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Attached is the daily news report for May 12.

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DAILY NEWS REPORT - UTAH

UTAH – TOP STORIES – MAY 12, 2017

1. Guest Column: Think beyond traditional tourism at national monuments

The Moab Sun News, May 11 | Josh Wennergren

The night is extraordinarily dark as our old Jeep rattles up the dirt road leading into Santa Elena, Costa Rica. Soft sheets of rain blow across the town – a nearly constant feature of the cloud forest. We arrive at our hostel – a funky joint called Pension. It has tiny clean rooms and a rustic gathering space reminiscent of coffee shops in Salt Lake City. Here, there is no hokey tourist stuff. No jungle-themed breakfast menus, no matching hotel uniforms. Just a small kitchen, a bookshelf, couches, and a cluster of tables and chairs.

2. Zinke visit stirs questions about Bears Ears' future

Moab Sun News, May 11 | Rudy Herndon

Will President Donald Trump's administration move to reduce the size of Bears Ears National Monument, or try to undo his predecessor's proclamation of the 1.35-million-acre site altogether?

3. Interior Secretary listens to Utahns on Bears Ears

The (BYU) Daily Universe, May 11 | Kelsey Johnson

Utahns can submit their opinion on the controversial Bears Ears National Monument beginning May 12, according to a press release. Comments may be submitted online or by mail to Monument Review, MS-1530, U.S. Department of the Interior, 1849 C Street NW, Washington, DC 20240.

4. Sculptor Dollard embraces monumental accomplishments

Southern Utah News, May 11 | Dixie Brunner

Grand Staircase Escalante National Monument Ranger Richard Dollard is on his third successful career, but it's his hobby that made him famous. The Lander, Wyo., native has been a wildland fire jumper, high school art teacher, BIA and BLM law enforcement officer...and did I mention, he's a highly-esteemed bronze sculptor?



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E&E/NATIONAL NEWS – TOP STORIES

1. **PUBLIC LANDS: Recreation caucus boasts nearly three dozen members**

E & E News, May 11 | Kellie Lunney

Thirty-two members of Congress so far have joined a bipartisan Outdoor Recreation Caucus aimed at promoting the industry's economic contributions.

2. **REGULATIONS: Democratic senators urge Zinke to overhaul BLM methane rule**

E & E News, May 11 | Scott Streater

Two Democratic senators are urging Interior Secretary Ryan Zinke to revise an Obama-era methane waste prevention rule after it narrowly survived a Senate vote to repeal it.

3. **OIL AND GAS: After failed CRA try, methane fight moves to courts, Interior**

E & E News, May 11 | Brittany Patterson and Ben Storrow

Yesterday's surprise vote to uphold the Bureau of Land Management's methane rule marks a major victory for environmentalists, but the battle over regulating methane waste on public lands is far from over.

4. **Bennet, Western senators ask Sec. Zinke to reverse suspension of BLM resource council meetings**

The Denver Post, May 11 | Jason Blevins

Sen. Michael Bennet on Thursday joined a group of Western senators in asking the Department of Interior to lift its sudden suspension of advisory committees and local boards that deliver public input on the Bureau of Land Management's policy decisions.



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5. EPA: Members of science subcommittee resign in protest

E & E News, May 12 | Kevin Bogardus

Members of a U.S. EPA science advisory panel resigned in protest today over the agency's move last week to not bring back some of their colleagues.

6. NATIONAL MONUMENTS: Wash. state AG threatens lawsuit if Trump alters sites

E & E News, May 12 | Jennifer Yachnin

The top law enforcement officials in a pair of Western states this week challenged the notion that President Trump can unilaterally roll back the status of national monuments, warning Interior Secretary Ryan Zinke to stay "within the bounds of the law" as he conducts a formal assessment of 27 of those sites.

7. COAL: Miners' pension fight resumes

E & E News, May 12 | Dylan Brown

Democratic lawmakers yesterday renewed the fight to rescue retired union coal miners' pensions after securing only health care benefits in Congress' recent omnibus spending deal.

8. REGULATIONS: Republicans cheer killing 14 rules as window for action closes

E & E News, May 12 | Arianna Skibell

Congressional Republicans yesterday celebrated axing 14 Obama-era regulations through the Congressional Review Act before the window for using the law's fast-track rule-busting provisions closed.



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UTAH – FULL STORY

1. **Guest Column: Think beyond traditional tourism at national monuments**

The Moab Sun News, May 11 | Josh Wennergren

The night is extraordinarily dark as our old Jeep rattles up the dirt road leading into Santa Elena, Costa Rica. Soft sheets of rain blow across the town – a nearly constant feature of the cloud forest. We arrive at our hostel – a funky joint called Pension. It has tiny clean rooms and a rustic gathering space reminiscent of coffee shops in Salt Lake City. Here, there is no hokey tourist stuff. No jungle-themed breakfast menus, no matching hotel uniforms. Just a small kitchen, a bookshelf, couches, and a cluster of tables and chairs.

My generation craves places like this. Millennials are not keen on time-shares, guided tours, four-star restaurants, and paying someone to carry our luggage. We are keen on escaping the city, connecting to the wild, authenticity, informal settings, learning new skills, and simplicity.

That night we eat at a small taco stand in front of Pension which serves delicious, affordable food and local beers. As with other hostel stays across the world, I find young people who, like myself, are eager for raw experiences – the chance to spot rare birds, paddle some whitewater, fly-fish in a jungle stream, or simply take a long hike. Some opt for a day of coffee sipping on the front porch of the hostel or wander the streets to practice their Spanish and connect with locals. None of these activities are guided or pre-packaged. These millennials are on their own, following travel blogs and word-of-mouth.

Pension is cheap, casual and facilitates a low-key approach to tourism that towns like Blanding and Monticello would do well to mimic.

With the designation of Bears Ears National Monument, conservationists have encouraged small towns in Utah to embrace a tourism economy as a substitute to extraction. Along with a mosaic of other alternative economic platforms, citizens in this new economy could avoid the boom-and-bust hardship of fluctuating oil and gas prices.

Residents of southern Utah's small towns resist this scenario, and I understand why. With traditional tourism comes expansive growth, exhausting service jobs, increased living costs and traffic. Think Park City.



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But perhaps we should reimagine how tourism can thrive in our state. Instead of abolishing our national monuments, let's take advantage of them.

Millennials are price-conscious when we travel. A survey by Yahoo shows that 68 percent of millennials prefer to spend less than \$1,000 on a trip. Another survey, by Barkley, reports that the most important factor when millennials book accommodations is price. We are after adventure, but we can skip the bells and whistles. We don't strive for overhead and glamour, just something honest.

For proof, look no further than Instagram or Facebook. Millennials place travel and adventure high on a pedestal alongside rustic cabins, van lifestyles and long days on a trail. The millennial generation is less inclined to camp, but we are still out on the landscape. Call us the wanderlust generation. It's easy to roll eyes at the vanity of social media, but look past the selfies and you will see an unstoppable drive for exploration and a generation who sees themselves not as tourists but travelers.

Why not build a network of small hostels and adventure hubs with low overhead throughout Utah? A place where travelers, young and old, gather to embrace the desert skies. Where communal tables ring with stories of Bears Ears and Grand Staircase-Escalante. Forget the million-dollar ad campaigns, a Facebook page will do. No need for yet another stucco-covered Hampton Inn. Yes, millennials may spend less, but there are a lot of us, we are infected with the travel bug, and we are on the road.

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2. **Zinke visit stirs questions about Bears Ears' future**

Moab Sun News, May 11 | Rudy Herndon

Will President Donald Trump's administration move to reduce the size of Bears Ears National Monument, or try to undo his predecessor's proclamation of the 1.35-million-acre site altogether?

Supporters and opponents of the new monument are searching for clear signs of the administration's next steps, as U.S. Interior Secretary Ryan Zinke fulfilled an early promise and toured the area this week during a two-day "listening tour" of San Juan County.



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The country's top federal land management official had a chance to see the area's Ancestral Puebloan ruins, colorful sandstone canyons and forested uplands for himself during visits to Cedar Mesa, The Nature Conservancy's Dugout Ranch and the monument's namesake buttes just west of Blanding. With little time to explore the vast area on foot – or even by car – Zinke also joined San Juan County officials on a helicopter flight that took him from Goosenecks State Park in the south to the monument's far northern boundary near Dead Horse Point State Park.

The visit follows Trump's issuance of an executive order that directed Zinke's department to review national monuments greater than 100,000 acres that former Presidents Barack Obama, George W. Bush and Bill Clinton have established since 1996.

The formal public comment process on the review of past monument proclamations is scheduled to begin on Friday, May 12, and Zinke said it “finally” gives a voice to local communities and states when it comes to past designations under the 1906 Antiquities Act.

“There is no predetermined outcome on any monument,” Zinke said in a prepared statement. “I look forward to hearing from and engaging with local communities and stakeholders as this process continues.”

Monument supporters voice concerns about visit; county officials welcome Zinke

Moab resident and Sierra Club representative Wayne Hoskisson said he isn't sure what the “big takeaway” from Zinke's visit was, since he and other monument supporters had limited opportunities to interact with the secretary.

“It's really hard to tell because he wouldn't talk to us,” Hoskisson said. “He did his best to avoid us.”

A press release from the Interior Department billed the visit as a listening tour, but Hoskisson called it a “very one-sided” listening tour. Hoskisson said that while at least one acquaintance was able to have a one-on-one conversation with Zinke, others like himself did not. With no direct access to the secretary, they gathered at the intersection of state Route 211 and U.S. Highway 191, and waved their signs as Zinke's convoy of government officials and journalists drove by them on Tuesday, May 9.



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If he had to venture a guess, Hoskisson suspects that contrary to Zinke's statement, the administration has determined the next steps it will take in the process of reviewing monument proclamations over the past 21 years.

"From what I've heard, Secretary Zinke has already made up his mind," he said.

San Juan County Commission chair Phil Lyman likely knows how Hoskisson feels, even if he doesn't share his views in support of the monument.

He felt much the same way when former Interior Secretary Sally Jewell visited the area last summer. As Bears Ears Inter-Tribal Coalition members and other groups urged Obama to declare an even larger national monument in San Juan County, Lyman said that the county's elected officials had little opportunity to address their concerns in depth.

From the San Juan County Commission's perspective, Lyman said he believes that Zinke was interested in hearing what the county's elected representatives had to say.

"We didn't have any substantive input with Secretary Jewell," Lyman said, estimating that county officials spent about 45 minutes with Zinke's predecessor.

San Juan County Commissioner Bruce Adams chuckled when asked if Lyman's recollection of the 45-minute visit is correct.

"Commissioner Lyman is very generous with that (estimate)," Adams said. "It was a token visit at best."

In a "180-degree" shift from his predecessor, Adams said, Zinke took his time to meet with local stakeholders, including area ranchers who are directly affected by the designation.

"It was pretty optimistic and pretty positive," Adams said. "I thought he was listening to the local people, and it was really nice to have him."

However, Navajo Nation Oljato Chapter Vice President Albert Holiday, who joined Hoskisson and others at the roadside gathering in support of the new monument, said that county commissioners who voice widespread opposition to the monument aren't representing people like himself.



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“All of the commissioners and the top officials – they're in our way,” Holiday said. “They didn't give us a chance to talk to Zinke.”

Holiday, who also serves as a member of the Dine Bikeyah Board of Directors, said the county's Navajo residents have long been left out of the commission's decision-making process.

“All of these commissioners never listened to us for so many years,” he added. “... They don't take us seriously. They think we're dumb Indians.”

Adams countered that Holiday told him in no uncertain terms that he is not welcome at the Oljato Chapter's meetings.

“For me, it's pretty hard to decide: Do you want me to listen to you, or do you want me to stay away?” Adams said. “I heard him loud and clear when he told me he didn't want me to come to the chapter meetings anymore.”

Lyman said the views that Holiday espouses are not shared by those in his social circle.

“I don't know a single one of my Native American friends who are in support of the monument,” he said. “I don't know where it comes from ... It's not a majority.”

It could be that Lyman has never met Monument Valley resident and Bears Ears supporter Frances Yellow Sheppard, whose memories of the area stretch back about six decades. She said she began to visit the area with her parents as a young girl to gather pinyon pine nuts, pick berries, gather wood and hunt deer on the mesa.

While other monument supporters have voiced concerns about the Bears Ears' future, Yellow Sheppard believes it's unlikely that the new administration will succeed in reducing the size of the monument, or in rescinding the proclamation that established it.

“I have faith that it's going to stay the same,” she said. “I don't think it's going to happen.”

Hoskisson said there is no legal precedent to rescind a monument, or reduce the size of a monument's boundaries.

A few presidents have altered those boundaries on rare occasions – Hoskisson said that Woodrow Wilson's move to reduce the size of what was then Mt. Olympus National Monument in Washington state is perhaps the most notable example. But former President Franklin Delano



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Roosevelt subsequently reversed Wilson's decision, and Hoskisson said there are no legal decisions on record that the administration could use to further its case if it tries to reverse Obama's decision.

"There are a lot of problems with the idea of the president trying to take unilateral action against a monument," he said.

By Hoskisson's estimates, somewhere between 30 and 40 organizations are actively working to support the monument, and if President Trump tries to change or undo Obama's proclamation, he said it won't be the end of the story.

"It will be a huge national issue, and if they try to do anything with the national monuments, they'll probably end up in the courts," he said. "And that will probably drag on until the next administration."

For Lyman, however, the administration's review could address what he sees as federal government overreach that occurred during Obama's presidency.

"To use the Antiquities Act for this massive landscape management is an abuse at every level," he said.

Based on his conversations with the interior secretary, Lyman anticipates that Zinke will be coming back to San Juan County at some point in the future.

"He said, 'This was my first visit – not my last visit,'" Lyman said. "I think that's how he's approaching this."

If Zinke does indeed return, Holiday said he hopes that Trump and others in his administration will tag along, taking the time to see the area for themselves, and to meet with people like himself.

"They need to come out here and look at our land and listen to us," he said.

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3. Interior Secretary listens to Utahns on Bears Ears

The (BYU) Daily Universe, May 11 | Kelsey Johnson

Utahns can submit their opinion on the controversial Bears Ears National Monument beginning May 12, according to a press release. Comments may be submitted online or by mail to Monument Review, MS-1530, U.S. Department of the Interior, 1849 C Street NW, Washington, DC 20240.

The public comment process began following U.S. Interior Secretary Ryan Zinke's visit to Utah this past week. In a four-day listening tour starting May 7, Zinke met with San Juan County community members, government officials, state offices and the Bears Ears Inter-Tribal Coalition, according to a press release on behalf of the secretary.

Zinke's tour comes as a result of the April 26 presidential executive order that called to review all national monuments created after Jan. 1, 1996 that are over 100,000 acres in order to ensure each designation conforms to the policies in the Antiquities Act. Bears Ears is the first on his list of visits.

Bears Ears, located in southeastern Utah, was designated a national monument Dec. 28, 2016. While supporters say the monument protects the land, others feel the increased tourism to the area does more damage to Bears Ears than good.

Lifetime San Juan County resident Jami Bayles, president of the Stewards of San Juan County, told the Daily Universe she saw an immediate impact of the monument, with an increase of people coming to the area just days after it was created. She expressed concern about the effects this has on the residents and on the land, along with her frustration of feeling the locals were not given a voice in this monument designation.

"We're not anti-monument. We just don't agree with what the process was or how that specific one was done, and so we would like have it rescinded completely and have almost kind of a do-over," Bayles said. "Let's start from scratch and have everybody be at the table instead of just certain groups and meetings behind closed doors and lies and propaganda. Let's start over."

Zinke began his tour by meeting with Utah Gov. Gary Herbert and Utah's Senators Orrin Hatch and Mike Lee, according to a press release. Lee's Communications Director, Conn Carroll, said Lee stressed the need to rescind the Bears Ears Monument due to the outcry from San Juan



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County residents as well as constitutional problems with the process of how the monument was created in the first place.

“We very much hope that in the next 45 days, as per the executive order, that Zinke will recommend to President Trump that the Bears Ears monument is fully rescinded,” Carroll said.

According to Herbert’s spokesperson and deputy chief of staff Paul Edwards, Herbert met with Zinke to talk through the complexities the level of protection the Bears Ears area needs and the most effective way to protect it while still providing access to the land.

Edwards said the governor and Zinke had multiple meetings over the course of Zinke’s visit, including during a three-hour helicopter tour of Bears Ears and a few hikes of the area.

Edwards said he was “very impressed” during all of his interactions with Zinke.

“He came to this with a very open mind,” Edwards said. “He’s a very analytical individual. He asked very tough and guided questions.”

John Andrews, Chief Legal Council and Associate Director of the Utah School of Institutional Trust Lands Administration, also met with Zinke on the day he arrived. Andrews said he had no opinion on the monument designation of Bears Ears. His concern was about the 110,000 acres of state school trust lands located within the Bears Ears National Monument.

“We discussed (with Zinke) the desire of our agency to, when the dust settles, trade all of the school trust lands that are in the Bears Ears out of that area — which of course is sensitive conservation area — for other more usable lands somewhere else in the state,” Andrews said.

Trust lands are parcels of land in Utah granted by Congress to be used to support 12 state institutions — primarily public schools, but also state hospitals and universities, according to the Trust Lands Administration website.

Andrews said a land exchange this large would take a few years and typically requires a separate act of Congress. He said despite this, the monument would not have a significant effect on Utah’s education system.

Zinke also met with the Utah Department of Heritage, according to Communications Director Josh Loftin. Edwards, who was present at the meeting, said Loftin presented on the



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archaeological sites present in the Bears Ears area and provided maps on what had been surveyed. They discussed whether a national monument designation would help bring more awareness and resources, or if the attention would lead to desecration and other negative effects.

Zinke also met with the Bears Ears Inter-Tribal Coalition, which includes members of leadership from the Hopi Tribe, Utah Navajo Chapter of Oljato, Navajo Nation Council, Ute Indian Tribe and Zuni Tribe.

This was the first time Zinke met with the entire coalition, according to a press release. The press release said they discussed issues relating to management of public lands, the monuments under review and sovereignty.

“The Secretary maintained his commitment to working with the tribes and local communities during the review,” the press release said.

Bayles said Zinke talked to local community members in San Juan County in addition to officials. She said she and other citizens gathered with welcome signs for the interior secretary as he drove into town and expected to wave to him as he passed by. Instead, Zinke turned his car around after passing and stayed for about half an hour to shake everybody’s hands and talk with them.

“He wanted to genuinely talk to the people that live here and the different types of families, not just the Navajo or the Ute, but the ranchers and educators and everybody in between,” Bayles said.

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4. **Sculptor Dollard embraces monumental accomplishments**

Southern Utah News, May 11 | Dixie Brunner

Grand Staircase Escalante National Monument Ranger Richard Dollard is on his third successful career, but it’s his hobby that made him famous. The Lander, Wyo., native has been a wildland fire jumper, high school art teacher, BIA and BLM law enforcement officer...and did I mention, he’s a highly-esteemed bronze sculptor?



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Dollard's works of art adorn numerous private homes, with large monuments at three public schools in Wyoming. The large bronze tiger, bobcat and cougar, representing each school's mascot, are great sources of school and community pride.

"I was always interested in art and drawing since I was a kid," admitted Dollard. He explained his love of art drove his initial educational and career pursuits.

He attended junior college, receiving an Associate of Arts degree, and later Chadron State College in Nebraska, where he received a Bachelor of Science degree in Art Education. While in college, he competed successfully as a wrestler, and later was an assistant coach.

But it was Dollard's high adrenaline summers during his college years that weren't for the faint of heart. He worked as a wildland firefighter! "I loved it, and it helped pay for school."

His first job in art education was as a public school teacher in Thermopolis, Wyo. Dollard taught secondary art at the high school. "I enjoyed working with the students."

But wanderlust (fueled by summer firefighting money), compelled him to resign his teaching job after two years. Dollard decided to travel and observe the magnificent art and bronzes that grace much of Europe. Going from London to Paris, Brussels to Madrid, he continued on to spend time in Florence, Italy, and then to Milan, France. "I did it because I wanted to see the artwork of the masters."

Dollard's European tour lasted four months. "It was amazing to see that level of artwork. I did a lot of sketches and drawing during that time."

Upon his return, he took a job at a bronze foundry. It was a great career segue for Dollard. "I heard about the foundry, and had always been curious about the bronzing process."

And the entire process is complicated, and time and labor intensive!

With multiple steps to recount (and I won't do them justice), it goes from the artist's drawing to the small 'maquette' (small, preliminary sculpting model), to the foam form, clay application, and to the mold creation that is sent to the foundry. Then there's a wax cast that is created and then reworked (called wax chasing).



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Once that is done, it goes to the sprueing (the hole through which metal is poured), process. Eventually, through numerous firing processes on the mold, a ceramic shell is created that is hollow on the inside, where the bronze is poured. Many more steps occur after the bronze is poured, concluding with sandblasting, metal chasing, and the patina (bronze coloring) process.

Dollard worked in numerous areas of the foundry, but it was the bronze's actual creation that interested him most. "I began working with the professional artists who were willing to coach me. And that's how I learned."

He began getting commissions himself, and has enjoyed good success. He has many works of bronze now, including the mascots mentioned above, a snowmobile, boy Indian chief and other southwestern images.

That's not all that working at the foundry did for him – he met his wife Heidi there! (Coincidentally, she was the bosses' daughter!) "I was intimidated to ask her out at first, but I finally got up the courage."

Richard and Heidi have five girls and one boy, and live in Hurricane.

You're probably wondering how the sculptor ended up working as a law enforcement officer in southern Utah for the BLM.

The 2009 recession hit, leaving the sculptor needing more work. "I had a friend who worked for the Bureau of Indian Affairs in law enforcement. I applied, got hired and took the training. I worked five years for them."

He said the career move surprised most of his family, but his brother-in-law said that someone who used to jump out of airplanes and into fires probably could handle the job!

Dollard next worked for the Forest Service in Washington State, but wanted to return to the southwest. "This position was open, so I applied for and got it."

With a year recently under his belt, you might say he's enjoying the job. "Kane County is beautiful and there are many places of artistic inspiration. In fact, I would love to see there be a bronze in Kanab. A setting with the red rocks in the background, it would be a prime spot for a good piece of sculpture."



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Dollard said that bronzes develop well over time. “Bronzes are going to stand the test of time. It’s knowing that (as the sculptor) I’ve played a small part in someone or some place’s history.”

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E&E/NATIONAL NEWS – FULL STORY

1. **PUBLIC LANDS: Recreation caucus boasts nearly three dozen members**

E & E News, May 11 | Kellie Lunney

Thirty-two members of Congress so far have joined a bipartisan Outdoor Recreation Caucus aimed at promoting the industry's economic contributions.

The House group is brand new and led by Reps. Jared Polis (D-Colo.) and Mike Simpson (R-Idaho). It now includes 21 members.

Sens. Martin Heinrich (D-N.M.) and Jim Risch (R-Idaho) co-chair the Senate counterpart, which has been around for the last several years and currently has 11 members. Most participants are from Western and Southern states.

The current House members of the Outdoor Recreation Caucus:

Rep. Don Beyer (D-Va.)
 Rep. Earl Blumenauer (D-Ore.)
 Rep. Salud Carbajal (D-Calif.)
 Rep. Ryan Costello (R-Pa.)
 Rep. Carlos Curbelo (R-Fla.)
 Rep. Suzan DelBene (D-Wash.)
 Rep. George Holding (R-N.C.)
 Rep. Jared Huffman (D-Calif.)
 Rep. Bill Huizenga (R-Mich.)
 Rep. Pramila Jayapal (D-Wash.)
 Rep. Mia Love (R-Utah)
 Rep. Mark Meadows (R-N.C.)
 Rep. Dan Newhouse (R-Wash.)



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Rep. Beto O'Rourke (D-Texas)
Rep. Ed Perlmutter (D-Colo.)
Rep. Jared Polis (D-Colo.)
Rep. Jamie Raskin (D-Md.)
Rep. Mike Simpson (R-Idaho)
Rep. Mike Thompson (D-Calif.)
Rep. Peter Welch (D-Vt.)
Rep. Robert Wittman (R-Va.)

The current Senate members of the Outdoor Recreation Caucus:

Sen. Maria Cantwell (D-Wash.)
Sen. Mike Crapo (R-Idaho)
Sen. Tom Cotton (R-Ark.)
Sen. Cory Gardner (R-Colo.)
Sen. Martin Heinrich (D-N.M.)
Sen. Jeff Merkley (D-Ore.)
Sen. Patty Murray (D-Wash.)
Sen. James Risch (R-Idaho)
Sen. Jeanne Shaheen (D-N.H.)
Sen. Jon Tester (D-Mont.)
Sen. Ron Wyden (D-Ore.)

The caucus aims to encourage active lifestyles but also educate Americans about the economic benefits of the industry, wildfire funding and public outdoor recreation infrastructure.

Last month, the Outdoor Industry Association unveiled an analysis that showed outdoor recreation is big business for the American economy, creating more jobs than construction and computer technology, and generating \$117 billion more in annual consumer spending than pharmaceuticals and fuel (Greenwire, April 25).

Consumers spend \$887 billion every year on a range of outdoor activities including camping, hunting, fishing and water sports — more than the \$770 billion they spend annually on gasoline and prescription drugs, said the report.

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2. **REGULATIONS: Democratic senators urge Zinke to overhaul BLM methane rule**

E & E News, May 11 | Scott Streater

Two Democratic senators are urging Interior Secretary Ryan Zinke to revise an Obama-era methane waste prevention rule after it narrowly survived a Senate vote to repeal it.

Sens. Heidi Heitkamp (D-N.D.) and Joe Manchin (D-W.Va.) sent a two-page letter to Zinke only hours after the Senate voted down a Congressional Review Act resolution that would have killed the Bureau of Land Management rule designed to control methane emissions from thousands of oil and natural gas drilling operations on federal and Native American lands.

Heitkamp and Manchin joined their Democratic colleagues and three Republicans — Sens. Susan Collins of Maine, Lindsey Graham of South Carolina and John McCain of Arizona — in defeating the resolution, 49-51, and preserving the controversial rule (Greenwire, May 10).

But in their letter to Zinke, Heitkamp and Manchin acknowledged that the rule finalized near the end of the Obama administration "contains significant flaws," and they requested Zinke "take the necessary steps to promulgate a revised or new rule."

"Put simply, we believe the BLM erred in its development of the rule and failed to adequately consider credible concerns raised by industry stakeholders and tribes with active oil and gas production on federal and Indian lands," they wrote.

While the rule was intended to ensure that taxpayers get a fair return on the resources extracted on public lands, "we believe the BLM overreached and created some areas of duplication — and in the case of Indian lands, the BLM improperly included lands that are not federal lands without proper consultation. Therefore, significant modifications to the rule must be pursued."

The Trump administration has indicated it will do so.

Kate MacGregor, Interior's acting assistant secretary for land and minerals, said in a statement yesterday that the agency will take steps to "suspend, revise or rescind" the rule going forward (E&E News PM, May 10).



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"We agree with the Administration's call to review this rule — and ask that in reviewing the rule the Administration meet with affected industry stakeholders, tribes, and state regulators on making the necessary revisions," the letter says.

But the letter prompted a dismissive response yesterday from Wyoming Sen. John Barrasso (R), who voted in favor of the CRA resolution and has called on Zinke to withdraw the rule.

"Letters to the secretary are nice, but when given the opportunity to immediately remove this punishing regulation, the Senators voted no," Barrasso, who leads the Environment and Public Works Committee, said in a statement.

Heitkamp issued her own statement after the vote, acknowledging that the methane rule "is not perfect." That's why, she said, "I'm encouraging the administration to work with industry, landowners, and tribes to make the changes necessary so the rule is more effective and efficient rather than overturn it."

But she said she could not vote for the resolution, noting that using a CRA resolution to kill a regulation prevents BLM or any other agency from proposing anything similar in the future, thereby limiting strategies to prevent waste.

"I'm concerned that both this administration — and future administrations — would be precluded from addressing waste of a valuable public resource" if the CRA resolution was approved, she said.

A BLM methane waste prevention rule is needed to prevent the venting and flaring of natural gas on federal lands, she said.

BLM worked for five years on the rule, which the Obama administration said would allow more natural gas to be sold and prevent the escape of methane and other pollutants into the atmosphere.

In their letter to Zinke, the senators noted that about 462 billion cubic feet of natural gas was burned off into the atmosphere between 2009 and 2015 from oil and gas wells on federally owned lands. That, they wrote, represents "a substantial loss of royalties to the American taxpayer."



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"Given these findings of waste, there is a clear and corresponding need to improve the methods used to ensure a better return for taxpayers," they wrote. "Therefore, we urge you to modify the Methane Waste Prevention Rule in a manner that ensures an adequate return of royalties to the Treasury, while also preventing an unnecessary decline in oil and gas production on public lands."

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3. **OIL AND GAS: After failed CRA try, methane fight moves to courts, Interior**

E & E News, May 11 | Brittany Patterson and Ben Storrow

Yesterday's surprise vote to uphold the Bureau of Land Management's methane rule marks a major victory for environmentalists, but the battle over regulating methane waste on public lands is far from over.

The fight now shifts to the courts and inside the Department of the Interior. Industry representatives vowed to press on with legal cases. Interior officials said the department plans to continue with a review of the regulations, raising the possibility that they could be suspended and ultimately rescinded. And environmentalists pledged to remain vigilant, defending the rules in court and vowing to make sure the Interior review follows proper procedures for rulemakings.

In a statement yesterday, Kate MacGregor, acting assistant secretary of the Interior for land and minerals, said the failed Congressional Review Act (CRA) attempt does not affect the administration's commitment to taking a second look at the regulation.

BLM's methane rule was listed in Trump's March executive order as one of many energy regulations targeted for review and possible rescinding.

MacGregor said Interior "has reviewed and flagged the Waste Prevention rule as one we will suspend, revise or rescind given its significant regulatory burden that encumbers American energy production, economic growth and job creation."

The rule has limited impact on the U.S. oil and gas industry. Roughly 5 percent of American crude production came from public lands in fiscal 2015. For natural gas, that figure was 11 percent.



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But the issue has outsized importance in Rocky Mountain states like New Mexico, Utah and Wyoming, where federal lands cover large swaths of the state and account for a large share of local oil and gas production. Industry advocates in those states say rules like BLM methane's regulation put producers working on federal land at a disadvantage, driving investment to private and state lands.

Experts said any new Interior action could take years. Without the CRA, the agency will have to open up a new rulemaking in order to rescind or revise the rule. In order to do that, the agency will have to justify why the reasoning, data and science it put forth just months ago, when it finalized the methane rule, no longer apply.

"Given the detailed and highly technical record, that is a pretty high hurdle for them, particularly if they try to rescind the whole rule," said Alexandra Teitz, who previously served as counselor to former BLM Director Neil Kornze. "In fact, parts of the rule are not only not controversial, but were addressing problems identified by industry and implement items listed in [Interior Secretary Ryan] Zinke's letter, such as encouraging beneficial use on-site. What's the rationale for repealing that?"

Gerry Pels, a partner and chairman of the environmental section at law firm Locke Lord LLP, said the Senate's failure to rescind the methane rule using the CRA is not what the oil and gas industry wanted because the remaining options to roll back regulations are not quick.

For industry, time is of the essence. If the rule remains in place, oil and gas operators face having to purchase expensive leak detection and repair equipment. Stricter requirements for producers are scheduled to begin on Jan. 1, 2018.

"I was on the phone with [exploration and production] clients this morning, and what I told them is we need to be prepared to be compliant with this rule as though the litigation is not ongoing and irrespective of the executive order the president issued, because it's going to be very difficult to stay the dates at this point," Pels said. "That's not to say it couldn't happen, but I think the regulated community needs to be prepared to comply in the shorter [term] unless a court will step in and hold the rule."

The McCain surprise

Litigation is ongoing in the U.S. District Court for the District of Wyoming, where two oil and gas groups and four states — Wyoming, Montana, Texas and North Dakota — have challenged



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BLM's authority to regulate methane emissions. They contend that air quality regulation rests with U.S. EPA. The rules' supporters, including environmental groups and California and New Mexico, maintain that BLM has a statutory obligation to prevent the waste of federal minerals (Energywire, May 9).

Industry advocates had hoped to avoid the courts altogether. But that was before the Senate failed yesterday to muster the 51 votes needed to open debate on a resolution of disapproval, H.J. Res. 36, that would have repealed BLM's Methane and Waste Prevention Rule.

The rule, an update to a more-than-three-decades-old regulation, limits the amount of methane that can be vented, flared and leaked from more than 100,000 oil and natural gas wells on federal and tribal lands.

The House passed its disapproval resolution in March, largely along party lines, but getting the 51 votes in the Senate needed under the Congressional Review Act proved trickier.

The effort languished for months, with two Republicans — Sens. Cory Gardner of Colorado and Rob Portman of Ohio — and two Democrats — South Dakota Heidi Heitkamp and Joe Manchin of West Virginia — remaining publicly undecided.

On Monday evening, the "yes" camp got a boost when Portman announced he would support the CRA after receiving a letter from Interior Secretary Zinke outlining the agency's commitment to "take concrete action to reduce methane waste" (Energywire, May 10).

Even with Portman's support, the vote was expected to be close. Republicans had Vice President Mike Pence on hand at the Capitol yesterday in case he was needed to break a 50-50 tie.

But in a surprise move, Arizona Republican Sen. John McCain crossed party lines and voted against the measure. Republicans Sens. Lindsey Graham of South Carolina and Susan Collins of Maine previously said they would not support the effort and voted "no" yesterday. With no Democrats voting in support, the motion to proceed to the resolution failed, 49-51.

McCain was widely expected to vote for the CRA but said in a press release that he didn't because he is concerned about the public health impacts of methane emissions.



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"While I am concerned that the BLM rule may be onerous, passage of the resolution would have prevented the federal government, under any administration, from issuing a rule that is 'similar,' according to the plain reading of the Congressional Review Act," he said.

Political observers suggested McCain's vote could be a shot across the bow, to warn party leaders that he might not vote with other Republicans on every matter. The vote was the first that President Trump lost in either the House or the Senate.

The effort to repeal BLM's methane regulation using the CRA drew major lobbying efforts on both sides of the issue, including a six-figure ad campaign launched by the Environmental Defense Fund's advocacy arm. The lobbying didn't stop after the failed vote. Yesterday, Heitkamp and Manchin sent a letter to Zinke calling on him to review the methane waste rule.

The result also stoked political backlash against Heitkamp. She faced criticism from industry groups for her decision to vote "no" on the CRA.

"We are extremely disappointed in Senator Heitkamp's decision today to vote against the repeal of this rule," said North Dakota Petroleum Council President Ron Ness, in a statement.

"Hundreds of energy employees and numerous businesses, chambers of commerce and trade associations wrote to express concern for the rule. Despite this, Senator Heitkamp has chosen to stand with the environmental activists and the Democratic party in Washington rather than the oil and gas workers and people of North Dakota."

On the other side, Environment and Public Works Committee ranking member Tom Carper (D-Del.) said stopping the CRA was the second victory in two weeks for environmentalists, following last week's omnibus spending bill that he said rejected a White House effort to "cut the heart and soul out of environmental protection" (Greenwire, May 10).

"This is absolutely a win," said Joshua Mantell, deputy director of energy and climate at the Wilderness Society. "Anytime you go up against the oil and gas industry, one of the wealthiest industries in the world, and take them on and win with a vote on the Senate floor, that's a win — not just for us, but for the American people."

What happens now?

Zinke offered hints at where the agency may be going on future methane regulation in his letter to Portman. The secretary promised to eliminate regulations already covered by the handful of



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states already regulating methane. He committed to a "robust assessment" of royalty requirements, when venting and flaring is approved and when methane waste can be used for beneficial purposes, something addressed in the current BLM rule.

That provision is generally favored by producers, because it allows them to use what would have been wasted natural gas to help power rigs or compressors and the gas used for this purpose is not assessed a royalty, noted Paul Ulrich, director of government affairs at Jonah Energy, a Colorado-based natural gas producer.

His company, which does the majority of its drilling in Wyoming, would like to see the provision maintained. But other aspects are more problematic, he said, pointing to BLM requirements already imposed by states.

"Now that the CRA has not passed, the industry needs to be working with states and DOI to make sure that we have a strong voice and common sense prevails," he said.

That sentiment was shared by Mark Brownstein, vice president of the Climate and Energy Program at the Environmental Defense Fund, who said that as the agency moves to review, rescind or revise the methane rule, EDF intends to be there "every step of the way."

"There's established principles of administrative law that will apply to the agency's review of the rule," he said. "Our focus now shifts from Congress to the agency."

Industry still has two avenues from keeping the rule from going into effect, said Kathleen Sgamma, president of the Western Energy Alliance, a trade group. If court proceedings continue to drag out over the summer months, industry may ask for a preliminary injunction staying the order, she said. A federal judge has already rejected that argument, citing the phase-in of the rule over time. But a delay in proceedings may strengthen industry's argument that the rule causes irreparable harm, Sgamma said.

Interior could also move to suspend the rule while it works on its review. The department made a similar move for a new rule concerning royalty valuations for oil, gas and coal leases.

"We continue to push this issue hard. Now we only have two tools in our toolbox instead of three," Sgamma said. "But we feel good about our chances with the other two."



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Still, she acknowledged that the road ahead is more difficult for industry, saying, "Instead of having to do it quickly and easy without litigation, we are now in a cycle of rulemaking and litigation."

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4. Bennet, Western senators ask Sec. Zinke to reverse suspension of BLM resource council meetings

The Denver Post, May 11 | Jason Blevins

Sen. Michael Bennet on Thursday joined a group of Western senators in asking the Department of Interior to lift its sudden suspension of advisory committees and local boards that deliver public input on the Bureau of Land Management's policy decisions.

"These meetings are an invaluable way to ensure rural and local voices in Colorado are heard and considered in conversations about the use of our public lands," Bennet said in a statement. "The administration should not block community input on BLM actions. These meetings should be reinstated immediately."

Last week, members of Colorado's four Resource Advisory Councils were told by BLM officials that all meetings were suspended until September. The councils — typically 15 citizen-nominated members who meet four times a year — are made up of public land management stakeholders, including conservationists, ranchers, outdoor recreation users, energy representatives and local politicians. A statement from the BLM said the agency is reviewing more than 200 board, councils and committees and the review "necessitates the postponement of all advisory committee meetings."

Scott Braden with Conservation Colorado is a member of Colorado's Rocky Mountain Resource Advisory Council. His group has been working on a draft resource management plan for the BLM's lands in eastern Colorado.

"It's a critical time and there are real world consequences here," Braden said. "The cruel irony is that Secretary Ryan Zinke is talking a lot about how he values local input and that's exactly what RACs provide."



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The letter — signed by Democrat Sens. Bennet, Ron Wyden and Jeff Merkley of Oregon, Tom Udall and Martin Heinrich of New Mexico, Patty Murray and Maria Cantwell of Washington, and Dianne Feinstein of California — noted that none of the senators were notified of the suspended meetings and none were given a reason for the suspension. The letter said a suspension of council meetings in Oregon could delay projects that might lose federal funding if not implemented by mid-September.

“Postponing their progress is a detriment to public land and forest management goals, to jobs and local economies, and to public confidence in federal government,” the letter reads.

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5. **EPA: Members of science subcommittee resign in protest**

E & E News, May 12 | Kevin Bogardus

Members of a U.S. EPA science advisory panel resigned in protest today over the agency's move last week to not bring back some of their colleagues.

Carlos Martín and Peter Meyer of the Sustainable and Healthy Communities Subcommittee, which supports EPA's Board of Scientific Counselors, sent their [resignation letter](#) to the agency officials.

"It is with certain regret and concern — and in protest — that we submit our resignations," they said, taking note of EPA's move not to renew the terms of their subcommittee's co-chairs, Courtney Flint and Robert Richardson, who served on BOSC itself.

"It has been an honor to serve with them, and a shock to witness the refusal of EPA officials to renew their positions. It is a shock from which we cannot easily recover nor which we readily accept," Martín and Meyer said in the letter.

This morning, Martín tweeted out the resignation letter, saying, "Painful professional decision. #standupforscience."

EPA's action last week to not renew the three-year terms of half of the 18-member scientific counselor board's members sparked a fierce backlash by critics of the Trump administration. Traditionally, members of the board have their terms renewed to serve two terms on the body.



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Administrator Scott Pruitt has said that he wants to diversify membership on the board and that members whose terms expired can reapply to join the advisory panel.

"The recent firing that took place, there was no firing that took place. These individuals can apply, will apply, I'm sure, in some instances, and very well could be put back on the board. But it's the right thing to do to ensure transparency, objectivity, peer-reviewed science and geographical representation on the board," Pruitt told talk show host Hugh Hewitt yesterday (Greenwire, May 11).

That hasn't soothed anxiety among EPA's advisers who are wondering whether they, too, will see terms not renewed by the agency.

"This portends for much worse. I don't want to be a shill for bad science," Martín, a senior research associate at the Urban Institute, told E&E News.

"The EPA budget cuts, the rhetoric around industry lobbyists on science boards — it's just a hard time to be a believer in science, the scientific method and what scientific enterprise has meant for the country."

In their resignation letter, Martín and Meyer note that President Trump has proposed a \$233 million budget cut for EPA's Office of Research and Development. In addition, they said they believe Flint's and Richardson's removals from the science board show that EPA doesn't value their work, and they have "deep concerns" about EPA leadership's "continued obfuscation of scientific evidence and the research enterprise."

"We cannot in good conscience be complicit in our co-chairs' removal, or in the watering down of credible science, engineering, and methodological rigor that is at the heart of that decision," they wrote.

Martín and Meyer's subcommittee is one of several that supports BOSC's executive committee, which is where Flint and Robertson served. Their particular group looked at how to improve environmental health of communities and how to best clean up waste — during their last meeting in November last year, they discussed oil and fuel releases as well as contaminated sites.

"Our subcommittee was composed not just of scientists but social scientists, engineers and planners," Martín said. "We were among the most multidisciplinary of the subcommittees."



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It's not clear who will still be serving on the subcommittee in the future. Martín said he has been told by EPA that the agency is reviewing BOSC and its subcommittee members' terms and whether or not they will be renewed.

Meyer, president and chief economist of the E.P. Systems Group Inc., told E&E News that Flint and Richardson not being asked to return to BOSC was a major impetus for his and Martín's resignations.

"When Robert and Courtney were not renewed, that was a signal to Carlos and me that the task was being terminated, and we objected to the task being terminated," Meyer said.

Meyer said there have been discussions among other subcommittee members about also resigning in protest.

"At the moment, there is only two of us," Meyer said. "There is a half-dozen other members of the subcommittee who are thinking about leaving."

EPA officials didn't immediately respond to requests for comment on the advisers' resignations.

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6. NATIONAL MONUMENTS: Wash. state AG threatens lawsuit if Trump alters sites

E & E News, May 12 | Jennifer Yachnin

The top law enforcement officials in a pair of Western states this week challenged the notion that President Trump can unilaterally roll back the status of national monuments, warning Interior Secretary Ryan Zinke to stay "within the bounds of the law" as he conducts a formal assessment of 27 of those sites.

Washington state Attorney General Bob Ferguson (D) and New Mexico Attorney General Hector Balderas (D) issued separate missives to Zinke, questioning the president's authority to rescind or reduce monuments under the Antiquities Act of 1906.

Trump issued an executive order last month directing Zinke to review monuments created since 1996 that contain over 100,000 acres of land, with an eye toward eliminating or diminishing those sites.



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The review will encompass 27 national monuments, including two sites in New Mexico and one in Washington state (Greenwire, May 8). Zinke must issue recommendations for any changes by late August.

In a three-page [letter](#) dated May 11, Ferguson outlined the legal arguments against Trump's ability to make any changes Zinke might recommend.

"In short, the President and the Secretary of the Interior lack the legal authority to revoke or reduce a National Monument designation," Ferguson wrote, noting that the Antiquities Act delegated a portion of Congress' authority over public lands to the president but only to designate "important sites."

He added: "Until now, the permanence of a Presidential proclamation establishing a national monument was a settled question; even the public website for the Hanford Reach National Monument highlights the fact that the Hanford Reach is 'now protected forever.'"

Ferguson acknowledged that Congress retains the ability to revoke or alter monuments' status, although it has proven reticent to take such action — eliminating fewer than a dozen monuments since 1906.

No president has ever sought to undo designations made by one of his predecessors under the Antiquities Act. Ferguson threatened a lawsuit if Trump attempts to do so in Washington state.

"The 'most glorious heritage' that President Roosevelt invoked is only ours if we stand ready to fight for it. For our part, my team at the Washington State Attorney General's Office will be ready to act if necessary," Ferguson concluded. "Let me be clear: If the President seeks to do harm to Washington's National Monuments by eliminating or reducing them, my office will initiate litigation to defend them."

New Mexico's Balderas did not raise the specter of a legal battle with the Trump administration but did warn Zinke in a May 8 [letter](#) to "stay within the bounds of the law."

"The President's executive order requires the input of State, tribal, and local governments affected by a designation," Balderas wrote. "I welcome the opportunity to consult with your staff and explain our position on the critical importance of New Mexico's National Monuments."



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He added: "As attorney general, I have a duty to protect the legal rights of New Mexicans and ensure that any federal efforts affecting them are lawful."

During his confirmation hearing in January, Zinke acknowledged that the question of rolling back national monuments under the Antiquities Act is untested but did not argue against it.

"It will certainly be interesting to see whether the president has the authority to nullify a monument," he said at that time (E&E Daily, Jan. 18).

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7. **COAL: Miners' pension fight resumes**

E & E News, May 12 | Dylan Brown

Democratic lawmakers yesterday renewed the fight to rescue retired union coal miners' pensions after securing only health care benefits in Congress' recent omnibus spending deal.

"The Miners Pension Protection Act," reintroduced by a cohort led by West Virginia Sens. Joe Manchin (D) and Shelley Moore Capito (R), would shore up United Mine Workers of America retiree benefits pushed toward insolvency by a slew of coal company bankruptcies.

Funding for pensions would use the same mechanism as the health care fix — a Treasury appropriation related to the Abandoned Mine Land fund — but fiscal hawks have balked at the UMWA's argument that several historical agreements make the federal government obligated to step in.

Sen. Mike Enzi (R-Wyo.) has worried it would set a bad precedent for bailing out private-sector pension funds with so many of them in trouble.

In a statement, Sen. Sherrod Brown (D-Ohio) said miners "aren't asking for a handout — they are asking for what they earned for decades of hard work."

His Ohio counterpart, Sen. Rob Portman, one of three Republican co-sponsors, along with Capito and Sen. Richard Burr (R-N.C.), added: "We must continue to fight for their pensions — income they worked hard to secure that is at risk due to no fault of their own."

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8. **REGULATIONS: Republicans cheer killing 14 rules as window for action closes**

E & E News, May 12 | Arianna Skibell

Congressional Republicans yesterday celebrated axing 14 Obama-era regulations through the Congressional Review Act before the window for using the law's fast-track rule-busting provisions closed.

A rule to regulate methane drilling waste on public lands was the lone survivor after a CRA resolution of disapproval failed 49-51, much to the chagrin of its GOP backers and energy companies.

Still, Senate Environment and Public Works Chairman John Barrasso (R-Wyo.) hailed the rescinded rules as a boon for the economy and the Trump administration.

"Over the past few months, Congress has passed 14 different resolutions that are going to save the American people money, and it's going to make it a lot easier for our economy to grow," he said from the Senate floor. "Fourteen times since February, we struck down unnecessary, burdensome and costly regulations."

The Senate Republican Policy Committee said the repealed rules will save the economy at least \$3.7 billion and 4.2 million hours of paperwork, citing agency estimates compiled by the American Action Forum, a right-leaning group.

Former EPW Chairman Jim Inhofe (R-Okla.) cheered his successful resolution to toss a Securities and Exchange Commission rule requiring resource extraction companies to disclose financial dealings with governments.

"I am proud to say that I introduced the first CRA in the Senate that was passed this year," he said, also from the floor.



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"Thanks to the Congressional Review Act, our oil and gas companies are not at a disadvantage when it comes to international competitors any longer," said Inhofe. "This is just one example of how important this tool is for rolling back harmful regulations."

While top GOP lawmakers took turns celebrating their successful use of the CRA more than a dozen times, Democrats painted a grimmer picture.

Misleading the electorate?

Senate Minority Leader Chuck Schumer (D-N.Y.) accused the majority of misleading the American people following last year's elections.

"These CRAs rig the game even further for wealthy special interests and are nothing to brag about," Schumer said on the floor.

The Democratic Policy and Communications Committee, chaired by Sen. Debbie Stabenow (D-Mich.), yesterday released a report echoing Schumer's comments.

In reference to the SEC rule, the report said the measure would have exposed and helped stop corrupt practices that often lead to global instability and greater risk for American investors.

The rule could have lowered the cost of capital for covered companies by \$6.3 billion to \$12.6 billion, said the Democratic report.

The report said the rollback of a Bureau of Land Management resource planning rule will force taxpayers to bear the cost of a less efficient process. The previous administration intended the measure to update a 1983 regulation and modernize and improve how the federal government manages its land.

House Natural Resources Committee ranking member Raúl Grijalva (D-Ariz.) noted that repealing many of the rules amounted to "blatant attacks" on the environment.

"On our very first day in Congress, House Republicans gave us a glimpse into their extremist, anti-environmental agenda by changing the rules to make it even easier to give away our public lands," Grijalva said in a statement.

But Senate Majority Leader Mitch McConnell (R-Ky.) said, "Of course not all regulations are bad regulations. Many are necessary and even beneficial. But what the Obama administration



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seemed to forget ... is this key point: Regulations are not issues in a vacuum. They can harm the middle class, they can kill jobs, they can raise prices, they can depress wages, they can reduce opportunity."

McConnell said, "It's one reason Americans decided to go in a pro-growth direction last November."

Not over

President Clinton signed the CRA in 1996. It requires federal agencies to submit final rules to both Congress and the Government Accountability Office before they can take effect.

Congress then has 60 legislative days to review the rule. Within that time, lawmakers can schedule a simple majority, up-or-down vote on whether to overturn it with fast-track procedures.

Once a rule is gone, the CRA prohibits the issuing agency from promulgating a future "substantially similar" one. Because the CRA has never been tested in court, the term "substantially similar" has yet to be defined.

The "substantially similar" clause has been a point of contention for many watching the CRA scenario unfold and will likely lead to future lawsuits, analysts say (E&E Daily, May 8).

The watchdog group Public Citizen has compiled a list of all the rules repealed through the statute. Barrasso and his team have their own.

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