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Attached is the daily news report for July 27.

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DAILY NEWS REPORT - UTAH

UTAH – TOP STORIES – JULY 27, 2017

1. Jewell bashes Trump administration over monument review

The Deseret News, July 26 | Amy Joi O'Donoghue

SALT LAKE CITY — Former Interior Secretary Sally Jewell blasted the Trump administration over its ongoing monument review — which includes Bears Ears — a move she says will put the U.S. president on the wrong side of history.

2. Is Bears Ears too big? New poll says Utahns split on shrinking the monument

The Salt Lake Tribune, July 26 | Brian Maffly

Pollster Dan Jones & Associates queried 614 registered voters July 18 through 20 — in the wake of Interior Secretary Ryan Zinke's announcement he would recommend "right-sizing" the monument designated by President Barack Obama.

3. Outdoor recreation meant \$12B to Utah's economy last year

The Salt Lake Tribune, July 26 | Mike Gorrell

The Outdoor Industry Association (OIA) offered big numbers Wednesday to support its contention that state officials nationwide — including in Utah — should pay greater attention to the economic contributions of people who recreate outdoors.

4. Groups to host archaeological project in Nine Mile Canyon

The Times-Independent, July 27 | Press Release

The Bureau of Land Management Price Field Office and Arizona State University Center for Sustainable Tourism are teaming up to offer a family-friendly, hands-on volunteer activity to help with an archaeological excavation at an important pre-historic site in Nine Mile Canyon.



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5. Hobby has travelers looking for spots where 3 states touch

The Washington Post, July 27 | Pat Eaton-Robb

THOMPSON, Conn. — Brian Butler is a tripointer.

The 63-year-old lives in Holliston, Massachusetts, about 20 miles from the Connecticut and Rhode Island borders. That's where he picked up the unusual hobby of visiting spots where at least three states or three Canadian providences meet.

6. A Call to Activism for Outdoor Apparel Makers

The New York Times, July 27 | Vanessa Friedman

There has been much ado over the past few months about the declarations of fashion designers regarding the current administration, but they are not the only members of the fashion world who have been politicized by the actions of President Trump. The outdoor apparel sector is also stepping into the spotlight.

7. Ute Tribe in Southern Utah Struggles Against America's Last Uranium Mill

The Daily Utah Chronicle, July 27 | Connor Richards

In the Southeastern corner of Utah, just off highway 191, tucked tightly in the middle of San Juan County, there is a small community of between 250 and 300 Ute Indians known as the White Mesa Ute Mountain Ute Tribe.

8. In our opinion: Monument designations and other issues could be resolved with compromise

The Deseret News, July 27 | Deseret News editorial board

Sally Jewel and John McCain have little in common. But each of them, in separate ways, made important statements this week on the need for more public debate, greater deliberation and compromise in the public arena.

We couldn't agree more.



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9. GSENM paleontology lab rewriting science

Southern Utah News, July 27 | Dixie Brunner

The controversial issue of who lived in southern Utah first has finally been settled - it was the dinosaurs! But it's the science of their presence here that's making history.

10. Exploring Moab by bike — and then by foot

The Chicago Tribune, July 27 | Kate Silver

As we drove past dramatic gingerbread stacks of sandstone to pick up our rented mountain bikes, I was nervous for the ride ahead, despite my husband's assurance that he'd chosen an easy route. He's a regular visitor to Moab, an area known for some of the world's greatest mountain biking. Before this trip, I'd ridden a total of 2 miles on singletrack trails.

11. Tribune Editorial: Don't forget Utah, Outdoor Retailers. The future is still ours

The Salt Lake Tribune, July 27 | Tribune Editorial

Utah's 22-year run as the home of the twice-annual Outdoor Retailer trade show ends this week.

Utah's position as one of the premier locations for outdoor recreation, tourism, economic development and sustainable growth never will. The people who run the businesses that are upping stakes after Saturday, and transferring their flag to Denver, know that. They are just worried that the people who run Utah don't get it.

12. Outdoor Industry Flexes Political Muscle in US Land Fight

US News, July 27 | Brayd McCombs, Associated Press

SALT LAKE CITY (AP) — Outdoor recreation industry leaders aren't going quietly as they stage their last trade show in Utah before moving it to Colorado.



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13. UMTRA to continue employee radiation exposure statements

Moab Sun News, July 27 | Rudy Herndon

If you want to keep track of general information about employees' exposure to radiation at the Moab Uranium Mill Tailings Remedial Action (UMTRA) Project site, you'll soon have access to the latest statement from the project's team.

14. EPA says it will revisit Utah's haze plan

Moab Sun News, July 27 | Eric Trenbeath

The State of Utah may get another opportunity to develop a plan for combating regional haze and improving visibility over area national parks after former President Barack Obama's administration rejected its original efforts in August 2016.

15. Monumental Disaster: Can Utah bounce back from its latest public lands debacle?

The Salt Lake City Weekly, July 27 | Dylan Woolf Harris

Interior Secretary Ryan Zinke listened to gripes surrounding Bears Ears National Monument, but will he read the rave reviews?

16. The Roots of the Antiquities Act Are in Bears Ears

The Salt Lake City Weekly, July 27 | John Dougherty

The first national monument approved by President Theodore Roosevelt after the passage of the 1906 Antiquities Act was Wyoming's Devils Tower—made famous to a generation of 1970s moviegoers by Steven Spielberg's *Close Encounters of the Third Kind*.



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E&E/NATIONAL NEWS – TOP STORIES

1. **Bundy supporter Burleson sentenced to 68 years in prison**

Las Vegas Review-Journal, July 26 | Jenny Wilson

Gregory Burleson, a member of Arizona militia groups who participated in the 2014 armed standoff in Bunkerville, was sentenced Wednesday to more than 68 years in federal prison.

2. **Op-ed: Creating efficiencies in land use planning**

The Casper Star Tribune, July 26 | Jesse J. Juen

Planning for the appropriate management of our public lands is important for Americans because those lands belong to all of us. The Bureau of Land Management is currently reviewing its planning process. As former BLM leaders with many decades of experience in public land management planning, the Public Lands Foundation has written to Interior Secretary Ryan Zinke with our thoughts and want to share them with the public.

3. **PUBLIC LANDS: Bipartisan bill would simplify permitting for recreation**

E & E News, July 27 | Jennifer Yachnin

Outdoor recreation companies could see a simplified application process and shorter wait times for permits needed to operate on public lands under legislation introduced yesterday by House Natural Resources Chairman Rob Bishop (R-Utah) and Oregon Sen. Ron Wyden (D).

4. **OIL AND GAS: Oil field spills down 17% last year**

E & E News, July 27 | Mike Soraghan and Pamela King

The number of spills and other mishaps at oil and gas sites fell sharply again last year, in line with decreased drilling.



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5. NATIONAL MONUMENTS: Utah governor wants BLM to re-evaluate leasing near Dinosaur

E & E News, July 27 | Scott Streater

The Interior Department's proposal for offering three parcels near Utah's Dinosaur National Monument in an oil and gas lease sale is getting pushback from an unexpected source: the state's conservative Republican governor.

6. POLITICS: 'Hard call' from Trump preceded Zinke pressure — Murkowski

E & E News, July 27 | Geof Koss and Kellie Lunney

Sen. Lisa Murkowski said today that a tense phone conversation with President Trump earlier this week led to yesterday's call from Interior Secretary Ryan Zinke, who reportedly told both Alaska GOP senators that the Energy and Natural Resources chairwoman's vote against the motion to proceed to the health care debate would influence the administration's resource development policies in the Last Frontier State.

7. PUBLIC LANDS: Judges grill Trump admin on bid to roll back fracking rule

E & E News, July 27 | Ellen M. Gilmer

DENVER — Federal judges are unlikely to let the Trump administration off easy as it works to unwind an Obama-era hydraulic fracturing rule while major legal questions remain unresolved.

8. INTERIOR: Agency adds staffers with histories in coal, timber, Iraq

E & E News, July 27 | Michael Doyle

An attorney who has represented ranchers and the timber industry, an executive with the Disney-ABC Television Group who served in Iraq, and the former top staffer for the Congressional Coal Caucus have joined the Interior Department.



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9. ENERGY TRANSITIONS: This oil law was sold as climate friendly. It might not be

E & E News, July 27 | Benjamin Storrow

Congress can't claim many achievements these days, but its 2015 decision to lift a ban on crude oil exports and extend tax incentives for wind and solar is reshaping energy markets.



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UTAH – FULL STORY

1. **Jewell bashes Trump administration over monument review**

The Deseret News, July 26 | Amy Joi O'Donoghue

SALT LAKE CITY — Former Interior Secretary Sally Jewell blasted the Trump administration over its ongoing monument review — which includes Bears Ears — a move she says will put the U.S. president on the wrong side of history.

In her first public speech since leaving her Cabinet position, Jewell excoriated the threat by President Donald Trump to dismantle existing monuments.

"This review is deeply, deeply unpopular and out of step with what the vast majority of Americans want," Jewell said Wednesday during her keynote address at the opening breakfast of the Outdoor Retailer Summer Market.

"President Trump is putting himself on the wrong side of history," she added, noting that if any monument designations are revoked, the current president will be remembered as the worst conservationist in U.S. presidential history.

Jewell's remarks drew resounding applause, and at the conclusion, a standing ovation.

Later, at a meeting with the Deseret News and KSL editorial boards, Jewell said the only change that should come to Bears Ears is congressionally passed legislation that would clarify and strengthen management responsibilities for Native American tribes.

Jewell noted that such unified support among Native American tribes toward a common goal is rare, and speaks to the long history and traditions held by the Bears Ears landscape and its importance.

She emphasized, too, that the monument's designation was inevitable in the face of the failure of the massive Public Lands Initiative legislation to move forward.

That bill, sponsored by Reps. Rob Bishop and Jason Chaffetz, both R-Utah, was unveiled late in President Barack Obama's final year in office, with language Jewell said was altered substantially — enough that it was considered a "poison pill."



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"We were really giving the (Public Lands Initiative) a chance," she said, but language changes gutted protections for wilderness, such as leaving grazing levels the same with no flexibility for reductions.

Jewell added that Utah's congressional delegation and other political leaders knew that the failure of the Public Lands Initiative would be followed by a new monument for Utah in San Juan County.

"The reason it was done without fanfare is because of the timing," she said.

But Bishop said Jewell has it wrong.

"It is disappointing to hear Ms. Jewell reinvent history. Fortunately, we now have an administration that is willing to work with Congress to address the messes left by last-minute orders by the Obama administration. It has been a refreshing change of attitude, but it also means there is a lot of work still ahead," he said.

It was under Jewell's tenure as interior secretary that President Obama made the Bears Ears designation about a month before he left office. The move set aside 1.35 million acres of San Juan County land already dominated by federal land ownership, and touched off an eruption of indignation from Utah's GOP leaders, who said it was an overreach and abuse of the Antiquities Act.

But Jewell said monument designations over the course of history have sparked similar outrage, most notably with Yellowstone, Grand Canyon, Canyonlands and Glacier Bay — all of which were decried by locals at the time.

"It is hard to let go of the known if we don't know what is coming," she said. "Today we have the benefit of 150 years of history. Today, each one of those places is woven into the fabric of our very nation."

Trump signed an executive order in April directing the review of 27 monuments created by executive action since 1996, beginning with Grand Staircase-Escalante National Monument and ending with Bears Ears.



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His directive to current Interior Secretary Ryan Zinke was propelled in large measure by pressure from Utah politicians, including Republican Sen. Orrin Hatch, who argued the monument designation was vehemently opposed by local and state politicians, as well as the entire federal delegation.

Trump ordered Zinke to look at the monument designations to determine if they conformed to language in the 1906 Antiquities Act, the law that grants presidential authority to declare national monuments.

The language in the law under scrutiny in the context of the monument review, directs designations to conform to the "smallest area compatible with proper care and management."

Last month, Zinke announced he would recommend shrinking Bears Ears National Monument, but he did not indicate by how much.

The review is continuing on 24 national monuments, with additional recommendations due in August.

At her breakfast speech, Jewell called the review illegal and said only Congress has the power to change monument designations.

Information compiled by the Congressional Research Service probing the Antiquities Act and the scope of authority for monument modification indicates several U.S. presidents have made changes over the years.

In 1963, President John F. Kennedy cited the Antiquities Act as the authority for him to add 2,882 acres to the Bandelier National Monument and exclude one section of 3,925 acres of "limited archeological values."

Matt Anderson, from the conservative Sutherland Institute's Coalition for Self Government in the West, criticized Jewell's assertion that the review is illegal.

"It's unfortunate that former Secretary of the Interior Sally Jewell, who clearly knows better, is ignoring both history and law," Anderson said, citing a reduction also made by President Howard Taft to cut Navajo National Monument by 89 percent.



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"No one has ever questioned the legality of these reductions, as it is clear that a president's power to alter previous national monuments is authorized by the Antiquities Act. The former secretary's misleading comments keep us from engaging in elevated dialogue and discussing the heavy burden expansive national monuments place on rural communities."

Jewell later clarified her comments at the editorial board meeting, saying no monument designations have been changed since a federal environmental law hit the books in 1976, outlining federal lands management.

She added, too, that boundary changes may have been made in the past due to mapping errors, something that has diminished with the use of more sophisticated technology.

Utah's ongoing monument controversy, coupled with a move by the state threatening to sue the federal government over control of certain public lands, spurred the Outdoor Industry Association to move its shows to Denver.

Despite the show's departure over political disagreement, organizers Wednesday praised Salt Lake City.

"We are ending an incredible high and 22-year run in Salt Lake City," said Marisa Nicholson, show director for Outdoor Retailer. "We want to say thank you to Salt Lake City."

Later Wednesday, the Outdoor Industry Association released state-by-state numbers on outdoor recreation, including consumer spending, the number of jobs it supports and the wages it generates.

According to the group's analysis, outdoor recreation in Utah spurs \$12.3 billion a year in consumer spending and supports 110,000 direct jobs. The industry supports \$3.9 billion in wages and salaries, according to the association.

Jewell said public lands advocates must rally and become politically active to support landscapes and preserve access.

"If you are not at the table, you are on the menu," she warned.



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Jewell emphasized that the show had every right to leave Salt Lake City and take its dollars elsewhere because of the outright "hostility" shown toward the industry by the state's political leaders.

The Outdoor Retailer show continues through Saturday. On Thursday, there will be a public lands march from the Salt Palace Convention Center to the state Capitol.

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2. **Is Bears Ears too big? New poll says Utahns split on shrinking the monument**

The Salt Lake Tribune, July 26 | Brian Maffly

Pollster Dan Jones & Associates queried 614 registered voters July 18 through 20 — in the wake of Interior Secretary Ryan Zinke's announcement he would recommend "right-sizing" the monument designated by President Barack Obama.

Using executive powers under the Antiquities Act, Obama proclaimed the monument at the request of five American Indian tribes with ancestral and spiritual ties to the lands in and around Cedar Mesa and Bears Ears Buttes. But in deference to the wishes of local and state leaders, Obama excluded about 650,000 acres that the tribes had requested in their proposal.

Zinke will release final details on Bears Ears in late August along with recommendations for 26 other large monuments designated since 1996.

The new poll found men, active Mormons, Republicans and older voters were more likely to say Bears Ears is too big.

And by a margin of 53 percent to 37 percent, Utah voters favored limits on presidents' ability to designate monuments. Utah leaders say the 1906 Antiquities Act — which past presidents used to establish monuments that became Zion, Bryce Canyon, Arches and Capitol Reef national parks — has outlived its usefulness because many laws have since been enacted to protect wildlife, habitat, wilderness cultural resources, water quality and airsheds.

Rep. Rob Bishop argues presidents have regularly abused the act for political purposes and has pointed to Bears Ears and Grand Staircase-Escalante as examples. But Sally Jewell, who served as Obama's second-term Interior secretary, rejected that characterization, saying that all monument designations she oversaw were the fruit of careful study. She said she declined to advance some worthy monument proposals to the disappointment of many in the conservation community.



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"The work had not been done where you had a clear and defensive reason to exercise the president's authority under the Antiquities Act — that's understanding what's there, the science behind it, knowing it's the smallest area compatible [with proper care for the lands to be protected], hiding public meetings getting local input, working with elected officials to see if there was a congressional way forward," she told The Tribune's editorial board Wednesday.

The survey's Antiquities Act question also illustrated the sharp partisan divide on the issue. While 69 percent of Republicans favored limits, 20 percent of Democrats opposed neutering the Antiquities Act, which many, including Zinke, have credited for some of nation's best conservation success stories.

The poll has a margin of error of plus or minus 3.95 percentage points.

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3. **Outdoor recreation meant \$12B to Utah's economy last year**

The Salt Lake Tribune, July 26 | Mike Gorrell

The Outdoor Industry Association (OIA) offered big numbers Wednesday to support its contention that state officials nationwide — including in Utah — should pay greater attention to the economic contributions of people who recreate outdoors.

Delivered on the first day of the final Outdoor Retailer Summer Trade Show being held in Salt Lake City, the association's report on state-by-state recreation spending put the outlay in Utah at \$12.3 billion last year.

Outdoor recreation companies supported 110,000 jobs directly, more than twice as many as the mining (32,000) and energy (18,000) sectors combined, it pointed out. Those extractive industries have received far more support from state officials than outdoor enthusiasts have.

Because of the state's backing of efforts to transfer control of public lands from federal to state control and to overturn or shrink Bears Ears and Grand Staircase-Escalante national monuments, OIA and Outdoor Retailer's owner decided to move the trade shows out of Utah after a two-decade run.

The show will be leaving a state in which, the report said, outdoor recreation companies paid \$3.9 billion in wages to their 110,000 employees, as well as \$737 million in state and local taxes.



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In presenting the state-by-state economic report at an Outdoor Retailer luncheon Wednesday, OIA Executive Director Amy Roberts said the data "underscores the fact outdoor recreation is a growing economic force."

"The outdoors brings us all together," she added. "From Maine to California, consumers are spending more on outdoor recreation, [making it] a powerful economic engine that contributes to business and healthy populations."

Nationally, OIA noted, spending amounted to \$887 billion on camping, fishing, hunting, off-road motorized recreation, snow sports, wildlife viewing and trail, and paddle and wheel sports.

Tom Adams, director of Utah's Office of Outdoor Recreation, said the report reinforced his perspective that the outdoor industry is an "important driver in Utah's diverse economy."

"In 2016, Utah had more than 4.5 million skier days, and Utah's national and state parks have seen double-digit growth in visitation year over year for the last four years," Adams added, pledging that "we will continue to work with our state, local and federal partners to build our outdoor recreation industry and infrastructure."

Montana Gov. Steve Bullock said his state is moving aggressively to develop its outdoor-recreation industry, with its Republican-controlled Legislature approving funding for a post like Adams'.

Unlike Utah officials who are pushing to transfer management of public lands from federal to state control, Bullock said he — and most Montanans — prefer to see the federal government continue to oversee these lands and to keep them accessible.

"Don't transfer these lands out of public hands," he said, "because once you do that, you not only lose your core values of who you are, but you're impacting local economies."

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4. Groups to host archaeological project in Nine Mile Canyon

The Times-Independent, July 27 | Press Release

The Bureau of Land Management Price Field Office and Arizona State University Center for Sustainable Tourism are teaming up to offer a family-friendly, hands-on volunteer activity to help with an archaeological excavation at an important pre-historic site in Nine Mile Canyon.

Six weekends of excavation activities are planned, beginning Sept. 9, BLM officials said in a news release. Professional archaeologists will guide high school youth and adult volunteers in work uncovering mysteries of the canyon and its past inhabitants, the Fremont people, who are believed to have lived in and around the canyon many hundreds of years ago.

The excavation project began in late 2016 as a collaboration between Utah archaeologists and scholars. It brings together federal, nonprofit, academic, and private entities “with a common goal of engaging the community in our shared cultural history,” the news release stated.

“Through this shared conservation stewardship effort, both visitors and volunteers will have the opportunity to learn more about the amazing archaeological resources on Utah’s public lands and the rich stories they can tell about those who lived there before,” BLM officials said.

Those interested in visiting Nine Mile Canyon to view the excavation are invited to the Nine Mile Canyon Stewardship Day on Saturday, Sept. 16. This is a separate event held by Project Discovery, a Utah nonprofit archaeology education program for high-school students. More information about Stewardship Day is available at:

<http://www.facebook.com/ProjectDiscoveryUtah/> or by contacting Lindsey Kester, Project Discovery at lindseykester@gmail.com.

Montgomery Archaeological Consultants, a private archaeological firm based in Moab, will oversee the excavation and data collection. For information about volunteering, visit <http://ninemilevolunteer.weebly.com>.

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5. Hobby has travelers looking for spots where 3 states touch

The Washington Post, July 27 | Pat Eaton-Robb

THOMPSON, Conn. — Brian Butler is a tripointer.

The 63-year-old lives in Holliston, Massachusetts, about 20 miles from the Connecticut and Rhode Island borders. That's where he picked up the unusual hobby of visiting spots where at least three states or three Canadian providences meet.

Butler says he was hiking near his home in the Douglas State Forest with a topographical map in 1998 when he decided to look for the point where the three southern New England states meet.

He found it at the top of a rocky hill, in the middle of the forest, near an old railroad bed. It was marked by a 4-foot granite obelisk engraved with the abbreviations for Massachusetts, Connecticut and Rhode Island, and the date 1883.

"As soon as you see that thing, you're hooked," he said. "You say, 'Wow, I wonder if there are more of these things.'"

There are.

Butler did some research and found 65 such spots where at least three state borders intersect and another four in Canada, where provinces meet. Some are marked with monuments, others with survey markers, and some aren't marked at all. There are 38 on land, and most are in remote areas.

Butler estimates he and his brother, Gregg, have visited between 35 and 40 tripoints. There have been some adventures along the way — hiking, boating and sometimes flying into remote areas.

They had to use metal rods to poke in the sand to find the marker for the Massachusetts-Vermont-New Hampshire tripoint, which was buried when a dam was built along the Connecticut River. They had to talk their way into a refinery, which sits on the intersection of New Jersey, Delaware and Pennsylvania.

They took an inflatable kayak down the Mississippi to find several tripoints located on the water.



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The capstone of his adventures, Butler said, was a trip to Canada to find where Saskatchewan, Manitoba, the Northwest Territories and Nunavut meet.

“You drive as far north as you can on pavement in Saskatchewan,” he said “Then you drive on a gravel road for 260 miles to an airport. Then you take a seaplane to a lake. Then you hike,” he said. “I don’t think we’re ever going to beat that one.”

Butler documents the adventures on his website, the Corner Corner .

Surprisingly, he has never been to the most famous multipoint on the list, the Four Corners monument where Arizona, Colorado, Utah and New Mexico come together.

There is no one governmental body responsible for the upkeep of monuments, and some, like Four Corners, are in much better shape than others.

Dan Webb, the chief border surveyor with the U.S. Bureau of Land Management in Utah, helped place a granite monument on the Utah-Arizona-Nevada corner last fall with cooperation from all three states. It replaced a deteriorating sandstone monument that was erected in 1901.

The spot is about 15 miles off Interstate 70 and hard to access, even with a four-wheel drive vehicle, he said. But there were flags in the ground and other indications that tourists had found the spot.

“Just in the few-month period that we were working on this, we would have a group of ATVers come up almost every day to talk to us about it,” he said. “And they were there just to find that corner.”

In Thompson, Connecticut, town officials have worked for the last several years to improve access to the southern New England tripoint, where Connecticut, Rhode Island and Massachusetts meet.

Visitors can now hike or ride a bicycle down the stone-dust covered Airline Trail to a hiking trail created by the town that leads to the tripoint.

“It used to be very hard to find,” said Charlie Obert, with the town of Thompson’s Trails Committee. “Now there is a very nice sign at the bottom of the hill pointing the way.”



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6. **A Call to Activism for Outdoor Apparel Makers**

The New York Times, July 27 | Vanessa Friedman

There has been much ado over the past few months about the declarations of fashion designers regarding the current administration, but they are not the only members of the fashion world who have been politicized by the actions of President Trump. The outdoor apparel sector is also stepping into the spotlight.

On Thursday thousands of members of the outdoor recreation industry in Salt Lake City for the Outdoor Retailer trade show will “pour out of the Salt Palace and march to the Capitol building in celebration and appreciation of public lands,” in the words of one of the rally’s organizers, Peter Metcalf, the founder and a former chief executive of Black Diamond Equipment. The crowd may not match the hordes that made the Women’s March in January so powerful, but it will be a singular event.

That is because it involves not just the specialized brands beloved by outdoor recreation enthusiasts, but also those with names that resonate throughout the general population: REI, the North Face and Adidas Outdoor. Spurred by the actions of Patagonia, a company with a history of vocally tying its morals to its bottom line, they are publicly putting their positions where their polypropylene pants are.

“We realized somebody had to start making their voice heard,” said Greg Thomsen, managing director of Adidas Outdoor USA. “In my 40 years in the industry I have never seen the industry galvanized in such a way before.”

At issue: an executive order by President Trump in April directing the Department of the Interior to review the status of 27 national monuments created since 1996 and make recommendations to him, possibly rescinding or shrinking the designation of what is now federally protected land. (National monuments are created under the Antiquities Act of 1906 and are similar to national parks, though slightly less protected.)



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"It was like a fuse to a Molotov cocktail," said Christian Beckwith, the founder of Shift, an annual outdoor conference in Jackson, Wyo., which will focus on the case for advocacy during its next incarnation in November.

Numerous monuments are under review, but in response to Patagonia's publicity efforts, attention has been focused on Bears Ears, a 1.35 million-acre tract in Utah that includes hundreds of Native American cultural artifacts and Navajo tribal lands as well as a popular climbing area known as Indian Creek. It was declared a national monument by President Obama in December.

The Utah governor and the majority of the state's congressional delegation called the move an example of federal overreach, and have been lobbying to have at least part of the land returned to state control, an effort that caught President Trump's attention. In June, Interior Secretary Ryan Zinke submitted an interim report suggesting he would recommend shrinking the borders of the monument, though he has not yet said to what extent. (A recommendation is due in late August.)

The review is being framed as a federal vs. state issue. "The land was federal land before the monument designation and if the boundaries of the monument are modified, the land would still be public land, managed by the agency that previously managed it," Heather Swift, press secretary for the Department of the Interior, wrote in an email. Nonetheless, lifting the monument status would open the land up to other possible uses. To Patagonia and similar businesses, this poses an existential threat to the thing they hold most "sacred," in the words of its chief executive, Rose Marcario, with the potential for the land to be leased or sold for mineral and fracking exploitation.

After the order was issued, "I called Jerry and Arne," said Ms. Marcario, referring to Jerry Stritzke and Arne Arens, the chief executives of REI and North Face, respectively, "to say we were in an unprecedented situation."

Since then, Mr. Arens said, "we are in touch on a weekly basis."

The fleece crowd, like most retailers, has shied away from overtly taking sides — land, like fashion, being seen as a bipartisan issue.

"Politics has traditionally been the third rail," said Dan Nordstrom, the chief executive of Outdoor Research, a member of the department store family and a former chief executive of Nordstrom.com. "My grandfather and father always said, 'We don't take political positions because we have to appeal to consumers on both sides of the aisle.'"



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Yet when the monuments issue came to the fore, the Outdoor Industry Association, a trade group, wrote an open letter to the Department of the Interior that was signed by more than 200 chief executives. In May, Adidas Outdoor (along with North Face and others) sponsored a lobbying event orchestrated by the nonprofit groups Access Fund and the American Alpine Club called Climb the Hill, which brought industry leaders and athletes to Washington. It was the first time they had done anything other than give financial support to outdoor organizations.

REI sent an email to its six million members urging them to respond to the Department of the Interior's call for comments on its review and linked to the submission page. In June Mr. Stritzke posted an open letter to Secretary Zinke on the political website the Hill. North Face similarly used social media to urge consumers to send comments to the department and facilitate action. Patagonia created a digital platform so individuals could send their thoughts directly to Washington.

That followed Patagonia's announcement that it would drop out of the Outdoor Retailer trade show unless Utah's leadership changed its position on Bears Ears. (The company will not be at the march on Thursday.) For its part, the show decided that as the contract for the twice-yearly event, which is worth \$40 million to \$50 million to the local economy annually, came up for renewal, Salt Lake City, after 20 years, would not be allowed to bid. Next January, the trade show will move to Denver and Patagonia will be back. Depending on whom you talk to, Thursday's march is meant in part as an expression of thanks to Salt Lake City for being host to the community for so long, or as a protest against the governor and his supporters.

Indeed, Mr. Thomsen of Adidas said of the march: "It's being billed as a celebration, but from my personal point of view, it's a statement. Hopefully politicians will realize the outdoor industry also votes with its pocketbook." (According to the Outdoor Industry Association, the industry is worth \$887 billion in consumer spending a year, employs 7.6 million people and generates \$124.5 billion in federal, state and local taxes.)

Most organizations involved are still careful to couch their actions in the language of inclusiveness and positivity; it's about "values," not "taking sides;" about "policy," not "politics;" "pro-public lands," not "anti-Trump." But as with the Woman's March, which was pro-women's rights but broadly construed as a statement against the incoming president and his priorities, it's hard to deny that, to the watching world, there are politics involved.



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Especially because Patagonia has gone so far as to join nonprofits it worked with over the years in a lawsuit that has been prepared in the event that protections for monuments like Bears Ears are rescinded.

Among the defendants? President Trump.

“We’ve never been directly involved in a legal action before,” Ms. Marcario said.

It may not come to that. Mr. Stritzke said he was optimistic because Secretary Zinke had referred to Theodore Roosevelt, the conservationist president who signed the Antiquities Act into law, several times during the May group meeting in Washington (though Mr. Thomsen, who was at the meeting, said he felt the secretary’s mind was already made up). Ms. Swift pointed out that Mr. Zinke had spoken to numerous stakeholders and “the one thing that everyone agrees with the secretary on is that public access and outdoor recreation is a top priority.”

Thus far, Mr. Zinke has officially recommended that no modifications be made to three monuments: Canyons of the Ancients, in Colorado, Craters of the Moon, in Idaho, and Hanford Reach, in Washington. But all eyes are on Bears Ears and what happens next. Neutrality may no longer be an option.

“I know there may be some people who won’t want to buy our products because of this, but it is a risk we are willing to take,” Ms. Marcario said. “We are woke, we are fighting and we are going to keep doing it.”

As Mr. Beckwith of Shift said: “We’re all activists now. That would not have been possible without Trump.”

[BACK](#)

7. Ute Tribe in Southern Utah Struggles Against America's Last Uranium Mill

The Daily Utah Chronicle, July 27 | Connor Richards

In the Southeastern corner of Utah, just off highway 191, tucked tightly in the middle of San Juan County, there is a small community of between 250 and 300 Ute Indians known as the White Mesa Ute Mountain Ute Tribe.



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The area is quiet, there isn't much around. The closest towns are Blanding, six miles north, and Bluff down south 14 miles. Drive an hour and a half north and you'll be in Arches National Park, or a few minutes further and you'll be in Moab. Other than hauling trucks, pickups, clunkers and the occasional suitcase-stuffed sedan or minivan, there is little movement through White Mesa.

Howard recognizes the land, which is defined primarily by sagebrush and intense heat. He has lived here his entire life, despite having his family move away to Colorado for school and work opportunities. He remembers playing hide-and-seek and other games in the arid, sagebrush saturated canyons that occupy the Four Corners region.

Howard stands in his backyard, which hosts a heterogeneity of tree species: Aspen, apple, peach, pear, cherry and apricot — although this year's peach, cherry and apricots cops froze during an April storm.

He points east: "I used to play in these canyons when I was a young boy. We played over on that mesa."

"Back then we didn't have computers, so we played out here in the open area," says Howard, who asked to be identified by a pseudonym to protect his identity. "We used to play soccer and kickball, but you just never see kids doing that anymore."

Howard also remembers the uranium mill.

Just five miles up the road from the White Mesa Ute Tribe reservation sits the White Mesa mill, the last of the uranium-processing and manufacturing mills in the United States. It was there in the 1980s when Howard was growing up, and it is still there today.

The mill is owned by Energy Fuels Inc., a Canadian company with an American affiliate based in Lakewood, CO. Construction of the mill began in 1979 and the mill began processing uranium in the early 1980s.

After about a decade of operation, the mill began acting as, in addition to a conventional uranium mill, a waste disposal site for other radioactive sites and mines throughout the Grand Canyon region, as well as other areas throughout the country.



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How does Howard feel about the uranium mill? "I just don't like it being there, that's all," he says. "Because it's going to give people health problems. Whoever decided to put it there thinks it's fine, and I disagree with that."

Uranium is a dense, radioactive metal that is mainly used for the production of nuclear energy and weapons, as well as warfare-grade weaponry like armor piercing bullets.

At White Mesa, uranium ore is shipped to the mill where it undergoes a three-stage process, eventually being packed into yellow cake patties. What doesn't make it into the final product, including metals, toxic chemicals and acids, is dumped into large "tailings" impoundments that store the mill's, and the country's, radioactive waste.

As a boy, Howard remembers traveling two hours east to Mesa Verde, CO. On the side of the highway, there's a rundown convenience store. In the '80s, Howard remembers being able to "smell uranium around that store inside and out. Today, the store is closed as a toxic, radioactive site. "There's a big sign there and they say closed that store down," Howard says. "And it's funny, because why didn't they close it down way back?"

The smell of uranium, which is like "a strong metal odor, like copper," is something Howard will never forget. "You could smell it," he says. "You were actually breathing it and inhaling it."

Howard has smelled the same odor in his own backyard coming from uphill at the mill site, which is only about six miles from his property. "Years and years ago we had a blue haze in this area. You could just smell it, it was awful." This happened, Howard says, in the '80s and again around 2007.

Howard is worried that the mill will contaminate the groundwater and eventually cause health problems in the White Mesa community. What health problems specifically? "I couldn't really say, because I just don't know," Howard says. "But I know it's going to give the community health problems later on down the road. Not just the community but anything that's living, like plants and animals. It could affect them."

Howard believes the mill is "destroying plants, wildlife, humans" and "livestock, whether it be cows or horses in the area closeby." He is worried about the birds that eat and peck at his apples that haven't been harvested, or the squirrel that has a habit of knocking down his pears. He thinks about the mountain lion and her cubs whose growls can be heard from a nearby canyon.



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He fears for the domestic dogs and cats that frequent the area (nearly every house in White Mesa has a dog chained or fenced in the yard).

"It doesn't make me feel good," Howard says, when asked about living next to the mill. "I just wish the government would have put it somewhere else. Elsewhere where it doesn't affect the communities, in some secluded area out of the way of human life."

Water Worries

When Iesha Atene was a little, she remembers playing at her grandparent's house and noticing hard water and rust stains in the sinks and toilets. She asked her mom if her grandparents were dirty.

"At first I thought they were just dirty people," Atene laughs. "It was funny. We just crack up about that."

Now that she is older, Atene understands that the water stains were out of her grandparent's control. Currently, at her mother's house, a mid-sized white home that lies on the town's eastern edge, the toilet bowls, bathtub liners, and sinks are stained in color gradients ranging from yellow-orange to a dark, rusty mahogany.

The kitchen sink is lined with stainless steel, the tub liner consists of plastic and the sinks and toilets are porcelain, but each is covered in dark red and yellow stains all the same.

They have tried to scrub the stains away, says Darlene Morris, who is Atene's mother. They've used every cleaner they can think of: Clorox, Pine-Sol, SOS soap pads, Comet Cleaner. But the stains are unmoving and eternal.

"It always has that yellow color," Atene says. "It won't go away, no matter what we do."

Atene's father told her from a young age that she shouldn't drink the tap water. The last time Atene, who is currently 24, drank water from the tap, she was 8 or 9 years old.

The water in White Mesa is "nasty," Atene says. "It stinks really bad in the mornings. We have to run it for a while before we even try to use it." "The water smells like sewer when it first comes out," Morris agrees. "You have to run it for a long time."



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The Morris household is crowded. Although Atene is only visiting, Morris's three other daughters live at home, all three of whom have kids of their own. "We have little kids," Morris says. "I have my granddaughters and my grandson here all the time."

To bathe her 4-month-old, Morris says her one of her daughter boils the water to purify it. "She puts in a lot of work. She boils the water and then gives her baby a bath."

"Everybody's Going to Die From Something"

Seventy miles. An hour and a half. That is how long it takes some White Mesa residents to get drinking water.

That is because, in White Mesa, drinking water from the kitchen tap, or any other groundwater source, is practically unheard of. The town's occupants complain the drinking water has a metallic taste to it, like copper or aluminum. It carries a strong odor, as well. Sometimes it smells like metal, other times, usually in the mornings when the shower or sink is running, like sulfur.

In July, The Daily Utah Chronicle spoke with 15 White Mesa residents who said they do not drink their tap water. A 16th resident said he sometimes drinks it, but not because he doesn't think it is contaminated. Rather, he chooses to drink it because "everybody's going to die from something."

Why don't you drink the tap water? Because "it smells," says resident Toni Pelt, "and it's been like that all my life. My parents always got water from town. It smells like a sewer. It's kind of awful sometimes when it's really bad."

Jonita Dale recalls making a pitcher of Gatorade earlier this year. While she normally doesn't drink water from the sink, she made an exception. Soon after, Dale "started feeling sick from it. Like when you burp and you don't feel good. I wanted to throw up. And that's why I don't drink it."

After that incident, Dale won't drink the water. And she won't let her two young children, either. "My main concern is for my kids," she admits. "If there really is something in it, then I wouldn't want them drinking it."

The mill contests that there has not been any groundwater contamination or other problems that would impact the drinking water in White Mesa. Curtis Moore, Energy Fuel Inc.'s vice president



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of marketing and corporate development, says the mill regularly monitors for contamination and meets all regulatory guidelines laid out by the Utah Division of Waste Management and Radiation Control, a subdivision of the Utah Department of Environmental Quality.

According to Moore, “the monitors are not showing any groundwater issues” or indicate that the mill is negatively impacting the White Mesa water supply. “I don’t think there is any evidence whatsoever to say our mill is impacting their tap water.”

Despite the claims of Energy Fuels that everything is well in order at the mill, there are groups that remain unconvinced.

Colin Larrick has worked as the water quality program manager for the Ute Mountain Ute Tribe for over 10 years. His job is to administer the Clean Water Act, a 1972 amendment of the Federal Water Pollution Control Act of 1948.

The Clean Water Act established a basic structure for regulating groundwater pollution, gave the Environmental Protection Agency authority to implement wastewater standards and funded the construction of sewage treatment plants.

“My job is pretty much to protect the Tribe’s water resources: surface water and groundwater,” Larrick says. “That involves collecting and evaluating data to make sure water quality is good enough to be used for what it needs to be used for,” including livestock and agricultural use, properly serving aquatic life and ecological functions, and as drinking water.

There are two water aquifers lying beneath the White Mesa region: the shallow Perched Aquifer, which contains the Burro Canyon formation and is used for domestic purposes, and the deeper Navajo Aquifer.

In the short film *Half Life: America’s Last Uranium Mill*, produced and published by Grand Canyon Trust, a nonprofit environmental advocacy group, Larrick describes his problem with the mill’s location: “Our concern is that liquids and radioactive toxic wastes from these tailing cell impoundments will migrate down into the Burrow Canyon formation, just like rain water or snow melt does, and find its way into these springs. That would be the first route of exposure to the environment; the people, wildlife and plants.”

Larrick is also concerned about contamination of the Navajo Aquifer, a heavily relied on source of drinking water for a number of towns in Southeast Utah and Northern Arizona, including



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Bluff, Kayenta and Tuba City. The Navajo Aquifer discharges, in addition, into the San Juan River, something else that gives Larrick unrest.

“From the replacement work they did, it is obvious that the liner is in very poor condition,” Larrick says. “There were many cracks, holes, sections of missing liner. Any liquid migration through the liners would introduce those fluids into this aquifer.”

When asked about the repairs, Moore said he is unaware of liner damage and “doesn’t know about that personally.” “There is no evidence that there are problems. It sounds like that is kind of an unsupported contention that they’re making.”

Larrick says there has yet to be any serious contamination of either aquifer in the White Mesa region. His worry, however, is that by the time such a spill is discovered it will be too late, and municipal drinking water will be crucially affected. “We hope never to see contamination from the mill in these springs and seeps,” says Larrick.

Radon Exceedances

In 2014, the Grand Canyon Trust filed a civil suit against Energy Fuels for violating the Clean Air Act of 1970, in which the EPA established a list of emission standards for “hazardous air pollutants,” including radon-222, a byproduct of radium which, in 1986, was concluded to pose “a significant enough health risk (particularly of lung cancer) to warrant establishing emission standards for those releases under Section 112 of the Act.”

These regulations are further codified in the National Emission Standards for Radon Emissions From Operating Mill Tailings, a subpart of the U.S. Code of Federal Regulations (CFR) Title 40: Protection of Environment.

Title 40 CFR 61.254b outlines conventional impoundments as not to “exceed 20 pCi/(m²-sec) (1.9 pCi/(ft²-sec)),” or 20 picocuries per square meter per second, “of radon-222.”

“The mill is required to monitor radon emissions off of the impoundments and evaporation ponds” and must conduct regular monitoring, says Amber Reimondo, energy program director for Grand Canyon Trust. “A few years ago, the mill detected several instances of radon emissions being in excess of what the EPA has determined to be safe from a public health standpoint.”



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Quarterly and annual evaluation reports corroborate claims that the White Mesa mill exceeded these limits repeatedly in 2012 and 2013, long after the mill was purchased by Energy Fuels Inc. from Denison Mines in 2007.

In June 2012, Energy Fuels performed radon flux measurements on tailings impoundments 2 and 3, which were both built in the early '80s, using NESHAP, a radon flux measurement standard. The results showed that tailings Cell 2's radon flux exceed regulatory limits.

According to the lawsuit, radon flux measurements are taken from three areas of each tailings pile: water-saturated beaches, dry-top surfaces areas and the sides of the impoundments. Radon measurements are taken in every region "except for those areas covered with water." Cell 2's average as a whole, taken from June 11 to June 15, was 23.1, which is 3.1 picocuries over federal limits.

In light of the troubling findings, Energy Fuels scheduled additional tests. In September, when they next radon flux samples were taken, the results came in at 26.6, even higher than June's results. Still, radon emissions rose to 27.7 in October. A final measurement for 2012 was taken in November; the results came back as 26.1.

On average, the mill exceeded radon-222 emissions standards by 5.9 picocuries, about 30 percent over emission limits outlined by federal law.

The following year, in July, Energy Fuels Resources Inc. emailed Bryce C. Bird, the director of the Air Quality Division of Utah Department of Environmental Quality, announcing that, in light of recent exceedances, the mill would begin performing monthly evaluation of tailings Cell 2.

"As required in 40 CFR 61.254b, EFRI [Energy Fuels Resources Inc.] is to perform monthly radon flux monitoring beginning the month immediately following submitting of the report for the year in noncompliance [2012]," signed Jo Ann Tischler, Energy Fuel Inc.'s compliance and licensing manager.

In order to deduce factors causing excess emissions, the mill conducted evaluations including excavation of Cell 2 sands to "collect additional information needed to ascertain factors affecting radon flow path and flux," an "evaluation of radon trends relative to slimes drain dewaterings" and an estimate of the "thickness of temporary cover that would be required to achieve compliance with the radon flux standard" during the dewatering process.



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Once again, reports showed that radon emissions were in exceedance of federal guidelines.

The "Tailings Cell 2 Monthly Compliance Report for September 2013" states that Cell 2's radon exceedances is "most likely the unavoidable result of Cell 2 dewatering activities mandated by the Mill's State of Utah GWDP [Ground Water Discharge Permit]. This is due to the fact that the saturated tailings sands attenuate radon flux more than dry tailings sands, and the thickness of saturated tailings sands decrease as dewatering progresses," the report reads.

To address and fix these regulatory exceedances, the mill proposed building a "temporary cover required to achieve the radon flux standard during the dewatering process" for Cell 2. Finally, in September 2013, the mill was below federal guidelines at 17.0 picocuries per square meter per second. The annual average of Cell 2's emissions for 2013 came out to 120.4 pCi/(m²-sec), exceeding the legal limit.

"Not Violations"

Energy Fuels is adamant in contending that the mill has never violated regulatory guidelines outlined by state and federal agencies.

"The White Mesa Mill has been responsibly producing natural uranium product for almost 40 years," writes Mark Chalmers, chief operating officer of Energy Fuels Resources, in an op-ed published by the Salt Lake Tribune.

"The standards that apply to the facility, including standards for air emissions and radioactivity, are extraordinarily stringent, and the mill operates in compliance with every applicable law, rule and regulation, all of which are strictly enforced by those [regulatory] agencies," Chalmers says. "We can say with confidence that the Mill is safe to the public, our employees and the environment."

What about radon emission exceedances in 2012 and 2013? asked. "That's not a violation, Moore explained. "The way it works, under the license, is that you have this very detailed monitoring system in place, and if one of your monitors shows an exceedance, you address it. And we've always addressed it."

And consecutive months of excess of radon emissions does not constitute a violation? No, Moore says. "Violations are a much more strict manner. It's a punishment, I guess you could say. So



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we've never had those kind of issues down at the mill. We've had exceedances occasionally," Moore confesses, "but it's been addressed immediately."

"That's the way all environmental compliance works, whether it's uranium mining or thing else," Moore adds. "When you have an exceedance, it's not like all of a sudden they just drop the hammer on you."

The Grand Canyon Trust is well aware that no hammer has been dropped. "Neither EPA nor the State of Utah took enforcement action against Energy Fuels for violating Subpart W," the lawsuit reads. "So, on January 29, 2014, the Trust notified Energy Fuels, EPA, and the State that the Trust intended to sue the company under the Clean Air Act's 'citizen-suit' provision."

The Trust's complaint was filed on April 2, 2014, and alleged that the mill had violated Subpart W by "failing to keep the 2012 and 2013 average annual radon-222 emissions from Cell 2 below" the federal limit.

These exceedances, the suit argues, pose a significant health risk to the community, citing community residents who do not drink their tap water. It argues, furthermore, that the mill decreases the White Mesa region's aesthetic and recreational value, and negatively impacts the overall life of residents.

Hazy Highway

Howard hasn't seen the blue haze rising from the mill for some years now. Other residents, however, have more timely accounts.

A few months ago, White Mesa resident Trevor, who is identified here by a pseudonym, recalls driving home from grocery shopping with his girlfriend. He was heading south from Blanding towards White Mesa.

As he was passing the mill, Trevor had to pull over to the side of the highway and stop. There was a dirt devil heading from the direction of the mill.

Inferring from the smell, as well as the blue-grey tint of the storm, Trevor decided against driving through it and let it pass first. He says other cars pulled over as well.



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"It was pretty dark," he says of the dust cloud. "We had to stop. We didn't want to drive through it. It blew from the mill site. That happened maybe a couple months ago."

Other residents have similar stories. During her security patrol of the community streets and neighborhoods, Victoria Keith says she can smell "metal" coming from the mill, especially in the evening time.

Lifetime resident Yolanda Badback says she has been smelling the mill since she was a young child. The odor is still there, Badback says, and it hasn't changed a bit.

Spills on 191

To be certain, the two biggest health concerns of community members, environmental groups and researchers are the contamination of groundwater and excessive radon emissions into the air. Another concern, however, is the transportation of radioactive material to the mill from other uranium mills, mines and operating sites.

Leona Morgan, an organizer for Haul No!, a volunteer group working to "raise awareness about the transport of uranium ores from canyon mines to the White Mesa mill," says transport of radioactive waste poses threats to Native American tribes and communities.

"The majority of the transport route goes through Navajo nations that have a law against transporting radioactive material," Morgan says, "but is unable to enforce it because the transit is on state and federal highways."

Haul No!, Morgan says, is concerned that dangerous, cancer-causing waste is being transported throughout main roads in southeastern Utah. "There are a lot of issues with [spill] cleanup," she says.

In June, Haul No! began a month-long tour throughout the Four Corners region, stopping in towns where residents have been negatively affected by uranium mining, including Tuba City, Flagstaff and Cameron in Arizona, as well as Monument Valley in Oljato, UT.

The San Juan Record reports that on two separate occasions, trucks driving from the Smith-Highland Ranch uranium production site in Wyoming on "August 19, 2015 and again on March 29, 2016 were found to be leaking radioactive material. The trucks were carrying barium sulfate sludge from the mine to White Mesa."



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An investigation by the Nuclear Regulatory Commission (NRC) concluded that the company that owns the mill, Cameco Resources, a uranium producer that accounts for “about 17 percent of global production from its mines in Canada, the U.S. and Kazakhstan,” had improperly loaded and failed to identify the contents of the truck.

In the March 2016 incident, a truck driver braked hard to avoid a deer, causing some of the haul’s 12 cubic yards of white paste to spill onto the highway. The NRC investigation found that the material that leaked from the truck was radioactive, and that an estimated five gallons had spilled on the route from the Wyoming facility to White Mesa.

In a retributive measure, Cameco was forced to halt shipments from the Smith-Highland Ranch, However, the NRC did not find it necessary to fine the company \$35,000 for repeated highway spills.

“To encourage prompt identification and comprehensive correction of violations, I have been authorized not to propose a civil penalty in this case,” writes Scott Morris, the NRC’s deputy regional administrator. However, Morris added, a “civil penalty” could result from severe violations in the future.

“Not Something You’d Want Next Door”

Sarah Fields, director and founder of Uranium Watch, a nonprofit that “mostly pays attention to uranium mining issues in Utah,” as well as the other Four Corner states, is uncomfortable with toxic waste from nuclear production facilities throughout the country being transported on crowded roads. There is “some very nasty stuff just going along the highway,” Fields says.

Fields is “very concerned” about the White Mesa mill processing materials other than uranium ore, materials of which the “waste is more highly radioactive.” She says the mill was not built to process and store highly radioactive substances, like thorium-232. “The tailings impoundments were not designed for the processing of these types of materials, and the EPA regulations were not propagated anticipating the processing of these types of materials, and then disposing of the resulting waste.”

She too can’t help but feel that the mill poses a threat to the White Mesa Reservation. “It’s not really something you’d want next door to where you live, or I’m sure most of the owners of White Mesa mill would want next to their home,” Fields says.



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“They are living right next to the mill and, when it operates, they can smell the material,” she says. “The school buses drive back and forth between White Mesa and Blanding to take the kids to school. So they are concerned.” What are Fields’s biggest issues with the White Mesa mill? “There’s a lot of them,” she says. “I don’t think the mill is regulated in the way it should be regulated.”

Fields feels strongly that environmental regulatory agencies, like the EPA, Bureau of Land Management and agencies that oversee air and water quality, fail to enforce regulations in a safe and productive way. “What I have found is that you have regulatory agencies, and they don’t always follow either the statutes or the regulations,” Fields says. “They don’t properly enforce or comply with the requirements of regulatory agencies.”

Fields worries that White Mesa residents are falling victim to passive and negligent government agencies.

“You’re just totally dependent on the regulatory agency saying, ‘Okay everything’s okay,’” Fields points out. “And yet, they [White Mesa residents] feel like everything isn’t okay. And if the groundwater were ever really contaminated, they are concerned about crops and pathways from the upper aquifer that provides water to the area, and also down to Bluff.”

Inside White Mesa

Trevor easily recognizes the aroma from the dust devil that floated from the mill. He worked there as a loading operator “about 7 or 8 years ago” when he was 21 years old.

Like other White Mesa residents, Trevor doesn’t drink the tap water. “But when I worked there, the water at the mill smelled the same as it does here [in town],” Trevor says. “And they use that for service water, and that’s what they use to spray down chemicals.”

As an employee, Trevor says he tried to sample and test water inside the mill but was told he “couldn’t bring anything in.”

Trevor claims that during his roughly 6 months at the mill, he observed “unsafe stuff” taking place at the mill. asked. “Like how they handle their chemicals,” he answers. “They just bury it.”

Trevor doesn’t believe that the mill is taking proper safety precautions as they handle these hazardous materials.



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"It Splashed All Over Me"

Part of Trevor's duties included loading uranium ore into the grinder as an initial step of the yellow cake manufacturing process. As a protective measure against radioactive materials, loading operators wear "full rain suit gear" and a respirator.

"It got pretty hot in there," Trevor says. "Inside those containers, when they're all suited up and everything."

He remembers seeing or hearing about employees losing consciousness from the heat. "I know a few people who passed out from being too hot. It gets pretty hot over there. Especially if you're covered in all that gear."

"I know it's the job description," says Trevor, "but they just tell them to keep doing it until every is clean."

One morning, there was an incident at the mill that led to Trevor's departure. He helping another employee lift a container of dangerous chemicals used in the uranium manufacturing process. "He dropped a big huge drum and it splashed all over me."

"That guy was kind of drunk, though," Trevor claims. "They don't really watch that."

Energy Fuels disputes that any malpractice or misaction goes on at the mill, and says that safety and accident prevention are top priorities of the company.

Still, Trevor does not reflect on his experience with the mill kindly, and will always wonder if the health effects from his accident will ever surface. "I was wearing my respirator," he says, "but I don't know."

Another White Mesa resident had similar experiences working in the mill. Robert worked as a CCD technician about a decade ago. He liked his work because he was good at it, and he was on one of the most proficient operating crews the mill had. While working there, Robert taught his crew how to operate heavy equipment, something he learned working for various temp agencies in Colorado.

"But I've seen a lot of bad things, too," says Robert, who did not his real name used in this story. Like what? "Like how they burned the uranium."



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Robert remembers an incident where a batch of uranium was botched due to excessive acid concentrations in the mixture. So, they dumped in a waste pond outside the mill. "They burned the uranium and had to flush it," Robert says. They had too much acid in the product and had to flush it out into the waste pond."

According to Robert, his superiors told him and other employees to not tell anybody about the incident.

Another time, Robert was hanging from a crane to clean one of the radioactive containers "because that [radioactive] material was squirting out the side of the tank, so I had to go up there and tighten up all the screws and bolts."

"A lot of leaks a lot of spills," Robert recalls from his time at the mill. He says, one time, a pipe was clogged and they had to "pump the whole thing out."

The mill's equipment is "really old," Robert says. "The pumps, the area where they make the yellow cake, the last part of the process of making the uranium yellow cake, everything is out of date."

How do you know the equipment is out of date? "I mean, you can tell," says Robert. "I asked. I said, 'how old is this?' and they [superiors] said, 'shit is old.'" Robert asked why the equipment wasn't replaced or updated. They told him they didn't know.

"You Have to Be a White Man to Get Anywhere Up There"

Robert eventually lost interest in the mill because he felt like he wasn't being treated, or paid, right. He said he was supposed to receive a raise at his 6-month mark, as well as a safety bonus raise for not having any on-the-job accidents. But the raise never came, and the safety bonus was no different. Soon after, Robert decided the mill wasn't for him.

"They don't pay you right, you know," Robert says. "You have to be a white man to get anywhere up there."

Folks from the Ute mountain tribe, as well as from other Native American communities in the Four Corners region, such as the Piute and Navajo tribes, are treated unfairly by the mill, Trevor says, as well as by other construction, labor and manufacturing agencies.



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Although he has never worked at the mill, Howard holds a similar sentiment. As of July, he says he is unaware of anyone from White Mesa being employed by the mill. "Way back when the mill first opened, they promised the people here that they would have jobs for them," Howard says. "And just a few people out of the community got hired for those jobs, and when they were working there, it wasn't too long before they were laid off. They tried to go back, but there was no job."

If true for no one else, it was certainly true for Robert. Recently, strapped for cash, he talked to someone he knew at the mill asking for his job back, but was told that they didn't need him.

Moore says the majority of the mill's employees come from local tribes and communities, and that Energy Fuels makes a conscious effort to hire Native American workers.

"Most of our workforce comes from the local communities, whether it's in Blanding, the White Mesa community, or any other communities in the region," he says. "I don't have the exact number, but we do employ a lot of Native Americans from the region, for sure."

Robert follows the consistent trend of community residents who say their tap water smells and tastes too bad to drink, and he thinks the mill is responsible. "I think that [the mill] is why our groundwater bad. It's probably seeping down into there, somehow, because the ponds at the mill are loaded with contaminated water," he says, and you can see it.

"The deer all go out there and eat," Robert says. "I've seen a lot of deer out there, eating. I don't know what's going to happen to the deer. Maybe they'll grow another head or something."

The statement is a joke, but the worry in his voice is unwavering.

Painful Past

The White Mesa mill, and the surrounding region, has a toxic legacy that it is still trying to move past. Throughout the 1940s and up to the '60s, uranium mining was a booming industry that promised the rural communities in which the mines occupied prosperity, wealth and wellbeing.

It gave them none of these things.



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“Mines were not very well ventilated, so they [miners] would inhale uranium dust, and that would get into their lungs and cause cancer and other health problems,” Moore says. “That’s definitely something we have to deal with as an industry.”

Thirty minutes north of White Mesa is the city of Monticello, a community of about 2,000 residents.

In October 2012, the Utah Department of Health prepared a report titled “Cancer Incidence Follow-Up Investigation for Monticello, San Juan County, Utah Covering the Period from 1973 to 2009.”

“From 1943 to 1960, an active uranium and vanadium processing mill was located immediately adjacent to Monticello. Mill waste was deposited at the Monticello Mill Tails Site (MMTS),” the report’s executive summary reads. “Those tailings were contaminated with heavy metal and radioactive materials.”

These contaminants migrated into the Monticello community and “exposure to hazardous materials occurred before remediation. It is known that residents were exposed to both heavy metal and radioactive contamination from the MMTS.”

“This study found that the rate of lung and bronchial cancer was elevated” for the time periods that were looked at, including 1995-1999, 2000-2004 and 2005-2009.

Despite the study’s findings, and a massive concession that “lung cancer has been associated with exposure to radioactive heavy metals such as uranium,” the study was “unable to conclusively link the observed lung cancers to contaminant exposure from the MMTS.”

Reimondo of Grand Canyon Trust says the studies lukewarm findings are the most conclusive evidence you can get of uranium’s health effects. That is “just the way these things go,” Reimondo says. “Then conclusion was, yes, there were elevated rates of cancer, and it was probably from the mill. But that’s as specific as you can get, really.”

Environmental Racism

It is no coincidence it was mainly Native Americans who had to deal with, at reap the damaging effects of, Monticello’s radioactive waste.



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Dr. Danielle Endres, chair of the communication department at the University of Utah, has spent her academic career studying “how North American indigenous people have been disproportionately harmed by the nuclear production process from uranium mining and nuclear testing.”

The term for this is environmental racism, a subset of environmental justice, a system in which “people of color, who are already marginalized and underrepresented through racism, are disproportionately affected by the harmful effects of environmental degradation.”

Native Americans have historically and continue today to be disproportionately impacted by uranium mining and nuclear production, Endres says, giving the example of the Diné reservation land, a Navajo reservation.

“Poor regulations, safety measures and compensation all contributed to a poor situation where Diné people and their land were harmed by uranium mining on their land and were not adequately compensated for those harms.”

Because of popular perceptions of deserts as wastelands, arid areas, often near Native American reservations and communities, are seen as the logical place to store nuclear waste. “There is a perception among many people that deserts are wastelands because of their aridity, lack of charismatic flora and fauna, and lower population sizes,” Endres says.

As a result, small, predominately Native American communities are left to deal with waste too toxic to store anywhere else in the country.

Recycling Business

On July 24, 2015, the Sequoyah Fuels Corporation, an Oklahoma-based company that owned and operated a uranium processing plant in the ‘80s, wrote a letter to the Oklahoma Attorney General’s Office stating that the company could not find a place to ship and dump the plant’s extremely toxic waste.

“There is no viable option for offsite disposal of the Materials,” wrote John Mitchell, president of Sequoyah Fuels.

The reason? No sites would take it. Sequoyah Fuels’s waste was too hot, too toxic, for every one of these proposed sites.



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License Renewal

White Mesa was one of the sites investigated for a possible dump site for the Sequoyah Fuels waste.

“We investigated use of the White Mesa site for disposal of the Materials as AFS [Alternate Feed Stock],” the letter reads. However, the “White Mesa facility currently is not licensed to accept any of the Materials.”

White Mesa’s radioactive material license expired in 2007 and, since then, Energy Fuels has perpetually been in the process of renewal.

“The White Mesa option is, at best, uncertain and likely years away,” reads the letter. For these reasons, “White Mesa also is not a viable option.”

Then, a renewed license is the only thing standing between White Mesa and waste too toxic to store anywhere else.

Although the mill’s radioactive material license has been expired for more than a decade, the mill has continued to operate, manufacture uranium and import toxic waste.

Is the mill operating without a license? No, it isn’t, Moore says. The mill is “in what’s called timely renewal,” he says, and saying the mill is operating unlicensed in “one thousand percent false.”

What would it look like if the mill was operating unlicensed. “I think people would go to jail,” Moore responded. “I’m serious. There’s no way any governmental agency on Earth would let us operate without a license. It’s actually kind of a ridiculous statement to make. It’s just not allowed to happen.”

As for the license renewal, Moore says they are “in the final stages.” Utah regulatory agencies take a “very calculated sort of review to make sure they get it right with the license renewal,” which is why, Moore says, the renewal has taken more than 10 years.

Future of White Mesa Mill



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At the moment, it is unclear what the future holds for the White Mesa mill. In addition to the timeful and painstaking license renewal process, the mill is fighting against the plummeting value of uranium.

Between 2010 and 2014, White Mesa produced, on average, 1.06 million pounds of uranium. In 2015, that number staggered down to 0.3 million pounds. "We have to be responsive to the market," Moore says.

At full capacity, the mill employs 150 workers. Currently, that number is somewhere between 40 and 60 employees. "We've had to lay off some folks," Moore says, regretfully.

In May, the Utah Department of Environmental Quality offices began holding public comment meetings for community members to voice their concerns or opposition to the mill. The White Mesa Concerned Community Group, spearheaded by Yolanda Badback, has been a prominent voice at these meetings.

Energy Fuels is dismissive of community concerns, and says they are "very much overblown." Moore says White Mesa tribal members are being riled up by partisan environmental groups.

"There are some groups out there, like the Sierra Clubs of the world, that are basically anti-nuclear, and so they look to oppose nuclear energy from the uranium mining all the way to final nuclear waste disposal," Moore says. "And this is just part of their overall tactics."

"I'm sorry to say, but I think they [environmental groups] unduly influence some of the local community members," he continues. "I think they're afraid for no reason."

But for White Mesa residents, the reasons are real.

Everyone involved, from White Mesa Ute tribal members to the owners and operators of the mill itself, are attempting to move forward from the dangerous, cancerous legacy that uranium manufacturing has left.

"We do take that [environmental concerns] seriously," Moore says. "We do have our detractors, and we do have this legacy that we are always trying to get past. That's why we take it seriously and we work very hard at doing it responsibly."



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The public comment period for the White Mesa uranium mill's license renewal is open until July 31, 2017. Comments, concerns and thoughts can be emailed to dwmrcpublic@utah.gov or mailed to Scott Anderson, Director, Division of Waste Management and Radiation Control, P.O. Box 144880, Salt Lake City, UT 84114-4850.

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8. In our opinion: Monument designations and other issues could be resolved with compromise

The Deseret News, July 27 | Deseret News editorial board

Sally Jewel and John McCain have little in common. But each of them, in separate ways, made important statements this week on the need for more public debate, greater deliberation and compromise in the public arena.

We couldn't agree more.

McCain, the Republican Arizona senator who ran for president in 2008 and recently was diagnosed with brain cancer, spoke eloquently about the need for the Senate to return to "regular order," meaning that important and contentious bills go through a process that includes committee hearings, debate, amendments and compromise.

In the current climate of partisanship-over-nation, "We're getting nothing done," he said, his voice rising.

McCain, a national war hero and experienced lawmaker, did something almost unheard of in this age of hubris and self-promotion. He acknowledged his own faults.

"Sometimes, I've let my passion rule my reason," he said. "Sometimes, I made it harder to find common ground because of something harsh I said to a colleague. Sometimes, I wanted to win more for the sake of winning than to achieve a contested policy."

His hope, he said, was that both sides could learn once again to cooperate, trust and depend on one another. "I hope we can again rely on humility," he said, using another word seldom heard in Washington these days.



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McCain made this speech while voting in favor of allowing debate on health care legislation that has gone through none of the processes he urged. He made it clear he opposes the bill in its current form and is hoping for a more considered solution.

Jewell's comments were, perhaps, of more interest to a Utah audience. Speaking to the combined KSL/Deseret News editorial boards, she expressed dismay over President Trump's decision to revisit the Obama administration's designation of a Bears Ears Monument in Utah. But she acknowledged the former president's designation was not perfect.

Congress, she said, should be the entity that decides how to manage Bears Ears. This should be done through the kind of deliberative, bipartisan process McCain described.

Bears Ears offers an interesting example of a failed effort to broker compromise. Utah Rep. Rob Bishop spent several years meeting with all stakeholders in an effort to draft a public lands bill all could support. But the oft-delayed bill took too long to complete and, in the end, was instantly opposed by environmental groups and others.

With no brokered solution, Obama used the 1906 Antiquities Act to summarily create a monument, which touched off loud protests from Utah politicians.

It's unclear exactly why Bishop's effort failed. Jewell cited opposition from San Juan County officials and final language that changed the definition of wilderness and extended grazing rights in unacceptable ways.

But in her view, it isn't too late for a bill that would improve Obama's designation. She would like a greater role for native tribes in managing the land. Other interest groups have their own desires for the area.

It's unfortunate that bipartisan, compromise legislation to fix Bears Ears sounds so unobtainable in today's political climate. All sides in the debate have told us they support protections for at least part of the Bears Ears area, and yet some Utah politicians have been so vocal in opposing the monument that compromise seems almost impossible.

It wouldn't be if elected officials would, as McCain urged, "rely on humility." Real long-term solutions should trump partisanship.



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A final monument designation brokered by the people's representatives would be far better than another "solution" that comes as an edict from a president. That "regular order" McCain spoke of is important for solving problems.

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9. **GSENM paleontology lab rewriting science**

Southern Utah News, July 27 | Dixie Brunner

The controversial issue of who lived in southern Utah first has finally been settled - it was the dinosaurs! But it's the science of their presence here that's making history.

"Nothing about this (dinosaur discoveries) has been predictable," said Alan Titus, Ph.D., Paleontologist for the Grand Staircase-Escalante National Monument. "We are constantly adding to the body of discovery and knowledge about dinosaurs, overturning previously-held ideas and bringing the science more clearly into focus."

Odd noises, motors and buzzing sounds emanate from the large back room, down the long walkway of the Grand Staircase-Escalante National Monument building in Kanab.

Curiosity begs you to investigate. As you open the door, you see numerous apron-clad people in surgical masks, intently focused on different projects around the room. A light dust haze infuses the room, making the people working look even more mysterious.

The Grand Staircase-Escalante National Monument has the only working paleontology laboratory of its kind in the country. And the mysterious, mask-clad individuals are actually hard-working volunteers who put in long hours preparing and detailing some of the more extraordinary specimens discovered on the monument.

The fact that the paleontology lab exists is largely due to Dr. Titus' passion and perseverance. He has been in Kanab since 1999, and has been making 'monumental' dinosaur discoveries ever since. The GSENM has become one of the most important specimen-rich dinosaur habitats in the world.



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“When I first started here, we didn’t even know we would need a lab,” admits Titus with a smile, as he surveys the large room accessorized with small to large dinosaur parts, and five volunteers intently working at their different bone stations. “But we were discovering so many important specimens, that we were running out of space in our lab at the old middle school.”

A paleontology lab in the new GSENM building wasn’t guaranteed, and it was not something the BLM had typically done before. “I lobbied very hard and got extra money to build the lab,” said Titus.

The one of a kind lab houses different stations where the volunteers work with picks, blades and brushes to detail the specimens. They work under the direction of Titus and full-time paleontology lab manager Katja Knoll, who began in 2015 and is employed by GSE Partners.

There are currently about 20 volunteers, who take a training session to learn about lab safety and specimen preparation. But according to Titus, much of the volunteers’ detailing and bone repair are learned on-the-job. (Anyone can volunteer, if you are 16 or older and have a driver’s license.)

And while the monument occasionally suffers from image issues, GSENM paleontology is a big hit with the school children. It’s an enormous scientific educational resource for the nearby school district! Titus said the schools bring field trips and science classes, both to the dig sites and to the lab. In addition, the GSENM offers student intern opportunities for those seeking Sterling Scholar selection or career in a field of science.

While there have been numerous paleontology discoveries on the monument, the most recent is right out of a science fiction movie!

“This is like a rainbows and unicorn site, because it’s so fantastic!” said an enthusiastic Titus. “We have more exciting fossils currently in the lab than we’ve had in my entire 17 years here. Most are Teratophoneus that died in a forest fire. There are a minimum of four individuals, with many cool things buried with them.”

What’s even more remarkable is that Titus actually made the discovery! The GSENM has become increasingly popular to scientists, and many are exploring the specimen rich environment, so Titus himself making the discovery is nothing short of remarkable.



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“We had plans to dig another site,” recalled Titus, of when he first discovered the specimen in July of 2014. “But flooding changed our plans, and we looked at a different location. The rain had uncovered the bone over the eye of an adult Teratophoneus.”

The site excavation is yet a whole other story, but suffice to say it’s an enormous project finding, diagramming the site, identifying all the specimens, and preparing them for transport to the lab. Large pieces are placed in plaster casts, including in the case of the Teratophoneus family, a one ton block hauled out by a BLM helicopter! Once in a secure storage area, the bones are more or less ordered by numbers as to where they were found on the site map.

“We’ve probably got another three more years of digging,” said Titus, of the full site recovery. He said his staff is assisted on the site excavation by university paleontology students, as well as museum crews.

Meanwhile, back at the lab, volunteers are busy processing the important finds. One is working on the thighbone of a baby Teratophoneus and yet another the skull of an adult. They are excited to be working on specimens that will contribute to a growing body of scientific knowledge concerning dinosaurs.

“I’m amazed and love it,” said one volunteer, of her paleo work. “I’m a dedicated lab rat.”

Titus enthusiastically points to the giant specimen. “It had 3-1/2 inch teeth. Finding a complete skull is rare – usually the animal is broken up. This is the first one that is still all joined together. This animal is approximately 75 million years old. It was probably a 5-6,000 pound animal, and nearly 33 feet long from nose to tail. This is amazing!”

The paleontology team is currently in the pre-research stage of dealing with the dinosaur discovery. “We want to figure out if it’s the same species as those previously discovered,” said Titus. He explained, that means taking specimen measurements, and doing anatomical analysis. “We run the numbers and statistics to determine if it’s new.”

And what becomes of the large dinosaurs, once they’ve been reconstructed, studied and written about? There has been talk of a dinosaur museum being built here for a number of years, but



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project funding has not been forthcoming. Titus said once the dinosaurs are studied, they will go to the Natural History Museum in Salt Lake. "They've dedicated an entire wing to our fossils."

Titus said the import of this particular site is that it may rewrite scientific theory on the animals. Finding the group together challenges what scientists believed true about Tyrannosaurus. They may not have been solitary animals, like previously believed. "It tells us more about their social behavior, they were living in a pack."

But Titus is probably used to being a Paleontology rock star. The scientist, who even has a dinosaur named after him, said when he was in grad school, he dreamt of what job he'd get. "I ended up getting this job, and it's been nothing short of amazing. There's nothing more exciting for a scientist than to be on the edge of learning," said Titus, of his job as GSENM paleontologist. "I'm out there where all the action is. It has blown our minds! We would have never guessed what we'd learn about. Our finds pushed the origins of the T-Rex up by millions of years."

And the best discoveries quite possibly may still be to come! They've only been through about 20 percent of the monument, with another 80 percent left to be explored. That's great news since there have already been almost 30 'new' dinosaurs found on the Monument.

"The GSENM is a giant treasure chest just waiting to be discovered," said Titus.

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10. **Exploring Moab by bike — and then by foot**

The Chicago Tribune, July 27 | Kate Silver

As we drove past dramatic gingerbread stacks of sandstone to pick up our rented mountain bikes, I was nervous for the ride ahead, despite my husband's assurance that he'd chosen an easy route. He's a regular visitor to Moab, an area known for some of the world's greatest mountain biking. Before this trip, I'd ridden a total of 2 miles on singletrack trails.



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At the bike shop, the woman who's helping us asks if I've brought my CamelBak. A fair-weather outdoor enthusiast, I do not own a CamelBak. I tell her no.

"I always wear a CamelBak," she says in a chiding tone. "For spine protection," she adds without missing a beat. She explains that if she goes headfirst over her handlebars — which she's done, more than once — that CamelBak acts as a cushion for that vulnerable cord that helps the body move.

I'm mostly silent as we drive about 30 minutes toward the trail, staring at the relentlessly beautiful red rocks that are, apparently, conspiring to break my back.

We pull up to the Klondike Bluffs trail — a mix of singletrack and slickrock (i.e. sandstone) trails for varying skill levels — and hop on our bikes. My confidence builds as we pedal down tight crimson paths, steering around chunky, iron-tinged rocks and green shrubs. It takes so much focus to navigate the ups and downs of the terrain — leaning low when I shoot down steep, rocky slopes to avoid going tea-over-tea-kettle — that it's only during breaks that I can take in the glory of the landscape around me: the serpentine switchbacks, the misty mesas in the distance, the impossibly blue skies.

After proving myself on the easy stretch (designated with a green circle), I graduate to a moderate area (blue square). Slopes become steeper, and I stop quickly a couple of times to catch myself. A few times I walk my bike, but I never actually fall. Then we come upon the black diamond trail — aka difficult. Neil does not point out the black diamond. I do not mention the black diamond. The truth is, I see these words: "dinosaur tracks," and all else is forgotten.

"You want to try it?" asks my husband, surprised that I'm even considering the challenging terrain. "I want to see the dinosaur tracks!" I say. And we set off on a steep, up-and-down slickrock trail that has me walking my bike within seconds while he zips ahead, in his happy place. About a half-hour in, I'm frustrated and ready to throw the bike I'm dragging. We decide to turn around and head back.

Next stop: Moab Brewery, where we savor onion rings and a couple of well-earned craft brews, clinking glasses as I proclaim under my breath that one day of trail riding might be enough for me.

I convince my husband to stop at what might be the cheesiest roadside attraction ever: Moab Giants dinosaur park, where a trail meanders in front of dozens of fake dinos — some doe-eyed,



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others in attack mode. Neil, who is unabashedly unimpressed by the plastic creatures (and the \$16 ticket fee) rolls his eyes as I go on about how easy it is to imagine the monsters roaming these same red rocks 200 or so million years ago — if you just got rid of the nearby power lines and train tracks.

We take the prehistoric theme one step further and drive out to see some of the many dinosaur tracks around town. Dusty, one-lane Willow Springs Road leads us to what looks like a dried-up red riverbed. Sure enough, there are chunky, three-toed footprints made by theropods and ornithopods 165 million years ago. We agree on this one: It's incredibly cool to go toe-to-toe with the ancient beasts.

We retreat for the night to our Airbnb cabin, a spacious house in a development called Whispering Oaks Ranch, high up in the snow-covered La Sal Mountains, about 20 deer-filled miles from town. (We must have seen two dozen of the graceful creatures on the side of the road.) We open a bottle of wine, grill steaks, soak in the hot tub and get lost in the star-filled sky.

The next day, we're both sore but eager to spend more time outside. Per my request, we take the bikes to a paved path alongside the Colorado River. Since we don't have to focus too much on the path ahead, we can admire the babbling waterway and towering rocks. We ride long enough to feel justified in an indulgent meal, and, upon a friend's recommendation, head to Milt's Stop & Eat. It isn't just Moab's oldest restaurant, it's a slice of 1950s Americana. A line snakes around the side of the building as people wait to order at the outdoor window. As the picnic tables fill, folks eat out of their cars. The burgers and fries — with a side of Utah's signature mayo/ketchup combo known simply as "fry sauce" — are simple and divine.

We'd asked around for hiking recommendations and kept hearing about one place: Delicate Arch in Arches National Park, just north of town. The image of the arch — a spectacular structure standing out among the 2,000 arches — is one that's often associated with the national park.

By late afternoon, the nearby parking lot is packed, with crowds flocking to the arch in time for sunset. The narrow start of the 3-mile round-trip hike is elbow to elbow, but as the hikers fan out by the dozen across the rising rocks in the distance, it looks as if we're watching a pilgrimage of some sort. Or an episode of "The Walking Dead."

The scene at the arch, itself, reminds me of a giant amphitheater, as people grab a seat before the sunset show begins. We snap a couple of photos of the 65-foot arch, admiring the graceful mesas



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and misty, snowcapped mountains that peer through the fiery icon. We promptly turn and head back, taking advantage of the remaining daylight and now-empty trail.

Along the way, I hear a rustling in the quiet and look up just in time to catch one, two, no, three deer sprinting across the high desert. The sun is going down in the distance, and they stop on a hilltop, their silhouettes highlighted by a ring of sunbeams, so perfect that the moment feels like a gift.

Taking it all in, I have a sudden appreciation for being on foot, able to do a slow 360 to savor the surroundings — no spine protection needed.

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11. **Tribune Editorial: Don't forget Utah, Outdoor Retailers. The future is still ours**

The Salt Lake Tribune, July 27 | Tribune Editorial

Utah's 22-year run as the home of the twice-annual Outdoor Retailer trade show ends this week.

Utah's position as one of the premier locations for outdoor recreation, tourism, economic development and sustainable growth never will. The people who run the businesses that are upping stakes after Saturday, and transferring their flag to Denver, know that. They are just worried that the people who run Utah don't get it.

With respect to our soon-to-depart visitors, the fact is that most of us get it just fine.

But it is also not that surprising that the official line taken by so many of our elected officials — officials disproportionately chosen by rural-dominated gerrymandered legislative districts and far-right party conventions — would lead people to think otherwise.

The outspoken opposition to national monuments such as Grand Staircase-Escalante, designated in 1996, and Bears Ears, proclaimed only last year, comes from a minority of people who hold either an irrational fear of the federal government — aka the people of the United States — or a unrealistic dream of a boom economy based on oil, gas, coal and ranching.

There is room for some of all those pursuits. But they are not the future of Utah.



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The end of coal, particularly, is driven not by federal clamp-downs or environmental extremists. It is the result of the cold-hearted logic of the market, a logic that is progressing through plentiful, cheap and relatively clean natural gas to an era of sustainable and decentralized energy, an industry that already far outstrips coal mining as a source of steady jobs.

The rise of an economy that takes full advantage of Utah's natural beauty is unstoppable. Jobs in that sector will never pay what a coal miner used to make. But, between the shift in the energy economy and the fact that what coal is dug up in the future will be excavated by ever larger and more powerful machines means that there will be a lot more tourism-based jobs, and they will last a great deal longer.

The song sung by Utah's leaders, the one that just assumed that the Outdoor Retailers would hang around no matter how much they were abused, is already ringing hollow.

So long, Outdoor Retailer. It's been fun.

Give us a chance to get our own house in order, and then consider coming back. We'll still be here.

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12. **Outdoor Industry Flexes Political Muscle in US Land Fight**

US News, July 27 | Brayd McCombs, Associated Press

SALT LAKE CITY (AP) — Outdoor recreation industry leaders aren't going quietly as they stage their last trade show in Utah before moving it to Colorado.

As they said goodbye and thank you Wednesday to Salt Lake City for hosting the expo for two decades, some industry leaders also criticized Utah's Republican leaders for their hard-line opposition to a new national monument and for their efforts to seize control of federal lands.

Those issues led the industry to move the twice-yearly expo that generated an estimated \$45 million in annual direct spending in the state by visitors to the expo.

"It's about doing what is right," said Marisa Nicholson, Outdoor Retailer show director. "It's about open spaces and getting outside; action over words."



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Several heavy-hitters in the industry spoke at the start of the show, saying the decision to relocate to Denver is part of their effort to flex the industry's collective power and support preservation of public lands.

Amid threats by several major companies to boycott the expo if it stayed in Utah, show organizers announced earlier this year that they would leave Utah over Republican opposition to the designation of Bears Ears National Monument and the ongoing push to take more control of federal public lands.

Some visitors to the final expo in Utah bought hats and T-shirts bearing the phrase, "This land is your land." Hundreds were expected to participate in a march Thursday to the Utah state capitol that is being organized by industry officials to show support for preserving public lands.

Former Interior Secretary Sally Jewell, who was CEO of REI before serving under President Barack Obama, said the decision to leave for Denver sends a powerful message to Utah leaders who believe they know best how to manage land in the state.

Jewell also blasted President Donald Trump's review of the designation of two dozen national monuments, saying it's out of step with what Americans want.

"President Trump is playing games with our public lands, treating the monuments like they are contestants on a game show," Jewell said in her first major public speech since leaving the Interior post. "But the consequences, as you know, are real and devastating."

Utah leaders dispute the contention that they don't want to protect public land and say local leaders are best positioned to manage the areas.

Show organizers thanked Salt Lake City for helping the expo grow from about 5,000 people at the first show in 1996 to about 29,000 last summer, and for giving the burgeoning industry a place to share ideas and make their political voice heard.

But they stood firm behind the decision to leave for Colorado.

Industry members clamored for a move to a state "that better supports our collective values," said Amy Roberts, executive director of the Outdoor Industry Association, which estimates that the outdoor recreation industry generates \$887 billion in annual consumer spending in the U.S.



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Trump ordered the review of the national monuments based on the belief that a law created by President Theodore Roosevelt allowing allows presidents to designate monuments has been improperly used to protect wide expanses of lands instead of places with particular historical or archaeological value. Monument designations protect federal land from energy development and other activities.

A final report from Interior Secretary Ryan Zinke is due next month, but he has already recommended that Bears Ears National Monument on tribal lands in southern Utah be downsized. Zinke has also said three monuments in Colorado, Idaho and Washington will be left alone.

Alex Honnold, a professional rock climber and the first person to climb alone without ropes or safety gear to the top of the massive granite wall known as El Capitan in Yosemite National Park, said his love of the outdoors is rooted in past decisions by politicians to protect national parks and monuments.

"Someday if I have kids of my own, I hope to take them to a place like Yosemite so they can be inspired in the same way I was," Honnold said.

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13. **UMTRA to continue employee radiation exposure statements**

Moab Sun News, July 27 | Rudy Herndon

If you want to keep track of general information about employees' exposure to radiation at the Moab Uranium Mill Tailings Remedial Action (UMTRA) Project site, you'll soon have access to the latest statement from the project's team.

Project officials agreed this week to restore a related summary that they previously removed from a draft of an annual statement of compliance to Grand County, raising concerns among the county's project liaison and others.

To this day, none of the project's employees have ever exceeded the exposure limits that have been set, according to Moab UMTRA technical assistance contract program manager Joe Ritchey. As crews move forward with their cleanup efforts, Ritchey said the project team's leaders are continuing to reduce those exposure limits each year.



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“So that commitment (of) the project to protect its employees is as strong as ever, I would say,” he said during the Moab Tailings Project Steering Committee’s meeting on Tuesday, July 25.

As of July 1, the project’s team included 85 employees who work for remedial action contractor Portage, Inc., and 26 who work for technical assistance contractor S&K Logistics Services, LLC. The project also includes a handful of employees from the U.S. Department of Energy (DOE) and the DOE’s Office of Environmental Management.

The cleanup of the former Atlas Mill site along the banks of the Colorado River just north of Moab is a legacy of Cold War-era demands for uranium during the nuclear arms race with the former Soviet Union, and the dawn of the nuclear energy industry.

Crews are currently more than halfway through the process of moving an estimated 16 million tons of uranium mill tailings via rail from the UMTRA site to a long-term disposal cell near Crescent Junction about 30 miles north of Moab. In June alone, contractors shipped 40,700 tons of tailings to the Crescent Junction disposal cell, for a total of more than 8.7 million tons since shipments began in 2009.

Grand County UMTRA Liaison Lee Shenton first brought the omission of the employee exposure information to the steering committee’s attention on July 25. He told committee members that a vote to approve the draft statement in its current form would send a specific message to the Grand County Council.

“If this group votes to forward the annual statement as is, then you’re saying that you’re OK with this as is,” Shenton said.

Project officials voluntarily submit the statement each year to show that the project is in compliance with its conditional use permit from Grand County. They focus on four specific issues that county officials ask them to address, and in the past, Shenton said the federal project director has always offered to answer more questions that change from year to year.

This year, he said, the project team initially withheld its discussion of employees’ radiological exposures for the first time since 2007.

“So it got my attention,” Shenton said. “It made me wonder whether health risks to the employees are no longer important. I don’t mean to be flippant about it, but you have to ask that



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question when the project has addressed that issue eight years in a row, and then leaves it out this year. The understandable question is, 'Why?'"

The DOE publishes quarterly reports about public exposure to radiation around Moab and Crescent Junction, and Shenton said that the most recent trends are no different than the ones that committee members have been discussing for several years. In all cases, levels of radon, gamma and particulates are far below the project's guidelines.

Ritchey said that he and others from the project team were under the impression that the county's resolution does not require them to provide additional information about the monitoring of UMTRA employees.

"The way we looked at it, the resolution was really asking for air and water monitoring reports," Ritchey said, adding later that he didn't feel it was necessary to include the statement.

Employee monitoring, he said, is conducted under a separate DOE regulation that's distinct from the one that governs the release of other information that the agency shares with the county.

"That employee monitoring is not something that we've ever really published," he said. "We don't publish that report – there's privacy law issues that are related to that, and that's why it's summarized at a very high level."

Shenton said the main point he would like to make is that a majority of the Moab UMTRA Project's employees are citizens who are local residents' friends, family members and neighbors. Based on those close connections, he said it's important that the public has access to a general statement about those employees.

"I'm not just bringing these things up because it's my opinion," he told the Moab Sun News on Wednesday, July 26. "I'm doing what I was hired to do."

Grand County Council vice chair Mary McGann, who serves as the steering committee's chair, told project officials that while some of her constituents don't attend the committee's meetings, they're paying attention to the project.

In particular, McGann said she hears from residents who ask her if the project's employees are in danger.



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“This helps answer that ... and I wondered why it was removed, because it seems pretty small and an easy thing to have in the report,” McGann said on July 25.

Ritchey, in response, said the project’s team didn’t believe that the county had asked for the statement.

Moab Area Travel Council Executive Director Elaine Gizler said the issue is a sensitive one in the community, especially as the projected cleanup completion date has been pushed back beyond the original date of 2019.

“I think this is a critical element to have in the reports to assure the local community that the employees’ exposure is minimal ... whatever you’ve been reporting,” Gizler said. “And if you intended to take it out, I guess, we should have known that prior, but I think it’s something that needs to be continued to be reported.”

Moab Tailings Project Steering Committee member Joette Langianese noted that there’s always a possibility that employee exposure levels could change, and if no relevant information is included in the report, the steering committee wouldn’t know that.

Langianese said she doesn’t question the project’s commitment to the highest standards.

“But that’s just me,” she said. “There’s a lot of other people in the community that would question that and think, ‘They’re up to something; they’ve got this management change; there’s new people involved ... If it’s so good, then why wouldn’t you (report it)?’”

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14. **EPA says it will revisit Utah’s haze plan**

Moab Sun News, July 27 | Eric Trenbeath

The State of Utah may get another opportunity to develop a plan for combating regional haze and improving visibility over area national parks after former President Barack Obama’s administration rejected its original efforts in August 2016.

On a recent visit to Utah, Environmental Protection Agency (EPA) Administrator Scott Pruitt said he would review the Obama-era mandate requiring the installation of modern pollution control systems on the Hunter and Huntington coal-fired power plants upwind of Moab.



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The National Park Service and Utah Division of Air Quality (DAQ) have identified the two Emery County plants as point-source contributors to regional haze over Utah national parks and congressionally designated wilderness areas.

Pruitt made the announcement during a July 18 visit to Utah, where he met with Gov. Gary Herbert and Utah Attorney General Sean Reyes to discuss the re-writing of the EPA's Waters of the United States Rule, another Obama-era environmental safeguard.

"I think what's happened in the past eight years is that the EPA hasn't looked at the states as partners," Pruitt said in a televised interview on KTVX. "They looked at the states as mere vessels of federal will."

Pruitt said he would like to give the state more say, and that by providing clear regulation while working with states through compliance and assistance, the EPA could protect the environment while enhancing economic growth.

"It's partnering with states like Utah, and the governor and the DEQ (Department of Environmental Quality) here in the state to make sure that we have clear goals that we are seeking to achieve," Pruitt said.

Grand County resident and Utah Sierra Club chapter chair Marc Thomas questioned why Pruitt didn't meet with any outdoor recreation industry leaders, conservation groups or others who were affected by air pollution in national parks.

"Just as when Interior Secretary Zinke visited Utah to hear testimony on our newest national monuments, Pruitt is only listening to those in state government who agree with him," Thomas said. "He is ignoring the tens of thousands of us who signed petitions and submitted comments calling for the EPA to enforce industry-standard pollution controls."

Grand County Council member Mary McGann said she believes that Utahns deserve strong protections from coal pollution.

"To undo the protections Utahns have been given is irresponsible, short-sighted and disappointing," she said. "We, the people, deserve the protection – not corporations."



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State regulators submitted a revised version of Utah's Regional Haze State Implementation Plan in June 2015. The plan was designed to comply with EPA standards for regional haze over "Class 1 view areas" that include national parks, wilderness areas and wildlife refuges.

The EPA previously rejected portions of the plan in 2012 because it did not require the installation of the "best available retrofit technology," or Selective Catalytic Reduction (SCR), to reduce nitrogen oxide and particulate matter at the Hunter and Huntington power plants.

The revised plan still did not require the expensive SCR technology, but instead relied on the closure of the 1950s-era coal-fired Carbon Power Plant, and previously installed low-nitrogen oxide burners at the Hunter and Huntington plants, to meet the EPA's standards.

The EPA again rejected the state's plan in July 2016, and in August of the same year, PacifiCorp/Rocky Mountain Power – the company that operates both plants – filed an appeal.

"The EPA's Federal Implementation Plan would have cost electric consumers up to an additional \$700 million for no appreciable benefit in visibility," PacifiCorp/Rocky Mountain Power spokesman David Eskelsen said. "Utah's State Implementation Plan would achieve more visibility benefits, many of which are being realized now at lower cost to consumers."

Eskelsen said that in its 2016 decision, the EPA failed to consider key emission reductions that the state required and that Rocky Mountain Power has already implemented to improve visibility, including the installation of low-nitrogen oxide burners at the power plants.

"We've worked with state environmental regulators diligently for decades on a plan for the most effective way to reduce regional haze and protect the scenic vistas in national parks," Eskelsen said. "We continue to insist Utah's plan met the requirements of the Regional Haze Rules, which are to make reasonable progress toward natural visibility in Class 1 areas by 2064."

PacifiCorp/Rocky Mountain Power and the DEQ sent letters to Pruitt saying that new evidence is available since EPA's 2016 decision, and that they would submit new visibility modeling relevant to the state's alternative to requiring SCR.

"DAQ invested significant time and effort into ensuring the state plan met legal standards and advanced our goal of improving visibility in our national parks while protecting ratepayers from significant rate hikes," DEQ Executive Director Alan Matheson said. "Consequently, we think



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it's appropriate to use the most accurate modeling tools in reviewing that work, especially in light of the significant costs associated with the federal plan.”

Known for their dramatic vistas, Utah’s national parks, including Arches and Canyonlands, experience impaired visibility due to or human-caused haze 83 percent of the time, according to past air quality monitoring studies performed at Canyonlands.

In March of 2015, National Park Service (NPS) officials sent a letter to EPA urging them to reject DAQ's proposal for improving regional air quality, and to instead require the installation of SCR technology on the coal fired plants.

“The State of Utah clearly values the importance of the five national parks in Utah and actively promotes park tourism, yet at the same time it appears unprepared to fulfill its legal requirements under the Clean Air Act ... to protect and enhance the very scenic views that attract millions of visitors to the parks every year,” Tammy Whittington, then-NPS associate regional director, said in the letter.

Thomas questioned how President Donald J. Trump’s administration could ignore the testimony of its own National Park Service and said that without SCR controls, pollution from Hunter and Huntington power plants would continue to impact views in national parks, while adversely affecting the health of residents in the region.

“This is just another dispiriting example of the Trump administration ignoring the public will and public welfare to placate big corporations that care only about profits,” Thomas said.

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15. Monumental Disaster: Can Utah bounce back from its latest public lands debacle?

The Salt Lake City Weekly, July 27 | Dylan Woolf Harris

Interior Secretary Ryan Zinke listened to gripes surrounding Bears Ears National Monument, but will he read the rave reviews?

While the deadline to voice opinions on Bears Ears has passed, the Utah Diné Bikéyah advocate group is "cautiously optimistic" that Zinke will abandon his preliminary suggestion of shrinking



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the 1.35-million-acre monument, based on the outpouring of positive comments sent to the Department of the Interior.

To further inform his decision, Zinke embarked on a four-day listening tour of the region earlier this summer, and his office opened a 15-day window to collect input online. The Interior secretary then reopened the comment period, which ended July 10, and is expected to make a final recommendation at the end of August.

The Interior Department is processing more than 1.4 million comments, from which one group's statistical analysis shows more than 98 percent prefer national monuments the way they are. Furthermore, 88 percent of the respondents who self-identified as Utahns favor Bears Ears or Grand Staircase-Escalante national monuments.

These numbers provide a positive glimmer to groups like Utah Diné Bikéyah.

"We're always hopeful," says Braiden Weeks, Utah Diné Bikéyah communications director. "Especially with the broad public support, we hope Secretary Zinke in his final recommendation, and Trump, will support the public and support the monument."

The group alone gathered more than 24,000 unique comments during the initial 15-day period and the extension, Weeks says; they then held community outreach forums, set up at farmers markets and directed comments through their website.

The organization that conducted the statistical analysis, Center for Western Priorities, is pro-Bears Ears. But its media director, Aaron Weiss, who is also the author of the study, says the numbers are sound. Weiss offers to share the data and spreadsheet with anyone who might question the results or methodology. Statistics, he responds, is "not rocket science," and he encourages naysayers to run a sample and see what their numbers say.

"We don't have our fingers on the scale here," he asserts.

The comment form did not require respondents to reveal their residency, so the Center for Western Priorities scanned the comments for words such as "Utah," "Blanding" and "Salt Lake City," and found around 5,000 who mentioned that they lived in Utah. Then the center randomly selected about 1,000 from that pool and evaluated whether those commenters favored, opposed or were neutral on Bears Ears National Monument.



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The result was nearly 9-to-1 supporting it.

Gov. Gary Herbert, who championed the House Concurrent Resolution 11 last session, asking Trump to completely rescind the monument, often says support is split and the closer one travels to the monument, the more opposition one will hear.

On Feb. 2, San Juan County Commissioner Bruce Adams testified at a Utah Senate Natural Resources, Agriculture and Environmental Standing Committee meeting in support of the resolution. As rumors about Bears Ears began to swell last year, he said, the commission gathered thoughts from its constituents, hosted open houses and sent out questionnaires.

"I would say, without a doubt, that the majority of people in San Juan County told us that they did not want the monument," Adams said. A day later, the nonbinding resolution sailed through the Legislature and was signed by Herbert. It was one of the earliest pieces of legislation passed last session.

But for a resolution with "no teeth," as Herbert describes it, the cut is deep. Salt Lake City had been for 20 years home to the Outdoor Retailer trade shows, now biannually, but association members threatened to pull their convention—taking with it the estimated \$45 million it generates—unless state lawmakers changed their tune.

The governor hosted a conference call mid-February with influential outdoor industry heads, including those from Patagonia and The North Face. The audio, posted by The Salt Lake Tribune and other media outlets, depict two sides cordially explaining their positions—but never quite finding common ground.

REI president and CEO Jerry Stritzke commented during the call that pristine public lands are recognized as a cornerstone to American life in the West, and monuments that "courageous leaders" have fought to preserve.

"Frankly, it's just puzzling why Utah—with the great legacy that the state has, and even the great legacy that you have, governor—suddenly finds itself in a historic position of being the sole outlier against it, to attack public lands," he said. "It gives us very little options."

Herbert ended the call forlornly, recognizing that he hadn't been able to convince the outdoor reps to continue coming back to Salt Lake City.



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"If you're asking me to say that we're going to rescind the resolution, I can't do that even if I wanted to," he said.

Shortly afterward, organizers pulled the show. Salt Lake City's final Outdoor Retailer show is this month; Denver successfully bid to host future conventions.

Asked to comment on whether data showing widespread support might sway the governor's position, Herbert's deputy chief-of-staff and spokesperson Paul Edward stated:

"Utahns are to be commended for engaging in the public process. It's not surprising so many Utahns appreciate the extraordinary beauty represented by much of our public lands. We appreciate that Secretary Zinke has opened up the process to this kind of public comment. Our concern is not about whether these lands should be protected. It is what is the best mechanism for protecting the antiquities and providing meaningful representation of the affected Indian Tribes, while protecting against federal overreach."

Weiss says he didn't try to break down the data further into respondents who live in, say, San Juan County, because the sample size is too small and would leave too much variance that could skew the data. Anecdotally, he says, many comments from folks who lived near Bears Ears supported it.

"There's lots of support [in that region], but I wouldn't want to put a number on it," he says.

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16. **The Roots of the Antiquities Act Are in Bears Ears**

The Salt Lake City Weekly, July 27 | John Dougherty

The first national monument approved by President Theodore Roosevelt after the passage of the 1906 Antiquities Act was Wyoming's Devils Tower—made famous to a generation of 1970s moviegoers by Steven Spielberg's *Close Encounters of the Third Kind*.

Roosevelt's proclamation said that the isolated, dramatic rock outcropping, whose sweeping vertical lines jut 867 feet out of the ground, is "an extraordinary example of the effect of erosion ... a natural wonder and object of historic and great scientific interest."



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Devils Tower set the stage for Roosevelt to create Grand Canyon National Monument in 1908, when he set aside 818,000 acres for protection and signaled that designating large-scale national monuments were part of the president's prerogative.

But as important as the Grand Canyon is to the nation's environmental and cultural heritage, historical records reveal that the primary reason the Antiquities Act was passed was to preserve ancient culture—to stop the widespread looting of Native American ruins scattered across the Four Corners region of the Southwest.

For more than 20 years before the passage of the Antiquities Act, a debate had raged in academia and on Capitol Hill about how to stop the pillage of archaeological treasures. Newly arrived settlers were looting ruins, ceremonial structures and burial grounds scattered across vast canyons, mesas and washes, including the land that's now part of the new—and, under President Donald Trump, hotly contested—Bears Ears National Monument.

It took 110 more years than Devils Tower to put the 1.35-million-acre Bears Ears monument in place, but it finally happened this past December with President Barack Obama's signature. But in July, Interior Secretary Ryan Zinke confirmed that the Trump administration will follow through on its long-threatened plans to shrink the monument—a move that brought instant condemnation from the coalition of five Southwestern tribes that first proposed Bears Ears for protection.

"Any attempt to eliminate or reduce the boundaries of this monument would be wrong on every count," the Bears Ears Inter-tribal Coalition said in a statement. "Such action would be illegal, beyond the reach of presidential authority."

Largely lost in the debate over Bears Ears and other sites is this: The monument in southeast Utah was the first-ever driven by tribal interests wanting to see this place protected for its deep cultural and ecological significance. And attempts to roll it back are provoking bitter reactions among tribal leaders who worked most of this decade to research and document the significance of Bears Ears.

"It's an attack—an attack on tribal nations," says James Adaki, Navajo Nation Oljato Chapter president and a Bears Ears commissioner.

Obama's proclamation created the Bears Ears Commission, which includes representatives from the five Southwest tribes that proposed the monument. Established this past March, the



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commission will work now collaboratively with the U.S. Forest Service and the Department of the Interior to develop a management plan.

Adaki and other members of the Bears Ears Commission interviewed during a recent joint management meeting with federal officials in Bluff said that opposition to the monument and Trump's review of Bears Ears in particular is rooted in distrust, lack of knowledge, disrespect of tribal governments and, in some instances, racism.

Despite the monument's uncertain future, federal officials and the commission engaged in day-long discussion on May 16 about developing a management plan. Even as they moved forward, federal officials said no money would be spent to purchase and install Bears Ears National Monument signs until the completion of Trump's review process.

The good-faith discussions during the management meeting don't defuse the strained relationship between the tribes and monument opponents, which became further inflamed by a statement last month by Sen. Orrin Hatch, R-Utah, who said the tribes were "manipulated" into supporting Bears Ears National Monument.

"The Indians," Hatch said, "they don't fully understand that a lot of the things they currently take for granted on those lands, they won't be able to do it if it's made clearly into a monument or a wilderness. Once you put a monument there, you do restrict a lot of things that could be done, and that includes use of the land. ... Just take my word for it."

Adaki says Hatch's comment was "an insult against tribes, because we know what we are doing."

Davis Filfred, the Navajo Nation's spokesman for the seven Utah chapters and a Bears Ears commissioner, says the monument opponents want the designation rescinded so they can exploit natural resources.

"They want to go after coal. They want to go after petroleum, uranium, potash. They want to clear all the timber," he says during a break in a commission meeting held in Bluff at a Utah State University auxiliary building beneath sweeping cottonwood trees.

Filfred, a former Navajo law-enforcement officer, is particularly concerned about protecting the extraordinary biodiversity at Bears Ears.



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"This is habitat for a lot of species. We have big trophy elk, trophy mule deer, antelope, bobcat, mountain lions, bears—you name it. Not only that; we have vegetation. They just want to clear that and make it a parking lot and just terrorize it," he says.

"And we're saying no," he says emphatically. "That's sacred ground."

Just beneath the heated debate over Bears Ears, Filfred says, lies the unmistakable odor of racism against Native Americans, which he says is "absolutely" a force driving the opposition.

"That's what it is, plain and simple," he says. "It's very obvious."

Bears Ears: A History of Exploitation

People have been profiting off Bears Ears and similar sites for more than 150 years. Starting in the mid-to-late 1800s, artifact hunters routinely plundered burial grounds and tore down walls of irreplaceable stone-and-masonry structures in search of treasures buried beneath the ancestral Puebloan ruins across the Southwest.

Pottery, baskets, human remains, tools, weapons and other artifacts disappeared into the private market. Major museums, including the American Museum of Natural History in New York, sponsored expeditions to excavate ruins and extract tens of thousands of artifacts for their collections. Southwestern tribes, many of whom had cultural and historical ties to the ancient sites, lacked any substantial influence to stop the exploitation.

Hoping to reverse this trend, renowned archeologist and anthropologist Edgar L. Hewett identified the Bears Ears region, which he then called the Bluff district, in 1904 as one of the top four areas in the Southwest in need of immediate protection.

"No scientific man is true to the ideals of science who does not protest against this outrageous traffic, and it will be a lasting reproach upon our government if it does not use its power to restrain it," Hewett wrote in a Sept. 3, 1904, memorandum on preserving the "historic and prehistoric" ruins of Arizona, New Mexico, Colorado and Utah.

Hewett, believed by historians to have closely worked with Progressive Era leaders in Roosevelt's Interior Department, also wrote the language for the Antiquities Act, which passed the House and the Senate without a single word changed. Roosevelt signed it into law on June 8, 1906.



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"There seems little doubt the impetus for the law that would eventually become the Antiquities Act was the desire to protect aboriginal objects and artifacts," legal scholar Mark Squillace wrote in his 2003 treatise, *The Monumental Legacy of the Antiquities Act of 1906*.

The destruction of antiquities on Bears Ears has continued unabated for the past century. Local San Juan County residents have a long history of pilfering the ruins, which has led to high-profile federal police raids in Blanding that increased bitterness between the mostly white Mormon community and nearby tribes.

"In southeastern Utah, there are generations of families who have looted cultural sites and removed precious archeological resources from public land," according to the Bureau of Land Management's Office of Law Enforcement and Security report included in an October 2016 San Juan County-commissioned legal analysis arguing against designating Bears Ears a national monument.

"For many of these individuals, these activities were part of a typical weekend outing," the report reads.

A Long-Delayed Designation

Starting in 1906, the Antiquities Act gave presidents sweeping authority and the sole authorization to create national monuments—without prior congressional approval or the need for consultation with local communities.

The law states, in part, that the president "could declare by public proclamation, historic landmarks, historic and prehistoric structures, and other areas of historic and scientific interest, that are situated upon lands owned and controlled by the government of the United States to be national monuments."

The law placed no restrictions on the size of monuments, a major difference from previous bills that had been introduced in the years leading up to passage of the Antiquities Act that limited monuments to about 640 acres.

President Jimmy Carter set aside 56 million acres for various national monuments in Alaska in December 1978, the most for a land-based national monument at one time. Like Obama, Carter was severely criticized by Republican leaders for an allegedly dictatorial action they saw as an infringement of their rights. But Carter's designation was never overturned.



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President Roosevelt swiftly made use of the Antiquities Act power, and the first two areas on Hewett's most endangered ancient cultural sites list soon found themselves protected. The third was protected in 1916 by President Woodrow Wilson.

Roosevelt created Mesa Verde National Park, which includes more than 600 cliff dwellings in southwest Colorado, just three weeks after he signed the Antiquities Act. In 1907 he proclaimed Chaco Canyon National Monument, in northwest New Mexico. Wilson designated Bandelier National Monument north of Santa Fe, N.M., nine years later.

Cultural areas that Hewett ranked as of lower importance also quickly gained protection. In 1906, Roosevelt designated the 60,000-acre Petrified Forest National Monument near Holbrook, Ariz.; Montezuma Castle National Monument near Camp Verde, Ariz.; and El Moro National Monument near Ramah, N.M. He added the Gila Cliff Dwellings National Monument near Silver City, N.M., in 1907.

Despite several efforts over the past 80 years, more than a century would pass before the vast number of priceless antiquities remaining within Hewett's Bluff district would be designated Bears Ears National Monument.

"With more than 100,000 archeological sites, there is just no place that is more deserving of protection, particularly given its importance in the passage of the Antiquities Act," says Josh Ewing, executive director of Friends of Cedar Mesa, a Bluff environmental group working to protect Bears Ears.

Obama's Bears Ears proclamation came after numerous public meetings over the course of five years, held by proponents and opponents of the monument. The public meetings culminated with a contentious field hearing held by former Interior Secretary Sally Jewell in Bluff in July 2016.

Obama's proclamation begins with the following passage:

"Rising from the center of the southeastern Utah landscape and visible from every direction are twin buttes so distinctive that in each of the native languages of the region their name is the same: Hoon'Naqvut, Shash Jáa, Kwiyaqatu Nukavachi, Ansh An Lashokdiwe, or 'Bears Ears.'

"For hundreds of generations, native peoples lived in the surrounding deep sandstone canyons, desert mesas and meadow mountaintops, which constitute one of the densest and most significant cultural landscapes in the United States.



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"Abundant rock art, ancient cliff dwellings, ceremonial sites and countless other artifacts provide an extraordinary archaeological and cultural record that is important to us all, but most notably the land is profoundly sacred to many Native American tribes, including the Ute Mountain Ute Tribe, Navajo Nation, Ute Indian Tribe of the Uintah Ouray, Hopi Nation and Zuni Tribe."

Setting Aside a Bitter Past

The willingness of these five tribes to set aside longstanding disputes over land, cultural differences and development priorities and instead work together by forming the Bears Ears Inter-tribal Coalition in July 2015 ultimately led to the creation of the monument.

"The coalition was formed to be able to address the federal government on federal public lands at a government-to-government level," says Carleton Bowekaty, a Zuni tribal council member and co-chairman of the Bears Ears Commission. "We believe that was the missing component in the grassroots efforts."

The coalition used years of research and documentation collected by the Salt Lake City-based nonprofit Utah Diné Bikéyah to prepare the formal Bears Ears National Monument proposal. The proposal, which requested 1.9 million acres be included in the new monument, was presented to Obama in October 2015.

Bowekaty says the Bears Ears collaborative management plan "will promote tribal interests" and serves as a model that can help resolve conflicts over land use that "will prevent other situations, such as the Dakota Access Pipeline protests, from occurring."

He adds, "When you look at the language of the proclamation, it specifically states that traditional cultural knowledge is a scientific object worthy of value. Now that we are the ones determining the value, we are not letting that go."

State Leaders Oppose Bears Ears

Filfred says repeated efforts during the tribal coalition's development of the monument proposal to meet with state and local officials went nowhere, as tribal overtures to hold discussions were met with silence.

"The whole Utah delegation is against us and they have been for many years," he says.



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That has continued. The Utah Congressional delegation, state Legislature, governor and commissioners in San Juan County, where Bears Ears is located, all came out against the monument and lobbied President Trump to rescind Obama's proclamation.

In response, Trump issued an April 26 executive order requiring Zinke to review any 100,000-acre or larger national monument created in the past 21 years. The Bears Ears review was to be completed within 45 days, with the rest of the reviews due in 120 days.

Trump's executive order expands the criteria that should be used to designate national monuments beyond the act's original language by including "public outreach and proper coordination with state, tribal and local officials" and the need to take into consideration "achieving energy independence" and restrictions on public access that could curtail "economic growth."

"Designations should be made," the order states, "in accordance with the requirements and original objectives of the act and appropriately balance the protection of landmarks, structures and objects against the appropriate use of federal lands and the effects on surrounding lands and communities."

Trump's order adds a balancing requirement to the Antiquities Act, which is not part of the law, to provide justification for rescinding or curtailing the size of national monuments. But legal scholars say he doesn't have the power to change previously established monuments.

"The president lacks the legal authority to abolish or diminish national monuments," concludes a June 9 Virginia Law Review article written by four prominent environmental and land-use professors, including Squillace. "Instead, these powers are reserved to Congress," the authors write.

Moving Forward

Shaun Chapoose, the Uintah and Ouray Ute representative on the Bears Ears Commission, says the commission is going to continue working with the federal land agencies to develop a collaborative management plan for Bears Ears until something tangible changes.

"We need to manage exactly how the proclamation is stated until that is either reaffirmed or changed," Chapoose says. "So, as far as I'm concerned, the monument is designated."



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History has already been made, he adds.

"It has to be emphasized that this is the first time that actual sovereign tribes, elected tribal leaders, engaged in a process that they had never done before and through their effort they were able to get the monument designated," Chapoose says.

Chapoose is taking a wait-and-see attitude over the political and legal firestorms surrounding Bears Ears.

"I think the legal standing that protects Bears Ears is untested," Chapoose says. "A lot of the rhetoric you hear is that it has never been challenged but it could be challenged. Well, I guess we're going to find out."

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E&E/NATIONAL NEWS – FULL STORY

1. **Bundy supporter Burleson sentenced to 68 years in prison**

Las Vegas Review-Journal, July 26 | Jenny Wilson

Gregory Burleson, a member of Arizona militia groups who participated in the 2014 armed standoff in Bunkerville, was sentenced Wednesday to more than 68 years in federal prison.

Burleson, 53, was photographed with a long gun during the standoff, moving around the sandy wash where federal agents were headquartered. The Bureau of Land Management was in Bunkerville to carry out a court order to round up rancher Cliven Bundy's cattle from public lands. The operation was unsuccessful after hundreds of protesters, many armed, descended on the small rancher town in southwest Nevada.

"Yes, I was down in the wash. I went down there with the intention to see what was going on," Burleson said during his sentencing hearing Wednesday in U.S. District Court in Las Vegas. "I did not go down there with the intention of assaulting or killing anyone."

After the standoff, Burleson, posted incendiary, anti-government messages to his Facebook page.



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"I was hell bent on killing federal agents that had turned their back on we the people," he told an undercover FBI agent who posed as a documentary filmmaker in order to interview him. During the sentencing hearing, Burleson, a Phoenix resident, acknowledged some of his previous errors.

"Yes, I said a lot of crazy things. I'm ashamed of them actually," he said to U.S. District Judge Gloria Navarro. "Looking back at them, it's like, 'wow, obviously I shouldn't drink.'"

Federal agents gave Burleson two alcoholic drinks prior to his undercover interview. He told the judge several times Wednesday that he has a drinking problem and that even small amounts of alcohol can affect his cognitive ability.

Before imposing her sentence, Navarro gave lengthy — and at times emotional — remarks about the effects of the armed protesters actions on the law enforcement officers stationed in the wash. Though no shots were fired, she said, "in some ways a physical injury is better than a mental injury because it scabs, it heals."

During the trial, prosecutors called numerous law enforcement witnesses to testify about their fear on the day of the April 12, 2014, standoff, as well as the lasting psychological effects of the event. The night before the standoff, Navarro said, one law enforcement agent had to dig a foxhole and sleep in the ground because federal intelligence suggested the hotel where they were staying may be targeted by protesters.

The protesters' movement was driven by a libertarian faction of the conservative party, considered extremist in mainstream political circles. The movement generally unites behind principles of individual liberties and freedoms, and places a high value on the Second Amendment right to bear arms.

Comparing Burleson and other protesters to "playground bullies," Navarro said, "You don't just go to the tax office and threaten them to not collect taxes."

The sentence she imposed of 68 years and three months was markedly lower than the 87 years prosecutors had requested.

Assistant U.S. Attorney Nicholas Dickinson said Burleson failed to show any remorse for his actions in Bunkerville, and that he came to the town with a small arsenal of weapons, knives, and swords. Dickinson urged the judge to impose a harsh sentence to deter copy-cat offenders.



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“It’s not going to change everyone’s mind, but they’re going to think twice about doing that because they’re going to know there are consequences to those actions,” he said.

Burleson’s health has deteriorated since the standoff. He is blind, suffers some seizures, and requires the use of a wheelchair.

Navarro took into account Burleson’s physical impairment and his alcoholism in reaching her decision. The term exceeds the sentence requested by defense lawyer Terrence Jackson, who asked for a sentence lower than the mandatory minimum of 57 years. Jackson characterized his client as a troubled man who, immediately after the standoff, became obsessed with his “15 minutes of fame” and went to great lengths to maintain his image as an anti-government militiaman.

Burleson also was ordered to pay \$1.5 million in restitution to the government, to reimburse taxpayers for the labor and contractor costs of the failed cattle operation. A jury convicted in April of eight counts, including assault, threats, extortion, obstruction of justice, and multiple gun charges.

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2. **Op-ed: Creating efficiencies in land use planning**

The Casper Star Tribune, July 26 | Jesse J. Juen

Planning for the appropriate management of our public lands is important for Americans because those lands belong to all of us. The Bureau of Land Management is currently reviewing its planning process. As former BLM leaders with many decades of experience in public land management planning, the Public Lands Foundation has written to Interior Secretary Ryan Zinke with our thoughts and want to share them with the public.

The BLM explains that a primary purpose of the review is that public input, especially at the local level, is an essential component of federal land management.” Indeed, the Federal Land Policy and Management Act provides that land use plans shall be consistent with state and local plans to the maximum extent consistent with federal law and the purposes of FLPMA. Often the claim is made that federal land use plans developed under FLPMA must comply with local land use plans. That is not what the law says. The full text of the law must be used, including the



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qualifier that if state and local plans are to be used they must be consistent with federal law and the purposes of FLPMA.

We believe it is important to remember that the sword of consistency can cut both ways. For example, local land use plans could prohibit secondary recovery of oil and gas resources, or prohibit coal leasing, or prohibit livestock grazing, even when these demands are not consistent with the purpose of FLPMA.

We offered these suggestions:

Administratively fix the public comment period for environmental assessments to no more than 30 days.

Direct that Resource Management Plans (RMPs) for statutorily dedicated lands, such as the Oregon & California lands in western Oregon, Alaska, and legislated special management areas include alternatives that fully implement the mandates of the specific Acts.

Direct the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration Fisheries (to the extent the Secretary of Commerce agrees) to be cooperating agencies with the BLM. Input from these agencies should be considered to have met the purposes of the Endangered Species Act and the respective RMP to the extent they do not implement on-the-ground projects, are found to have no effect and are not subject to consultation. Also, direct that required consultations on implementing actions by BLM be completed within the statutory time frame of 90 days.

Assign a BLM representative as a planning liaison for each RMP for tribes and local governments who can attend or participate in planning team meetings throughout the process. Having a person with detailed knowledge and understanding to help a partner understand, participate, and influence the planning process can go a long way toward their being effective in putting their viewpoints forth. This would require an investment of funding for each planning effort.

Develop a companion document for each RMP which provides a summary for each plan which local governments, tribes, and other stakeholders could refer to without having to read through the entire multi-volume set of documents.



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The Public Lands Foundation is a nonprofit national organization incorporated in 1987 to support keeping the National System of Public Lands administered by the BLM in public hands, embracing multiple use management as prescribed by FLPMA and following sound environmental principles. We are a membership organization whose members are predominantly retired former employees of the BLM. As such, our membership represents a broad spectrum of knowledge and experience in public land management.

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3. **PUBLIC LANDS: Bipartisan bill would simplify permitting for recreation**

E & E News, July 27 | Jennifer Yachnin

Outdoor recreation companies could see a simplified application process and shorter wait times for permits needed to operate on public lands under legislation introduced yesterday by House Natural Resources Chairman Rob Bishop (R-Utah) and Oregon Sen. Ron Wyden (D).

The lawmakers reintroduced the "[Recreation Not Red-Tape \(RNR\) Act](#)," modeled on a similar effort introduced last year.

"Our bipartisan bill will break down barriers to the great outdoors, allowing more visitors to take advantage of the endless recreation experiences our public lands have to offer," said Wyden, who sits on the Energy and Natural Resources Committee.

The bill aims to ease permitting for recreational tour guides, including expediting permits issued by the Forest Service and Bureau of Land Management.

The measure would also simplify permitting for trips that include travel from one agency's jurisdiction into another, as well as mandating that all passes or permits required for outfitters and guides be made available online.

"Cumbersome permitting processes and other bureaucratic roadblocks have significantly undermined access to recreational opportunities for lands that should be available for all Americans to enjoy," Bishop said in a statement. "This bipartisan bill cuts through that red-tape and ensures federal land managers are focused on their role in providing the public with high-quality outdoor experiences."



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Under the bill, agencies including the Army Corps of Engineers, Bureau of Reclamation, Federal Energy Regulatory Commission and Department of Transportation would also be required to "enhance recreation opportunities and the recreation economy" when issuing land- or water-related management decisions.

The legislation also seeks to improve public lands access for military veterans by directing the armed services to provide information about outdoor recreation as part of the basic services offered to service members and veterans.

The bill is back by groups including the Wilderness Society, the Outdoor Industry Association, Trout Unlimited, Backcountry Hunters and Anglers, and the Theodore Roosevelt Conservation Partnership.

"Unfortunately, many of the regulations and agency policies that govern our public land's use are outdated. We support the bipartisan effort of Senator Wyden and Chairman Bishop to update antiquated processes and reduce barriers to recreation for today's outdoor users," OIA Executive Director Amy Roberts said in a statement. "We believe the pragmatic approach of the Recreation Not Red-Tape bill will lead to healthier communities and healthier economies across the country."

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4. **OIL AND GAS: Oil field spills down 17% last year**

E & E News, July 27 | Mike Soraghan and Pamela King

The number of spills and other mishaps at oil and gas sites fell sharply again last year, in line with decreased drilling.

An E&E News review of spill records indicates that spills declined about 17 percent during 2016 compared to the previous year.

Oil field activity, as measured by the Baker Hughes Rig Count, fell about 15 percent. Oil and gas production also declined, but not as steeply.



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The review found at least 8,519 spills in 14 producing states. That's an average of about 23 spills a day across the United States.

The decrease makes sense to Lauren Patterson, a Duke University researcher who authored a study earlier this year on oil and gas spills (Greenwire, Feb. 21). She found that most spills happen in the first three years of a well's life.

"If there's fewer new wells, I would expect the number of spills to decrease," Patterson said.

The industry group Energy in Depth said the decline showed that industry efforts to make drilling safer and cleaner are working.

Patterson's study looked only at wells that have been hydraulically fractured, or "fracked." The E&E review looked at all oil and gas wells in 14 producing states, including conventional wells.

The decline was driven by Texas, which produces the most oil and gas. Spills in the Lone Star State dropped 26 percent. North Dakota had a similar drop. From 2014 to 2016, spills were cut nearly in half in North Dakota.

The drop in Texas could be from companies complying with rules, the slowdown in the industry and other factors, said Ryan Sitton, one of the three elected members of the state Railroad Commission who write and enforce the rules.

"While the Railroad Commission doesn't control the number of spills, we do have stringent requirements to prevent incidents and a thorough reporting, cleanup and remediation process," Sitton said.

In North Dakota, officials said the number of active wells has been increasing, but the rate of growth has been decreasing.

"Total fluid produced, transported and disposed decreased, placing less stress on infrastructure," said Lynn Helms, director of the state Department of Mineral Resources.



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Nationally, production declined slightly from 2015 to 2016, according to EIA figures for the states where spills were counted. Oil production dropped about 7 percent, while natural gas dropped by about half a percent.

But 2016 production was slightly higher than 2014. Noting that, some in the industry say it's significant that spills have dropped while production has risen.

"The fact that spills decreased 24 percent from 2014 to 2016 at the same time U.S. oil production increased shows that producers' continued attention and commitment to safe operations are proving effective," said Seth Whitehead of Energy in Depth, a campaign of the Independent Petroleum Association of America.

Repeat spills

In Patterson's study, about 15 percent of the wells surveyed had a spill, and about 75 percent of them occurred in the well's first three years.

Many wells had repeated spills, and the [study](#) found that wells that have already had a spill are more likely than others to have another. In Colorado, for example, a spill is 4.6 times as likely at a well that has already had one.

Patterson's co-author, Kate Konschnik, director of Harvard Law School's Environmental Policy Initiative, said that could help state agencies prioritize wells for inspection.

"There is a tendency to have repeat spills," Konschnik said. "The state should be targeting sites that have already had a spill."

The most common pathways for spills were tanks and flowlines, according to the study. They also found that for every 1,000 wells drilled, 12 wells experienced a tank related spill and 11 wells experienced a spill related to flowlines. About one well per thousand had a blowout.

But the study focused on wells drilled relatively recently, and some say it's older wells that present the greatest threat of spills. Scott Anderson, a senior policy director at the Environmental Defense Fund who previously worked in the oil and gas industry, questioned the idea that drilling activity is the main driver of spills.



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"I would expect spills to increase as water production increases, and wells tend to produce more water over time," Anderson said. "I would also expect spills to increase as tanks and pipes age."

Also, as wells produce less and become less profitable, owners are sometimes less willing or able to pay for maintenance. That, he said, can also lead to more spills.

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5. NATIONAL MONUMENTS: Utah governor wants BLM to re-evaluate leasing near Dinosaur

E & E News, July 27 | Scott Streater

The Interior Department's proposal for offering three parcels near Utah's Dinosaur National Monument in an oil and gas lease sale is getting pushback from an unexpected source: the state's conservative Republican governor.

Gov. Gary Herbert (R) this week sent a [letter](#) to the Bureau of Land Management asking that it "re-evaluate" the three parcels on the southwest boundary of the monument.

Those sites are among 64 industry-nominated parcels covering more than 66,000 acres in Duchesne and Uintah counties.

BLM last month released an environmental assessment (EA) of the parcels in advance of a planned December lease sale (Greenwire, June 23). BLM officials say the assessment is part of the evaluation process and no final decision has been made whether to offer the parcels at the lease sale.

Herbert's two-page letter to Ester McCollough, BLM's Vernal Field Office manager, constitutes the governor's formal comments on the assessment.

The public comment period on the assessment ended this week.

Herbert has supported Trump administration land management policies and last month praised Interior Secretary Ryan Zinke's interim report recommending that the president reduce the size of the 1.35-million-acre Bears Ears National Monument in southeast Utah.



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Herbert writes that Utah "supports the lease of most of the parcels and encourages [BLM] to hold the December 2017 lease sale as currently planned." He writes that "responsible development of oil and gas resources on BLM land is critically important to the economy of eastern Utah," particularly Duchesne and Uintah counties.

"A successful lease sale of all 64 parcels would have a tremendous, positive impact on relieving the counties' high unemployment while creating stable, high-wage jobs," he wrote.

But Herbert added that he wants the agency to take a closer look at the parcels near Dinosaur to ensure that if the leases are granted and the sites developed, they won't affect the monument.

"As the parcels are near the boundary of Dinosaur National Monument, the State wishes to ensure leasing of these parcels does not impact visual resources or cause light or sound disturbances within the National Monument," he wrote.

"Even though the EA includes lease stipulations and notices for all three parcels that could sufficiently mitigate impacts from oil and gas drilling within the parcels, the State encourages BLM to provide a thoughtful review of these parcels to ensure energy developments can successfully coexist with outdoor recreation."

Herbert's concerns are supported by the National Park Service, which has said the parcels near Dinosaur would be visible from the monument's visitor center and entrance road, as well as from other points within the monument.

Conservation groups, including the National Parks Conservation Association, oppose offering the parcels for lease sale, fearing drilling activity could affect the monument's dark night skies, as well as soundscapes and air quality.

Conservationists similarly objected to the sale of industry-nominated parcels near Zion National Park in southwest Utah from a scheduled September lease sale.

BLM pulled those parcels last month, though the agency has yet to determine whether it will pull them permanently or eventually return them to auction (E&E News PM, June 2).

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6. **POLITICS: 'Hard call' from Trump preceded Zinke pressure — Murkowski**

E & E News, July 27 | Geof Koss and Kellie Lunney

Sen. Lisa Murkowski said today that a tense phone conversation with President Trump earlier this week led to yesterday's call from Interior Secretary Ryan Zinke, who reportedly told both Alaska GOP senators that the Energy and Natural Resources chairwoman's vote against the motion to proceed to the health care debate would influence the administration's resource development policies in the Last Frontier State.

"It was not a very pleasant call," Murkowski told E&E News of the Tuesday conversation with Trump, in which the president urged her to back the procedural health care vote. "It was a hard call."

She said she and Trump have a "simple disagreement" on health care.

"What we're dealing with here is the president and I agree that the status quo when it comes to health care doesn't work and we've got to do something about it," she said. "Where we disagreed was on the process and whether or not the Senate was ready to go to the floor."

Along with Maine Republican Sen. Susan Collins and every Senate Democrat, Murkowski voted against the motion to proceed to health care legislation Tuesday, forcing Vice President Mike Pence to step in and cast the tiebreaking vote to launch debate.

That prompted an angry tweet from Trump yesterday morning. Murkowski "of the Great State of Alaska really let the Republicans, and our country, down yesterday. Too bad!" Trump tweeted.

Both Murkowski and fellow Alaska Sen. Dan Sullivan received phone calls from Zinke later in the day.

Sullivan told the Alaska Dispatch News that Zinke delivered a "troubling message" that Murkowski's "no" vote would have ramifications for their state.

"I'm not going to go into the details, but I fear that the strong economic growth, pro-energy, pro-mining, pro-jobs and personnel from Alaska who are part of those policies are going to stop," Sullivan said.



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Murkowski today said she didn't know the details of Zinke's call with Sullivan and declined to say whether there were implied threats of retribution for her health care vote.

"I don't want to go into the contents of a personal call, but it was a difficult call, let's just say," she said.

But Zinke "basically said the president is really disappointed in what he perceives to be as your lack of support for health care reform," she said. "And again, the president and I are not disagreeing on the need for health care reform; where we're disagreeing is on the first step that was taken this week. So we'll move forward from here."

The health care tension threatens what otherwise has appeared to be a positive relationship between Murkowski and Zinke, who declared Alaska "open for business" during a visit over the Memorial Day recess (Energywire, June 1).

Murkowski said she believes that visit made a lasting impression on Zinke.

"I don't want to put words in his mouth, but he was very taken by what he saw in Alaska and the opportunities and the realization that as secretary of the Interior, he can do great good for not only Alaska, but for the country," she said. "And I know that he was enthusiastic about it and still is enthusiastic about it."

"So how we go about accomplishing good things for the state but accomplishing good things for the country — this is what we're going to do together. And right now, the president expressed his disappointment, and what I'm going to do is continue working in good faith with everybody on everything."

The Interior Department did not respond to multiple requests for comment.

Nominations delay

The phone calls came the same day that the Energy and Natural Resources Committee abruptly postponed a vote scheduled for this morning on several Energy Department and Interior Department nominees, saying only that the hearing "has been postponed until a date and time to be determined."



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Murkowski sidestepped a question on whether the postponement was related to the phone call.

"In fairness, there was an issue that had arisen with one of the noms, and we were going back and forth should we delay, but the decision was made yesterday," she said. "Keep in mind we did not cancel it; we just postponed it. We can bring it up tomorrow if we wanted. So what we decided to do was just, because there was so much going on, let's just put on a temporary pause."

Four Interior nominees await Senate committee action: three crucial assistant secretary positions and the position of Bureau of Reclamation commissioner.

At least 11 other top Interior Department slots for which nominees must pass through the Senate Energy and Natural Resources Committee have yet to get a Trump administration nominee. In addition to the personnel needed to reinforce Zinke's short-handed team, the committee oversees some of the key elements of Trump's energy agenda.

On top of chairing the authorizing committee that oversees Interior, Murkowski also chairs the Appropriations subcommittee that funds the department.

'Trump's hitman'

Conservation groups and some lawmakers were critical of the administration's apparent attempt to intimidate the Alaska delegation.

Rep. Raúl Grijalva, ranking member of the House Natural Resources Committee, said he was going to request an investigation into the alleged threats against the Alaska senators, calling the move "an alarming sign of how far the administration's ethical standards have fallen and how irresponsible the Interior Department has become."

The Arizona Democrat has vehemently opposed many of the Alaska Republicans' policy positions, including an effort to build a road through the Izembek National Wildlife Refuge in the state. One of the arguments for constructing the 11-mile road connecting the towns of King Cove and Cold Bay in Alaska is to provide reliable medical access for residents.

"Conditioning presidential support for Murkowski's bill to force a road through Alaska's Izembek National Wildlife Refuge on her support for Trumpcare is particularly ironic," Grijalva said.



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"Even if this road provides health care access to hundreds, which is very much in doubt, Secretary Zinke thinks the price to build it is a vote to deny health care access to millions."

Grijalva also said Zinke's threats puts Murkowski's "clout in jeopardy" as head of the Energy and Natural Resources Committee, and "call into question which other lawmakers might face similar retribution."

House Natural Resources Chairman Rob Bishop said this afternoon that he didn't know about the phone calls to the Alaska senators or what was said. But when a reporter explained the news to him, the Utah Republican said that kind of pressure is "not unprecedented."

Environmental groups, including the Sierra Club, which disagree with Murkowski on many policy issues, such as opening drilling up in Alaska's Arctic National Wildlife Refuge, also weren't happy with the administration's allegedly strong-arming her.

"Sen. Murkowski is a very serious legislator," said Athan Manuel, director of the land protection program at the Sierra Club. "We don't agree with her on some issues related to Alaska," he said, "but we respect her as a senator."

Manuel added that he didn't believe the threat would work with her.

Murkowski is "the complete opposite of the president" in that she is "sober and thoughtful on the issues," Manuel said. The threat against the Alaska senators just "highlights that he [Trump] doesn't understand anything about public lands" and that he views them as "a bargaining chip," he added.

An official with another conservation group said his organization views the move as a short-term political tactic by the administration to influence Murkowski's vote on health care, not a permanent break in their alliance on the issues. "We view it as, once the [health care] debate is over, they will renew their energy dominance agenda together," he said.

Jennifer Rokala, executive director of the Center for Western Priorities, was more colorful in her criticism of Zinke's phone call. "Ryan Zinke is revealing himself as Trump's hitman," she said in a statement. "He's now threatening to hold public lands and energy policy hostage over a health care bill."



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She added: "This is the U.S. government, not the Corleone family. Congress and the administration should discuss America's energy and lands policy on the merits, without mob-inspired threats from the Department of the Interior and the White House."

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7. **PUBLIC LANDS: Judges grill Trump admin on bid to roll back fracking rule**

E & E News, July 27 | Ellen M. Gilmer

DENVER — Federal judges are unlikely to let the Trump administration off easy as it works to unwind an Obama-era hydraulic fracturing rule while major legal questions remain unresolved.

A panel of three judges for the 10th U.S. Circuit Court of Appeals made that clear today as they heard oral arguments over the long-suspended fracking rule for public and tribal lands.

It remains unclear how the court will move forward with the case, but all three judges expressed concern that the Bureau of Land Management may move slowly on its plans to rescind the regulation.

"The present rule took five years," said Judge Mary Beck Briscoe, referring to the Obama administration's long windup to the final 2015 fracking rule. "How will this rule be different?"

The timeline is a key issue for the court because the panel must decide whether to answer a fundamental legal question — does the federal government have authority over fracking? — while the underlying rule is dismantled by the Trump administration.

The 10th Circuit has several options: It could put the case on hold while the new rulemaking process plays out. It could decide the merits of the case. Or it could dismiss the appeal now and potentially vacate the contentious lower court decision that found the government has no authority over fracking.

Much of today's court session dealt with the first option, as the judges grappled with the implications of putting the case on hold indefinitely.

Judge Jerome Holmes, a George W. Bush appointee, noted that he was concerned about "allowing the executive branch to kind of jerk around our docket" and avoid a ruling while



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taking its time on rulemaking. Judge Harris Hartz, another Bush appointee, added that the authority question could go unanswered for years.

Justice Department attorney Andrew Mergen tried to reassure the court that BLM will not be dragging its feet.

"Our clients don't expect to go off into a dark corner without this court's supervision," he said, adding that BLM can file regular status reports outlining its progress.

The fracking rule rescission is a priority of the new administration, giving BLM an incentive to act quickly, he added.

Briscoe, a Clinton appointee, remained skeptical.

"You get to do what you want to do when you want to do it," she said. "I'm serious; this is how this looks."

Holmes noted that dismissing the case and scrapping last year's ruling that BLM lacks fracking authority could allow the court to resolve the matter without having to remain involved in the agency's rulemaking process.

Federal authority

The judges quickly moved to questions about the merits of the case, zeroing in on an argument from states challenging the rule — Wyoming, Colorado, North Dakota and Utah — that the Safe Drinking Water Act gives U.S. EPA exclusive authority over fracking and the Energy Policy Act of 2005 then removes that power and leaves it to the states.

BLM and environmental intervenors in the case say that statutory interpretation ignores separate authority BLM has to regulate activities on public lands.

Earthjustice attorney Mike Freeman, representing the environmental groups, said that reading would strip the federal government of authority for 90 percent of oil and gas activity, as most wells are hydraulically fractured. He argued that EPA's authority is not exclusive but simply overlaps to some extent with BLM's.



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Mergen of DOJ agreed, arguing that Congress would not have used the Energy Policy Act to broadly remove federal fracking authority without expressly stating that. EPA itself supported BLM's regulatory efforts when it began promulgating the rule several years ago, he said.

Industry and state attorneys pushed back, arguing that the Safe Drinking Water Act and Energy Policy Act create a very specific "carve-out" of federal authority.

"The intervenors have characterized this as sort of a radical diminishment of the agency's authority," Wyoming Deputy Attorney General James Kaste told the court. "That's not true."

A decision from the court could come down in a matter of weeks or months, depending in part on whether it decides to rule on the merits of the case.

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8. **INTERIOR: Agency adds staffers with histories in coal, timber, Iraq**

E & E News, July 27 | Michael Doyle

An attorney who has represented ranchers and the timber industry, an executive with the Disney-ABC Television Group who served in Iraq, and the former top staffer for the Congressional Coal Caucus have joined the Interior Department.

In the latest batch of hirings for positions that don't need Senate confirmation, the department today announced three appointees who will help handle legal, communications and legislative issues, respectively.

"I could not be happier with the way our department has been staffing up in recent weeks," Interior Secretary Ryan Zinke said in a statement. "These new team members will help us more efficiently and effectively carry out the president's priorities on behalf of the American people."

Zinke tapped Richard Goeken as deputy solicitor for parks and wildlife. A graduate of Marquette University and the Marshall-Wythe School of Law at the College of William & Mary, Goeken was until recently a partner at the law firm Smith Currie & Hancock LLP.

"Rick represents members of the forest products, construction, and oil and gas industries, ranchers and grazing associations, professional guides and outfitters, and holders of water rights



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on or across public lands," his former law firm's online profile stated, adding that "Rick also protects clients' private property rights from needlessly burdensome federal environmental law and regulation."

Goeken's online profile went on to note that he "also often represents clients in coordination with federal agencies when agency policies for the sustainable development of land and resources are challenged in court by zealous environmental organizations."

In 2015, for instance, court records show that Goeken represented several timber companies that banded together as the Federal Forest Resource Coalition. The companies allied with the Fish and Wildlife Service in opposing a legal challenge filed by the Center for Biological Diversity and others, over the extent of protections for the threatened northern long-eared bat.

The case remains active.

Two years ago, again facing off against CBD, Goeken prevailed when the 9th U.S. Circuit Court of Appeals rejected environmentalists' requests to block the logging of centuries-old trees in Alaska's Tongass National Forest. Goeken was representing Viking Lumber Co.

"They were facing imminent shutdown due to the unavailability of logs," Goeken said at the time (Greenwire, April 17, 2015).

Goeken is a member of the conservative Federalist Society. He joins Gary Lawkowski, a previously named Trump administration appointee in the Interior solicitor's office. Formerly legal counsel at Freedom Partners Chamber of Commerce, whose board members include several top Koch Industries Inc. officials, Lawkowski is now counselor to the solicitor.

The top position of Interior solicitor, which requires Senate confirmation, remains unfilled.

Russell Newell is returning to Interior as the deputy director of communications. For the last five years, Newell has served as director of executive and corporate communication at the Disney-ABC Television Group.

Newell has worked for the U.S. Chamber of Commerce, and he spent more than a year in Iraq as a senior media adviser for Multi-National Force-Iraq. The Providence College and Boston



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University graduate has also served as a public affairs officer and speechwriter at the departments of State, the Interior and Homeland Security.

Blake Deeley is a new adviser in the department's Office of Congressional and Legislative Affairs. The University of Kentucky graduate previously was a policy adviser for Rep. David McKinley (R-W.Va.) and served as the lead staffer for the Congressional Coal Caucus, as well as manager of public affairs at the Kentucky Chamber of Commerce.

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9. **ENERGY TRANSITIONS: This oil law was sold as climate friendly. It might not be**

E & E News, July 27 | Benjamin Storrow

Congress can't claim many achievements these days, but its 2015 decision to lift a ban on crude oil exports and extend tax incentives for wind and solar is reshaping energy markets.

U.S. crude shipments abroad are on the rise. A spike in gasoline prices predicted by critics of lifting the ban hasn't materialized. And utilities are adding wind and solar to the grid at breakneck speed.

But if the legislation's impact on energy markets is clear, its implications for climate change are less so. While wind and solar have helped green America's grid, U.S. oil production is projected to reach record levels in 2018. American refineries are also sending ever-larger shipments of petroleum coke abroad. Petcoke, as the carbon material is commonly known, is a byproduct of heavy crudes refined in the United States. It is frequently blended with coal used in electricity generation.

"Our refineries are creating more CO₂ in the developing world, but they are the ones who have to account for it," said Deborah Gordon, director of the energy and climate program at the Carnegie Endowment for International Peace. "You can clap your hands and say bravo to the U.S. power sector, but it doesn't mean we can say this offsets that — even in our country."

The export ban and tax incentives, included as part of a 2015 spending package, represented a rare intersection of conservative and liberal priorities in Congress. Republicans overcame concerns about the impact of subsidies for wind and solar to lift a ban on crude exports they viewed as badly outdated. Democrats set aside worries over the climate impact of crude exports



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to solidify tax incentives for wind and solar. The largest disagreement at the time was whether lifting the ban would increase gasoline prices.

The bill has largely had the intended effect. U.S. crude shipments abroad totaled roughly 1 million barrels a day in April, up from almost 400,000 at the end of 2015. (The ban did not apply to Canada.) The growing export market has offered a bright spot for oil companies battered by yo-yoing crude prices.

Lifting the ban has also eroded the Organization of the Petroleum Exporting Countries' ability to set crude prices, said Phil Flynn, a commodities analyst at the Price Futures Group.

Where major producers like Saudi Arabia once increased production or curtailed it to meet global demand, "now we look for market forces more to drive that situation," he said. "I think it's a good thing."

Power companies, meanwhile, installed more solar than any other fuel source in 2016, according to the U.S. Energy Information Administration. Wind ranked third.

Tax incentives played a large role in both industries' recent building booms. The extension of a 30 percent investment tax credit (ITC) for solar helped prompt a 148 percent increase in utility-scale solar installations, according to industry projections. The wind industry estimates there is 21 gigawatts of wind capacity in development today because of the revival of a production tax credit (PTC) of 2.3 cents per kilowatt-hour.

Both incentives will gradually decline, with the PTC phasing out in 2020 and the ITC falling to 10 percent for commercial- and utility-scale projects after 2021.

"The PTC and ITC have significantly changed the course of history for the utility industry, and play a large role in the transition to clean energy nationwide," said Xcel Energy Inc. CEO Ben Fowke.

The Minnesota-based utility was already adding wind prior to the extension of the PTC. But the addition of the tax incentives has seen Xcel quicken its pace. By 2021, the company expects wind will account for more of its power generation than any other fuel in Xcel's eight-state service territory.

Lazard, a financial advisory and asset management firm, reckons the incentives have helped the wind and solar industries scale, driving down costs and making them competitive without



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subsidies in most markets today. That is why the bank thinks the incentives for wind and solar are unlikely to be extended when they expire.

"You're seeing renewables displace baseload generation, and that's coal and nuclear generation," said Georges Arbaché, director of Lazard's power energy and infrastructure team. "That's increasingly based solely on market economics."

Exporting U.S. petcoke — and emissions

In Washington, the measure's success has offered its sponsors a rare opportunity to tout a bipartisan achievement. Sen. Lisa Murkowski, an Alaska Republican who helped broker the compromise, said she felt a "little bit redeemed" after seeing the legislation's impact on global oil markets.

"We've seen the United States playing a very stabilizing role with regards to not only the production, but the price," she said.

The law's success might be even more valuable to Sen. Heidi Heitkamp, a North Dakota Democrat who pushed the compromise and faces a tough re-election campaign in 2018. Heitkamp, in an interview, heralded the measure's benefits to North Dakota's sizable oil and wind industries.

As U.S. production surged, a price gap opened between the price of West Texas Intermediate, the American crude benchmark, and Brent, its European counterpart.

"We believed that was a result of that commodity locked in with no opportunity for exports," Heitkamp said.

The price differential between the two has narrowed since the ban was lifted and more pipelines have come online to ferry oil to domestic markets.

As for the wind industry, Heitkamp said, the biggest concern she hears from executives at General Electric Co.'s turbine manufacturing plant in Grand Forks, N.D., is whether they can produce enough blades to keep up with demand.

"This was a huge economic win-win for North Dakota energy," she said.

It is less clear if the law is a win for the climate, however.



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A 2016 study by the National Renewable Energy Laboratory estimated that tax incentives for wind and solar could result in emissions reductions ranging from 540 million metric tons to 1,400 million metric tons of carbon between 2016 and 2030. But whether that is enough to offset emissions from other sectors of the economy is unclear. EIA estimates U.S. oil production will hit 9.9 million barrels a day in 2018, a record.

Rising petcoke exports also threaten the gains in the U.S. power sector, an unintended consequence of lifting the ban, said Gordon. In around 2010, U.S. refineries overhauled their facilities to process heavy crudes from Canada's oil sands and the Gulf of Mexico. The advent of horizontal drilling and hydraulic fracturing unleashed a torrent of light, sweet crude from America's shale plays. The result: The United States is a country that produces light, sweet crudes but imports heavier varieties to its refineries.

That in turn has helped spur the increase in American petcoke exports. U.S. exports of petcoke jumped 7 percent in 2016, rising from 196 million barrels to 210 million barrels, according to EIA figures. India was the top market for U.S. exports, followed by Japan, Turkey and Mexico. Petcoke today is one of the United States' leading petroleum exports, behind diesel and liquefied petroleum gas like propane, and nearly equal with gasoline.

"We haven't solved the problems of how to address leakage. We make these policies, and they sometimes promote leakage," Gordon said, referring to carbon emissions. "We could have better realized the better economic benefits and the environmental trade-offs rather than just reacting and letting it happen."

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