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Attached is the daily news report for March 30.

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## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

#### UTAH – TOP STORIES – MARCH 30, 2017

1. **Appeal filed over lack of route for northern corridor in BLM resource plan**

*St George News, March 29 | Julie Applegate*

ST. GEORGE – County, city and water officials have filed an appeal to a recent Bureau of Land Management resource plan governing Red Cliffs National Conservation Area in Washington County.

2. **Legal analysis argues Trump could revoke Bears Ears**

*Utah Policy, March 29 | Bryan Schott*

A new legal analysis concludes that President Trump could undo the Bears Ears National Monument.

3. **Mormon Pioneer National Heritage Area receives grant to expand recreational opportunities**

*The Pyramid, March 29 | Staff Writer*

WASHINGTON — In an effort to improve off-highway vehicle (OHV) and all-terrain vehicle (ATV) trail access in America’s national parks, the National Park Foundation is supporting critical trail infrastructure improvements within the Mormon Pioneer National Heritage Area (MPNHA).

4. **Green River rocks!**

*Moab Sun News, March 30 | Jenna Talbott*

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#### E&E/NATIONAL NEWS – TOP STORIES

##### 1. Put Interior's Western HQ in Boise. Our NIFC is the model for federal collaboration

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Interior Secretary Ryan Zinke told Idaho Rep. Mike Simpson he wants to move the Bureau of Land Management headquarters out of Washington, D.C., into the West.

##### 2. Farm Bureau Applauds Law to Restore Local Control of Federal Lands

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“Land management decisions governing federal lands are best left to state and local officials and other stakeholders. We are pleased that Congress passed and President Trump signed a law to overturn the flawed ‘Planning 2.0’ rule issued by the Bureau of Land Management. The new law places management decisions back in local hands, where they belong.

##### 3. INTERIOR: Zinke to review agency's climate goals

*E & E News, March 30 | Brittany Patterson*

Interior Secretary Ryan Zinke has set in motion plans to review and likely rescind dozens of climate change measures.

##### 4. NATIONAL MONUMENTS: Bishop promises bill to reform 'distorted' designations law

*E & E News, March 30 | Kellie Lunney*

House Natural Resources Chairman Rob Bishop (R-Utah) said yesterday that he plans to introduce legislation this session to reform the law that allows presidents to designate national monuments on public land.

##### 5. FEDERAL AGENCIES: Mystery Trump workers hold DOE, Interior jobs

*E & E News, March 30 | Emily Yehle and Hannah Northey*

Does Patrick Johnson exist?



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#### 6. METHANE: What Trump's order means for CRA, litigation on BLM rule

*E & E News, March 30 | Pamela King and Ellen M. Gilmer*

Efforts to repeal the Bureau of Land Management's methane rule under the Congressional Review Act are not dead following President Trump's "energy independence" executive order, the American Council for Capital Formation said yesterday.

#### 7. POLITICS: Even with power shift, public lands still sacrosanct in Mont.

*E & E News, March 30 | Nick Bowlin*

Look at presidential election maps and Montana blends in, part of the Republican red that has covered Middle America and the Mountain West for decades.

#### 8. INTERIOR: Top Dems want GAO review of fossil fuel royalty program

*E & E News, March 30 | Scott Streater*

Two top Democrats have formally asked the Government Accountability Office to conduct an assessment of the Interior Department's royalty collection program to ensure the oil and gas industry is paying its fair share to taxpayers.

#### 9. ENDANGERED SPECIES: Greens unveil database to modernize wildlife conservation

*E & E News, March 30 | Corbin Hiar*

Defenders of Wildlife today launched a data-focused project that aims to improve the way the Endangered Species Act is used to help imperiled animals and plants.

#### 10. CLIMATE: Dems mount legislative opposition to executive order

*E & E News, March 30 | Hannah Hess*

As promised, Democrats in Congress are pushing against President Trump's executive order that wipes out much of the Obama administration's effort to address climate change.



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11. **EPA: Agency press release blasts Trump by mistake**

*E & E News, March 30 | Kevin Bogardus*

For nearly two hours, President Trump had a new critic: his own agency, U.S. EPA.



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#### UTAH – FULL STORY

##### 1. **Appeal filed over lack of route for northern corridor in BLM resource plan**

*St George News, March 29 | Julie Applegate*

ST. GEORGE – County, city and water officials have filed an appeal to a recent Bureau of Land Management resource plan governing Red Cliffs National Conservation Area in Washington County.

Four conservation groups including Conserve Southwest Utah, a local citizen-based conservation non-profit headquartered in St. George, have also filed a motion to intervene in the appeal. Filing for intervention gives the conservation groups legal standing in the proceeding.

Washington County, St. George City and the Washington County Water Conservancy District filed an appeal February 23 with the U.S. Department of the Interior’s Board of Land Appeals over the resource management plan for the Red Cliffs National Conservation Area.

The main points of contention in the appeal are the lack of a designated route for the proposed northern corridor through the conservation area along with the limited utility protocol.

On March 23, Conserve Southwest Utah, the Conservation Lands Foundation and The Wilderness Society filed a motion to intervene in the appeal. The Southern Utah Wilderness Alliance also filed to intervene March 27.

The Bureau of Land Management recently completed resource management plans for the Red Cliffs and Beaver Dam Wash national conservation areas. The plans affect more than 100,000 acres in the county and stirred controversy during the public comment period that ended last fall.

County officials are exploring every option available to address what they view as deficiencies in the BLM’s resource plans, Deputy Washington County Attorney Celeste Maloy said.

“We’re exploring administrative, legal and legislative options,” Malloy said.

The administrative option is an appeal to the Interior Department’s Board of Land Appeals over the lack of a satisfactory route for a northern corridor and the utility development protocol in the resource plans, both of which are necessary for continued growth in the county, Malloy said.



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“What we’re after is adherence to what we thought we got through the lands bill in 2009,” she said. “We still don’t feel like the RMP (resource management plan) is true to that, so we’re trying to move it until it is.”

Transportation planners and county officials believe a northern corridor through the conservation area is essential to alleviate traffic congestion caused by recent and projected growth in the county.

The Omnibus Public Land Management Act of 2009 was a collaborative effort between the county, municipalities, state and federal governments, and conservation groups. The Act’s intention was to resolve conflicts between wilderness and lands use in Washington County.

Language in the Act specified that a northern corridor through the Red Cliffs National Conservation Area be designated; however, the bill’s language has been interpreted differently by the interested parties.

The Interior board is obligated to respond within 30 days of the county’s appeal. The board has already filed a 30-day extension of that deadline, which is “pretty standard,” Malloy said.

### **Opposition**

“The Red Cliffs and Beaver Dam Wash NCAs are extraordinary landscapes, sustaining not only the native habitat but also the recreation and tourism critical to our local economy and the signature vistas of our county’s visual appeal,” Conserve Southwest Utah board president Tom Butine said in a statement.

“CSU and our members have invested heavily over the past 11 years to establish these protected lands and care deeply about their value to those who live and visit here. We hope to continue the dialog with our county commission to understand and resolve the issues.”

With their motion to intervene filed, the conservation groups are closely watching the appeal process.

“The practical implications are that we can contest any ruling or settlement that we don’t agree with,” Butine said. “For example, if the appeals board rules that the BLM must allow the northern corridor, we can legally challenge the ruling. Or if the BLM decides to settle, we can challenge that if we don’t agree with the settlement. In the worst case, we can appeal in federal court.”



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The Red Cliffs and Beaver Dam Wash national conservation areas were established by legislation in 2009 after years of collaboration and input from the public and other stakeholders, Butine said.

The Red Cliffs National Conservation Area was designated in large part to protect habitat for the threatened Mojave Desert tortoise while allowing development in other areas of Washington County. This compromise was agreed to and signed by officials in Washington County as part of a Habitat Conservation Plan in 1996.

“The plan was the product of years of hard work and public input,” Phil Hanceford, assistant director of The Wilderness Society’s BLM Action Center, said. “It is a shame to see government throwing away resources on legal action and going back on commitments made during negotiations around the designation of the National Conservation Areas.”

Danielle Murray, senior director at Conservation Lands Foundation, said “construction of a highway through a National Conservation Area designated by Congress to protect desert tortoise habitat does not make sense.”

“The final RMP gets it right. It reflects the overarching intent of congress and six years of input from stakeholders. We intervened to ensure all this hard work that led to a sensible plan is not undermined.”

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## 2. **Legal analysis argues Trump could revoke Bears Ears**

*Utah Policy, March 29 | Bryan Schott*

A new legal analysis concludes that President Trump could undo the Bears Ears National Monument.

The analysis from the Pacific Legal Foundation finds that a president can revoke a national monument if they determine the areas under protection are "illegally large." The analysis was conducted by Todd Gaziano and John Yoo.

**From E&E News:**





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Yoo and Gaziano argue, however, that even if a president does not have a "general discretionary revocation power," Trump could seek to revoke monuments by declaring them overly large.

"The Congress that enacted the Antiquities Act did not intend monuments of that size to be established by presidential designation," the pair wrote, asserting that early monuments tended to be 5,000 acres or less.

They later added: "If a president makes a credible determination, based on the facts and a reasonable interpretation of the act, that some former monuments are illegally large relative to the original 'object' supposedly being protected, he could declare that the initial designation was void, especially if there is no easy way to make it lawful by severing discrete parcels of land."

No president has ever overturned a national monument, but they have reduced their size on occasion."

The Utah Legislature rushed through a pair of resolutions calling on President Trump to undo the Bears Ears National Monument and reduce the size of Grand Staircase-Escalante. Gov. Gary Herbert was in Washington, D.C. earlier this week where he invited Interior Secretary Ryan Zinke and President Donald Trump to visit Utah and Bears Ears to discuss public lands issues.

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### **3. Mormon Pioneer National Heritage Area receives grant to expand recreational opportunities**

*The Pyramid, March 29 | Staff Writer*

WASHINGTON — In an effort to improve off-highway vehicle (OHV) and all-terrain vehicle (ATV) trail access in America's national parks, the National Park Foundation is supporting critical trail infrastructure improvements within the Mormon Pioneer National Heritage Area (MPNHA).

The National Park Foundation received a Polaris Foundation grant to help expand access to MPNHA by enhancing the Arapeen OHV Trail System in Manti-LaSal National Forest in Utah.



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Improvements begin in the summer of 2017 and will include the addition of a two-inch minus road base to the upper 6.6 miles of Manti Canyon, Forest Road 0045, from the intersection of North Fork all the way to Skyline Drive (Arapeen OHV Trail #1).

“The Arapeen OHV Trail System is one of Utah’s great high-mountain trails. It is open to side by sides, ATVs, 4x4 vehicles and motorcycles. The best time to ride is July through September,” said Kevin Christensen, Sanpete County Economic Development Director.

Since 1998, the number of OHVs registered in Utah has nearly tripled, putting additional pressure on Utah’s public lands, especially in popular riding areas.

With OHV use increasing and continued growth in the ATV market, trail managers are challenged to keep up with the maintenance and improvements needed to provide a quality experience. Ongoing maintenance is required due to high use, along with the topography and terrain changes on these routes.

The Polaris Foundation donation contributed to the National Park Foundation’s Centennial Campaign for America’s National Parks and will address these trail infrastructure needs to ensure that MPNHA continues to provide a safe, fun and accessible recreational experience for ATV and OHV riders.

“Taking in the sights of our national parks on an off-highway or all-terrain vehicle is a truly incredible experience,” said Stacy Bogart, senior vice president of Polaris Industries and President of the Polaris Foundation.

“It is our honor to make this donation in support of the Arapeen Trail System, to encourage the responsible use of OHV trails while helping current and future riders discover the beauty of our nation’s parks.”

Many of the more than 100,000 yearly visitors to nearby Palisade State Park, located at the mouth of the canyon just to the south, enjoy OHV riding. There are more than 170,000 ATVs, side by sides, and motorcycle enthusiasts in Utah who find that off-roading is a great way to spend time with family and friends while enjoying the outdoors.

“On behalf of all of our partners in the Mormon Pioneer National Heritage Area, we express our deep appreciation for this generous gift. We are very proud to be associated with the National Park Service, the National Park Foundation, and Polaris,” MPNHA Director Monte Bona said.



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Other Arapeen Trail System projects completed or underway include work on Trails #: 4- Mt. Pleasant Canyon; #42- Ephraim New Canyon; #35- Sterling 6-Mile Canyon; #37- Manti Canyon. In addition to these trail improvement projects, the trail system is also investing in new facilities, adding a trailside restroom along Trail #35.

#### **About NPF**

The National Park Foundation (NPF) is the official charity of America's national parks and nonprofit partner to the National Park Service.

Chartered by Congress in 1967, the NPF raises private funds to help PROTECT more than 84 million acres of national parks through critical conservation and preservation efforts, CONNECT all Americans with their incomparable natural landscapes, vibrant culture and rich history, and INSPIRE the next generation of park stewards.

In 2016, commemorating the National Park Service's 100th anniversary, the Foundation launched The Centennial Campaign for America's National Parks, a comprehensive fundraising campaign to strengthen and enhance the future of these national treasures for the next hundred years. Find out more and become a part of the national park community at [www.nationalparks.org](http://www.nationalparks.org).

#### **About MPHA**

The Mormon Pioneer Heritage Area (MPHA) is a federally designated area of central and southern Utah running along the beautiful and historic U.S. Highway 89, including the All-American Road Utah State Route 12, and Capitol Reef Scenic Byway Utah State Route 24, which both intersect with U.S. 89 and together form the MPNHA's Boulder Loop. The area includes the counties of Sanpete, Sevier, Piute, Wayne, Garfield and Kane.

To learn more about the Mormon Pioneer National Heritage Area visit <http://www.mormonpioneerheritage.org>.

#### **About NHAs**

National Heritage Areas (NHAs) are designated by Congress as places where natural, cultural, and historic resources combine to form a cohesive, nationally important landscape.

Through their resources, NHAs tell nationally important stories that celebrate our nation's diverse heritage. Because NHAs are lived-in landscapes and are locally coordinated, NHAs bring



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together communities to determine how to make heritage relevant to local interests, needs and economies. The National Heritage Areas program is coordinated by the National Park Service.

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#### 4. **Green River rocks!**

*Moab Sun News, March 30 | Jenna Talbott*

When Moab residents hear the words “Rock and Mineral Festival,” they probably think of the annual Rock, Gem and Mineral Show held in the fall at the Old Spanish Trail Arena.

But this year, a new event in Green River is bringing light to the world of rocks and minerals. It’s not a show – it’s a weekend’s worth of lectures, field trips, workshops, vendors and even a happy hour and karaoke night.

The free event, which the National Endowment for the Arts, the Emery County Travel Board and others are sponsoring, is organized by Epicenter, a nonprofit organization that serves the town of Green River. The group aims to create “positive change locally by providing resources to residents through active involvement in (the Green River) community.”

Epicenter co-founder Maria Sykes said the inspiration for the event came from artists Lisa Ward and Alison Jean Cole.

“They proposed the idea to celebrate the area's geologic history and culture, and the town loved it,” she said.

Unlike your typical gem or mineral show, she said, this is a festival that focuses on educational programming and getting people out into the landscape.

Cole, a rockhound and lapidary artist from Portland, Oregon, joined others in presenting the event to Epicenter. Cole said the festival is a labor of love.

“We have pulled together a group of field trip leaders who are passionate about the area and experts in their field,” she said. “This is a unique chance to spend a weekend outside and learn a great deal from some really cool people. There is a tremendous amount to do around Green River and we have curated a special list of where to go and what to see while folks are in town ...

Attendees can see all this info online or by visiting the festival information booth at the John Wesley Powell museum throughout the weekend.”



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The festival is based out of the John Wesley Powell River History Museum at 1765 E. Main St. in Green River. Several field trips will caravan from the museum at set times to Fossil Point, Copper Ridge and Sego Canyon. Savage Territory Gallery at 30 S. Broadway St. will host a happy hour from 5 to 6:30 p.m. on Saturday, April 1, featuring photographer Gary Orona. Karaoke will be held at West Winds Restaurant at 1065 E. Main St. at 7 p.m. that evening.

“Green River has a cyclical history of boom and bust economics,” Cole said. “However, one thing will never change about Green River – its location amongst some of the most stunning landscapes in the West ... The town lies adjacent to Jurassic fossil beds, uranium deposits, mineral collecting areas and treasures from cultures long gone. The town is envisioning a new future for itself, and appreciation of natural assets is at the forefront of that evolution.”

In addition to workshops, demonstrations will include dry-stack stone wall building, as well as the art of gemstone faceting with artist Kirsten Southwell.

Stonewell served as an artist-in-residence with Epicenter in Green River throughout 2016. Her artwork has been exhibited in Brooklyn, New York; Portland; and Chicago, and will be displayed at the Tamarisk Restaurant in Green River during the festival.

Cole said the field trips are the essence of the festival, and event organizers are looking forward to getting people out in the landscape.

“We hope that people of all ages attend,” she said. “Attendees will have a chance to spend the day exploring with some of the West's foremost experts in paleontology and archaeology – for free. Kids will get to see how awesome these careers are and adults will have a chance to let loose and enjoy exploring.”

The crew of field trip leaders includes BLM paleontologists Greg McDonald and ReBecca Hunt-Foster, and Steve Acerson, the president of the Utah Rock Art Research Association.

Utah State Geologist Jim Kirkland will kick off the festival on Friday, March 31, at 6:30 p.m. at the John Wesley Powell River History Museum. Kirkland will be lecturing on Green River's dinosaur fossils.

According to the event website, Kirkland will lecture on the geological record of the area, which over 35 million years has resulted in the preservation of a greater diversity of dinosaur species than any other formation in the world.

Sykes noted that Kirkland co-wrote a “Star Trek” novel.



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"He's basically the coolest," she said.

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#### 5. **Museum of Moab releases DVD featuring Steen interview and uranium films**

*The Times-Independent, March 30 | Staff Writer*

The Museum of Moab has released a new compilation of documentaries that will take viewers back to Moab's uranium fever days.

"Uranium Craze — Moab and Mining in the 1950s" was produced by Omni Productions and the Museum of Moab and contains never-before-seen footage of a 1992 interview with Charlie Steen by Jim Mattingly in which the "Uranium King" discusses Moab and southeast Utah during the peak of the uranium boom 40 years earlier.

In addition to the Steen interview, two movies made by Steen's companies in about 1954 are also included. "This is Mi Vida" tells the story of Steen's flagship mine, while "Million Dollar Drill Holes" is a promotional film produced to showcase Steen's Moab Drilling Company. The films include original footage of uranium mining on the Colorado Plateau in the mid-1950s. The films have been shown at Star Hall in Moab several times in the past, as part of Museum of Moab events.

"The thing I like about this DVD so much is that it has two movies that Charlie Steen produced himself," Mattingly told The Times-Independent. "To have a camera crew come down from Salt Lake to film his story — that was really innovative. That was pretty groundbreaking for Charlie. And it's great because we've got a history of Charlie."

The films produced by Steen's companies were originally on 16mm film and Mattingly had to take them to Salt Lake City to have them digitized. He said the museum also allowed him to go through its photo archives of the Steen family for images to supplement the video of the interview with Charlie Steen.

"[This year] is the 65th anniversary of the beginning of the uranium boom in Utah," said Museum of Moab Director John Foster. "This documentary gives you a chance to hear from Charlie Steen himself telling the story of his legendary strike, and the chance to see footage of every aspect of uranium mining, from exploration to lab work."



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“The [films] serve as rare historical documentation of the mining boom that transformed the Moab region and the project could not have been done without the help of Mark Steen and the Steen family,” Foster added.

In addition to the DVD, the museum has also released a new edition of its journal, Canyon Legacy, dedicated completely to the history of uranium in Utah. This issue combines three of the most popular past Canyon Legacy editions with updated information and new photographs. Information on uranium mining icons such as Charlie Steen, Howard Balsley and Vernon Pick is included, along with first-hand accounts of everyday life in 1950s uranium camps and Moab.

The DVD, which costs \$12, and Canyon Legacy journals are available at the Museum of Moab, 118 E. Center St., and Back of Beyond Books, 83 N. Main St. The DVD is also available at Canyonlands Copy Center, 375 S. Main St.

“Proceeds will help the Museum of Moab fulfill its mission to preserve and display artifacts and information, and to promote research and education, that accurately reflect the natural and cultural history of the Moab area,” museum officials said.

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#### E&E/NATIONAL NEWS – FULL STORY

##### **1. Put Interior’s Western HQ in Boise. Our NIFC is the model for federal collaboration**

*The Idaho Statesmen, March 30 | Rocky Barker*

Interior Secretary Ryan Zinke told Idaho Rep. Mike Simpson he wants to move the Bureau of Land Management headquarters out of Washington, D.C., into the West.

Why stop there? Why not move the entire Department of Interior to the region where most of its management takes place?

Zinke’s BLM discussion centered on Denver, but Boise also should be on his radar.

This is the home of the National Interagency Fire Center, the government organization that basically invented breaking down agency barriers to coordinate wildland firefighting nationwide. Imagine building on that pioneering work as a model throughout the western land agencies.



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Cities like Denver and Salt Lake are bigger and today have better air service (that would change if we had thousands of Interior employees based here). But if Donald Trump decides to move Interior or some of its agencies West, Boise's location on the southern edge of the Northern Rockies, on the northwest edge of the Great Basin and in the heart of the Pacific Northwest make it ideal.

Simpson told a full-house crowd Tuesday at the Andrus Center for Public Policy conference, "Why Public Lands Matter," that Zinke said the Trump administration is looking at grander ideas like reorganizing the federal land, water and wildlife agencies that today fall under Interior, the Department of Agriculture and the Department of Commerce.

That's a tall task. Harold Ickes, Interior secretary under Franklin Roosevelt, attempted to create a new department of conservation in the 1930s and move the Forest Service from the U.S. Department of Agriculture and Interior agencies over in 1937. He failed, in part, because Gifford Pinchot, who helped Theodore Roosevelt create the Forest Service in 1945, led a political campaign against it.

Former Idaho Gov. Cecil Andrus tried again in 1979, while serving as Jimmy Carter's Interior secretary, proposing a federal Department of Natural Resources that would combine the Interior agencies with the Forest Service and the National Oceanic and Atmospheric Administration from Commerce. His argument at the time was that it created more orderly decisions.

But the Forest Service likes the independent autonomy it has at Agriculture, and its supporters once again won what has largely been a turf war.

How successful Zinke's task goes likely depends on whether it falls under the purview of the Jared Kushner's new "office of innovation" or Steve Bannon's "deconstruction of the administrative state."

The goal of Kushner, Trump's son-in-law, is to reorganize government so it operates like a great American company. That may not be a realistic model, but it does offer hope of finding the obvious potential efficiencies out there. How ridiculous is it, after all, that NOAA Fisheries is in the Department of Commerce when many of its tasks overlap with Interior's U.S. Fish and Wildlife Service? That makes sense only to the bureaucrats.

Then there is wildfire. The length and ferocity of wildfires has grown dramatically in the past 25 years, forcing all land management agencies to shift priorities from management to firefighting.





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The hardest hit has been the Forest Service, where wildfire-suppression costs burn up an increasing share of the agency's overall budget — from 16 percent in 1995 to 52 percent in 2015.

The Forest Service's firefighting staff has grown from 5,700 in 1998 to more than 12,000 last year. Meanwhile, non-firefighting staff has dropped by 39 percent — from 18,000 employees in 1998 to fewer than 11,000 in 2015.

Like it or not, Kushner's office of innovation won't be able to ignore the effects of climate change that are the driving force of this growing wildfire challenge. And they will need all of the agencies' top scientists working together to lay the foundation on which reorganization can succeed.

Few ideas are better than moving the people who are in charge of managing 600 million acres of public forests, parks, rangelands, wildlife refuges and Indian trust relationships closer to the people and the land they steward. In a time where regional collaboration is emerging to replace central control as the mode of governing, it makes sense to put the land, water, fish and wildlife the agencies in the thick of things.

The recent announcement of a deal between Idaho Power and the Conservation Lands Foundation to run the Gateway West Transmission Line through the Morley Nelson-Snake River Birds of Prey National Conservation Area next to existing power lines is a perfect example.

Twice local BLM leaders developed the compromise route, with wide support among environmental groups, local officials and industry. BLM officials in Washington erroneously believed the burned-over, cheatgrass-infested conservation area was somehow "pristine." Anyone actually here on the ground could see that putting one set of transmission lines next to an existing line makes the most sense, economically and environmentally.

That D.C. decision would not have emerged if BLM headquarters been in Boise.

I suspect if the Trump administration were to make such a move, many of the interest groups that work with the federal agencies would move their staffs west as well.

The palatial office Ickes built for himself in the Interior building in Washington can still be used when the secretary goes there for cabinet meetings or to testify to Congress. All of the agencies will still need Washington staff to interact with Congress and other departments on budgets and other business.



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In the age of Twitter and social media, the case for moving the federal managers and staff out on the ground is stronger than ever. If Zinke were to consult predecessors like Andrus and Dirk Kempthorne, another former Idaho governor, I bet they'd tell him the same.

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#### 2. **Farm Bureau Applauds Law to Restore Local Control of Federal Lands**

*FB.org, March 30 | Zippy Duvall, President, American Farm Bureau Federation*

"Land management decisions governing federal lands are best left to state and local officials and other stakeholders. We are pleased that Congress passed and President Trump signed a law to overturn the flawed 'Planning 2.0' rule issued by the Bureau of Land Management. The new law places management decisions back in local hands, where they belong.

"The rule was a clear overreach by the BLM. It would have jeopardized the lawful requirement for multiple uses of federal land and dismantled the ideal of cooperative federalism. By reducing the opportunity for public comment, minimizing federal requirements to coordinate with state and local governments and imposing new mitigation requirements, the rule would have caused significant problems in federal land use planning processes.

"Everybody who lives in rural America knows how important it is to have a good relationship with neighbors. It was clear to us that the Planning 2.0 rule would have set up a potentially unworkable and adversarial relationship for many who farm, ranch and live near federal lands. Congress and President Trump did the right thing in rolling back this flawed rule and restoring state and local control."

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#### 3. **INTERIOR: Zinke to review agency's climate goals**

*E & E News, March 30 | Brittany Patterson*

Interior Secretary Ryan Zinke has set in motion plans to review and likely rescind dozens of climate change measures.

A secretarial order he issued yesterday on "American Energy Independence" [outlines](#) how Interior will comply with President Trump's new executive order abolishing Obama-era executive actions to curb greenhouse gas emissions.



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Zinke's order likely targets Interior's Climate Change Adaptation Plan and dozens of other agency planning documents and policies related to climate change.

On a call with reporters yesterday, Zinke demurred when asked about how the agency will now take into consideration greenhouse gas emissions and climate impacts of big projects.

"That's exactly why we're reviewing the policies step by step," he said. "The social cost of not having a job is important too, but we are reviewing what methodology to make sure it's based on sound science."

The order begins the process by advising Interior's agencies that they have 14 days to provide a list of "all department actions they have adopted, or are in the process of developing," that relate to the actions rescinded by Trump's executive action.

"I would not begin to enumerate all of the impacts of this," said Aimee Delach, a senior policy analyst with Defenders of Wildlife. "It's the whole gamut; it's land management, wildfire management, it's facilities and roads, sustainability and putting up solar panels."

For example, per the new White House edict, former President Obama's [E.O. 13653](#), "Preparing the United States for the Impacts of Climate Change," is invalidated. The order built on previous efforts by the executive branch to get every federal agency to develop or expand climate change adaptation plans as well as incorporate resilience and climate planning into agency policy.

Interior's 2014 Climate Change Adaptation Plan falls partly under the now-dead order. It spells out specific climate-change-related goals for nine of its agencies. For example, the Fish and Wildlife Service is tasked with increasing support for states and tribes to integrate climate adaptation into conservation planning. One goal of the National Park Service is to create a plan for evaluating climate risk for park facilities and cultural and historical resources.

Not all agency actions may be subject to scrutiny under the new Interior order. Many early-era Obama executive actions on climate change were not quashed under Trump's executive order, including a 2009 order that kicked off climate change action across federal agencies. This could mean some climate change planning documents or policies may be outside this secretarial order's scope, experts said.

When asked specifically if Interior's Climate Change Adaptation Plan would be subject to review, a spokeswoman for the agency said, "We are reviewing a wide range of regulations and will have more to report in the coming weeks."



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On the flip side, Delach said it is also unclear if executive actions that folded themselves into Obama's Climate Action Plan — also dismantled under Trump's energy order — could themselves be subject to repeal, a kind of guilt by association.

"It remains to be seen what policies are identified and which recommendations will be made for changes," said Alex Daue, assistant director for energy and climate with the Wilderness Society. "Overall any efforts to roll back these kind of policies is really going to take us backwards in responsible policy on public lands and protecting our national heritage."

#### **Mitigation policy scrapped**

Interior yesterday also officially canceled the agency's three-year moratorium on federal coal leasing and disbanded a comprehensive review of the program started in 2016. In its place, Zinke announced he would re-establish a federal advisory committee made up of states, tribes and other advocacy groups to study whether Americans are getting a fair return on coal as well as oil and natural gas (Greenwire, March 29).

Secretarial Order 3349 on "American Energy Independence" also revokes the department's 2014 policy document on offsetting development impacts on public lands, also known as mitigation (E&E News PM, March 29).

Mitigation is the legal requirement federal agencies have to minimize any negative environmental impacts of major development projects and compensate for impacts that remain.

On the front end, mitigation might mean asking an oil and gas operator to move a pipeline 10 feet in order to protect the migration pattern for a species. On the back end, it could include setting reclamation requirements for operators in order to leave the land in good shape once the drilling is over.

The Interior order revokes S.O. 3330, which was signed by former Interior Secretary Sally Jewell in October 2013. The order required the agency to compile a [report](#) titled, "A Strategy for Improving the Mitigation Policies and Practices of the Department of the Interior." Interior argued there was a "close nexus" between one Obama-era executive order nixed in Trump's order and S.O. 3330.

The goal of Jewell's S.O. 3330 was to improve mitigation policies departmentwide, use a landscape-level approach and focus on mitigation that improves the resilience of public lands in



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the face of climate change. The 25-page report, now up for re-examination, laid out best practices and made the case for landscape-scale mitigation.

"This is kind of basic stuff designed to help the agency explain what it's doing when it's attempting to mitigate adverse impacts," said Michael Saul, a senior attorney with the Center for Biological Diversity. "Rescinding that is just going to create confusion."

Ashley Korenblat, CEO of Western Spirit Cycling in Moab, Utah, and managing director of the nonprofit Public Land Solutions, said rolling back mitigation guidance will only hurt the rural communities Zinke and Trump are trying to help.

"If oil and gas operators doesn't have to clean up, it makes it that much harder for the communities to later invest in recreation, an increasingly important economic driver for rural communities," she said.

Mitigation is found in a wide range of laws that extend to policy on public lands, including in the Endangered Species Act, National Environmental Policy Act, and Federal Land Policy and Management Act.

Daue, with the Wilderness Society, cautioned that means Interior will have to address it one way or another.

"What's really disappointing is we see the administration considering rolling back these policies that are just common-sense policies and capture lessons learned, and it doesn't in any way allow them to step away from their legal responsibilities."

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#### **4. NATIONAL MONUMENTS: Bishop promises bill to reform 'distorted' designations law**

*E & E News, March 30 | Kellie Lunney*

House Natural Resources Chairman Rob Bishop (R-Utah) said yesterday that he plans to introduce legislation this session to reform the law that allows presidents to designate national monuments on public land.

While saying he would "of course" make another stab at fixing the 111-year-old Antiquities Act, Bishop did not indicate when he'd unveil the bill or offer any specifics on it.



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"It's still early," he said, noting that his committee's focus right now is helping to craft a major infrastructure package — a White House priority.

But Bishop said the Antiquities Act has been "distorted over the years" and needs reform.

Sen. Lisa Murkowski (R-Alaska) introduced a bill in January to tweak the law that allows presidents to designate land monuments to protect objects of historic or scientific interest.

Bishop also said that yesterday he asked for a meeting with President Trump to discuss the law generally, as well as the 2016 controversial designation of the 1.35-million-acre Bears Ears National Monument in southeast Utah.

"It's going to take a while. We put a formal request in," Bishop said of a potential meeting with Trump. "Obviously, we haven't heard back, and in large respect, I don't really blame him because he's up to his eyeballs in appointments that haven't been confirmed yet."

#### **Authority to amend a monument?**

Along with other members of Utah's all-GOP delegation, Bishop has argued that the Antiquities Act can be used both to create and dismantle presidentially designated sites, including Bear Ears.

Bishop has indicated that he would like to see Trump use executive authority to reduce the size of Bears Ears or rescind the designation altogether.

But Bishop said yesterday that he's not stalling on introducing legislation because he's waiting for Trump to do something on his own. "We're waiting to talk to him about it first," he said.

A handful of monuments have been reduced by previous commanders in chief, but, to date, no president has sought to undo a monument's status.

Conservationists suggest that any move by Trump to reduce a monument's boundaries would spark a legal challenge, asserting that presidents do not have authority to amend monuments, only to create them.

Bishop's comments came a day after the panel's ranking member, Raúl Grijalva (D-Ariz.), criticized him for trying to dismantle the law "behind the scenes" without public input (E&E Daily, March 29).

"Chairman Bishop has the power to introduce a bill that puts his ideas into practice, discuss its merits and hold a vote whenever he chooses," Grijalva said.



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"Rather than trying to convince a small handful of people to support a behind-the-scenes legal strategy, let's see what happens when he asks our colleagues to vote against our country's public lands when the cameras are rolling," he said.

Bishop dismissed Grijalva's critique. "Ah, give me a break. How many bills have I had on antiquities over the years? This is the first time he [Grijalva] wants to move fast on something. That's amazing."

Grijalva yesterday said Bishop "has been attacking the Antiquities Act since at least Grand Staircase-Escalante [National Monument] was established, but he has yet to drop a bill to repeal a designation. Grand Staircase was designated in 1996, and the chairman got to Congress in 2003 — would a bill in that time have been moving too fast?"

#### **Making a case**

Trump could move to abolish national monuments, including the Bears Ears site, if his administration determines the areas are "illegally large," according to a new analysis of the Antiquities Act unveiled yesterday by conservative scholars (E&E News PM, March 29).

The Pacific Legal Foundation's Todd Gaziano and American Enterprise Institute legal scholar John Yoo rebutted past legal advisories that found that while the Antiquities Act of 1906 permits presidents to designate national monuments to protect scientific or historic artifacts, it does not allow commanders in chief to revoke the status of monuments.

The statute does not explicitly state that the president has the authority to overturn such designations.

"When the statute doesn't describe whether you can undesignate a monument by its text, do you infer that the president has the power to do that, or do you infer that the silence means the president cannot?" Yoo asked, discussing the study yesterday afternoon on Capitol Hill.

Yoo and Gaziano compared what they view as the president's authority to undesignate a monument to the commander in chief's power to roll back previous administrations' regulations.

But Bob Rosenbaum, retired partner at law firm Arnold & Porter Kaye Scholer LLP, took issue with their analysis.

"The gaping hole in the analysis of this report is that they totally ignore or minimize the implications of later statutes relating to federal lands," said Rosenbaum. "The Antiquities Act



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today is just one part of a complex scheme of statutes that relate to the subject of management of federal lands."

Rosenbaum also said it's the legislative branch's job to change monument designations, pointing out that while the law chose to delegate a portion of the power to the president, it's up to Congress to decide whether to grant a president the authority to repeal a designation.

"Nobody claims that presidential designations are permanent, they are always subject to Congress' will," he said. "If Congress doesn't like it, it can always change it. It can do it with Bears Ears, it can do it with any other national monument created by the president."

#### **A 'fight for changes'**

Sen. Mike Lee (R-Utah), who also spoke at the event, said he believed that the president has the authority to undo a designation, while also arguing for more legislative muscle on the issue. "We are going to continue to fight for changes" in the law, he said.

"In modern times, we've had a Congress that has been increasingly willing, and even inclined, to delegate away its power. The Antiquities Act is one of many manifestations of that," he said.

A legislative fix, while it won't be easy to achieve, might be the best way to settle the matter.

"Congress could have given the president both the power to set aside lands and to undo those reservations, as it has done in other statutes, but Congress didn't do that, and effect must be given to the intent of Congress," said John Ruple, an associate professor of law at the University of Utah.

University of Colorado Law School professor Mark Squillace, who has studied the Antiquities Act, argued that Trump could be in violation of the Constitution's property clause if he were to attempt to revoke a monument.

"The Antiquities Act is interesting and somewhat unique because it grants what I consider 'one-way' withdrawal authority," Squillace told the Center for Western Priorities' "Go West, Young Podcast" last week.

"It empowers the president the power to proclaim and preserve national monuments that contain objects of scientific and historic interest," he said, "but not to modify or revoke them."

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#### 5. **FEDERAL AGENCIES: Mystery Trump workers hold DOE, Interior jobs**

*E & E News, March 30 | Emily Yehle and Hannah Northey*

Does Patrick Johnson exist?

The assistant to Energy Secretary Rick Perry shows up on the documents released earlier this month by ProPublica listing temporary political appointees in the Trump administration. The sum of that knowledge: He makes an annual salary of almost \$95,000 and started Jan. 23.

DOE won't confirm Johnson's existence, position or professional background. The agency is not alone; the Trump administration has largely refused to discuss the hundreds of employees who make up the so-called beachhead teams.

Technically, those employees are temporary, slated to leave after a 120-day term. But many will become permanent — and some already have, without any public announcement.

Travis Fisher and Dan Simmons, for example, have taken permanent positions at DOE, according to a source familiar with the decision. Both are from the Institute for Energy Research — Fisher as an economist and Simmons as the vice president for policy — and are well-known professionals.

But others on agency beachhead teams are more like Johnson: new and unknown, with names and backgrounds that are impossible to reliably pin down.

Timothy Williams joined the Interior Department on Jan. 20. A LinkedIn profile under that name — which has since vanished — listed experience as the Nevada deputy director of the Trump campaign. Interior declined to confirm or deny that the two were the same person. But according to the ProPublica database, someone named Timothy Williams works at the department as a GS-13 employee, a pay scale level that comes with an annual salary of almost \$95,000 in Washington.

Natalie Davis is a similar enigma. Like Williams, she is listed as a "special assistant" to Interior Secretary Ryan Zinke. One LinkedIn profile under that name shows work experience that began in 2015 as a communications assistant in the California State Assembly. The LinkedIn Davis — and perhaps the Interior one — went on to work for the Trump campaign as the "Ohio Sportsmen and 2nd Amendment Outreach Coordinator."



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Both Interior and DOE have numerous other mystery employees. EPA did not officially comment on beachhead employees, but their names are listed in a public directory — and an internal email giving more detail on their experience was widely leaked to reporters.

David Hayes, who was Interior's deputy secretary under Presidents Clinton and Obama, said it is unusual for agencies to decline to confirm or deny the existence of employees.

"It would be unprecedented, in my experience, if the new administration is not disclosing the names of politicals who are on the payroll of Cabinet agencies, and being paid by U.S. taxpayers," he said. "By this point — more than two months after the inauguration and the formal end of the transition process — 'beachhead' teams should have been disbanded."

Others say the mystery is par for the course.

Susan Tierney, a senior adviser with the Boston-based Analysis Group who was co-lead of the DOE transition team for the Obama administration, said DOE under both Democratic and Republican administrations in the past never published a roster of new hires of Senate-confirmed, political or non-career appointments.

The main avenue for identifying those people was the old-fashioned gossip chain or the DOE directory, she said. DOE recently made that directory private.

"Over time, names have become identified through a combination of the grapevine and the DOE staff directories," Tierney said. "The former tends to let information eke out over time in dribs and drabs, and the latter is not very timely or transparent."

#### **Campaign aides**

Sprinkled throughout DOE are more than a half-dozen political appointees who appear to have played a role in Trump's presidential campaign — few of them with experience in energy issues.

Most are listed as "assistants" to Perry, but the agency declined to confirm their positions or whether they had taken permanent jobs at DOE.

Many appear to be former Trump campaign staffers from Ohio, Texas and Virginia, according to social media accounts and LinkedIn profiles under their names.

Justin Bis, for example, worked for the Ohio Republican Party and served as an intern for Republican Michigan Gov. Rick Snyder before landing on the DOE beachhead team as a GS-10



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employee. He graduated from Northern Michigan University in 2013 with a degree in political science.

Sam Buchan, a former field representative for Trump's campaign from Ohio, appears to have worked as an office assistant in the Ohio Senate and served as a House intern, according to his online bio. He is listed in the ProPublica database as a GS-12.

Other appointees were brought on board when Trump expanded his Texas campaign operation last year. Eric Mahroum was a deputy director for the campaign who oversaw the Dallas, Fort Worth and North Texas region, while Kayla Hensley was a digital strategist adviser and former Trump campaign coordinator. Both are at the GS-10 level, indicating lower-level positions.

The Interior Department also has at least a half-dozen campaign officials on its beachhead team. Along with Williams and Davis, for example, there is Wadi Yakhour, a field consultant for the Trump campaign who is now listed as a GS-9 in the ProPublica database.

Where — or whether — they'll land permanently at the agency is unknown. Both DOE and Interior declined to comment on the appointees or confirm their employment.

It's not unusual for campaign employees to make it into a new administration. Working on the campaign of a successful presidential candidate is a well-known opportunity for young professionals to jump-start their careers.

"It's not a big surprise that you're seeing that campaign staff are being utilized in the beachhead teams," said David Eagles, director of the nonpartisan Center for Presidential Transition. It also makes sense, he said, for a new administration to want the initial "minders of the shops" to know the goals and priorities set during the campaign.

The beachhead teams also have high-ranking officials with experience relevant to their agencies, including former Bush administration officials. Many of those are already known and widely reported.

Others likely have experience but no public profile. At DOE, for example, G. Michael Brown is listed as an "executive advisor" at the Senior Executive Service level. According to his LinkedIn profile, he served as a national field director for Ben Carson's failed presidential bid and also worked as chief of staff for Texas state Rep. Jason Isaac. Brown also worked in market development for Chesapeake Energy, according to his LinkedIn profile.



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Others are harder to track down. At Interior, Virginia Johnson is serving as acting secretary for fish and wildlife and parks, according to an internal email E&E News obtained earlier this year. But her background is not known.

Another unknown: Hunter Budd, who appears in ProPublica's database and — according to one former transition source — is assisting Joseph Uddo, a White House liaison at DOE who worked for the presidential campaigns of Trump and Carson. E&E News could not locate any additional information on Budd.

Eagles emphasized that the focus should be on ensuring that people are slotted into permanent positions as quickly as possible. By August, he said, the Trump administration should aim to have named between 400 and 500 political appointees.

"We would actually like the beachhead members to stay. We think the continuity is helpful," Eagles said.

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#### 6. **METHANE: What Trump's order means for CRA, litigation on BLM rule**

*E & E News, March 30 | Pamela King and Ellen M. Gilmer*

Efforts to repeal the Bureau of Land Management's methane rule under the Congressional Review Act are not dead following President Trump's "energy independence" executive order, the American Council for Capital Formation said yesterday.

As the CRA resolution stalled in the Senate, ACCF this month launched a campaign to strike from the books BLM's regulation curbing natural gas venting, flaring and leakage from production sites on public lands. If the upper chamber were to vote in support of the CRA resolution, the Methane and Waste Prevention Rule would quickly disappear, along with any possibility that BLM would reintroduce a substantially similar regulation.

Trump's direction to the Interior Department to suspend, revise or rescind four rules, including the methane rule, is a much lengthier process, ACCF said.

"Unraveling the methane rule at the agency level would require months of staff work and would undoubtedly face vigorous legal challenges from environmental groups, which could delay its repeal for up to two years," ACCF wrote in a statement yesterday. "On the other hand, Senate



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passage of a disapproval resolution under the CRA — something the House has already accomplished — would be quick and efficient, saving the agency both time and resources."

In a legal sense, rescinding a rule under the CRA is a far cleaner process, said Mark Barron, a partner at the law firm BakerHostetler.

"If they get 51 votes to repeal the regulation, then the regulation goes away, and that's the end of it," he said.

The order did little to move the needle, particularly with respect to the methane rule's future, Barron said.

"It was already widely known that the Trump Administration did not support the venting and flaring rule and I think most folks anticipated that, if the CRA did not pass, BLM would move to rescind the rule through the regulatory process," he wrote in an email to E&E News. "The debate since the election has never been whether the rule would be discarded, but whether it would be discarded quickly and easily in Congress or through the time consuming and expensive process of administrative rulemaking (and subsequent litigation). The Executive Order doesn't do anything to change that analysis."

Hogan Lovells attorney Hilary Tompkins, the former solicitor for President Obama's Interior, read the executive order as a change in strategy.

"It does provide an alternative approach, and I think they were reading the tea leaves in Congress and the Senate on that CRA, and they've kicked it back to the executive branch to find an alternative approach," she said.

A revised rule could keep the elements of the regulation that strengthen BLM's royalty collection process, said Ryan Alexander, president of Taxpayers for Common Sense.

"That's much more productive than CRA," she said.

Environmental lawyers saw a silver lining in the White House's direction. Groups that opposed CRA repeal have asked BLM to tweak the rule, rather than allowing Congress to eliminate it.

"The fact that this executive order shows that President Trump himself wants the Bureau of Land Management to use a scalpel to change the methane waste prevention rule is yet another sign that the oil and gas lobbyists who are asking Congress to use a sledgehammer to get rid of the rule using the Congressional Review Act are just too extreme," said Joel Minor, an Earthjustice attorney representing environmental intervenors in litigation over the methane rule.



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The regulation went through years of comment and technical review and is therefore deserving of a more thorough examination before it is killed, said Erik Schlenker-Goodrich, executive director of the Western Environmental Law Center.

"The current administration might not like it, but it does have the authority to go through a new rulemaking process," he said.

A window of opportunity to pass the CRA resolution through the Senate could open up after the chamber votes on Supreme Court justice nominee Neil Gorsuch, ACCF said.

The Senate has until the week of May 8 to nullify the rule with a simple majority vote, the group said.

#### **In the courtroom**

This week's executive order creates a wave of uncertainty for litigation over the methane rule.

Industry groups and states challenged the regulation immediately after BLM finalized it last year. The U.S. District Court for the District of Wyoming declined their request to freeze the rule, and it took effect in January, gradually phasing in compliance requirements.

Environmental defenders of the rule are now monitoring the court docket to see if the Justice Department seeks to pause the case. DOJ lawyers have already asked courts to pause proceedings in litigation over U.S. EPA's Clean Power Plan and BLM's hydraulic fracturing rule, which were also targeted by the executive order. As in those cases, environmental lawyers have vowed to oppose any attempt to halt the methane litigation.

"We don't see any reason to put the litigation on hold until there is a firm and final decision revoking the rule from the Bureau of Land Management, and that will require notice-and-comment rulemaking, and that's a process that is likely to take far longer than resolving the litigation in court," Minor said.

Earthjustice and other environmental groups will argue that the issues in the litigation must be resolved to inform Interior's reconsideration of the rule, as challengers contend that the methane rule is essentially an air quality regulation that falls on EPA's and states' turf. Minor noted that BLM "at least in theory needs to know what it has legal authority to do before it takes action."



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Tompkins, the former Interior solicitor, said it's "a big question mark" whether the district court would agree with environmental groups and allow litigation to move forward in either the methane case or the fracking case.

"I think the court will want to know: Is this an issue that could likely be capable of repetition and recur?" she said. "Or are we truly mooted out all the issues in these cases? It's really going to depend on the vantage point of those judges."

Courts have previously allowed environmental intervenors to continue pressing litigation after the federal government has retreated in some cases, including litigation over the Clinton administration's "roadless rule" and an enforcement case against Duke Energy Corp. initiated by the Clinton administration just before George W. Bush took office.

Another wrinkle from Trump's executive order is its erasure of the Obama administration's metric for weighing the "social cost" of greenhouse gases. The social cost of methane was incorporated into the cost-benefit analysis for the methane rule and faced deep skepticism from the federal judge handling the case (Energywire, Jan. 17).

Minor said the new administration's rejection of the metric should not affect legal arguments surrounding the rule.

"The fact that the executive order effectively rescinds the use of the social cost of methane in the future doesn't retroactively change the use of the social cost of methane in the past," he said. "An agency's regulation has to stand based on the record and the decision that the agency made when it issued the rule, not post hoc developments that perhaps the agency changed its mind about something."

Legal briefs in the case are due in April and May.

And as Interior moves forward with a rulemaking process to reconsider the rule, supporters of increased regulation are also preparing for new opportunities to hold the agency accountable along the way and challenge a final decision if needed. Minor noted that any attempt to weaken the Obama administration's effort to prevent methane waste "could well be grounds for litigation over that choice."

"They are going to have to provide a robust rebuttal of all the vast administrative record that exists for [the methane and fracking rules]," Tompkins said. "There was extensive public comment, analysis and research, and if the new administration is going to rescind or significantly



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change those Interior regulations and policies, they're going to have to provide a counterpoint to why and address all those issues in the records that support the prior administration's actions."

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#### 7. **POLITICS: Even with power shift, public lands still sacrosanct in Mont.**

*E & E News, March 30 | Nick Bowlin*

Look at presidential election maps and Montana blends in, part of the Republican red that has covered Middle America and the Mountain West for decades.

Since 1964, a Democratic presidential nominee has carried the Treasure State just once, in 1992.

Talk to strategists of either party, though, and a different picture of the state emerges: of a deeply populist place with particular values, blurring conventional political divides. A state where, until recently, ticket splitting was the rule, not the exception.

In Montana, Democrats have a "libertarian streak" and Republicans consider public land transfers and privatization "losing proposition[s]," according to Jerry Johnson, a political science professor at Montana State University whose research focuses on "the changing political economy of the West."

This distinctive political climate is due, in large part, to the prevalence of public lands in the state. Montanans place tremendous value on continued access to, and conservation of, their waterways, mountains and natural resources. Hunting, fishing and outdoor recreation interests enjoy political heft in Montana, with power to decide elections and set policy.

State strategists of both parties acknowledge this: In Montana, land access is largely sacrosanct.

"If you want to be involved in Montana politics at a state level, you need to be careful of how you deal with public lands," said Neal Ullman, program director for Montana Conservation Voters.

This dynamic endures, but it is complicated by recent and rapid changes that have remade the state's political makeup.

#### **Turning red**





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Composed of the top five statewide elected officials, the Montana land board manages state trust land and generates public school funds via leases for mining, ranching, logging, agriculture, oil and gas development, and other pursuits. As these areas often adjoin federal land, the board's decisions matter a great deal for public access.

For most of the past two decades, Democrats enjoyed a 4-1 advantage on the board, and they held all five seats in 2012. Now, they hold one, the governorship, after Gov. Steve Bullock eked out re-election in 2016.

This tracks with a statewide trend. Over the past five to 10 years, the GOP has dominated Montana politics, an abrupt shift given Montana's history of party parity. Since 1972, Democrats have controlled nine state Senate sessions and the Republicans have held 13. In the House over the same period, Democrats had eight majorities to the Republicans' 10, with two even splits. After the 2016 election, the GOP holds the House 59-41 and the Senate by a 32-18 margin. Republicans have controlled both chambers in every session since 2011.

This change also holds in the congressional delegation. Since 1946, Montana has elected just two Republicans to the Senate: Sens. Steve Daines (R), elected in 2014, and Conrad Burns (R), who was elected in 1988 and then ousted by Sen. Jon Tester (D) in 2006.

Now, Tester is a target. The GOP sees him as vulnerable in 2018, and the attacks have started already. The National Republican Senatorial Committee and conservative super political action committees — the Judicial Crisis Network, the Committee to Defend the President and Concerned Veterans for America — are targeting Tester with ads urging him to vote for President Trump's Supreme Court nominee, Neil Gorsuch.

#### **Party vs. public land**

The official GOP platform drafted at the 2016 Republican National Convention states: "Congress shall immediately pass universal legislation providing for a timely and orderly mechanism requiring the federal government to convey certain federally controlled public lands to states." It also supports energy resource development on public lands.

This puts Montana Republicans in a bind, even with their recent success. Montana boasts nearly 30 million public acres, nearly one-third of the entire state, and residents across the political spectrum value access to, and upkeep of, this land.



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Post-2016 election surveys by the Center for Western Priorities showed that 74 percent of Montana voters and a majority of Republicans supported Montana's Stream Access Law, and 80 percent of voters said they supported candidates who "protect access to the outdoors."

"Hunting and fishing heritage is part of the lifeblood of Montanans," said Alan Mikkelsen, a Montana GOP political strategist, environmental consultant and steelhead fishing guide. "Doesn't matter, Republican or Democrat."

Successful state office candidates, even those who believe in some manner of multiple use or development-focused policy for mining or oil and gas development, take care to emphasize their support for continued public land access. Those who do not suffer.

Public lands may have decided the 2016 gubernatorial race. During the campaign, Bullock stressed two issues in tandem: his record of blocking public land transfers and the uneven history of his opponent, Republican businessman Greg Gianforte, with public access. In 2009, Gianforte sued the state to block a public land easement on his property that connected to a popular trout stream. The Bullock campaign used the incident to great effect, portraying the tech entrepreneur as a millionaire from New Jersey who did not understand the importance of fishing. State Democrats launched a website: [noaccessGreg.com](http://noaccessGreg.com).

Forced to take a stand, Gianforte came out in support of public lands, but Bullock won the election by 4 points.

"Public land is a deal breaker for your mainstream Montanan," said Johnson, the political scientist.

Several GOP strategists point to Ryan Zinke as a model for Montana Republicans. Facing re-election to the House in 2016, a campaign cycle dominated by presidential politics, the former state representative and current Interior Department secretary ran a Montana-specific race. While Zinke did the GOP-standard critiques of Hillary Clinton and President Obama, his campaign stressed tribal issues, mining and his voting record to preserve public lands.

Party-line Republican issues like immigration, the Trans-Pacific Partnership and national security "don't resonate as much with Montana voters," according to a Montana GOP strategist who requested anonymity. The strategist cited Zinke's outdoorsy image and independent streak as keys to his Montana appeal. As Interior secretary, so far, Zinke has ridden a horse to work through the streets of Washington, tweeted pictures of his knife collection and a Theodore



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Roosevelt quote in his new office, and participated in a spiritual ceremony with representatives of the Blackfeet Nation.

That independence helped him fend off an animated challenge in the 2016 election from Democrat Denise Juneau, who broke party fundraising records in her bid for the state's lone congressional seat. She pushed Zinke on conservation issues and accused him of supporting public land transfers.

In response, Zinke denounced the GOP's public lands platform plank and resigned as a delegate to the Republican National Convention in protest (Greenwire, July 19, 2016).

"Let me make it clear: I am not in favor of selling or transferring public lands," Zinke said in a debate with Juneau, a stance he reiterated in his Cabinet confirmation hearing. In the end, he won handily with 54 percent of the vote.

#### **Replacing Zinke**

The public lands issue will take center stage again this spring. Gianforte won the Republican nomination for the congressional seat vacated by Zinke. Montana Democrats are using the same line that worked in the governor's race, calling him an "out-of-touch and out-of-step New Jersey multimillionaire." The election is set for May 25.

"Greg isn't from Montana," said Shelbi Dantic, political director for Montana Conservation Voters. "That's the message." Gianforte has lived in Montana for more than two decades and started his tech business in Bozeman, Mont.

The Democratic nominee, banjo player Rob Quist, seems a good contrast. An original member of the Mission Mountain Wood Band, a well-known Montana bluegrass and country rock band, Quist has a distinctly Western flair with his ever-present cowboy hat.

This is Quist's first foray into electoral politics, and he faces low name recognition statewide, but he has a chance, according to Johnson, who called Gianforte "such a bad candidate" for Montana.

Quist "has to spend some time out there with the cowboy hat and the scarf and the guitar getting to know people," Johnson said, "and then he has to propose some policy."

On public lands, Quist has been unequivocal.



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"The transfer and eventual sale of our public lands is nothing more than a theft from our grandchildren, and I will oppose this," Quist said at a March 21 rally in Bozeman. He also called for more local input in land management, an attempt to placate the energy-rich eastern part of the state.

Public land issues remain a problem for Gianforte, despite his voicing support for maintaining access since the governor's race scuffle.

"I don't think there's anything Gianforte can do to defuse this issue," Johnson said.

But Quist has his own problems. He supports a single-payer health care plan and sanctuary cities for undocumented immigrants — liberal positions that are unpopular in Montana, according to Mikkelsen. And perhaps most egregiously, to Treasure State voters, Quist supports gun regulations.

"You register your car to drive, why not register guns?" he said in an interview with the Bozeman Daily Chronicle in January.

That, according to Mikkelsen, was a serious misstep in a hunting-obsessed state like Montana.

"That's his greatest strength and greatest weakness," Dantic said. "He's not a politician."

#### **State of the state**

Another political outsider, Donald Trump, carried Montana by more than 20 points last fall. Despite this — Trump's stance on public lands remains muddled — and the recent success of GOP candidates, strategists across the political spectrum say Montanans' dedication to public land persists.

"Montanans voted for change, but that vote was not an endorsement of the Republican platform that called for the transfer of federal lands to state or private ownership," Mikkelsen said of Trump's victory.

Since the election, pro-public-land demonstrations and campaigns have intensified across the West, and the outcry in Montana has been strong (Greenwire, Jan. 24). Business for Montana's Outdoors — a 130-member business coalition — sent a letter last month to Daines, the new leader of the Western Caucus, urging him to preserve public land.



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"As Chairman of the Senate Western Caucus, you are in a unique position to set a gold standard for how Congress values our federal public lands. As Montana's voice on this caucus, we ask that you lead your colleagues in standing firm against selling our public lands to the highest bidder," the letter says.

It concludes: "Keeping public lands in public hands is a bipartisan Montana value that we ask you to champion as you take on this new role."

The situation is more tangled in the state Legislature, where regional differences surface. Some Republican members from eastern Montana represent oil-rich districts on the western edge of the Bakken oil fields. They want greater leeway for drilling and development on public land.

Western Montana, meanwhile, has seen an upswell of extremist militias and patriot groups, most of which reject the federal government entirely, particularly land-regulating agencies like the Bureau of Land Management and the Forest Service, according to Britain's Daily Mail. White supremacist Richard Spencer lives in Whitefish, Mont., and a planned neo-Nazi rally brought national attention to the tiny ski town.

Still, compared with other Western GOP-held legislatures, particularly in Utah, there are relatively few land transfer bills in the Montana Legislature (Greenwire, March 13).

Unlike Utah, Montana has not seen clashes between BLM and local industry, ranching or multiple-use interests. This may account for the difference, in part, but GOP strategists still see large-scale public land transfers and privatization as off-limits, at minimum.

"I don't see any scenario where that messaging would work" statewide, said the anonymous Montana GOP strategist.

Last month, the Montana House passed a measure that would name March 1 "Public Lands Day," celebrating the creation of Yellowstone National Park.

#### **Trolling for answers**

Alan Mikkelsen's name carries weight in Montana political circles as an authority on natural resources and a respected GOP political operative. But he may be even more sought-after for his fishing skills.



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During the fall and winter months, Mikkelsen guides steelhead fishing trips on the Clearwater River, which flows west, clear and cold, from the Bitterroot Mountains along the Idaho-Montana border. The Lewis and Clark expedition traveled the river in the fall of 1805.

This winter, Mikkelsen estimates, 80 to 90 percent of his customers supported Trump. They had, he said, two primary political preoccupations.

"They wanted fundamental, transformational change in government," he said, "and they were uniformly opposed to the transfer of public lands to state or local control."

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#### 8. **INTERIOR: Top Dems want GAO review of fossil fuel royalty program**

*E & E News, March 30 | Scott Streater*

Two top Democrats have formally asked the Government Accountability Office to conduct an assessment of the Interior Department's royalty collection program to ensure the oil and gas industry is paying its fair share to taxpayers.

Arizona Rep. Raúl Grijalva, ranking member of the House Natural Resources Committee, and California Rep. Alan Lowenthal, ranking member of the Subcommittee on Energy and Mineral Resources, say Interior's Office of Natural Resources Revenue's oversight, enforcement and collection of oil and gas royalties haven't been thoroughly reviewed in years.

The congressmen today sent a [letter](#) to Gene Dodaro, the GAO comptroller general, requesting the agency conduct a full assessment of ONRR "to ensure that revenues are paid accurately and the American people receive the proper amount they are owed for the extraction of publicly owned minerals."

The move comes after Interior Secretary Ryan Zinke said yesterday that he will re-establish a federal advisory committee made up of states, tribes and other advocacy groups to study whether Americans are getting a fair return on coal, oil and natural gas (Greenwire, March 29). Zinke scrapped a review of the nation's coal program, including a document that said royalty rates should be raised to generate more revenue and mitigate coal's climate impacts.

The Democrats' letter notes that "to our knowledge there have been no GAO reviews on the ONRR compliance program, nor any external reviews of that program" since a 2007 report by an



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Interior subcommittee made a number of recommendations to correct supposed "weaknesses" in how ONRR's predecessor, the Minerals Management Service, oversaw collections of royalties.

ONRR was established in 2010 to replace the revenue collection arm of the former MMS after that agency came under fire for what critics said was its overreliance on industry-reported data, costing taxpayers millions of dollars, if not billions, in royalties.

"We don't know whether companies extracting and selling our resources are reporting accurately or paying their fair share to the public, and that is unacceptable," Grijalva said in a statement.

The letter from Grijalva and Lowenthal specifically asks GAO to examine, among other things, whether ONRR has implemented any of the subcommittee's 2007 recommendations. They also want to know what "types of audits and scope of compliance reviews" it is conducting, and whether ONRR is "meeting its requirements and goals for conducting compliance and audit activities."

A GAO assessment "will illuminate the extent to which the Office of Natural Resources Revenue is exercising proper oversight over the reporting and royalty payment process, making the process more open and transparent," Lowenthal said in a statement.

The GAO assessment request comes as ONRR's royalty collection practices have come under scrutiny following the Trump administration decision last month to indefinitely suspend an Obama administration royalty rule, finalized in July, that changed how ONRR values coal and oil and gas extracted on public land in order to calculate federal royalties (Greenwire, Feb. 24).

ONRR agreed to revert to previous valuation standards until it can resolve a trio of industry lawsuits challenging the rule, which took effect Jan. 1.

Interior last week announced it is working to permanently repeal the rule (Greenwire, March 24).

"The Trump administration should be commended for beginning the process of reversing the impossible regulatory requirements imposed on energy development by this rule," House Natural Resources Chairman Rob Bishop (R-Utah) said last week. "Endless layers of regulation don't yield greater returns for taxpayers, they paralyze economic activity."

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#### 9. **ENDANGERED SPECIES: Greens unveil database to modernize wildlife conservation**

*E & E News, March 30 | Corbin Hiar*

Defenders of Wildlife today launched a data-focused project that aims to improve the way the Endangered Species Act is used to help imperiled animals and plants.

Defenders' [Center for Conservation Innovation](#) brings together data on conservation spending and the rates at which species have received protection over time with interactive maps of some species' habitats.

"We're ushering wildlife conservation into the 21st century," said CCI Director Ya-Wei Li, who is also Defenders' vice president of endangered species conservation. "The Center for Conservation Innovation will help us identify new ways to protect and recover endangered species in the United States."

CCI has also created the largest searchable database of ESA information — a collection that already spans nearly 14,000 documents. [ESAdocs Search](#), as Defenders is calling the database, is more comprehensive and easier to use than the Fish and Wildlife Service's [Environmental Conservation Online System](#), which is filled with difficult to search PDF documents.

Defenders hopes that officials at the Fish and Wildlife Service, the Department of Defense, state wildlife agencies, universities and other conservation organizations will use the digital tools and databases it has created.

CCI will aid regulators and researchers in finding "real-world solutions and move wildlife conservation forward," Li said.

The [mapping features](#), for example, can help companies and wildlife officials determine if land developers are complying with their ESA permits.

CCI is powered by technology from Google and Microsoft. Li said the center will also be "creating more partnerships and innovations."

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#### 10. **CLIMATE: Dems mount legislative opposition to executive order**

*E & E News, March 30 | Hannah Hess*

As promised, Democrats in Congress are pushing against President Trump's executive order that wipes out much of the Obama administration's effort to address climate change.

Today, 36 House Democrats led by Reps. Brad Schneider of Illinois, Doris Matsui of California, Paul Tonko of New York and Charlie Crist of Florida introduced a bill to overturn the "Promoting Energy Independence and Economic Growth" order.

Dubbed the "Congressional Leadership in Mitigating Administration Threats to the Earth Act," or "CLIMATE Act," [H.R. 1812](#) declares the president's document null and void and would prohibit federal funds for implementing, administering or enforcing it.

More than 30 Democratic senators, led by Colorado's Michael Bennet, lined up yesterday behind companion [legislation](#).

They announced plans to do so Tuesday, the day Trump signed the order, while predicting the real battle over efforts to rewrite Obama-era rules would play out in court (E&E Daily, March 29).

Democratic senators from the West have taken a leading role in the opposition to Trump's energy and environment actions.

On Tuesday, they wrote Trump a [letter](#) explaining the job benefits of the clean energy economy to their region.

Republicans in the Western Caucus, meanwhile, praised Trump for ending the "war on coal" by lifting regulations on the industry.

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#### 11. **EPA: Agency press release blasts Trump by mistake**

*E & E News, March 30 | Kevin Bogardus*

For nearly two hours, President Trump had a new critic: his own agency, U.S. EPA.



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Shortly past 9 a.m. this morning, the agency sent out a press release touting praise for the executive order that Trump signed Tuesday, which rolls back several environmental rules, including the Clean Power Plan.

At the top of that release was a quote attributed to Sen. Shelley Moore Capito (R-W.Va.), one of EPA's fiercest critics. Yet instead of praising the president, Capito blasted Trump, according to the release.

"With this Executive Order, President Trump has chosen to recklessly bury his head in the sand. Walking away from the Clean Power Plan and other climate initiatives, including critical resiliency projects is not just irresponsible — it's irrational," Capito said.

Except she didn't. The quote came from Sen. Tom Carper of Delaware, ranking Democrat on the Senate Environment and Public Works Committee, who was responding to the president's order.

Around 10:45 a.m., EPA sent out a new press release with "CORRECTION" in its subject line.

Capito's reaction to Trump's order in the new release: "President Trump kept his promise to roll back one of the most harmful acts of overreach by the Obama administration — the so-called Clean Power Plan. If fully implemented, the Clean Power Plan would have completely decimated West Virginia's vital coal industry while having no meaningful climate impact."

Capito was in the audience at EPA headquarters for Trump's signing of the order, which he said would help revive the coal industry (E&E News PM, March 28).

Asked for Capito's reaction to the mistaken agency press release, a spokeswoman for the senator emailed E&E News Capito's correct statement on the order. Carper's office shared a joke in response to the mishap.

"Senator Carper doesn't mind lending his words to a good cause," said a Carper spokeswoman.

An EPA spokesman said the agency goofed with its original press release and apologized for the mistake.

"An internal draft was mistakenly sent with a quote that belonged to Senator Carper but was wrongly attributed to Senator Capito, whom we originally meant to quote," said EPA spokesman John Konkus.



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"We apologize for the error and are making sure that our process is improved as we build our team," he said.

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