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Attached is the daily news report for July 11.

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DAILY NEWS REPORT - UTAH

UTAH – TOP STORIES – JULY 11, 2017

1. **More than 1 million comments were submitted to Interior**

High Country News, July 10 | Emily Benson

The clock has run out. July 10 was the last chance for the public to weigh in on the Interior Department's review of more than two-dozen national monuments, most of which are located in the West. By the time the comment period closed, the agency had received more than 1.4 million comments submitted to regulations.gov.

2. **Utah wildlife officials bust myths and fears about bats**

The Salt Lake Tribune, July 10 | Tom Wharton

Bats are among nature's most interesting creatures. And also one of the more misunderstood.

The Division of Wildlife Resources is doing its best to educate Utahns on the value of state's 18 species of the flying mammal.

3. **Sparks start Enoch fire, flames threaten two structures**

The St George News, July 10 | Tracie Sullivan

ENOCH CITY – A fire that started with a spark from a saw kept fire crews busy for several hours Monday.

4. **Op-ed: Shrinking Bears Ears is shortsighted and wrong**

The Deseret News, July 10 | David Yarnold

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BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

E&E/NATIONAL NEWS – TOP STORIES

1. **Trump's environmental rollbacks are hitting major roadblocks**

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As President Trump flouts international calls to act on climate change, his administration is finding the pressure at home tougher to ignore.

2. **NATIONAL PARKS: Zinke 'would love' to transfer commuter roads to DOT, states**

E & E News, July 11 | Jennifer Yachnin

Mention the National Park Service and it's bound to conjure up a host of scenic wonders: the geysers in Yellowstone, the Grand Canyon and the snow-capped peaks of the Rocky Mountains.

3. **LAW: House panel to take up 'sue-and-settle' bill**

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The House Judiciary Committee this week will take up legislation that supporters say is needed to prevent the so-called sue-and-settle phenomenon.

4. **METHANE: Greens, tribes sue to stop BLM stay**

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Environmental and tribal citizen groups yesterday challenged the Interior Department's postponement of an Obama administration rule to curb methane emissions from energy operations on public lands.

5. **INTERIOR: Texas political veteran tapped for key post**

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The Trump administration has nominated former Texas state official Susan Combs to serve as the Interior Department's assistant secretary for policy, management and budget.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

6. **APPROPRIATIONS: House proposes to slash EPA, Interior spending**

E & E News, July 11 | Kevin Bogardus and Kellie Lunney

House Republicans are pushing deep spending cuts for U.S. EPA and the Interior Department, although the planned cuts are not nearly as drastic as President Trump had proposed.

7. **NATIONAL MONUMENTS: Senate Dems rally against changing any sites**

E & E News, July 11 | Kellie Lunney

A Capitol Hill rally today urging the Trump administration to keep intact the boundaries of 27 national monuments being reviewed raised this question: What specifically will lawmakers do if Interior Secretary Ryan Zinke recommends shrinking or rolling back those protections?

8. **OIL AND GAS: Groups spar over EPA bid to delay methane curbs**

E & E News, July 11 | Amanda Reilly

The Trump administration's allies and enemies squared off today over a U.S. EPA legal maneuver aimed at blocking Obama-era curbs on methane emissions from new oil and gas operations.

9. **CLIMATE: Appropriators aim to bar carbon metric in rulemaking**

E & E News, July 11 | Arianna Skibell

House Republican appropriators are trying to ban the Department of Energy from using the social cost of carbon calculation in rulemaking, the latest attack on the Obama-era policy.

10. **SENATE: McConnell delays recess as bills, nominees pile up**

E & E News, July 11 | George Cahlink

Facing a legislative logjam, Senate Majority Leader Mitch McConnell (R-Ky.) announced this afternoon he would delay the start of the chamber's August recess by two weeks in hopes of advancing several GOP priorities and Trump administration nominees.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

UTAH – FULL STORY

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The assessment was triggered by an executive order issued by President Donald Trump on April 26. Trump called for a review of 27 national monuments designated under the Antiquities Act since 1996, including Bears Ears National Monument in Utah.

The Interior Department accepted comments on what to do with the national monuments until 11:59 p.m. Eastern time on Monday night. Twenty-one of the monuments are scattered across the Western U.S., from Rio Grande del Norte and Organ Mountains-Desert Peaks in New Mexico to Hanford Reach in Washington. (One of the other monuments under review is located in Maine, while the other five are marine national monuments.)

While the public comment page at [regulations.gov](https://www.regulations.gov) lists an earlier date by which comments on Bears Ears National Monument must be submitted, Interior Secretary Ryan Zinke had extended the deadline until July 10. Zinke issued an interim report on Bears Ears in June in which he suggested shrinking the monument, though the extent to which the President or the Interior Department have the legal authority to modify monuments without the help of Congress is unclear. Past presidents have made mostly small changes to boundaries in the past, but the Antiquities Act only explicitly grants the president the ability to create monuments. The final Bears Ears report is expected later this month, while a report on the other national monuments is due in late August.

In the meantime, environmental groups have criticized the assessment: "A truly fair review — based on the facts and overwhelming public opinion — would conclude that every one of these monuments must remain intact to protect our shared American heritage," Jamie Williams, Wilderness Society president, said in a statement.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

The Trump administration and supporters of the review maintain that coordination with local stakeholders and public input were neglected in past monument declarations, particularly in the case of Bears Ears. However, the monument's creation underwent years of open debate and significant compromise.

[BACK](#)

2. Utah wildlife officials bust myths and fears about bats

The Salt Lake Tribune, July 10 | Tom Wharton

Bats are among nature's most interesting creatures. And also one of the more misunderstood.

The Division of Wildlife Resources is doing its best to educate Utahns on the value of state's 18 species of the flying mammal.

There is apparently plenty of interest.

Members of the public quickly gobbled up all 15 spots available for a July 18 event called Meet the Bats Night in the La Sal Mountains near Moab, one in an ongoing series of wildlife educational events offered by the DWR. The agency will next offer a chance to watch ospreys at Flaming Gorge on Saturday.

During the bat events, biologists catch the creatures using a fine mesh net over a pond during feeding times, then identify, measure and release the animals unharmed. Participants are able to see, photograph and learn about the interesting creatures.

"As the evening draws on, we'll likely catch bats of a variety of sizes and species," said the DWR's Morgan Jacobsen, the conservation outreach coordinator in southeastern Utah.

Utah's bats are not only interesting, they're valuable, according to DWR biologist Kimberly Hersey.

"All of Utah's bats are insect eaters," said Hersey. "They consume vast quantities of nocturnal agricultural pests, including moths. Throughout the United States, scientists estimate bats are worth more than \$3.8 billion a year in reduced crop damage and pesticide use. And that, of course, means fewer pesticides enter the ecosystem. In other areas, bats are important pollinators and seed dispersers."



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Movies and books have often portrayed bats as scary, dangerous creatures.

Because of their nocturnal and secretive nature, bats have been misunderstood, but there is little to fear, Hersey said.

Yes, bats can be infected with the rabies virus. And a bat that can be easily approached by humans is likely to be sick and may bite if handled. But if you do not try to touch or handle a bat or, for that matter, any other wild animal, there is little chance of being bitten.

None of Utah's bat species are federally threatened or endangered, though six are considered species of greatest conservation need. There is concern about a fungus disease called white-nose syndrome, which kills some species of bats in hibernation, but it has not yet been detected in Utah.

Hersey said bats can be seen in almost all parts of Utah, except for the Bonneville Salt Flats and the highest alpine areas. Bats can often be seen concentrated around water sources.

[BACK](#)

3. **Sparks start Enoch fire, flames threaten two structures**

The St George News, July 10 | Tracie Sullivan

ENOCH CITY – A fire that started with a spark from a saw kept fire crews busy for several hours Monday.

The Cedar City Fire Department responded around 3 p.m. to a fire on north Enoch Road and was later joined by fire crews from the Bureau of Land Management and the Utah Division of Forestry, Fire and State Lands.

The fire that took in 11.7 acres was allegedly started when sparks flew from a saw used by a construction worker cutting rebar.

“The sparks hit that brush and that was it,” Enoch City Manager Rob Dotson said. “It’s just so dry right now, the flames started spreading immediately.”

Gusts of wind blew the flames north threatening two structures; the home under construction where the worker was at when the fire broke out and another home across the street.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

“There were fire trucks stationed near the home just in case the fire started moving closer in that direction,” Dotson said.

City officials were particularly concerned last week about whether there would be enough water to fight a fire in Enoch if one were to break out.

“It was concerning because we didn’t know if we would have enough,” Dotson said. “But fortunately, the tanks are full after one weekend of restrictions and we had enough to fight this fire. Now if we can just keep them full.”

Officials remain concerned that the tanks may drain too low again tomorrow if residents all turn on their outdoor water in a panic from not being able to water their yards over the last 40 hours.

No injuries were reported in the Enoch fire. It is unknown whether police issued a citation.

Besides the 70,000-acre Brian Head fire burning on the mountain since June 17, the Enoch incident is only one of many fires that crews have responded to in recent weeks, Cedar City Fire Chief Mike Phillips said.

Phillips reiterated the same warning as he has numerous times during the last month.

“Most fires can be prevented if people would just be more careful,” the fire chief said. “We need the public’s help to keep these fires down because the conditions are extremely dry and fires can start so easy right now. If the public will just follow some basic rules and suggestions it would really help.”

Phillips said the largest issue has been fireworks with fire crews responding to 12 fires on the 4th of July alone.

“And we still have the 24th of July, Pioneer Day, coming up,” Phillips said.

[BACK](#)

4. **Op-ed: Shrinking Bears Ears is shortsighted and wrong**

The Deseret News, July 10 | David Yarnold

More than 100 years ago, Republican President Teddy Roosevelt feared that America wasn’t doing enough to protect its most treasured wild places from over-development and what he called “land grabbers” and “special interests.”



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

So Congress passed the Antiquities Act of 1906, giving presidents the authority to preserve vulnerable public lands, cultural treasures, forests and waterways for our “children and their children’s children forever.”

Now, the Trump administration, with the backing of some Utah state officials, is threatening to turn its back on the bipartisan legacy supported by 16 presidents—eight Republicans and eight Democrats. Utah’s extraordinary Bears Ears National Monument has been singled out as the first target of a campaign to strip some of our most iconic public lands of their protected status.

Interior Secretary Ryan Zinke has indicated he will recommend that the government dramatically shrink the 1.5 million acre national monument, which could open the landscape to oil and gas drilling and other potentially damaging activities.

That is shortsighted and just plain wrong. And the National Audubon Society is bringing together 400 leaders from across its state and chapter network this weekend in Park City to support the protection of Bears Ears.

Why is Audubon, a centrist bird conservation group, involved in this debate? Our membership and local chapters are made up of Republicans, Democrats and independents. Birds don’t have a party, but they have a constituency of 47 million Americans who enjoy watching birds, second only to gardening as a hobby. More than 430 of our chapters and state offices have a clear message for Secretary Zinke and Utah’s leaders: Step away from this very bad idea.

Consider the economic importance of Bears Ears and our other federal parks in Utah. Last year alone, 14.4 million park visitors spent an estimated \$1.1 billion in local communities while visiting our national parks. That supports 17,900 local jobs and generates another \$1.6 billion for the Utah economy.

And at a time when we are struggling to improve our economy, visitor spending connected to Bears Ears and other national parks is one of the fastest-growing income generators in Utah — visitor spending nearly doubled in just the last five years.

Utah residents cherish our public lands and natural wonders and the birds and wildlife they support. According to the annual Conservation in the West poll released by Colorado College earlier this year, a strong majority of Utah’s residents want their monuments to remain just as they are. Sixty percent of those surveyed said national monument designation should remain in place.

Today, birds are facing more threats than ever. And these dangers will only grow over time, especially in Utah and other Western states.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Reducing protections for Bears Ears could jeopardize a diverse array of birds — such as the majestic Golden Eagle, Pinyon Jay, Hairy Woodpecker and Mountain Bluebird — and other wildlife that depend on their wild spaces to survive expanding development and other threats.

Instead of listening to Utah residents who depend on Bears Ears for jobs, or who enjoy spending time outdoors fishing, hunting, hiking and birding, or who revere Bears Ears as a sacred place, the Trump administration and some state officials are bending to big corporations that want to profit off our national lands.

You can bet that if the administration is successful in opening Bears Ears to mining, drilling and other commercial activities, none of our national monuments and public lands will be safe.

Republican President Teddy Roosevelt believed that robbing our children and grandchildren of our nation's greatest treasures to give a few corporations short-term financial gain was unconscionable. We believe most Utah residents agree.

David Yarnold is president and CEO of the National Audubon Society.

[BACK](#)

E&E/NATIONAL NEWS – FULL STORY

1. **Trump's environmental rollbacks are hitting major roadblocks**

Los Angeles Times, July 11 | Evan Halper

As President Trump flouts international calls to act on climate change, his administration is finding the pressure at home tougher to ignore.

The limitations of Trump's power to reset U.S. climate policy has been on full display over the last few days in Washington. White House plans to scrap restrictions on the release of a potent greenhouse gas are getting stymied by the courts, by forceful public opposition and even by Republicans in Congress.

The administration's struggle to free oil and gas companies from Obama-era limits on how much methane they can release into the air reflects the challenge Trump faces in carrying out his "America first" energy policy. Signing executive orders and making speeches were the easy part. Pushing policies to fruition is proving more complicated.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

The thicket of legal issues entangling the administration on methane comes as it is facing an onslaught on another environmental front. Its plans to roll back national monument protections — ordered by Trump himself — are about to enter a crucial stage, and the wind is hardly at the back of the White House as it does.

About 2.5 million Americans have submitted comments as Interior Secretary Ryan Zinke prepares to announce which public lands would lose protections. A large sampling analyzed by the Center for Western Priorities found just 1% of the commenters wrote to express support for the Trump plan.

The fight over methane — a gas that accelerates global warming at 25 times the rate of carbon — has also proved more fraught than the administration may have anticipated.

After three GOP senators defected from party leaders to vote down a bill that would have scrapped the methane rules on public land, the administration moved to go it alone. It used executive authority to put on hold the public-land rule and an even farther-reaching methane rule the Environmental Protection Agency is scheduled to enforce nationwide.

But the administration found itself stymied again last week, when a federal court ruled that the EPA didn't have the authority to delay enforcement by even 90 days.

By Monday, emboldened activists were making a show of force at EPA headquarters in Washington, where scores of them appeared to testify against the agency's broader plan to shelve the methane rules for two years, which appeared unlikely given the court ruling. They vastly outnumbered oil and gas industry representatives at the hearing and presented an unflattering public relations picture for the administration.

One mother from Texas showed an X-ray of an asthmatic child's lungs, which she said had been damaged by the release of the gas. Another mother from Pennsylvania explained how her daughter carries around a personal air monitor that often goes off when she is at school, which is within half a mile of 22 wells. Religious leaders told EPA officials they should be ashamed.

"How can anyone with any moral sensibility possibly believe that knowingly doing harm to children when the same could be avoided is acceptable?" asked the Rev. Alice Cornish of the advocacy group Pennsylvania Interfaith Power and Light. "It would be unconscionable not to uphold this rule."



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Reversing course on methane was not supposed to be so challenging for Trump. The rules at issue were completed late in the Obama administration and were repeatedly pilloried by the oil and gas industry as an unnecessary nuisance. Republican leaders had left the impression that Congress would act fast to scrap the rules on public land, which were still subject to congressional review when Trump took office.

“Even as U.S. oil and natural gas production has surged, methane emissions have declined significantly,” said Howard Feldman, senior director for regulatory and scientific affairs at the American Petroleum Institute, while testifying Monday. “The last thing we need are more duplicative and costly regulations.”

But the fierce public opposition reflects how many Americans are affected by the rules during this era of booming natural gas production. The intensity of it moved lawmakers to waver, and the administration found itself battling alone.

More than 200,000 Americans, nearly a quarter of them children, live within half a mile of the 18,000 oil and gas facilities subject to the rule, which requires that companies install equipment to trap the gas and turn it into electricity, according to a new study by FracTracker Alliance, which analyzes data for advocacy groups.

With the administration on the defensive following the court ruling blocking the EPA from suspending the methane rules, attorneys general in California and New Mexico attacked Trump’s methane rollback on another front. They filed suit Wednesday against the Department of Interior, saying the administration has no authority to delay enforcement of the separate methane rules on public land that Congress failed to rescind.

In California, there are 7,000 oil and gas wells on public land, producing about 14 billion barrels of oil and 7 billion cubic feet of gas, according to the lawsuit, which charges the administration is depriving states of royalties they are entitled when energy companies capture and sell methane, as required by the new rule.

The suit notes that 95% of drilling on public land takes place in Kern County, home to four of the country’s top-producing oil fields and a place suffering from severe air pollution, which the attorneys general argue would be eased by more aggressive containment of methane. But it also points to how imperiled California has become by climate change, noting the state’s water supply is in decline, its beaches are eroding and its smog is increasing. The suit says the state is



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

committed to addressing such issues under current climate law but that its aggressive effort is being undermined by Washington's refusal to act.

The administration's plans are also threatening to undermine state environmental laws in states where Republicans hold power. Colorado, Ohio and Wyoming have all passed laws requiring energy firms to contain more methane — and in all of those places, there are energy companies eager to see competitors across state lines subject to the same rules they are.

[BACK](#)

2. NATIONAL PARKS: Zinke 'would love' to transfer commuter roads to DOT, states

E & E News, July 11 | Jennifer Yachnin

Mention the National Park Service and it's bound to conjure up a host of scenic wonders: the geysers in Yellowstone, the Grand Canyon and the snow-capped peaks of the Rocky Mountains.

But that leaves out a key feature of the NPS inventory: 5,500 miles of paved roads, not to mention the equivalent of 970 paved miles of parking lots.

Interior Secretary Ryan Zinke has made NPS's management of bridges and roads — including the 29-mile Baltimore-Washington Parkway and the Arlington Memorial Bridge in Washington, D.C. — a top priority in his testimony before Congress in recent weeks as he pitches his agency's fiscal 2018 budget.

"I own parkways, access, gateway roads that are outside of what most Americans would think would be a park responsibility," Zinke told the Senate Energy and Natural Resources Committee last month.

Pointing to his agency's budget during several hearings, he highlighted the fact that nearly half of the NPS maintenance backlog of more than \$11 billion is needed for roads, bridges or other repairs.

"And about a third of those roads are outside our parks," Zinke said, noting the \$260 million repair bill pending on the Arlington Memorial Bridge.

While Zinke told lawmakers that he expects President Trump's anticipated infrastructure proposal to address NPS maintenance needs — potentially via public-private partnerships — he acknowledged there is another potential option: shifting responsibility for the roads to another agency, or even to their respective states.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

"I would love to transfer ownership of the bridge and some of our parkways to the states, but I don't think the states want to assume that liability," Zinke told the House Natural Resources Committee last month. "Clearly, for northern Virginia, Maryland and D.C., those bridges are less of a park and parkways as they are a vital transportation hub. So I'm particularly concerned that we honor our obligation to make sure that the potholes are fixed and the bridge is fixed."

Virginia Rep. Donald Beyer (D), who had quizzed Zinke on funding for the Memorial Bridge, responded: "We'd love to work with you on plans going forward because you do own it for the time being."

Zinke then disclosed he had floated the idea of passing off the parkways to the Transportation Department led by Secretary Elaine Chao.

"I talked to Elaine Chao at Transportation, and she wouldn't take it either. So I guess it's going to be mine," he responded with a smile.

Interior spokeswoman Heather Swift acknowledged that transferring properties like the Baltimore-Washington Parkway or the George Washington Memorial Parkway to the Transportation Department is "one of many options that is still in the brainstorming stage at the moment."

"The secretary is interested in coming up with solutions that help the department better maintain the miles and miles of roads and bridges under our jurisdiction," Swift said yesterday. She added that other options are under consideration to help states maintain roads that are not owned by NPS but that lead into NPS units and that the agency helps to maintain.

In addition to its paved roads and parking areas, the NPS also owns 7,000 miles of unpaved roads, 1,731 bridges and 72 tunnels that are publicly accessible.

"These transportation assets are a significant part of the NPS asset portfolio, and are critical to meeting the NPS mission," the agency notes in its budget justifications for fiscal 2018.

'Uncle Sugar'

Laura Loomis, the National Parks Conservation Association's deputy vice president of government affairs, said Zinke's interest in moving some parkways out of his agency isn't surprising or even unprecedented.

"I can understand why he wants to do it because they're costly," Loomis said, and later added: "The Park Service is wholly responsible for the roads that are under its purview, and they don't get enough money to manage their system."



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

In the National Capital Region alone, NPS manages five busy thoroughfares: the George Washington Memorial Parkway, Baltimore-Washington Parkway, Rock Creek Parkway, Clara Barton Parkway and Suitland Parkway. In addition, Constitution and Independence avenues are park roads.

The D.C. region counts a deferred maintenance backlog of more than \$1.7 billion, about 40 percent of which is road-related, according to the NPS budget justifications.

But transferring those roads in particular to their respective state or District jurisdictions could face hurdles from local officials.

"Right now, these states have these heavy commuter roads being maintained by someone other than them. They're not necessarily interested in taking on that additional responsibility," Loomis said.

In the late 1970s, proposals would have transferred control of the Baltimore-Washington Parkway to Maryland.

But one Park Police official questioned the wisdom of that scheme, telling The Washington Post in 1977 that it would be a drain on the state's treasury.

"If I've got Uncle Sugar taking care of something in my state, why change that?" the official told the newspaper at that time.

Forty years later, similar concerns could derail any efforts to formally transfer such NPS units to the states.

"Who is going to want to take on something that needs hundreds of millions of dollars of repairs?" Loomis asked.

She noted that much of the NPS's infrastructure faces maintenance issues because of its age.

"A lot of it was built during the heyday of road construction, which was the '50s and the '60s for the parks," she explained. "You can repair them up to a point, and then you have to totally rebuild them."

That challenge is "a lot more expensive than filling potholes," she added.

Scenic drives

While it may seem counterintuitive today for NPS to own parkways that essentially serve as commuter thoroughfares, many of the roads — like the George Washington Memorial Parkway — were actually built with recreation in mind.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

"Back when the car first became popular, people wanted places to go and drive in their car. That's where they came up with all these scenic byways and parkways," Loomis said. "Parkways were seen as a way to take pressure off wilderness areas and more natural areas. There was a lot of pressure to develop roads in the parks so people could do this auto-touring."

She pointed to the George Washington parkway as a "beautiful road," noting that the Washington Monument can be seen virtually along the length of the drive.

"I wonder if the Park Service wasn't the manager of it what the parkway would look like today?" Loomis said, pointing to undeveloped land between the parkway and the Potomac River.

[BACK](#)

3. **LAW: House panel to take up 'sue-and-settle' bill**

E & E News, July 11 | Amanda Reilly

The House Judiciary Committee this week will take up legislation that supporters say is needed to prevent the so-called sue-and-settle phenomenon.

Introduced by Rep. Doug Collins (R-Ga.), [H.R. 469](#) would require agencies to publicly post and report to Congress any information on lawsuits, consent decrees or settlement agreements. The measure also prohibits same-day filing of complaints and pre-negotiated settlements (Greenwire, Jan. 13).

Collins and other backers of the bill, including Judiciary Chairman Bob Goodlatte (R-Va.), have argued that, under the Obama administration, green groups exploited citizen suit provisions of environmental laws to force friendly agencies to issue regulations.

"This legislation lessens the power of bureaucrats to burden hardworking Americans with rules that bog down our economy and erode Americans' right to know about and respond to federal rulemaking," Collins said in a statement earlier this year.

The markup comes after U.S. EPA Administrator Scott Pruitt directed his agency to limit the practice of "sue and settle" (Greenwire, July 3).

Democrats, environmental groups and former Obama administration officials have rejected the idea that agencies have invited litigation to create regulations.

Schedule: The markup is Wednesday, July 12, at 10 a.m. in 2141 Rayburn.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

[BACK](#)

4. **METHANE: Greens, tribes sue to stop BLM stay**

E & E News, July 11 | Pamela King

Environmental and tribal citizen groups yesterday challenged the Interior Department's postponement of an Obama administration rule to curb methane emissions from energy operations on public lands.

Represented by Earthjustice attorneys, the groups called on the U.S. District Court for the Northern District of California to require industry compliance with the Bureau of Land Management's Methane and Waste Prevention Rule. The Trump BLM's stay of certain deadlines under that regulation violates the Administrative Procedure Act, the groups contend.

The lawsuit is separate from a similar challenge the states of California and New Mexico filed in the same district court last week.

"Trump and his administration cannot blatantly ignore the law just to benefit polluters at the expense of everyone else," Earthjustice attorney Robin Cooley said in a statement. "Compliance with public health rules cannot be indefinitely delayed while the Trump administration and bad actors within the industry try to undo them."

In a blog post yesterday, Earthjustice linked the battle to other legal challenges of the new president's widespread efforts to undo the regulatory efforts of his predecessor.

"Delays of critical environmental protections have become a familiar tactic from federal agencies, as the Trump administration takes marching orders from polluting industries that want to unravel Obama-era regulations," Earthjustice senior staff writer Jessica Knoblauch wrote. "The courts, however, have proven to be a powerful tool in pushing back on Trump's delay tactics."

She cited a federal appeals court decision to reverse U.S. EPA's stay of its own rule to control methane leakage from new oil and gas equipment (Greenwire, July 3).



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Attorneys involved in litigation over the BLM methane rule say that because the agencies relied on authorities granted under two separate statutes, the EPA decision does not set precedent in the BLM case (Energywire, July 6).

Western Energy Alliance President Kathleen Sgamma said the new lawsuit is "really no different" from the challenge by California and New Mexico.

She previously criticized the states for filing their lawsuit in a court with limited exposure to oil and gas issues.

"We're weighing our options and will decide our response soon," Sgamma said.

[BACK](#)

5. **INTERIOR: Texas political veteran tapped for key post**

E & E News, July 11 | Michael Doyle

The Trump administration has nominated former Texas state official Susan Combs to serve as the Interior Department's assistant secretary for policy, management and budget.

A rancher from the Big Bend region, near the U.S.-Mexico border, Combs previously served as a lawmaker and the state's first female agriculture commissioner and, later, as the comptroller of public accounts.

The White House announcement praised the 72-year-old Vassar College and University of Texas School of Law graduate for "writing and passing the state's private property legislation, and working to ensure greater transparency in government spending" during her two terms in the Texas Legislature.

"Susan is highly-qualified and will be a huge asset as we work to make government more efficient and more accountable to the people," Interior Secretary Ryan Zinke said in a statement today. "Her experience in both elected office and in the private sector, will bring a great perspective to our team here at the Department."



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Calling Combs a "fierce advocate for rural Texans," Republican Sen. John Cornyn of Texas added today that she has "a clear record of promoting pro-growth policies and efficiently managing large organizations."

If confirmed by the Republican-controlled Senate, Combs would be the top budget officer for the department, which employs some 70,000 full-time workers and for which the Trump administration has proposed an \$11.7 billion budget for fiscal 2018. The Trump proposal amounts to a 12 percent cut.

Combs' nomination may be particularly welcome for Zinke's team, which still faces vacancies in myriad top Interior Department positions.

Trump's nominee for deputy secretary, lawyer and lobbyist David Bernhardt, passed successfully through the Senate Energy and Natural Resources Committee but is still awaiting Senate action. No nominees have yet been named for four other assistant secretary posts, or for the directorship of agencies including the National Park Service and the Fish and Wildlife Service.

Combs was a potential contender for the position of Agriculture secretary, a post that ultimately went to former Georgia Gov. Sonny Perdue (R) (Greenwire, Jan. 3).

Originally a supporter of former businesswoman Carly Fiorina's unsuccessful presidential campaign, Combs authored a book published this year titled "Texas Tenacity: A Call for Women to Direct Their Destiny."

"Susan Combs has pretty much been, been through, or done it all," the Amazon.com book blurb states. "She's experienced domestic abuse, fought for children's rights, pounded tough pavements running for office, and won and lost battles in the bruising world of politics."

Since leaving elected office, Combs has been working on HERdacity, described as an "online empowerment community for women."

[BACK](#)



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

6. **APPROPRIATIONS: House proposes to slash EPA, Interior spending**

E & E News, July 11 | Kevin Bogardus and Kellie Lunney

House Republicans are pushing deep spending cuts for U.S. EPA and the Interior Department, although the planned cuts are not nearly as drastic as President Trump had proposed.

Released this afternoon, the House fiscal 2018 Interior and environment bill, up for subcommittee markup tomorrow, would fund EPA at \$7.5 billion, cutting the agency by about \$2 billion. Still, the funding amount is far more than the White House's proposed \$5.6 billion.

Rep. Ken Calvert (R-Calif.), chairman of the Interior and Environment Appropriations Subcommittee, said the bill "prioritized proven programs that have a meaningful impact to achieve these goals while also ensuring our economy can continue to grow."

The bill supports EPA's coming buyout program for employees by offering resources for the voluntary separation agreements.

The bill would provide \$58 million on workforce restructuring at the agency, according to a House Appropriations aide. Trump's budget had proposed \$68 million in fiscal 2018 to reshape EPA's workforce.

EPA has planned to offer buyouts to more than 1,200 employees this summer while Trump has proposed to cut 3,800 jobs at EPA in fiscal 2018 (E&E News PM, June 20).

Water

The legislation includes a provision authorizing EPA and the Army Corps of Engineers to withdraw the Obama-era Clean Water Rule "without regard to any provision of statute or regulation that establishes a requirement for such withdrawal."

That language is identical to a provision included in the energy and water spending bill, and comes as the Trump administration is moving to repeal the rule, which aims to clarify the Clean Water Act's reach (Greenwire, June 27).



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Exempting the rule, also known as the Waters of the U.S., or WOTUS, rule, from the Administrative Procedure Act could not only remove the requirement that it undergo certain public scrutiny but also make it easier for the new administration to ignore the Obama team's justifications for WOTUS.

That could include the cost-benefit analysis of the 2015 regulation and an accompanying 408-page technical report, as well as a review from EPA's Science Advisory Board.

The appropriations bill also reiterates that the Clean Water Act does not apply to farm ponds and irrigation ditches in agricultural areas.

The bill would maintain spending levels for the Chesapeake Bay and Great Lakes Restoration Initiative at \$72 million and \$300 million, respectively.

The move is a repudiation of the Trump administration's budget request, which had asked Congress to eliminate funding for regional cleanup efforts like those in the Great Lakes and Chesapeake Bay.

The bill would also provide \$1.14 billion in capitalization grants for the Clean Water State Revolving Fund, \$863 million of which would go toward the Drinking Water State Revolving Fund. The Water Infrastructure Finance and Innovation Act (WIFIA) program would receive an additional \$25 million.

Air and climate

Appropriators flatly rejected the White House's bid to slash or eliminate funding for two popular air quality grant programs.

The administration proposed cutting Diesel Emissions Reduction Act (DERA) grants from \$60 million this year to \$10 million; the draft would instead increase next year's total to \$75 million.

And while the White House is seeking to zero out Targeted Air Shed grants, which are getting \$30 million this year, the bill would boost the amount of money in next year's pot to \$40 million.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

DERA grants are used to replace or retool older, higher-polluting school buses and other diesel-powered equipment; airshed grants are supposed to help areas suffering from unhealthy levels of ozone and particulate pollution.

The bill would further delay EPA attainment designations for its 2015 ozone standard until 2025; the agency had been scheduled to make those designations by this October, but Administrator Scott Pruitt recently pushed back that deadline until 2018.

Another rider would require EPA and other agencies to continue to treat forest biomass as carbon-neutral. In a victory for the forest products industry, almost identical language was included for the first time in the fiscal 2017 omnibus spending measure signed in May.

In an effort to relax industrial farming regulations, the legislation would prohibit agencies from requiring permits under the Clean Air Act to emit carbon dioxide, methane and other gases from livestock production.

The measure would also prohibit agencies from issuing rules that require mandatory reporting of greenhouse gas emissions from manure management systems.

The appropriations bill would provide more than \$1.1 billion for the Superfund program, around \$600.6 million more than the \$515.8 million requested by the president's budget. It also represents an increase of around \$27.6 million from the omnibus spending deal.

In addition, the bill seeks to send \$11 million to the Chemical Safety and Hazard Investigation Board, the same amount as last fiscal year. The Trump budget had called for CSB to be eliminated.

Interior

For Interior, the bill would provide \$11.9 billion in fiscal 2018. That's slightly more than the \$11.7 billion the White House requested but less than the current \$12.3 billion.

The legislation would also fund some popular programs at a higher level than the president's budget.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

House appropriators, for example, want to fully fund the payment in lieu of taxes system at \$465 million and provide \$275 million for Land and Water Conservation Fund programs.

The bill hewed to the administration's recommendation on wildfire firefighting and prevention, fully funding the 10-year average for suppression costs for Interior and the Forest Service with \$3.4 billion. That's \$334 million below the fiscal 2017 level.

Several Interior agencies would see cuts from fiscal 2017:

- The Bureau of Land Management would receive \$1.2 billion, a decrease of \$46 million from fiscal 2017. The spending legislation would provide \$68.9 million for sage grouse conservation.
- The National Park Service would receive \$2.9 billion, a decrease of \$64 million from fiscal 2017, mostly a reduction in land acquisition activities.
- The Fish and Wildlife Service would receive \$1.5 billion under the bill, \$38 million less than the fiscal 2017 level. The fiscal 2018 bill also continues a one-year delay on Endangered Species Act reviews and rulemakings for sage grouse.
- The U.S. Geological Survey would receive \$1 billion in fiscal 2018 under the bill, \$46 million below the fiscal 2017 enacted level.
- The Office of Surface Mining Reclamation and Enforcement would receive \$213 million for fiscal 2018, \$40 million less than in fiscal 2017. That includes \$75 million to continue a pilot program to reclaim abandoned land mines and \$68.6 million for state regulatory grants.

[BACK](#)

7. NATIONAL MONUMENTS: Senate Dems rally against changing any sites

E & E News, July 11 | Kellie Lunney

A Capitol Hill rally today urging the Trump administration to keep intact the boundaries of 27 national monuments being reviewed raised this question: What specifically will lawmakers do if Interior Secretary Ryan Zinke recommends shrinking or rolling back those protections?

"We will fight" President Trump if he tries to reverse monument designations under the 1906 Antiquities Act, said Sen. Maria Cantwell (D-Wash.), the ranking member of the Energy and



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Natural Resources Committee, who spoke at the gathering along with five other Western Democratic senators.

But it's not clear that fight will involve a legislative battle — at least in the Senate.

"Congress always has a role to play, but I don't think that they are going to get involved in this," Sen. Tom Udall (D-N.M.) told reporters after his remarks.

Udall, who is ranking member of the Senate Interior Appropriations subcommittee, said that he doesn't believe the president has the legal authority to reduce or rescind national monument designations and that if the president tries to do so, the courts — both judicial and public opinion — will intervene.

Udall said there was "overwhelming support" from the public for the two monuments — Organ Mountains-Desert Peaks and Rio Grande del Norte — under review in New Mexico.

"Congress can always expand, it can always limit, it can do whatever it wants [on monuments], but I don't foresee that," Udall said. "Hopefully, we won't have to touch the New Mexico monuments or any of these others, for that matter."

House Natural Resources Chairman Rob Bishop (R-Utah) believes the Antiquities Act ultimately needs a legislative fix; he also has indicated he might introduce a bill related specifically to the footprint of Bears Ears National Monument in Utah during this legislative session. But for now, lawmakers in both chambers are content to wait and see what Zinke recommends in August and what action the president takes based on those proposals (E&E Daily, June 13).

Amid chants of "keep public lands in public hands," the Democratic senators today joined the League of Conservation Voters and members of the public outside the Capitol to emphasize the economic, spiritual and environmental benefits of the national monuments in their home states.

"This is critical to our economy in the West," said Sen. Michael Bennet of Colorado, noting that the Outdoor Retailer trade show decided earlier this year to move its twice-a-year extravaganza from Salt Lake City to Denver in 2018 to protest Utah efforts to reduce monument designations or transfer public lands.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Sen. Martin Heinrich of New Mexico disputed the argument that recent monument designations, including the ones in his home state, have been dictated by Washington rather than locals.

"There's been a lot of talk about what Washington did," Heinrich said today. "Well, with these two monuments, Washington didn't do anything. They just listened to the local voices."

Senate Democrats Catherine Cortez Masto of Nevada and Brian Schatz of Hawaii also spoke at the rally.

Interior received more than 1.4 million public comments on the monument review as of 11:59 p.m. yesterday, the deadline for submissions, according to Regulations.gov, but it's not clear how much weight Zinke will give them in his final analysis, due Aug. 24.

"The secretary is encouraged by the interest in the department's work and appreciates advocates on all sides of the issue weighing in," Interior spokeswoman Heather Swift told E&E News earlier this week (E&E News PM, July 10). "The department is hard at work reviewing all the comments, and we will have them read by the end of the review period."

Trump issued an executive order in late April mandating a review of the status of 27 land and marine national monuments created since 1996 that encompass more than 100,000 acres. The order required an interim report with specific recommendations for Bears Ears due June 10. Zinke recommended significantly shrinking the 1.35-million-acre Bears Ears monument in southeastern Utah in that report but didn't specify by how much.

Zinke told Colorado lawmakers during public appearances on Capitol Hill last month that he probably wouldn't recommend major changes to the state's Canyons of the Ancients National Monument.

"It's currently not on our priority review list," he told Sen. Cory Gardner (R-Colo.) during an Energy and Natural Resources Committee hearing (E&E News PM, June 20).

[BACK](#)



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

8. **OIL AND GAS: Groups spar over EPA bid to delay methane curbs**

E & E News, July 11 | Amanda Reilly

The Trump administration's allies and enemies squared off today over a U.S. EPA legal maneuver aimed at blocking Obama-era curbs on methane emissions from new oil and gas operations.

On July 3, the U.S. Court of Appeals for the District of Columbia Circuit agreed with environmentalists that EPA Administrator Scott Pruitt lacked the authority under the Clean Air Act to issue a 90-day delay in the standards (Greenwire, July 3).

But EPA filed a motion a few days later asking the court for "relief from immediate compliance" with the decision.

Environmentalists and state supporters of methane curbs today blasted the Trump administration's request as "extraordinary." They asked the court to reject it.

The American Petroleum Institute and other oil and gas interests, on the other hand, this morning urged the court to grant EPA's motion.

"It is unreasonable to require immediate compliance with the 2016 rule," a coalition of oil and gas entities said in a court filing.

The 2016 Obama administration standards for new sources required new and heavily modified oil and gas operations to detect and repair leaks of methane.

Last month, as oil and gas companies faced an initial compliance date, Pruitt granted the 90-day stay of key provisions of the rule, including its fugitive emissions, pneumatic pumps and professional engineer certification requirements.

The D.C. Circuit threw out the stay in a 2-1 decision July 3. The court issued a mandate on the same day setting the decision in stone.

In its Friday motion, EPA said it needs more time to evaluate options for appeal and to figure out how to implement the rule.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

"The regulated community would ordinarily be afforded a reasonable amount of time to make the necessary adjustments to ensure compliance," EPA said in its motion. "Not so here. The Court has arguably placed the regulated community abruptly at risk of noncompliance with the 2016 Rule" (Energywire, July 10).

But environmentalists today argued that any difficulty companies had in achieving the Obama standards was of the Trump administration's own making.

"To the extent that any oil and gas companies are 'abruptly at risk of noncompliance with the 2016 Rule,'" a coalition of environmental groups said, "it is due to the Administrator's own dilatory and irregular approach to suspending these protections, as well as some companies' failure to take advantage of the extensive lead time provided in the 2016 Rule."

State supporters of the methane rule told the court it made the right decision in requiring immediate compliance with the decision vacating the stay, noting that a third of the 90-day stay had already elapsed as of the court decision.

"Directing the simultaneous issuance of the mandate — rather than allowing the unlawful Stay to remain in effect even longer — was therefore necessary," states said in a brief.

But oil and gas interests instead argued that, since so much of the 90-day period had elapsed, restoring the standards now would result in only "speculative benefits."

They noted that EPA was considering whether to completely rescind the rules.

"It would be a significant waste of limited resources and extremely disruptive for regulated entities to spend time immediately complying with the 2016 NSPS Rule, when EPA has already indicated that it is poised to change the requirements of this rule," the industry brief said.

[Click here](#) to read the industry brief.

[Click here](#) to read the environmentalists' brief.

[Click here](#) to read the states' brief.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

[BACK](#)

9. **CLIMATE: Appropriators aim to bar carbon metric in rulemaking**

E & E News, July 11 | Arianna Skibell

House Republican appropriators are trying to ban the Department of Energy from using the social cost of carbon calculation in rulemaking, the latest attack on the Obama-era policy.

Language in the [report](#) to accompany the Energy and Water Development Appropriations Subcommittee spending bill would prevent DOE from using the metric until an updated interagency working group is formed.

The directive, released today, is not in the actual draft funding bill, which is up for markup tomorrow. But while it is not legally binding, the administration tends to heed report language.

The calculation, which currently sets the price of CO₂ at \$40 per ton emitted, has been used in cost-benefit analyses of more than 150 proposed and final rules.

The valuation, overseen by the White House Office of Information and Regulatory Affairs, has long been controversial, particularly with Republicans and skeptics of man-made climate change.

When President Trump assumed office, he issued an executive order that disbanded the interagency working group in charge of keeping the social cost of carbon current. He also signaled the SCC should no longer be used in assessing the costs and benefits of federal actions.

In a dig against former OIRA head Howard Shelanski, whom critics accused of revising the metric in 2013 behind closed doors, the House spending bill report says any new working group should solicit comment before finalizing any updates.

Further diluting the SCC, the working group would have to devise a new metric using an "accurate discount rate and domestic estimate in accordance with E.O. 12866 and OMB Circular A-4."

E.O. 12866 is President Clinton's 1993 order directing agencies to ensure net benefits outweigh costs in rulemaking. Circular A-4 is the Office of Management and Budget's 2003 guidance for best practice in weighing those costs and benefits.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

While the current SCC factors in foreign impacts of greenhouse gas emissions, Circular A-4 is very clear that the main factor in assessing rules should be domestic cost and benefits. If a rule has significant international impacts, those should be segregated and reported separately.

The SCC mostly flew under the radar when it was first implemented in 2010, but it gained notoriety and negative attention in 2013 when the working group revised the estimate, increasing its numbers by 50 percent.

Republicans lawmakers chastised Shelanski for evading the public on the hike. Shelanski argued that the public would have plenty of time to weigh in on proposed rules using the metric but that the SCC itself was a scientific measure and not a rule subject to comment (E&E Daily, July 19, 2013).

Still, a few months later, OIRA opened the door for input. It received 140 unique comments along with thousands of form letters.

In July 2015, the Obama White House slightly revised its estimate. It also announced the National Academy of Sciences would perform an independent review to inform another revision.

In January 2016, the first part of the National Academy study blessed the working group's current figure for the short term.

But part two of the study recommended a new framework for revising the SCC, as well as more research into long-term climate damage.

Even though the president disbanded the working group, OIRA has not abandoned the SCC effort, instead working quietly on updating it (Greenwire, June 15).

DOE has incorporated the SCC in rulemaking at least twice. And last year, the 7th U.S. Circuit Court of Appeals upheld the agency's use of the metric (Greenwire, Aug. 9, 2016).

[BACK](#)



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

10. **SENATE: McConnell delays recess as bills, nominees pile up**

E & E News, July 11 | George Cahlink

Facing a legislative logjam, Senate Majority Leader Mitch McConnell (R-Ky.) announced this afternoon he would delay the start of the chamber's August recess by two weeks in hopes of advancing several GOP priorities and Trump administration nominees.

"In order to provide more time to complete action on important legislative items and process nominees that have been stalled by a lack of cooperation from our friends across the aisle, the Senate will delay the start of the August recess until the third week of August," McConnell said in a statement.

McConnell added that after wrapping up work on health care legislation, the Senate would turn to the annual defense authorization bill, raising the nation's debt ceiling and approving nominees before departing. He did not specify what nominees would come up, but dozens are pending, including nominees for the Federal Energy Regulation Commission, U.S. EPA and the Export-Import Bank of the United States.

Earlier in the day, a group of 10 of the chamber's more junior members held a news conference to call for canceling or delaying the recess. They cited the need to adopt a budget, pass spending bills, raise the debt ceiling and move forward on tax reform as reasons for staying in session.

The decision is a break with the tradition of both chambers of Congress, which usually take off much of the entire month of August. Lawmakers use the time to visit their districts, travel abroad as part of congressional delegations and take their own personal vacations.

"We are willing to work around the tradition in the Senate," said Sen. David Perdue (R-Ga.), who led the effort to stay in session. He noted that without the extension, there were only 31 days the Senate would be in session before the new fiscal year begins on Oct. 1, and some form of fiscal 2018 funding will need to be in place to avoid a government shutdown.

The move is likely to be welcomed at the White House, where President Trump has already warned the Senate it should not leave town until it acts on health care legislation.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

The House has yet to announce any changes in its plans to shorten its recess that now begins the week of July 31.

[BACK](#)