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Attached is the daily news report for May 23 24.

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## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

#### UTAH – TOP STORIES – MAY 22-23, 2017

1. **Stewart, Iverson testify before Congress, charge promises were broken**

*The St George News, May 23 | Julie Applegate*

ST. GEORGE – Congress made promises to Washington County that have not been kept, Rep. Chris Stewart and Washington County Commissioner Victor Iverson told a U.S. House subcommittee Tuesday.

2. **Federal land transfer amounts to nothing more than robbery**

*The Herald Journal News, May 23 | Thad Box, community columnist*

Last Thursday night I attended a discussion of the study “An Analysis of a Transfer of Federal Lands to the State of Utah” by economists from the University of Utah, Utah State University and Weber State University. Their talk was followed by questions and discussion from the 150 or so people in the audience. The setting was a town hall meeting sponsored by three of Cache Valley’s legislators (Val Potter, Ed Redd and Curt Webb) and state senator Lyle Hillyard. The subject was an economic report of HB 148, Transfer of Public Land Act passed in the General Session of the 2012 Legislature.

3. **PUBLIC LANDS: Federal transfers to Utah would shut public out — report**

*E & E News, May 22 | Scott Streater*

Utah has sold more than half the federal land it received upon becoming the nation's 45th state, according to a new report from a conservation group that found most of the sold areas are now closed to the public.

4. **Journey to become the youngest person to visit all 417 National Park Service sites hits Utah**

*The Salt Lake Tribune, May 23 | Erin Alberty*

Mikah Meyer in 2016 set out on a mission to honor his late father and the 100th anniversary of the National Park Service: Become the youngest person to visit all 417 NPS sites.



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#### 5. Congress debates bill to revive roadway plans through tortoise habitat

*The Spectrum, May 23 | David DeMille*

U.S. Rep. Chris Stewart, R-Utah, is pushing for legislation that would mandate federal land managers to step aside and make room for a controversial roadway that would cross through habitat of the endangered Mojave desert tortoise north of St. George.

#### 6. Gehrke: While wrangling over undoing Bears Ears continues, treasures go unprotected

*The Salt Lake Tribune, May 23 | Robert Gehrke*

Utah's senators are not seeing eye to eye on what steps President Donald Trump should take when it comes to Bears Ears National Monument.

#### 7. BLM guard station burns in Bears Ears

*The Salt Lake Tribune, May 22 | Brian Maffly*

The Bureau of Land Management is investigating a suspicious fire that recently damaged a remote guard station in Utah's Bears Ears National Monument.

#### 8. Presidents can't undo national monuments, new study says

*The Salt Lake Tribune, May 24 | Brian Maffly*

As Utah political leaders continue predicting President Donald Trump will shrink or even erase the new Bears Ears National Monument, a soon-to-be published legal analysis concludes that presidents have no authority to mess with monuments established by a predecessor.

#### 9. Utah conservationist buys Needles Outpost for \$2.5 million at SITLA auction

*The Salt Lake Tribune, May 24 | Brian Maffly*

A Utah trust-lands parcel at the Needles entrance to Canyonlands National Park fetched \$2.5 million Wednesday from a conservation buyer after a brief bidding war.



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#### 10. How to stay safe around Utah's thousands of abandoned mines

*KSL News, May 24 | Faith Heaton Jolley*

SALT LAKE CITY — Several national parks are expecting huge crowds for Memorial Day weekend, and as more people head outdoors, Utah Division of Oil, Gas and Mining officials are giving reminders to watch out for abandoned mines.

#### E&E/NATIONAL NEWS – TOP STORIES

#### 1. Trump proposes sharp cuts at Interior Department while pushing for more drilling on public lands

*The Washington Post, May 23 | Brady Dennis*

The White House wants to cut the Interior Department budget by about 12 percent as the Trump administration shifts the agency's focus toward promoting fossil fuel drilling and extraction on public lands and in federal waters.

#### 2. This Land Is ... Cut Under Trump's Budget?

*NPR News, May 23 | Kirk Siegler*

Rural communities dependent on U.S. public lands for everything from outdoor recreation to hunting to livestock grazing could be hit hard under the Trump administration's latest budget proposal unveiled Tuesday.

#### 3. Increasing aridity and land-use overlap have potential to cause social and economic conflict in dryland areas

*Science Daily, May 23 | Northern Arizona University*

Climate change combined with overlapping high-intensity land uses are likely to create conditions detrimental to the recreation economy, wildlife habitat, water availability and other resources in hyper-arid landscapes, or drylands, in the future, according to a paper published recently in *Ecosphere*. Drylands are of concern because broad-scale changes in these systems have the potential to affect 36 percent of the world's human population.





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#### 4. Price tag for defense in Bunkerville standoff case tops \$1M

*Las Vegas Review-Journal, May 23 | Jenny Wilson*

Taxpayers already have spent over \$1 million to provide legal representation for the 19 men accused of participating in the 2014 armed standoff in Bunkerville.

#### 5. Wild Horse Group Calls On Trump To Save Mustangs

*The Daily Caller, May 23 | Kerry Picket*

The American Wild Horse Campaign (AWHC) on Tuesday demanded President Trump intervene on the proposed Interior Department's budget and save American Mustangs from being slaughtered by the Bureau of Land Management.

#### 6. WILD HORSES: Budget calls for BLM to euthanize animals it can't adopt out

*E & E News, May 23 | Scott Streater*

The Bureau of Land Management's \$1.1 billion fiscal 2018 budget request would reduce growing herds of wild horses and burros on federal rangelands by allowing for the "humane euthanasia and unrestricted sale" of potentially thousands of animals it cannot adopt out to other agencies or individuals.

#### 7. Montana's House race may hang on a river-access lawsuit

*High Country News, May 24 | Tim Murphy/Mother Jones*

With Thursday's special election approaching, the race for Montana's vacant House seat has gone national. The president's son Donald Trump Jr. flew to the small town of Hamilton to raise money for Republican businessman Greg Gianforte; Bernie Sanders made a four-stop swing through the Big Sky state to stump for Democrat Rob Quist. Both parties have tried to nationalize the race: The Democratic Congressional Campaign Committee injected \$600,000 into the contest, and its Republican counterpart has already spent several times that.



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8. **NATIONAL MONUMENTS: GOP senators want Trump's review to consider 'all remedies'**

*E & E News, May 24 | Jennifer Yachnin*

Republican lawmakers led by Utah Sens. Mike Lee and Orrin Hatch have urged President Trump to "keep all remedies on the table" as his administration considers reforms to the Antiquities Act.

9. **REGULATIONS: 95 scholars urge Trump to revamp 'misguided' 2-for-1 order**

*E & E News, May 24 | Arianna Skibell*

Ninety-five economists and legal scholars who specialize in regulatory issues urged the Trump administration today to overhaul the president's executive order mandating that agencies kill two rules for each one they write.

10. **FEDERAL AGENCIES: Inspectors general 'spread thin' by Trump's budget**

*E & E News, May 24 | Kevin Bogardus*

Internal watchdogs at energy and environmental agencies are in for tough times under President Trump's budget plan.

11. **BLM: Budget would gut federal sage grouse conservation plans**

*E & E News, May 24 | Scott Streater*

President Trump's budget request calls for cutting a significant chunk of funding for the Bureau of Land Management's ongoing effort to implement sweeping greater sage grouse conservation plans, a move observers say is a clear signal the administration is backing away from the Obama-era plans.



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12. **COAL: 'This is our home. We don't want to live nowhere else'**

*E & E News, May 24 | Arianna Skibell*

Second of three stories.

NAOMA, W.Va. — Junior Walk stands with one foot resting on the stoop of a log house. A slab of wood mounted above the door reads in hand-painted letters: Coal River Mountain Watch.



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#### UTAH – FULL STORY

##### 1. **Stewart, Iverson testify before Congress, charge promises were broken**

*The St George News, May 23 | Julie Applegate*

ST. GEORGE – Congress made promises to Washington County that have not been kept, Rep. Chris Stewart and Washington County Commissioner Victor Iverson told a U.S. House subcommittee Tuesday.

Stewart and Iverson testified before the Subcommittee on Federal Lands in support of a bill that directs the Department of Interior to fully implement provisions of the Omnibus Public Land Management Act of 2009, or OPLMA.

“The hearing went very well and Washington County really appreciates Congressman Chris Stewart and Rob Bishop for their courage and leadership in helping Washington county resolve the issues of injustice in regards to not getting the transportation and utilities corridors,” Iverson said.

The bill directs the Interior Department to issue any necessary rights-of-way for a proposed northern transportation route and authorize the development of utilities needed to keep up with the growing Southern Utah population.

The northern corridor route proposed by Rep. Stewart’s bill would run from Washington Parkway westward, swing north of the Green Springs area and then south to tie in with Red Hills Parkway, known informally for years as “Turtle Road.”

The route is only four miles long but would cut through some of the highest quality habitat for the threatened Mojave desert tortoise in the Red Cliffs Reserve. The reserve was created more than 20 years ago to protect the tortoise and other wildlife. See map inserted in this story.

Local officials are not happy with Bureau of Land Management resource management plans for the Red Cliffs and Beaver Dam Wash national conservation areas which were released in December 2016 and believe the plans do not honor the Omnibus Public Land Management Act.

Provisions in the final resource management plans preclude future consideration of both the northern corridor and the utility development protocols by applying layers of impossible requirements, Iverson said in his prepared testimony, even though the bill requires the BLM to



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consider northern corridor routes at the next planning stage – the transportation management plan.

The plans drew controversy among officials, residents and conservation groups with officials saying the plans were too restrictive. Of particular concern was the lack of a suitable northern corridor route and the restrictive utility protocols contained in the plan.

The northern corridor is needed to accommodate anticipated traffic demands, Iverson said. It is estimated that it will reduce traffic delays by an estimated 300,000 hours per year by the year 2040 and help maintain the area's air quality, Iverson told the committee.

"Two decades ago, we proactively struck a balance between protecting the threatened Mojave desert tortoise and protecting the growth of our county by developing a habitat conservation plan," Iverson told the committee.

In 2009, after several years of cooperative work, the Omnibus Public Lands Management Act passed Congress and was signed by President Obama, Iverson said.

"We're proud of the fact that the county worked with environmental groups and other stakeholders to solve problems."

The lands bill designated 16 wilderness areas totaling about 250,000 acres of wilderness within Washington County. It also designated 39 wild and scenic river segments, eight areas of critical environmental concern, or ACECs, and two large national conservation areas totaling more than 100,000 acres.

"My county gave up a lot of acres to special designation in that process. We gave it up in exchange for assurances about access for roadways and water lines and traditional uses," Iverson told the committee. "It was hailed at the time as a new standard in resource management."

"The promises that were made during the lands bill were not kept. I'm here today to respectfully request you to help honor the promises made to my county in that legislation," Iverson said.

Southern Utah's unique topography offers challenges and limitations that make transportation and utility planning difficult, Iverson said. Natural barriers include Pine Valley Mountain, the Colorado River, the Hurricane Cliffs and the Bull Valley Mountains.



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“We have to make use of the feasible options we have to site utilities,” Iverson said.

Rep. Stewart also spoke to the subcommittee.

“The bill before the subcommittee addresses the most grievous omissions in the RMP and clarifies the intent of Congress,” Stewart said.

“This language reflects the compromises the county negotiated with the federal government to minimize impacts on the desert tortoise and to allow the City of St. George to grow sustainably.”

The Bureau of Land Management does not comment on proposed legislation as a matter of policy, BLM Color Country District spokesman Christian Venhuizen said previously.

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## 2. **Federal land transfer amounts to nothing more than robbery**

*The Herald Journal News, May 23 | Thad Box, community columnist*

Last Thursday night I attended a discussion of the study “An Analysis of a Transfer of Federal Lands to the State of Utah” by economists from the University of Utah, Utah State University and Weber State University. Their talk was followed by questions and discussion from the 150 or so people in the audience. The setting was a town hall meeting sponsored by three of Cache Valley’s legislators (Val Potter, Ed Redd and Curt Webb) and state senator Lyle Hillyard. The subject was an economic report of HB 148, Transfer of Public Land Act passed in the General Session of the 2012 Legislature.

Our representatives are to be commended for holding town hall meetings where both citizens and their representatives learn why a law was thought to be needed and who benefits from the results. Reps. Potter and Redd were not in the Legislature at the time of the bill’s passage. Curt Webb was one of the bill’s sponsors and voted for it. The study team did a good job trying to determine possible income from the land, estimate the cost of management and whether the land would produce funds for the state.

To me, in the words of Yogi Berra, the exercise was deja vu all over again. Thirty-three years ago, in 1979 just three years after congressional legislation declaring most public lands would stay in federal ownership, Sen. Orin Hatch and legislators from southern Utah proposed transferring these same federal lands to Utah. Gov. Scott Mattheson asked USU economists John



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Workman, Bruce Godfrey, Alan LeBaron and Darwin Nielsen to analyze the economic effect of Utah owning that land.

In both 1979 and 2012, public lands in the state were lower in quality, when measured in productivity of food and fiber than private lands. That should be no surprise because the federal government tried all sorts of schemes to sell, or even give, the land to private citizens. Lands bought or homesteaded were those with the best soil and a dependable water supply.

Land between the private holdings were essentially “commons” used by those with enough power and determination to control them without title or permission. Most original vegetation had been stripped and soil eroded from unclaimed public lands in the 1800s, long before National Forests were established by Theodore Roosevelt and the Taylor Grazing Act was passed in 1934. Under federal management, public land improved. Fees for using it —grazing, timber harvest, gravel or stone removal, etc. — were low.

In 1976, Congress passed the Federal Land Management and Policy Act, making all unclaimed land forever property of the people of the United States and providing directives and funds for multiple use management of lands used on a fee basis. State attempts such as Utah’s 1997 proposal failed. Utah’s HB 148 of 2012 was a two-decade-later attempt to transfer federal public lands in our state.

Our representatives arranged the town hall meeting last Thursday to get input on a report by economists hired to study whether the public lands could produce funds for their management plus a reliable income stream for the state. Revenue for the state could come from two sources: fees for surface use or royalties from sub-surface extraction of minerals, fossil fuels or construction materials. Surface uses clearly go with title to the land, but rights to subsurface products may or may not be held by the landowner.

Fees for surface uses — grazing, hunting, timber harvest, recreation, etc. — produce only a small amount of income, not enough to fund necessary management. Most income from federal lands in Utah comes from royalties on oil, gas and coal. Presently, sub-surface income is split evenly between the state and federal government. The economist’s report suggests that unless Utah gets all the surface use fees, 100 percent of the oil and gas royalties and oil prices stay over \$62 a barrel, the state will have to provide new funds to manage the land. If Utah had received title to the land in 2012 when HB148 was passed, the state would now have to tax Utahns around \$280 million a year just to manage the lands.



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Public lands in Utah have large coal deposits. Use of coal is declining worldwide as users seek cheaper, cleaner energy sources. Some areas have potential for oil and gas wells. But cleaner gas and oil is being replaced by even cleaner wind, solar and thermal energy. There is little hope in the economic land studies that income from the land can pay for its management.

If Utah can't get enough income from public lands to manage them, part of the land could be sold to developers. HB 148 was sponsored by a real estate developer. If Utah sells the land it gets only 5 percent of the sale price; 95 percent must be returned to the federal government. Would Utahns let some people make millions on small land transfers while paying increased taxes to manage the state's public land?

Some of the most beautiful and awe inspiring land in the world is in Utah. Some areas are sacred. Most belongs to the American people. Those who attended the recent town hall meeting had a chance to learn how land transfer affects its owners: the people. I hope the people of the United States will not allow 1 percent of Americans who live in Utah steal land from the other 99 percent of co-owners.

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### 3. **PUBLIC LANDS: Federal transfers to Utah would shut public out — report**

*E & E News, May 22 | Scott Streater*

Utah has sold more than half the federal land it received upon becoming the nation's 45th state, according to a new report from a conservation group that found most of the sold areas are now closed to the public.

The Wilderness Society report, released today, found that 54 percent of the original 7.5 million acres of trust lands granted to Utah at statehood have been sold off to private entities, offering "a telling sign of what the state would do if it took over public land."

"This report demonstrates quite clearly that state land is not public land," said Brad Brooks, director of the Wilderness Society's public lands campaign and one of the report's lead authors.

The trust lands at issue are managed by the Utah School and Institutional Trust Lands Administration (SITLA), which is mandated to maximize income from these lands primarily for public schools but also for hospitals, state universities and other priorities.





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The report, which is based on data gathered from SITLA, found that 4.1 million acres of trust land has been sold and "is now in private ownership, including irreplaceable archaeological sites, trophy big game habitat, national monument inholdings and scenic buffers overlooking spectacular national parks."

"Now the state wants more," according to the report, highlighting the Transfer of Public Lands Act that Utah Gov. Gary Herbert (R) signed in 2012 demanding that the federal government transfer 31.2 million acres to the Beehive State.

A team of outside lawyers hired by the state has urged Herbert to consider filing a lawsuit to force the United States to cede ownership of federal lands to the state. The state signaled earlier this year that it would wait to see whether the Trump administration or a GOP-controlled Congress could resolve the issue (Greenwire, Feb. 27).

The Wilderness Society also singled out House Natural Resources Chairman Rob Bishop (R-Utah), who has "championed legislation intended to further the public land takeover effort in Utah and beyond," the report says.

"It's no secret that Utah's elected officials have led a sustained attack against national public lands," it says.

The federal government manages two-thirds of Utah, and Bishop and other members of the state's congressional delegation have complained for years that federal restrictions on the use of these lands have hurt the state and local economies.

Proponents of transferring federal lands to Utah have argued that doing so would allow the state to promote energy development that would boost property taxes and potentially raise billions of dollars for the state's financially strapped public school system.

Utah spends less per student than any state in the nation, according to U.S. Census Bureau data.

But the Wilderness Society, which has been a vocal critic of reducing the federal estate, says transferring public lands to Utah would ultimately harm outdoor recreation and tourism.

"Across the state, outdoor recreation drives \$12 billion in annual consumer spending and supports 122,000 jobs, the vast majority of them dependent upon public lands," the report says.



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"Yet, even as Utah has witnessed firsthand the value of national public lands through a robust tourism and outdoor recreation economy that thrives alongside the boom and bust cycles of the oil, gas and mining industries, history shows that the state has failed public interests miserably as a landlord," it adds.

The issue is not unique to Utah, according to the Wilderness Society.

The group released a similar report in March that found New Mexico had sold nearly 30 percent of its state trust lands since it joined the union in 1912 (Greenwire, March 21).

That report was heavily criticized by New Mexico Land Commissioner Aubrey Dunn in an op-ed published in last month's Albuquerque Journal.

Dunn dismissed the report as "fake news" and took issue with the suggestion that he supports a "land grab" of the federal estate. State trust lands, he wrote, are intended to provide funds for public institutions like schools and hospitals (E&E News PM, April 17).

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#### **4. Journey to become the youngest person to visit all 417 National Park Service sites hits Utah**

*The Salt Lake Tribune, May 23 | Erin Alberty*

Mikah Meyer in 2016 set out on a mission to honor his late father and the 100th anniversary of the National Park Service: Become the youngest person to visit all 417 NPS sites.

More than 170 parks into his journey, Meyer, 31, has reached Utah and is bringing his hymn-singing, mountain-climbing, sight-seeing, son-of-a-preacher brand of LGBT outreach to the Mighty Five and Utah's other monuments and recreation areas.

"The first site I went to was Natural Bridges [National Monument] on May 5, and it just set the precedent for everything the state has to offer," Meyer said recently in a phone interview from the rim of Bryce Canyon. "It was better than some of the capital-N capital-P national parks."

Meyer embarked on his first road trip when he was 19, immediately after his father died from cancer. His dad, a Lutheran minister, loved to travel but died at age 58, just before his retirement.



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Meyer began taking his father's Hyundai Elantra on trips to see America. In 2011, at age 25, he took the car on a nine-month, 16,400-mile trip through 46 states.

As Meyer, who is gay, launched his national parks trip last year, he wanted to help promote the parks to other LGBT visitors, especially in rural areas. (Follow his campaign at [www.tbcmikah.com/blog](http://www.tbcmikah.com/blog).)

"I grew up in Nebraska, with — well, I didn't know an openly gay person until I was 19 and moved away," said Meyer. "On TV, it was just guys in Speedos, and if you're gay, you have to like shopping, and that's it. I never had a role model, an outdoorsy LGBT role model."

Meyer said he struggled to find LGBT people among sponsored athletes in outdoor sports or hosts of outdoor travel shows, and he worried that LGBT people might feel left out or unsafe in far-flung adventure destinations.

"I'm trying to use this opportunity to be the role model I never had growing up and make the LGBT community feel more welcome outdoors," he said.

He unfurls his rainbow flag in national parks for photos that typically net more than 1,000 likes on Instagram.

"I want to show that ... if I can stand there with a giant rainbow flag and be OK, you can be OK in the parks," Meyer said. "You are welcome in the parks."

Meyer said he is experimenting with the "Find Your Park" campaign (<https://findyourpark.com>) to explore some of the lesser-known NPS sites along with the 59 national parks.

In Utah, Meyer said, his biggest surprise so far has been Dinosaur National Monument.

"It was like this combination of multiple parks all in one. ... River views, mountain views, plateau views, snow-capped mountain views," Meyer said. "I was so blown away. I rank parks on a scale of 1 to 10, and even without [a rafting trip] I gave Dinosaur a 10."

He also added it to a handful of parks that he considers standouts: for example, Theodore Roosevelt National Park in North Dakota, Buck Island Reef National Monument in the Virgin Islands, Big Bend National Park in Texas, and White Sands National Monument in New Mexico.

After hiking the Queen's Garden Loop this weekend, he said, he added Bryce Canyon.



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Meyer also searches for a church to sing in every Sunday of his trip. New Promise Lutheran Church in St. George was on the calendar for May 21, with Page Community United Methodist Church in Arizona set for May 28, a day before he hits Rainbow Bridge National Monument near the shore of Lake Powell.

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#### 5. Congress debates bill to revive roadway plans through tortoise habitat

*The Spectrum, May 23 | David DeMille*

U.S. Rep. Chris Stewart, R-Utah, is pushing for legislation that would mandate federal land managers to step aside and make room for a controversial roadway that would cross through habitat of the endangered Mojave desert tortoise north of St. George.

“This is an important bill for my district. It’s an important bill for lands issues in the west. But perhaps most importantly it’s important because it helps restore the balance of power between Washington, D.C., and local interests,” Stewart said Tuesday during a hearing of the House Subcommittee on Federal Lands.

His bill, H.R. 2423, would order the federal government to “grant any necessary rights-of-way for the northern transportation route,” more commonly known as the Northern Corridor, as drawn up by county transportation planners and stick to the protocols for authorizing utility lines as included in a 1996 plan created for the tortoise habitat.

Stewart argued the bill seeks to clarify directions included in a 2009 Omnibus Public Land Management Act, which directed the Bureau of Land Management to “identify” a route for the northern corridor as part of its planning process for the area but did not explicitly describe an exact route or mandate that a road be allowed.

Local elected officials have fought for years to build a highway across the Red Cliffs Desert Reserve, with planners arguing it is needed to stave off major road congestion expected to come with population growth and new development projected in and around St. George and could be done without significantly impacting the tortoise.



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At Tuesday's hearing, Washington County Commissioner Victor Iverson argued the roadway is necessary to keep up with the anticipated demand. State population projections forecast the county to grow from an estimated population of 160,000 today to nearly 200,000 by 2020 and to nearly twice that by 2040.

Iverson argued that with good planning the county could build the road and still protect sensitive habitat.

"We take care of (the tortoise) and we will build this road in a way that allow the recovery of the tortoise to continue," he said.

But the roadway would have to pass through publicly-owned federal lands overlaid with multiple layers of environmental protection, including the multi-governmental Red Cliffs reserve and a designated National Conservation Area.

Late last year, the Bureau of Land Management released new management plans for the area that made construction of the highway seem unlikely, with rules that required any roadway or other utility project not adversely affect sensitive habitat.

"The plain reading of the statute — especially in light of the legislative history for the underlying bill — make clear that the law does not direct the BLM to establish a northern transportation route within the NCA, particularly if such a route is determined to be in conflict with the purposes for which the NCA was established," according to a note in the appendices to the agency's plan for the Red Cliffs NCA.

Rather than describing a dedicated transportation and utility corridor that could accommodate a northern corridor, the proposals instead set aside a swath of land as an "avoidance area" that could potentially allow a highway but only under certain conditions.

The BLM defines an avoidance area as "an area designated on a land use plan for which use for a (right-of-way) should be avoided if at all possible," but it does allow for a corridor to be designated when the agency developed a more specific travel plan for the area.

The plan proposal suggests it could only authorize such rights-of-way "when the project-specific NEPA analysis indicates that the construction and operation of the facility would not result in the



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take of federally-listed species; the adverse modification of designated critical habitats; or adverse effects to (National Register of Historic Places) listed or eligible properties,” in addition to strict construction criteria that would minimize environmental impacts.

Stewart’s proposal could bypass all of that analysis, forcing the agency and others, including the U.S. Fish and Wildlife Service, to work around the idea of the highway moving in.

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#### **6. Gehrke: While wrangling over undoing Bears Ears continues, treasures go unprotected**

*The Salt Lake Tribune, May 23 | Robert Gehrke*

Utah's senators are not seeing eye to eye on what steps President Donald Trump should take when it comes to Bears Ears National Monument.

While Sen. Mike Lee is pushing hard for fully rescinding the entire monument, Sen. Orrin Hatch is taking a different approach, pushing the White House to dramatically shrink it, but leave a piece or pieces of the monument preserved, according to interviews with a half-dozen sources familiar with the behind-the-scenes lobbying effort.

Lee believes that rescinding the monument would force members of the conservation community to come to the table and discuss a broader overhaul of the Antiquities Act — the 1906 law that gave the president powers to create monuments to protect archaeological treasures.

Lee has not been shy about his opinion that the power has been abused, with presidents tying up sprawling expanses of federal land, culminating in President Obama's creation of Bears Ears National Monument in December.

Hatch, meanwhile, is pressing for the White House to shrink the monument but leave some of it in place, believing Trump is unlikely to expend the political capital to rescind the monument and that shrinking the monument may be more defensible in court, sources said.

In a way, the disagreement goes to how the senators balance their wishes with the real-world political realities in Washington.



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Hatch's spokesman, Matt Whitlock, said in a statement that the senator's priority is ensuring that Utahns and residents of San Juan County get a voice in the protection and in the management of the land.

"In meetings and conversations with [Interior] Secretary [Ryan] Zinke, Senator Hatch has recommended a full rescission but will accept whatever the secretary recommends to the President at the end of a fair and thorough review process," Whitlock said.

Lee, in a statement, said he backs eliminating the monument entirely.

"Any movement away from the current designation and towards something that better helps the residents of San Juan County would be welcome," he said, "but I do think a full rescission of the monument puts local, state, and federal communities in the best possible position to find a balanced legislative compromise for the public lands in southeast Utah."

All of this wrangling comes at the expense of any real action as the yearslong failure by leaders in Washington and Utah to protect the treasures in the Bears Ears region essentially forced Obama to designate the area a monument.

Now the Interior Department is taking public input through the end of the week on what should be done with the monument. You can submit a comment at [www.regulation.gov](http://www.regulation.gov). Those comments are overwhelmingly in favor of protecting the monument — although that is likely irrelevant. Zinke will make a recommendation to the president in early June, and Trump will decide what action to take.

Energy and Environment News quoted San Juan County Commissioner Phil Lyman in a story Monday, saying that Zinke told him that his inclination was to wipe out the entire monument.

"[Zinke] said, 'Well, let me tell you what I'm thinking: Not only should that monument be rescinded, but we're not going to stop there. We need to discuss all the dysfunctionality of public land management over the last three decades,'" Lyman told E&E News, although he told KSL on Tuesday that he was misquoted.

Those interviewed by The Salt Lake Tribune, who spoke on condition of anonymity because the behind-the-scenes negotiations are ongoing, don't see full monument rescission happening. But they agree on one point: Bears Ears will not survive in its current state, and Grand Staircase-Escalante National Monument could also be revised.



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The most likely outcome, sources said, is that Trump will likely dramatically shrink the Bears Ears monument, down to two and possibly three parcels totaling fewer — possibly much fewer — than 150,000 acres.

The change would wipe out the monument designation for roughly 90 percent of the landscape. Maps are in the process of being refined in an indication that some portion of the monument will likely survive.

Meanwhile, Rep. Rob Bishop said he is reworking the Public Lands Initiative — rebranding it as PLI 2.0 — to make sure counties' concerns are addressed or, if they can't be addressed, their portions are dropped from the bill. Bishop said he hopes to have the bill introduced and heard in the House this year.

The original PLI, sponsored by Bishop and Rep. Jason Chaffetz, would have created a national conservation area over the Bears Ears and Cedar Mesa regions, spanning much the same area, but with few protections for the land.

"What Rob Bishop and I are suggesting, and seemed to be very compatible to the president when I spoke with him, is rescind [Bears Ears] and we'll go back and do a version of the PLI to do it right. That's the one-two punch," Chaffetz said.

The Antiquities Act, generally, is also in the legislative cross hairs.

"When they passed out 1.35 million acres, it was an obvious overreach and created this opportunity to not only get Bears Ears right, but to have a major alteration to the Antiquities Act," he said. "So the bigger, broader, long-term fix to the Antiquities Act is really, really important, and that, I think, we're very united on."

Chaffetz, who will only be in Congress for another month, said he likes a bill sponsored by Sen. Lisa Murkowski, R-Alaska, that would dissolve any presidentially declared monument unless it is ratified by the state legislature in charge of the area surrounding the monument.

Utah lawmakers, as you can imagine, would approve a monument right about the same time they allow full-strength beer to be served in schools.





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There is also one absolute certainty in all of this: No matter what Zinke recommends and what Trump ultimately does, the courts will have the final say. Because we really are in uncharted waters.

A monument has never been rescinded, and numerous legal opinions say the president likely does not have the authority — although proponents of rescinding the monument have their own legal opinion from a former Bush administration Justice Department lawyer that says the president does have that power.

The tragedy in all of this endless wrangling is that nothing is being done on the ground to preserve the artifacts that the monument was intended to protect, and all the attention the monument has received is drawing significantly more visitors to the site.

To make matters worse, the Trump budget proposal released Tuesday would slash the Interior Department's funding to manage national monuments and conservation areas by 20 percent and would cut Interior's overall budget by about 12 percent, starving an already stripped-down agency.

Hopefully, some of the splendor that Zinke witnessed during his recent tour of southern Utah sticks with the secretary and he recognizes that part of his job is to make sure the magnificent landscape and sacred native land is protected, one way or another.

But on the surface, the debate seems to be over the most effective way to dismantle the monument and gut the authority of future presidents to protect our nation's treasures.

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#### 7. **BLM guard station burns in Bears Ears**

*The Salt Lake Tribune, May 22 | Brian Maffly*

The Bureau of Land Management is investigating a suspicious fire that recently damaged a remote guard station in Utah's Bears Ears National Monument.

The incident occurred on Elk Ridge north of the twin Bears Ears Buttes in a spot known as Sweet Alice Spring, where scientists and BLM staff have stayed while conducting field work.



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Officials declined to release details while the matter is under investigation. Damage to the cinder-box structure was discovered shortly before Interior Secretary Ryan Zinke arrival in Utah May 7 to tour Bears Ears as part of a review of 27 national monuments.

The fire was the third suspicious incident targeting remote BLM structures in the past year as hostility has mounted toward federal management of Utah's public lands.

Last year, someone may have attempted to burn down a guard station in Beef Basin, also in the new monument, whose Dec. 28 designation has sparked intense controversy, by leaving a stove on.

That incident, which left the building unscathed, remains under investigation, according to BLM spokeswoman Lisa Bryant, who declined to provide further details.

Also last year, an anti-federal militia leader, Bill Keebler of Stockton, was indicted in an undercover sting for allegedly trying to blow up a guard station in northern Arizona.

Keebler, who remains in federal custody, is awaiting trial in U.S. District Court in Salt Lake City.

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#### 8. **Presidents can't undo national monuments, new study says**

*The Salt Lake Tribune, May 24 | Brian Maffly*

As Utah political leaders continue predicting President Donald Trump will shrink or even erase the new Bears Ears National Monument, a soon-to-be published legal analysis concludes that presidents have no authority to mess with monuments established by a predecessor.

Such moves would defeat the purpose of the Antiquities Act, the 1906 law that authorizes presidents to unilaterally set aside public lands to protect "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest," according to Sean Hecht, a law professor at the University of California, Los Angeles.

"If you look at both the original Antiquities Act in context of other statutes of its time and the Federal Land Policy and Management Act that overhauled public land management in 1976, the evidence is clear Congress intended this to be a one-way designation," said Hecht, co-executive



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director of UCLA's Emmett Institute on Climate Change and the Environment. "It can be proclaimed, but not revoked or reduced."

Hecht is an author on the paper, accepted for publication online next month in the Virginia Law Review. He and fellow scholars, including University of Colorado's Mark Squaillace, conclude that Congress in 1906 delegated monument-making authority to presidents, whose designations carry the weight of congressional acts that only Congress has the power to adjust.

They also argue that if Congress wanted to empower presidents to undo monuments, it would have specified that authority in various land statutes it passed following the Antiquities Act — but instead chose not to.

This logic is being denounced by other scholars at the property-rights group Pacific Legal Foundation, which recently released its own study that came to an opposite conclusion. They say Hecht's analysis is based on "three flimsy arguments" that fail to address the presumption that presidents hold authority to challenge prior executive actions.

"That presumption is so strong there is no necessity for Congress to expressly provide that the president can revoke or modify what an earlier president created," study co-author Todd Gaziano, the group's DC Center executive director, wrote in an email.

"The new legal analysis by four environmental law professors does not address that overwhelming body of law, but instead makes extravagant claims based on isolated passages in other statutes that have no relevance to the central question of the president's clear authority to revoke prior national monument designations," Gaziano continued.

Hecht and three colleagues were assembling their study when Trump issued his recent executive order instructing Interior Secretary Ryan Zinke to make recommendations for adjusting Bears Ears' 1.3 million-acre boundary and 26 other large monument designated since 1996, including the 1.9 million-acre Grand Staircase-Escalante National Monument.

Members of the public have until May 26 to submit comments online regarding Bears Ears, designated Dec. 28 by President Barack Obama weeks before he left office. The comment deadline is July 10 for the other monuments under review.



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So far, 75,000 comments have been submitted, 32,000 of which mention Bears Ears. The comments favor leaving monument boundaries intact by a margin of 100-to-1, according to Utah Dine Bikeyah, a grass-roots Navajo group that has long advocated for protecting Bears Ears.

However the Utah public feels about the monument, the current president's ultimate decision to reduce Bears Ears or other monuments, or leave them intact, is all but sure to launch a flotilla of lawsuits.

While Hecht predicts that a move by Trump to reduce any monument will fail in court, his conclusions clash with those advanced by legal scholars John Yoo and Gaziano in their report issued March 28.

Unveiled by Utah Republican Sen. Mike Lee and Rep. Rob Bishop alongside the authors, that study argues that when Congress gives federal agencies the power to create regulations, it also allows them to toss out those rules. They say a president has an even better case to throw out a monument designation if it was based on factual errors or circumstances change.

A Bishop spokesman did not respond to an email inquiry from The Salt Lake Tribune. The senator has said he expects Trump to correct what he calls an abuse of the Antiquities Act by Obama when he proclaimed 1.3 million acres in San Juan County against the express wishes of local leaders.

Hecht and other scholars point out that the influence of those leaders is exactly what the Antiquities Act sought to evade, since the law's goal was to put the national interest of protecting objects of "scientific interest" ahead of the parochial interests of nearby residents.

"Faced with a concern that historical, archaeological, and natural or scenic resources could be damaged or lost, Congress purposefully devised a delegation to the president to act quickly to ensure that objects of historic and scientific interest on public lands can be preserved before they are looted or compromised by incompatible land uses, such as the location of mining claims," Hecht and co-authors wrote. "Once the president has determined that these objects are worthy of protection, no future president should be able to undermine that choice."

In 110 years, 16 presidents of both parties have designated 157 monuments. Obama was the most prolific, responsible for a fifth of the total.



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There are precedents for presidents shrinking monuments, but the courts have yet to weigh in on the matter.

President Woodrow Wilson shaved off half of Mount Olympus National Monument, designated by President Theodore Roosevelt in 1909 as the nation was preparing for to enter World War I. When Wilson acted, there was broad support for freeing up the monument's timber resources and his move was never legally challenged. However, Congress later enlarged the monument and upgraded Olympus to a national park.

Several tribes and conservation groups have vowed to sue if Trump diminishes Bears Ears, so whatever action he takes could result in judicial opinions governing how the Antiquities Act is used by future presidents.

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#### 9. **Utah conservationist buys Needles Outpost for \$2.5 million at SITLA auction**

*The Salt Lake Tribune, May 24 | Brian Maffly*

A Utah trust-lands parcel at the Needles entrance to Canyonlands National Park fetched \$2.5 million Wednesday from a conservation buyer after a brief bidding war.

The square-mile section — long-time home of the Needles Outpost campground and store — went on the market shortly after the surrounding public land became part of the new Bears Ears National Monument.

The proposed sale had raised concerns that the 640 acres would be taken over by developers eager to capitalize on the spot's proximity to protected lands in southern Utah.

Jennifer Speers, a Salt Lake City resident affiliated with The Nature Conservancy and The Wilderness Society, submitted a sealed bid that was more than double the \$1 million minimum bid set by the Utah School and Institutional Trust Lands Administration, or SITLA.

The agency then fielded oral bids Wednesday at its Salt Lake City headquarters.

Speers' representative said Wednesday while the land's exact fate hadn't been decided, it will not be heavily developed.



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The Needles Outpost sale, which came in the middle of an otherwise uneventful trust-lands auction, was the highest amount paid at auction for a trust-lands parcel in years, according to SITLA executive director David Ure.

"We are very appreciative to [Speers'] foundation," said Ure, who acknowledged being surprised by the final sale price. "This is a good deal for [Utah's] school kids. This money goes directly into the trust [supporting Utah schools] and is reinvested. We will reinvest this money year after year."

The auction room erupted in applause when the gavel dropped on the \$2.5 million tendered by Speers' representative Tom Shellenberger after he made several counters to high bids from a company called Wolf Creek.

"You're always scared at auction. You never know what might happen," Shellenberger said.

He said his client intends to put a conservation easement on the land or donate it The Nature Conservancy, which operates the Dugout Ranch nearby at Indian Creek.

Shellenberger said the parcel, which served as overflow camping for the Needles District, will remain a campground in the short term "and it may stay that way for a long time.

"It has gasoline and food and camping, which is a benefit to the park as long as it doesn't escalate into a big commercial development," he said, "which I can guarantee with this buyer, it will not."

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#### 10. **How to stay safe around Utah's thousands of abandoned mines**

*KSL News, May 24 | Faith Heaton Jolley*

SALT LAKE CITY — Several national parks are expecting huge crowds for Memorial Day weekend, and as more people head outdoors, Utah Division of Oil, Gas and Mining officials are giving reminders to watch out for abandoned mines.

Utah has a rich history of mining coal, copper, silver and uranium. But, when many of the mines stopped producing, they were abandoned and equipment, open shafts and tunnels were left behind, often still exposed, officials said. In 1975, the Utah Mines Reclamation Act was passed which made it illegal for companies to abandon mines.



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However, many old mines are still open and exposed throughout Utah and can often be covered up by sagebrush, old boards or dirt and are difficult to see. On May 6, a man went missing overnight after accidentally driving his OHV into an abandoned mine shaft and falling 90 feet.

There are approximately 20,000 abandoned mines statewide from Silver Mines in Big and Little Cottonwood Canyons to the west deserts in Juab and Millard Counties, state officials said.

According to a 2011 KSL article, 10 people have been killed in abandoned Utah mines since 1983. The Abandoned Mine Reclamation Program works to protect the public from dangers of old mines by sealing off access to openings and cleaning up waste. Staff members are currently working on several mine closure projects including the closure of 71 mine openings in the Gold Hill area in western Tooele County. Since the program began in 1983, over 6,000 mine openings have been closed, but a KSL report said state officials admit that because of budgetary restraints, it may take several decades to finish the remaining closures.

Because more people will be outdoors during the summer recreating in various areas, state officials gave several tips to help Utahns stay safe from falling into abandoned mine shafts:

- Stay on designated trails and routes
- Check maps for mines before heading out, but remember that many mines aren't mapped.
- Never enter an abandoned mine
- Familiarize yourself with the landscape and know the signs of mining areas (mine dumps, headframes, old equipment)
- Respect private property and No Trespassing signs

In the Utah Code, entering an abandoned mine is outlawed as "criminal trespass." However, the definition applies only to those mines that have been "clearly marked as closed or protected from entry." The law would seem to not apply when a mine opening is simply abandoned without special markings or protections.

If anyone discovers an abandoned mine, they should report it to the Abandoned Mine Reclamation Program at 801-538-5340 or [amrinfo@utah.gov](mailto:amrinfo@utah.gov).

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#### E&E/NATIONAL NEWS – FULL STORY

##### **1. Trump proposes sharp cuts at Interior Department while pushing for more drilling on public lands**

*The Washington Post, May 23 | Brady Dennis*

The White House wants to cut the Interior Department budget by about 12 percent as the Trump administration shifts the agency's focus toward promoting fossil fuel drilling and extraction on public lands and in federal waters.

The budget proposal released Tuesday would reduce Interior's funding to \$11.6 billion in fiscal 2018 — about \$1.6 billion less annually — and eliminate programs that Interior Secretary Ryan Zinke has called unnecessary, duplicative or a low priority. Among them: discretionary grants to help reclaim abandoned mine sites, National Heritage areas that Trump administration officials say are more appropriately funded locally and National Wildlife Refuge payments to local governments.

The budget also significantly decreases funding for new major acquisitions of federal land, cutting such appropriations by more than \$120 million. The administration says it instead intends to focus on investing in and maintaining existing federal lands. In particular, Tuesday's proposal would boost money to help address the roughly \$11 billion maintenance backlog within the national park system.

"It was not an easy job. There were difficult decisions that were made," Zinke said in a call with reporters. "This budget overall speaks to the core mission of the Department of the Interior. It funds our highest priorities — safety, security, infrastructure."

The budget proposal would pour more funding into the development of oil, gas and coal investments on public lands. Onshore fossil fuel programs would receive \$189 million annually, an increase of \$24 million; offshore programs would get \$343 million, including a \$10 million increase to update the nation's five-year offshore drilling plan. The Bureau of Land Management would get a \$16 million increase in its oil and gas management program to accelerate the rate at which its staff processes permit applications and addresses right-of-way requests for infrastructure projects.





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The budget also includes a proposal aimed at opening the Arctic National Wildlife Refuge to oil and gas leasing, though that would require approval by Congress.

“We have not been a good partner with industry,” Zinke said of the push for expanded energy production on public lands, adding that federal revenue from offshore drilling leases is only a fraction of what it was a decade ago. “Energy production is vital to our national security and our national economy.”

Last month, President Trump signed an executive order aimed at expanding offshore drilling in the Arctic and Atlantic oceans and assessing whether energy exploration can take place in marine sanctuaries in the Atlantic and the Pacific oceans.

That move made millions of acres of federal waters eligible for oil and gas leasing, just months after President Barack Obama withdrew them from possible development. At a signing ceremony, Trump emphasized that the United States has abundant offshore oil and gas reserves, “but the federal government has kept 94 percent of these offshore areas closed for exploration and production, and when they say closed, they mean closed.”

Zinke has said it would probably take about two years to do a thorough review of what new areas could be put up for auction.

The Interior Department employs 70,000 people at more than 2,000 locations and manages 530 million acres, or about 20 percent of U.S. territory. It controls even more resources underground, including about 700 million acres of minerals.

After his confirmation in March, Zinke said in an address to staffers that he disagreed with the initial version of the White House’s budget proposal and vowed to push back against deep cuts. “I looked at the budget. I’m not happy, but we’re going to fight about it, and I think I’m going to win at the end of the day,” he said at the time.

Environmentalists were quick to criticize the proposed cuts, saying the budget would prioritize fossil fuel development while hurting key science programs, hindering work to protect threatened and endangered species and crippling the National Wildlife Refuge System — the world’s largest land-and-water system dedicated to wildlife conservation.



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“The Trump budget includes devastating and unacceptable cuts to vital conservation programs,” said Jamie Rappaport Clark, chief executive of the advocacy group Defenders of Wildlife, who directed the U.S. Fish and Wildlife Service under Bill Clinton. “We owe it to our children and grandchildren to be good stewards of our environment and leave behind a legacy of protecting our air, land, water and wildlife. But this budget is a disaster that flies in the face of those values.”

Interior officials are also taking aim at the wild horses and burros that range on federal lands, by seeking to eliminate language that restricts it from euthanizing the animals in order to reduce their numbers. The Bureau of Land Management estimates that as of March nearly 73,000 wild horses and burros roam federal land, “almost three times the number that is sustainable and healthy for the land and the animals.”

BLM wants to use “the full range of tools” identified under a 1971 law, the agency said in a statement, “including humane euthanasia and unrestricted sale of certain excess animals.”

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## 2. This Land Is ... Cut Under Trump's Budget?

*NPR News, May 23 | Kirk Siegler*

Rural communities dependent on U.S. public lands for everything from outdoor recreation to hunting to livestock grazing could be hit hard under the Trump administration's latest budget proposal unveiled Tuesday.

Still subject to approval by Congress, the president's budget includes a roughly \$1.4 billion cut to the Department of Interior and far deeper cuts to the Department of Agriculture: combined the two agencies own and manage more than 700 million acres of public lands, mostly in the West.

Here are three items of note in the Department of Interior budget alone that aren't generating much attention so far. But they could disproportionately hit rural communities, many of which tended to support President Trump in last year's election.

A proposed \$12 million cut to rangeland management programs designed to rehabilitate grass and prairie lands important for cattle ranchers that depend on public lands for grazing.



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A \$14 million cut to wildlife management programs, which has already come under scrutiny in western states like Colorado, where revenues from hunting and fishing on public lands have been falling.

A proposed large cut to the popular Land and Water Conservation fund that's added scores of private lands into the protected federal public land system since 1964.

As a congressman representing Montana, Interior Secretary Ryan Zinke was a vocal supporter of the Land and Conservation fund. But at a budget briefing for reporters Tuesday he appeared to sound a different tune on future land acquisition and conservation more generally.

"Rather than simply adding more land, we want to make sure we take care of what we have," Zinke said.

Like many of his predecessors, Secretary Zinke has articulated a broad, if sometimes complicated, vision for the future of public lands management. On the one hand, he's pledged to be a conservation champion in the spirit of Teddy Roosevelt. But he's also promised to boost the economies of rural American towns by increasing mining and other development on public lands that surround them.

For sure, this reflects the often competing "multiple use" mission of DOI agencies such as the Bureau of Land Management. But Zinke predicted that reversing Obama-era policies restricting off-shore drilling alone could bring revenue back for many of the restoration and conservation programs currently facing cuts.

"Some of it has been due to oil and gas pricing, but not all," Zinke said. "A lot of it is uncertainty that we have not been a good partner with industry."

Still, many influential sportsmen and public lands groups say the administration's budget is directly at odds with many of the conservation values Mr. Zinke espouses.

"When you talk about on the one hand, increasing access, and then you cut out the very tool to do that, it's hard to reconcile," said Land Tawney, executive director of Backcountry Hunters and Anglers.



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Tawney says the DOI's budget proposal is reflective of a broader trend that he says has been building in Washington in recent years: "when you starve these agencies of their budgets, you make them look sick, so we can [then] think about divesting in them."

As much of the rural West in particular has been transitioning from a resource-based economy to one more dependent on outdoor recreation, groups like Tawney's have flexed their political muscle recently. They say they plan to press Congress in the coming weeks as well, if the administration's budget proposal moves forward.

Meantime there is early and widespread speculation that much of the budget stands little chance of passing Congress, at least in its current form, even with the president's party in control of both the House and the Senate.

For his part Tuesday, Secretary Zinke seemed to view the latest budget proposal as a conversation starter, even if it's controversial. He argued that many federal land agencies need to be overhauled and updated with a longer term vision.

"I view this as a reorganization to look at how best to manage, protect and use our public lands in the next 100 years, given that we have a number of challenges," Zinke said.

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### **3. Increasing aridity and land-use overlap have potential to cause social and economic conflict in dryland areas**

*Science Daily, May 23 | Northern Arizona University*

Climate change combined with overlapping high-intensity land uses are likely to create conditions detrimental to the recreation economy, wildlife habitat, water availability and other resources in hyper-arid landscapes, or drylands, in the future, according to a paper published recently in *Ecosphere*. Drylands are of concern because broad-scale changes in these systems have the potential to affect 36 percent of the world's human population.

The findings are based on an analysis of trends and spatial data for the Colorado Plateau, a drylands region that covers parts of Arizona, Utah, Colorado and New Mexico, by researchers from Northern Arizona University and the U.S. Geological Survey. The research team examined the combined effects of climate change and human land use -- agriculture, recreation, energy



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development, mining and population growth -- on a range of ecosystem functions and landscape attributes.

"Our approach offers a relatively simple method for scenario development that could be applied to a wide range of change agents, ecosystem services and regions," said lead author Stella Copeland, NAU Merriam-Powell Center post-doctoral scholar. "Tools such as these can be used to inform natural resource planning and management efforts in the United States and elsewhere."

Results included projections for aridity that provide context for other findings. Trend data from 1985 to 2014 show the southern and central parts of the Colorado Plateau drying at a higher rate than northerly areas. When declines in precipitation are compared to the average from 1985-2014, the increase in aridity was about 17 percent for the region as a whole.

The study examined four scenarios to estimate how climate change and overlapping land uses may influence ecosystem functions and landscape attributes. Although outcomes varied by scenario and characteristic, the recreation economy had the highest impacts for all scenarios; followed by vegetation and wildlife habitat and cultural and spiritual values; water availability; soil productivity; and cropland productivity.

The findings suggest that the recreation economy is vulnerable to negative impacts associated with the high degree of spatial overlap between areas of high recreation intensity, aridification, and petroleum and renewable energy development. Though some recreation areas such as national parks are largely protected from energy development, many of them are surrounded by public and private lands with high potential for energy development and other land uses.

"These results illustrate remarkably rapid growth in both recreation and energy development on the Colorado Plateau over the past few decades. The combined influences of these changes on natural resources and related recreational activity is unclear, especially in the context of increasing aridity," said John Bradford, a USGS research ecologist and co-author of the study. "Higher intensity land use and warming is likely to lead to increased conflict and added complexity for resource managers."

#### **Story Source:**

Materials provided by Northern Arizona University. Note: Content may be edited for style and length.



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#### Journal Reference:

Stella M. Copeland, John B. Bradford, Michael C. Duniway, Rudy M. Schuster. Potential impacts of overlapping land-use and climate in a sensitive dryland: a case study of the Colorado Plateau, USA. *Ecosphere*, 2017; 8 (5): e01823 DOI: [10.1002/ecs2.1823](https://doi.org/10.1002/ecs2.1823)

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#### 4. **Price tag for defense in Bunkerville standoff case tops \$1M**

*Las Vegas Review-Journal, May 23 | Jenny Wilson*

Taxpayers already have spent over \$1 million to provide legal representation for the 19 men accused of participating in the 2014 armed standoff in Bunkerville.

As of last week, the federal government had paid \$1,028,154.30 to defense lawyers, investigators, paralegals and others who have played a role in defending those accused of staging a mass assault on federal agents who, in April 2014, tried to seize rancher Cliven Bundy's cows from public lands.

The cattle seizure operation was met with pushback by the Bundy family and loosely organized militia groups who traveled from across the West to protest what they viewed as improper federal overreach.

In early 2016, a federal grand jury returned an indictment charging 19 men with conspiracy and various other crimes for their roles in what escalated to an armed standoff.

Private defense attorneys were appointed for the majority of defendants, but some chose instead to represent themselves. Bundy is paying for a private attorney, local criminal defense lawyer Bret Whipple.

Two of the men charged in the case pleaded guilty, and the rest decided to take their cases to trial.

The costs associated with the court-appointed representation were detailed in court documents provided Friday to the Las Vegas Review-Journal. The \$1 million figure is likely to balloon in the coming months as federal prosecutors proceed with the three remaining trials in the high-profile case.



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Initially, only three trials were scheduled. But a mistrial was declared in the first trial last month after jurors deadlocked on 50 of the 60 counts against the six defendants. Four of those men are scheduled to be retried in June, a development that is expected to significantly increase the total costs taxpayers will bear as the federal government prosecutes the biggest case in the district this year.

There were five court-appointed defense attorneys in the first trial. Collectively, they already have been paid \$344,012. And it is possible that some lawyers still have not billed for all of the hours they spent working on the trial.

Meanwhile, attorneys' fees for other defendants who either are incarcerated pending trial or who pleaded guilty have reached \$365,172.90.

Over \$300,000 has been paid out to "experts," which include investigators, paralegals and others who have provided legwork and other services to the defense attorneys.

The U.S. attorney's office declined to provide costs of prosecution thus far.

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#### 5. **Wild Horse Group Calls On Trump to Save Mustangs**

*The Daily Caller, May 23 | Kerry Picket*

The American Wild Horse Campaign (AWHC) on Tuesday demanded President Trump intervene on the proposed Interior Department's budget and save American Mustangs from being slaughtered by the Bureau of Land Management.

Suzanne Roy, Executive Director of the AWHC said the Bureau of Land Management requested Congress to allow the slaughter of over 46,000 captured mustangs and burros that Roy says is on the verge of extinction.

Roy said, "This lethal budget is wildly out of step with the wishes of the American people, and the American public will not stand for this travesty."

The Bureau of Land Management's (BLM) practice of removing federally-protected wild horses and burros from public lands by shooting the animals from helicopters was documented by the AWHC in 2014 when the organization announced on its website the BLM had "budgeted two \$6



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Million contracts for helicopter roundups in 2014 and \$1.5 million for plans to sterilize the stallions and mares.”

NBC News reported in 2013 the agency’s roundup spread over 10 Western states.

Joan Guilfoyle, head of the BLM’s Wild Horse and Burro Program, told NBC at the time that wild horse numbers increase two fold every four years and the population requires to be thinned for environmental purposes. “If we stopped gathering animals, the population would continue to grow and grow and grow and the rangelands would continue to be overgrazed,” Guilfoyle said.

“At the same time, the agency continues to claim – without scientific foundation – that there are three times more wild horses and burros on the range than the land can sustain. This assertion was called into question in 2013 by the National Academy of Sciences, which ‘could not identify a science-based’ rationale for the BLM’s imposed wild horse and burro population limits, which the agency misleadingly refers to as ‘Appropriate’ Management Levels,” AWHC said of the agency’s claims, adding that the BLM “currently maintains 46,000 captured wild horses and burros in government holding facilities.”

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#### 6. **WILD HORSES: Budget calls for BLM to euthanize animals it can't adopt out**

*E & E News, May 23 | Scott Streater*

The Bureau of Land Management's \$1.1 billion fiscal 2018 budget request would reduce growing herds of wild horses and burros on federal rangelands by allowing for the "humane euthanasia and unrestricted sale" of potentially thousands of animals it cannot adopt out to other agencies or individuals.

BLM officials say the proposal is necessary to deal with the estimated 73,000 wild horses and burros roaming federal lands across the West and to handle the escalating costs of caring for and feeding the nearly 50,000 additional animals it has already rounded up in holding pens and corrals.

"Simply put, the BLM's Wild Horse and Burro program — in its current form — is unsustainable," the agency said in an emailed statement to E&E News addressing the budget request.





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BLM's requested fiscal 2018 budget would cut funding for the Wild Horse and Burro Program to \$70.7 million from \$80.5 million in the fiscal 2017 omnibus.

The nearly \$10 million in savings would come from reducing horse gathers and by selling some 9,000 "older, unadopted animals if Congress enables the BLM to use all the tools provided for" in the Wild and Free-Roaming Horses and Burros Act of 1971, according to the agency.

BLM has the authority to sell and euthanize excess horses under the law, but Congress since 2010 has attached stipulations in Interior appropriations bills prohibiting BLM from using federal money to sell wild horses or to destroy any of the animals.

The law requires the agency to protect herds from harm but also to remove animals as soon as they exceed appropriate management levels, or AMLs.

The 73,000 wild horses and burros on federal rangeland are nearly three times the 26,715 animals that BLM says the rangelands can sustain.

The agency says it lacks the resources it needs to round up the 46,000 excess animals or to care for them over the lifetimes of the animals.

"To address these challenges, the President's Fiscal Year 2018 budget proposal requests the authority to use all management tools provided by the Act," the BLM statement says. "This authority includes removing some restrictions on the sale and disposition of excess animals.

"As the cost to care for un-adopted animals declines in future years, BLM will be better able to direct resources towards managing population growth on the range and improving the health and well-being of wild horses and burros, and the habitat on which they depend," it adds.

The proposal is certain to spark fierce opposition, not only from congressional Democrats but from wild horse advocacy groups that have routinely sued BLM to prevent wild horse gathers, claiming they are inhumane.

The \$1 trillion omnibus spending package that Congress approved this month included a provision allowing the Interior secretary to "transfer excess wild horses or burros" BLM has removed from federal rangelands "to other Federal, State, and local government agencies for use as work animals" (E&E News PM, May 4).



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It drew loud objections from advocates, including Suzanne Roy, executive director of the American Wild Horse Campaign, who said she was "outraged" that the provision did not include stronger language against slaughtering horses for commercial purposes.

"The proposal to continue mass roundups of America's mustangs and kill innocent and healthy wild horses and burros unfortunate enough to be captured is wildly out of step with the wishes of the American people," Roy said today in an email to E&E News.

She said that polls show 80 percent of Americans — including 83 percent of Westerners — oppose horse slaughter.

"The Trump Administration promised to return government to the people, and the will of the people should govern how our iconic wild horses and our public lands are managed," she said in the email. "American can't be great again if our national symbols of freedom are brutally rounded up and killed."

But some say allowing BLM to sell or euthanize excess animals is the only reasonable alternative to address the growing herd sizes.

"We're glad to see the administration recommend the removal of the appropriations language that restricts the BLM from using all of the management options authorized under the Wild and Free-Roaming Horse and Burro Act," said Keith Norris, director of government affairs and partnerships at the Wildlife Society and chairman of the National Horse and Burro Rangeland Management Coalition, which advocates for downsizing herds on public lands to sustainable levels.

"On-range populations of horses and burros already exceed ecologically sustainable objectives, and continue to grow at rates far surpassing adoption demand," Norris added. "Directly removing horses and burros from the range is the only way to effectively reduce their populations in a reasonable amount of time."

#### **BLM is 'overwhelmed'**

BLM currently spends about \$50 million a year — two-thirds of the annual Wild Horse and Burro Program budget — to feed and care for the nearly 50,000 wild horses and burros removed from the range in offsite corrals and holding pens.



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Former BLM Director Neil Kornze told a House Appropriations subcommittee last year that the agency is "overwhelmed" by the growing herds, which are causing environmental harm to vast swaths of rangeland (E&E Daily, March 4, 2016).

Kornze has estimated it will cost BLM \$1 billion to feed and care for the captured animals over their lifetime.

Striking a balance between responsible care for the wild horses and rangeland protection has been a political balancing act for BLM. Ranchers and some environmentalists want the nonnative horses gone, but horse advocates say BLM should first curb livestock grazing.

The idea of BLM euthanizing horses that aren't adopted has been kicked around for years.

In June 2008, BLM announced it would consider euthanasia to control populations, though it later dropped that proposal.

And BLM's National Wild Horse and Burro Advisory Board last year recommended the agency take aggressive steps to sell the wild horses it has rounded up and is caring for in corrals — and euthanize those horses it cannot sell or adopt (Greenwire, Sept. 13, 2016).

"Those animals deemed unsuitable for sale," the advisory board's resolution states, "should then be destroyed in the most humane manner possible."

Kornze told a congressional panel a couple of days after the advisory panel resolution that the agency had no plans to follow the recommendation (E&E Daily, Sept. 15, 2016).

Rep. Jared Polis (D-Colo.) told Kornze during that hearing that any proposal to sell or slaughter wild horses is "completely unacceptable," and Kornze agreed.

The latest proposal in the fiscal 2018 budget calls for BLM to essentially follow that recommendation.

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#### 7. Montana's House race may hang on a river-access lawsuit

*High Country News, May 24 | Tim Murphy/Mother Jones*

With Thursday's special election approaching, the race for Montana's vacant House seat has gone national. The president's son Donald Trump Jr. flew to the small town of Hamilton to raise money for Republican businessman Greg Gianforte; Bernie Sanders made a four-stop swing through the Big Sky state to stump for Democrat Rob Quist. Both parties have tried to nationalize the race: The Democratic Congressional Campaign Committee injected \$600,000 into the contest, and its Republican counterpart has already spent several times that.

With the congressional midterms still 18 months away, Democrats have seized on House special elections as an early test of their political energy and an opportunity to steal a few seats. In a historically red Georgia district, Democrat Jon Ossoff has raised more than \$10 million in his bid to replace Health and Human Services Secretary Tom Price and is approaching 50 percent in the polls ahead of the June 20 runoff. Kansas Democrat James Thompson narrowly lost his bid to replace CIA director Mike Pompeo, in a district President Donald Trump won by 27 points.

Quist, a country singer rarely seen without his white cowboy hat, thinks he can kickstart a Democratic turnaround in the House by betting big on the smallest of issues: a fishing hole. In the race to fill the seat vacated by Interior Secretary Ryan Zinke in March, Quist has tapped into deep-seated fears about the fate of Montana's public lands in Republican-dominated Washington D.C. He has held six rallies for public lands across the state and been buoyed by a massive "hands off public lands" protest in Helena and a growing network of progressive grassroots groups. At the heart of his critique of his rival is a decade-old story about a river, a trail, and a legal threat that just a few months ago helped dash Gianforte's bid for governor.

Gianforte, a wealthy businessman who moved to Montana from New Jersey two decades ago, should have had the wind at his back in the gubernatorial race in a state Trump won easily. But Gov. Steve Bullock, the Democratic incumbent, succeeded in positioning himself as a champion of the outdoors — and Gianforte as its greatest threat.

The acquisition of federal lands in the West was a huge issue during the Obama years, culminating in a string of high-profile showdowns between members of the Bundy family and federal agents in Nevada and Oregon. Many Republican state lawmakers, including in Montana, pushed legislation that would compel the federal government to transfer the deed to some of its public lands to their states. Bullock was fiercely against the idea; Gianforte suggested that such a



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move might be appropriate at a later time. But Gianforte had also donated money to the Republican lawmaker who chaired the American Lands Council, the primary driver of the lands-transfer movement.

Maybe that alone wouldn't have been enough to sink Gianforte, but Bullock had a trump card: a 2009 legal battle. Gianforte's property abutted the East Gallatin River outside Bozeman and included an easement long used by locals for fishing. (The easement was granted through an agreement with the property's previous owner.) Gianforte argued that the easement was ruining his property and sued the state of Montana to have the area closed off. He eventually reached a compromise with the state, but the dispute fed into Bullock's narrative. It was one thing to campaign on the fear that Republicans would try to limit public access to public lands, but it was far easier when Gianforte had actually tried to do it.

"Montanans have been locked in a battle against wealthy out-of-state land owners buying up land and blocking access to places Montanans have literally enjoyed for generations," Bullock said at the time. He hammered Gianforte's river-access suit in speeches and ads.

When, at their final debate, Gianforte sought to dispute the governor's version of events, Bullock pulled out a copy of the complaint, ignoring the agreed-upon prohibition on props. "I just want to note the governor violated the rules," Gianforte said. Bullock countered: "I just want to note Greg Gianforte sued all of Montana," Bullock said. Bullock won by four points.

"I've been doing this a while and it was one of the most damaging negatives I've ever seen," says Eric Hyers, Bullock's 2016 campaign manager.

When the DCCC got involved in the race in April, it wasted no time jumping on the easement fight. "You've seen it before: millionaires buying trophy ranches in Montana, then suing to block you out," a narrator intoned in the group's first ad, over an image of a "no hunting" sign. "Well it's exactly what this millionaire from New Jersey did."

Last week, Quist went a few steps further: In two new ads running statewide, he walks along the very riverside trail Gianforte sought to block access to, declaring, "You shouldn't have to be rich to get outdoors in Montana."

Other Democrats have tried this line of attack with less success. Zinke, who hails from just outside Glacier National Park, easily won reelection and then the Interior job in part because of the perception that he was more of a conservationist than other candidates. (It was Backcountry



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Hunters and Anglers, the nonprofit that helped organize the public-lands protest and whose director ran a dark-money group that helped Democratic Sen. Jon Tester win reelection in 2012, that reportedly lobbied Donald Trump Jr. to consider Zinke for the Interior job.) The key to the public lands movement's success in resisting the land-transfer push has been that it comprises more than just crunchy environmentalists. It also has the backing of hunting and fishing groups and trade associations such as the Montana Wood Products Association.

After Trump's inauguration, fears grew that public lands would come under threat. In late January, one week after the Helena women's march drew record crowds to the capitol grounds, 1,000 demonstrators, organized by a coalition led by the Montana Wilderness Association, crowded inside the capitol building with luminaries such as Bullock, Tester, and Hilary Hutcheson, a fly-fishing guide who hosts a popular TV show on Trout TV. They had a specific concern in mind: that the Trump administration would sign off on a push by congressional Republicans to sell off public lands.

Similar events, dubbed "Public Lands in Public Hands," were held across the West — 500 people in Santa Fe; 200 in Boise. A few days later, Rep. Jason Chaffetz, R-Utah, who had sponsored the sell-off proposal, backed down. "I hear you and HR 621 dies tomorrow," he wrote in an Instagram post.

With Zinke running the Interior Department, the status of Montana's lands is no less fuzzy. In May, Zinke announced that he was reviewing the status of some three dozen national monuments established over the previous three presidential administrations, with the possible end result of revoking their protected status. Among the monuments on the chopping block: Montana's own Upper Missouri Breaks.

The clearest sign of how potent the public-lands protests — and messaging — have been is that Gianforte himself is using the protesters' language. "I've been very clear all along that public lands must stay in public hands," he told Montana Public Radio in an interview earlier this month, echoing the language used by the demonstrators. "I've been very clear. I don't support deed transfer of lands," he said. "Public lands have to stay in public hands."

The race to replace Zinke is in some ways a fitting coda to the political fights of the Obama administration, which saw a new "Sagebrush Rebellion" — the name for the '80s anti-government movement led by Western ranchers — that featured, most sensationally, the antics of the Bundy clan. These new Sagebrush rebels were backed up by a new crop of local law



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enforcement leaders who resisted federal authority, as well as legislators, in Washington and state capitals, bent on redistributing federal lands to the states.

The Trump administration's push to reconsider places like Upper Missouri Breaks, which have been in the sights of conservative groups for a long time, represents a high-water mark for this movement. Quist is hoping his race is the beginning of another kind of wave.

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#### **8. NATIONAL MONUMENTS: GOP senators want Trump's review to consider 'all remedies'**

*E & E News, May 24 | Jennifer Yachnin*

Republican lawmakers led by Utah Sens. Mike Lee and Orrin Hatch have urged President Trump to "keep all remedies on the table" as his administration considers reforms to the Antiquities Act.

In a May 19 letter signed by 25 Republican senators, Lee and Hatch also praised Trump's executive order mandating that the Interior Department conduct a review of all national monuments created under that law since 1996 that include more than 100,000 acres.

"Land use decisions are never easy as they directly affect neighborhoods, their citizens' livelihoods, environments, and the economic future of communities," the letter says. "The complexity and lasting effect of these decisions is why they are best made collaboratively, through local consultation. Yet, the Antiquities Act requires no such coordination prior to the creation of a national monument. The broad discretion the Antiquities Act grants presidents has led to its abuse."

The lawmakers called on Trump to consider pursuing changes to the 1906 law, which allows presidents to designate federal lands as national monuments to protect areas of cultural, historical or scientific interest.

"No president has seriously revisited the modern, expansive use of the Antiquities Act. We urge you to keep all remedies on the table as you consider how to correct past abuses of the Antiquities Act and work with Congress to ensure a more measured approach is taken and required in the future," the letter concludes. "Such a review is long overdue and welcome."



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The missive is also signed by Alabama Sens. Luther Strange and Richard Shelby, Alaska Sen. Lisa Murkowski, Arizona Sen. Jeff Flake, Idaho Sens. Mike Crapo and James Risch, Iowa Sen. Joni Ernst, Kansas Sen. Pat Roberts, Louisiana Sens. John Kennedy and Bill Cassidy, Mississippi Sens. Roger Wicker and Thad Cochran, Montana Sen. Steve Daines, Nevada Sen. Dean Heller, North Carolina Sen. Thom Tillis, Oklahoma Sens. Jim Inhofe and James Lankford, Texas Sen. Ted Cruz, South Dakota Sen. Mike Rounds, West Virginia Sen. Shelley Moore Capito, Wisconsin Sen. Ron Johnson, and Wyoming Sens. Mike Enzi and John Barrasso.

Both Hatch and Lee — who attended Trump's signing of the executive order in late April — are vocal critics of two large Utah monuments: the Bears Ears National Monument created by President Obama in his final weeks in office and the Grand Staircase-Escalante National Monument designated by President Clinton in 1996.

House Natural Resources Chairman Rob Bishop (R-Utah) has said he plans to introduce legislation this session to reform the Antiquities Act, which has been used more than 150 times since Congress approved the law (E&E Daily, May 3).

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#### 9. **REGULATIONS: 95 scholars urge Trump to revamp 'misguided' 2-for-1 order**

*E & E News, May 24 | Arianna Skibell*

Ninety-five economists and legal scholars who specialize in regulatory issues urged the Trump administration today to overhaul the president's executive order mandating that agencies kill two rules for each one they write.

"We are concerned that because Executive Order 13771 focuses exclusively on the costs of regulation, while ignoring its benefits, the Order is misguided and, if not implemented properly, will likely harm the American public," they said in a letter to White House Office of Management and Budget chief Mick Mulvaney and several agency leaders, including U.S. EPA Administrator Scott Pruitt.

President Trump's Jan. 30 executive order requires agencies to identify two regulations to repeal for every new one in an effort to offset the costs of a new rule. The order also establishes a cap on regulatory spending — zero dollars in fiscal 2017.





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Among those signing the letter: Michael Greenstone, who directs the Energy Policy Institute at the University of Chicago and served as an economic adviser for President Obama; Cary Coglianese, director of the University of Pennsylvania's program on regulation; and Kenneth Gillingham, an assistant economics professor at Yale University and former senior economic adviser to Obama.

The authors acknowledge the Trump administration has promised to focus on benefits in regulatory analyses, but they say the executive order lays out an approach to eliminating existing rules that would emphasize costs and "retreats from the long-accepted principle of maximizing net benefits."

"By tying new regulations to the elimination of existing regulations, and by not requiring consideration of the foregone benefits of the eliminated regulations, Executive Order 13771 open the door to arbitrary and haphazard regulation that could harm the public," the letter says.

Marcus Peacock, who served as temporary senior adviser to the Trump OMB, said at a Washington forum last month that any rules under consideration for repeal are subject to President Clinton's 1993 executive order requiring all rules to maximize net benefits.

The repeal of a rule would also be required to maximize net benefits, he said (Greenwire, April 5).

In their letter today, the scholars point out that as new science emerges, the costs and benefits of regulations could change.

"Consider the possibility that new science emerges showing that the effects of air pollution on infant health are much greater than was previously believed," they wrote.

"The benefits of reducing air pollution would thus be much greater than had been believed. But under the principles in Executive Order 13771, the Environmental Protection Agency could issue a new regulation to reduce air pollution only if it could find offsetting regulations that were sufficiently costly."

The letter offers three suggestions for improving the order:

- Rescind the cost-only approach.



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- Issue further guidance requiring all deregulatory actions taken to be shown to pass a benefit-cost test.
- When engaging in regulatory reviews, look for rules for which costs and benefits differ substantially from what was originally expected.

"Finally, we endorse the overarching objective, advanced by both the Administration and Congress, of making regulations more flexible and efficient — and more market-oriented," the letter says.

"Such regulations can often reduce the costs without sacrificing the benefits that they deliver to the public."

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#### 10. **FEDERAL AGENCIES: Inspectors general 'spread thin' by Trump's budget**

*E & E News, May 24 | Kevin Bogardus*

Internal watchdogs at energy and environmental agencies are in for tough times under President Trump's budget plan.

Inspectors general at both U.S. EPA and the Department of the Interior are subject to budget cuts in the president's spending proposal for the next fiscal year. Officials in those offices said scarce funds would hamper their ability to root out waste and fraud in the federal government.

"Impact is we can't increase our oversight and we continue to be spread thin," Stephen Hardgrove, chief of staff for the Interior IG, told E&E News.

At \$49.95 million, Interior's watchdog would receive slightly less funding in Trump's fiscal 2018 budget proposal than it did in the fiscal 2017 omnibus spending bill, in which it was slated for \$50.05 million.

Hardgrove said the budget request was comparable to what the IG received in the previous continuing resolution for this year. Still, it doesn't account for a 1.9 percent salary increase or higher rent costs.

"So in practicality, we did get cut about 2 percent," Hardgrove said.



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He noted that the Interior IG did better than other agency watchdogs under Trump's budget but "we will have to reduce staff through attrition and remain one of the smallest Cabinet-level OIGs, despite the size of DOI and its programs."

Hardgrove estimates that the Interior IG will reduce staff levels from 265 employees to 258 under Trump's budget plan.

Trump has proposed an 11 percent decrease in the Interior's overall funding, requesting \$11.7 billion for fiscal 2018 for the department (Greenwire, May 23).

EPA's inspector general fared even worse under the president's budget plan.

Under the fiscal 2017 omnibus, the EPA watchdog received \$41.49 million in funding. That is cut in Trump's budget by roughly \$4 million, with the IG slated for \$37.48 million.

Tia Elbaum, an EPA IG spokeswoman, told E&E News that the president's budget proposal would limit the inspector general's ability "to maintain staffing levels" and "degrade our ability to safeguard scarce taxpayer resources and compromise our effectiveness in addressing complaints and inquiries from our customers, including Congress and the American people."

Elbaum said that at the proposed reduced budget level, the EPA IG would complete fewer audits, program evaluations and investigative casework. The office would shrink under Trump's plan from about 268 employees to about 201, according to budget documents.

Trump targeted EPA overall for deep budget cuts. Under his proposal, the agency would lose about 30 percent, or more than \$2 billion, of its funding, including roughly 3,800 fewer positions (Greenwire, May 23).

Both the EPA and Interior IGs have spoken up in the past about how budget cuts could hurt their investigative work. They participated in a survey of inspectors general on budget cuts and Trump's hiring freeze run by Rep. Elijah Cummings (D-Md.), ranking member on the House Oversight and Government Reform Committee (E&E News PM, May 11).

Unlike the EPA and Interior watchdogs, the Department of Energy inspector general got a funding boost under Trump's budget proposal.



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In the 2017 omnibus, the DOE IG received \$44.42 million in funding. The president proposed to increase that figure by almost \$5 million, giving the watchdog \$49 million for the next fiscal year.

A spokeswoman for the DOE IG didn't respond to messages from E&E News requesting a comment for this story.

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#### 11. **BLM: Budget would gut federal sage grouse conservation plans**

*E & E News, May 24 | Scott Streater*

President Trump's budget request calls for cutting a significant chunk of funding for the Bureau of Land Management's ongoing effort to implement sweeping greater sage grouse conservation plans, a move observers say is a clear signal the administration is backing away from the Obama-era plans.

BLM's proposed \$1.1 billion fiscal 2018 budget calls for cutting "greater sage grouse conservation" by \$11.5 million, according to a BLM budget "highlights" page the agency released late yesterday. The budget highlights page also says BLM will delay implementation of a "Sagebrush Conservation Implementation Strategy" focused on restoring grouse habitat and will conduct "more limited habitat restoration work."

But BLM offered no details on the total amount of money it wants allocated to sage grouse restoration, or any details or explanation about the rationale behind cutting funding for implementation of federal grouse conservation plans finalized in September 2015.

Those plans amended 98 BLM and Forest Service land-use plans to incorporate strong grouse protection measures covering nearly 70 million acres of federal lands in 10 Western states. The plans were instrumental in convincing the Fish and Wildlife Service not to list the grouse for protection under the Endangered Species Act.

Megan Crandall, a BLM spokeswoman, said details on the proposed sage grouse budget cuts would be included in the agency's so-called budget justification document that is supposed to be posted on the Interior Department's website.



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"At this stage, we have a proposed budget for FY 2018 and we cannot speak to the specifics of implementation," Crandall said in an email.

But BLM has yet to post its budget justification document on the website as of this morning.

Representatives with the Interior Department did not respond to requests for more detailed BLM budget information in time for publication.

As it stands, the proposed cut would appear to represent a nearly 17 percent reduction in sage grouse conservation funding in the next fiscal year, which begins Oct. 1 — to \$57.4 million from the \$68.9 million that Congress appropriated for grouse conservation in the fiscal 2017 omnibus spending package approved earlier this month.

Numerous observers said the proposed sage grouse cuts are the first tangible sign that the Trump administration will seek to block implementation of the grouse plans.

The grouse conservation plans have been controversial and are the subject of numerous federal lawsuits from states, mining interests, the oil and gas industry and livestock grazing groups.

Interior Secretary Ryan Zinke has said changes to the grouse plans were coming soon.

The proposed budget concerns Steve Ellis, who retired last year as BLM's deputy director and helped craft instruction memorandums directing agency field offices on how to implement the sage grouse plans.

"If the administration's goal is to scale back greater sage grouse plan implementation, including conservation measures in areas important to the grouse, the proposed budget reduction would be a step in that direction," Ellis told E&E News. "It is still my hope that the administration, Congress and the states give implementation of the current plans a chance."

It's not clear what congressional appropriators will do as they hammer out the details of a final budget plan this summer.

The \$68.9 million — \$8.9 million above enacted levels — included in the omnibus bill directed that the money "be used for on-the-ground conservation measures," a direct reference to the ongoing BLM efforts to implement the sage grouse plans.



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But language included in the omnibus package also addressed criticisms of the plans from states like Utah and other stakeholders.

"The Committees expect the Secretary and the [BLM] to work collaboratively with States, communities, industry, and partners to address concerns" they have expressed with the federal grouse plans, the omnibus says.

The omnibus package included a measure — also found in Interior's fiscal 2018 budget request — that maintains the current prohibition on Interior using any appropriated money to write a rule that would list the grouse as endangered or threatened under ESA.

Some observers see the proposed cuts as the first step toward the Interior and Agriculture departments reopening the land-use plan amendment process to revise the sage grouse plans — an effort that would take years and likely stretch well past Trump's first term in office.

John Gale, conservation director for Backcountry Hunters & Anglers, said the proposed cuts "would effectively shut the plans down completely."

That would be bad news for the imperiled sage grouse, as well as the sagebrush steppe ecosystem that the grouse and roughly 350 other species depend on, conservation groups say.

"The cuts proposed to the BLM's wildlife management program budget threaten sage grouse" as well as the "unprecedented effort to conserve the species," said Mark Salvo, vice president for landscape conservation with Defenders of Wildlife.

Ed Arnett, a senior scientist with the Theodore Roosevelt Conservation Partnership, called the proposed cuts "deeply concerning."

"While a lot of great work has been done so far ... the BLM plans have yet to really take off, and delaying implementation will not help the situation for sagebrush-dependent species or operational certainty for stakeholders," Arnett said.

The proposed budget cuts and any delay of the grouse plans could also lead to lawsuits from conservation groups seeking to force the Trump administration to carry out the already approved mandates, sources say.



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"This budget is really terrible for the sage grouse and the sagebrush steppe," said Katy Siddall, energy director for government relations at the Wilderness Society.

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#### 12. **COAL: 'This is our home. We don't want to live nowhere else'**

*E & E News, May 24 | Arianna Skibell*

Second of three stories.

NAOMA, W.Va. — Junior Walk stands with one foot resting on the stoop of a log house. A slab of wood mounted above the door reads in hand-painted letters: Coal River Mountain Watch.

It's a cool spring morning. Walk smokes half a cigarette, then pinches off the burning ember at the tip. He stows what's left back in the pack tucked in his breast pocket and readies his four-wheeler for the trip up Coal River Mountain.

The anti-surface-mining activist is wearing a beaten-up Carhartt workman's jacket and camouflage pants. His tawny hair is cropped, his beard long and scraggly. A considerable amount of dirt is lodged beneath his fingernails.

The West Virginia native and ex-coal worker is one of a dwindling number of anti-surface-mining activists working in the area. But what's unusual is his age: He's only 26.

Most young people in the area go to work for the coal companies or leave for college and don't come back, said Walk, who works as an outreach coordinator for Coal River, an organization that fights mountaintop mining and aims to build sustainable communities.

"After high school, I got into a few [colleges] and quickly learned that you kind of need money to go to college," Walk says. "Young people getting out of [high] school just don't have anywhere to go, nothing to do, and there's really only a handful of options for you.

"You can either go to work for the coal company and make money, you can go into the military and get out of here or you can sell drugs to your community and poison them that way."

Walk chose what he felt, at the time, was the "lesser of those three evils" and went to work at the Elk Run preparation plant.



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But even the coal jobs in West Virginia have dried up. In the 1950s, the industry employed around 125,000 people. Today, that number is closer to 20,000 or 30,000.

As a result, in part, of mechanized mining and natural gas expansion, West Virginia is losing its population faster than any other state in the country, according to U.S. census figures.

While the economic decline means fewer coal jobs and fewer opportunities, it also means fewer young activists. And as the older generation of anti-mining workers ages and dies, veterans of the struggle like Chuck Nelson worry there won't be enough people left to fight the coal companies.

Nelson is 61. He's a slight man with white hair and a closely trimmed beard. He's a fourth-generation miner who spent 30 years of his life underground. And it shows. His face is weathered and deeply creased. Last year alone, Nelson had 12 surgeries and nearly died.

"I've lost one kidney, and my other kidney has had a bypass and three stents put in. And just in 2016, I had kidney failure and liver failure. I was on dialysis. I had cancer took off the top of my head.

"Now, I'm just one person," he says. "This is happening to whole communities."

#### **'Save the endangered hillbilly'**

In the late 1990s, when Coal River Mountain Watch formed, families in nearby areas were coming to terms with the health and safety risks of increased mountaintop removal.

While the practice of blowing off the top of a mountain to extract coal began in the 1960s, companies expanded its use in the 1990s to reach a cleaner-burning coal that became preferable after amendments to the Clean Air Act tightened emissions limits.

A number of iconic Appalachian activists were working during that time. Coal country native Julia Bonds, who often wore a "Save the endangered hillbilly" T-shirt at events, filed lawsuit after lawsuit and organized protests against Massey Energy Co. and other companies she believed were polluting her community.

By 2003, she led Coal River into a partnership with the United Mine Workers union to campaign for safer working conditions. And she would go on to help organize the team for "Appalachia





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Rising," a 2010 action that brought 2,000 anti-mountaintop-removal activists to march on Washington.

Celebrated activist Larry Gibson — one of the first people to speak out against mountaintop removal — was also waging a battle against the coal companies at the time, though not without consequence.

On more than one occasion, Gibson's life was threatened. There are accounts of coal trucks trying to run his car off the road. Two of his dogs were killed, and he was beaten up and shot at and endured countless threatening phone calls.

Bonds, too, suffered physical assault, verbal abuse and death threats.

Bonds died of cancer in 2011, followed by Gibson in 2012. Fewer and fewer young people are taking up the mantle, Nelson said.

Without many peers who share his values, Walk spends much of his free time alone, often playing video games.

On this recent morning, however, Nelson accompanies Walk up Coal River Mountain. The men mount their four-wheelers and begin the long ride.

Parts of the mountain are steep and rocky. Walk's all-terrain vehicle is larger and stronger than Nelson's, so he leads the way, stopping occasionally to wait for Nelson to catch up or to toss felled branches off the dirt road.

The two men whiz through the dense brush that flanks the trail. Neither seems to pay any mind to the "no trespassing" signs.

The wooded path opens to a clearing. An exposed rock floor extends into the distance until it reaches a sharp drop. The men drive to the edge of the cliff, park and dismount.

Below the cliff is what appears to be a giant lake nestled in the valley between two mountain ridges.

"This is Brushy Fork Impoundment," Nelson says, a note of pain in his voice. "It's the largest earth dam in the Western Hemisphere."



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In 1995, Massey Energy received a permit to build the dam in the holler, in order to store waste material, or sludge, left over from the company's coal operations. Over the years, Massey received more permits to expand the dam, now owned by Alpha Natural Resources Inc. When it's complete, it could be as tall as 900 feet, but it's already the tallest dam in the United States at 810 feet.

"That's a man-made dam, and it's not lined," Nelson says. "All this is just migrating into the ground."

The toxic lake is vast.

Walk points to a ridge on the west side of the embankment.

"That's what they call the picnic table, because there's a rock over it that looks like a picnic table," he says. "My family used to go over there and dig ramps and look for molly moochers.

"You can't access that now. There's no road, it's completely cut off."

Ramps are species of wild — and fragrant — onion and a favorite in West Virginia. Molly moochers is a local name for morel mushrooms. It's a long-held tradition to go into the woods and search for them.

"Now, I don't know if this is true or not, but I always heard that back in the day, they had a rule in the schools that said if you ate ramps for supper the day before, they could send you home from school the next day because you'd stink like a ramp," Walk says.

Nelson laughs and says he believes it. "If you eat them, and you don't cook them up, you just eat them raw, they will stay on your breath for days. I've been around people that just plumb knock you down."

Walk confesses: "I eat mine raw."

On the other side of the "picnic table" is the unincorporated community of Low Gap.

"That's where we come from," Walk points out. "This is the holler that's between the two, and now it's filled with toxic waste."



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The fear is that the dam will burst and toxic waste will flood the surrounding areas. In 1972, a coal slurry impoundment operated by Pittston Coal Co. burst mere days after an inspector said it was secure.

A 25-foot tidal wave of 130 million gallons of wastewater came crashing down on 16 towns along Buffalo Creek hollow. Over 100 people were killed instantly, a thousand were injured, and many more homes were destroyed. The Brushy Fork dam contains more than 60 times as much waste.

"My parents' home is about a mile from the toe of this dam," Walk observes. "If it were ever to catastrophically fail in the same way that Buffalo Creek did, my whole family would be wiped out. The chances of that happening, I don't really know, but it could fail — it's man-made."

He adds: "Man-made things are prone to failure."

Walk finishes his earlier cigarette, or perhaps it is another one. The two ex-coal workers stare down at the toxic lake.

Nelson shakes his head. "Some people told [Walk] that's where he's going to end up. Down at the bottom of that," he says.

"People has been killed by the coal industry for a lot less than what we're doing."

Like Bond and Gibson, Walk has experienced various forms of harassment. He's been shot at, he says. And once, the brake lines in his truck were cut in what he believes was a murder attempt. He carries a gun with him.

#### **'Blood on my hands'**

Publicly opposing the mining companies in West Virginia is no small matter. The pro-coal culture is strong and a source of pride for many.

Powering the United States is a service to one's country, even for Nelson, who has dedicated his life to opposing mountaintop removal.

"The miners and their families have always gave and gave and gave and gave, and the companies have always took and took and took and took," Nelson says.



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"We feel we've done our service, and we still do our service. And we're willing to do that anytime. But we just want some respect and some dignity. That's all."

Physical violence aside, there's a certain social backlash that comes with being an activist in coal country. This became a reality for Walk after he started working for Coal River.

He faced scorn from the community, and his parents kicked him out of the house.

"Not because they disagreed with what I was saying or what I was doing. Keep in mind they had the same crappy water I did for all those years, and it was no big secret it came from the coal companies," Walk says.

"It's not like they hated me or had any sort of animosity towards me, but they knew that if I was doing this sort of work and living under my father's roof, that he would have gotten fired in a heartbeat."

Walk's father did not graduate from high school but went to work for the coal companies and was able to support his family on the salary, though he was later fired after he became ill.

Though Walk initially followed in his father's footsteps by getting a job at Elk Run, he quickly quit.

"I can tell you from firsthand experience working at the plant, I felt like moving that ton of coal was more important than my life," he says. "If you weren't moving that coal, you weren't making them money, and if you weren't making them money, they wouldn't gonna give you none money."

After working a few service jobs, he took a position as a security guard at a coal facility.

"I was sitting up there for 12 hours a day watching that equipment move and watching them set up blasts and tear up that mountainside. I just felt like I had blood on my hands," he recalls.

"I knew them people that was living down below that strip mine were probably going through the same things I went through when I was a kid, and I felt like I was just another cog in the machine."

Walk says that when he was a child, his family drank well water, until Massey Energy started injecting coal slurry into old abandoned mines on the ridgeline above his parents' house.



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For years, coal companies in Appalachia would inject slurry into underground mines to get rid of it. The practice was cheaper than building dams or filtration systems.

"They were also blasting on a large surface mine right over top of that which cracked the aquifer and let that coal slurry seep through the groundwater and eventually got into our well," Walk recounts.

For eight years, his family's water was a blood-red color, with a strange smell. It wasn't until he was a senior in high school that his family received municipal water.

"I grew up, anytime I drank water it was bottled water, but honestly, mostly it was soda," said Walk. "I know that's sort of a white trash trope and all, but that's the reality of it. I grew up drinking Mountain Dew because I couldn't drink my tap water, not because we were ignorant."

Around 2009, Walk started coming around to Coal River Mountain Watch, where he quickly recognized Bonds, but not for her activism.

"I knew her ever since I was a little kid," he says. "I never realized that she was this big-shot activist because she used to work at the gas station with my mama, and I just remembered her as the lady who would give me free pop."

Bonds let Walk write for the group's newsletter anonymously so he wouldn't lose his security guard job.

With no laptop, he would put an old desktop computer he built into the passenger seat of his car and run an extension cord to a power pole at the coal plant.

"I'd sit there in my car and type out articles for the Coal River Mountain Watch newsletter while getting paid as a security guard," he says. "I've never felt more like a spy in my life."

Eventually, Bonds hired him full-time, which meant going public.

Walk harbors no ill will toward his parents for kicking him out of the house then. "I understood; there was no hateful feelings either way."

#### **'They have a depopulation plan'**

Nelson and Walk get back on their four-wheelers and continue up the mountain.



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Walk tries to make frequent visits to the mining sites to keep an eye on the mountaintop-removal construction work. But the cold weather kept him away for several weeks.

Alpha Natural Resources Inc. has a number of permits to continue blasting work in the area. While the activists know it's just a matter of time, they do what they can to slow progress through petitions, lawsuits and complaints.

"When you try to fight back, it's just hard," Nelson says. "You got the politics and the government fighting you. You've got these regulatory agents fighting you. They're all taking sides with the coal industry. And they've got tons of money."

Where there once was a path, Walk and Nelson now see a mound of dirt. On the other side, they find the mining company has made far more progress than they thought possible. The entire mountain has been razed. It's the most devastation Nelson has ever seen.

During the Obama administration, activists noted that mining activity slowed. But with the election of President Trump, anti-coal activists see an increase in coal extraction. There is renewed hope that the mining industry will once again offer jobs to the next generation of Appalachians.

Nelson believes, however, that any jobs will be temporary, as the coal and the mountains that house it continue to be depleted. The plan is to extract resources, not grow the community, he says.

A large majority of land in West Virginia is owned by relatively few companies, most of them from outside the state.

"They want the people out of here to get these resources," Nelson says of the coal industry. "And they have a depopulation plan in here to get rid of people."

While West Virginia's population continues to dwindle, Walk has no plans to abandon the resistance. He will stay and fight.

"This is our home," he says. "We don't want to live nowhere else."

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