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Attached is the daily news report for Feb. 17.

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DAILY NEWS REPORT - UTAH

UTAH – TOP STORIES – FEBRUARY 17, 2017

1. **Outdoor Retailer is leaving Utah over public lands issues, a move Herbert calls 'offensive'**

The Salt Lake Tribune, Feb. 16 | Erin Alberty

The Outdoor Retailer show is leaving Salt Lake City.

After an unproductive meeting between Gov. Gary Herbert and outdoor recreation business representatives, industry leaders say they hope to find a new location for the Outdoor Retailer shows "as soon as possible."

2. **Group criticizes actions in Bears Ears film**

The Deseret News, Feb. 16 | Ben Lockhart

BLUFF, San Juan County — The leader of one southern Utah advocacy group is accusing Patagonia of being hypocritical about the preservation of ancient Native American ruins because of the contents of a short video the outdoor merchant released in 2015.

3. **Monumental decision: Outdoor Retailer show leaving Salt Lake after meeting with governor over Bears Ears**

The Deseret News, Feb. 16 | Lisa Riley Roche

SALT LAKE CITY — The Outdoor Retailer show is telling Salt Lake City to take a hike following a "curt" conference call with the governor.

4. **BLM Urges Protection of Ancient Artifacts**

ABC 4 News, Feb. 16 | Hailey Higgins

WASHINGTON COUNTY, Utah (ABC4 Utah) The Bureau of Land Management (BLM) pleads for the public's help in preserving cultural and ancient artifacts after two people were convicted of looting near the Utah/Arizona border.



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5. Commission doubles incentives to Colorado outdoor company to keep it from moving to Utah

The Denver Business Journal, Feb. 16 | Ed Sealover

Colorado Economic Development Commission members offered \$75,000 to a Mesa County outdoor recreation company to expand in the Grand Junction area Thursday.

6. Sportsmen fight Trump energy plans alongside environmental left

Reuters, Feb. 17 | Valerie Volcovici and Annie Knox

When Republican Congressman Jason Chaffetz of Utah introduced legislation last month to transfer about 3 million acres of federally-held public land to state control, he was bombarded by thousands of angry phone calls, letters and social media posts urging him to back off.

7. Utah lawmaker wants to allow the creation of state monuments on public lands

Utah Policy, Feb. 17 | Bob Bernick, Contributing Editor

What if President Donald Trump rescinds the Bears Ears National Monument?

Well, how about a smaller Bears Ears State Monument?

Rep. Steve Eliason, R-Sandy, says to his surprise there is no way to create a state monument – only state parks.

8. Chaffetz Calls for Wider Probe of US Agent Key in Standoff

U.S. News, Feb. 17 | Lindsay Whitehurst, The Associated Press

SALT LAKE CITY (AP) — U.S. Rep. Jason Chaffetz of Utah has called for a wider probe of a federal Bureau of Land Management agent who played a key role in the standoff with Nevada rancher Cliven Bundy before coming under investigation for his activities at Burning Man.



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E&E/NATIONAL NEWS – TOP STORIES

1. Protect Local Communities' Voices in Public Lands Management

Center for American Progress, Feb. 16 | Ryan Richards

The Bureau of Land Management, or BLM, figures prominently in the lives of community members across the country. This is particularly true for members of rural communities, who often live and work on and around public lands. Indeed, the BLM is responsible for managing more land and resources than any other public agency: 245 million acres of America's public lands and 30 percent of its subsurface minerals fall under the bureau's purview. Federal law requires the BLM to plan for land use in order to ensure that it exercises good stewardship and balances the different activities that occur on public lands.

2. FEDERAL WORKFORCE: 'You may not be in the job you want'

E & E News, Feb. 17 | Robin Bravender

What happens to the workers in federal offices that the Trump administration decides to downsize or eliminate?

3. PUBLIC LANDS: N.M. gravel mining ban reintroduced

E & E News, Feb. 17 | Dylan Brown

New Mexico lawmakers this week introduced bills in both the House and Senate to block gravel mining on federal land north of Albuquerque.

4. NATIONAL PARKS: Infrastructure bill could tackle maintenance backlog — Daines

E & E News, Feb. 17 | Geof Koss

The chairman of a key Senate subcommittee is eyeing the upcoming push to enact major infrastructure legislation as a vehicle for addressing the National Park Service's multibillion-dollar maintenance backlog.



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5. CLIMATE: GOP 'rifle shot' plan for Clean Air Act may include carbon

E & E News, Feb. 17 | Hannah Hess

Key lawmakers at the helm of House and Senate panels with jurisdiction over the Clean Air Act are talking about tinkering with U.S. EPA's authority to regulate greenhouse gas emissions under the law.

6. EPA: Senate confirms Pruitt after fierce fight

E & E News, Feb. 17 | Kevin Bogardus

Oklahoma Attorney General Scott Pruitt will be the next U.S. EPA administrator.

7. BLM: Lawmakers push IG to probe if agent obstructed investigation

E & E News, Feb. 17 | Corbin Hiar

Republican leaders of the House Oversight and Government Reform Committee are urging the Interior Department's Office of Inspector General to determine whether Bureau of Land Management agents broke the law by interfering with a recent investigation.

8. INTERIOR: Department computers 'at high risk of compromise' — IG

E & E News, Feb. 17 | Blake Sobczak

A core cybersecurity program at the Interior Department is "immature and not fully effective" at guarding critical networks, according to the Office of Inspector General.

9. Obama rules repeal push meets resistance and an overbooked schedule

High Country News, Feb. 17 | Elizabeth Shogren

More than two weeks ago, House Republicans rejected a 2016 Bureau of Land Management rule designed to reduce the methane that oil and gas companies send into the atmosphere or burn up in flares. But the Senate, entangled in debates over Cabinet nominees, has not acted yet. In the meantime, at least three Republican senators have given themselves wiggle room about how they expect to vote if a vote is held after a week in their states for President's Day recess.



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UTAH – FULL STORY

1. **Outdoor Retailer is leaving Utah over public lands issues, a move Herbert calls 'offensive'**

The Salt Lake Tribune, Feb. 16 | Erin Alberty

The Outdoor Retailer show is leaving Salt Lake City.

After an unproductive meeting between Gov. Gary Herbert and outdoor recreation business representatives, industry leaders say they hope to find a new location for the Outdoor Retailer shows "as soon as possible."

"Unfortunately, what we heard from Gov. Herbert was more of the same," according to a written statement by the Outdoor Industry Association (OIA), which has close ties to the massive, twice-yearly shows in Salt Lake City.

"It is clear that the governor indeed has a different perspective on the protections of public lands from that of our members and the majority of Western state voters, both Republicans and Democrats — that's bad for our American heritage, and it's bad for our businesses. We are therefore continuing our search for a new home as soon as possible."

The show's owner, Emerald Expositions, said in a news release that it would not include Utah in its request for proposals from cities hoping to host the trade shows, which bring about 40,000 visitors and \$45 million to Salt Lake City each year.

"Salt Lake City has been hospitable to Outdoor Retailer and our industry for the past 20 years, but we are in lockstep with the outdoor community and are working on finding our new home," said Marisa Nicholson, show director for Outdoor Retailer.

Emerald Expositions also was considering Utah for the annual Interbike trade show, presently held in Las Vegas, but it no longer will accept the state's proposal to host the event, said Executive Vice President Darrell Denny.

The "offensive" decision, said Herbert spokesman Paul Edwards, "reflects a gross ingratitude."

"It perpetuates the false narrative that Utah — a state that derives much of its inspiration and identity from its iconic public lands, a state that invests tens of millions of dollars into the



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protection of and access to its public lands — is somehow hostile to those public lands," Edwards said in an email Thursday night. "It shows how a political agenda, rather than reason or merit, seems to have captured the decision-making at the Outdoor Industry Association."

OIA Executive Director Amy Roberts said "it is important to our membership, and to our bottom line, that we partner with states and elected officials who share our views on the truly unique American value of public lands for the people and conserving our outdoor heritage for the next generation."

The OIA said it specifically asked Herbert for four measures that outdoor businesses consider important to their future in Utah:

- End legal efforts or support for congressional action that would facilitate the sale or transfer of federal lands to the states.
- End efforts to nullify the Antiquities Act.
- Stop seeking to reverse the designation of Bears Ears National Monument in southeastern Utah. Herbert this month signed a resolution from the Utah Legislature asking President Donald Trump to rescind the monument designation.
- Support other public lands "that provide the backbone of the industries sales," OIA wrote.

Herbert did not agree, Roberts said.

"For 20 years ... we feel like we've been a good partner and very upfront about our [member concerns]," Roberts said, "and what we've seen is sort of a ratcheting up over time in actions either by the Utah Legislature or the congressional delegation that really start to threaten public lands and the public's access to the lands."

The call focused on the state's position on the Bears Ears designation, said Edwards, Herbert's deputy chief of staff.

Herbert "offered the opportunity ... to work through a negotiation process with the outdoor industry about what seem to be differences about the state's position with regard to the use of the Antiquities Act here in the state," Edwards said, referring to the federal law enabling presidents to declare national monuments.



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"Instead of accepting," Edwards said, "we felt that we were being presented with an ultimatum that there be a full rescinding of the resolution passed by the Legislature and the governor with regard to the concerns we have about the Bears Ears designation."

Utah Democratic Party Chairman Peter Corroon decried the state's stand over public lands and on the Bears Ears designation.

"With one breath, Gov. Herbert touts our five, now six, national monuments to increase tourism, and with another refuses to drop the party lines for the betterment of Utah's economy," Corroon said in a news release. "After listening to our Utah Republican leadership talk out of both sides of their mouths for years, the outdoor retailers finally put their foot down."

Salt Lake City Council member Charlie Luke took a less partisan angle in saying the decision "is a huge loss."

"While I have been frustrated at times with OR's past negotiating tactics, Utah putting politics before economic development has led to the end of a successful decadeslong partnership with the outdoor industry," Luke said in a news release. "The same politics that caused OR to leave has probably also killed any future opportunity for Salt Lake City to host the Winter Olympics again."

Outdoor Retailer's exit also will leave a void for eateries that get big business from conventiongoers, said Michele Corigliano, executive director of the Salt Lake Area Restaurant Association.

"We are hoping, perhaps, they can get some other conventions to come into town to make up for it, but, as you know, those weeks — those two Outdoor Retailer shows — had a tremendous impact on our downtown restaurants. We're super sad to see them go. I hope our legislators take that into consideration, because it affects us all."

Denver appears to be making an aggressive bid for the show. Conservation Colorado placed a half-page ad in The Salt Lake Tribune and the Deseret News on Wednesday, urging the event to move to Colorado.

"We have stronger beer. We have taller peaks. We have higher recreation," the ad reads. "But most of all, we love our public lands. ... We have honored and fought for our public lands by defeating land seizure bills and embracing new national monuments. ... Colorado knows protecting public lands is just good business."



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The Park City-based SnowSports Industries America added to Colorado's campaign after Thursday's conference call, announcing that it was inviting the Outdoor Retailer Winter Market to join SIA's annual January snow in Denver, forming a joint convention.

Edwards said Salt Lake City remains an ideal venue for the show, which has been here for about two decades.

"Gov. Herbert did an extraordinary job of representing the great opportunities here in Utah and the extraordinary assets that we have here: the love that we have for our public lands, the numerous ways in which we work with our federal partners ... to invest in habitat, to invest in access, to what are truly unrivaled public lands," Edwards said.

Visit Salt Lake CEO Scott Beck said Herbert made a good-faith effort to engage the industry leaders in the call.

"I watched our governor just really put rhetoric aside and really reach across the table to start some genuine dialogue," Beck said. "One of the things that I noted in this process, there's been a lack of genuine dialogue."

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2. **Group criticizes actions in Bears Ears film**

The Deseret News, Feb. 16 | Ben Lockhart

BLUFF, San Juan County — The leader of one southern Utah advocacy group is accusing Patagonia of being hypocritical about the preservation of ancient Native American ruins because of the contents of a short video the outdoor merchant released in 2015.

That group, Stewards of San Juan, opposes the newly designated Bears Ears National Monument that former President Barack Obama put into place in December, meaning the organization is in disagreement with Patagonia about how best to preserve the landscapes and archaeological artifacts in the area.

Patagonia has been outspoken in its efforts to get Utah officials to recant their efforts to rescind the national monument and have federal lands turned over to states, leading a drive to move the Outdoor Retailer shows out of state. The retailer group announced Thursday it will not hold its shows in Utah after its contract expires in 2018.



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The video, titled "Defined by the Line," shows Josh Ewing, executive director of Friends of Cedar Mesa, climbing difficult mountainous sites in San Juan County that are now designated as part of the national monument.

In one part of the nearly eight-minute video, which supported the designation of a Bears Ears National Monument, Ewing is shown picking up a pottery shard. The video cuts away to a different shot before it becomes clear what he did with the artifact.

Ewing confirmed to the Deseret News that he picked up a real pottery artifact in the video but said he immediately set it back down in its original place — something he noted is a widely accepted action.

"The rules are that you should not take or remove artifacts from public lands," Ewing said. "But certainly, to pick up a pottery shard and put it back down in its place is common practice. ... It's a very common practice by archaeologists and the public."

Bureau of Land Management spokeswoman Kimberly Finch said in an email that the agency "is not investigating any participants in Patagonia's video 'Defined by the Line.'"

"Picking up a pottery shard on public lands is not a crime, but taking one home is," Finch said, speaking in general terms.

Jami Bayles, president of Stewards of San Juan, nonetheless takes issue with the video.

Bayles initially believed it was at least possible Ewing broke the law by potentially taking the artifact and keeping it, she said. But she now believes his explanation to the Deseret News that he in fact put it back in its place. Still, she contends, the video is ambiguous as to what happened to the shard, which sends "a very mixed, confused message."

"There was no disclaimer," she said. "He doesn't even talk about it — like, 'Yeah, these (pottery artifacts are part of) what we're trying to protect.' ... He doesn't address any of that stuff."

Bayles also said she is disappointed that the beginning of the video showed Ewing walking up to a pump jack in the area of Recapture Pocket. Recapture Pocket is outside of the national monument area and is about 15 miles from Comb Ridge and 30 miles from Valley of the Gods — the areas that the film permit, a copy of which she sent to the Deseret News, specified as authorized locations for the film.



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"I know the exact pump they're walking toward," Bayles said. "It has nothing to do with the (Bears Ears) monument. You're projecting something that doesn't exist."

Patagonia spokeswoman Corley Kenna defended the film's imagery.

"Patagonia stands by the film, Josh Ewing and its depictions of Native American heritage. The image of the oil rigs was deliberate: This is an area that if unprotected will be exploited and drilled," she said.

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3. Monumental decision: Outdoor Retailer show leaving Salt Lake after meeting with governor over Bears Ears

The Deseret News, Feb. 16 | Lisa Riley Roche

SALT LAKE CITY — The Outdoor Retailer show is telling Salt Lake City to take a hike following a "curt" conference call with the governor.

The group will end its 20-year tie with Utah after next year's shows, announcing Thursday it will not consider any bids from the Beehive State because of the industry's frustration with state efforts to undo the new Bears Ears National Monument.

"Salt Lake City has been hospitable to Outdoor Retailer and our industry for the past 20 years, but we are in lockstep with the outdoor community and are working on finding our new home," said Marisa Nicholson, show director for Outdoor Retailer.

A spokesman for Gov. Gary Herbert called the decision "offensive."

"It smacks of gross ingratitude to a community that has embraced the Outdoor Retailer show, subsidizing its success and expansion through direct investment — let alone extraordinary hospitality," said Paul Edwards, the governor's deputy chief of staff.

The announcement came just hours after a conference call between the governor and the Outdoor Industry Association, the sponsor of the biannual trade show, came to "sort of a curt finish."

The sticking point was recent efforts by the state to persuade President Donald Trump to reverse the creation of the new 1.35-million-acre monument in San Juan County by then-President Barack Obama in the final days of his presidency.



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A resolution was passed by the Legislature and signed by the governor urging Trump to rescind the monument. Herbert will sign a separate resolution seeking to shrink the size of the Grand Staircase-Escalante National Monument, his office said.

In response to the legislative action, Patagonia and a growing number of other companies had said they would not continue to exhibit at the Outdoor Retailer show if it stays in Utah.

"We felt that we were being presented with an ultimatum," Edwards told reporters after the conference call.

The association said in a statement that the leadership of Patagonia, The North Face, REI and Outdoor Retailer were also on the call. "Unfortunately, what we heard from Gov. Herbert was more of the same.

"It is clear that the governor indeed has a different perspective on the protections of public lands from that of our members and the majority of Western state voters, both Republicans and Democrats — that's bad for our American heritage, and it's bad for our businesses."

Edwards, speaking before the announcement that Salt Lake City would be excluded from bidding for future shows, called the discussion "frustrating" and said it ended with "sort of a curt finish."

Visit Utah President and CEO Scott Beck said "there were no threats" made during the call that the summer and winter exhibitions of outdoor products would leave before the current contract is up in 2018.

But Beck said a new "ethos" provision in future requests for bids to host the trade show would hurt Salt Lake City. He said he could not put a price tag on the revenue that would be lost, but said other, likely smaller conventions could be booked.

Edwards said the association "expressed to us their frustration with seeing a state pass a resolution hostile to a monument designation." He said the governor's offer to help put together a group "to work through differences" was not accepted.

"We are largely in agreement. We all want protection of those areas," Edwards said, but there may be a better way than a monument designation. "They didn't want to engage in any dialog," he said, other than keeping the monument in place.

"It shows how a political agenda, rather than reason or merit, seems to have captured the decision-making at the Outdoor Industry Association," Edwards said Thursday evening. He said



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some \$2 million that the state would contribute toward the Outdoor Retailer show "could be redirected" to help Utah companies.

Earlier in the day, the governor said he would consider talking about reversing the resolution.

"We'll have that discussion today and see, in fact, how that comes about," Herbert said during the taping of his monthly news conference on KUED. "Again, my job is to reflect the desires and the will of the people in Utah."

He said Utah has been consistent in saying, "We want to have a legislative fix," citing the stalled Public Lands Initiative proposed by Rep. Rob Bishop, R-Utah, that would "bring peace to really 18 million acres" in the state.

Other places, including Colorado, are actively competing to host the show, estimated to contribute tens of millions of dollars in state and local tax revenues.

Thousands of Outdoor Retailer attendees spend an average of \$1,019 each in Salt Lake, according to an assessment by Visit Salt Lake and the Kem C. Gardner Policy Institute, meaning that the two events combined inject nearly \$50 million annually into the city's economy.

But that's just 10 days worth of economic activity, Beck says, going toward things like restaurants, hotels, shopping and local attractions. "The economic impact is exponentially higher."

On Wednesday, Conservation Colorado ran advertisements in Utah's two largest newspapers encouraging the Outdoor Retailer show to move to Colorado, a campaign that will continue with digital ads aimed at wooing the show.

Pete Maysmith, the group's executive director, said Colorado "has a long and proud history of protecting our public lands. ... If the outdoor industry is looking for show locations that reflect its values of stewardship and a passion for outdoor recreation, it should look no further than the Centennial State."

The Outdoor Industry Association had said in a statement before the meeting that if it was unable to reach an agreement, "OIA will continue to work with Outdoor Retailer to move the show as soon as possible."

Herbert, the association said, is being asked "to stop all efforts to rescind the Bears Ears National Monument through executive order, to stop efforts to gut the Antiquities Act and to support keeping our public lands public for all Americans to enjoy."



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Herbert said his preference is to have land in San Juan County protected through action by Congress. He said the issue can be resolved "in the best interests of everyone" with action by a new president and Congress.

"For me, it's a better opportunity legislatively," the governor said. "It's kind of a repeal and replace. We're going to replace it with this and repeal the monument. That's how I envision it."

Senate President Wayne Niederhauser, R-Sandy, said if the Outdoor Retailer show decides to leave Utah, it won't be part of future discussions about the state's public lands and outdoor recreation.

"Please stay at the table and work with us," Niederhauser urged the retailers.

He said Utah is a much better place for the outdoor industry showcase.

"My argument for the people of Colorado is that we are still the outdoor capital," Niederhauser said. "We have more federal land than they do. We have more open space than they do."

The governor said when it comes to the Outdoor Retailer show and the association, Utah has "been a blessing to them, too. They've doubled or tripled over the last 20 years since they've been sited here in Utah."

Herbert said it's in the trade show's best interest to stay put because "there is in fact no better place than here in Utah" for outdoor recreation opportunities with more than 35 million acres of public lands.

Utah Democratic Party Chairman Peter Corroon slammed the Republican governor and GOP-controlled Legislature for costing the state \$45 million in revenues from losing the Outdoor Retailer show.

"Today all Utahns are feeling the consequences of the far-right agenda of the Utah Republican Party," Corroon said in a statement, adding that the governor "refuses to drop the party lines for the betterment of Utah's economy."

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4. BLM Urges Protection of Ancient Artifacts

ABC 4 News, Feb. 16 | Hailey Higgins

WASHINGTON COUNTY, Utah (ABC4 Utah) The Bureau of Land Management (BLM) pleads for the public's help in preserving cultural and ancient artifacts after two people were convicted of looting near the Utah/Arizona border.

An ancient site near Beaver Dam, Arizona was looted in 2016 by Tara Craft and Matthew Doyle. The pair admitted to going inside subsurface pit houses to take pottery, arrowheads, and other valuable artifacts.

During the investigation, nearly 200 pieces of ancient history were seized from their home, which traced back to Nevada, Arizona and Utah.

"Even though the damage was about \$4,000 worth, the long lasting repercussions are far greater," BLM Arizona Strip District Spokesperson Rachel Carnahan said.

Besides their scientific value, the artifacts provide critical insight into past human behavior.

"When these things are damaged, it denies all of us opportunities to learn more about our history," Carnahan said.

With a wealth of ancient evidence scattered around the southern half of our state, the BLM urges the public to appreciate the artifacts but leave them alone.

"We are tripping over artifacts, remnants of the culture of the people who were here before everyday, everywhere we go," Susan Crook said, Land Program Manager/SUNCLF Director.

President's Day weekend marks the beginning of a busy spring travel season in southern Utah. With thousands of tourists comes a greater risk to ancient artifacts.

To preserve the Land Hill sites, Conserve Southwest Utah created team of around 25 people who patrol the sacred petroglyphs and lands.

"We still get some vandalism but it seem like we are on top of it a little more quickly," Crook said.



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It is a federal crime to damage, steal or sell ancient artifacts or sites under the Archeological Resources Protection Act. If any of these crimes are witnessed, call 911.

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5. Commission doubles incentives to Colorado outdoor company to keep it from moving to Utah

The Denver Business Journal, Feb. 16 | Ed Sealoover

Colorado Economic Development Commission members offered \$75,000 to a Mesa County outdoor recreation company to expand in the Grand Junction area Thursday.

A local business leader said the move would not only would help the company and the Western Slope economy, but would send a strong signal in the state's increasing competition with Utah to capture such jobs.

The unnamed 12-year-old company — EDC officials referred to it only as “Project Redwood” — designs, installs and oversees aerial adventure courses across the country.

It's part of a growing sub-sector of businesses on the Western Slope that specialize specifically in working with the aerial-adventure industry, noted Jeff Kraft, director of business funding and incentives for the Colorado Office of Economic Development and International Trade.

The company — which has 18 full-time employees in Grand Junction and 23 part-time employees across Colorado — is planning to consolidate three different facilities in Mesa County into two and to add 15 employees to help with training and operations of the courses they make.

But while the existing and new positions are important in themselves to Western Slope officials, so is the effort to keep this company or any others from moving to Weber County, Utah, which has offered roughly \$600,000 in incentives to it.

Utah officials have become particularly aggressive in trying to lure Colorado outdoor companies, said Kristi Pollard, executive director of the Grand Junction Economic Partnership. That is why Grand Junction is offering a local economic-development package in addition to the state's money that includes about \$9 million in infrastructure improvements and in property that the company can build its new facility.



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“This is a very significant project to us, and I think it would give a loud voice to Utah to let them know they’re not allowed to come into Mesa County anymore,” Pollard said.

The move comes as Colorado ramps up its efforts to be a national hub for the outdoor-recreation industry. It also comes as activist companies are pushing the Outdoor Retailer Show to move out of Utah, possibly to Colorado.

EDC members were so swayed by Pollard’s arguments regarding Utah that they voted to double the amount that OEDIT staffers suggested giving in Strategic Fund money — from \$2,500 per job to \$5,000 per job.

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6. **Sportsmen fight Trump energy plans alongside environmental left**

Reuters, Feb. 17 | Valerie Volcovici and Annie Knox

When Republican Congressman Jason Chaffetz of Utah introduced legislation last month to transfer about 3 million acres of federally-held public land to state control, he was bombarded by thousands of angry phone calls, letters and social media posts urging him to back off.

The pressure came not only from liberal environmentalists – but also from gun-toting, often conservative outdoors enthusiasts who are central to Chaffetz’ political base. Both camps fear that transferring federal lands to state control could open them up to drilling and coal mining rather than recreation and preservation.

"I hear you," Chaffetz wrote in a post on his Instagram account announcing the withdrawal of the bill. "I am a proud gun owner, hunter and love our public lands."

Chaffetz's office did not respond to requests for comment on his reversal.

Outdoor sporting groups - long associated with conservatism because of their support for guns rights and small government - are now collaborating with the environmental left to fight U.S. President Donald Trump’s push to open more public lands to energy development. Such areas include national forests, parks and Native American tribal territories and account for about one fifth of the United States.

Recent funding data from the Foundation Center database, which aggregates information from tax filings, shows groups such as the Backcountry Hunters and Anglers and the Outdoor Alliance



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have accepted grants from big environmental and liberal foundations, including the Turner Foundation and the William and Flora Hewlett Foundation.

The Hewlett Foundation gave \$100,000 in 2015 to Backcountry, a conservation group created in 2004. The money accounted for more than two-thirds of its foundation grants that year, and Backcountry told Reuters it is an annual gift with no conditions.

Hewlett said it supports Backcountry because of its "critical work to preserve America's outdoor heritage of hunting and fishing and protect wild places."

The Turner Foundation gave an unrestricted donation of \$100,000 to the Outdoor Alliance in 2015, the group's only foundation grant that year.

"Conservation is a nonpartisan issue, and it is a shame it is being politicized," said Judy Adler, president of the Turner Foundation.

The Environmental Policy Alliance, a pro-development organization, has said environmentalists finance sportsmen's groups as a way to provide conservative cover for a liberal agenda - turning the outdoors groups into "green decoys."

The alliance, which says it aims to "uncover the funding and hidden agendas" of environmentalists, did not respond to requests for comment.

Highlighting the odd-bedfellows nature of such collaborative lobbying, the Backcountry Hunters and Anglers counts the president's son, Donald Trump Jr., as a lifetime member.

Officials at the Trump Organization, where Donald Trump Jr. is an executive, did not respond to requests for comment. A Trump administration official declined to comment.

Trump has made previous statements opposing the transfer of federal land to states, but has strongly supported more energy development in such areas.

Bigger than the coal industry

The outdoor recreation industry is concentrated heavily in conservative western states and generates more than \$640 billion annually, according to the Outdoor Industry Association, which represents hundreds of companies and organized the pressure campaign against Chaffetz. That figure would make the outdoors industry about 10 times bigger than the coal industry.



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The cause of protecting public lands is among precious few issues that bind U.S. conservatives and liberals. Outdoors companies such as Patagonia and North Face are building lobbying strength quickly in response to rising threats to federal lands, said Jessica Wahl, government affairs manager for the Outdoor Industry Association.

"We are a bipartisan industry," Wahl said. "We are stronger when talking with a unified voice."

In one example of that clout, more than 30 companies this week - including Patagonia, REI, North Face, KUHL, and others - wrote an open letter to Utah's Republican Governor Gary Herbert saying they will try to force an annual outdoor retailers' convention out of the state unless he protects public lands.

Patagonia had earlier announced it would boycott the convention - which brings Utah about \$45 million each year - because Herbert had opposed a move by former Democratic President Barack Obama to protect 1.3 million acres near the iconic Bears Ears buttes.

Tawney, of Backcountry Hunters and Anglers, said he supports partnerships with environmental groups to advocate for wilderness conservation. But he dismisses assertions that the outdoor enthusiast organizations have become pawns of the environmental left.

"Everything we do is about hunting and fishing," he said.

Some traditional environmental lobbying organizations such as the Sierra Club say they are happy to let outdoor sports advocates be the public face of the conservation movement. The arguments of sportsmen tend to resonate better with business-friendly Republicans and their constituents in rural communities, he said.

"They speak from more of an economic voice," said Matt Kirby, who directs the Sierra Club's public lands policy work for western states.

Fishing with Trump Jr.

Elsewhere, local outdoor industry companies have had success engaging with the U.S. Bureau of Land Management (BLM) to have more input on local oil and gas leasing decisions.

Ashley Korenblat - owner of Utah-based mountain biking outfitter Western Spirit Cycling and a member of the Outdoor Industry Association - was instrumental in shaping the Moab Master Leasing Plan, which preserves bike trails near Moab, Utah while allowing some oil and gas drilling.



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Many hunters, fishermen and campers may not think of themselves as conservationists, Korenblat said, but “when you can no longer get to the river where you fish - when the trail you’ve been riding has been replaced by a 30-foot gravel road to a well - suddenly you really care.”

Some of the most passionate conservation advocates are in Utah, where two-thirds of the state is federally protected.

"I'm just disgusted," said Grant Bench, a fly-fishing guide who works with Sundance Mountain Resort. "Do we see oil pumps in Yellowstone next?"

Last winter, Bench said, he took Donald Trump Jr. fishing on the Provo River. Bench told him he wants future generations of his family to enjoy the same pristine wilderness that currently sustains Bench's livelihood.

Trump Jr. agreed that preserving public lands is important, said Bench, who hopes Trump's son will carry that message to his father.

Reuters could not reach Donald Trump Jr. for comment. Bench provided a photograph of himself with Trump Jr. standing outside in waders, waterproof pants used by fly fishermen to walk through streams.

The conservation battles have made Bench start to question his traditionally conservative politics.

"I'm leaning further left every day that this stuff goes on," he said.

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7. Utah lawmaker wants to allow the creation of state monuments on public lands

Utah Policy, Feb. 17 | Bob Bernick, Contributing Editor

What if President Donald Trump rescinds the Bears Ears National Monument?

Well, how about a smaller Bears Ears State Monument?

Rep. Steve Eliason, R-Sandy, says to his surprise there is no way to create a state monument – only state parks.



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His new bill, introduced Friday, would set up a policy and process to do it.

Eliason and his family recently visited Fantasy Canyon out in the Uintah Basin and found it amazing.

“It is only the size of five football fields. It is like a space ship dropped it down, surrounded by sagebrush and oil wells, but something amazing.”

Should Trump rescind Bears Ears – and his bill pass – by next session there could be a formal Bears Ears State Monument proposal before lawmakers.

If not Bears Ears, then some other suitable sites in the state.

Under HB385 state Parks, officials would have to take inventory of various areas to see if they could qualify for state monument designation.

Don’t worry, the governor wouldn’t have to power to create one on his own, as a U.S. president can under the 1906 Antiquities Act.

Only the Legislature could create one, with the agreement of the governor, via a special resolution.

In fact, Eliason says way back in 1959 state park officials did indeed draw up a list of special places in Utah – and that could be a starting point.

Yes, it would cost some money for a state monument.

But Eliason says Park officials say they often drive right past many beautiful areas as they maintain campgrounds and other state outdoor facilities.

“It wouldn’t take much to maintain some of these monuments, which today are completely unprotected.”

The House recently voted to make the Spiral Jetty an official piece of state art.

But what does that mean? Asked Eliason. There is no process to protect an outdoor state piece of art.

Naming the Spiral Jetty a state monument would to the trick, and put the Park department in charge of maintaining the unique work.



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8. **Chaffetz Calls for Wider Probe of US Agent Key in Standoff**

U.S. News, Feb. 17 | Lindsay Whitehurst, The Associated Press

SALT LAKE CITY (AP) — U.S. Rep. Jason Chaffetz of Utah has called for a wider probe of a federal Bureau of Land Management agent who played a key role in the standoff with Nevada rancher Cliven Bundy before coming under investigation for his activities at Burning Man.

The chair of the House Oversight Committee said in a letter that the allegations against Salt Lake City supervisor Daniel Love could undermine trust in the agency and should be probed by Department of Interior inspectors. The department's Office of Inspector General did not immediately respond to a request for comment on the letter released on Friday.

Chaffetz pointed to reports that Love asked employees to "scrub" emails before responding to a congressional records request and delete documents from a shared server. He was also accused of coaching an employee on what to say before during an interview with government investigators.

The Office of Inspector General has previously faulted the supervisory agent from Salt Lake City for accepting sold-out Burning Man tickets and having agents drive around his family during the Nevada event in 2015.

The investigators also found evidence he manipulated a hiring process so a friend could get a job at the Bureau of Land Management. The report released Jan. 30 was referred to higher-ups for possible disciplinary action.

The Bureau of Land Management didn't immediately return a call seeking comment on the Chaffetz letter dated Feb. 14. Messages left at publicly listed phone numbers for Love were also not immediately returned Friday.

Love, who oversaw the Bundy cattle roundup in 2014, is expected to be an important witness for the prosecution during a trial unfolding in Las Vegas for six men accused of illegally wielding weapons during the standoff. Defense attorneys pushing for the case to be dismissed say they should have previously been informed about the allegations against Love.

He was also the target of a federal lawsuit from the family of a southern Utah doctor, James Redd, who killed himself after he was arrested in a 2009 artifact looting investigation that



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marked an early skirmish in the struggle for control of public lands. The family said the Bureau of Land Management agents led by Love used excessive force when they arrested Redd at gunpoint.

That case was dismissed by an appeals court Monday after judges found the presence of agents in SWAT-like gear wasn't unreasonable given the large volume of evidence and longstanding local opposition to federal control of public lands.

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E&E/NATIONAL NEWS – FULL STORY

1. **Protect Local Communities' Voices in Public Lands Management**

Center for American Progress, Feb. 16 | Ryan Richards

The Bureau of Land Management, or BLM, figures prominently in the lives of community members across the country. This is particularly true for members of rural communities, who often live and work on and around public lands. Indeed, the BLM is responsible for managing more land and resources than any other public agency: 245 million acres of America's public lands and 30 percent of its subsurface minerals fall under the bureau's purview. Federal law requires the BLM to plan for land use in order to ensure that it exercises good stewardship and balances the different activities that occur on public lands.

Land use planning is an immensely complex process because it must take into account the needs of many different stakeholders who often have competing interests, such as ranchers, energy developers, and sportsmen. In an effort to improve its land use planning, the BLM spent more than two years outlining a more inclusive approach and collecting more than 6,000 public comments. The end result was Planning 2.0, a new rule that improves land use planning by encouraging BLM managers to engage stakeholders much earlier in the planning process and places a greater emphasis on the landscape around the land the bureau manages.

However, Republicans in Congress are gearing up to roll back Planning 2.0 through the Congressional Review Act, or CRA. The CRA gives Congress the power to reverse specific rules made by the executive branch. In doing so, the CRA also specifically states that the executive branch—or indeed, any department that sees its rule overturned—can never again issue a rule that is “substantially the same” in its form or content. Eliminating the Planning 2.0 rule would therefore require the bureau to operate under land use planning protocols that are less than ideal and would limit the public's input into how its public lands are managed. Prior to the Planning



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2.0 rule, the BLM had been following land use planning protocols developed more than 30 years ago.

As Congress threatens to turn back the clock on our public lands, here are three important issues to consider.

1. The BLM would be forbidden from pursuing similar improvements to its planning process in the future

The Federal Land Policy and Management Act requires the BLM to develop resource management plans, or RMPs, for all of the land that it manages. These plans must account for multiple uses and sustained yield, which requires stakeholder engagement and balancing a wide range of needs as well as current and future land use. Planning 2.0 greatly improved the process for developing RMPs, but if the rule is reversed through the CRA, any future BLM efforts to improve the resource management planning process would be permanently hamstrung.

2. Reversing the Planning 2.0 rule would cut opportunities for local communities to provide input on land use plans

One of the greatest motivations for the updated planning rule was to increase and expand the input of stakeholders whose livelihoods depend on public lands. After years of slow planning, complaints that the BLM was not accounting for all stakeholders when it developed RMPs, and frequent litigation by stakeholders, the BLM entered a long revision process that took more than two years to complete and produced Planning 2.0.

Planning 2.0 required, for the first time, that the BLM seek public input on land use before beginning the formal planning process. It explicitly lists activities that must be considered, including outdoor recreation—a fast-growing \$646 billion sector that relies on public lands. This update puts outfitters, gear manufacturers, guides, and other outdoor businesses on equal footing with extractive industries that drill and mine on public lands. It also requires consultation with tribal entities and local governments so that land is managed appropriately for nearby communities.

BLM staff members are required to use this input to prepare management alternatives before the traditional planning process begins. These management alternatives also include their own opportunities for public comment. Adding public voices earlier in the process supports more informed planning based on public engagement, making public lands work better for all users.



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3. The old BLM land use planning process was considerably slower

The previous planning process for the BLM was arduous and slow, leaving resource users and communities uncertain of how they could use the land for livestock grazing, energy development, or outdoor recreation. On average, it took eight years for the BLM to complete the full land use planning process for each unit it manages.

“Too often,” said the BLM director in a press release announcing Planning 2.0, “by the time we’ve completed a plan, community priorities have evolved and conditions on the ground have changed as well.”

Eliminating Planning 2.0 would again formalize this problem, delay improved land management, and silence communities that depend on public lands.

Conclusion

An improved planning process is a necessity for rural communities and economies. Federal lands are central to so many of the activities that are essential to rural life—including grazing, energy development, hunting and fishing, and outdoor recreation. Poorly planned activities, therefore, can have far-reaching and long-lasting consequences for communities. Reversing the Planning 2.0 rule would cripple the planning process and make it even more difficult to ensure that public lands serve the users who depend on them.

Ryan Richards is a Senior Policy Analyst for the Public Lands team at the Center for American Progress.

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2. FEDERAL WORKFORCE: 'You may not be in the job you want'

E & E News, Feb. 17 | Robin Bravender

What happens to the workers in federal offices that the Trump administration decides to downsize or eliminate?

After the administration's repeated pledges to scale back government agencies, some federal workers are anxiously waiting for details about what it all means for their careers. Rumors abound about which programs will get chopped, and staffers in areas like U.S. EPA's climate shop and the Energy Department's renewable energy office could soon see their jobs disappear.



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Civil servants in jobs slated for the chopping block might be transferred to other offices, offered buyout packages or laid off — although experts say involuntary terminations aren't likely to be widespread.

"There are actually a lot of protections built in for federal employees in a downsizing situation," said John Palguta, an expert on the civil service and former vice president for policy at the Partnership for Public Service.

But ultimately, "You may not be in the job you want to be in."

Palguta has been offering advice lately to those concerned about shakeups under the Trump administration.

For staffers in agencies that might see cuts, "I would tell them to hang in there. They're probably not going to find themselves out on the street," he said.

Palguta recently heard from someone who was considering a new job in the federal government but was worried he could be out of a job shortly after taking it.

If job security is the top concern, Palguta advised that person, he should consider taking the gig. "The odds are," Palguta said, "they're not going to suddenly end up unemployed."

That's not to say government workers will get to remain in the roles they signed up for, if funding is zeroed out by the new administration and Congress.

"If the concern is I want to do the job that I'm doing in the functional area that I'm in currently, then there might be cause for you to be concerned," Palguta said.

At EPA, for example, the government could opt to shuffle workers from a closing climate office into the water office. If the staffers didn't want that reassignment, they could opt to leave.

'People are nervous'

The uncertainties are troubling for government staffers.

At EPA in particular, where big reorganizations have been promised, some workers are wary about their career prospects. Details of the new administration's plans for that agency haven't yet been made clear. But with Scott Pruitt expected to be confirmed as EPA boss as early as today and White House budget blueprints likely to land in the coming months, specifics about planned cuts could come soon.



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"I think a lot of people are nervous," said EPA union leader John O'Grady, who's based in the agency's Region 5 office in Chicago.

He said there are uncertainties about whether the administration may decide, for example, to put EPA's pesticide shop into the Agriculture Department or move pieces of EPA into the Interior Department.

If staff are relocated geographically, "that might be equivalent to losing your job, because not everyone is mobile," O'Grady said.

Palguta said staff could be transferred between agencies "only if there's been a transfer of function": for example, if "for some reason a functional area of EPA was being transferred to the control of Agriculture."

Agency staff could be transferred geographically, Palguta said, if, for example, regional offices were combined. But, he added, there are rules against saying, "We're going to move this all to Alaska because we know nobody's going to want to move up there."

Budget proposals from conservative think tanks offer some clues about which offices may soon be on the chopping block. Among the programs targeted for cuts are EPA's climate offices and DOE's renewable energy office (Greenwire, Jan. 27).

EPA's enforcement office could also be scaled back under the new administration (E&E Daily, Feb. 9).

Myron Ebell, who led President Trump's EPA transition team, has said he wants to see the agency's 15,000-person staff scaled back to about 5,000 employees (Greenwire, Jan. 26).

But Palguta said he expects the Trump administration to learn the same thing the Reagan administration did after cutting the federal workforce: "Government needs people to get the mission done."

At EPA, staff levels were initially cut during Reagan's first few years in office but ultimately grew from about 12,700 in 1981 to about 14,400 during his last year in the White House in 1988, according to EPA budget [data](#).

"I'm confident that the Trump administration will find that they actually need more people than they think they need in government agencies, and a year from now we're not going to be having this kind of conversation," Palguta said.



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3. **PUBLIC LANDS: N.M. gravel mining ban reintroduced**

E & E News, Feb. 17 | Dylan Brown

New Mexico lawmakers this week introduced bills in both the House and Senate to block gravel mining on federal land north of Albuquerque.

Democratic Sens. Martin Heinrich and Tom Udall introduced the Senate version, [S. 390](#). Rep. Michelle Lujan Grisham, also a Democrat, put forth H.R. 1085.

Debate over gravel mining in Sandoval County heated up in 2012 with a draft resource management plan from the Bureau of Land Management.

The plan outlined mineral development in and around the Crest of Montezuma, a wildlife corridor linking three mountain ranges in the central part of the state (Greenwire, May 24, 2012).

"The Crest of Montezuma and the Buffalo Tract have incredible ecosystems and many uses, both sacred and utilitarian," Heinrich said in a statement.

Sandoval County, the town of Bernalillo, the Merced De Comunidad De San Antonio De Las Huertas, the San Felipe Pueblo, the Santa Ana Pueblo and some Placitas residents have all come out in opposition to local gravel mining.

"Most concerning to them are the ways in which a gravel mine would impact their health, quality of life, water supply, and continued access," Heinrich said in a statement.

The "Buffalo Tract Protection Act" would withdraw four parcels of BLM land from minerals laws, making the area off limits to new mining.

Heinrich said: "By withdrawing these areas, New Mexicans can be sure that the land is not developed for mineral resources and their way of life and public health are protected."

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4. **NATIONAL PARKS: Infrastructure bill could tackle maintenance backlog — Daines**



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E & E News, Feb. 17 | Geof Koss

The chairman of a key Senate subcommittee is eyeing the upcoming push to enact major infrastructure legislation as a vehicle for addressing the National Park Service's multibillion-dollar maintenance backlog.

Sen. Steve Daines (R-Mont.), who last month was tapped to lead the Energy and Natural Resources Subcommittee on National Parks for the 115th Congress, said this week he is considering holding field hearings to highlight both the importance of the National Park System and the estimated \$12 billion maintenance and repairs needed nationwide at parks.

"There's no better way to talk about the national parks than to get senators out right next to a national park," Daines said in an interview, adding that such hearings would illustrate "the challenge we have on the maintenance backlog."

Daines, who said he grew up an hour from Yellowstone National Park, added that addressing crumbling infrastructure at parks will be a top priority of his subcommittee.

"The good news is the American people love their national parks," he said. "We're seeing record attendance levels in our national parks, that was true in Yellowstone and Glacier last season. The bad news is the infrastructure's stressed — we've got more population visiting our national parks. The infrastructure is inadequate to handle the current visitor load."

He said he plans to "see if we can make our national park infrastructure part of the overall infrastructure bill for the country." As a candidate, President Trump promised a \$1 trillion push to repair crumbling roads and bridges across the nation, although the administration's plans for making good on the pledge are unclear.

Committees on both sides of the Capitol have already held hearings on infrastructure issues, and the National Governors Association earlier this month sent the White House a list of 428 "shovel-ready" road, bridge, energy and water projects that has not been made public (Greenwire, Feb. 9).

Rep. Ryan Zinke (R-Mont.), Trump's nominee to lead the Interior Department who continues to await confirmation, has also called for addressing the park service's maintenance backlog in the infrastructure package.

"If confirmed, I am going to work with and on behalf of President-elect Trump to include funding to address our national parks' infrastructure backlog in infrastructure legislation," Zinke



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responded to Sen. Mazie Hirono (D-Hawaii) in his written answers to questions for the record after his confirmation hearing. "That package is envisioned to address national needs of which the backlog in the national parks is only a part, and I do not know how the administration will propose to pay for the entire package."

Daines yesterday said he and Zinke — whom he's known for 38 years — share a similar outlook on national parks.

"Ryan grew up near Glacier National Park, and I grew up near Yellowstone National Park, so we're both kids who literally, our life experiences were in the shadow of our national parks," he said.

Senate Energy and Natural Resources Chairwoman Lisa Murkowski (R-Alaska) was noncommittal when asked about Daines' suggestion earlier this week.

"I think there's a lot of interest in what an infrastructure package could look like because you'll note that there's not a lot of legislation that's moving on its own," she said in an interview.

But Murkowski also indicated that her committee could play a role in shaping an infrastructure package.

"So many of us are looking at this and saying, 'OK, we know that there's going to be political muscle put behind an infrastructure package,'" she said. "What can we do on pipelines? What can we do on energy infrastructure, whether it's LNG [liquefied natural gas] export facilities? Up in Alaska, we'd like to get a deepwater port for moving some of the commercial prospects up in the Arctic. So I think it's an area that is open to review and suggestion."

Sen. Jim Inhofe (R-Okla.) this week said delays in confirming executive branch nominees are partly to blame for the lack of a clear administration plan for infrastructure legislation (E&E Daily, Feb. 16).

Senate Environment and Public Works Chairman John Barrasso (R-Wyo.) said this week that infrastructure is among the issues he plans to raise in individual meetings with all Republicans and Democrats on his committee to see "where we can work together collaboratively."

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5. **CLIMATE: GOP 'rifle shot' plan for Clean Air Act may include carbon**

E & E News, Feb. 17 | Hannah Hess

Key lawmakers at the helm of House and Senate panels with jurisdiction over the Clean Air Act are talking about tinkering with U.S. EPA's authority to regulate greenhouse gas emissions under the law.

Rep. John Shimkus (R-Ill.), head of the House Energy and Commerce Committee's panel on the environment, predicted a "rifle shot" approach to reforming the Clean Air Act during the 115th Congress yesterday.

"I would not expect to see me drop a Clean Air Act reauthorization," Shimkus said, who is encouraging junior members of the panel to become subject matter experts on individual components of the law. It's an approach Shimkus said he learned while working on the recently reformed Toxic Substances Control Act.

Energy and Commerce Committee Vice Chairman Joe Barton (R-Texas) will be the point man on any effort targeting carbon dioxide, according to Shimkus.

"My intent would be to clarify as originally written CO₂ was not a criterion pollutant," Barton told E&E News this week. "It does not mean that it's not a greenhouse gas — it is — but it was not one of the regulated ones."

In the absence of congressional action to address climate change, President Obama directed EPA to promulgate greenhouse gas emissions standards using existing Clean Air Act authority. Though it's been upheld three times by the Supreme Court, that authority remains controversial among lawmakers and among President Trump's Cabinet appointees.

Sen. Shelley Moore Capito (R-W.Va.) said in a brief interview this week that as soon as Oklahoma Attorney General Scott Pruitt (R) is confirmed to be EPA administrator, the Senate would be looking at what actions it can take against the Obama administration's Clean Power Plan. Pruitt was one of 27 state attorneys general to sue over the rule.

"He knows this inside and out, and I think he's going to have some good insight as to ways that we can reign in the scope and the power of the Clean Power Plan," Capito said, pointing to appropriations or administrative actions.



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Capito, who holds the gavel on the Senate Environment and Public Works Clean Air and Nuclear Safety Subcommittee, said there's also legislation. She said, "I'm less optimistic that can occur."

Environmentalists and supporters of climate action vow to fight any rollbacks under Trump. Lawsuits over the Clean Power Plan and other Obama-era policies could take years, and other delays are bound to arise.

"I don't think that we will be opening up the Clean Air Act to try to amend it on carbon, because ... quite frankly I don't think that's something we could get all the way through up onto the floor," Capito said. "That doesn't mean we won't try."

Yesterday during a House Energy and Commerce Subcommittee on Environment hearing on modernizing environmental laws, Barton claimed that some Democrats accuse him of wanting to "rape and pillage the environment."

"That couldn't be further from the truth," said Barton, whose expanded role as vice chairman of the full committee has rankled greens (E&E Daily, Jan. 25).

Republicans argue their opponents overstate the health and environmental impacts of climate regulations, while downplaying the impact on jobs and the economy. Barton and Shimkus both have disputed scientists' consensus on how big a role carbon dioxide plays in global warming.

Asked if both sides might reach an agreement on climate this Congress, Shimkus replied: "The problem is we never agree to the numbers."

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6. **EPA: Senate confirms Pruitt after fierce fight**

E & E News, Feb. 17 | Kevin Bogardus

Oklahoma Attorney General Scott Pruitt will be the next U.S. EPA administrator.

The Senate this afternoon confirmed President Trump's nominee on a 52-46 vote, which was split largely along party lines.

Two Democrats, Sens. Heidi Heitkamp of North Dakota and Joe Manchin of West Virginia, crossed the aisle to vote for Pruitt. One Republican, Sen. Susan Collins of Maine, voted no on confirming the EPA nominee.



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Democrats had stalled the vote on Pruitt's confirmation, holding the floor all through last night to debate his nomination. Republicans ignored their pleas to delay the vote until senators could review Pruitt's records, including emails between the Oklahoma attorney general and oil and gas companies, that could be released by Tuesday under a court order.

Environmental groups and several Democratic senators mounted a fierce opposition campaign to Pruitt's nomination. Pruitt has been a vocal EPA critic, suing the agency over several of its regulations.

Pruitt is expected to be sworn in as EPA administrator at 5 p.m. today in the Eisenhower Executive Office Building's Secretary of War suite, according to a White House spokeswoman.

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7. **BLM: Lawmakers push IG to probe if agent obstructed investigation**

E & E News, Feb. 17 | Corbin Hiar

Republican leaders of the House Oversight and Government Reform Committee are urging the Interior Department's Office of Inspector General to determine whether Bureau of Land Management agents broke the law by interfering with a recent investigation.

Chairman Jason Chaffetz (R-Utah) and Rep. Blake Farenthold (R-Texas), chairman of the Subcommittee on the Interior, Energy and Environment, are particularly focused on "numerous incidents of troubling behavior" allegedly committed by Dan Love during a probe of his behavior related to the Burning Man festival.

Love is the BLM official who oversaw security during the failed roundup of Cliven Bundy's cattle that led to an armed standoff in 2014. Questions about Love, who was later promoted to BLM's special agent in charge of security, protection and intelligence, loomed large as the prosecution of Bundy's associates got underway last week (Greenwire, Feb. 6).

Days before the trial began, an IG report found that Love violated federal ethics rules by abusing his position to obtain special access to Burning Man for his family and pressured subordinates to hire his friend (Greenwire, Feb. 2).

The lawmakers are now asking Deputy Inspector General Mary Kendall to "investigate the specific allegations raised in your interviews of destruction of federal records, witness tampering, and obstruction of a congressional investigation."



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They pointed to claims from witnesses quoted in the IG report that Love instructed BLM employees to scrub emails, "flagging anything that looked inappropriate so that [Love] could remove them if needed." Another alleged that a BLM employee "deleted hundreds of documents" from a shared network on Feb. 3, 2016.

"If substantiated, these attempts to conceal documents and destroy federal records responsive to a congressional inquiry are unlawful, as it is a federal crime to obstruct a congressional investigation or falsify, conceal or cover up a material fact in one," the lawmakers wrote in the [letter](#), which was sent to Kendall earlier this week and publicly released this afternoon.

The laws Love may have broken carry maximum sentences of five to eight years behind bars.

Chaffetz and Farenthold also raised questions about the timing of the document destruction. They noted that former BLM Director Neil Kornze was given advance notice of the committee's document request.

"We must find out which BLM employees were aware of an impending congressional inquiry when they set about deleting potentially responsive federal records," the lawmakers said.

Finally, the letter said Love purportedly coached a witness before that person met with the inspectors.

"This allegation is problematic as it occurred after you had already initiated your investigation into Love's behavior," they said to the deputy IG.

"As a federal law enforcement officer, Love's actions have the potential to not only taint your investigation, but to seriously undermine the trust in BLM's law enforcement office and thwart congressional oversight of the Bureau," Chaffetz and Farenthold concluded.

Love's involvement in the Bundy standoff continues to be a challenge for federal prosecutors.

A defense attorney who represents one of the Bundy associates on trial grilled BLM special agent Rand Stover about his former boss earlier this week.

Stover hesitated when Todd Leventhal, who represents defendant O. Scott Drexler, asked him whether he would have filed an internal complaint if he had seen Love "do something unethical."

"Well, I had other problems," Stover said, according to the Las Vegas Review-Journal.



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After prosecutors objected, U.S. District Judge Gloria Navarro did not allow Stover to elaborate. But the IG report said Love threatened employees who considered reporting wrongdoing.

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8. **INTERIOR: Department computers 'at high risk of compromise' — IG**

E & E News, Feb. 17 | Blake Sobczak

A core cybersecurity program at the Interior Department is "immature and not fully effective" at guarding critical networks, according to the Office of Inspector General.

Thousands of cyber vulnerabilities spanning more than 300 agency computers could leave "high-value" information "at high risk of compromise, the results of which could have a serious adverse effect on [Interior] operations," the IG concluded in a [report](#) dated Wednesday.

The watchdog unearthed problems with Interior's "continuous diagnostics and mitigation" [program](#), part of a broad government effort to guard federal data centers against hackers. The IG found that two Interior offices — the Bureau of Indian Affairs and the Bureau of Indian Education — failed to identify and remove potentially insecure software from their systems. Outdated programs and operating systems are the IT equivalent of using rusted-out locks: Hackers have a much easier time worming their way into computers running old or unpatched software.

In another case documented by the IG, a key Interior data center took hours to bounce back from a routine power outage last March due to poor emergency planning. A generator kicked in following the outage, restoring power to Interior computers — but no one thought to switch back on the air conditioning. The data center quickly heated up to 120 degrees, the IG recounted, "causing computer hardware failures and loss of system availability."

The report echoes an earlier IG investigation into "high-impact" flaws in the computer systems at three other Interior divisions: the Bureau of Safety and Environmental Enforcement, U.S. Geological Survey, and Bureau of Reclamation (Energywire, Oct. 18, 2016).

An Interior spokeswoman said in an emailed statement today that the agency "takes protecting our assets and systems very seriously," adding that "we are working to continually improve our cybersecurity posture."



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The IG issued seven cybersecurity recommendations to the Bureau of Indian Affairs, which provides health care to thousands of Native Americans and manages millions of acres of land on behalf of tribes. The watchdog also urged the Office of the Chief Information Officer to independently verify its data centers are "adequately secured." Both Interior departments concurred with the recommendations.

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9. **Obama rules repeal push meets resistance and an overbooked schedule**

High Country News, Feb. 17 | Elizabeth Shogren

More than two weeks ago, House Republicans rejected a 2016 Bureau of Land Management rule designed to reduce the methane that oil and gas companies send into the atmosphere or burn up in flares. But the Senate, entangled in debates over Cabinet nominees, has not acted yet. In the meantime, at least three Republican senators have given themselves wiggle room about how they expect to vote if a vote is held after a week in their states for President's Day recess.

The delay is giving hope to supporters of the rule that it may yet withstand the broad effort underway by congressional Republicans to erase rules completed in the last weeks of the Obama administration. Other congressional observers caution that this optimism is premature and the rule likely will be repealed once the Senate takes care of bigger priorities, like confirming President Donald Trump's Cabinet.

The Methane and Waste Prevention rule, an important part of former President Barack Obama's climate change agenda, requires oil and gas producers to limit flaring, detect leaks in equipment, and capture gas instead of venting it to the air. On federal and Indian lands between 2009 and 2015, oil and gas producers wasted 462 billion cubic feet of methane, a potent greenhouse gas, by releasing it to the air or flaring it. That's enough to supply 6.2 million households for a year, according to BLM. Companies don't pay royalties to the government for the methane they vent or flare, so the practice costs the government tens of millions of dollars annually in royalties.

The Senate had hoped to vote on the rule this week, but congressional progress has slowed due to controversy over Trump's Cabinet picks. Some representatives of conservation groups working to protect the rule hope that the delay in Senate action is giving Republicans a chance to consider public opinion. What's resonating most, they say, is the idea that companies are wasting a public resource; methane is natural gas, which is worth money to taxpayers.



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Some polls suggest broad backing for the rule. A Colorado College State of the Rockies poll released in late January surveyed people by telephone in Arizona, Colorado, Montana, New Mexico, Utah, Wyoming and Nevada. Eighty percent—including a large majority of Republicans, Democrats and Independents—expressed support for the rule when asked whether they favor continuing “to require oil and gas producers who operated on national public lands to use updated equipment and technology to prevent leaks of methane gas during the extraction process and reduce the need to burn off excess natural gas into the air.”

“Those are the kinds of numbers that get attention; it shows this is not a 50-50 idea,” says Joshua Mantell, energy campaign manager for the Wilderness Society. Four weeks ago, Mantell had little hope for the methane rule. But he has been encouraged by the polls, as well as news reports that Republican senators Cory Gardner of Colorado, Susan Collins of Maine, and Rob Portman of Ohio were undecided about how they’d vote on the repeal. Republicans hold a slim majority in the Senate, 52 out of 100 seats, so every vote counts. Under the Congress Review Act, senators can’t filibuster a vote, so Republicans only need a majority to repeal the rule.

Jon Goldstein, a senior policy manager at the Environmental Defense Fund, says the rule has “tremendous grassroots support in the region.” He adds, “the fact that a vote hasn’t been forced yet may indicate that these senators are hearing that tremendous support for the rule exists.”

“I think people view this (rule) as a reasonable safeguard for air quality,” says Lori Weigel, a pollster for Public Opinion Strategies, who worked on the poll. “It’s supported strongly even in very energy conscious states like Wyoming.”

Outside of Gardner’s office in Durango, Colorado, on Tuesday, some 150 demonstrators called on the senator to protect the rule and public lands, according to Durango Herald reporter Jonathan Romeo. Gardner said in a statement that he’s still meeting with Coloradans to hear their views about the rule. But he stressed that even if the BLM methane rule is repealed, producers in Colorado still have to fix methane leaks under a state rule. “The state’s solution would remain in effect and serve as an example to other states of what can be achieved when states work to find answers that best fit the needs of local interests,” he said.

Colorado does have a strong rule to fix methane leaks. However, it doesn’t limit flaring, as the BLM rule does. Methane, meanwhile, doesn’t recognize state lines. Conservation groups stress that Coloradans still would suffer from air pollution from oil and gas production in Utah’s Uinta Basin and New Mexico’s San Juan Basin.



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Not all conservationists share their colleagues' optimism about the rule. The delay, they say, merely reflects the Senate's crowded schedule. The Senate has had much less time to repeal Obama's rules than the House because the Senate is responsible for confirming nominees and Democrats have stalled votes on nominees. Still one leader of a conservation group who lobbies Congress predicts GOP Senate leaders will get to the vote before time runs out under the Congressional Review Act. By then, they will have corralled their troops. "They do have the votes to kill it," said the leader of a conservation group who didn't want to be quoted on the record.

Kathleen Sgamma, president of the trade group Western Energy Alliance, argues the rule should be repealed because the Obama administration was "overreaching" and didn't have time to complete the process of regulating methane from existing oil and gas production through the Environmental Protection Agency. "BLM doesn't have air pollution authority," she says, "EPA does."

That may be true, but BLM does have authority to prevent companies from wasting public resources, Autumn Hanna, a lobbyist for Taxpayers for Commonsense, says. Her group has been meeting with senators and staffers to persuade them not to repeal the rule with the Congressional Review Act, because that would block the agency from enacting a "substantially similar" rule in the future. "We'll be locked into 30-year-old rules for years if we take the drastic action of using the (Congressional Review Act) to axe the whole rule," says Hanna, whose group complies reports on taxpayers' growing losses due to flaring and venting on public lands.

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