, Feb. 14 | Ellis Richard

For over 30 years, I served as a ranger with the National Park Service, helping to protect our nation's iconic public lands and witnessing every day the reverence and respect that our national parks inspire in people from all over the world. And for almost five years now, I have been working to encourage the Bureau of Land Management to undertake more comprehensive landscape level planning near the boundaries of our national parks.

E&E/NATIONAL NEWS – TOP STORIES

1. **NRA: Confirmation of Ryan Zinke a Sound Move**

Roll Call, Feb. 14 | Chris W. Cox

The five million men and women of the National Rifle Association are eager to see Rep. Ryan Zinke confirmed as the 52nd secretary of the Interior. His confirmation will mark the end of an era of hostility toward hunters and sportsmen at the Interior Department.

2. **BLM Officials Met With Anger, Division At Gold Butte Meeting**

Moapa Valley Progress, Feb. 15 | Abigail Snow

The Mesquite City Council Chamber was filled to capacity on Thursday night for an Informational Meeting hosted by the Bureau of Land Management. On the agenda was an open discussion about the future of the newly designated Gold Butte National Monument.

3. **U.S. House Wants to 'Modernize' Environmental Laws**

Triple Pundit, Feb. 15 | Leon Kaye

For those who believe the federal government has a role in protecting the environment, this week's U.S. Congressional calendar could seem like the start of a massive bloodletting.

4. **METHANE: Communities brace for budget cuts if Congress kills BLM rule**

E & E News, Feb. 15 | Pamela King

Communities near federal lands that are being mined for oil and gas fear that Congress could be on the verge of trashing a lifeline for strained state coffers.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

5. PUBLIC LANDS: Would erasing national monuments unravel climate protections?

E & E News, Feb. 15 | Brittany Patterson

When President Obama proclaimed 5,000 miles of Atlantic Ocean off the New England coast a national monument, the threat of climate change played a key role in his reasoning.

6. SOLAR: Workforce sees rapid growth, but coal comparisons are tricky

E & E News, Feb. 15 | Maxine Joselow

One of every 50 new jobs nationwide came from the solar industry last year, according to a [new survey](#) by the nonprofit Solar Foundation.

7. CONGRESS: EPA working on GOP-ordered study of drilling

E & E News, Feb. 15 | Mike Soraghan

U.S. EPA is preparing another study on the effects of oil and gas drilling, but this one was ordered by a Republican Congress.

8. RENEWABLE ENERGY: A Texas-sized debate over wind farms and military readiness

E & E News, Feb. 15 | Daniel Cusick

Since the mid-1960s, pilots at Sheppard Air Force Base have made supersonic training flights over the Texas Red River Valley, a region sufficiently remote that mostly cattle ranchers and oil riggers caught sight of the small planes known as "white rockets" as they streaked across the horizon.

9. PUBLIC LANDS: Colo. ads try to cash in on Utah bid to scuttle monuments

E & E News, Feb. 15 | Jennifer Yachnin

Conservation Colorado launched a paid ad campaign today urging the Outdoor Retailer show to relocate to the Centennial State, seizing on recent criticism by recreation industry leaders of Utah's efforts to roll back federal monuments in the state and claim greater control of public lands.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

10. **DAKOTA ACCESS: Tribe seeks wholesale rollback of pipeline approvals**

E & E News, Feb. 15 | Ellen M. Gilmer

Dakota Access opponents are shooting high in their latest legal bid, seeking to scrap a series of pipeline approvals from both the Trump and Obama administrations.

11. **LAW: Republican bill takes aim at environmental litigation**

E & E News, Feb. 15 | Amanda Reilly

Republican lawmakers are taking aim at environmental groups' ability to obtain attorneys' fees for litigation brought against the federal government.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

UTAH – FULL STORY

1. Outdoor industry execs ramp up rhetoric, send ultimatum to Utah governor

The Salt Lake Tribune, Feb. 14 | Brian Maffly

Leading U.S. outdoor retailers are again threatening to pull their twice-a-year trade show out of Salt Lake City, this time in an ultimatum to Utah Gov. Gary Herbert demanding he reverse course on key public-lands policies.

About 30 executives, including REI's Jerry Stritzke and The North Face's Scott Baxter, signed the letter sent this week to Herbert, urging him to either stand up for public lands or risk industry leaders using their clout to ensure that Outdoor Retailers decamps when its contract with the Salt Palace Convention Center expires next year.

The state's political leadership, the letter said, has spent "years championing a set of policies that we interpret to be a state and national attack on the sanctity of public lands, public access and ownership of them, and how our nation manages and protects them."

The Utah Legislature's move to diminish or repeal two national monument also appears to be pushing the rift. Lawmakers' first order of business this session has been to pass resolutions aimed at erasing or diminishing the Bears Ears and Grand Staircase-Escalante national monuments. The Staircase resolution is awaiting the governor's signature.

A spokeswoman for Herbert said Tuesday that he'd received the executives' letter but had no immediate comment. The Republican governor had earlier called a proposed boycott of the OR show "a political ploy" that overlooked state efforts to protect public lands and access to them.

Though they praised some of his more recent statements, outdoor industry leaders said they remain skeptical of the Herbert's assurances given Utah's agenda to promote greater local control over public land with an eye toward prioritizing extractive uses. Problematic policies include attempts to strip federal land agencies of law-enforcement authority, transfer 31 million acres of public land to the state, gut the Antiquities Act, and starve land agencies of funding, according to the letter

"These are real and authentic threats to stewardship of public lands. These lands are a birthright to every citizen of the United States. They should be protected," said Nazz Kurth, president of



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Petzl America, headquartered in West Valley City. "We feel it is an attack that has to be met with a strong message."

The industry letter, which Kurth also signed, describes state leaders' stance as antithetical to outdoor recreation and Utah's enviable quality of life. The new statement echoes one made by Black Diamond Equipment founder Peter Metcalf, who insisted in an op-ed that the outdoor industry is tacitly supporting Utah's anti-conservation agenda by not moving the OR show, which Metcalf himself lured to Utah two decades ago.

The governor has repeatedly stressed that his administration values the outdoor industry and the state's scenic landscapes, which support a tourism economy that generates \$8.2 billion in spending, according to a new University of Utah report.

"Utahns love our exceptional public lands," Herbert wrote in an op-ed published Sunday in The Salt Lake Tribune. "We love their grandeur and beauty. We love the opportunities they create for solitude and recreation. We agree that these lands must be protected."

But considering the positive and growing economic impacts of tourism and outdoor recreation, officials in the outdoor industry say they remain baffled why Utah's elected leaders ignore those interests.

The industry claims it supports \$12 billion of economic activity and 120,000 jobs in Utah. The OR show itself generate \$40 million in director spending.

"That impact is vastly underestimated," Kurth said. "I want my children and my kids to kids to experience the beauty of these wild lands. I don't want to see oil rigs dotting the landscape.

"Extraction is boom and bust," he continued. "But someone who comes to raft and camp, they come again and again."

In his op-ed, Herbert also said he "forward to partnering more closely with our outdoor recreation community" to discover the best approaches to preservation and access of public lands.

But Herbert also wrote he cannot ignore evidence that federal land management is failing rural communities and the health of the land. The state aims to improve stewardship by asserting greater control, according to his op-ed, and has consistently invested in improving the land.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

The industry leaders and the governor's office have now exchanged invitations to sit down and discuss their differences and sources said a meeting could happen as soon as Thursday.

[BACK](#)

2. Southern Utah residents speak against resolution to make Grand Staircase-Escalante smaller

The Deseret News, Feb. 14 | Sam Penrod

PANGUITCH, Garfield County — The debate over the Grand Staircase-Escalante National Monument heated up Tuesday when Garfield County commissioners brought up a resolution to ask Congress to cut the size of the national monument.

The controversial monument, established in 1996, has never been welcomed by the majority of the county's residents, who believe it hurt the economy by reducing mining, logging and grazing. But at Tuesday's meeting, officials heard another side of the issue.

"Really, the Garfield County Commission has been the biggest threat to my business," county resident Grant Johnson said. "We started in 1991 and they want more ATVS, they want roads, coal, more development."

An item on the agenda called for a proposed resolution to ask Congress to cut the size of the Grand Staircase-Escalante National Monument, but the specifics aren't clear.

"I don't think it is fair because quite a few of us really depend on the monument, either for business or for recreation," Escalante resident Melissa Webb said.

Boulder resident Dean Brooks agreed.

"We are concerned about that misinformation getting sent to Washington and to Congress without them seeing for themselves how well things are doing down here," Brooks said.

These opponents dispute claims over the past two decades that the county's economy has suffered because of the monument.

"I think it would be good to look up to God in the sky and get new energy sources from wind and sun and not go down there where the devil dwells and be digging out those fossil fuels," Escalante resident Marcie Hoffman said.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Commissioners say the resolution would represent the majority interest of citizens here in Garfield County.

"There is only a couple hundred thousand acres in a 2-million-acre monument that is a monument, that has any value whatsoever, the rest of it is just regular BLM range land," said Garfield County Commission Chairman Leland Pollock.

"All that will happen is this will revert back to the Kanab field office to put it in the right BLM hands to do what they need to maintain the land," Pollock said. "The monument part that the people visit will still be there."

While the commissioners dispute the notion that any reduction in the monument would impact tourism, residents at Tuesday's meeting disagreed.

"We think that the best interest of our community and businesses and long-term economic development lie in keeping the monument as it currently stands," said Kelton Manzanares from Escalante.

The commission postponed any action and set a public hearing for March 13, when residents can give their opinions.

[BACK](#)

3. **Cox: Republicans 'have done a terrible job' talking about public lands**

Utah Policy, Feb. 14 | Bryan Schott, Managing Editor

The very public spat over the new Bears Ears National Monument has spiraled beyond anything anyone expected, but Lt. Gov. Spencer Cox hopes cooler heads will prevail.

On Tuesday, 30 outdoor manufacturing companies sent a letter to Gov. Gary Herbert and other state leaders demanding that they support public lands in the state or they will ask the organizers of the Outdoor Retailers Show to take the bi-annual event elsewhere. Herbert and legislators drew the group's ire after they rushed through a resolution asking President Trump to rescind the Bears Ears Monument.

Cox says Herbert plans to meet with representatives of the group this week.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

"It turns out, maybe we're not as far apart as we think we are," said Cox. "We know, right up front, there are some things we don't agree on. The question is how far apart are we, what can we work on?"

Cox was a guest on the "I have questions with Bryan Schott" podcast. He said the Outdoor Retailers Show is important to Utah's economy, bringing in millions of dollars every year, but that importance can't lead to them overplaying their hand on public lands.

"They don't dictate policy, but they do play a role, and we will have that conversation. Leaving the state does not accomplish what they want to accomplish. In fact, I think it hurts them. If the show leaves the state, there will be a lot of people who are really happy about that because we don't have to listen to them anymore. I'm not one of those. I think it's important to have them at the table and at the discussion. I expressed that they don't want to vacate that seat at the table."

Cox stressed he is from rural Utah and understands the values of public lands, something his Republican colleagues have failed to do.

"We, as Republicans, have done a terrible job of expressing the importance of public lands to our state. I'm in full agreement. I live right next door to a national forest, literally on the border of a national forest. I love these lands. It's what makes Utah different, it's what makes Utah great, and we need to do a better job of expressing that."

Cox thinks the reason the fight over Bears Ears has blown up bigger than anyone expected is a reflection of the current political climate, specifically Donald Trump in the White House.

"There are a lot of people that see the decisions that are being made, things are happening, they feel helpless and this is one area they feel they can do something about. For better or worse, it's become the focal point of all that angst and anger and distrust."

[BACK](#)

4. **Forest Service came to the rescue for turn-of-the-century Utah**

The Salt Lake Tribune, Feb. 14 | Tom Wharton

When Utahns recreate in national forest lands close to population centers, the beauty of clear-flowing mountain streams, shaded public campgrounds, lush meadows and hills covered with pine trees and aspens can be taken for granted.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Things were not always this way, especially in the late 1800s and early 1900s when overgrazing, uncontrolled timber harvests and issues with mining resulted in denuded forests and some flooding in the valleys.

The result was that, in many instances, Utah state and local officials asked the newly formed U.S. Forest Service to come in and take over management of the land.

In the Wasatch Plateau that separates Emery and Sanpete County, for example, increasingly large herds of cattle and sheep that came not only from Utah but from Colorado and Nevada brought on an ecological disaster.

"The Wasatch Range from Thistle to Salina was a vast dust bed, grazed, trampled and burned to the utmost," wrote the author of an early Forest Service historical account. "The number cover was reduced, the brush thinned, the weeds and grass cropped to the roots, and such sod as existed was broken and worn."

Though no one was counting for sure, historians estimated that there were 500,000 sheep and over 15,000 cattle on the range.

Though some sheep producers argued with the conclusion, summer rainstorms brought devastating floods to the towns below the canyons. Some citizens also complained that sheep urine and excrement spoiled the water.

The flood situation became so severe that citizens requested that the Wasatch Plateau be designated as a National Forest Service Reserve and be regulated by the federal government.

Congress established the U.S. Forest Service in 1905 and the area on the Wasatch Plateau became the Manti-La Sal National Forest. By 1912, the Great Basin Experiment Station was established in the canyon east of Ephraim to do research on overgrazing and flooding.

That station exists to this day, helping study range conservation throughout the West.

According to Forest Service historians, though, there were fights over reductions of grazing allotments, so much so that it became a national issue.

Mormon apostle Ezra Taft Benson was then the U.S. Secretary of Agriculture. Historians wrote that an "unidentified high churchman charged the Forest Service with tyrannical practices.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Lambasting Easterners, the church leader cited the days when mobs burned, raped and murdered the Latter-day Saints and declared 'we are not surrendering now.' "

But things settled down and, after range studies collected between 1962 and 1967, a 50 percent reduction in grazing allotments was made.

The situation wasn't much different along the Wasatch Front, where local officials requested that the federal government and the U.S. Forest Service manage the watersheds.

"By the 1890s, many of the range, timber and watershed resources of the Uinta and Wasatch Mountains were seriously depleted," read a chapter in the history of the Uinta National Forest. "The newly created forest service was seen as the best organization to turn this around. Its mission was to manage these public lands for the best use by the largest number of people. This goal continues to this day."

The first Forest Reserve in Utah was established on February 22, 1897, about a year after statehood was established. These lands would eventually become parts of the Uinta, Wasatch and Cache National Forests.

Another issue that surfaced along the Wasatch Front was that booming construction led to most of the timber being harvested in the eastern canyons, so much that by the 1880s, historians reported that timber was being brought in from the Sierra Nevadas and Chicago.

Some of the names of Wasatch Front side canyons are named after sawmills that operated in the area in those days, with Mill Creek Canyon or Mill D Fork as examples.

Grazing was also an issue along the Wasatch Front, especially when forest rangers began charging livestock producers fees to use land that they once grazed for free.

Things were so bad that, in 1909, the Springville mayor presented a petition requesting that lands in Hobbie Creek Canyon be added to the Uinta National Forest for watershed protection.

The fights between the federal government, local and state governments and private landowners continue to this day over management and even ownership of those public lands.

The history, though, is interesting because it shows that in many cases, Utah government leaders asked for the federal government to come in and manage the lands to be sustainable for grazing, timber harvest, clean water, fish, wildlife and recreation.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

[BACK](#)

5. **My view: BLM must protect Zion**

The Deseret News, Feb. 14 | Ellis Richard

For over 30 years, I served as a ranger with the National Park Service, helping to protect our nation's iconic public lands and witnessing every day the reverence and respect that our national parks inspire in people from all over the world. And for almost five years now, I have been working to encourage the Bureau of Land Management to undertake more comprehensive landscape level planning near the boundaries of our national parks.

I thought we were making progress. The idea of master leasing plans to address the impacts of oil and gas development on national parks seemed to be gaining acceptance within the BLM. That is why I was stunned to find out that the Bureau of Land Management is now thinking about issuing three oil and gas leases on the doorstep of Zion National Park in the American Southwest. What a difference a new administration can make.

This proposal is eerily similar to the BLM's misguided attempt in 2008 to auction off leases right next to Arches and Canyonlands national parks near Moab. That infamous lease sale, which was halted only by an 11th-hour lawsuit, triggered a series of reforms designed to protect our national parks from irresponsible leasing proposals. The backlash against the BLM for proposing this reckless lease sale in the shadow of Arches and Canyonlands national parks led to an inclusive planning process that brought business owners, local government officials and other stakeholders to the table. They all understood that these parks needed to be protected for many reasons, including the economic benefits for the local community.

These local stakeholders worked hard to identify where and when responsible development could take place and created a plan that properly protects the parks around Moab.

The fact that these leases were even proposed was mind-boggling when you consider the impacts those leases could have had on Canyonlands and Arches national parks, not to mention the economic well-being of communities. Yet, nine years later, here we are again. Another BLM lease sale, another national park threatened by drilling.

I am deeply disappointed that we seem to have learned so little over the past few years. Our national parks are beloved by Americans of all stripes. They're economic powerhouses to boot, supporting local communities and businesses throughout the West. For example, in 2015, Zion National Park generated \$274.6 million in economic output and supported almost 3,000 jobs.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

That could be threatened now by this proposal, which would replace the stunning views and natural quiet that attract millions of Americans to Zion each year with the industrial noise and pollution of oil and gas drilling.

The BLM is at a crossroads. It can learn from the mistakes of the past, and reject this poorly conceived proposal that threatens grave harm to one of Utah's "Big 5" national parks and could end up costing local communities and business untold millions in revenue. Or it can move forward and lease these lands to the oil and gas industry, which is using less than a third of the 3.4 million acres of public lands in Utah that it's leased from the BLM.

Westerners still have time to make their voices heard, as the BLM is still accepting comments on the plan until next month. Those who feel strongly about the future of Zion can contact the BLM directly and make their voices heard. The choice is stark, but Americans have time and again affirmed that our national parks are one of our country's most precious and enduring assets. So, the decision is actually quite clear: the BLM must protect Zion.

Ellis Richard is the founder of Park Rangers for Our Lands and a former ranger at Grand Canyon National Park, the Gateway Arch and Grand Teton National Park, among others.

[BACK](#)

E&E/NATIONAL NEWS – FULL STORY

1. **NRA: Confirmation of Ryan Zinke a Sound Move**

Roll Call, Feb. 14 | Chris W. Cox

The five million men and women of the National Rifle Association are eager to see Rep. Ryan Zinke confirmed as the 52nd secretary of the Interior. His confirmation will mark the end of an era of hostility toward hunters and sportsmen at the Interior Department.

As a native Montanan, Zinke has a deep appreciation for wildlife and conservation. In addition, he understands the importance of public land access for all hunters and outdoorsmen.

The fact is that hunters are America's true conservationists. We know that sound wildlife management is critical in the protection of our natural resources. As a sportsman, Ryan Zinke holds this view. All Americans can trust Rep. Zinke to manage our lands and wildlife through sound science, not emotion or political agendas.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Environmental extremists are opposing Zinke's nomination, claiming that he is anti-environment. This is nothing more than hysterical hyperbole. Rep. Zinke understands that we can have clean air, clean water and pristine public lands while also protecting hunting, recreational shooting, fishing and wildlife conservation. He has supported legislation that would restore common sense to our nation's wildlife management policies, something that is sorely needed after eight years of overreach by the Obama administration.

Opposition to Zinke's confirmation has little to do with true conservation efforts and everything to do with ending lawful activities his critics don't like. Rather than be swayed by emotional and misinformed arguments, Zinke will be dedicated to the pursuit of true conservation and will steer the Interior Department in a positive direction for millions of hunters and sportsmen.

Having an interior secretary intent on preserving America's longstanding hunting heritage for current and future generations will be a welcome change. This is an issue of utmost importance for the NRA's members and tens of millions of supporters, so it's important for all hunters and sportsmen to urge their U.S. Senators to vote to confirm Ryan Zinke as our next Secretary of the Interior.

Chris W. Cox is the executive director of the National Rifle Association's Institute for Legislative Action. Prior to joining the NRA, he served as a senior legislative aide in Congress.

[BACK](#)

2. BLM Officials Met With Anger, Division At Gold Butte Meeting

Moapa Valley Progress, Feb. 15 | Abigail Snow

The Mesquite City Council Chamber was filled to capacity on Thursday night for an Informational Meeting hosted by the Bureau of Land Management. On the agenda was an open discussion about the future of the newly designated Gold Butte National Monument.

The crowd was so large that an overflow room had to be opened elsewhere in the building in order to accommodate all the people.

Discussion went on for nearly two hours with members of the public giving comments for about 90 minutes of that time.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

The tone was often tense in the meeting. Emotions ran high in the audience where there was a clear divide between supporters of the controversial monument designation and those who see it as yet another federal incursion upon local access to public lands.

The 300,000 acre Gold Butte complex was designated as a National Monument in a bitterly controversial proclamation by President Barack Obama signed on Dec. 28.

In a brief presentation, acting Gold Butte Monument manager Lee Kirk, of the BLM, summarized key details in the presidential proclamation.

For example, the document had specified that designated roads currently open would remain open to motorized travel. Kirk explained that a travel management plan was completed in 2008 which involved a broad based effort from members of the public. This plan had identified 600 miles of roads open to the public for motorized use.

“Those routes are part of the designation and they don’t change,” Kirk said. “The proclamation does call out that motorized vehicle use and mountain bikes are limited to those designated routes.”

Some members of the public at the meeting demanded an assurance that none of the 600 miles of road would ever be closed to the public. But BLM Las Vegas Field Office Manager Gayle Marrs-Smith responded that no such promises could be made in perpetuity.

“What I can tell you is that if we ever have to make a change to the roads, we will do that,” Marrs-Smith said. “We might have to add some roads to make sense out there. But if we are going to modify a road, we will bring it back to the people and let them have their input, assistance, and knowledge.”

In his presentation, Kirk stressed that valid existing rights such as water rights, mining claims and rights of way would remain in place. For example, the water rights held by the Virgin Valley Water District would remain in tact.

Marrs-Smith added that work had already been done with the district to ensure access to those rights.

“I have confidence that this proclamation is flexible to allow the BLM to work with our partners, and particularly the Virgin Valley Water District, in permitting the needed water conveyance infrastructure from their water rights to construct, develop and maintain those facilities,” Marrs-Smith said.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

BLM Southern Nevada District Office manager Tim Smith spoke about the process of drafting a management plan for the monument. He explained that the proclamation calls for a citizen advisory committee to be formed with 12-15 members of the public to assist in that process. These people would include a variety of stakeholders and groups with interest in the monument's management, Smith said.

"This advisory group would assist us in the development of any land use plan that we do," Smith said. "And it would be that advisory group that would help us with the management as we go along."

Smith could not give a specific time frame when the advisory committee would be established. But he expected that public notice would be given of open spots on that committee in the coming months.

During the lengthy public comment period which followed the BLM presentation, the viewpoints expressed became heated and sometimes combative. Many audience members stated their fears that the BLM would gradually cut off access to the land by closing roads and restricting use in the name of protection.

The timing of the meeting only contributed to the hostility in the air. The meeting was held during the same week that the criminal trial was getting underway, in Las Vegas federal court, to consider the case of Bunkerville rancher Cliven Bundy in connection with his 2014 standoff with BLM.

Many of Bundy's relatives and supporters were in attendance at the Mesquite meeting. Some spoke vehemently, questioning the Constitutional authority of the federal agency in making management decisions on lands that they felt ought to be under state control.

This viewpoint was vigorously opposed by attendees who were in favor of the added federal protection which they felt that the monument would bring.

Soon, the room was aswirl with angry comments and interruptions going back and forth on both sides.

In an interview following the meeting, Partners in Conservation (PIC) Administrator Elise McAllister expressed regret that the dialogue had been allowed to descend to such a level.

"There were a lot of us there who were hoping to ask some questions and get some details about the planning process," McAllister said. "Unfortunately that wasn't really possible in this



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

meeting. No matter what you said up there, you were going to be attacked viciously by one side or another. So I think a lot of the more moderate and measured people in attendance didn't get to be heard. That is unfortunate."

[BACK](#)

3. U.S. House Wants to 'Modernize' Environmental Laws

Triple Pundit, Feb. 15 | Leon Kaye

For those who believe the federal government has a role in protecting the environment, this week's U.S. Congressional calendar could seem like the start of a massive bloodletting.

Various U.S. House and Senate committees, emboldened by the election of Donald Trump, are reviewing the mandates of federal agencies including NASA, the Department of Energy, and the Fish and Wildlife Service.

On Wednesday, the Senate Committee on Environment and Public Works will start hearings on what it describes as the "Modernization of the Endangered Species Act."

Enacted during the Richard Nixon administration, the law has long been slammed by critics who say it is costly and an obstacle to economic development.

Since the GOP won the Senate in 2014, legislators have set their sights on the law. As Sarah Emerson of Motherboard reports, the last Congress launched at least 135 bills to weaken or eliminate the act.

One House Republican from Utah, Rob Bishop, told the Associated Press last month that he "would love to invalidate the law."

Opponents of the law point to Section 7, which requires a review of lands proposed for development in order to gauge whether there would be any impact on endangered species. Critics describe the law as especially punitive as there is no mechanism for compensating landowners in the event development cannot occur if it is determined that an area is critical to a species' habitat.

Supporters of the law, however, insist that it has not only been effective at slowing the rate of species extinction in the past 40 years, but it also has its own economic benefits.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

The NGO Defenders of Wildlife (the president of which is scheduled to testify during Wednesday's hearing), wrote in one study that less than 1 percent of the almost 430,000 development projects subjected to Section 7 reviews were delayed in a six-year period between 1998 and 2004 – and only one could not proceed. A decade later, another study found a similar result in the years between 2008 and 2015 – with no projects halted or canceled.

Defenders of Wildlife also says the Endangered Species Act creates its own economic stimulus at the local level, from tourism dollars to the building of projects that enhance habitat protection.

Other economic programs under attack include the SunShot Initiative, which will be the topic of discussion on Thursday as a House energy subcommittee reviews the Department of Energy's Loan Guarantee Program.

The SunShot program has actually made money for the federal government. But Rep. Lamar Smith (R, Texas), chair of the House science committee, has long been hostile to any agency conducting research related to climate change. Last week, Smith held a hearing that purported to revamp (or eviscerate) the Environmental Protection Agency (EPA) in order to "make it great again." So expect that drumbeat to continue during this year's session, an argument that may bleed over into the SunShot conversation.

The 115 Congress' attack on science, despite the fact that many companies say they will still commit to their sustainability programs regardless of the Trump administration's agenda, will not let up anytime soon. On Thursday, Smith's science committee will continue hearings on NASA's role in leading climate change research, a function the Texas Republican insists should not be part of NASA's directive.

Employees of various government agencies are responding in kind. A group calling itself the "Alt" National Park Service, in addition to its postings on Twitter, has urged citizens to call their senators and representatives and voice their opposition to the "modernization" of the Endangered Species Act and other environmental laws.

[BACK](#)



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

4. **METHANE: Communities brace for budget cuts if Congress kills BLM rule**

E & E News, Feb. 15 | Pamela King

Communities near federal lands that are being mined for oil and gas fear that Congress could be on the verge of trashing a lifeline for strained state coffers.

If the Senate votes to repeal the Bureau of Land Management's Methane and Waste Prevention Rule, states, tribes and federal taxpayers could lose out on millions of dollars in annual revenue that goes to support social services, higher education and other needs, local officials say.

Republican lawmakers are using the Congressional Review Act to repeal the rule, which is designed to reduce flaring, venting and leakage of natural gas from energy operations on public lands.

Industry groups say the revenue total is much less than BLM estimates, given low market rates for natural gas. They say keeping the rule would reduce drilling, effectively lowering taxpayer revenue.

In Moab, Utah, a senior care facility hangs in the balance. The 36-bed Canyonlands Care Center receives two-thirds of its funding from Medicaid and one-third from private pay. But even at 90 percent occupancy, the facility's finances still fell short. Mineral leasing dollars helped fill the gap for a time, but the oil bust dried up that revenue stream, prompting a successful appeal for the support of a new Grand County sales tax.

"You can't rely on oil and gas revenues, and we learned that last year," said Kim Macfarlane, the home's administrator.

But rolling back BLM's rule would deal a fatal blow to the care center's operations, she said. Collections on fossil fuels captured on public lands provide critical support to the facility's budget, and BLM's regulation helps ensure that natural gas withdrawn from federal tracts flows to the marketplace — not the atmosphere, Macfarlane said.

"If the rule were to disappear, then we'd have to close the doors," she said.

Shutting down or limiting the care center's capacity would have a devastating effect on the community, Macfarlane said. The next closest facility is a 2.5-hour drive away.

"If your mom needed to be placed in a care unit, imagine having to go two hours to see her," she said. "It's just not good for anybody."



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

While the Canyonlands Care Center would suffer the most immediate and severe impact from the BLM rule rollback, there are many other county projects whose debt loads are floated by federal leasing money, said Grand County Council Member Chris Baird. Those include the Moab Recreation and Aquatic Center, the Old Spanish Trail Arena and parts of the local airport. All are at various points of 20- to 30-year debt repayment plans, he said.

"Any reduction in federal leasing revenue certainly puts a lot of stress on local governments and creates the potential to have to raise property taxes," Baird said. "It's a big issue."

The potential environmental implications of rolling back the BLM rule also have financial ramifications, Baird said. Nestled between the Arches and Canyonlands national parks, Moab — population 5,200 — has a robust recreation economy. Its red rocks and blue skies draw more than 1 million visitors to the tiny city each year, according to Moab's website.

"We sell views," Baird said. "When you sell views, air quality is a big part of your economy."

New Mexico

States with economies closely tied to energy production are struggling to keep their programs funded in the face of drastically lower oil and gas prices.

In New Mexico, budget woes have sent many of the state's services into a spiral. Public universities have discussed laying off staff members and shifting tuition costs back to families. The state's courts have proposed halting jury trials due to a lack of funding.

A coalition of grass-roots groups sees the BLM rule as one part of the solution.

"It really is a common-sense solution. I think it's one of those no-brainers," said James Jimenez, executive director of New Mexico Voices for Children. "Here we're taking an asset that is finite in nature, and we're basically throwing it away in ways that fiscally and from a health perspective don't make sense. It's profit-oriented at the expense of our health."

He cautioned that BLM's regulation is not a silver bullet.

"Capturing the methane won't be the sole solution to our budget problems, but it's one of the things that helps," Jimenez said.

New Mexico's Republican governor holds the opposite view.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

"Absent a repeal, funding for New Mexico's schools, roads and healthcare will be dramatically reduced on account of the reduction in revenue generated by the oil and gas industry," Susana Martinez wrote in a Jan. 27 letter to House Speaker Paul Ryan (R-Wis.).

If BLM's rule is allowed to stand, she said, new oil and gas development on federal lands will stagnate, reducing royalties paid to state and federal governments.

Budget impacts

The BLM rule's budgetary impact hinges on at least two factors: the market value of natural gas and whether industry would respond to the regulation by stopping production.

In its [fact sheet](#) on the Methane and Waste Prevention Rule, BLM cites a 2010 Government Accountability Office finding that states, tribes and federal taxpayers lose as much as \$23 million in annual royalty revenue from escaped natural gas. The rule itself offers a much more conservative savings estimate of \$3 million to \$10 million per year.

The low end of that range is in line with an [industry estimate](#) that BLM's rule would result in a \$3.68 million benefit, after taking into consideration the value of gas in the marketplace. In 2008, which served as the reference point for the GAO report, natural gas prices rose to more than \$13 per million British thermal units.

The market has changed drastically since then, the Western Energy Alliance wrote in its analysis. Natural gas prices hovered just above \$3 per MMBtu.

"Adding in the economic marginal impact of the additional volume in a market landscape with heavy inventories it could easily be assumed that all of that volume may be much lower and could have a marginal value approaching \$0," the alliance wrote.

Industry interests have also said that the effect of BLM's rule would be to shut in production, resulting in a \$114 million drop in tax dollars.

"There's no question that shale development has been a lifeline to these communities, but federal mineral development has not kept pace with private mineral development," said Jackie Stewart, Ohio director for Energy in Depth. "In Ohio's Wayne National Forest, it took the BLM five years just to allow leasing of federal minerals."



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

BLM has said that the intent of its rule is not to stop extraction. According to the same GAO report, 40 percent of gas now vented or flared from onshore federal leases could be captured using current technologies.

[BACK](#)

5. **PUBLIC LANDS: Would erasing national monuments unravel climate protections?**

E & E News, Feb. 15 | Brittany Patterson

When President Obama proclaimed 5,000 miles of Atlantic Ocean off the New England coast a national monument, the threat of climate change played a key role in his reasoning.

Now Republicans are planning to pare back the 1906 Antiquities Act that gives the president and Congress unilateral power to preserve public lands as monuments, and activists say the move could cripple efforts to protect habitat from warming.

"The history of the Antiquities Act shows it's one of the most impactful conservation tools we have, so if we were to lose that, historically places like the Grand Canyon could very well have never been protected," said Dan Hartinger, national monuments campaign manager for the Wilderness Society. "As the science gets better and we continue to take a closer look at landscapes that are going to be even more important for climate adaptation and resilience, if we don't have that tool at our disposal, it increases the likelihood we won't be able to protect those places in the future."

Championed by President Theodore Roosevelt, who originally saw it as a tool to protect besieged American archaeology and Native American antiquities, the law is a key tool to permanently protect landscapes. Experts say, in some cases, a monument designation elevates the level of environmental protections across the protected area. Increasingly, that includes bolstering climate resilience and adaptation.

The waters set aside in the Northeast Canyons and Seamounts Marine National Monument — an area so topographically unique that scientists are barely beginning to tap its unique ecological riches and as such offer an insight into the impacts of climate change — will be preserved forever. Commercial fishing must be phased down, and all oil and gas drilling is prohibited, as well as potential renewable energy development, a "pretty dramatic shift," said Kevin Chu, assistant regional administrator for constituent engagement for regional fisheries at the National Oceanic and Atmospheric Administration, one of the two agencies co-managing the monument.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Climate change was also invoked in the designation last year that created the 87,000-acre Katahdin Woods and Waters National Monument in Maine.

Unlike most monuments, which comprise "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest" located on public lands, Katahdin Woods and Waters National Monument consists of previously privately held land in Maine's north woods. Burt's Bees co-founder Roxanne Quimby donated the land to the federal government and pledged financial support to the monument.

The monument adds to thousands of acres of already protected, topographically diverse land that includes lowland rivers and floodplains up through high mountain peaks. The creation of a wildlife corridor through the northern Maine woods will be especially important as temperatures continue to rise and some species begin to move as their habitats become untenable, said Sally Stockwell, director of conservation for Maine Audubon.

"As the climate continues to change and species have to move in response to that change, the result of this monument is there's enough diversity on the landscape that they have a place to go," she said.

Because most of Maine's forests are privately owned, Catherine Johnson, a senior staff attorney for the Natural Resources Council of Maine, said the monument will also serve as a place for scientists to monitor how climate change is affecting the region.

Most important of all, Johnson said, the acreage will be protected in perpetuity.

"This land was private land, and there was no permanent guarantee it would be protected," she said. "That's a huge benefit of the monument designation."

Bears Ears a test case

It remains unclear what changes might be in store for the Antiquities Act.

House Natural Resources Chairman Rob Bishop and others have floated proposals that would require monuments to be approved by Congress or by the legislatures of the state in which they are proposed. The Utah Republican has previously introduced legislation that would mandate environmental reviews are conducted for monument declarations and limit the size of potential designations. He has also spoken to President Trump's transition team about updating the 1906 law (E&E Daily, Dec. 6, 2016).



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

"Any monument designation that lacks local support, is excessive or violates the terms of the Antiquities Act will be scrutinized and is easier to abolish," Bishop said.

During his confirmation hearing, Interior secretary nominee Ryan Zinke suggested the Trump administration was open to undoing monument designations, a legally ambiguous position. The Antiquities Act gives the president unilateral authority to designate a national monument but does not give Congress, or any other entity, the authority to undo the designation. Zinke noted the 1.35-million-acre Bears Ears National Monument in southeast Utah will likely be the first test case (E&E Daily, Jan. 18).

If history is any indication, it would be challenging to undo monument protections, which would mean the many benefits of monument designations, including to climate, will remain intact, said Phil Hanceford, assistant director of the Wilderness Society's BLM Action Center.

A recent poll of 2,800 voters in Arizona, Colorado, Montana, Nevada, New Mexico, Utah and Wyoming by Colorado College's State of the Rockies Project found 80 percent of those surveyed in all seven states said they want the Trump administration to "keep in place" monuments designated "over the last decade" (E&E News PM, Jan. 31).

"The Antiquities Act speaks to protection of objects generally, for their scientific value, history and other values. You can have a very broad monument that speaks to climate change and also speaks to protection of cultural resources," Hanceford said. "Either way, I think you're going to continue to see opposition to dismantling the Antiquities Act."

[BACK](#)

6. **SOLAR: Workforce sees rapid growth, but coal comparisons are tricky**

E & E News, Feb. 15 | Maxine Joselow

One of every 50 new jobs nationwide came from the solar industry last year, according to a [new survey](#) by the nonprofit Solar Foundation.

The survey reveals that the solar workforce is experiencing rapid growth, as homeowners and utilities increasingly turn to solar panels to meet their energy needs.

The solar industry now employs more than 260,000 people — a 25 percent increase since last year — even as it provides 1.3 percent of the nation's electricity.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Installation and construction accounted for the majority of new solar jobs, representing almost 4 in 10 workers. This finding comes as little surprise, since putting solar panels on rooftops remains a highly labor-intensive process.

The remainder of employment opportunities came from manufacturing, sales and distribution, and project development.

With its policies encouraging community solar development, California contributed the most new jobs at nearly 24,500. The four other states with the most growth were Massachusetts, Texas, Nevada, and Florida.

Differing numbers

Abigail Ross Hopper, president and CEO of the Solar Energy Industries Association, said she was "ecstatic" when she first read the survey results.

"They are impressive findings, and we feel really positive about them," Hopper said. "They also confirm what we've been experiencing, which is the rapid deployment of solar across our country."

Hopper isn't alone in her enthusiasm. The rapid growth in solar jobs has largely been hailed as a positive development by solar equipment suppliers, industry associations and environmental consultants.

Proponents of this growth say that increasing solar jobs benefits both the environment and the economy.

In particular, a common refrain is that the industry provides a great employment opportunity for people without a college degree, which has ripple effects on the economy.

Just 32.2 percent of solar workers had a bachelor's degree or higher last year, according to the survey. But workers across the industry brought home a respectable living wage, with the median hourly wage for installers rising to nearly \$26.

"Solar has been able to put more people without college degrees to work than most other high-tech sectors," said Nathanael Greene, director of renewable energy policy at the Natural Resources Defense Council. "And it's putting people to work in places where either there are no jobs or there's very sluggish growth."



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Still, it's important to keep in mind that other agencies besides the Solar Foundation have found a different number of solar jobs, Greene said. Most notably, the Department of Energy counted around 373,800 solar workers across the country in its "[2017 U.S. Energy and Employment Report](#)," compared with the 260,000 solar workers that the Solar Foundation counted.

"The Department of Energy, as I understand it, counted any job that did any solar work, whereas the Solar Foundation only counted jobs where the worker spent 50 percent or more of their time on solar," Greene said.

"You can get hung up on, 'Do you count the company that makes the screws or makes the wires? Do you count the lawyers who write the contracts?'" Greene added. "The lines of the industry get kind of blurry."

Offsetting job losses in coal country? Probably not

There are now more than twice as many solar jobs as coal jobs in the United States, according to the survey.

There were about 69,460 coal jobs in 2015, according to [estimates](#) by the Bureau of Labor Statistics. This figure pales in comparison to the 208,859 solar jobs that the Solar Foundation counted that year.

Some media outlets have been quick to highlight this discrepancy. For example, Vox published an [article](#) earlier this month with the headline "There are now twice as many solar jobs as coal jobs in the U.S."

But Greene cautioned against making comparisons between the solar workforce and the coal workforce. These comparisons are misleading because solar is expanding quickly from a small base, while many older coal plants are shutting down and no new coal plants are being built, he said.

"It's like apples versus oranges," Greene said. "They're different industries with different places, different geographies."

Greene also warned against assuming that employment gains in renewable energy are offsetting job losses in coal. Evidence shows that this isn't true at the local level, he said.

The natural gas, solar and wind businesses added nearly 220,000 jobs in the four years following the 2008 recession, according to research from Duke University (Energywire, Apr. 8, 2015). But



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

few of those positions were added in southern West Virginia and eastern Kentucky, the two regions most affected by coal unemployment.

"It's not like it's a 1-for-1 replacement, like you take a coal worker out of the mine and put him to work on a rooftop," Greene said. "It just doesn't happen like that."

Still, some say fossil fuel workers could be prime candidates for the solar industry, since it emphasizes experience rather than a college degree.

"Honestly, we're training people with absolutely no skills every single day to become part of this new solar industry," said Brandon Davis, sales manager for the California Solar Electric Co.

"There's absolutely no reason that people from other energy trades couldn't transition over," Davis said. "I think it would be a natural fit, and we would welcome them aboard."

[BACK](#)

7. **CONGRESS: EPA working on GOP-ordered study of drilling**

E & E News, Feb. 15 | Mike Soraghan

U.S. EPA is preparing another study on the effects of oil and gas drilling, but this one was ordered by a Republican Congress.

Congress included the money — \$3 million — in the omnibus spending bill passed in December 2015. Congress ordered that the study focus on drilling in the Appalachian Basin, which includes the Marcellus and Utica shale formations.

EPA has solicited grant proposals and could award one by midsummer.

"Impacts — both positive and negative — need to be examined," EPA officials stated in their request for grant applications.

A congressional source said Rep. Hal Rogers (R-Ky.) requested the money for the study. Rogers' spokeswoman referred questions to the House Appropriations Committee, where a spokeswoman said it doesn't disclose which legislators request money for projects.

The study was not included in his press release on the omnibus spending bill when it was passed. But it was included in the bill by virtue of an "explanatory statement" that Rogers inserted into the Congressional Record.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Late last year, EPA wrapped up its six-year study on how oil and gas development affects drinking water, which was requested by Congress when it was controlled by Democrats.

The study found that "hydraulic fracturing activities can impact drinking water resources ... under some circumstances." A draft finding that fracking had not caused "widespread, systemic" contamination was dropped from the final report (Energywire, Dec. 13, 2016).

The new Appalachian Basin study is not confined to "unconventional" development, which usually means shale drilling or what is often referred to as fracking.

But in their request for applications, EPA officials referred to the "rapid increase" in oil and gas development in the country. That increase was spurred by improvements to hydraulic fracturing.

The request says that EPA wants to "promote research that fills in gaps in the understanding of the potential impacts of oil and gas development on human health and the environment."

EPA officials say they especially want to look at water quality issues.

Specifically, the request says that applicants should address two of four subject areas. Those subject areas are:

- How oil and gas development affects water quality.
- How water quality is affected by discharges from development.
- The potential effects of chemicals from oil and gas development.
- How chemical pollution from oil and gas development can be measured.

The grant would account for \$2 million of the \$3 million set aside by Congress. The \$2 million is expected to be awarded to a single project.

[BACK](#)

8. **RENEWABLE ENERGY: A Texas-sized debate over wind farms and military readiness**

E & E News, Feb. 15 | Daniel Cusick

Since the mid-1960s, pilots at Sheppard Air Force Base have made supersonic training flights over the Texas Red River Valley, a region sufficiently remote that mostly cattle ranchers and oil riggers caught sight of the small planes known as "white rockets" as they streaked across the horizon.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

But North Texas has changed over a half-century. Wichita Falls, where Sheppard remains a leading employer and a major military flight school, today claims nearly 105,000 residents and is the center of Texas' 19th-largest metropolitan area.

The region's energy profile has also changed. Where oil derricks once covered the landscape, today there is a growing emphasis on wind energy, much of it flowing along transmission lines from the state's rural quarters to load centers like Dallas-Fort Worth, 140 miles away from Wichita Falls.

But as wind energy gains a larger foothold in North Texas, some say the region's long association with military training is being compromised. Critics warn that hundreds of U.S. and NATO Alliance pilots who train at Sheppard could lose critical flight time, especially as new wind farms are built ever closer to the base and surrounding airfields.

Base officials contend that with the addition of wind turbines, controllers monitoring Sheppard's airspace will see more than airplanes, as each spinning turbine creates a reflective signal that can be picked up by radar.

"The problem with that is you now have a large area of clutter," explained Air Force Lt. Col. Matthew "Shogun" Manning, Sheppard's public affairs officer, "so it becomes difficult for air traffic controllers to separate aircraft contacts from wind farm contacts."

Republican lawmakers, led by Texas' own Sen. John Cornyn and Rep. Blake Farenthold, are bringing such concerns to the fore, asking Congress to pass a law intended to buffer Sheppard and other air bases, airfields and radar installations from commercial wind farms.

The legislation, titled the "Protection of Military Airfields From Wind Turbine Encroachment Act," would effectively strip federal tax credits from any new wind farm sited within a 30- to 50-mile radius of a military airfield.

In a statement, Cornyn said the legislation addresses concerns raised by military leaders and pilots in Texas about radar interference from spinning turbines, adding that the measure would "enhance public safety in communities adjacent to military bases and help our military better train to defend our homeland."

But wind industry officials, both in Washington, D.C., and Texas, say the proposed legislation is a solution searching for a problem.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

They say military training, including the operation of radar systems, is not significantly affected by wind turbines. Moreover, where wind farms and other energy developments have posed challenges to military activities, the Federal Aviation Administration and the Defense Department have worked closely with developers to mitigate such risks. So, too, does the Texas grid overseer, the Electric Reliability Council of Texas, which last November implemented a requirement that wind farm developers provide affidavits showing they engaged DOD officials before launching any new grid connection studies.

"The Department of Defense has an existing, well-functioning review process in place to make sure that energy projects and military bases can coexist," Tom Vinson, vice president of regulatory affairs for the American Wind Energy Association (AWEA), said in a statement responding to the GOP legislation.

Moreover, he said, the measure would "put buffer zones in place that do nothing to enhance national security." Instead, it would "put at risk tens of billions of dollars in private investment, and prohibit private citizens from leasing their land for wind development as they see fit."

Press officers at both DOD and FAA declined to comment on matters involving radar and military operations, citing the pending legislation.

Base spokesman: Mitigation won't work

As evidence of the low risk wind turbines pose to military bases, AWEA officials point to the Pentagon's own record of research and decisionmaking on wind farms and mission compatibility, much of which is published [online](#).

According to a March 2015 report from DOD's Siting Clearinghouse, which compiles information on obstructions to military facilities, only one wind farm to date, proposed for a site near the Naval Air Station Patuxent River in Maryland, failed to implement satisfactory mitigation measures related to radar.

In that instance, Defense officials filed an objection to the project, effectively killing it.

But since 2010, at least 12 other wind farms have entered mitigation agreements with DOD covering a broad range of turbine siting and operational issues, with no known problems to military operations or the proper functioning of radar, according to available public documents.

In its latest [report](#) to Congress, covering calendar year 2014, the Pentagon determined "there were no unacceptable risks to DOD's military readiness ... from the loss of military training



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

routes (MTRs) or special use airspace in the United States due to the construction of utility-scale energy projects reviewed by the [mission compatibility evaluation process]."

Yet such findings have not satisfied critics.

Manning, the public affairs officer at Sheppard, said concerns about wind farms interfering with pilot training and radar have been percolating for several years, both on and off the base. Since early 2016, Sheppard officials have participated in public meetings to raise questions and concerns about two wind farms proposed for sites near the facility.

Those projects, proposed by Horn Wind LLC, a developer based in Windthorst, Texas, would construct as many as 140 turbines at sites between 12 and 22 miles east of Sheppard, well within the radius of what Manning identified as critical airspace for both pilots and air traffic controllers. Horn Wind previously built wind farms at three other sites near Windthorst, at ranges of between 30 and 50 miles of Sheppard.

Calls and emails to the company's president, Jimmy Horn, were not returned. Horn Wind notes on its website that its two proposed projects, near the towns of Petrolia and Bluegrove in nearby Clay County, would conform to all federal requirements.

"If the FAA review process identifies potential negative impacts to the Sheppard Air Force Base or to civilian air traffic, mitigation methods such as re-siting turbines, improving detection equipment or other could be employed to resolve impacts," the statement reads.

But Manning dismissed the idea of an agreement. "We don't know of any mitigation that would work here at Sheppard," he said, adding that base commanders have "set a line on the ground at 25 miles. We don't want anything closer than that."

Wind advocates see suspicious similarity in claims

Jeffrey Clark, executive director of the Wind Coalition, a Texas-based wind energy organization, said he has closely followed the military-airfield radar debate over the last several years. In his view, communities like Wichita Falls are being led to believe there's a significant risk to radar from wind farms when there is not.

"In that community, before anybody saw where the turbines were going to go or any analysis was done on base impacts, you had a group of business owners and landowners who said, 'Hell no, we don't want a wind farm near us,'" Clark said.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Base commanders, too, have been swayed by anti-wind-power arguments, Clark added, often based on a false notion that wind turbines and military training are incompatible.

Clark said the same arguments have arisen in base communities across the country, often relying on the same set of claims about wind turbines interfering with aviation radar systems, weather radar, and even television and radio signals.

In South Texas, a wind farm being constructed near Naval Air Station Corpus Christi drew opposition from some base officials and community leaders who charged the turbines could interfere with radar signals and compromise Navy pilot training both at Corpus Christi and another air station at Kingsville, 50 miles away.

That issue was solved with a DOD-approved mitigation plan that calls for the wind farm's operators to stop and lock the wind turbines whenever the Navy says it needs to reserve the airspace "for test, non-test, or emergency purposes." Moreover, the agreement makes clear that the Navy and the wind farm's operators "will continue to work cooperatively to meet the desired goals of supporting military operations and readiness simultaneously with the production of renewable energy."

Kevin Chandler, a spokesman for Apex Clean Energy, which recently sold the Corpus Christi project to Enbridge Inc. but is still overseeing the wind farm's construction, said Apex agreed to nearly \$1 million in upgrades to the project to help mitigate impacts identified by the Navy, adding that "we are confident they will prove effective and help to strengthen the base's operations."

A similar story has played out in North Carolina.

Lawmakers there recently alleged the state's first wind energy project in Perquimans and Pasquotank counties could interfere with a "relocatable over-the-horizon radar," or ROTHr, operated from the Navy's nearby Hampton Roads complex in Virginia, even though the facility entered a mitigation agreement with DOD to ensure the wind turbines would not interfere with the ROTHr system (Climatewire, Jan. 18).

Nevertheless, in an early January letter to the Trump administration's then-incoming Secretary of Homeland Security, Gen. John Kelly, the North Carolina lawmakers dismissed the mitigation plan as a product of DOD officials trying to comply with the Obama administration's "unscientific and nonsensical" adherence to an "all of the above" energy strategy.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Yet in only the last two weeks, as the Amazon Wind Farm U.S. East project neared its first delivery of commercial power, some of those same lawmakers revised their position. In a statement, North Carolina House Speaker Tim Moore (R) indicated that recently obtained information suggested that concerns raised by the military about radar interference had in fact been addressed.

But it remains to be seen whether positions will similarly shift in Texas, where Sheppard officials continue to raise red flags over the prospect of new wind farms in the base's neighboring communities.

"We're not anti-green energy," Manning said. "We're just here to protect the mission and to protect pilot safety, not just for the military but for general aviation. It's about safety and making sure we can do the mission."

[BACK](#)

9. **PUBLIC LANDS: Colo. ads try to cash in on Utah bid to scuttle monuments**

E & E News, Feb. 15 | Jennifer Yachnin

Conservation Colorado launched a paid ad campaign today urging the Outdoor Retailer show to relocate to the Centennial State, seizing on recent criticism by recreation industry leaders of Utah's efforts to roll back federal monuments in the state and claim greater control of public lands.

Earlier this month, Utah Gov. Gary Herbert (R) signed a pair of resolutions urging President Trump to shrink the boundaries of the Grand Staircase-Escalante National Monument and asking Congress to abolish the recently created Bears Ears National Monument.

The Utah Legislature also approved a \$14 million fund last year to pursue a lawsuit against the federal government in an effort to seize control of public lands within its borders (Greenwire, March 11, 2016).

In the wake of those actions, major recreation equipment firms including Black Diamond Equipment and Patagonia have urged Emerald Expositions to relocate its biannual Outdoor Retailer show to another state (Greenwire, Feb. 7). The current Utah contract expires in November 2018.

Conservation Colorado is looking to seize on those efforts with paid ads today in both The Salt Lake Tribune and the Deseret News.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

The color ad shows an image of a pristine lake, evergreen trees and mountains.

"A message to outdoor retailers from your friends in Colorado: We have stronger beer. We have higher peaks. We have higher recreation," the ad states, referencing Utah's 4 percent alcohol by volume limitation for beer.

The ad is also a winking nod to Colorado's legalization of recreational marijuana as well as its taller mountain peaks. While Kings Peak in Utah tops out at around 13,500 feet, Colorado boasts 53 mountains exceeding 14,000 feet.

"There are many reasons to move the Outdoor Retailer Show to Colorado," the ad concludes in smaller print. "We have honored and fought for our public lands by defeating land seizure bills and embracing new national monuments. We were even the first state in the country to establish a holiday to celebrate our public lands. Colorado knows protecting public lands is just good business."

Conservation Colorado's ad campaign will also include digital media spots as well as targeting outdoor businesses and tourism groups.

In Utah, Herbert is set to meet with representatives of the recreation industry tomorrow in an effort to persuade the trade show to remain in the state beyond 2018.

A Herbert spokeswoman said a list of participants would not be available ahead of the meeting.

Outdoor Industry Association Executive Director Amy Roberts said in a statement yesterday that she will attend and urged Herbert and the Legislature to rescind their efforts to dismantle the Bears Ears monument as well as their opposition to the Antiquities Act.

"Utah is at a crossroads. Political leadership has the opportunity now to change course and grow the outdoor recreation economy to the benefit of all Utah citizens," Roberts said.

[BACK](#)

10. **DAKOTA ACCESS: Tribe seeks wholesale rollback of pipeline approvals**

E & E News, Feb. 15 | Ellen M. Gilmer

Dakota Access opponents are shooting high in their latest legal bid, seeking to scrap a series of pipeline approvals from both the Trump and Obama administrations.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

The Standing Rock Sioux Tribe made the request yesterday in a filing to the U.S. District Court for the District of Columbia. The [motion for partial summary judgment](#) asks the court to throw out the Army Corps of Engineers' recent easement for the oil pipeline, the final federal approval needed to complete construction.

Tribal lawyers are also asking the court to toss previous Obama-era authorizations under the Clean Water Act and Rivers and Harbors Act, along with a 2016 environmental assessment that concluded the project had no significant impact.

The request comes amid a whirlwind of legal action over the pipeline after the Trump administration last week reversed earlier promises from Obama officials to complete an in-depth environmental impact statement (EIS) to study alternative routes and impacts on tribal treaty rights.

While the Cheyenne River Sioux Tribe, a fellow plaintiff, pushes forward with an attempt to freeze construction across a dammed section of the Missouri River known as Lake Oahe, the Standing Rock Sioux Tribe is asking the court for a broader decision on the core issues in the case.

The request leans heavily on treaties between the Sioux and the federal government, including the 1851 and 1868 Fort Laramie treaties, which promised protection of Sioux territory and fishing and water rights in the Missouri River. According to Earthjustice lawyers representing the tribe, the 2016 environmental assessment (EA) for the Lake Oahe crossing "barely mentions" Sioux treaty rights.

"[The] EA barely mentions, and makes no attempt to analyze, the Tribe's Treaty rights or how the project would affect them, and it contains errors of fact regarding the Tribe's reliance on the waters of Lake Oahe," yesterday's filing says. "Despite these fundamental failings, the Corps relied on the Final EA to justify forgoing a full EIS, as Interior and the Tribe had demanded."

The filing also notes that Dakota Access LLC, part of Dallas-based Energy Transfer Partners LP, began construction of other sections of the pipeline before receiving any federal approvals, despite concerns from U.S. EPA, Interior and Army Corps staff about the Lake Oahe crossing and the company's treatment of the tribe.

The tribe's request also argues that the Trump administration's reversal of plans to do an EIS was arbitrary and capricious under the Administrative Procedure Act — noting Supreme Court legal



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

precedent that requires an agency to provide additional explanation when it reverses its own policy.

According to the tribe, the Trump administration's decision fails to account for a slew of new information collected last fall, including critiques of the Army Corps' oil spill risk assessment and a December legal [opinion](#) from Interior's solicitor finding potential impacts to tribal treaty rights.

"In this arbitrary and capricious reversal of course, the Trump Administration is circumventing the law: wholly disregarding the treaty rights of the Standing Rock Sioux and ignoring the legally required environmental review," Earthjustice attorney Jan Hasselman said in a statement. "It isn't the 1800s anymore — the U.S. government must keep its promises to the Standing Rock Sioux and reject rather than embrace dangerous projects that undercut Treaties."

Opposition briefs from Dakota Access and the Army Corps are due March 7.

[BACK](#)

11. **LAW: Republican bill takes aim at environmental litigation**

E & E News, Feb. 15 | Amanda Reilly

Republican lawmakers are taking aim at environmental groups' ability to obtain attorneys' fees for litigation brought against the federal government.

Legislation introduced in both the Senate and House yesterday would require the independent Administrative Conference of the United States to maintain an online searchable database of claims against the administration and associated fees and expenses.

The database would include the names of all parties receiving monetary awards in litigation against federal agencies.

In a statement, Republican Senate sponsors of the [bill](#) said it was needed to create an "open book" on the money that groups receive from suing the government.

They accused "large environmental groups" that "frequently challenge the government in court" of abusing the Equal Access to Justice Act, which authorizes the payment of attorneys' fees to parties that bring claims against the government.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

"For far too long, special interest groups have funded their anti-multiple-use agenda with Americans' hard-earned taxpayer dollars," said Sen. John Barrasso (R-Wyo.), the lead Senate sponsor. "It's absolutely absurd that Washington pays outside groups to repeatedly sue our government."

Senate Judiciary Chairman Chuck Grassley (R-Iowa) and Sens. Jeff Flake (R-Ariz.) and James Risch (R-Idaho) co-sponsored the legislation. Rep. Doug Collins (R-Ga.) introduced a companion bill in the House.

Legislation setting restrictions on the Equal Access to Justice Act has been introduced unsuccessfully in past sessions of Congress.

Environmental groups have long pushed back against claims they've squandered taxpayer money on litigation, calling such bills part of a GOP attempt to limit their access to the courts.

[BACK](#)