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Attached is the daily news report for July 26.

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DAILY NEWS REPORT - UTAH

UTAH – TOP STORIES – JULY 26, 2017

1. **Utah man, a former West High basketball coach, is charged with igniting 71,000-acre Brian Head Fire**

The Salt Lake Tribune, July 25 | Luke Ramseth

A 61-year-old Taylorsville man was charged Tuesday with starting the 71,000-acre Brian Head Fire that destroyed 13 residences and cost about \$34 million to fight.

2. **Outdoor Retailer brings products, politics for last Utah show**

The Deseret News, July 25 | Amy Joi O'Donoghue

SALT LAKE CITY — The political and emotional tug-of-war over the destiny of Utah's public lands is on center stage this week as Outdoor Retailer Summer Market begins its four-day run in Salt Lake City beginning Wednesday.

3. **Bears Ears Or Bust: Colorado Policy Group Hits The Road, Ends In Utah**

Utah Public Radio, July 25 | Dennis Stock

In an effort to drum up support for the 27 western monuments being reviewed by Interior Sec. Ryan Zinke, the Center for Western Priorities, a conservation organization based in Colorado, stopped by 6 states throughout the West including Montana, Arizona and California.

4. **Report: Utah's coal industry fading while more eco-friendly outdoor recreation surges**

The Salt Lake Tribune, July 25 | Brian Maffly

Nearly \$400 billion worth of high-quality coal lies under lands protected by the Grand Staircase Escalante National Monument, but the best thing for Utah would be to leave this black bounty where it is — in favor of embracing cleaner energy sources and outdoor recreation, both of which abound in the Beehive State.



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5. Outdoor Retailer reflects on Utah memories as it sets up for what could be its final SLC run

The Salt Lake Tribune, July 25 | Erin Alberty

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6. Overlook Fire in Dinosaur National Monument 80-percent contained Tuesday

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The 260-acre Overlook Fire burning in Dinosaur National Monument in northwest Colorado was 80 percent contained with no new growth as of Tuesday evening, according to Dan Johnson, the monument's chief of interpretation, education, and visitor services.

E&E/NATIONAL NEWS – TOP STORIES

1. American Eden: The access battle brewing over paddling's sacred public lands

CanoeKayak.com, July 25 | Scott Willoughby

The Frank Church-River of No Return Wilderness Area is a vast tract of wild country through which flow two of the country's most iconic rivers, the Middle Fork and Main Salmon. It's sacred ground to American river-runners, the crowning jewel of the 1964 Wilderness Act and a fitting namesake to the man who championed it, the late Idaho Senator Frank Church.

Doug Tims has his own name for it: Merciless Eden.

2. As Interior Secretary Swaggers Through Parks, His Staff Rolls Back Regulations

The New York Times, July 25 | Coral Davenport and Nicholas Fandos

WASHINGTON — Ryan Zinke, a former member of the Navy SEALs and lifelong Montana outdoorsman who now heads the Interior Department, loves to compare himself to Theodore Roosevelt, the father of American conservation.



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3. Under Trump, tribal land ownership is not a priority

High Country News, July 25 | Anna V. Smith

During President Barack Obama's eight-year tenure, tribal sovereignty, the power by which tribes govern themselves, was a prime concern. But under the Trump administration, that may change. There are several indicators of this shift, including proposed budget cuts to the Interior Department's Bureau of Indian Affairs and the de-prioritization of major land initiatives.

4. The BLM wants to nix fracking rule on water pollution

High Country News, July 26 | Oliver Milman, The Guardian

The Trump administration has proposed scrapping an Obama-era rule that aimed to ensure fracking for oil and gas does not pollute water supplies.

5. ENDANGERED SPECIES: Trump admin reviews hot-button protections for prairie dogs

E & E News, July 26 | Amanda Reilly

The Trump administration is reconsidering a rule that's been at the center of a high-profile constitutional challenge to the Endangered Species Act.

6. COAL: Group sues for Interior records on lifting moratorium

E & E News, July 26 | Dylan Brown

The Trump administration is refusing to release records about "clandestine" meetings between the Interior Department and industry that led to the end of the federal coal leasing moratorium, the Center for Biological Diversity said in a lawsuit filed today.

7. COAL: Court rules company can challenge federal enforcement action

E & E News, July 26 | Amanda Reilly

A federal appeals court ruled yesterday that a coal mining company could challenge a federal enforcement action on reclamation, the latest in a long-running saga over what strip mines should look like once operations are done.



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UTAH – FULL STORY

1. Utah man, a former West High basketball coach, is charged with igniting 71,000-acre Brian Head Fire

The Salt Lake Tribune, July 25 | Luke Ramseth

A 61-year-old Taylorsville man was charged Tuesday with starting the 71,000-acre Brian Head Fire that destroyed 13 residences and cost about \$34 million to fight.

Robert Ray Lyman was charged in 5th District Court with a count of reckless burning, a class A misdemeanor punishable by up to a year in jail and a \$2,500 fine. He also faces a class B misdemeanor charge of failing to notify authorities or failing to obtain a permit before burning, which carries a penalty of up to six months in jail and a \$1,000 fine.

Authorities have said the fire — which forced about 1,500 people to evacuate across Iron and Garfield counties — was sparked accidentally June 17 by a man torching weeds at a Brian Head cabin.

Lyman owns the cabin where the fire was reported to have started, according to Iron County property records. It is located next to State Route 143, slightly north and downhill from the resort town. A photograph of the cabin figures prominently on a Facebook page for Lyman, who was a longtime West High School head basketball coach and Weber State University assistant basketball coach. The Tribune named him coach of the year in 2009, when he led West High to the 4A championship.

Lyman did not return a message seeking comment Tuesday evening. An attorney was not listed in court records.

Nobody at Iron County prosecutor Scott Garrett's office answered a phone call from The Salt Lake Tribune on Tuesday evening.

The fire burned through brush and beetle-killed timber in hot, dry conditions for nearly a month. It initially raced south and briefly threatened to torch dozens of cabins and businesses in Brian Head, a popular getaway for Las Vegas residents. Then the blaze turned northeast, where it destroyed cabins near the fishing destination of Panguitch Lake.



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Utah is expected to share the cost of the blaze — among the highest for a Utah wildfire — with the U.S. Forest Service and the Bureau of Land Management, Lt. Gov. Spencer Cox said late last month. The government also often tries to recoup some costs from the person convicted of starting wildfires, and from the convicted person's insurance policy. For example, settlements with two men responsible for the 2012 Saratoga Springs Dump Fire — which cost more than \$3.5 million to fight — totaled \$435,000.

According to 911 calls released last month, Lyman allegedly started the fire as a weed-burning project quickly spun out of control.

"We're trying to fight this, but it's getting out of control. ... We need help!" a man at the cabin told a dispatcher at about noon on June 17. "It's like 50 feet by 50 feet. It's big — we need help!"

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2. **Outdoor Retailer brings products, politics for last Utah show**

The Deseret News, July 25 | Amy Joi O'Donoghue

SALT LAKE CITY — The political and emotional tug-of-war over the destiny of Utah's public lands is on center stage this week as Outdoor Retailer Summer Market begins its four-day run in Salt Lake City beginning Wednesday.

This year's event features former Interior Secretary Sally Jewell, who will keynote an industry breakfast on Wednesday with remarks also offered by Montana Gov. Steve Bullock.

Organizers also plan a Wednesday release of a state-by-state look at the economic impacts of outdoor recreation and will host a march from 4-6:30 p.m. Thursday from the Salt Palace Convention Center to the state Capitol.

The "This Land is Our Land March" will feature speeches by Salt Lake County Mayor Ben McAdams, Salt Lake City Mayor Jackie Biskupski and the Outdoor Industry Association's executive director Amy Roberts.

This week's summer show marks the industry's final trade event in Utah with its departure to Denver due to a fallout with the state's political leaders over a feud on public lands issues.



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Utah's congressional delegation, Gov. Gary Herbert and the majority of Utah's GOP-dominated state Legislature opposed the late 2016 designation by then-President Barack Obama of the Bears Ears National Monument, an executive decision to set aside 1.35 million acres in San Juan County.

Top politicians have also reiterated their opposition to the two-decades-old designation of the Grand Staircase-Escalante National Monument in Grand and Kane counties.

The outdoor industry threatened to pull its trade shows from Utah and ultimately ended its 20-year run in Salt Lake City over the push by politicians to rescind the monuments, particularly Bears Ears.

Jewell, who visited the Bears Ears region in 2016 during her tenure as interior secretary, has since publicly supported the monument's creation and has argued against any executive branch action to "gut" designations.

Her opposition is part of a controversial debate over a current review by new Interior Secretary Ryan Zinke, who was directed by President Donald Trump to look at 27 monument designations made since 1996, including Grand Staircase-Escalante and Bears Ears. Three of the monuments — Craters of the Moon, Canyons of the Ancients and Hanford Reach — were since pulled by Zinke from consideration of any changes.

Trump asked Zinke to specifically review those monuments where local input may have been inadequate and designations in which the scope and breadth of the acreage may bump up against provisions of the 1906 Antiquities Act — which grants presidential authority for monument creation.

Monument supporters say Zinke and Trump should leave well enough alone, charging that the review constitutes an "attack" on public lands.

Critics, conversely, welcome the review which they hope assures more local autonomy over how the land is managed in the future.

This week's politically charged events on behalf of monuments will continue that ongoing rift over the fate of Utah's public lands. It is a fight that routinely pits environmental groups and recreation enthusiasts against policies of the Bureau of Land Management and the U.S. Forest



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Service, which allow multiple use on lands the agencies manage, including grazing, mining, and oil and gas development.

On Tuesday, the Alliance for a Better Utah Education Fund released a report, "Moving Forward - Utah's Future Beyond Coal," which compares the economics of the coal industry with that of outdoor recreation in the state.

Its thrust — among other things — asserts outdoor recreation fostered 122,000 direct jobs in Utah in 2013 compared to coal mining's 1,605 — and state leaders are foolhardy to continue to support the fossil fuel's extraction when there are environmentally friendly ways to spur economic development.

"You can't preserve and destroy simultaneously," said Jonathan Ruga, co-chairman of the Alliance for a Better Utah board.

"Our energy sources need to change so we can preserve our environment and have economic development," he added. "That is the narrative, that is the truth and that is the reality."

Ruga and other monument supporters believe the push to undo Grand Staircase-Escalante National Monument rests on a desire to get at the nation's largest untapped coal reserves.

At the time of the monument's creation, a mining company was going through the federal permitting process to get at the reserves. The monument designation put mining off-limits.

Public lands advocates are also upset at a proposal by the BLM to consider oil and gas leases in the area of Dinosaur National Monument.

They say those leases are for parcels too close to monument boundaries and will jeopardize the visitor experience.

A public comment period on the proposed leases closed Monday, with a group of recreation-themed businesses asking the agency to rescind the parcels.

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In an effort to drum up support for the 27 western monuments being reviewed by Interior Sec. Ryan Zinke, the Center for Western Priorities, a conservation organization based in Colorado, stopped by 6 states throughout the West including Montana, Arizona and California.

“Despite overwhelming public support for keeping existing monuments intact, the results of this monument review seem predetermined,” said Jennifer Rokala, executive director of the Center for Western Priorities, who spoke at the Salt Lake event. “Sec. Zinke will likely recommend eliminating or shrinking some national monuments including the Grand Staircase Escalante and Bears Ears national monuments here in Utah.”

The tour has drawn support from various government officials and business leaders throughout the states. In Utah, State Representative Angela Romero spoke about her heritage as well as her thoughts on the monument’s importance.

“When we talk about our national monuments -- and we particularly talk about Bears Ears -- it means something to me than just a monument, it means respecting the ones that came before us and making sure we preserve that open space and respect the land,” she said.

The tour ended in Salt Lake at the Patagonia Outlet several days before the final Outdoor Retailer trade show in Utah. Outdoor Retailer made the move to Colorado in July following an effort by Utah’s government to rescind the Bears Ears and Grand Staircase monuments.

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4. **Report: Utah’s coal industry fading while more eco-friendly outdoor recreation surges**

The Salt Lake Tribune, July 25 | Brian Maffly

Nearly \$400 billion worth of high-quality coal lies under lands protected by the Grand Staircase Escalante National Monument, but the best thing for Utah would be to leave this black bounty where it is — in favor of embracing cleaner energy sources and outdoor recreation, both of which abound in the Beehive State.



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So says a new report from the group [Alliance for a Better Utah](#) that highlights the coal industry's ever-dimming future and rising prospects of eco-based tourism.

"Outdoor recreation provides 76 times as many jobs in Utah as coal — 122,000 versus 1,600 — and 27 times as much in salary and wages — \$3.6 billion versus \$132.8 million," said Jonathan Ruga, an [Alliance for a Better Utah](#) board member.

The ABU Education Fund released the report on behalf of the progressive-leaning alliance on Tuesday, entitled "[Moving Forward](#)," in advance of the final Outdoor Retailer summer show in Salt Lake City this week. After a 20-year run, the outdoor industry pulled its twice-a-year convention from the Salt Palace in protest of Utah's public lands policies that favor extraction over all other uses.

The Utah governor's office did not respond Tuesday to a request for comment, but officials have previously emphasized that prospects for Utah's famously low-sulfur coal could be revived through exports and technologies that clean up coal emissions and find new applications for the mineral.

Compiled by alliance volunteer Doris Schmidt, the new report taps economic data from Utah and federal agencies and a recent three-part report by the nonprofit [Utah Foundation](#).

The document lists a litany of grim statistics for coal that are not new, but rather cast a new light on Utah's official call to shrink the Staircase monument to exclude the coal-bearing Kaiparowits Plateau.

Nationally, 50 coal producers have gone bankrupt since 2012, while just six of the Utah mines operating in 2001 remain active today. Utah coal production is at its lowest since 1978 and coal employment has plunged 28 percent between 2011 and 2015, according to the report.

Opening the Kaiparowits would hardly reverse or even slow the industry's decline, which has more to do with technological innovation and market forces than government policies and regulations.

"Coal extraction from beneath Grand Staircase would be logistically difficult at best, and very expensive, as the area is remote and the current infrastructure is inadequate to extract and transport coal," said Ruga, an executive of a Salt Lake City financial firm. "The decline of our



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nation's and our state's coal industry creates significant challenges for those who make their living in that industry. We must take reasonable steps to address those economic challenges."

The Grand Staircase, as well as Utah's new Bears Ears National Monument, are among 27 large monuments under "review" by Interior Secretary Ryan Zinke, who is to release recommendations in late August. He is expected to urge President Donald Trump to drastically "right size" the two Utah monuments, which state officials contend are way too large and strangle local economies.

But many business owners in Kane and Garfield counties say the 1.9-million Staircase has been on balance an economic driver, not a drag. Shrinking the monument could have devastating consequences for towns rimming the monument, according to Suzanne Catlett, president of the Escalante and Boulder Chamber of Commerce.

Chamber member businesses are enjoying another banner year. If anything, Escalante is suffering from a housing shortage because of an influx of workers coming to the historic ranching town to fill jobs with new and growing restaurants, contracting firm and hotels, according to Ron Johnson, owner of the Boulder Mountain Guest Ranch.

"They are having revenue days higher than ever, for that we thank the outdoor recreation industry and visitors, said Catlett, who has operated Nemo's Drive Thru for the past six years. She is dismayed that county and state leaders routinely ignore substantiated facts as they repeat calls for monument reduction and denigrate tourism as a base for a viable economic future.

"An industry that steadily increases revenue each year is the industry to invest in. For a rural county with strapped budgets, why invest in a coal venture that would likely end in bankruptcy or not be profitable in the first place?" said Catlett, who is a mother of two sons in college studying toward degrees geared toward resource stewardship and solar engineering.

"These young men are not sitting waiting for times to change or for a job to fall in their lap," she said. "Self-reliance, planning and accepting the fact act we can't return to 1996 [the year the Staircase was designated] is a healthy way to move forward."

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5. Outdoor Retailer reflects on Utah memories as it sets up for what could be its final SLC run

The Salt Lake Tribune, July 25 | Erin Alberty

At a yellow kiosk on Gallivan Plaza, visitors scrawled their favorite Utah memories on postcards and stuck them to a large map of Utah.

"It's kind of sad," one visitor said as he completed his card and added it to the "Letter to Utah" on Tuesday night at the final annual Outsiders Ball in Salt Lake City before the Outdoor Retail convention relocates to Denver after more than 20 years in Utah.

The twice-yearly trade show has brought thousands of patrons, peddlers and pedallers to Salt Lake City's downtown, where gear vendors and other industry players have networked, made deals, developed new ideas and formed friendships over two decades — as well as touring Utah's wildlands.

James Rein, of Boulder, Colo., recalled an Outdoor Retailer trip in which he helped rebuild trail at Fisher Towers near Moab.

"It was great to work nine hours a day, seeing the stars and the river, being able to camp every night," he reminisced.

The mood at Tuesday night's party shifted between nostalgia and satisfaction that industry leaders had held their ground in trying to persuade Utah politicians to support protections for public lands, especially the imperiled Bears Ears National Monument. When state leaders and congressional representatives pushed for the new monument in San Juan County to be rescinded, industry heavyweights such as Black Diamond and Patagonia urged retailers to boycott the Utah conventions. The show's organizers decided to move Outdoor Retailer and its estimated \$45 million local business impact to Denver.

"It's the end of an era," said Jill Dumain, CEO of the Swiss company Bluesign Technologies, which develops chemicals to reduce the environmental impact of textile production for sportswear. Dumain has been coming to the Salt Lake City trade show since it moved from Reno in 1996.



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"I just remember coming here, and people were happy we were here," she said. "The welcome and accommodation has been incredible."

Kevin Myette, also of Bluesign, recalled brainstorming with other clothing merchants over dinner at a downtown vegan cafe several years ago.

"We met in the basement, and we were sitting around on couches, talking," he said. "So many things were initiated here in Salt Lake City. The birth of this world of sustainability in the apparel industry happened in this city."

Myette and Dumain chatted with Borg Norum and Nicole Argyropoulos, who are part of Columbia Sportswear's delegation from Portland, Ore. They, too, have fond memories of Salt Lake City.

But, Argyropoulos says, "I am proud of our industry for standing behind what we believe in."

Bluesign's Kurt Schlaepfer agrees.

"The shared philosophy of the industry is why we're going to Denver."

The trade show begins Wednesday morning at the Salt Palace and continues through Saturday.

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6. Overlook Fire in Dinosaur National Monument 80-percent contained Tuesday

The Craig Daily Press, July 25 | Lauren Blair

The 260-acre Overlook Fire burning in Dinosaur National Monument in northwest Colorado was 80 percent contained with no new growth as of Tuesday evening, according to Dan Johnson, the monument's chief of interpretation, education, and visitor services.

The lightning-caused fire ignited Friday and burned in grass, sagebrush and timber on monument, Bureau of Land Management and private land near the Canyon Overlook on Harpers Corner Road.

No structures are threatened.



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Seven engines and crews from the BLM, National Park Service, Moffat County Sheriff's Office, Artesia Fire Department and the U.S. Forest Service fought the fire under a type 3 incident command team Monday, which transitioned Tuesday to a type 4 incident command team.

Two helicopters from the Colorado Department of Fire Prevention and Control and four single engine air tankers also aided containment effort, according to a monument press release.

The fire flared up on Sunday, and though containment efforts progressed on the west, south and east flanks of the fire, the north side remained active Monday and difficult to fight in a steep, timbered canyon. A heavy downpour of rain Monday night into Tuesday aided firefighters' efforts significantly, Johnson said.

The Canyon Visitor Center remained open as well as Harpers Corner Road. Canyon Overlook was closed to support fire operations.

The Quarry Visitor Center and Dinosaur Quarry Exhibit Hall in Utah were not affected by the fire, the release said, and are open to the public.

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E&E/NATIONAL NEWS – FULL STORY

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CanoeKayak.com, July 25 | Scott Willoughby

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Doug Tims has his own name for it: Merciless Eden.

A retired chairman of Boise-based Maravia rafts, past president of the Idaho Outfitter and Guides Association and small business owner—he ran a river outfitting service for 27 years—Tims knows the Frank as well as anyone. He and his wife, Phyllis, have made their summer home as owners and curators of a conservation easement along the river's edge for the past decade.



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From his perch on “the bleeding edge between civilization and the wild,” Tims devoted much of that decade to researching and writing a book about the people who claimed the 85-acre Campbell’s Ferry Ranch homesteaded in 1897 and their century long struggle to tame it. Tims chronicles the complex evolution of management policies intended to protect the 4 million acres surrounding the homestead, many of which he has come head-to-head with as a private landowner surrounded by protected federal lands. As Tims recounts in his 2013 book *Merciless Eden*, the effort to preserve the remote pioneer paradise has been enormously gratifying, yet anything but easy.

The fascinating history of William Campbell’s gold rush-era settlement of the Salmon River Canyon is especially poignant today, amidst an increasingly divisive political climate that has recently endured the likes of Ammon Bundy and a slightly less radical faction of legislative operatives interested in something of a gold rush of their own.

Groups like the American Lands Council, run by Utah state Rep. Ken Ivory and Montana state Sen. Jennifer Fielder, and the congressional Federal Land Action Group created by U.S. House Natural Resources Committee Chairman Rob Bishop and fellow Utah Rep. Chris Stewart, have made it their mission to remove roughly 640 million acres of public land from federal management and transfer it to individual states.

Everything from national forests, vast Bureau of Land Management (BLM) holdings, wildlife refuges administered by the U.S. Fish and Wildlife Service, wilderness areas and now even National Monuments have become targets of the land-transfer effort.

This is no flash in the pan, but a cleverly crafted long game decades in the making. Last year, months after Bundy-led the armed takeover of a federal wildlife reserve in eastern Oregon, the Republican Party adopted land-transfer as a plank in its national platform, stating:

“Congress shall immediately pass universal legislation providing for a timely and orderly mechanism requiring the federal government to convey certain federally controlled public lands to states. We call upon all national and state leaders and representatives to exert their utmost power and influence to urge the transfer of those lands.”

Emboldened by the election of Donald Trump, their continued hold on both houses of Congress and, lest we forget, the pivotal Supreme Court seat that came hand-in-hand with the presidency, Republicans wasted no time setting their land-transfer plans into action.



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On the very first day of the 2017 legislative session, the House passed a procedural change that prohibits the Congressional Budget Office from calculating the federal revenues that would be lost by transferring U.S. lands to the states—a critical first step in implementing those transfers. Utah Rep. Jason Chaffetz then introduced a bill calling for the sale of 3.37 million acres of federal land in 10 states. Though he later withdrew the bill in the face of widespread public outrage, no one believes the issue is going away.

In May, another public lands fight erupted over the Bears Ears National Monument in southeastern Utah, which president Barack Obama designated in the last days of his presidency using his authority under the Antiquities Act. Fifteen presidents from both parties have used the act 170 times to set aside public lands for conservation and as a legacy-building tool.

The Trump administration seems dead set on unwinding not only Obama's legacy, but the Antiquities Act itself. The law has been a powerful conservation tool—just the sort of big stick President Teddy Roosevelt liked to have at his disposal. He signed the Antiquities Act into law in 1906 and promptly used it to protect the Grand Canyon. Now the Trump administration wants to scale back Bears Ears and is reviewing 26 other National Monuments designated since 1996. Trump has ordered the Interior Department to determine whether any of those monuments should be reduced or repealed entirely.

Interior has not released the results of its review, but public comments have been overwhelmingly in favor of retaining the monuments as they are. More than 2.5 million Americans commented, and according to an analysis by the Center for Western Priorities, more than 98 percent of respondents supported maintaining or expanding the national monuments.

“This review creates tremendous uncertainty around special places that are relied upon by residents across the West, not only in terms of access for recreation, hunting and fishing, but in that these monuments provide the infrastructure for local outdoor recreation economies,” said Matt Keller, senior director of conservation with The Wilderness Society. “The tremendous outpouring of bipartisan support for national monuments that has already materialized tells a compelling tale about how unpopular Trump's executive order is.”

Americans are passionate about their public lands, and places like the Frank and its iconic watershed serve as a vivid example of how significant the impact of such a transfer could be to the paddling community. According to the Outdoor Alliance, some 43 percent of paddling in the 11 Western states primarily targeted for land transfer legislation occurs on public lands, as does



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71 percent of the climbing. Public lands in those states harbor 12,659 miles of public mountain biking trails and 193,500 miles of hiking trails. Public lands provide access to dozens of rivers, including such classics as the Salmon, Selway, Colorado, Green, Yellowstone, Yampa, Rogue, Arkansas and American. Access to those and many more rivers could be lost in a blink.

While a transfer of federally managed public lands to state control may sound to the uninitiated like a benign procedural shift, there's considerably more to it. Though greater local control may sound like a good thing, it looks far less attractive when you consider that state-owned lands throughout the West are constitutionally bound to the sole purpose of funding specific beneficiaries. State trust lands are not managed to benefit the general public, meaning outdoor recreation on state land typically is far more restricted than on federal land. In Colorado, for example, more than 80 percent of state trust lands are closed even to routine recreation like camping and fishing. Idaho is required to maximize returns on state lands to fund schools and other endowment beneficiaries, similarly restricting access to the public.

One way to meet these obligations is to increase timber sales and leases for grazing, farming, drilling and mining. But the proven moneymaker is to sell off the land itself. According to the Idaho Department of Lands, the state already has sold off more than 1.2 million acres (33 percent) of the 3.6 million acres Congress granted to it when it became a state in 1890. That's an expanse about the size of the entire Selway-Bitterroot Wilderness Area liquidated to large corporations and wealthy private interests, with no requirement of public consent. It's the same story all over the West. Utah has sold 54 percent of its state lands. Nevada has liquidated 99.999 percent of the 2.7 million acres it started with; the state has only 3,000 acres left.

Meanwhile, the 640 million acres of federally administered lands owned by the American public are managed for a variety of goals that include recreation, water and wildlife, along with more utilitarian uses like livestock grazing and resource extraction. On the vast majority of federal land, public access fuels a powerful economic engine of its own.

According to the Outdoor Industry Association, America's public lands serve as the foundation of an \$887 billion annual outdoor recreation economy that employs 7.6 million Americans. It pumps \$65.3 billion in tax revenue into the federal treasury and \$59.2 billion to state and local coffers.

Comparable returns following a land transfer would require a complete state-by-state overhaul, with no promise of success. Economic analysis by multiple Western universities already shows



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that the financial burden placed on states attempting to manage millions more acres of land transferred from federal agencies is likely to result in significant deficits, necessitating more selloffs. The fire suppression costs currently dominating federal land management budgets would potentially bankrupt resources in large Western states.

Even to folks like Doug and Phyllis Tims, who partnered with former raft-guiding friends to purchase their own piece of pioneer Idaho and place it on the National Historic Register, the potential for parceling off America's public lands doesn't sit well. In spite of the challenges and conflicts they've endured with federal land managers through the years, they recognize the importance of maintaining wild places and the benefits they provide. A place like Campbell's Ferry offers the opportunity to share and reconnect an increasingly urban society with America's outdoor heritage, and the Tims believe the risk of losing more than a century of responsible American stewardship through transfer of the surrounding wilderness is simply too great.

"I think it would be a tragic mistake to take America's public lands out of federal management. It hasn't been easy working with the often dysfunctional bureaucracy of the federal agencies, but the state is simply not in a position to manage all this," Doug Tims said from his home in the heart of the Frank Church Wilderness. "The problem is that everything is so politically polarized these days that it's impossible to get anything done. The best thing that could happen is to get people from both sides to sit down at the table and figure out how to fix the system in the same spirit of cooperation that created America's system of public lands in the first place."

Talk about the American dream.

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2. **As Interior Secretary Swaggers Through Parks, His Staff Rolls Back Regulations**

The New York Times, July 25 | Coral Davenport and Nicholas Fandos

WASHINGTON — Ryan Zinke, a former member of the Navy SEALs and lifelong Montana outdoorsman who now heads the Interior Department, loves to compare himself to Theodore Roosevelt, the father of American conservation.



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"I'm a Teddy Roosevelt guy!" the interior secretary said in an April announcement that he would commence a review of the boundaries of the nation's national monuments. "No one loves public lands more than I do."

But as the secretary hopscotches across millions of acres of Western parks, monuments and wilderness with his Stetson-sporting swagger, a crew of political appointees in Washington has begun rolling back the conservation efforts put in effect over the eight years of the Obama administration. Many of those appointees spent the Obama years working for the oil and gas industry — and they come to the Interior Department with an insider's knowledge of how its levers work and a wish list of policies from their former employers.

Their work has been swift. Mr. Zinke's staff on Tuesday filed a legal proposal to rescind the nation's first safety regulation on hydraulic fracturing, or fracking. They are exploring a proposal to loosen safety rules on underwater drilling equipment put in place after the 2010 BP oil spill in the Gulf of Mexico. They have rolled back an Obama-era order to block coal mining on public lands and delayed carrying out a regulation controlling emissions of methane, a powerful greenhouse gas, from oil and gas wells.

The agency is also conducting a review of federal protections of the sage grouse, a bird whose habitat extends over 11 states and is generally protected from oil and gas drilling.

"No one loves the sage grouse more than I do," Mr. Zinke said, in response to a question this month about his agency's early steps to review federal protections of the animal's habitat. "But sometimes one size fits all doesn't fit anybody."

In the meantime, the secretary has assiduously cultivated his rugged image. Mr. Zinke spent about 40 days, a third of his time, on the road during his first four months as secretary, mostly in the West. In Washington, he has eschewed a coat and tie for fishing shirts and boots. He arrived for his first day at work as secretary on horseback. Inside the secretary's spacious office, giant stuffed animal heads have been returned to the wood-paneled walls. One of his first planned departmentwide initiatives was a bring-your-dog-to-work day.

To conservationists, the act is getting old.

"Zinke has been a disappointment," said Whit Fosburgh, president of the Theodore Roosevelt Conservation Partnership, which supported his nomination. "His first meetings were with the



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sportsmen's community, and we were encouraged that he would be great — or at least someone we could work with. Since that time, it's been nothing but rolling back conservation."

The oil and gas lobby says it is delighted.

"All these guys have been in Interior before and they know a hell of a lot," said Michael McKenna, a Republican energy lobbyist and adviser to the Trump transition. "They're getting the band back together, and they're going back to the Bush administration."

While Mr. Zinke explores the boundaries of national monuments, the man widely expected to oversee major policy decisions back in Washington is David Bernhardt, a former oil lobbyist and Trump transition official who served in senior positions in the Interior Department under George W. Bush.

Mr. Bernhardt, who was confirmed by the Senate on Monday as the deputy interior secretary, has generated criticism from environmental and government watchdog groups that his new role will create a conflict of interest, as he oversees new proposals that could directly benefit his former clients.

As a partner in the law firm Brownstein Hyatt Farber Schreck, Mr. Bernhardt lobbied for the oil companies Cobalt International Energy and Samson Resources. His legal clients have included the Independent Petroleum Association of America and Halliburton Energy Services, the oil and gas extraction firm once led by former Vice President Dick Cheney.

During his confirmation hearing in May, Mr. Bernhardt told senators that he would assiduously avoid potential conflicts of interest.

"If I get a whiff of something coming my way that involves a client or a former client for my firm, I'm going to make that item run straight to the ethics office," he said. "And when it gets there, they'll make whatever decision they're going to make. And that will be it for me."

But among the first decisions awaiting Mr. Bernhardt is a proposal backed by several of his former clients. Oil companies have pushed for years to recombine two Interior Department offices, one that collects revenue from the oil and gas companies that drill on federal lands and waters, and another that oversees and enforces safety and environmental regulations of that drilling.



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Those offices were split on the recommendation of a commission that investigated the causes of the 2010 rupture of the Macondo well in the Gulf of Mexico. Separating the jobs of oil revenue collection and safety oversight would break up an internal culture that prioritized the promotion of drilling over safety, the commission said.

“Reversing this decision does not sound like a positive response to the Macondo disaster,” said William Reilly, a Republican co-chairman of that commission and administrator of the Environmental Protection Agency under President George H. W. Bush.

Another Interior Department veteran, James Cason, who served in the agency under the Reagan and both Bush administrations, has been appointed associate deputy secretary, a role that does not require Senate confirmation. Mr. Cason was the key architect of what some Interior Department employees now call the Thursday night massacre.

Between 7 and 8 p.m. on June 15, at least two dozen senior career officials at the Interior Department received emails informing them that they would be reassigned to new positions. While it is not unusual for new administrations to make personnel moves, some of the transferred employees said the moves appeared intended to undermine the department’s work on environmental priorities.

Joel Clement, a climate change expert, received an email reassigning him to a position in an office overseeing fees and royalties from fossil fuel drilling.

“I’m the climate change guy, and they moved me to the accounting office that collects fossil fuel royalties,” said Mr. Clement, who went public with his complaints in a Washington Post opinion article last week. “They couldn’t have found a job less suited for me, or that sent a clearer signal that they were trying to get me to quit.”

On Monday, Senator Maria Cantwell of Washington, the ranking Democrat on the Senate Energy and Natural Resources Committee, sent a letter to the Interior Department’s deputy inspector general, calling for an investigation into the personnel moves.

Mr. Cason has also been asked to lead a panel aimed at identifying existing regulations to eliminate. He will have help in reviewing regulations from Daniel Jorjani, a longtime adviser to the free-market activist billionaire Charles G. Koch who is now the department’s principal deputy solicitor. He served as a legal counselor for the department during George W. Bush’s



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presidency and in recent years became one of the top paid employees in the conservative donors' network of organizations.

Another Bush administration veteran, Douglas W. Domenech, has been tapped to lead the department's insular affairs unit, which administers policy for the United States' overseas territories. Mr. Domenech was most recently the director of the Fueling Freedom Project of the Texas Public Policy Foundation, a group that aims to "explain the forgotten moral case for fossil fuels."

The appointments and the policies have drawn cheers from the oil industry. "You're hearing a desire to promote oil and natural gas opportunities on all lands, and on federal lands," said Erik Milito, the director of upstream issues for the American Petroleum Institute, which lobbies for oil companies. "And doing so on federal lands is a great way to bring in more revenue."

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3. Under Trump, tribal land ownership is not a priority

High Country News, July 25 | Anna V. Smith

During President Barack Obama's eight-year tenure, tribal sovereignty, the power by which tribes govern themselves, was a prime concern. But under the Trump administration, that may change. There are several indicators of this shift, including proposed budget cuts to the Interior Department's Bureau of Indian Affairs and the de-prioritization of major land initiatives.

Within the first six months of President Donald Trump's administration, the Department of Interior has renewed its interest of energy development and tribal land privatization. That differs starkly from Obama policies, which focused on both acquiring and consolidating land for tribal nations. One of the most ambitious efforts to that end, the Land Buy-Back Program, will not continue under Trump.

The Land Buy-Back Program sought to end a process called fractionation, which continually splits land ownership among tribal descendants and makes the land difficult to use for development or agriculture. Using part of the \$1.9 billion for tribes under the so-called Cobell settlement, some 2 million acres of land were returned to tribal governments under Obama. But with the majority of that money already spent to defray fractionation, the new direction at the Interior Department will



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not put additional funds towards the program, according to James Cason, the associate deputy secretary for the Bureau of Indian Affairs.

Further worrying tribal leaders are two recent hearings held by the House Committee on Natural Resources, over both the Cobell settlement and another land policy, called land-to-trust, which dictates the procurement of land by the Interior Department that is then held in trust for tribes by the federal government, effectively creating a new parcel of reservation land not subject to state or local taxes or jurisdiction.

In a hearing on the Land Buy-Back Program in May, the House Subcommittee on Indian, Insular and Alaska Native Affairs questioned Cason on the efficacy of the program. Cason, who worked for the BIA under the George W. Bush administration, which fought hard against the Cobell Settlement, is now in charge of the buy-back program. Cason told the subcommittee the program was not working to reduce fractionation, and suggested the funds be distributed to fewer tribes, especially those with cheaper land in rural areas.

While that approach might lessen the federal burden from fractionation, it won't help tribes like the Agua Caliente Band of Cahuilla Indians, whose land prices are high due to its proximity to Palm Springs, California. Regardless of how Congress decides to spend the remaining money for land buy-backs, the Trump administration says it will not continue funding the program, meaning tribal land will continue to fractionate generation by generation, making consolidation harder. "Perhaps no administration was more aggressive than the Obama administration in acquiring land into trust," says Gabe Galanda, a Seattle-based tribal law attorney and member of the Round Valley Indian Tribes of California. "Now we're starting to see the Trump administration vigorously react to that." The administration's attitudes toward the buy-back program will be a "bellwether" on how it will also handle trust lands, Galanda says.

Another bellwether can be found in a July hearing addressing trust lands. In that hearing, a subcommittee for tribal affairs examined whether the land-to-trust program was following the law. At issue is the Obama administration's approach to land-to-trust. Under Obama, Interior followed the policy for tribes that were established after 1934, the year of the Indian Reorganization Act, which established the land-to-trust policy. That has drawn criticism from Obama's opponents, who say the law was only meant to address pre-1934 tribes, not tribes that were federally recognized after that year.



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At the July hearing, Republican witnesses said the process as conducted under the Obama administration was causing hardships on towns near reservations. Fred Allyn III, the mayor of Ledyard, Connecticut, which encompasses the Mashantucket Pequot Reservation, called his town a "host community" that was losing tax revenue to the policy, as it ramped up law enforcement around the reservation. There was also discussion of the federal government "creating" tribes.

Such testimony "not only lacks facts but is also dangerous" in its representation of tribes, Kirk Francis, president of the United South and Eastern Tribes and Chief of the Penobscot Indian Nation, the only Native American witness, told the subcommittee. "Fringe, out-of-date views have no place in a congressional hearing room," said ranking Democrat Raúl M. Grijalva, Ariz., in a statement following the hearing. "We saw a jaw-dropping display of ignorance today."

Taken together, the House hearings signal a broader shift in attitude toward tribes, their land and sovereignty issues. That's already beginning to play out at the Department of the Interior, which last week proposed criteria that will make it more difficult for land to transfer into trust and reversed some Obama-era changes by widening the window for local and state governments to appeal transfers, from 30 days to six years.

The hearings also resemble a federal attitude toward tribal lands half a century old. "All of these hearings in the last several months are basically a reinvigoration of what we used to call termination in the '50's and '60's," says Matthew Fletcher, director of the Indigenous Law & Policy Center at Michigan State University. The hearings indicate a chipping away at the trust relationship between the U.S. and tribes, which means tribal lands could see less sovereign protection, which some experts see as the first step towards increased energy development.

Further to that, Interior Secretary Ryan Zinke, who has in the past touted Trump's "America First" approach to energy development, recently suggested that tribes should consider incorporating, a move that would help privatize tribal lands and reduce land held in trust by the federal government. At a National Tribal Energy Summit in May, Zinke said many tribes would prefer to incorporate and leave trust lands behind. His statement holds little traction with many tribes, however, because incorporating means losing tribal sovereignty, something Grijalva echoed in his House testimony.

The House hearings and Zinke's statements add up to a shift in attitude under Trump. After eight years of self-determination through restoration of tribal lands, tribal nations are finally in a place to manage things like leasing regulations without the help of the federal government, Fletcher says.



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“Just as we’re getting to the point where the Department of Interior and the United States is making that happen in a realistic way, you get a new administration that’s talking about throwing everything out with the kitchen sink.”

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4. The BLM wants to nix fracking rule on water pollution

High Country News, July 26 | Oliver Milman, The Guardian

The Trump administration has proposed scrapping an Obama-era rule that aimed to ensure fracking for oil and gas does not pollute water supplies.

The Bureau of Land Management, which is part of the Department of Interior, said on Tuesday that it is moving to scrap the 2015 regulation because it duplicates state rules and “imposes burdensome reporting requirements and other unjustified costs” on the oil and gas industry.

The rule requires that fracking operations on public land are properly constructed so that pollutants do not leak into water supplies. Companies are also obliged to publicly disclose the chemicals in fluids used in fracking, which is a drilling process used to release oil and gas deposits within rock formations.

Despite being finalized two years ago, the fracking rule has never come into force due to a series of court challenges from the fossil fuel industry and several states. The BLM had initially defended the rule but following Donald Trump’s entrance to the White House the agency is now proposing to scrap it.

According to the BLM, the rule would cost the oil and gas industry at least \$32 million a year and would be unnecessary as companies are already doing what the regulation requires “either to comply with state law or voluntarily.”

An analysis by the Environmental Protection Agency last year found that fracking wastewater has “impacted the quality of groundwater and surface water resources in some instances” in the US but that there remains uncertainty over the full consequences due to a lack of information.



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The fracking regulation was one of several rules explicitly targeted by Trump in an executive order he signed in March.

The administration has moved aggressively to roll back various environmental safeguards such as curbs on the leaking of methane, a powerful greenhouse gas, and the dumping of waste from mining operations into streams.

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5. ENDANGERED SPECIES: Trump admin reviews hot-button protections for prairie dogs

E & E News, July 26 | Amanda Reilly

The Trump administration is reconsidering a rule that's been at the center of a high-profile constitutional challenge to the Endangered Species Act.

According to a court filing today, acting Assistant Secretary for Fish, Wildlife and Parks Aurelia Skipwith instructed the Fish and Wildlife Service last month to review the rule, which prohibits harming the Utah prairie dog on private property.

In the [brief](#), government attorneys urged the 10th U.S. Circuit Court of Appeals to deny a petition by property owners to rehear the litigation over the rule because its review may make the case "moot."

"FWS could find it unnecessary and inadvisable to further prohibit such take on non-federal land," the Justice Department said.

Fish and Wildlife issued the rule in question in 2012 under the Obama administration to prevent the "take" of the Utah prairie dog without a permit. The threatened species is found in the southwestern part of the state, and about 70 percent of the population lives on private land.

People for the Ethical Treatment of Property Owners, which comprises more than 200 landowners and "other persons and entities subject to overly burdensome regulations," challenged the rule in court.



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Backed by the Pacific Legal Foundation, the group argued the regulation violated the Constitution's Commerce Clause because the prairie dog lives only in Utah and doesn't affect interstate commerce activity.

This is not the first time critics of Endangered Species Act regulations have turned to the Commerce Clause in attempts to get rid of species protections.

Federal circuit courts, however, have rejected all lawsuits raising similar types of claims, and the Supreme Court has declined to take up the issue multiple times.

The prairie dog case, though, garnered attention because a lower court originally sided with the landowners, tossing out the rule.

But in March, the 10th Circuit restored protections for the species, finding that "piecemeal excision" of species that live purely in one state "would severely undercut the ESA's conservation purposes."

The Utah rule is part of the larger Endangered Species Act regulatory system that, in aggregate, has "substantial" effects on interstate commerce, Judge Jerome Holmes, a Republican appointee, wrote for the court (Greenwire, March 29).

The property owners' group in May asked the 10th Circuit to rethink the decision.

It argued that the 10th Circuit's decision raises "significant federalism concerns" and undermines Utah's effort to protect its wildlife "without unduly burdening its residents" (E&E News PM, May 15).

Today's filing by the Trump administration responds to the rehearing request.

According to the Justice Department, granting the group's petition would be a waste of judicial resources given FWS's plans to reconsider the rule.

Under the June directive, FWS is required to report back within 120 days with any "new information" that would warrant a change in the 2012 rule.



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After that report, "'a determination will be made within 15 days as to whether a new rule making process should be initiated' with respect to the Utah prairie dog," the government court filing says.

The filing also says FWS will take into account "the state's ongoing regulation" of the Utah prairie dog. In 2015, while litigation was ongoing, Utah issued a "Prairie Dog Management Plan" for protecting the species on nonfederal lands.

Even if FWS ends up retaining the 2012 rule barring take on private lands, the Trump administration argued today the court should still deny the rehearing petition.

The landowners "incorrectly" argued that the decision raises "issues of exceptional importance," the government brief says.

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6. **COAL: Group sues for Interior records on lifting moratorium**

E & E News, July 26 | Dylan Brown

The Trump administration is refusing to release records about "clandestine" meetings between the Interior Department and industry that led to the end of the federal coal leasing moratorium, the Center for Biological Diversity said in a lawsuit filed today.

The lawsuit filed in U.S. District Court for the District of Columbia accuses Interior and its Bureau of Land Management of failing to respond to two identical Freedom of Information Act requests.

On March 28, CBD requested all communications and related records discussing the secretarial order that Interior Secretary Ryan Zinke would give a day later, ending the ban on new coal leases imposed by the Obama administration (Greenwire, March 29).

The coal industry and environmentalists have sparred for decades over the return on investment and climate impacts of federal coal leasing.

According to the [complaint](#), BLM has never acknowledged or responded to either the FOIA request or a May 10 follow-up letter from CBD.



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Under FOIA, federal officials have 20 work days to acknowledge receipt of a records request unless they request additional time.

Interior did acknowledge receiving the request on March 29 and stated it would be placed in the "complex" processing track.

CBD says it has heard nothing since, even after a June 14 follow-up letter that offered to assist Interior refine the request through a "cooperative approach."

"The public has every right to know who Zinke and his staff are meeting with, especially when it comes to policies that will have disastrous consequences for our public lands and climate," CBD senior counsel Bill Snape said in a statement. "But time after time, Zinke appears to be putting the American people last."

Interior declined to comment, referring all communications to the Department of Justice, which had not responded at press time.

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7. **COAL: Court rules company can challenge federal enforcement action**

E & E News, July 26 | Amanda Reilly

A federal appeals court ruled yesterday that a coal mining company could challenge a federal enforcement action on reclamation, the latest in a long-running saga over what strip mines should look like once operations are done.

The 10th U.S. Circuit Court of Appeals found that the violation notice issued by the federal Office of Surface Mining Reclamation and Enforcement against an Oklahoma mine was a final agency action subject to court review.

Yesterday's decision follows a 2013 ruling by the same court rejecting a challenge by the mine and Oklahoma against the federal government's authority to police mines (Greenwire, Sept. 11, 2013).

It also reverses a lower-court decision to toss out the mine's claims.



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At issue is Farrell-Cooper Mining Co.'s Rock Island mine in Leflore County, Okla. In 2012, OSMRE notified the company that it had violated a requirement that mine operators "restore the approximate original contour of the land."

The Surface Mining Control and Reclamation Act requires companies to eliminate spoil piles and depressions, and crews must be careful not to overly compact soil to maintain its water storage.

Federal regulators, state agencies and mining companies have clashed over what the law requires and who's in charge of enforcement. Oklahoma has been ground zero for battles (Greenwire, July 15, 2016).

In the case of the Rock Island mine, the Oklahoma Department of Mines stepped in, arguing that the OSMRE had misconstrued the law and that the mine was compliant. But OSMRE rejected the state's response and in 2013 issued a notice of violation to the mine, requiring the company to abate reclamation activities.

Farrell-Cooper took several administrative steps to kill the violation notice.

It first filed an administrative appeal to the Interior Department's Office of Hearings and Appeals. After an administrative law judge upheld the notice, Farrell-Cooper turned to the Interior Board of Land Appeals (IBLA), asking for a stay of the violation notice pending appeal. IBLA denied the stay in 2015.

In federal court, the company sought review of the administrative law judge's decision, as well as a stay of enforcement. It argued that the violation notice represented an "untenable financial burden" because it required the transfer of millions of yards of earth.

But the U.S. District Court for the Eastern District of Oklahoma granted Interior's motion to dismiss the case, finding that it lacked jurisdiction because the ALF's decision wasn't final. Farrell-Cooper's appeal was still pending in the appeals board.

The 10th Circuit disagreed, overturning the district court decision.



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In yesterday's opinion, Judge Carlos Lucero of the 10th Circuit wrote that the administrative law judge's decision was final and could be challenged — even while the land board appeal was pending.

"The [administrative law judge's] decision that Farrell-Cooper seeks to challenge became effective when the IBLA denied a stay," Lucero, a Clinton appointee, wrote for the court.

The judge pointed to past cases in other circuit and district courts for support, including a 2013 decision by the U.S. Court of Appeals for the District of Columbia Circuit that the IBLA's denial of a stay makes a decision subject to judicial review.

"We acknowledge that an IBLA appeal and a federal lawsuit proceeding on parallel tracks is not ideal and may undermine judicial and administrative efficiency," Lucero wrote. "Despite the practical difficulties, however, this scenario is not novel."

The 10th Circuit sent the case back to the district court.

"We expect that the parties, the IBLA, and the district court will be able to proceed in an efficient and cooperative manner," Lucero wrote.

Click [here](#) to read the court's opinion.

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