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Attached is the daily news report for Feb. 28.

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UTAH – TOP STORIES – FEBRUARY 28, 2017

1. How Utah's growing tourism industry has helped state tax revenue

KSL News, Feb. 27 | Carter Williams

SALT LAKE CITY — With natural wonders, skiing and more, it's no surprise that the tourism industry is a valuable asset to Utah's economy.

2. BLM Seeks Input on Canyon Rims Road Improvement Project

KCSG News, Feb. 27 | BLM Press Release

MOAB, Utah - The Bureau of Land Management (BLM) Moab Field Office is seeking comments on an environmental assessment (EA) analyzing a proposal for road and safety improvements in the Canyon Rims Special Recreation Management Area in northern San Juan County, Utah.

3. My view: Beautiful Utah is – and will stay – a public lands state

The Deseret News, Feb. 27 | Keven Stratton, Mike Noel, Matthew Anderson

The goal: Increase herds of deer, bison and elk, expand outdoor recreationists' access to public lands and commit to keep Utah a public lands state.

The legislation: [HCR 1](#).

4. Time to plan ahead for Moab Easter Jeep Safari

The Salt Lake Tribune, Feb. 27 | Tom Wharton

The Moab Easter Jeep Safari, which began in 1967 using the Behind the Rocks Trail and first sponsored by the Moab Chamber of Commerce, has become one of the most popular events of its kind in the nation.

5. Lawmaker Pushes for State to Buy Sliver of Bears Ears Land

US News, Feb. 27 | Hallie Golden, The Associated Press

SALT LAKE CITY (AP) — In the hopes that the new Bears Ears National Monument will be rescinded, a Utah lawmaker announced on Monday that he has introduced a resolution encouraging the state to redesignate a small slice of the area and make it a state park.



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6. BLM Concludes Cedar Mountain Gather, Removal, PZP Treatment

TheHorse.com, Feb. 28 | Press Release

The Bureau of Land Management (BLM) Utah's Salt Lake Field Office concluded the gathering and removing of excess wild horses from within and outside the Cedar Mountain Wild Horse Herd Management Area (HMA) in western Utah on Feb. 21.

7. NATIONAL MONUMENTS: Utah governor doesn't raise Bears Ears repeal with Trump

E & E News, Feb. 28 | Jennifer Yachnin

Although Utah Gov. Gary Herbert (R) has actively advocated for the abolishment of the Bears Ears National Monument — including signing legislation urging Congress to undo the recently created 1.35-million-acre site — he said today he did not raise the subject in meetings with President Trump or Vice President Mike Pence, calling the matter a "Utah-specific issue."

8. Utah lawmakers seek to purchase Bears Ears land, take over management from feds

The Salt Lake Tribune, Feb. 28 | Brian Maffly

Utah lawmakers are pursuing yet another piece of legislation targeting the Bears Ears National Monument, this time seeking for the state to take over these archaeologically rich lands in San Juan County and manage them in collaboration with American Indian tribes.

E&E/NATIONAL NEWS – TOP STORIES

1. INTERIOR: Law enforcement chief was 'unprofessional' to women — IG

E & E News, Feb. 27 | Jennifer Yachnin

The Interior Department's Office of Inspector General revealed today that it has investigated claims of "inappropriate behavior" involving Office of Law Enforcement and Security Director Tim Lynn, but said Justice Department officials have declined to pursue the matter.



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2. COAL: Interior drops disputed jobs claim from blog on stream rule

E & E News, Feb. 27 | Dylan Brown

The Interior Department on Friday removed a job loss estimate related to the now-defunct Stream Protection Rule from a blog post, saying it edited the text "for clarification."

3. NATIONAL MONUMENTS: Grijalva rebukes Bishop's stance on Antiquities Act

E & E News, Feb. 27 | Jennifer Yachnin

The House Natural Resources Committee's top Democrat, Arizona Rep. Raúl Grijalva, sharply criticized Chairman Rob Bishop on Saturday, slamming the Utah Republican for urging President Trump to rescind a new national monument under the Antiquities Act.

4. More than 80 percent of all wildfires caused by humans, new study says

Los Angeles Daily News, Feb. 27 | Seth Borenstein, AP Science Writer

People have triggered five out of six wildfires in the U.S. over the last two decades, tripling the length of the wildfire season and making it start earlier in the East and last longer in the West, a new study finds.

5. POLITICS: Trump speech will draw on coal miner 'listening sessions'

E & E News, Feb. 28 | Evan Lehmann

Don't expect lawmakers to stage a climate protest during President Trump's address tonight.

The offices of several Democrats who play key roles on the environment suggested that the House chamber will be brimming with members of Congress, in contrast to the scores of Democrats who boycotted Trump's inauguration.

6. APPROPRIATIONS: Key lawmakers balk at plan for steep cuts at EPA

E & E News, Feb. 28 | George Cahlink and Geof Koss

Top Republican appropriators aren't embracing a plan to slash federal spending for U.S. EPA that President Trump is due to outline tonight in his address to Congress.



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7. NOMINATIONS: Zinke moves 1 step closer to confirmation

E & E News, Feb. 28 | Geof Koss

The Senate voted last night to end debate on Interior secretary nominee Ryan Zinke, whose nomination has languished for weeks after being caught up in the broader political fight over President Trump's Cabinet.

8. INFRASTRUCTURE: Lawmakers want to remove 'environmental barriers'

E & E News, Feb. 28 | Camille von Kaenel

House lawmakers are looking for environmental rules to scrap to speed up infrastructure development.

9. PUBLIC LANDS: Grijalva letter questions stay of fossil fuel royalty rule

E & E News, Feb. 28 | Dylan Brown

The House Natural Resources Committee's top Democrat today questioned the legality of the Interior Department's indefinite pause on its new fossil fuel royalty calculation.

10. REGULATIONS: Western local leaders urge Senate not to kill methane rule

E & E News, Feb. 28 | Scott Streater

A broad coalition of local leaders from Colorado, Utah, New Mexico, Nevada and the Ute Tribe are urging senators not to approve a resolution that would kill an Obama administration rule designed to control methane emissions from thousands of oil and natural gas drilling operations on federal and Native American lands.

11. INTERIOR: Trump admin seeks 10% budget cut — sources

E & E News, Feb. 28 | Corbin Hiar and Emily Yehle

The Trump administration is looking to slash 10 percent from the Interior Department budget in fiscal 2018, according to several sources familiar with the White House's preliminary request.



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12. **BORDER WALL: Broken Bush-era funding pledge may bode ill for wildlife**

E & E News, Feb. 28 | Corbin Hiar

The Department of Homeland Security provided about a third of the \$50 million it promised the Interior Department to mitigate the impacts of barriers installed along the U.S.-Mexico border during the George W. Bush administration, according to a report obtained by E&E News.

13. **DAKOTA ACCESS: Tribe makes religious push for construction freeze**

E & E News, Feb. 28 | Ellen M. Gilmer

A federal court will rule soon on an American Indian tribe's latest attempt to freeze construction of the Dakota Access pipeline.

14. **OREGON STANDOFF: 1st cooperating witness takes stand**

E & E News, Feb. 28 | Maxine Bernstein, Portland Oregonian

Blaine Cooper, the first cooperating witness to testify against fellow Malheur National Wildlife Refuge occupiers, described a meeting in Ammon Bundy's home on Dec. 29, 2015, when the host discussed taking over the Oregon refuge.

15. **REGULATIONS: Western local leaders urge Senate not to kill methane rule**

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A broad coalition of local leaders from Colorado, Utah, New Mexico, Nevada and the Ute Tribe are urging senators not to approve a resolution that would kill an Obama administration rule designed to control methane emissions from thousands of oil and natural gas drilling operations on federal and Native American lands.

16. **EPA: Trump budget cuts dubbed 'declaration of war'**

E & E News, Feb. 28 | Robin Bravender

U.S. EPA staff and environmentalists have been bracing for big cuts to the agency's budget under the Trump administration, but a plan to slash funding by almost a quarter was even more than some expected.



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17. **INTERIOR: Zinke's mandate is a tough fit for a Teddy Roosevelt devotee**

E & E News, Feb. 28 | Pamela King

Rep. Ryan Zinke has offered few details on how he will oversee energy development on public lands if he takes the Interior Department's top post, but the self-styled Teddy Roosevelt conservationist will inherit an agency that seems poised to shed Obama-era rules limiting drilling and mining.



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UTAH – FULL STORY

1. How Utah's growing tourism industry has helped state tax revenue

KSL News, Feb. 27 | Carter Williams

SALT LAKE CITY — With natural wonders, skiing and more, it's no surprise that the tourism industry is a valuable asset to Utah's economy.

How valuable is tourism in Utah? According to the Utah Office of Tourism, travelers spent \$8.17 billion in 2015 — leading to \$1.15 billion in tax revenue for the state.

That is, according to the bureau, an equivalent to each household in Utah paying an extra \$1,235 in taxes to the state.

Tourism has been a booming industry for Utah over the past decade or so.

"We didn't really invest into our tourism industry until about 10 years ago and since the state started making a serious investment, it (has) reaped a lot of rewards economically," said Vicki Varela, managing director for Utah's Office of Tourism.

Utah brought in \$5.7 billion in 2005 and revenue has steadily increased since. With a jump in nearly \$2.5 billion over the course of 10 years, Varela said a good reason for that has been because of all that Utah offers outdoors. Utah officials began "Greatest Snow on Earth" and "Mighty 5" campaigns for its slopes and national parks in recent years.

Nearly 8.37 million visited Utah's national parks and another 4.5 million visited Utah's slopes in 2015 — each double-digit percentage increases from 2014. It was estimated that more than 10 million came to parks in 2016, based on preliminary National Parks Service reports.

"We've worked very hard to help people understand that some of the most spectacular landscapes on the face of the Earth are here in Utah," Varela said. "We'd like to say Mother Nature played favorites. So we really have become a bucket list for people all over the world for recreation and adventure."

According to the Kem C. Gardner Policy Institute, about \$6.98 billion of the \$8.17 billion came from nonresidents spending on various areas such as gasoline, transportation, lodging and dining.

California led all states among nonresident visitors in Utah. Idaho, Nevada and Washington, Colorado and Arizona rounded out the other highest-contributing states.



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Canada, China and France were the leading international visitors in 2015.

Tourism is a top 10 industry in Utah and the state's largest export industry, Varela said. Tourism-generated jobs have jumped from 124,500 in 2006 to 142,500 in 2015.

Other areas of revenue include such tourism events as Outdoor Retailer, a trade show that brought in thousands to showcase the latest and greatest in outdoor gear. However, the organizers of that show announced earlier this month to exclude Utah from future consideration of the show.

The show brought in roughly \$45 million for the state.

Varela said she was sad to see that decision made. However, she was hopeful Utah might be on the radar for other similar trade shows.

"There are many outdoor recreation shows and we'll continue to seek opportunities to host other shows and to continue to demonstrate all the ways that Utah is so friendly to outdoor recreation," she said.

So where does that money go?

"State sales tax revenue generated by travelers helps fund a variety of Utah priorities, including education, public safety, health and human services, road construction and maintenance. Tourism significantly bolsters the economy and strengthens our tax base," said Gov. Gary Herbert in a statement.

The \$1.15 billion in taxes funded more than \$100 million for Utah's public schools, according to the Gardner Policy Institute.

Money collected from gas taxes resulted in more than \$100 million toward the state's transportation and infrastructure. Another \$200 million from sales taxes went toward essential services, such as health and human services, the justice system, corrections services, public safety and economic development.

Thus making tourism a valuable industry.

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2. BLM Seeks Input on Canyon Rims Road Improvement Project

KCSG News, Feb. 27 | BLM Press Release

MOAB, Utah - The Bureau of Land Management (BLM) Moab Field Office is seeking comments on an environmental assessment (EA) analyzing a proposal for road and safety



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improvements in the Canyon Rims Special Recreation Management Area in northern San Juan County, Utah.

This is a joint project with BLM and the Federal Highway Administration-Central Federal Lands Highway Division that proposes improvements to rehabilitate, restore, and resurface approximately 38 miles of the Needles and Anticline Overlook access roads. Both of these roads are Utah Scenic Backways.

The area receives about 85,000 visitors each year with projected increases of an additional three percent per year into the future. The proposed road improvements will provide better public access and safety. The overlooks provide magnificent views of Canyonlands National Park and the Colorado River.

They do not provide motorized access to the canyon below, as they are located 1,000 feet above, separated by incredibly steep cliffs and rugged terrain.

The EA analyzes potential impacts of improving these roads to a variety of resources including grazing, wildlife, archaeology, and recreation.

More information about the project, including the detailed proposal, analysis, and maps can be found on BLM's ePlanning website (<http://go.usa.gov/x9uN6>).

Comments will be accepted through Monday March 13, 2017 and may be submitted online through the ePlanning website or via mail to the following address:

Bureau of Land Management Moab Field Office Attn: Canyon Rims Road Improvement Project

82 East Dogwood Moab, UT 84532

The most useful comments are those that identify issues relevant to the proposed action or contain new technical or scientific information. Comments that contain only opinions or preferences will not receive a formal response, but may be considered in the BLM decision-making process. Before including an address, phone number, email address, or other personal identifying information in any comments, please be aware that the entire comment, including personal identifying information, may be made publicly available at any time.

Requests to withhold personal identifying information from public review can be submitted, but the BLM cannot guarantee that it will be able to do so.



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For further project information, please contact Katie Stevens at (435) 259-2172. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

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3. **My view: Beautiful Utah is – and will stay – a public lands state**

The Deseret News, Feb. 27 | Keven Stratton, Mike Noel, Matthew Anderson

The goal: Increase herds of deer, bison and elk, expand outdoor recreationists' access to public lands and commit to keep Utah a public lands state.

The legislation: [HCR 1](#).

Some may be rubbing their eyes in disbelief — like environmental groups and outdoor retailers who have condemned the state as “anti-parks,” “anti-monuments” and “anti-public lands” — when they realize that these goals are being pushed forward by HCR 1 and those advocating for more local control of our public lands.

Their “anti” opinions on Utah are either uninformed or an attempt to push elitist and narrow-minded public land management.

Our state has a strong record of protecting the health and accessibility of our public lands. Utah created the nation's first [Office of Outdoor Recreation](#), passed the [Utah Wilderness Act](#) to protect pristine landscapes and approved the [largest active](#) watershed and wildlife habitat restoration program in the United States. The list goes on and on.

Yet history seems lost on those pushing caustic rhetoric and false narratives. So we will point out three bills currently moving through the Legislature that demonstrate Utah's position as pro-parks, pro-monuments and pro-public lands:

Utah is pro-parks

Utah loves its national and state parks. Our state parks are incredibly popular, receiving almost [five times](#) more visits per acre than Western national parks. This popularity is largely due to the



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type and quality of recreational opportunities they provide. In fact, they are so popular that the Legislature is looking to create the Hole-in-the-Rock and Little Sahara state parks — bringing the total number of state-managed parks to 45.

What Utah doesn't love is the inability of federal land management agencies to develop and manage the state's unique areas due to a lack of resources. We don't accept government shutdowns that close national parks and jeopardize the state's rural economies. We raise concerns over the National Park Service's nearly \$12 billion maintenance backlog that threatens the very resources this federal agency was created to protect.

Utah is pro-monuments

Monument designations have helped preserve some of Utah's most scenic landscapes, including Zion, Bryce Canyon and Arches. But decades' worth of presidential exploitation, political gamesmanship and collusion have transformed monument designations into something unrecognizable and damaging to Utah's rural communities. National monuments have grown exponentially since the Antiquities Act was passed in 1906. That year, monument designations averaged 15,573 acres. Last year, the average national monument designation was 739,305 acres — more than 47 times larger than those monuments designated a century ago. Such expansive monuments lock up wide swaths of public lands Utahns rely on — disregarding their opinions on how to best manage these areas.

Last week, the House Natural Resources, Agriculture and Environment Committee heard the State Monuments Act. This bill provides a mechanism for Utah to create monuments from state lands by requiring the Division of Parks and Recreation to regularly evaluate property for monument status. Like national monuments, state monuments will aim to protect historic landmarks, cultural sites and archaeological resources. Unlike national monuments, however, state designations will not be unilateral decisions that lock up huge chunks of our state while ignoring local needs and voices. Utah is pro-monument when principled restraints on power are part of the process and locals are heard and respected.

Utah is pro-public lands

Public lands are an integral part of who we are and our way of life here in Utah. No one has a more vested interest than Utahns in protecting our public lands. It's for this reason that the state is looking to transfer 31 million acres from federally controlled land to the state's care. Last year, the Legislature implemented a plan for transferred lands by passing the Utah Land Management Act — ensuring that wildlife development, wilderness conservation and outdoor recreation will all be part of a multiple-use management model.



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This year, the Legislature is looking to strengthen these provisions and heighten protections that keep public lands in public hands. [HB407](#) amends the Utah Land Management Act by, among other things, requiring a vote of two-thirds of the Legislature for any sale of public land, stating that it is preferable to exchange rather than sell public lands, and asserts that the state should acquire private lands to match sold acreage. These amendments provide more protections against the disposal of public lands than current federal law.

Utah has a long and storied history of principled land management policies. The Legislature is not changing its tune this session. It will continue to push forward conservation and outdoor recreation. We know that local control and conservation are not mutually exclusive and that state-based environmental and recreation efforts can produce sensible land management solutions that benefit all Utahns.

Rep. Keven Stratton represents District 48 and Rep. Mike Noel represents District 73 in the Utah Legislature. Matthew Anderson is a policy analyst for the Coalition for Self-Government in the West, a project of Sutherland Institute.

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4. Time to plan ahead for Moab Easter Jeep Safari

The Salt Lake Tribune, Feb. 27 | Tom Wharton

The Moab Easter Jeep Safari, which began in 1967 using the Behind the Rocks Trail and first sponsored by the Moab Chamber of Commerce, has become one of the most popular events of its kind in the nation.

Now sponsored by the Red Rock 4 Wheelers, the annual event is scheduled April 8-16 and organizers have added eight trails.

Increasingly, the event requires advance planning. Participants must pre-register for the trails they want to ride at www.rr4w.com. Though a few spots may remain the day of the event, that can be doubtful.

The site has lists of trails, requirements and events that include vendor show, barbecue and big parade day. If you need more information, you can call the club directly at 435-259-7625.



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The Jeep Safari is for all full-sized street legal 4-wheel drive vehicles. No UTVs, sand buggies, crawlers or ATVs are allowed. Cost is \$150 to register and \$50 per vehicle per trail day. Money goes to pay Bureau of Land Management and state land fees and to provide bathrooms, parking areas, trail marking, signs and maintenance and new camping sites such as the ones along the Colorado River.

The other challenge for participants may be trying to find a motel or a place to camp. Not only is Moab packed in the spring but many long-time Jeep Safari participants make a reservation a year in advance.

There are sometimes cancellations in Moab. Those planning a trip may want to visit www.discovermoab.com to learn about any rooms that are available. They can also call 435-259-8825.

A quick look at a travel website showed 77 Moab motels full on Easter weekend. About 10 places remained, with nightly rates from \$199 to \$730.

It is also wise to check towns near Moab, including Green River and Monticello for available rooms.

The BLM has approved the event permit for the next decade, allowing the Red Rock 4 Wheelers to add eight new trails this year.

Names include The Pickle, Cameo Cliffs, Day Canyon Point, Deadman Point, Rusty Nail, Where Eagles Dare, Jax Trax and an addition to the famous Hell's Event trail called The Escalator.

There are 51 trails in all, rated from one to easy to 10 to severe.

The club emphasizes that the Utah state government has tightened up enforcement of non-licensed vehicles on public roadways. Vehicles that are not registered to be street legal must be trailered to the trailhead.

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5. **Lawmaker Pushes for State to Buy Sliver of Bears Ears Land**

US News, Feb. 27 | Hallie Golden, The Associated Press

SALT LAKE CITY (AP) — In the hopes that the new Bears Ears National Monument will be rescinded, a Utah lawmaker announced on Monday that he has introduced a resolution encouraging the state to redesignate a small slice of the area and make it a state park.

Republican bill sponsor Rep. Michael Noel said that the resolution could help to protect about 1,000 acres of land that Native Americans consider spiritual near a set of rock formations for which the Bears Ears area is named.

The area he pinpointed is a minuscule part of the 1.35 million acres protected by the monument designation, all of it considered spiritual by Native American tribes.

The state could buy the small section of land if the monument designation is reversed because of the Recreation and Public Purposes Act, a U.S. law allowing Washington to sell federal land to states and local governments if it is used for recreation or public purposes.

Noel expressed confidence that the Republican-controlled Congress and White House will rescind the monument.

The proposal shows that "we can in fact work more closely with our Native American brothers and sisters to make sure this land is protected," Noel said.

Gavin Noyes, the executive director of a tribal coalition called Utah Diné Bikéyah, said that they oppose the proposal because the lawmaker hasn't adequately consulted with tribes about the resolution.

President Barack Obama's designation in December of the Bears Ears National Monument gave five tribes an opportunity to weigh in on the management of their ancestral home.

Federal officials working for President-elect Donald Trump's cabinet appointees will have the final say on all land decisions, and some tribal officials are concerned that the shared-management arrangement could quickly sour if the incoming administration charts a different course for the monument.

Noel said his proposal encourages Native American control of the land. He said he doesn't know how much it would cost Utah to buy the land from the federal government.



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Mathew Gross, spokesperson for the Southern Utah Wilderness Alliance, questioned the resolution, saying that Utah has a track record of managing parks in ways that do not benefit Utah residents.

Noel's proposal comes after Utah lawmakers this month passed a resolution urging Trump to repeal the monument designation.

Organizers of the lucrative Outdoor Retailer show said that decision jeopardized the preservation of public lands. They responded by declaring that their show that brings about \$45 million in direct spending to the state each year would leave the state. No new location has been announced.

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6. **BLM Concludes Cedar Mountain Gather, Removal, PZP Treatment**

TheHorse.com, Feb. 28 | Press Release

The Bureau of Land Management (BLM) Utah's Salt Lake Field Office concluded the gathering and removing of excess wild horses from within and outside the Cedar Mountain Wild Horse Herd Management Area (HMA) in western Utah on Feb. 21.

The BLM gathered 534 horses, of which 306 were permanently removed from the range. The remaining 228 horses were returned to the HMA; this includes 104 mares treated with the fertility control vaccine porcine zona pellucida-22 (PZP-22).

The Cedar Mountain HMA is located in Tooele County, approximately 50 miles west of Tooele. It encompasses approximately 197,275 acres and has a current estimated population at 650 wild horses, the BLM said. The agency has established the HMA's appropriate management level at 190-390 wild horses.

Animals removed from the range were shipped to Utah's Delta Wild Horse and Burro Facility and will be made available for adoption through the BLM Wild Horse and Burro Adoption Program beginning in April or May. Those that are not adopted will be cared for on off-range pastures where they retain their protection under the 1971 Wild Free-Roaming Horses and Burros Act.

Information on the gather and other incidents that occurred during the gather is posted at bit.ly/CedarMtnGather. To learn more about the wild horse and burro program or to obtain an



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adoption application, visit the BLM National Wild Horse and Burro website at on.doi.gov/2h11IDS.

For more information, contact public affairs specialist Lisa Reid at 435/743-3128 or lreid@blm.gov. Persons who use a telecommunications device for the deaf can call the Federal Relay Service (FRS) at 800/877-8339 to leave a message or question for Reid. The FRS is available 24 hours a day, seven days a week. Replies are provided during normal business hours.

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7. NATIONAL MONUMENTS: Utah governor doesn't raise Bears Ears repeal with Trump

E & E News, Feb. 28 | Jennifer Yachnin

Although Utah Gov. Gary Herbert (R) has actively advocated for the abolishment of the Bears Ears National Monument — including signing legislation urging Congress to undo the recently created 1.35-million-acre site — he said today he did not raise the subject in meetings with President Trump or Vice President Mike Pence, calling the matter a "Utah-specific issue."

Herbert is in Washington as part of the National Governors Association winter meeting along with 45 other state executives.

"I'm going home very optimistic about what we've been able to accomplish and hopeful about the future of the country," Herbert told reporters in a conference call after the meeting.

During a session with Trump, Herbert said, governors discussed health care reform and tax reform.

"Clearly, the administration has set the tone by saying we value governors, we value the states, we want to have your input on how we go forward these next four years in developing policy," he said.

But Herbert did not mention any discussion related to federal lands and, when asked about the Bears Ears monument, said it was not a part of the conversation with the president or in multiple meetings with Pence.

"That didn't come up. That's kind of a Utah-specific issue," Herbert said. "I have had a conversation with soon-to-be-confirmed Secretary of Interior [Montana Republican Rep. Ryan] Zinke."



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Herbert reiterated that he has invited Zinke to visit Utah at the "earliest opportunity" following his expected confirmation tomorrow.

"I'm optimistic that we can find a place to resolve this issue," said Herbert, who has repeatedly indicated that the Bears Ears designation should be made under state law, rather than the federal Antiquities Act that President Obama used to create the monument late last year.

Earlier this year, the Utah Legislature approved a resolution calling on Congress to rescind the Bears Ears status, and a second resolution asking Trump to reduce the size of the Grand Staircase-Escalante National Monument. Herbert signed off on both bills.

Nonetheless, Herbert said he did not discuss the Antiquities Act with either the White House or the state's congressional delegation.

"I don't think anybody is really opposed to the Antiquities Act. What they're opposed to is the abuse where there's an overreach on the size and amount of acreage," Herbert said.

Republicans regularly criticized the Obama administration, which used that authority to create or expand 25 national monuments, putting more land and water under federal protection than any previous president.

Herbert said he did meet with Utah's congressional delegation to "set the table for some legislative opportunities" related to Bears Ears, including delegating management capability to Native Americans.

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8. Utah lawmakers seek to purchase Bears Ears land, take over management from feds

The Salt Lake Tribune, Feb. 28 | Brian Maffly

Utah lawmakers are pursuing yet another piece of legislation targeting the Bears Ears National Monument, this time seeking for the state to take over these archaeologically rich lands in San Juan County and manage them in collaboration with American Indian tribes.

On Friday, Rep. Mike Noel introduced a resolution calling on the state to acquire the "public land that is occupied by" the new monument. HCR24 envisions Utah purchasing or leasing the 1.3 million acres surrounding Bears Ears Buttes through the Recreation and Public Purposes Act. The bill acknowledges the monument holds lands with great cultural, scientific and historical



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interest and are "profoundly sacred" to the five tribes that successfully petitioned the Obama administration to designate the monument.

Noel framed his proposal as a way to ensure tribal management authority over the monument, something the presidential proclamation could not guarantee, although it pays clear deference to tribal wishes and traditional knowledge.

"This is an effort to get the discussion going, to talk about the Native Americans actually controlling that area," the Kanab rancher, who is among Utah's fiercest critics of national monuments, told a House committee Tuesday. The state "would work cooperatively with local elected officials, the local Navajo Nation chapter and other southwestern tribes, to structure a governance and management coalition plan that provides local and state stewardship over the Bears Ears."

He said the bill came about from recent discussions he had with LoRenzo Bates, speaker of the Navajo Nation Council.

Reached Tuesday, Bates re-affirmed his nation's support of Obama's monument designation and its belief that many Utah Navajo want the monument to remain.

"I can appreciate his forward thinking," he said, "however, the nation's position is what it is. Any changes must start at the local level."

Noel, whose district includes Bears Ears, is a vocal supporter of an earlier resolution calling on President Donald Trump to rescind the monument designation, a policy stance that his new bill does not supersede.

"We still want that rescinded. That was a requirement of the Utah Navajo," he said, repeating the claim that local American Indians are at odds with their national leadership over Bears Ears.

"I have to respectfully disagree because there is support," Bates said. "If there wasn't that amount of support the [Navajo Nation] council wouldn't have taken this position."

A Ute leader was deeply skeptical of Noel's aims behind the proposed state take over of Bears Ears, especially after the state has worked so hard to thwart the five tribes' desire to have the region protected.

"Now our concerns and wishes would be honored by them? How ironic. They have publicly stated they want the monument undone. Their congressional delegation continues to covet the lands of the Ute Tribe and erase our entire existence through laws and other congressional



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actions," Ute Indian Tribe business committee chairman Shaun Chapoose wrote in an email. "The irony isn't even laughable anymore, yet they continue to create a conflict when they should embrace and sit with the tribes and see how we can all benefit from the designation. Unlike them, I am willing to listen and take their concerns and ideas seriously."

The committee advanced Noel's resolution, one of many he has sponsored this session pushing for greater local control of public lands, along with HB385, which would require the Utah Division of State Parks and Recreation to evaluate state-owned land for designation as a "state monument." The idea is to have a designation for state park units that don't rise to the level of "parks" because of a lack of amenities such as restrooms and picnic areas, but are nonetheless places of historic or special interest, according to Fred Hayes. Candidates include Fantasy Canyon, Spiral Jetty, Devils Slide and numerous rock art sites and ancient cliff dwellings.

The federal law Noel's resolution cites was passed in 1954 as a way for the Bureau of Land Management to transfer its holdings to states or qualified non-profits to support a recreational purpose. Utah officials have used it to establish many state parks, including favorites such as Goblin Valley, Dead Horse Point, Snow Canyon, Goosenecks, Bear Lake, Otter Creek, Coral Pink Sand Dunes, Escalante, Dead Horse Point and Kodachrome Basin. The law may come into play again with fresh proposals to establish state parks at Hole-in-the-Rock and Little Sahara Sand Dunes.

However, the Recreation and Public Purposes Act limits purchases for a particular purpose to 6,400 acres per year, an amount that represents less than half of one percent of Bears Ears. There are no limits on the amount of land that could be leased, but there are strict requirements over how such land is managed. The land would revert to federal ownership if the state fails to manage it in accordance with the reasons it was transfer to the state.

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E&E/NATIONAL NEWS – FULL STORY

1. **INTERIOR: Law enforcement chief was 'unprofessional' to women — IG**

E & E News, Feb. 27 | Jennifer Yachnin

The Interior Department's Office of Inspector General revealed today that it has investigated claims of "inappropriate behavior" involving Office of Law Enforcement and Security Director Tim Lynn, but said Justice Department officials have declined to pursue the matter.



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According to a six-page [report](#), IG officials reviewed a complaint that Lynn behaved inappropriately — including unwanted hugging and touching — toward a female employee, and found he had also engaged in "a pattern of unprofessional behavior" with five other women, including "flirtatious remarks or discussing inappropriate subjects."

The IG report notes that Lynn denied any allegations of wrongdoing and disputed his unnamed accuser's recollection of various events.

"Lynn denied the OLES employee's allegations that he touched her or spoke to her inappropriately," the report states. "While he acknowledged that he had occasionally touched her and talked to her about personal subjects, he said that touching people was in his nature and he had not intended to make her uncomfortable."

Among the accusations, the unnamed employee asserted Lynn had offered to "be like your daddy and kiss your boo-boos all better" when she was icing her leg in the office after a bike ride and asked if she had dated anyone she worked with. Lynn adamantly denied both accusations, according to investigators.

But Lynn acknowledged that other allegations made by five other women in the office may have occurred. The report notes the women cited actions by Lynn including "gestures, touching, hugging, personal text messages, and flirtatious remarks or conversations on inappropriate subjects."

"When confronted, Lynn admitted to some of the actions, but said he had not meant to make the women uncomfortable," the report states. Lynn denied making any inappropriate gestures or flirtatious remarks but said "that he probably did touch the employees but not in a sexual way."

The investigation began in August.

The report notes Lynn was also accused of retaliation against the unnamed employee after she previously complained about his behavior to Harry Humbert, the deputy assistant secretary for public safety, resource protection and emergency services.

The unnamed employee accused Lynn of "trashing" her to a former supervisor and said he was "disparaging her character." She also asserted that Lynn singled her out in a meeting following her complaint to Humbert.



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The report notes that those attending a meeting where the unnamed woman accused Lynn of singling her out did not agree with her interpretation of events and did not "perceive the comments" Lynn made "as negative."

The report stated DOJ's Public Integrity Section declined to pursue the allegations. The report was also provided to the acting principal deputy assistant secretary for policy, management and budget.

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2. **PUBLIC LANDS: Amended Utah bill on transfers strikes lawsuit deadline**

E & E News, Feb. 27 | Dylan Brown

The Interior Department on Friday removed a job loss estimate related to the now-defunct Stream Protection Rule from a blog post, saying it edited the text "for clarification."

The Feb. 21 post still hails the rule's repeal as President Trump's first step to make good on promises "to harness the power of American energy."

But it no longer suggests, as it did before, that the action prevented the loss of "7,000 clean coal jobs in 22 states."

The figure directly contradicted the Office of Surface Mining Reclamation and Enforcement's analysis during the Obama administration that the rule, which enhanced water quality and monitoring requirements at coal mines, would actually create a few hundred jobs in reclamation.

The post angered environmentalists and pro-rule lawmakers. Interior did not respond to a request for comment.

The same day Interior made the edits, House Natural Resources Committee ranking member Raúl Grijalva (D-Ariz.) accused Interior of spreading false information and demanded more information (Greenwire, Feb. 24).

Interior did not cite a source for the job loss estimate, but the 7,000 number mirrors information in preliminary documents leaked in 2011 (Greenwire, Nov. 16, 2016).

Coal companies and the National Mining Association have always estimated that job losses would be far higher if the Stream Protection Rule were implemented.



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A 2015 NMA-backed study by consulting firm Ramboll Environ estimated as many as 77,000 coal mining jobs would be lost — a figure quoted by lawmakers after Trump signed their resolution repealing the rule.

A Washington Post fact checker today said the 77,000 estimate was "simply not credible" because it relied on a small sample of coal operators already vehemently opposed to the rule and outdated coal employment numbers.

The newspaper also called OSMRE's overall job increase estimate, which came from a contractor study, "equally dubious."

NMA said its study was more accurate because it relied on "real-world analysis" versus the computer model used by OSMRE.

In a letter to the editor responding to The New York Times editorial board's condemnation of the stream rule repeal, NMA President Hal Quinn said, "It takes more than predictable hyperbole and a quote from John Muir to explain away the scale of regulatory excess that is now being corrected."

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3. **NATIONAL MONUMENTS: Grijalva rebukes Bishop's stance on Antiquities Act**

E & E News, Feb. 27 | Jennifer Yachnin

The House Natural Resources Committee's top Democrat, Arizona Rep. Raúl Grijalva, sharply criticized Chairman Rob Bishop on Saturday, slamming the Utah Republican for urging President Trump to rescind a new national monument under the Antiquities Act.

In an op-ed in The Salt Lake Tribune, Grijalva also urged Trump's Interior secretary nominee, Rep. Ryan Zinke (R-Mont.), to oppose GOP calls to undo the recent Bears Ears National Monument designation. Zinke could be confirmed by the Senate as soon as tomorrow.

"Instead of exercising his own legislative authority and having to defend his actions to his constituents, Bishop would prefer that administration officials like Zinke try to rescind the Bears Ears designation, end up in court defending a legally dubious claim and take the heat themselves," Grijalva wrote.



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Bishop has been an outspoken proponent of curbing executive authority under the Antiquities Act, the 1906 law that allows presidents to designate national monuments.

President Obama used that authority to protect more land and water than any of his predecessors, including designating the 1.35-million-acre Bears Ears monument in southeast Utah during his final weeks in office.

But Bishop has urged the Trump administration to utilize the Antiquities Act to roll back that designation and others, arguing that the law allows for the modification of monuments, including their elimination (E&E News PM, Nov. 17, 2016).

However, although Congress itself has abolished a handful of monuments, no president has ever sought to undo protections granted by their predecessors. Conservationists note that such an effort would likely prompt legal challenges (Greenwire, Feb. 8).

Grijalva slammed Bishop for not offering legislation to repeal the new monument's status himself, asserting the Republican is looking to the Trump administration to "fight his battle for him."

"Rather than doing the simple work of introducing a bill, which likely wouldn't have more than a page of text, and then bringing it up in his own committee at his earliest convenience for a debate and a vote, Bishop is egging on the Trump administration from the bleachers," Grijalva wrote.

He added: "You might wonder why a powerful and outspoken House committee chairman would urge others to fight his battles. The answer is that in poll after poll, year after year, average Americans express consistent support for national monuments."

Zinke is expected to visit the 1.35-million-acre site in southeast Utah as one of his first official trips once he is sworn in to lead the Interior Department.

A Natural Resources Committee spokesman said he hadn't seen the op-ed.

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4. More than 80 percent of all wildfires caused by humans, new study says

Los Angeles Daily News, Feb. 27 | Seth Borenstein, AP Science Writer

People have triggered five out of six wildfires in the U.S. over the last two decades, tripling the length of the wildfire season and making it start earlier in the East and last longer in the West, a new study finds.

Even as climate change worsens the nation's fire season — making it longer and easier to burn more acres — researchers said human activities play an even bigger role.

In Southern California, large populations living in close proximity to fire-prone foothills and national forests make the region a poster child for human-caused wildfires that wreak havoc on life and property, said lead author Jennifer Balch, a fire ecologist with University of Colorado-Boulder.

"This problem isn't going to go away," she said during an interview Monday. "We spend over \$2 billion a year fighting fires. We will have more and more people living in this mix between houses and wildlands by the year 2030."

While fire experts have long blamed people more than lightning, the new work details the extent of human-caused ignitions and how they interact with global warming to make matters worse.

Scientists analyzing fire data from 1992 to 2012 found that 84 percent of all U.S. wildfires — but only 44 percent of the total acres burned — were started by people, either by accident or on purpose. And human-caused blazes have more than tripled the length of the wildfire season from 46 days to 154 days, according to a study in Monday's journal *Proceedings of the National Academy of Sciences*.

"People are moving more and more into natural wild areas and essentially providing ignition for wildfires," said Balch. The result? Fire seasons can be year-round, as long as people are around, she said.

The Spark

Of the more than 1 million human-started fires since 1992, about 29 percent began by trash burning, another 21 percent were arson and 11 percent were from misuse of equipment, Balch said.



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Last year's Soberanes fire in California was sparked by an illegal campfire and burned for nearly three months. The blaze surpassed \$200 million in firefighting costs, the most expensive in U.S. history.

One out of every five wildfires occurs on the Fourth of July from fireworks, Balch said.

The Human Connection

Last summer, Michael Spengler, 53, drove his pickup truck off Highway 39 in San Gabriel Canyon on June 20. The truck burst into flames and started the Reservoir fire near Morris Dam, just north of Azusa. The fire burned 1,146 acres. A separate fire above Duarte known as the Fish fire burned 4,253 acres. The cause remains unknown. Taken together, the two fires caused the evacuation of 1,376 homes and the cancellation of the 626 Golden Streets ciclovía-type event. The event will take place on Sunday, spanning 18 miles from South Pasadena through Duarte and Azusa.

In January 2014, the fast-spreading Colby fire above Glendora blackened 1,992 acres of hillsides, canyons and trees and destroyed five homes and 10 outbuildings. It was started by three men who fanned an illegal campfire with paper torn from a spiral notebook. A gust of wind sent the campfire out of control, lighting up the canyon. Clifford Eugene Henry Jr., 23 of Glendora and 22-year-old Steven Robert Aguirre of Baldwin Park received six months and five months in prison, respectively. The third man, Jonathan Carl Jarrell of Irwindale received 3 years probation.

The Hottest Spots

The Southeast is a hot spot for human-triggered wildfires. Kentucky, West Virginia, Tennessee had fire seasons that lasted more than 200 days and 99 percent of the wildfires in those states are caused by people.

The region is home to swaths of forests with trees that don't catch fire easily or naturally so people are the main culprits, said study co-author Adam Mahood.

The Climate Connection

Climate change has lengthened the U.S. fire season by a few weeks, which is dwarfed by what humans do. But the study shows how both human-sparked flames and man-made climate change work together to make America burn more, especially during more frequent dry, hot weather.



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“If a campfire grows out of control during a wet, cool period, then it probably isn’t going to grow into a large wildfire,” said University of Utah fire scientist Philip Dennison, who wasn’t part of the study. “Climate change loads the dice toward warmer, drier conditions that make it more likely that a fire will develop from human-caused ignitions.”

Fire Danger Near Normal

Recent rains have added new grasses to foothills and canyons within the Santa Monica Mountains, San Gabriel Mountains and San Bernardino Mountains. While the grasses hold more moisture, they can quickly dry out after a hot summer and fall, Balch said.

“Moisture during winter and early spring allow grasses to grow. If that is coupled with a very dry season then you can get significant fires,” she said.

The change from five years of drought to a surplus of rains have sharply reduced the probability of winter fires to near zero in Southern California, according to the National Significant Wildland Fire Potential Outlook released by the National Interagency Fire Center in Boise, Idaho on Feb. 1. The forecast says grasses and soils will retain enough moisture to ward off a severe fire season through summer or later. The group casts the fire potential through May as normal.

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5. POLITICS: Trump speech will draw on coal miner 'listening sessions'

E & E News, Feb. 28 | Evan Lehmann

Don't expect lawmakers to stage a climate protest during President Trump's address tonight.

The offices of several Democrats who play key roles on the environment suggested that the House chamber will be brimming with members of Congress, in contrast to the scores of Democrats who boycotted Trump's inauguration.

Tonight's address stands to give lawmakers a close look at the man whose views on man-made warming and other issues have prompted them to oppose his Cabinet picks, threaten legislation and criticize his remarks about women.

Aides to several House Democrats in the Climate Solutions Caucus, a bipartisan group of 24 lawmakers who say humans are responsible for rising temperatures, said there's been no organized move to skip Trump's first address to the legislative branch.



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Some members are staging subtle protests by inviting guests who draw contrasts to Trump's policies on immigration, gay rights and health care. Climate doesn't seem to be a high priority.

Rep. Ted Deutch (D-Fla.), a co-founder of the climate caucus, invited Lauri Major Tillman, a constituent whose grandson, Jackson, was born without the ability to breathe on his own. President Obama's health care law helped the family receive medical help costing over \$1 million in the first four months of Jackson's life, according to Deutch's office.

The congressman said he believes it's important to raise the importance of health care at a time when Trump is working with Republican lawmakers to reverse Obamacare, an aide said.

Others are keeping it in the family. Rep. John Delaney (D-Md.), who introduced legislation for a national carbon tax in the last Congress, is inviting his wife. Delaney is a member of the climate caucus, also called the "Noah's Ark" caucus.

Other Democrats have reportedly discussed giving the president the cold shoulder when he makes his way through the crowd toward the speakers' rostrum, to avoid having pictures taken that show Democrats reaching for one of the least popular incoming presidents on record.

Trump might see his first prime-time speech as president as the right time to show a brighter side of himself. He plans to strike optimistic themes around economic opportunity and strengthened security against terrorism, according to two senior White House officials who spoke to reporters yesterday.

"It's fair to say this is a look forward," said one of the officials.

The speech is titled "Renewal of the American Spirit," and it touches on the themes of financial distress that Trump voiced through the election campaign. Among them is the steep decline of the coal industry.

"A lot of what went into this speech came from the sit-downs and the listening sessions that the president has done over the last several weeks, specifically with health care industry leaders, law enforcement officials, coal miners, union representatives and front-line workers," the official said.

The address will begin with some showmanship. Trump plans to provide a list of campaign "promises made and promises kept," to showcase the number of jobs that have been created since he was elected.



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"Americans have been waiting for help from their leaders for too long, and during the speech, the president will let them know that help is finally on the way," one of the officials said.

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6. **APPROPRIATIONS: Key lawmakers balk at plan for steep cuts at EPA**

E & E News, Feb. 28 | George Cahlink and Geof Koss

Top Republican appropriators aren't embracing a plan to slash federal spending for U.S. EPA that President Trump is due to outline tonight in his address to Congress.

The White House yesterday previewed Trump's spending plans, which would make deep cuts in fiscal 2018 for most federal programs not tied to national security. EPA could see its \$8.1 billion annual budget cut by nearly a quarter, E&E News reported yesterday (E&E News PM, Feb. 27).

"This defense spending increase will be offset and paid for by finding greater savings and efficiencies across the federal government. We're going to do more with less," Trump said yesterday in a speech to the National Governors Association.

The proposed cuts are part of a broader Trump administration move to scale back environmental protections established by the Obama administration. For example, Trump is planning to issue an order today that would begin to dismantle Obama's Clean Water Rule (Greenwire, Feb. 27).

The president said he would offer more details about the plan in his speech this evening — in advance of a budget outline due to Congress on March 16.

Senior House and Senate appropriators, though, were noncommittal and skeptical about the cuts that would reduce EPA spending by \$2 billion.

Appropriators' support is crucial as they'll write the fiscal 2018 spending bills that carry out any potential funding reductions. If they are not on board, it would be almost impossible to have the spending bills with EPA cuts move in either chamber.

There's "not that much in the EPA [budget] for crying out loud," said Rep. Mike Simpson (R-Idaho), the chairman of the House Energy and Water Appropriations Subcommittee, when asked about the reported cuts. He noted that more than a quarter of the EPA budget goes toward popular drinking water and clean air grants for states, local communities and tribes that lawmakers from both parties would be reluctant to cut.



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Simpson said he had not yet seen enough to oppose the budget but also said EPA has been scaled back sharply by Republicans in recent years compared with 1980s spending levels and is not convinced there's room for even deeper cuts.

"I think you would see a lot of Republicans voting against those bills" if they cut domestic spending by \$54 billion, Simpson said. "There's a lot of members who have a lot of interest in these programs. There's more to our government than just defense."

Rep. Ken Calvert (R-Calif.), chairman of the House Interior and Environment Appropriations Subcommittee, said he only heard about the proposed EPA cuts through news reports and said he would wait for more details from the administration before weighing in.

"I am going to see what [new EPA chief] Scott Pruitt has in mind and then sit down shortly with him to figure it out," said Calvert, who added he does expect there will be "some reorganization" at the agency.

House appropriators are likely to hear more about the proposed EPA spending cuts today, when they host a "members' day" hearing on the Interior and environment spending plan — a session in which any lawmaker can weigh in on the fiscal 2018 budget.

Rep. Betty McCollum (D-Minn.), the ranking member on the Interior and Environment Appropriations Subcommittee, already is blasting the prospect of sharp cuts at EPA and promised to oppose them.

"Deep cuts to the Environmental Protection Agency threaten to take us back to the days when corporations could freely dump dangerous chemicals in our water and spew harmful pollutants into our air," McCollum said.

Unease in the Senate

While conservative support could potentially allow deep cuts to move in the House along party lines, any Senate plan would still need 60 votes to overcome a Democratic filibuster. Republicans only control 52 Senate seats, and there are already signs of GOP unease.

Sen. Lisa Murkowski (R-Alaska), who chairs the Senate Interior, Environment and Related Agencies Appropriations Subcommittee, said last night that she was unaware of the rumored 24 percent cut to EPA's budget.



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However, she noted that in a private meeting with Pruitt, he expressed support for EPA programs that help state and local governments finance water infrastructure upgrades — an issue that is popular with members of both parties.

"He recognizes that that is a key role for EPA," Murkowski said.

She suggested that the administration look more broadly at reducing full-time equivalents for efforts that have been stayed by the courts, such as the Clean Power Plan.

"I'm hoping that now Pruitt has been confirmed as EPA administrator that he's taking a real critical look at some of these positions," she said.

Several other Republicans also were not yet ready to back Trump's budget plan.

Sen. David Perdue (R-Ga.), a Budget Committee member who regularly calls for balancing the budget and cutting the deficit, said he wanted to see a "realistic" plan for achieving those fiscal goals. "We can't simply cut spending to solve the debt crisis," he added.

Senate Armed Services Chairman John McCain (R-Ariz.) said the plan is not enough for the Defense Department even with a \$54 billion increase. He said it amounts to a 3 percent increase for the Pentagon to deal with a "world that is on fire."

Like many Democrats, Sen. Dianne Feinstein (D-Calif.), a senior appropriator, said she'd vote against any spending legislation seeking a 24 percent cut in EPA funding.

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7. **NOMINATIONS: Zinke moves 1 step closer to confirmation**

E & E News, Feb. 28 | Geof Koss

The Senate voted last night to end debate on Interior secretary nominee Ryan Zinke, whose nomination has languished for weeks after being caught up in the broader political fight over President Trump's Cabinet.

Senators voted 67-31 to end debate on the Montana Republican's nomination, with Sen. Ron Wyden (D-Ore.) voting "present." Wyden also abstained from voting on Zinke in committee last month, citing the nominee's openness to moving management of the national forest system from the Agriculture Department to Interior Department.



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Senate Republicans are hoping to confirm Zinke before Trump's address to a joint session of Congress tonight, which would allow the Montanan to take his seat with the rest of the Cabinet in the House chamber.

However, key senators yesterday said they did not expect Democrats to yield the 30 hours of customary post-cloture debate, which absent an agreement with the minority would likely push a final confirmation vote to tomorrow at the earliest.

"I'm happy to have them yield back time, but it doesn't look like they want to do that on any of them," Senate Environment and Public Works Chairman John Barrasso (R-Wyo.) said yesterday.

While Democrats have slow-walked some of the more controversial nominees, the Energy and Natural Resources Committee last month approved both Zinke and Energy secretary nominee Rick Perry with bipartisan support (Greenwire, Jan. 31).

Barrasso said that some Democratic senators have privately told him they are feeling intense pressure from liberal groups not to yield debate time.

"They have no freedom to maneuver because of the resistance movement that's out there that's holding them hostage to drag these out, to make them stay the full 30 hours," Barrasso said in an interview.

Energy and Natural Resources Chairwoman Lisa Murkowski (R-Alaska) said Majority Leader Mitch McConnell (R-Ky.) has been working for weeks to see Zinke confirmed.

"I don't know why they should [object]," she said. "I can understand it if it's a nom where there's really been a lot of heartburn over, but Zinke — everybody's kind of like 'oh we haven't confirmed him yet?'"

Barrasso took to the Senate floor yesterday to lambaste Democrats for delaying confirmation for both nominees, who he noted were introduced by Democrats at their confirmation hearings.

"There are Democrats here in the Senate who are delaying things even when other Democrats in the Senate support the person who's actually been nominated by the president," he said.

The Interior Department, Barrasso noted, manages an "incredible amount" of public lands and water resources, as well as protecting thousands of animals and plants.



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"The person who heads up this department has a very big and important job to do," he said. "We need someone in this job, someone who can work with the people who are most invested in the good stewardship of our natural resources — that's the people who actually live on the land. I believe that Congressman Zinke will do exactly that."

Movement on Perry, Ross

Under a schedule laid out by McConnell earlier this month, once Zinke is confirmed, Health and Human Services secretary nominee Ben Carson will be next before the Senate, to be followed by Perry.

Barrasso said the delay in confirming Perry — whom he called "totally qualified" — is delaying DOE's processing of applications to export natural gas.

"It is time for us to have a new Energy secretary in office, today, to start tackling this backlog," he said.

Barrasso signaled that Republicans will hold the vote on Perry as soon as possible but intend to see him confirmed this week.

"We'll get four of them done this week," he said.

Senators last night also voted 72-27 to confirm billionaire investor Wilbur Ross to be Commerce secretary, a position in which he'll oversee climate research programs at the National Oceanic and Atmospheric Administration.

Sen. Bill Nelson (D-Fla.), who supported Ross, noted prior to his vote that the nominee had indicated he would support the work of climate scientists at NOAA.

However, West Virginia Democrat Joe Manchin voted against Ross, citing his ownership of the Sago mine that killed 12 miners in 2006, as well as the hundreds of jobs that were lost in the state when Ross purchased Weirton Steel.

"Following my extensive vetting, meeting with him, watching his nomination and reaching out to West Virginians who have worked with him directly, I cannot in good conscience look the families of the fallen Sago miners or the Weirton Steel workers who lost their jobs in the eye knowing I voted to give Wilbur Ross a promotion," Manchin said in a statement.

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8. **INFRASTRUCTURE: Lawmakers want to remove 'environmental barriers'**

E & E News, Feb. 28 | Camille von Kaenel

House lawmakers are looking for environmental rules to scrap to speed up infrastructure development.

Two House Oversight and Government Reform subcommittees — the Interior, Energy and Environment and the Intergovernmental Affairs subcommittees — will call on developers to identify "environmental barriers" at a hearing tomorrow.

President Trump's calls for the development of the country's roads, bridges, ports, water and energy infrastructure have been accompanied by industry frustrations over environmental permits and rules.

Trump, who called environmental rules "out of control," signed an executive order in the first days of his presidency to fast-track priority projects identified by governors through the federal permitting process. The National Governors Association provided him with a list of more than 400 projects its members want to see built.

Trump is expected to say more about his priorities for jump-starting infrastructure projects during his address to a joint session of Congress tonight.

Lawmakers have already considered ways to change the Clean Air Act and the Clean Water Act to speed up the development of infrastructure.

A December 2016 Treasury Department list highlighted by the Oversight Committee includes 40 proposed infrastructure projects of "economic significance" and notes that environmental regulations contribute to capital cost.

Schedule: The hearing is Wednesday, March 1, at 10 a.m. in 2154 Rayburn.

Witnesses: Richie Beyer, county engineer for Elmore County, Ala.; Wayne D'Angelo, counsel for the Steel Manufacturers Association from Kelley Drye & Warren LLP; Alicia Viola Barnes, business development consultant at Vitol Virgin Islands Corp.; and Nicolas Loris, fellow in energy and environmental policy at the Heritage Foundation.

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9. PUBLIC LANDS: Grijalva letter questions stay of fossil fuel royalty rule

E & E News, Feb. 28 | Dylan Brown

The House Natural Resources Committee's top Democrat today questioned the legality of the Interior Department's indefinite pause on its new fossil fuel royalty calculation.

Rep. Raúl M. Grijalva (D-Ariz.) sent a letter to acting Interior Secretary Jack Haugrud demanding answers about the Office of Natural Resources Revenue's decision last week to stay a new rule changing how coal, oil and gas extracted on public land is valued in order to calculate federal royalties.

ONRR agreed to revert to previous valuation standards until it can resolve a trio of industry lawsuits against the rule that went into effect Jan. 1, after it was finalized by the Obama administration last July (Greenwire, Feb. 24).

Grijalva said, to his knowledge, the move is an unprecedented and legally "questionable" use of the Administrative Procedure Act.

"It appears that ONRR has used this provision to repeal an active and in-effect regulation in contravention of the notice-and-comment procedures required by the APA," he wrote.

Taxpayer watchdogs, environmentalists and the Government Accountability Office have argued that current valuation is short-changing taxpayers. In response, the new rule would close what critics called a loophole, allowing companies to sell to their subsidiaries at deflated prices, by assessing value at the first "arm's length" transaction.

But oil, gas and coal companies; trade groups; and utilities have sued, complaining the new formula is "complex, difficult to implement, and far less reliable" than the functional current system. ONRR, they argue, will also be granted too much power in the process, which could unfairly disrupt business.

However, Grijalva wrote: "If future court action dismisses the industry complaints against the valuation rule, companies will be required to convert their systems again to the new rule, creating considerable uncertainty and expense for companies operating on public lands."

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10. **REGULATIONS: Western local leaders urge Senate not to kill methane rule**

E & E News, Feb. 28 | Scott Streater

A broad coalition of local leaders from Colorado, Utah, New Mexico, Nevada and the Ute Tribe are urging senators not to approve a resolution that would kill an Obama administration rule designed to control methane emissions from thousands of oil and natural gas drilling operations on federal and Native American lands.

The group of more than 60 local officials sent the letter today asking senators not to approve a Congressional Review Act resolution that would kill the Methane and Waste Prevention Rule finalized by the Interior Department last November.

The House earlier this month approved [H.J. Res. 36](#), which would not only revoke the methane rule but prevent Congress from proposing a similar regulation in the future (Greenwire, Feb. 3).

Sen. John Barrasso (R-Wyo.) has introduced his own resolution, [S.J. Res. 11](#), which could be voted on as early as this week.

"As elected officials from local governments across the Interior West, we strongly support this recently adopted rule on venting and flaring methane because it will cut natural gas waste on federal and tribal lands, will help ensure a fair return to local governments and the taxpaying public, will put our energy resources to good use, and will clean up our air," the local officials wrote.

They are part of the Western Leaders Network, a group of county, tribal and municipal leaders in Western states who support policies "that advance conservation in the realm of water, energy, public lands, climate change and community resilience," according to their website.

They called the CRA "a blunt tool" that they wrote would allow "the oil and natural gas industry to continue to waste hundreds of millions of dollars-worth of taxpayer owned resources every year, and use outdated, wasteful technologies."

The Obama administration defended the rule — which replaces 30-year-old regulations — saying it would cut methane emissions from the oil and gas sector by as much as 35 percent.

The Bureau of Land Management worked for five years on the rule, which it said would allow more natural gas to be sold and prevent the escape of methane and other pollutants.



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In the letter, the local leaders said the rule "would save more than \$330 million worth of natural gas annually" from being vented and flared into the atmosphere.

"This common sense rule has strong bipartisan support among the public," they wrote. "We urge your opposition to using the Congressional Review Act to eliminate BLM's rule to reduce natural gas waste because of the rule's benefit to our local governments, constituents, and taxpayers."

But the rule is fiercely opposed by the oil and gas industry and congressional Republicans. The Western Energy Alliance and the Independent Petroleum Association of America in November filed a lawsuit in U.S. District Court for the District of Wyoming calling the regulation "a vast overreach" of Interior's regulatory authority.

The Republican governors of New Mexico, North Dakota, Utah and Wyoming have written letters in support of the methane CRA resolutions.

It's not clear when the Senate will vote on the CRA resolution.

Don Stewart, deputy chief of staff to Majority Leader Mitch McConnell (R-Ky.), told E&E News that the Senate might take up Barrasso's CRA resolution this week (Greenwire, Feb. 24).

The Senate, however, appears set to focus on votes confirming Cabinet position nominees, including Interior secretary nominee Ryan Zinke.

The Senate late yesterday voted to end debate on Zinke, whose nomination has languished for weeks after being caught up in the broader political fight over President Trump's Cabinet (E&E Daily, Feb. 28).

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11. **INTERIOR: Trump admin seeks 10% budget cut — sources**

E & E News, Feb. 28 | Corbin Hiar and Emily Yehle

The Trump administration is looking to slash 10 percent from the Interior Department budget in fiscal 2018, according to several sources familiar with the White House's preliminary request.

The White House yesterday began circulating budget blueprints within the executive branch. The plans include cuts for most non-defense agencies and recommendations from the Office of Management and Budget to help agencies reach those targets.



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The Interior outline, sources said, would trim nearly \$1.3 billion from the department's current annual budget of about \$13.3 billion.

It's unclear which Interior programs would be targeted for cuts. Interior directed a request for comment to OMB, which did not immediately respond.

But congressional Republicans have previously sought to slash funding for the Fish and Wildlife Service and the Bureau of Land Management (Greenwire, May 24, 2016).

Specifically, in their fiscal 2017 spending bill, House appropriators included a \$6 million reduction to the FWS endangered species listing program and a \$19 million drop for Interior's land acquisitions.

In an accompanying report, appropriators bemoaned petitions from outside groups to list species, directing FWS to "re-evaluate its work plans in order to meet these obligations in light of the budget, and to request deadline extensions as necessary."

Congress eventually passed a continuing resolution last December, keeping in place fiscal 2016 spending levels.

The Land and Water Conservation Fund could also be on the chopping block, as the half-century-old program has come under fire from conservative Republicans and the Heritage Foundation. But Interior's would-be leader — Rep. Ryan Zinke (R-Mont.), who is awaiting Senate confirmation — supports LWCF, which uses royalties from offshore oil and gas drilling to purchase public land for conservation and recreation.

OMB Director Mick Mulvaney said yesterday that the White House is gathering input from Interior and other agencies this week and intends to send a budget outline to Congress by March 16.

"A review from agencies are due back to OMB over the course of the next couple days, and we'll spend the next week or so working on a final budget blueprint," he said at a White House news conference. The plan to send those numbers to Congress by mid-March "puts us on schedule for a full budget ... with all the larger policy issues in the first part of May."

The White House's top-line proposal for defense spending is \$603 billion — a \$54 billion increase, Mulvaney said. The proposal for non-defense spending will be \$462 billion — a \$54 billion savings, he added.



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U.S. EPA is likely to be hit particularly hard, with a proposed 24 percent overall cut from its budget (E&E News PM, Feb. 27).

Stephen Moore, a fellow at the Heritage Foundation who was an economic adviser to President Trump during the presidential campaign, expects the administration to focus on raising revenue from Interior by promoting oil and gas development.

"There is a lot of discussion about opening up a lot of these areas for drilling, so that's probably going to be a big priority for Trump," he said. "Interior could be a big money raiser for Trump, because you get lease payments and royalties and things of that nature."

The livestock industry, meanwhile, sees the expected cuts as a "double-edged sword," said Ethan Lane, executive director of the Public Lands Council. Ranchers worry that cuts will slow permitting and environmental reviews, he said.

"By the same token, with some programs, we need to look at how the agency is using funds before granting more," said Lane, who also leads the federal lands program at the National Cattlemen's Beef Association. Endangered Species Act implementation and wild horse management are two areas of concern he cited.

"We certainly hope there is some flexibility" to the spending reductions, Lane added. "If you need a haircut, do you want it in the front or the back?"

On the other hand, conservationists expect to see little to like in Interior's tighter budget.

"A massive cut to the Interior Department and the National Park Service might get some cheers from the anti-government crowd, but will be deeply unpopular if actually put into action," predicted Matt Lee-Ashley, a former Obama Interior official who's now at the Center for American Progress, a liberal think tank. "People aren't going to want to see park rangers fired, national parks closed, or more offshore oil and gas inspectors taken off the job."

Alan Rowsome, the Wilderness Society's senior director of government relations for lands, said, "The Trump administration's plan to indiscriminately cut domestic spending, including to our parks and public lands, will most certainly not make America great again."

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12. **BORDER WALL: Broken Bush-era funding pledge may bode ill for wildlife**

E & E News, Feb. 28 | Corbin Hiar

The Department of Homeland Security provided about a third of the \$50 million it promised the Interior Department to mitigate the impacts of barriers installed along the U.S.-Mexico border during the George W. Bush administration, according to a report obtained by E&E News.

The shortfall, a former Bush administration official said, was largely due to congressional opposition to spending DHS dollars on land-buying.

The outcome of the five-year interagency deal also suggests to experts that it would be difficult to offset the environmental harm that would come from the expanded wall President Trump has promised to build.

"In fairness to DHS, they can only deliver what's appropriated," said Dinah Bear, who was a lawyer for President Bush's Council on Environmental Quality when lawmakers — in reaction to the terrorist attacks of Sept. 11, 2001 — first began pushing for a wall along the southern border with little regard for its impact on imperiled wildlife, habitat or ecosystems.

The Republican-controlled Congress in May 2005 sought to expedite border barrier construction by passing the REAL ID Act — legislation that allows the DHS secretary to waive all legal requirements, except those explicitly established in the Constitution.

The following year, the Secure Fence Act was signed into law. It called on DHS to build 700 miles of physical barriers along the 2,000-mile southern border. A spending bill enacted around the same time provided \$1.2 billion in initial funding for the project.

Under pressure from Congress, then-DHS Secretary Michael Chertoff exercised the sweeping authority to disregard environmental laws five times during the building of the network of walls, fences and vehicle barriers that currently dot the border.

By the end of the Bush administration, however, the consequences of those actions were already becoming apparent.

That led the commissioner of Customs and Border Protection — the DHS agency that built the barriers and patrols the border — and the Interior secretary to ink a [memorandum of agreement](#) in January 2009 on "natural and cultural resource mitigation associated with the construction of



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border security infrastructure." In the document, they agreed to fix "impacts that have occurred or may occur in connection with CBP construction activities."

A related [letter of commitment](#) signed by the same Bush administration officials said that "CBP agrees to fund up to \$50 million in reasonable mitigation measures to offset the adverse affects ... on [Department of the Interior] managed natural and cultural resources, as prioritized by DOI." If the \$50 million was spent "prior to completion of the identified mitigation measures," the agencies would jointly request more money, it said.

But in the years after that deal was struck, lawmakers who controlled the purse strings of DHS began to undercut CBP's mitigation promises.

In September 2011, for example, Congress sent to President Obama a spending bill to prevent a government shutdown, which included a provision that effectively prohibited payments from CBP to Interior for land purchases. Such mitigation measures would have helped sustain populations of animals and plants that were cut off from habitat south of the border.

"We have limited funds to appropriate for border control," Rep. Rob Bishop (R-Utah), who was then-chairman of the Natural Resources Subcommittee on National Parks, Forests and Public Lands, wrote to his colleagues in support of the amendment. "That money should go to border control, not to buy additional federal land."

The [letter](#) was also signed by Rep. Peter King (R-N.Y.) and former Rep. Doc Hastings (R-Wash.), who at the time led the Homeland Security and Natural Resources committees, respectively.

In the end, CBP was only able to provide \$17.8 million to offset environmental damage from the border wall before the interagency agreement ended, Interior's border mitigation coordinator found in a [March 2016 final report](#) that wasn't publicly released.

That money funded 11 conservation projects. The two most expensive efforts were land purchases that occurred before such activities were banned by Congress.

The biggest acquisition was an \$8 million deal for 760 acres that was added to the San Diego National Wildlife Refuge. That land is suitable for the arroyo toad and the Quino checkerspot butterfly, both of which are endangered, and the threatened coastal California gnatcatcher.



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The second land deal added 500 acres of jaguarundi and ocelot habitat to the Lower Rio Grande Valley National Wildlife Refuge at a cost of \$2 million. Both cats are on the endangered species list.

Other projects funded by the interagency agreement replanted damaged lands, restored altered wetlands, purchased wildlife tracking cameras and, in one case, surveyed landowners' opinions about jaguars (Greenwire, Nov. 21, 2014).

Still, there were "many things that didn't get done" under the interagency agreement, said Bear, the former CEQ lawyer. "Work dealing with hydrology, more land acquisitions for habitat, actions to protect archaeological and cultural sites — those are the main categories."

Bear, who now works on border wall issues as an independent attorney in Tucson, Ariz., said so much mitigation work was needed because the likely impacts from the barriers weren't identified before they were constructed.

"As a result, not only are there serious impacts to communities and wildlife, but the Border Patrol's own asset has at times suffered," she said. "There have been several sections of the wall right here in Arizona where parts have fallen down because of flooding that was not anticipated — even though anybody down here would tell them that, yes, when it rains in southern Arizona, it floods."

Both CBP and Interior declined to comment on the report and what it suggests about the Trump administration's wall-building effort.

But environmental groups argued that the interagency report makes clear that wildlife would be harmed by Trump's wall, regardless of any mitigation commitments his administration may make.

"It shows that there is not a lot of meaning behind these gestures to mitigate for border impacts," said Bryan Bird, the Southwest director for Defenders of Wildlife.

"If Trump is successful in building his wall, many of our borderland wildlife populations are doomed," Bird added. "They won't be able to move, and they won't be able to reproduce and exchange important genetic material. So I think it's empty promises, for the most part, that we can mitigate for these damages."

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13. **DAKOTA ACCESS: Tribe makes religious push for construction freeze**

E & E News, Feb. 28 | Ellen M. Gilmer

A federal court will rule soon on an American Indian tribe's latest attempt to freeze construction of the Dakota Access pipeline.

The U.S. District Court for the District of Columbia heard oral arguments today on the Cheyenne River Sioux Tribe's request for a preliminary injunction blocking pipeline completion.

According to the tribe, the very presence of the oil pipeline beneath Lake Oahe would desecrate water used in religious practices — amounting to a violation of the Religious Freedom Restoration Act.

Judge James Boasberg, an Obama appointee, appeared skeptical of the claim, repeatedly asking about the limits of the tribe's religious rights to the water.

"Where do we draw the line?" he asked Fredericks Peebles & Morgan attorney Nicole Ducheneaux.

Ducheneaux replied that "a clear line exists already," arguing that the tribe's water rights in Lake Oahe and recent court precedent protecting religious freedom support the Cheyenne River Sioux's argument.

Attorneys for the government and Dakota Access LLC largely focused on a legal doctrine known as "laches," which can limit plaintiffs' ability to raise new claims late in the game.

Both argued that the Cheyenne River Sioux never previously raised the argument that the very presence of the pipeline would render water ritually impure.

Dakota Access attorney David Debold also hinted at questions about the sincerity of the tribe's beliefs, noting Lake Oahe's history as a government-created reservoir along the Missouri River. He urged Boasberg to consider whether a sincere practitioner of Lakota faith would oppose a pipeline across Lake Oahe but not further upstream.

Boasberg said he would issue a decision in about a week.

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14. **OREGON STANDOFF: 1st cooperating witness takes stand**

E & E News, Feb. 28 | Maxine Bernstein, Portland Oregonian

Blaine Cooper, the first cooperating witness to testify against fellow Malheur National Wildlife Refuge occupiers, described a meeting in Ammon Bundy's home on Dec. 29, 2015, when the host discussed taking over the Oregon refuge.

Cooper's testimony, which came on the fifth day of the second Oregon standoff trial, is the first time anyone has referenced this meeting in court. He has pleaded guilty to conspiracy charges related to the occupation.

During cross-examination, defense lawyers cited contradictory statements Cooper made on phone calls from jail. During one phone call to his wife, defense lawyers cited him saying, "I didn't know they were going in there," in a reference to the takeover.

The defense also played inflammatory videos made by Cooper that show him tearing out pages of the Quran, wrapping them in bacon and throwing them into an outdoor fire pit (Maxine Bernstein, Portland Oregonian, Feb. 27).

FBI agent Kevin Murray also testified yesterday, saying roughly 22 FBI agents entered the wildlife refuge three days after the arrests of occupation leaders.

"We went in on Jan. 29 [2016] and remained there at least a 24-hour period," Murray testified.

On the stand, Murray held up one of seven firearms that he found in at the Narrows RV Park on Jan. 29, 2016.

Judge Anna Brown of the U.S. District Court for the District of Oregon scolded him: "Sir, watch where you're pointing that!"

Bundy was expected to be the first defense witness called this morning (Maxine Bernstein, Portland Oregonian, Feb. 27). — CS

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15. **REGULATIONS: Western local leaders urge Senate not to kill methane rule**

E & E News, Feb. 28 | Scott Streater

A broad coalition of local leaders from Colorado, Utah, New Mexico, Nevada and the Ute Tribe are urging senators not to approve a resolution that would kill an Obama administration rule designed to control methane emissions from thousands of oil and natural gas drilling operations on federal and Native American lands.

The group of more than 60 local officials sent the [letter](#) today asking senators not to approve a Congressional Review Act resolution that would kill the Methane and Waste Prevention Rule finalized by the Interior Department last November.

The House earlier this month approved [H.J. Res. 36](#), which would not only revoke the methane rule but prevent Congress from proposing a similar regulation in the future (Greenwire, Feb. 3).

Sen. John Barrasso (R-Wyo.) has introduced his own resolution, [S.J. Res. 11](#), which could be voted on as early as this week.

"As elected officials from local governments across the Interior West, we strongly support this recently adopted rule on venting and flaring methane because it will cut natural gas waste on federal and tribal lands, will help ensure a fair return to local governments and the taxpaying public, will put our energy resources to good use, and will clean up our air," the local officials wrote.

They are part of the Western Leaders Network, a group of county, tribal and municipal leaders in Western states who support policies "that advance conservation in the realm of water, energy, public lands, climate change and community resilience," according to their website.

They called the CRA "a blunt tool" that they wrote would allow "the oil and natural gas industry to continue to waste hundreds of millions of dollars-worth of taxpayer owned resources every year, and use outdated, wasteful technologies."

The Obama administration defended the rule — which replaces 30-year-old regulations — saying it would cut methane emissions from the oil and gas sector by as much as 35 percent.

The Bureau of Land Management worked for five years on the rule, which it said would allow more natural gas to be sold and prevent the escape of methane and other pollutants.



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In the letter, the local leaders said the rule "would save more than \$330 million worth of natural gas annually" from being vented and flared into the atmosphere.

"This common sense rule has strong bipartisan support among the public," they wrote. "We urge your opposition to using the Congressional Review Act to eliminate BLM's rule to reduce natural gas waste because of the rule's benefit to our local governments, constituents, and taxpayers."

But the rule is fiercely opposed by the oil and gas industry and congressional Republicans. The Western Energy Alliance and the Independent Petroleum Association of America in November filed a lawsuit in U.S. District Court for the District of Wyoming calling the regulation "a vast overreach" of Interior's regulatory authority.

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The Senate late yesterday voted to end debate on Zinke, whose nomination has languished for weeks after being caught up in the broader political fight over President Trump's Cabinet (E&E Daily, Feb. 28).

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16. **EPA: Trump budget cuts dubbed 'declaration of war'**

E & E News, Feb. 28 | Robin Bravender

U.S. EPA staff and environmentalists have been bracing for big cuts to the agency's budget under the Trump administration, but a plan to slash funding by almost a quarter was even more than some expected.

The budget outline sent to the agency yesterday by the Trump White House asked for a 24 percent overall cut to EPA's budget, a source informed about the administration's plan told E&E



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News. The EPA outline, the source said, would trim nearly \$2 billion from EPA's current budget of about \$8.1 billion (E&E News PM, Feb. 27).

John O'Grady, an EPA union leader and longtime agency employee based in Chicago, called that number "devastating."

O'Grady said today, "This is a declaration of war, a war on the environment. It's a declaration of war against children with asthma, against women of child-bearing age, against the elderly."

Joe Edgell, another EPA union leader, said today, "People are nervous here, and this certainly doesn't cause people to be less nervous."

The White House plans sent out to federal agencies yesterday are just the opening salvo in what promises to be a lengthy negotiation over the upcoming fiscal year's budget. Agencies will weigh in on the White House's plans, and the funding details will be hashed out with Congress during the appropriations process.

But EPA employees and greens say cuts that steep would take a major toll.

"It would be like taking a meat ax to the agency," said Frank O'Donnell, president of the advocacy group Clean Air Watch. "Enforcement would drop, new rules would stop, companies could be emboldened to cheat more, like Volkswagen did — and public health could only suffer. And a lot of state governments will start screaming if this involves big cuts in grants to state and local agencies."

It's still unclear where exactly the cuts would come from. White House budget chief Mick Mulvaney said yesterday that his office sent recommendations about how it thinks the agencies can make cuts to reach those targets. Agencies are expected to respond to the White House in the coming days, and the first round of formal top-line budget proposals will be sent to Congress in mid-March.

EPA spokesman Doug Ericksen yesterday insisted that certain projects prioritized by the administration would remain intact.

"On the budget front, we are committed to investments on the capital side, clean water projects, water treatment facilities and cleaning up Superfund sites and Brownfields sites," Ericksen said in an interview. "Any cut that did come would be on the non-capital side. It would be strategic and in line with the president's agenda and Congress" (Greenwire, Feb. 27).



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Much of EPA's budget is doled out to states for environmental programs, and observers are expecting the cuts to heavily target operations and personnel.

"To the extent that grants to states and utilities to administer delegated programs and upgrade water infrastructure are spared, cuts to the EPA workforce would be magnified to reach a 24% overall reduction, with perhaps as many as 5,000 EPA scientists, engineers and other specialists being 'de-funded,'" Jeff Ruch, executive director of Public Employees for Environmental Responsibility, said today in an email.

Ruch said his group is preparing to deliver legal aid to EPA employees who may be laid off.

O'Grady is expecting the Trump White House to target activities like climate change, the Waters of the U.S. rule that Trump aims to repeal and enforcement efforts. And, he added, "This is only the first year. So what's in store after that?"

Stan Meiburg, who was EPA's acting deputy administrator during the Obama administration, said the details about the budget cuts "make a tremendous amount of difference."

Taking a significant chunk out of the personnel budget could dramatically affect how the agency functions, he said.

"This notion that you can run EPA with the same 5,000 people that you did in 1970 is just not consistent with reality," Meiburg said. "In 1970, you didn't have the whole range of laws that EPA now administers."

Meiburg said that while Trump's executive orders — including one expected to come today that takes aim at the Waters of the U.S. rule — have sparked a lot of "noise and drama," the debate over the agency's budget is "about the heart of the EPA."

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17. **INTERIOR: Zinke's mandate is a tough fit for a Teddy Roosevelt devotee**

E & E News, Feb. 28 | Pamela King

Rep. Ryan Zinke has offered few details on how he will oversee energy development on public lands if he takes the Interior Department's top post, but the self-styled Teddy Roosevelt conservationist will inherit an agency that seems poised to shed Obama-era rules limiting drilling and mining.



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The Senate is expected to confirm the Montana Republican as early as tonight.

"I don't think President Trump would have picked Zinke unless he was on board with the overall agenda of increasing production of oil and gas," said Kathleen Sgamma, president of the Western Energy Alliance, an industry group.

Sgamma said she has few specifics on how Zinke's Interior would handle the oil and gas industry, but she expects greater lenience on permitting and rights of way for gas pipelines and other infrastructure projects.

"We'd just like some direction from the top that, indeed, the long-established law is that oil and natural gas development is one of the principal uses of federal land," Sgamma said.

In the department's Bureau of Land Management, a return to the [multiple-use mission](#) is anticipated, said Luke Johnson, policy director at Brownstein Hyatt Farber Schreck and a former deputy director of policy and programs for BLM under President George W. Bush.

"For those that believe the BLM never has enough resources to focus on its core mission, whether that be oil and gas, or mining, or recreation, or grazing, or wild horses or whatever other activity stakeholders might feel is neglected, one ought to applaud the idea of BLM being directed not to attempt to regulate clean air and leave that to other more appropriate regulatory bodies," Johnson said.

Removing climate regulation from BLM's slate is a critical element in the debate over the bureau's venting and flaring rule (Energywire, Feb. 21). President Obama's Interior incorporated climate considerations into its rulemaking process as the result of an administrative directive. Industry has said the rule steps too far into the territory of U.S. EPA and states.

Zinke abstained from a vote to strike down the rule using powers granted under the Congressional Review Act. The bill passed the chamber by a 221-191 vote.

During his confirmation hearing, Zinke said he believes humans have contributed to global climate change and that Interior has a role to play in combating the process. He did not offer any details on steps he would take in that realm.

"Many programs at the Department relate to or impact the climate," Zinke said in a written response to senators' questions following his hearing. "In general, my role, if confirmed, and the Department's role will be to ensure that we manage programs and make decisions based upon best available information and sound science."



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Drilling in precious areas

Zinke has promised to hit the road as soon as he is confirmed (Energywire, Feb. 13).

Among his first stops? Utah, where Obama bestowed an eleventh-hour designation of the Bears Ears National Monument, protecting 1.35 million acres of desert canyons and mountains. In doing so, Obama exercised the powers of the Antiquities Act, which Roosevelt signed into law in 1906.

If the designation stands, it would help shelter the Canyonlands National Park and the Glen Canyon National Recreation Area from development. A move to overturn a monument designation would be unprecedented.

"Legally, it is untested," Zinke said during his hearing. "What I would prefer is working in a collaborative effort with the states."

While industry hasn't demonstrated a voracious appetite for extracting oil and gas near Bears Ears, the region contains some leases, and the monument isolates state lands that could be ripe for development, Sgamma said.

"A top-down monument designation is always problematic," she said. "This was much larger than was really necessary."

If Zinke rolls back the Bears Ears designation, he would be distancing himself from his historical hero, said Athan Manuel, director of the Sierra Club's lands protection program.

"Teddy Roosevelt was the father of the Antiquities Act. He used that law to protect the Grand Canyon," Manuel said. "Zinke should be trying to defend it not working to undermine the act or areas protected by that law."

A Zinke Interior could also allow oil and gas development to creep closer to New Mexico's Chaco Culture National Historical Park and Alaska's Arctic National Wildlife Refuge — even as low oil prices tamp developers' hunger for marginal fields, Manuel said.

"I don't think those facts are going to impact the policies in the Trump administration," he said.

Zinke has garnered cautious praise from conservation advocates for expressing some level of opposition to oil and gas development near Glacier National Park and mining in the Yellowstone River watershed.



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In other places — like the Badger-Two Medicine area in Montana's Rocky Mountain Front — Zinke has failed to take a position on questions surrounding leasing rights, said Peter Aengst, senior regional director of the Northern Rockies and Alaska for the Wilderness Society.

"Zinke's got the whole spectrum covered in Montana on his track record on oil and gas," he said.

Manuel said he expects Zinke will bow to the pressures of a powerfully pro-energy administration.

"He is very proud of defending federal lands, but will he stand up to Donald Trump, [Secretary of State] Rex Tillerson and [Energy secretary nominee] Rick Perry? This administration is full of oil and gas industry advocates," Manuel said.

"Is Zinke willing to stand up to them? That's how he will be measured."

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