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Cc: Lance Porter[l50porte@blm.gov]
From: Edwin Roberson
Sent: 2017-04-18T11:35:08-04:00
Importance: Normal
Subject: Fwd: Daily News Report - April 15-17
Received: 2017-04-18T11:35:22-04:00
[ATT00001.htm](#)
[Daily News Report April 15-17.docx](#)

Don, see the first story. It's the one I was pointing to when we spoke. I've been interested in the background.

Sent from my iPhone

Begin forwarded message:

From: "Sutherland, Ryan" <rrsutherland@blm.gov>
Date: April 18, 2017 at 8:22:42 AM MDT
To: BLM UT All <blm_ut_all@blm.gov>
Subject: Daily News Report - April 15-17

Attached is the daily news report for April 15 17.

Ryan Sutherland
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DAILY NEWS REPORT - UTAH

UTAH – TOP STORIES – APRIL 15-17, 2017

1. **Colorado activist charged in dispute on Utah grazing land**

KUTV 2 News, April 14 | Associated Press

SALT LAKE CITY (AP) — An environmental activist and her husband are facing charges stemming from a confrontation with ranchers in southeastern Utah.

2. **BLM to Host Public Tour of Axtell Wild Horse Corrals**

The Millard County Chronicle Progress, April 16 | Staff Writer

The Bureau of Land Management (BLM) today announced it is offering a public tour of the Axtell Contract Off-Range Corrals (facility) in Axtell, Utah on Wednesday, April 19, 2017. The facility is one of two locations in Utah that provides care to wild horses removed from the range.

3. **The battle for Bears Ears, the park Republicans want Trump to erase**

CBC News, April 17 | Kim Brunhuber

Standing on a ledge near the top of Cedar Mesa in southeastern Utah, you can see the pair of even-sized buttes that give one of America's newest national parks its name. Looking at them head-on, with a bit of imagination you can picture a giant pair of ursine ears rising from the desert.

4. **Sage grouse advocates raise concern over potential BLM oil leases**

The Deseret News, April 17 | Amy Joi O'Donoghue

SALT LAKE CITY — Activists say the Bureau of Land Management should not offer possible oil and gas development in central Utah where a sage grouse population is already suffering from significant population declines.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

E&E/NATIONAL NEWS – TOP STORIES

1. **Happy Easter, Interior Department! You get to leave 59 minutes early**

The Hill, April 17 | Shawn Regan and Reed Watson

Donald Trump may have made his name in real estate, but as president his administration now oversees an even bigger empire: the federal estate. At 640 million acres, the federal government owns more than one-quarter of the land in the United States.

2. **ENDANGERED SPECIES: Battle over landmark law already raging out of public eye**

E & E News, April 17 | Corbin Hiar

With most of Washington focused on fights over government funding, Obamacare and Russian meddling, a few congressional aides and outside advocates are quietly preparing for what could be an epic battle over the Endangered Species Act.

3. **Wyoming opinion differs on leaked BLM talking points and expanding energy development**

The Casper Star Tribune, April 16 | Heather Richards

A leaked draft of a new priority list from the Bureau of Land Management recently put energy development front and center among the agency's initiatives.

4. **PUBLIC LANDS: N.M. official disputes enviro group's claims about sell-offs**

E & E News, April 17 | Jennifer Yachnin

New Mexico state Land Commissioner Aubrey Dunn today fired back at a Wilderness Society analysis that criticized the sale of nearly 30 percent of the Land of Enchantment's state trust lands — calling the report "fake news" — while also disputing the suggestion that he supports a "land grab" of the federal estate.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

5. OFFSHORE WIND: Groups warn feds that turbines could harm coastal birds

E & E News, April 17 | Emily Yehle

Conservation groups are concerned about how offshore wind farms could affect endangered birds that forage up and down the East Coast.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

UTAH – FULL STORY

1. **Colorado activist charged in dispute on Utah grazing land**

KUTV 2 News, April 14 | Associated Press

SALT LAKE CITY (AP) — An environmental activist and her husband are facing charges stemming from a confrontation with ranchers in southeastern Utah.

The San Juan County Sheriff's Office says Rosalie Chilcoat was visiting her husband, Mark Franklin, in Lime Ridge when he shut the gate to a rancher's corral, denying the rancher's cattle access to water.

They are both charged with trespassing on state trust lands.

Deputies say the Durango, Colorado, couple was tied to the crime through evidence that included footprints and video surveillance footage.

The land involved in the incident is owned by the Utah School and Institutional Trust Lands Administration and has been leased for cattle grazing.

Chilcoat is affiliated with Great Old Broads for Wilderness, which fought new grazing allotments under consideration on Colorado public lands.

Chilcoat declined to comment.

[BACK](#)

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DAILY NEWS REPORT - UTAH

This is the second public tour offered since the privately owned and operated facility opened in June 2015. The tour will be open 11:00 a.m. - 2:00 p.m. Mountain Standard Time. Tour attendees will have an opportunity to tour the facility, observe approximately 1000 wild horses currently held at the facility, including the 433 wild horses associated with the Sulphur Herd Management Area that occurred in January 2017 and general discussion about the BLM's Wild Horse and Burro Program (WHB).

The facility is located at 13500 South 10490 West (mile marker 235.2 on Highway 89) in Axtell, Utah. Approximately 6 miles south of Gunnison, Utah or 8 miles north of Salina, Utah. Please note: some map applications do not recognize this address. The facility can provide care for up to 1,200 wild horses and encompasses 32 acres containing 40+ holding pens, in various sizes. The horses receive an abundance of feed tailored to their needs each day, along with a constant supply of fresh water through automatic watering troughs. Free choice mineral block supplements are also provided to the animals in each pen. A veterinarian routinely inspects the horses and provides necessary medical care as needed. The BLM strives to place horses removed from the range into good, private homes. Horses at the Axtell facility are made available to the public for adoption or sale throughout the year on the BLM's WHB Internet Adoption site, off-site adoption events and through the BLM's Adoption or Sales Program across the country. Horses will not be available for adoption during the public tour; however, if there is interest in an animal viewed during the tour, adoption arrangements can potentially be coordinated through BLM personnel and the Delta Wild Horse & Burro Facility.

To learn more about the wild horse and burro program or to obtain an adoption application, visit the BLM National Wild Horse and Burro website at: <http://on.doi.gov/2h11IDS>.

For more information, contact Lisa Reid, publicaffairs specialist, at (435)743-3128 or lreid@blm.gov.

Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1-800-877-8339 to leave a message or question for Lisa Reid. The FRS is available 24 hours a day, seven days a week. Replies are provided during normal business hours.

[BACK](#)



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

3. The battle for Bears Ears, the park Republicans want Trump to erase

CBC News, April 17 | Kim Brunhuber

Standing on a ledge near the top of Cedar Mesa in southeastern Utah, you can see the pair of even-sized buttes that give one of America's newest national parks its name. Looking at them head-on, with a bit of imagination you can picture a giant pair of ursine ears rising from the desert.

Bears Ears National Monument is a park roughly the size of Prince Edward Island: 5,470 square kilometres of canyons, mesas and reddish beige desert. In some parts, it looks as though a giant took a hammer to a mountain, then gathered up the boulders and stacked them into piles. But long before Bears Ears was officially born at the end of 2016, many in this state were working to kill it.

Now Donald Trump is president, they hope they will get their way.

Utah congressman Jason Chaffetz said Bears Ears was the first thing he spoke to Donald Trump about when he met with the president last month. Senator Orrin Hatch said he spoke with Trump about Bears Ears during the president's first week in office.

Utah residents fighting back

Nicole Holliday, who comes from a ranching family in nearby Blanding, Utah, proudly points to the fist-sized sticker on her truck's rear window, showing a yellow bear on which is written #NO Monument. The NO is in bold.

"For one man to strike his pen and take over a million acres, like... holy cow!" Holliday says.

Former president Barack Obama used the 1906 Antiquities Act to decree the national monument as one of his last acts as president, over the loud objections of almost all the state's Republican lawmakers. Some were upset the area would be cut off from development and oil and gas extraction. Others said when other areas in Utah became national monuments, locals found their livelihoods hurt by a flurry of new regulations.

"They say that all the access will be the same, that we'll be able to get our wood, that the grazing rights will stay the same," Holliday says. "They say that right now. But I don't believe it."



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

5 Indigenous groups requested park

However support for Bears Ears is much higher among the five Indigenous tribes that united to create this park: the Hopi, Navajo, Ute, Ute Mountain and Zuni tribes.

Every week or so, Navajo elder Jonah Yellowman comes to Bears Ears to collect medicinal herbs, but he always finds more than just the sage he's looking for. He holds up a shard of what looks like clay.

"You see this?" he says. "It's all over the place here. So be careful where you step."

Yellowman displays slivers of what he says are pottery and tools from the Indigenous people who lived in the area many generations ago. Bears Ears has thousands of ancient burial grounds, cultural sites and rock art that date back millennia.

"It's something that we're trying to preserve," Yellowman says. "It's spiritual, it's our ancestors. They're still here."

The fact that five tribes collaborated to spearhead a national monument is an important first for Indigenous groups. Obama even created a commission to ensure the tribes got their say in how it's managed.

Fear of restrictions on land use

That's what riles Utah residents like Blanding's Clayton Perkins, who says more than 60 per cent of the state's land is already controlled by the federal government.

"Being a national monument, they're going to start restricting it, restricting access, restricting the freedoms that we already enjoy up there," Perkins says.

And it's not the first time, he says.

In the 1990s, Utah's government tried — and failed — to scrap a park created by former president Bill Clinton, Grand Staircase-Escalante National Monument. This time around, they have a president who has spoken of allowing oil and gas drilling in national parks and a Republican-controlled Congress who would like federal lands returned to state control.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Utah Governor Gary Herbert signed a resolution calling for President Trump to rescind the park and the state legislature approved two bills that would shrink the Bears Ears and Grand Staircase-Escalante monuments and give the state the right to manage it.

But it won't be easy for Trump to overturn Obama's decision.

Created under the Antiquities Act

The Antiquities Act gives presidents the power to create monuments, but not undo them. If Trump can't get rid of Bears Ears, Utah's Republican lawmakers have suggested he shrink it, or simply stop funding it. Environmentalists say if that happens, they're ready to defend Bear's Ears in court.

The 2016 Republican Party platform calls for an amendment to the Antiquities Act which would give Congress and states the right to block the president from declaring national monuments. Utah Republican Congressman Rob Bishop, chairman of the House Committee on Natural Resources, would like to abolish the Act entirely, calling it "the most evil act ever invented."

David Nimkin, a regional director with the National Parks Conservation Association, worries if Trump is able to erase one park, he could come after others.

"It needs to be reinforced that these are in fact public lands, Nimkin says. "All citizens of the United States have a stake and vested interest in protecting these areas."

And if they aren't protected, the consequences are plain to see, according to one of the driving forces behind the creation of Bears Ears.

Navajo elder Mark Maryboy clambers nimbly across a steep rocky slope. After about 10 minutes of climbing, he reaches one of the area's most spectacular ancient petroglyphs, known as the Wolfman panel, a series of anthropomorphic figures carved into the cliff. Among them are a crane and a long man with werewolf-like claws. Maryboy points to a scattershot pattern of holes in the cliff.

Petroglyphs damaged by bullets

"These holes are made by bullets," Maryboy says. "Somebody shot a high-powered rifle, using this drawing as a target."



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

He points to the nine holes that mar the ancient images.

"That practically destroys the artwork, and it will all be gone. There's some more of those holes right here. There's over 100,000 sites, and in many of these locations you see the similar bullet holes."

Maryboy says other cultural sites have been looted, even hacked off with power saws.

"And for that reason we're doing everything we can to keep everything in place, and reaching out to our friends who have sympathy for the environment to help us lobby in Washington, to ensure that the monument remains," Maryboy says.

Navajo hogan still standing

At the top of Cedar Mesa, Yellowman points to more signs of his roots. Some tree branches are stacked together in the shape of a tent, the wood so old it's grey.

"That's a hogan," Yellowman says. "I was raised in one of those."

Yellowman says this traditional Navajo dwelling was built before white settlers came. His people lost this land once already, he says. He can't help but feel like it could happen again.

[BACK](#)

4. Sage grouse advocates raise concern over potential BLM oil leases

The Deseret News, April 17 | Amy Joi O'Donoghue

SALT LAKE CITY — Activists say the Bureau of Land Management should not offer possible oil and gas development in central Utah where a sage grouse population is already suffering from significant population declines.

The federal agency announced it is taking public comment on an environmental analysis to possibly offer just shy of 15,000 acres in Juab County for potential oil and gas leasing.

Comments are being accepted on the proposal until May 1 by the federal agency, which could make changes to its plan based on input and review.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

The area under potential lease includes habitat for the Sheeprocks population of greater sage grouse, which the BLM says has dropped in numbers by nearly 40 percent over the last four years.

"We've lost so many sage grouse in the Sheeprocks area that the government has had new ones brought in from other places and released," said Kelly Fuller, energy campaign coordinator with Western Watersheds Project.

"It's a waste of money trucking in new sage grouse and then putting their habitat on the auction block."

The effort to protect the species and its habitat represents the most comprehensive and expensive conservation undertaking in the United States, spanning 11 states and costing hundreds of millions of dollars. The bird is considered an indicator species for the health of the sagebrush-steppe habitat, which has suffered from wildfires, invasive species like cheat grass, industry activity and urban development.

In 2015, the U.S. Fish and Wildlife Service faced a court-ordered deadline to reach a decision whether to add the chicken-size bird to the Endangered Species list or determine it was not warranted.

While the agency made the decision not to list, the Bureau of Land Management and U.S. Forest Service were tasked with coming up with an exhaustive and detailed management plan to conserve the species.

Critics of those plans say the restrictions had the same effects of a federal listing and many states sued, including Utah, arguing that the success of state conservation plans was ignored.

Advocates say the BLM is now offering the September sale in Juab County in contradiction to those same federal plans.

"This proposal ignores what the hard trigger in the Utah plan is telling us, that sagebrush country needs more conservation, not more drilling," said Steve Holmer, vice president of policy at the American Bird Conservancy.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

BLM spokesman Ryan Sutherland said any expressions of industry interest will be sent to field offices to analyze protections consistent with resource management plans that deal with greater sage grouse.

For priority habitat areas with sage grouse populations, the BLM has a list of restrictions that include energy density limits of no more than one facility for every 640 acres, restrictions on activity during mating and brooding seasons and no surface occupancy requirements. The BLM would also require in those instances where there is habitat loss that a corresponding conservation gain take place.

But Allison Jones, executive director of the Wild Utah Project, said the BLM proposal to offer the leases makes little sense given a February announcement by the federal agency that it was prioritizing conservation in the same area.

"I was really surprised to see this area on the leasing table, that any priority habitat would be offered up for any kind of leasing," Jones said.

"Sage grouse are like canaries in a coal mine. Their population numbers are indicators of environmental health, and when they're not doing well, it's a wake-up call that it's time to do something."

[BACK](#)

E&E/NATIONAL NEWS – FULL STORY

1. **Op-ed: 8 ways to reform the Interior Department**

The Hill, April 17 | Shawn Regan and Reed Watson

Donald Trump may have made his name in real estate, but as president his administration now oversees an even bigger empire: the federal estate. At 640 million acres, the federal government owns more than one-quarter of the land in the United States.

When it comes to resolving the many competing demands across this vast landscape, the job now falls to Ryan Zinke. The former congressman from Montana was confirmed as Interior Secretary last month and has promised a "bold" restructuring of the department. But he may have to do so



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

with even fewer resources if Trump's budget — which calls for a 12 percent cut to Interior — is approved.

In a new report published by the Property and Environment Research Center (PERC), we outline eight reform ideas for the Interior Department that would improve its management by harnessing economic incentives and market principles — and without relying entirely on Washington D.C. for more funding:

1. Make national parks less reliant on congressional appropriations. Zinke has promised to make the \$12 billion national park maintenance backlog a top priority. But to do so he's going to have to make major changes to the National Park Service's operations and maintenance. Fixing a leaky sewer system or crumbling road is not the type of ribbon-cutting project that politicians want to fund. However, the Park Service can harness public-private partnerships for infrastructure projects, outsource its routine operations to the private sector, and remove its own restrictions on spending user fees at the parks where they are collected.
2. Stop acquiring more land and start addressing critical needs on existing lands. Instead of using programs such as the Land and Water Conservation Fund to enlarge the federal estate, as is often done, the federal government's land acquisition funds should be redirected to address critical needs on existing public lands, including maintenance, habitat restoration, and management shortfalls. Acquiring more federal lands at a time when we cannot adequately maintain our current lands is irresponsible conservation.
3. Allow greater flexibility for managing public lands while retaining federal oversight and accountability. Federal land management has long been controversial, but there is widespread dissatisfaction with the status quo. Transferring lands to state control is unlikely to happen. But the Interior Department could borrow a lesson from charter schools by creating "charter forests" on public lands. As resource economist Robert H. Nelson has explained, under such a system, public ownership could be retained while allowing local communities to exert more control over management decisions.
4. Make endangered species an asset instead of a liability. Only 2 percent of the species listed as threatened or endangered under the Endangered Species Act have been recovered and delisted. Instead of penalizing landowners who find endangered species on their property, the Interior Department should make use of voluntary agreements, such as conservation easements and habitat rental agreements, which proactively reward private landowners for enhancing species habitat.
5. Resolve grazing disputes with contracts, not armed conflicts. Recent disputes like the occupation of a wildlife refuge in Oregon last year are the result of policies that undermine grazing rights as secure property rights. The feds should establish permanent, negotiable grazing permits and allow them to be transferable



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

— even to environmentalists. That would give competing groups a more efficient way to resolve disputes over the western range: by trading instead of raiding.

6. Give tribes more authority over their natural resources. The government pays lip service to tribal sovereignty, but it prevents tribes from making their own decisions about their land and resources. Nearly every decision in Indian Country requires the approval of Interior's Bureau of Indian Affairs. Tribes should be able to make land-use decisions without approval from the BIA, and the feds should remove the regulatory obstacles that often prevent tribes from developing their natural resources if they choose to do so.

7. Harness water markets. California's record snowfall this year may have temporarily buried memories of its decades-long drought, but water scarcity is the new normal. To minimize the environmental and economic impact of future droughts, Interior's Bureau of Reclamation can eliminate water subsidies, remove unnecessary barriers to trading, and clarify water rights between states and users to encourage conservation and trading.

8. Adopt market-based policies to reduce conflicts over oil and gas development. Decisions about energy development on public lands are politically determined. But there's a better way: Lease auctions should be open to environmental and recreation groups, as well as energy developers. When development threatens environmental values, such groups could purchase and hold the development rights instead of pursuing endless lawsuits and political battles.

By harnessing market principles, the Interior Department could fulfill its mission in a more effective manner while producing better environmental and economic results — and it could do so with fewer dollars from Washington D.C.

Shawn Regan is a research fellow at the Property and Environment Research Center (PERC) in Bozeman, Montana, where Reed Watson is the executive director. They are contributors to the report "A New Landscape: 8 Ideas for the Interior Department."

The views expressed by contributors are their own and are not the views of The Hill.

[BACK](#)



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

2. **ENDANGERED SPECIES: Battle over landmark law already raging out of public eye**

E & E News, April 17 | Corbin Hiar

With most of Washington focused on fights over government funding, Obamacare and Russian meddling, a few congressional aides and outside advocates are quietly preparing for what could be an epic battle over the Endangered Species Act.

The contentious conservation law was protected by President Obama's veto from Republican efforts to ease restrictions on farmers, energy companies and developers.

But with Republicans now controlling Capitol Hill and the White House for the first time since 2004, the endangered species law — which hasn't been significantly updated since 1988 — appears vulnerable.

On one side of the fight are staffers for House Natural Resources Chairman Rob Bishop (R-Utah), who said last year that he wants to repeal and replace the law (E&E Daily, Dec. 9, 2016).

But in the 115th Congress, Bishop is instead focused on narrow sections of the ESA that Republicans and industry groups find problematic.

His first hearing this year centered on a provision requiring input from the Fish and Wildlife Service or National Marine Fisheries Service — agencies that jointly administer the ESA — on government-approved or -funded projects that could "jeopardize the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of [critical] habitat of such species" (E&E Daily, March 29).

The hearing was held by the increasingly important Subcommittee on Oversight and Investigations, a panel Bishop created after winning the Natural Resources gavel two years ago (E&E Daily, Jan. 14, 2015).

Led since January by Rep. Raúl Labrador (R-Idaho), Oversight has seven full-time GOP staffers — more than any other Natural Resources subcommittee, according to data from LegiStorm, a congressional staff tracking service.

Oversight staff director Rob Gordon, a veteran of the Hill's periodic ESA fights, and counsel Megan Olmstead, a relative newcomer, will provide Republican lawmakers with most of the



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

legislative ammunition they need. They and many other staffers featured in this story were not made available for interviews.

Gordon, who spent seven years at the conservative Heritage Foundation before returning to the Natural Resources panel when Bishop took over, also served as the Trump transition team's advisor on regulatory reform (E&E Daily, Jan. 22, 2015). He has been working for decades to overhaul the law.

"The time is ripe to amend significantly the Endangered Species Act," he wrote in a 1994 article for Heritage's now defunct Policy Review journal. Had the law been in existence during biblical times, Gordon wrote, Noah "might have been reviled as an animal-hater, fined, and kept from launching his ark" because he wouldn't have thought to bring aboard certain reptile and insect species.

At the time, Gordon was the executive director of the National Wilderness Institute. The Vanderbilt University graduate left the oil industry-funded environmental group in 2004 to support the failed ESA reform efforts of former Resources Chairman Richard Pombo (R-Calif.).

Olmstead is working closely with Gordon on the committee's reform efforts. After graduating a decade ago from the University of Portland, a Catholic school in Oregon, she bounced between Capitol Hill, the Idaho governor's office and the University of Notre Dame's law school before ending up with Natural Resources in September 2015, her profile on the social networking site LinkedIn shows. In law school, she studied the gray wolf's status under the ESA.

Senate players

Across the Capitol, staffers for Senate Environment and Public Works Chairman John Barrasso (R-Wyo.) are also formulating an overhaul strategy.

So far, Barrasso has held one hearing that sought to build bipartisan consensus for ESA reform and marked up a bill that he introduced with ranking member Tom Carper (D-Del.) that would revive and bolster several wildlife protection programs and launch annual innovation prizes for endangered species management and other conservation challenges (Greenwire, April 5).

Matt Leggett, the committee's deputy chief counsel, and Andrew Harding, who took his first Hill job as counsel in September 2016, are two of Barrasso's lead ESA reformers.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Leggett began working for the chairman in 2012 as policy counsel for the Senate Republican Policy Committee, which Barrasso then led. The University of Virginia and Vanderbilt University Law School graduate also worked in corporate law and served on the House Agriculture Committee and in the offices of Rep. Tim Murphy (R-Pa.) and former Sen. Jesse Helms (R-N.C.). As an intern, Leggett worked with Robert Spencer, when he was U.S. attorney for the Eastern District of Virginia, and Erskine Bowles, when he was chief of staff to President Clinton.

Soon after joining the committee, Harding helped get last year's water infrastructure bill (S. 612) passed into law. He is now mainly focusing on wildlife and oceans policies.

Harding previously worked for corporate law firms, President George W. Bush's Energy secretaries and USA Synthetic Fuel Corp., a bankrupt coal liquefaction company. He earned his bachelor's degree at Washington and Lee University and graduated from the University of Virginia School of Law, according to LinkedIn.

The counselors' efforts are overseen by staff director Richard Russell, who earned a bachelor's degree in biology at Yale University, and deputy staff director Brian Clifford, who has worked for Barrasso in a variety of roles over the past decade.

Any reform legislation Barrasso's team produces will need to secure the votes of at least eight Democrats on the Senate floor to beat a filibuster. Their first challenge, however, will be winning over Mary Frances Repko, Carper's deputy staff director.

"If you have dealt with the environment, if you have dealt with energy, or if you have dealt with the history of the Senate and the House on energy legislation and environmental legislation over the last 20 years, you know Mary Frances Repko," House Minority Whip Steny Hoyer said in a January floor speech honoring her for a decade of service in his office. The Maryland Democrat also noted she had worked closely with Minority Leader Nancy Pelosi (D-Calif.) on "fighting partisan anti-environment riders."

Repko headed to the Senate Environment and Public Works Committee the following month, the committee she staffed from 2003 until 2007, when she left to join Hoyer. She has also served on the staffs of Sen. Maria Cantwell (D-Wash.) and former Sen. Russ Feingold (D-Wis.).

Prior to coming to the Hill, Repko worked on water issues for the World Wildlife Fund, a conservation group, and the Great Lakes Commission. The native of East Lansing, Mich., earned



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

her bachelor's degree at Johns Hopkins University and a master's from the University of Michigan School of Natural Resources and Environment.

Outside voices

Republicans' push for an ESA overhaul is likely to draw support from the Western Governors' Association.

Under the leadership of Wyoming Gov. Matt Mead (R) in 2016, the conservative-leaning organization began advocating for ESA changes. At the same time, WGA endorsed a policy position urging Congress to reauthorize the law and this year convinced the National Governors Association to adopt a similar resolution (E&E News PM, March 2).

While Mead is no longer WGA chairman, policy adviser David Willms is still leading a series of meetings with a broad coalition of participants that aim to produce a specific set of recommendations that could make the ESA work better.

"We took some of the ideas that came out of that first year and have made them the subject of work sessions during the second year of this initiative," Willms said in a phone interview from Cheyenne, Wyo., which he, his wife and two young daughters call home.

The sessions will wrap up in May, and the WGA hopes to have a list of fixes ready to promote by midsummer.

"Whether that is a set of recommendations that is taken to the Fish and Wildlife Service for regulatory changes, whether it includes recommended statutory changes, policy changes — all of that is to be determined," he said. "But that's what we're moving towards, is seeing if there are places where there is consensus."

The recommendations are being put together by representatives from state and federal government as well as groups representing sportsmen, environmentalists and the energy, lumber and agriculture industries. But Willms, who has also served in the Wyoming attorney general's office and worked in private practice, declined to say exactly who is involved at this point.

One unlikely participant: the conservation group Defenders of Wildlife.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

"I certainly believe fundamentally that the Endangered Species Act could work better," said Jamie Rappaport Clark, the president and CEO of Defenders. "And if there are ways to work better, we want to help that effort."

Rappaport Clark, who was President Clinton's Fish and Wildlife Service director, and her staff are also involved in the initiative in hopes that they can steer it more toward administrative reforms. That way, she said during an interview in her glass-encased corner office suite, "we can maybe save the battle legislatively, because it's going to be pretty dramatic."

But if a GOP reform bill emerges, Rappaport Clark — who often works seven days a week and uses a treadmill desk when she's in the office — is ready to lead the fight against it.

"I don't see a reform effort strengthening the law" in this Congress, she said. "I can only see a reform effort that will undermine and weaken the law's ability to achieve its purposes."

Rappaport Clark, an avid equestrian who lives in Virginia horse country with her husband and teenage son, is already working to educate Democratic senators about the damage that Defenders fears Republicans could do to vulnerable species and habitats. She is also attempting to rally other more broadly focused conservation groups, which are busy fighting to prevent the rollback of climate protection regulations and other environmental policies.

Her pitch is that the ESA is essentially the law of last resort for the environment.

"When the Clean Water Act fails, when the land laws fail, the Endangered Species Act will save enough," she said. "We're not going to allow extinction."

That should be enough to rally the progressive community of Democratic lawmakers, environmentalists, minority groups, labor unions, religious groups and human rights organizations, Rappaport Clark reasoned.

"If — maybe I should say, when — the Endangered Species Act is truly under an assault, I have every expectation that folks will be there with us," she said, before tapping her desk for good measure. "Knock on wood, please. They'd better be."

[BACK](#)



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

3. Wyoming opinion differs on leaked BLM talking points and expanding energy development

The Casper Star Tribune, April 16 | Heather Richards

A leaked draft of a new priority list from the Bureau of Land Management recently put energy development front and center among the agency's initiatives.

In Wyoming, where the BLM manages 17.5 million acres of public land, any changes in how the agency permits and leases land for drilling oil and gas, or digging coal, sparks debate between those seeking to do business and those who want to reserve more land for public use and conservation.

The five-point draft from the BLM lists a number of priorities for the agency, like promoting energy independence for the U.S. and developing habitat improvement projects. The majority of the bullet points concern fossil fuel development. They include streamlining the drilling application process, opening new lands for drilling and addressing a "backlog" of industry requests. E&E News obtained a copy of the document and reported on its contents April 10.

A spokeswoman for BLM said the list reflects the multi-use responsibility of the BLM but emphasized that it is not a final draft.

"While these documents are still in draft form, these talking points are being assembled by the team at the BLM to clearly lay out our continued commitment to ensure opportunities for commercial, recreation and conservation activities on BLM-managed lands," said spokeswoman Megan Crandall in a statement. "Our multiple-use and sustained yield mission for managing public lands on behalf of all Americans supports an all-of-the-above energy plan, shared conservation through tribal, state and local partnerships, public access for recreation and other activities and keeping America's working public landscapes healthy and productive."

The apparent energy-first platform reflected in the agency's talking points has been expected by both industry and environmental advocates since new leadership arrived in Washington.

The new Secretary of the Interior, Ryan Zinke, formerly a congressman from Montana, has repeatedly expressed his belief that increasing energy development on public lands can be done without harming conservation commitments.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

“Let me make one thing clear: The Interior Department is in the energy business,” he said in March, after approving a \$22 million coal lease in Utah. “It is my hope that working together he will help identify areas where we can expand responsible mineral development while still conserving habitat and wildlife”

Not everyone shares the secretary’s confidence that uses of public land will be balanced.

“The bullet points for the conservation stewardship section are incredibly minimal,” said Chris Merrill, director of the Wyoming Outdoor Council.

One priority laid out is to increase volunteerism. Another professes to develop priority habitat plans, which pleased Merrill. There is no specific mention of issues like sage grouse, which has dominated habitat conservation goals on public land in places like Wyoming.

“In a larger sense, the protection of habitat should be a key priority for the foreseeable future,” Merrill said. “When it comes to wildlife, habitat is everything ... not just improvement projects, but protecting the habitat we already have, and it doesn’t seem to be in this document.”

Merrill takes issue with the energy aims, and the attitude that there is an overwhelming backlog of requests to drill.

“The first thing that struck me is that [the talking points] seem to ignore the reality of energy markets,” he said. “The reason, for example, that the price of natural gas plummeted is we have a glut on the market. It’s not as if there is this huge desire on the part of energy companies to be drilling more. They have so many leases that they could be drilling. They are not because of market decisions, not because of anything the BLM is doing.”

Yet the idea of streamlining processes for drilling or for permitting could be viewed as simple “good housekeeping,” said Charles Mason, an economist at the University of Wyoming’s Center for Energy Economics and Public Policy.

“I don’t know how you are going to make a compelling case for retaining or reinforcing (bureaucratic) frictions of that sort,” he said of the BLM’s plan to increase efficiency.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

From an economic standpoint, however, the list reflects a shortsighted outlook on how to deal with federal mineral resources, he said.

The Trump administration is taking the view that increased leasing and drilling is a way to boost economic activity, he said. Another way to look at it is how increased drilling or mining can impact the supply and demand cycle, he said, echoing the concern that Merrill voiced on overproduction.

The government is a proxy agent handling public assets, and their end goal should be getting as much of a return on federal minerals as possible, Mason said.

“The question for me becomes, are we doing the right thing in facilitating the acquisition of maximum dollars?” he asked. “Do we make that happen by dumping a lot of that stuff on the market at the same time?”

Yet, there are some in Wyoming waiting for an open door from federal regulators, and the talking points speak directly to their hopes. Many in industry believe federal agencies had marching orders from the Obama administration to inhibit energy expansion by increasing red tape.

The good housekeeping, described by Mason, the UW economist, would potentially decrease the time it takes to process expressions of intent, the first step operators make when scoping federal land for potential drilling.

It’s imperative to streamline that process in Wyoming, said Steve Degenfelder of Casper-based Kirkwood Resources.

“It currently takes 1.5 years, BLM will say 56 weeks minimum, from receipt of the EOI to those lands being offered at an auction,” he said in an email. “The time period should be less than 3 months. Conducting such a thorough analysis on leases just being offered for sale has resulted, as the industry predicted, [in] a scheme to reduce the number of acres being offered for sale.”

By the time the paperwork is filed, some operators have moved on and given up on the tracts altogether, eliminating that potential state and federal revenue, Degenfelder added.

Applications for permits to drill are similarly backlogged, while federal fees have skyrocketed, he said.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

The BLM's first lease sale in 2017, one of four that take place per year, sold more than half the amount of acreage sold in all of 2015. Oil and gas operators were ecstatic at what they hope is a new direction for federal leasing in Wyoming.

If the trend is toward development, it's a directional change that industry has been waiting for.

Though the U.S. experienced a historic drilling boom under Obama, including on federal land, the on-the-ground experience in the last eight years has been one of frustration for people like Degenfelder.

Now, BLM's steps are being closely watched by competing interests, with both sides concerned about whose political influence will be the strongest.

"My biggest fear is that the more environmentally acceptable points of the agenda will be followed first, and those dealing with oil, gas and coal will take a back seat," said Degenfelder.

Land advocates like Merrill fear the reverse.

"There is a need to strike a balance and that means allowing for development in some places where it make sense and not allowing for it in other places where the other values are so important that they should be protected," he said.

If the leaked draft is a fair sign of where the public land management agency's is going in the next four years, then a friendlier environment for oil, gas and coal developers may be at hand. The impact on environmental agendas, however, is less clear.

[BACK](#)

4. **PUBLIC LANDS: N.M. official disputes enviro group's claims about sell-offs**

E & E News, April 17 | Jennifer Yachnin

New Mexico state Land Commissioner Aubrey Dunn today fired back at a Wilderness Society analysis that criticized the sale of nearly 30 percent of the Land of Enchantment's state trust lands — calling the report "fake news" — while also disputing the suggestion that he supports a "land grab" of the federal estate.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

In an op-ed in the Albuquerque Journal, Dunn took issue with a recent report by the Wilderness Society that found New Mexico has sold off 4 million acres of its state trust lands since it became a state in 1912.

The conservation group argued that the state's sale of those lands — part of a 13.4-million-acre estate transferred from the federal government to the former territory more than 100 years ago — should serve as an indicator for what it likely would do if New Mexico gained control of federal lands within its borders (Greenwire, March 21).

But Dunn argued that the state trust lands are intended to provide funds for public institutions like schools and hospitals.

"Contrary to [the Wilderness Society's] claims, New Mexico's state trust lands — managed by the Land Commissioner and the Land Office — are not 'public' lands," Dunn wrote. "The United States Congress granted certain lands held by the federal government to New Mexico before and upon statehood. These lands have always been held in trust and managed by the land commissioner for the sole purpose of generating revenue to support public education and New Mexico's schoolchildren."

The state retains 9 million acres of its initial state trust land, as well as 13 million acres of mineral rights in its subsurface estate. In fiscal 2016, the state reported raising nearly \$497 million from the lands, largely from oil and gas royalties.

Wilderness Society New Mexico State Director Michael Casaus acknowledged that the state trust lands are not the same as public lands, which are managed with access as a priority.

But he added: "The public needs to understand the full risks associated with this agenda of state legislators and extremist lawmakers in Congress, who want to give away our national forests, parks, monuments and other public lands to the state. History does not lie. There is very little reason to believe that, once in state hands, the state of New Mexico will not exercise its obligation to make a profit from these lands by selling them off to private interests and extractive industries."

Dunn also countered Wilderness Society findings that highlighted the sale of former state trust lands to fossil fuel industries. That included a 4,000-acre site near Questa, N.M., a portion of which was used as a mine tailings facility and was declared a Superfund site by U.S. EPA in 2011.

Instead, Dunn — who noted that he has not recorded any land sales during his tenure — pointed to past sales to "homesteaders, ranchers, farmers, municipalities, state agencies, school districts, universities, energy companies, and even the Catholic Church."



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

"While [the Wilderness Society] spews ancient history, [it] fails to note that proceeds from the sale of state trust lands are always paid directly into the Land Grant Permanent Fund, which distributed nearly \$656 million last year to public schools and universities, among others," Dunn added. His total is higher than the state tally because it includes investment income.

Echoing one of President Trump's favorite arguments against narratives he disagrees with, Dunn also referred to the report's description of efforts to take control of federal lands as "fake news."

"As part of my mission to generate more revenue for education from state trust lands, I have proposed a plan to create the Early Childhood Land Grant Permanent Fund," Dunn added. "The intent is to transfer unleased federal mineral estate under privately held lands to the state Land Office. Proceeds from leasing the minerals would then flow into the fund, providing a long-term, sustainable endowment and funding stream for early childhood education and programs."

Dunn also called criticism of the proposal "propaganda" and dismissed the Wilderness Society analysis for what he described as the "partisan whims" of a "special interest group."

"Land access would not change, since private landowners already manage the surface estate. However, the proposal would absolutely generate more income for New Mexico's public schools," he asserted.

Casaus challenged Dunn's characterization of his group's report.

"The Wilderness Society's land sale report does not condemn Land Commissioner Dunn," said Casaus. "Rather, the report is meant to illustrate the broader historic trend that state trust lands are often sold off for revenue. This is true in New Mexico as it is in many other Western states, including Idaho, Utah and many others."

[BACK](#)

5. OFFSHORE WIND: Groups warn feds that turbines could harm coastal birds

E & E News, April 17 | Emily Yehle

Conservation groups are concerned about how offshore wind farms could affect endangered birds that forage up and down the East Coast.

The American Bird Conservancy, several local Audubon societies and other groups sent a letter last week to the Trump administration, emphasizing the need for a full environmental impact



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

statement on each wind farm project. They point out that the roseate tern — a bird listed under the Endangered Species Act — sometimes ventures miles offshore to find food for chicks.

Their letter calls on the Interior Department to release information on how the terns will be protected as companies develop offshore wind energy in federal waters.

"Hundreds of thousands of birds and bats are being lost annually to onshore wind facilities, and offshore wind, if poorly placed, has the potential to be just as destructive," Michael Hutchins, director of ABC's Bird-Smart Wind Energy Program, said in a statement. "At the very least, seasonal shutdowns should be required mitigation, since the terns' distribution and behavior is predictable."

Interior's Bureau of Ocean Energy Management has awarded numerous commercial offshore wind leases in recent years. Most recently, Avangrid Renewables LLC paid more than \$9 million for the rights to develop farms off North Carolina (Climatewire, March 17).

But in their letter, the groups contend that leasing out specific areas "seems a bit premature, since the environmental risks associated with their development have not yet been fully assessed."

Specifically, Interior has not yet released the results of ongoing studies into the seasonal distributions of protected species, according to the letter.

The American Wind Energy Association said the Endangered Species Act requires developers to coordinate with the Fish and Wildlife Service, as well as follow "extensive and required survey guidelines" to ensure potential impacts are studied. BOEM's survey guidelines include specifications for avian studies.

"The wind industry has a legacy of care for wildlife, and we work hard to minimize any impacts while gaining the benefits of clean energy for all wildlife and the environment," Mike Speerschneider, AWEA's senior director of permitting policy and environmental affairs, said in a statement. "The federal Endangered Species Act provides significant protections for the Roseate Tern."

[BACK](#)