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Attached is the daily news report for March 14.

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UTAH – TOP STORIES – MARCH 14, 2017

1. **Garfield votes for a smaller Grand Staircase despite divided constituency**

The Salt Lake Tribune, March 13 | Brian Maffly

Panguitch — Supporters and detractors of Grand Staircase-Escalante National Monument faced off Monday inside and outside the Garfield County Courthouse, where county commissioners fielded public comments then passed a controversial resolution calling for downsizing the 1.9 million-acre monument.

2. **Chaffetz, Lee want regional haze rule scrapped for Utah**

The Deseret News, March 14 | Amy Joi O'Donoghue

SALT LAKE CITY — A contentious regional haze rule that would require the installation of \$700 million in new pollution control equipment at two power plants in Utah is under attack by the state's congressional delegation, which wants it repealed.

3. **The Bangor Daily News says Maine's national monument battle 'is nothing compared to Utah'**

The Deseret News, March 13 | Herb Scribner

Maine, like Utah, has had some controversy surround its new national monument, the Bangor Daily News reports.

4. **Cache County to host open-house meetings to discuss protecting possible canal trails**

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For over 100 years, canals have been a key water source for Cache County's agricultural community, but they've served as walking and biking trails. For Cache County, ensuring these trails can stay open to the public is a matter of preserving history.

5. **Utah Counties, Nonprofits, Supporters Unite In Protection of Bonanza Flat**

Utah Public Radio, March 13 | Melissa Allison

Bonanza Flat borders Salt Lake and Summit Counties but is nestled in the upper elevations of the Wasatch Mountains, in Wasatch County.



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6. Zion now nation's 5th-busiest park

The Spectrum, March 13 | David DeMille

Zion, Bryce Canyon, Canyonlands and the rest of Utah's national parks all set new attendance records in 2016. So did nearby neighbors like Grand Canyon National Park and smaller attractions Cedar Breaks National Monument.

7. Overtaking Bears Ears an uphill challenge, lawyers say

The Durango Herald, March 13 | Jim Mimiaga

BLUFF – Utah legislators and the San Juan County, Utah, commission are urging President Donald Trump to undo the controversial Bears Ears National Monument. But at a legal forum last week put on by Friends of Cedar Mesa in Bluff, lawyers said such a move is unlikely.

8. NATIONAL MONUMENTS: BLM blocked from starting ATV trails in Bears Ears

E & E News, March 14 | Scott Streater

The Bureau of Land Management cannot begin construction of motorized vehicle trails through a section of the newly designated Bears Ears National Monument in southeast Utah until after an administrative appeal challenging the trails is resolved.

E&E/NATIONAL NEWS – TOP STORIES

1. Op-Ed: Good News For Grouse & The Economy

The Daily Caller, March 13 | Brian Seasholes

Across 173 million acres in 11 western states there is good news for a chicken-sized bird known as the greater sage grouse and for the economies of rural, natural resource-dependent communities. One of the Obama administration's most pernicious regulatory initiatives can potentially be eliminated—15 federal sage grouse plans that cost an estimated \$7.7 billion annually and 31,000 jobs, as well as harm the grouse and a host of other species that depend on the same habitat. While the plans technically cover nearly 73 million acres of federal land, they effectively impact almost all of the grouse's habitat, including the 31% that is private, because restrictions on federal lands often impact adjacent and nearby private land.



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2. Flight educates officials about oil, gas sites

The Farmington Daily Times, March 14 | Noel Lyn Smith

FARMINGTON — Environmental advocates gave officials from chapters in the Northern Agency an elevated view of natural gas and oil production on the Navajo Nation on Monday.

3. INTERIOR: FWS assistant director enabled employee misconduct — IG

E & E News, March 14 | Corbin Hiar

A former Fish and Wildlife Service assistant director repeatedly failed to investigate outside work his deputy did for a group they helped oversee and allowed that employee and others to commit travel fraud dozens of times, according to the Interior Department's inspector general.

4. CLIMATE: Browner slams 'onslaught' of Obama reg rollbacks

E & E News, March 14 | Robin Bravender

Carol Browner, who was President Obama's top energy and climate adviser, isn't pleased with the Trump administration's early moves on climate change rules.

5. AIR POLLUTION: Utah lawmakers use CRA as weapon against haze rule

E & E News, March 14 | Sean Reilly

Utah lawmakers are seeking to deploy the Congressional Review Act against U.S. EPA's regional haze rule for the state.

6. FEDERAL AGENCIES: Trump targets 'duplication and redundancy everywhere'

E & E News, March 14 | Kevin Bogardus

President Trump has ordered federal agencies to come up with recommendations to cut and shift their programs in order to make them more effective.



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7. **PUBLIC LANDS: Greens slam sponsors of bills for transferring federal tracts**

E & E News, March 14 | Jennifer Yachnin

The Center for Biological Diversity today fired back against lawmakers who've sponsored legislation that would transfer federal lands to state ownership, branding 15 members of Congress as "Public Lands Enemies."

8. **DAKOTA ACCESS: Company calls religious claims 'last-gasp' effort against pipe**

E & E News, March 14 | Ellen M. Gilmer

Dakota Access pipeline lawyers pushed back yesterday on yet another bid to halt the almost-complete oil project.

9. **CLIMATE: Methane from power plants far exceeds EPA estimates — study**

E & E News, March 14 | Hannah Hess

A new study shows that estimates of how much methane escapes from natural gas-fired power plants and oil refineries could be much too low, pointing to pollution from leaky industrial hardware.

10. **WHITE HOUSE: Waiting game continues for Clean Power Plan order**

E & E News, March 14 | Robin Bravender

The wait is on for President Trump's expected move to begin dismantling a major Obama-era climate rule.



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UTAH – FULL STORY

1. **Garfield votes for a smaller Grand Staircase despite divided constituency**

The Salt Lake Tribune, March 13 | Brian Maffly

Panguitch — Supporters and detractors of Grand Staircase-Escalante National Monument faced off Monday inside and outside the Garfield County Courthouse, where county commissioners fielded public comments then passed a controversial resolution calling for downsizing the 1.9 million-acre monument.

"We could cut that in half and still have plenty of room to protect everything there that needs to be protected," said Planning Commission Chairwoman Elaine Baldwin, a former Panguitch mayor. "We have been shut down when we tried to do something with economic development. We need to bring back sawmills, and we need to bring back industry to Garfield County."

Monday's event highlighted a growing disconnect between entrepreneurs who have moved to Garfield County and elected leaders who claim the monument has undermined the county's customs and heritage, based largely on ranching and natural resource extraction.

Over the past two decades since President Bill Clinton issued a surprise proclamation creating the monument, however, businesses have sprung up or expanded in Boulder, Tropic, Escalante and other towns along State Route 12 to serve visitors drawn to the region's rugged beauty and solitude.

Escalante-Boulder Chamber of Commerce President Dennis Waggoner polled his 49 members and not one supported downsizing the monument.

"We are all having record years, employing more people and spending more on investment," said Waggoner, owner of an Escalante restaurant and guide service. "This is the lowest in unemployment taxes I will pay in 14 years. We pay \$500,000 in payroll and benefits."

At least 100 people on each side of the debate gathered Monday morning in front of the county's historic courthouse. Only a small portion of them could be seated in the commission chambers. Partisans treated one another respectfully.



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The commission fielded comments of up to two minutes from 12 speakers on each side before unanimously voting to approve the resolution, based nearly verbatim on a successful resolution before the Utah Legislature, sponsored by Rep. Mike Noel, R-Kanab.

"The monument doesn't have sufficient funding to protect its resources," Commissioner David Tebbs said. "That's an indication that it is too big."

The Bureau of Land Management, which runs the monument, has closed historic roads and locked up lands from traditional activities that were promised, such as heritage tours, family reunions and wood gathering, Tebbs said.

But business operators and other resolution opponents showed up in Panguitch on Monday to establish a clear record of local support for the monument to share with decision makers at the Department of Interior, now headed by former Montana Congressman Ryan Zinke.

At a March 2 meeting in Boulder, most of those in attendance opposed the resolution, according to Mayor Bill Muse.

"No maps of the boundary changes sought by the county are available for evaluating the real impacts of this action," Muse said. Boulder residents have adapted to the monument, he said, so changing boundaries could disrupt the community, now home to successful guesthouses, restaurants and outfitters.

Few if any opponents at Mondays hearing were banking on blocking the resolution, since Commissioners Leland Pollock and Jerry Taylor, a former Escalante mayor, had already given full-throated support for the resolution in testimony to state lawmakers.

"It's not anything to celebrate. It's a curse to a county," Pollock told a Senate panel.

But critics said the resolution paints a negative picture of Garfield's economic outlook, is based on misinformation and asserts unfounded allegations about the monument's impact on rural communities.

"Boulder and Escalante are thriving, houses are being built, new businesses opening up, job opportunities increasing," Muse said. "The county did not contact any Boulder elected officials or residents for input on the resolution. Our residents feel they have no voice in matters that have major implications for our community."



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Muse, school board member Cheryl Cox and others said the resolution sends the wrong message, suggesting that Garfield is closing schools and is a terrible place to do business.

"Federal red tape and overreach has driven more business from our county than anything this resolution can do," countered Lance Syrett, a member the family that has operated Ruby's Inn outside Bryce Canyon National Park for decades. He argued the tourism industry would benefit from greater economic diversification

"I am not against tourism. I am against people using tourism as a whip to stop those other things," said Escalante City Council member Greg Allen. "Tourism jobs are secondary jobs. They can't afford to live there on \$10-an-hour, seasonal part-time jobs."

Noel opened and closed the hearing with remarks deeply critical of the monument's creation and the regulations that he says stymie multiple use of the land.

Noel asserted the monument designation's primary, yet undisclosed, purpose was to stop the proposed Smokey Hollow coal mine on the Kaiparowits Plateau and to ensure Clinton's 1996 re-election.

Commissioners in Kane County, home to the monument's southern half, already have passed a similar resolution and were set to discuss Grand Staircase's impact on local culture and heritage at their Monday meeting.

Kanab's City Council, meanwhile, will vote on a monument-shrinking resolution Tuesday.

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2. **Chaffetz, Lee want regional haze rule scrapped for Utah**

The Deseret News, March 14 | Amy Joi O'Donoghue

SALT LAKE CITY — A contentious regional haze rule that would require the installation of \$700 million in new pollution control equipment at two power plants in Utah is under attack by the state's congressional delegation, which wants it repealed.

Sen. Mike Lee and Rep. Jason Chaffetz, both R-Utah, introduced a resolution of disapproval Tuesday calling for the repeal of the regional haze rule impacting Utah.



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"The great state of Utah already has proposed a perfectly safe and effective nitrogen oxide regulation regime," Lee said. "The EPA's costly new regulations would add hundreds of millions to the power bills of working families and all for an imperceptible change in visibility."

The Utah Department of Environmental Quality submitted its regional haze plan to the EPA, but one portion of it was rejected. The EPA decided to implement its own federal plan to address nitrogen oxides, prompting a suit by the state of Utah and PacifiCorp.

The state agency says a decade worth of modeling in the region shows that any technological upgrades at the plants would have a negligible impact in nitrogen oxides.

The regional haze rule is an aesthetics standard designed to improve visibility at national parks, not a public health standard.

Clean air advocates say power plants produce about 40 percent of the state's nitrogen oxide emissions and insist the state and PacifiCorp should do everything possible to further reduce emissions from power plants in Emery and Carbon counties.

Bryce Bird, director of the Utah Division of Air Quality, has said the atmospheric chemistry keeps background levels of ammonia at a point that additional reductions in nitrogen oxide will be minimal, even with new pollution control technology. Ammonia helps to form nitrogen oxide. Power rates, however, would increase by as much as 10 percent if the new upgrades are required, according to critics.

Michael Shea, senior policy associate with HEAL Utah, said the Utah delegation is wrong to pursue killing the regulation.

"After years of careful analysis, the EPA rightfully concluded that limiting coal power pollution is a necessary step toward protecting our families' health and our scenic vistas," he said. "Utah's delegation now proposes to overturn science by advancing the same arguments the EPA already rejected."

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3. The Bangor Daily News says Maine's national monument battle 'is nothing compared to Utah'

The Deseret News, March 13 | Herb Scribner

Maine, like Utah, has had some controversy surround its new national monument, the Bangor Daily News reports.

President Barack Obama signed an executive order on Aug. 24, 2016, that made more than 87,000 acres of land east of Baxter State Park the Katahdin Woods and Waters National Monument.

Since that time, Maine Gov. Paul LePage has written a letter asking President Donald Trump to reverse the decision, but the letter has been opposed by the state's delegation and hasn't gained much support, according to the Daily News.

But, "Maine's monument fight is nothing compared to Utah's," the Daily News said.

On Dec. 28, Obama named Bears Ears, a region in San Juan County, as a national monument. Utah politicians weren't happy with the decision.

In February, Utah lawmakers passed a resolution that called for the "unraveling of the 1.35 million-acre monument, bristling at the process used under the Antiquities Act and what they say was indifference to a majority of statewide sentiment."

Gov. Gary Herbert signed the resolution.

The monument controversy, which boiled over when the Outdoor Industry Association decided to move the twice-a-year Outdoor Retailer show from Utah, has captured more media spotlight than Maine, according to the Daily News.

And this week, it was announced Patagonia and Google have teamed up to save the Bears Ears monument through a new video series.

But the two may soon have more in common than they do now. According to the Daily News, the monument in Maine will have its own documentary called "The Mountain and the Magic City," which shows how the monument affects people.



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Co-director and producer Ben Severance told the Daily News that it's important to show people the struggle from both sides of the fight, since national monument changes affect local citizens in the area and politicians across the state.

“We are striving to show the humanity of people on both sides of the process,” Severance said.

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4. Cache County to host open-house meetings to discuss protecting possible canal trails

The Herald Journal News, March 13 | Clayton Gefre

For over 100 years, canals have been a key water source for Cache County’s agricultural community, but they’ve served as walking and biking trails. For Cache County, ensuring these trails can stay open to the public is a matter of preserving history.

“Some of these pathways, particularly some between Logan and Smithfield, have been historically utilized as walkways,” said Cache County Trails Planner Dayton Crites. “It was a secondary function that was enjoyed for a long time but then started to erode as communities didn’t really recognize that these were pathways that could be called trails.”

Cache County is now working with representatives from Hyde Park and North Logan to conduct a pair of open-house meetings in the coming weeks to discuss the possibility of formally preserving canal access through the use of prescriptive easements, a concept under Utah law that formally recognizes public property on account of over 20 years of continuous usage. Crites said the discussion will focus primarily on stretches of possible trails currently closed to the public between 900 North in Logan and running further north to connect to Smithfield.

“What we don’t want to do is say that prescriptive easement applies everywhere and we’re going to go out and bulldoze the current owners of the canal corridors, because that’s not the case,” Crites said. “We’re looking at each individual corridor closely and trying to consider places that it would work as a public pathway and places that it wouldn’t.”

Crites said the meetings would serve as what he called “trails acupuncture,” or a method to gain the public’s insight on if they would be in favor of opening the canal trails and what the short- and long-term changes to the trails if opened to the public may be. Some short-term changes could be the introduction of gates and wayfinding signs, while longer-term changes could



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include pavement along the canals as well as methods of beautification, like the planting of new grass and flowers along the trail.

The information gathered from the meetings could go on to influence ordinances and resolutions in various municipalities that would declare certain canal corridors open to the public, but Crites said the county would not hastily pursue the action if public opinion turned out to be against it.

"I've got letters from many who are older and have lived in this valley for years who have told me they still use some of these trails today," Crites said. "On the other hand, I've talked to landowners who have put up gates since the early '90s and have said, 'Keep out, this is my land.' So what we're really looking for is demonstration of community support or opposition and figuring out where we could go from there."

Crites said he favored the opening of these trails to the public as a matter of public benefit, pointing out the availability and frequent use of walking trails as a way to improve pedestrian safety, promote public health through regular physical activity and serve as an economic driver for the county as a whole.

"Having trails that connect these communities is a huge quality-of-life issue for a lot of people, and the matter of how we can utilize what we already have could be a way to keep people in Cache Valley and attract new people and businesses to the area," Crites said.

Crites said he recognized the reluctance of some of the current land owners along the proposed canal trails about opening their property to unknown elements, but Crites pointed out studies completed along updated canal trails in Ogden and in Utah County that have shown increased use among neighbors and well-meaning locals and a decline in untoward uses such as vandalism.

"The undesirable elements are replaced because now the public has better access," Crites said. "Not to mention the real estate benefits that come along with being nearby trails that connect to other communities or nearby amenities that can serve as a major driver of economic growth for the area."

Crites said he is excited to hear from the wider community at the meetings, which he said will be structured in a way that is less about presentations and panelists and more about encouraging conversation among neighbors.



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“Even if you can’t attend one of these meetings, my email is always open, and our office’s phones are always ready,” Crites said. “I’m really interested in hearing what our neighbors think and how the people see how these canal trails can be utilized.”

For more information about the meetings or the proposed canal trails, visit trails.cachecounty.org.

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5. **Utah Counties, Nonprofits, Supporters Unite In Protection of Bonanza Flat**

Utah Public Radio, March 13 | Melissa Allison

Bonanza Flat borders Salt Lake and Summit Counties but is nestled in the upper elevations of the Wasatch Mountains, in Wasatch County.

The privately owned property consists of nearly 14 acres. Those who have experienced the area's alpine meadows and lakes call it a recreational playground while the black bear, elk, moose and endangered owl, call it home.

“You can test you metal climbing 10,420 but you can also just walk through a meadow of wildflowers. Or you can take a scenic drive and maybe catch the glimpse of a moose,” said Wendy Fisher, Utah Open Lands Executive Director.

Because of the multiple recreation and land preservation benefits of Bonanza Flat, Park City officials have kept a close eye out for opportunities that could ensure the land will be protected from development. But not knowing how the community would feel about purchasing the open space at a cost of \$38 million, Park City Mayor Jack Thomas said the city chose to put the idea on the ballot this past November.

“Over 70 percent of the people that voted - voted in favor of this proposition,” Thomas said. “So that raised \$25 million which wasn’t enough, and I don’t think we felt it would be enough. But, we felt it was enough for the residents of Park City and it was a giant commitment on their part.”

Once Park City signed the agreement in January and made the first option payment of \$1.5 million, which is not refundable, Thomas said they had 60 days to come up with the remaining balance of \$13 million.

The contract had a second option payment for an additional \$1.5 million that would extend the closing date to June 15, but that money had to be found by March 15. Thomas said, before the



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city committed to anything further, he and the council wanted to wait to see how successful the fund raising efforts were.

Locals, residents from surrounding communities, and other leaders from other municipalities raised \$9.5 million before the deadline and Park City Council voted unanimously on Thursday to make the second option payment.

Fisher has 26 years of experience working on land conservation projects in Utah and said the combined efforts of so many is something new.

"I have never seen 11 nonprofits bond together for the same purpose as three different county jurisdictions," Fisher said. "Different municipalities and over 15-hundred individuals throughout the Salt Lake Valley and the Wasatch Back, and that's heroic."

Bridgette Meinhold is an artist who lives in Wasatch. She is one of several individuals who made donations to the effort. Her painting of Bonanza Flat raised \$23 thousand dollars. She told members of the Park City Council in the beginning of the year that Bonanza Flat is a place of inspiration, exploration and preservation that attracts hikers, skiers and explorers from all over

Fisher said she's confident the groups will raise the remaining \$3.5 million.

"We have had contributions from \$1 dollar to \$50 thousand dollars," she said. "That is part of what makes this preservation campaign so heartwarming. This is an equal opportunity landscape, and people care."

Salt Lake City Public Utilities and Metro Water District is working to determine exactly how much they can contribute.

Summit County has pledged \$5.75 million and Fisher says Salt Lake County is meeting on Tuesday to consider a contribution to help protect the land.

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6. **Zion now nation's 5th-busiest park**

The Spectrum, March 13 | David DeMille

Zion, Bryce Canyon, Canyonlands and the rest of Utah's national parks all set new attendance records in 2016. So did nearby neighbors like Grand Canyon National Park and smaller attractions Cedar Breaks National Monument.



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In fact, record-breaking visitation numbers were common at parks across the country last year, with a new government report showing 330.97 million total recreation visits to national parks, a 7.72 percent increase over 2015.

A strong economy, good weather and low gas prices were credited for much the increase, along with the National Park Service's Find Your Park marketing campaign, which aimed to draw more visitors to celebrate the 100th anniversary of its creation

Smaller parks average double-digit increases by percentage, something Mike Reynolds, acting director for the National Park Service, said warranted special notice.

"That shows the breadth of support for parks and, I think, that the (Find Your Park) campaign launched with the National Park Foundation reached new audiences," he said.

But across Utah and much of the west, the numbers appear to be part of a much longer overall trend.

The numbers were more pronounced in and around the Beehive state — a 17 percent jump at Zion, a 26 percent jump at Bryce Canyon National Park and similar spikes at Arches, Canyonlands and Capitol Reef. Grand Canyon National Park, just across the Arizona border, had a record 6 million visitors, up 8 percent.

Over the last five years, some of those parks have seen attendance nearly double.

Since 2010, Zion has gone from 2.67 million visitors to 4.30 million. Bryce Canyon has gone from 1.29 million to 2.37 million. Capitol Reef has jumped from 662,661 in 2010 to 1.06 million last year. Over the same timeframe, the Grand Canyon is up 36 percent.

Some of the growth has come from a concerted effort by state and local governments.

Utah's state-funded Mighty 5 campaign ran ads nationally and internationally, and local tourism offices have pushed their own promotions.

While the larger numbers have helped boost tourism numbers and aided a park service mission to appeal to a wider audience, they have also led to uncomfortably large crowds and more stress on some parks.

Zion, Bryce Canyon and other nearby parks have raised user fees in recent years, and some parks are even considering limits on how many visitors can be allowed.



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Zion has been one of the most obvious examples nationally, with park officials embarking on a multi-year planning effort to try and find solutions to what has quickly developed into a sometimes debilitating problem.

In a presentation before the Washington County Commission late last year, Park Superintendent Jeff Bradybaugh described problems keeping up with demands for parking, trail maintenance and basics like trash pickup.

Park officials, operating on budgets that have barely grown in years, report widespread issues keeping up with repair and maintenance.

At Bryce Canyon, there are projects planned for the next year to perform routine repairs and maintenance, but none to expand existing infrastructure, said Kathleen Gonder, chief of interpretation and public information officer for the park.

Some 60 percent of the park's visitors are international, she said, noting that park officials everywhere are wondering whether the growth trend will continue.

"There has been a lot of talk about whether these huge jumps will sustain themselves and continue on or whether it was just a temporary thing," she said.

Temporary or not, all the tourism has had a massive impact on Utah's economy, helping drive a tourism industry that state leadership credits for supporting one out of every 10 jobs in the state.

The Utah Office of Tourism reported earlier this month that travelers to Utah spent \$8.17 billion in 2015 and generated \$1.15 billion in tax revenue.

Many were paying close attention last week when President Donald Trump's new Interior Secretary Ryan Zinke paid a visit to Glacier National Park to announce the new visitation data and discuss the park's maintenance backlog with Park Superintendent Jeff Mow.

"Growing up near Glacier National Park, I understand the value these places bring to local economies and in preserving our heritage," the Montana Republican said. "As we enter into a second century of service and visitation numbers continue to increase, we will focus on maintenance backlogs and ensuring these special places are preserved for future generations."

Funding is likely to remain the largest obstacle. Park budgets haven't seen a substantial increase since they were hit by sequestration cuts in 2010. Nationwide the park system has reported a \$12 billion infrastructure repair backlog.



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7. **Overturning Bears Ears an uphill challenge, lawyers say**

The Durango Herald, March 13 | Jim Mimiaga

BLUFF – Utah legislators and the San Juan County, Utah, commission are urging President Donald Trump to undo the controversial Bears Ears National Monument. But at a legal forum last week put on by Friends of Cedar Mesa in Bluff, lawyers said such a move is unlikely.

And if an attempt was made to undo the 1.3 million-acre monument or reduce its size, environmentalists and Native American tribes said they would put up a fight.

“It is time to address the elephant in the room, and discuss the possibility of the monument being undesignated or shrunk,” said moderator Carl Rountree.

Newly appointed Interior Secretary Ryan Zinke has told anti-monument Utah politicians that one of his first plans was to visit the state to discuss Bears Ears.

“I’m looking forward to working with Zinke, and he will be here in the very near term,” said Utah Bureau of Land Management Director Ed Roberson. “We’re waiting to hear from him and the administration that the monument stands, then hiring a monument manager will be one of the first actions.”

John Ruple, an attorney with the Wallace Stegner Center for Land, Resources and the Environment, said no monument designation has ever been overturned since the 1906 Antiquities Act authorized them, but a few have been significantly reduced in size.

Ruple said overturning or shrinking a monument must pass a two-part legal test: Did the president identify objects of scientific and historic interest, and did he designate the smallest boundary necessary to protect those resources?

If the answer is yes, then it is on solid legal ground, he said.

“Most important, the court said we are not going to second-guess the president on those facts,” Ruple said.

He said the fastest time a monument was reduced in size was three years. If one was drastically reduced, it would likely face legal challenges if resources identified in the monument proclamation were put at risk.



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Lawyers said that nothing in the Antiquities Act speaks to undoing monuments, and no president has ever tried to nullify one.

In passing the Antiquities Act, Congress granted designation of national monuments by the president under the authority of the Property Clause of the U.S. Constitution, Ruple said.

However, there are 16 examples where monuments have been reduced, mostly a small boundary adjustment or involving rights of way, Ruple said. Four were reduced significantly.

“That implies congressional consent, so those opposed could make the argument the president should be able to exercise a boundary adjustment based on new information and his convictions,” he said.

Nada Culver, an attorney for The Wilderness Society, noted that none of the monument boundary changes were challenged in court, something that local environmental groups and tribes are prepared to do.

Alfred Lomaquahu, vice chairman of the Hopi Tribe and who has ancestral ties to Bears Ears, said the monument has shrunk to 1.35 million acres from the proposed 1.9 million acres.

“Why make it smaller? That concession has already been made, and it left out significant archaeological sites,” he said. “Our main concern is looting and desecration of sites. We would put up a big legal fight if there was an effort to reduce the protections of the monument because we want to keep what we fought so hard for.”

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8. **NATIONAL MONUMENTS: BLM blocked from starting ATV trails in Bears Ears**

E & E News, March 14 | Scott Streater

The Bureau of Land Management cannot begin construction of motorized vehicle trails through a section of the newly designated Bears Ears National Monument in southeast Utah until after an administrative appeal challenging the trails is resolved.

The Interior Board of Land Appeals (IBLA) late yesterday issued an [order](#) granting a coalition of environmental groups' [petition for stay](#) that blocks construction of the all-terrain vehicle trails while the appeal is heard.

The petition for stay was part of a broader [appeal](#) filed with IBLA in January by the groups challenging BLM's decision last year to authorize construction of about 6.4 miles of ATV trails



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in the Indian Creek corridor. It runs along the eastern boundary of Canyonlands National Park and is within the boundaries of the new national monument (E&E News PM, Jan. 19).

The four groups — the Southern Utah Wilderness Alliance (SUWA), the Grand Canyon Trust, Great Old Broads for Wilderness and the Utah chapter of the Sierra Club — say the trails would violate President Obama's proclamation issued in late December designating the 1.35-million-acre national monument.

"We're very encouraged by the Interior Board of Land Appeals decision to stay construction of the new ATV trail pending a resolution of the appeal on the merits," said Kya Marienfeld, SUWA's wildlands field advocate in Moab, Utah.

"The BLM should not have rushed this decision through without opportunity for public input in the first place, and to do so in an area that is now a national monument was particularly egregious," she added.

BLM issued a [decision record](#) and a [finding of no significant impact](#) approving the ATV trails, as well as construction of three new parking areas on previously disturbed land, just days before Obama designated the Bears Ears monument.

A BLM spokeswoman said the agency cannot comment on pending legal matters.

The ATV trails were proposed by San Juan County, Utah, in 2005, and BLM has been evaluating them ever since, including conducting three environmental assessments (EAs) in 2011, 2012 and 2014. That's in addition to the [EA](#) issued by BLM in December that formed the basis for the agency's recent approval of the trails.

BLM in February 2015 approved construction of the so-called Indian Creek ATV project. But the same coalition of conservation groups challenged the decision, and IBLA issued a stay. It later vacated BLM's approval and remanded the decision documents to the agency for further analysis.

BLM's latest decision approves much the same trails in the plan that IBLA rejected nearly two years ago, critics say.

In the 10-page order, IBLA wrote that the groups requesting the stay met the four-part test needed to justify the motion being granted.



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Specifically, the groups demonstrated that they would suffer "irreparable harm" if the stay was not granted. They also showed there was a "likelihood" they would succeed in their appeal based "on the merits" of the case and that a stay was in the "public interest."

In the order, IBLA notes that BLM would begin construction on the trails "most likely before we reach the merits of the appeal. BLM does not dispute the immediacy of appellants' alleged harm."

The order also states that the trails do appear to violate the presidential proclamation establishing Bears Ears National Monument.

"Appellants argue, and BLM does not dispute, that the Proclamation requires that BLM only designate new roads and trails if they are necessary for public safety or protection of the objects protected under the Proclamation," the order says.

"Because the ATV trails here are for recreational purposes, and not for public safety or protection of objects protected under the Proclamation, we conclude, at this preliminary stage of the proceedings, that the trails are inconsistent with the Proclamation," it says.

But, because BLM issued the decisions to allow the trails before Obama's designation, "we must consider whether BLM's decision is subject to the Proclamation's restriction on new ATV trails," the order states.

The environmental groups argue that even though the decision was made prior to the presidential proclamation, it did not take effect until 30 days later, on Jan. 14, well after the monument was designated.

IBLA says in the order that "we agree" with this argument.

"In sum, the plain language of the regulations supports appellants' argument that the decision at issue was not effective prior to the designation of Bears Ears National Monument," the order says. "We therefore conclude that appellants have demonstrated a sufficient likelihood of success on its claim that the decision on appeal is inconsistent with the Bears Ears National Proclamation such that a stay is warranted pending a decision on the merits of the appeal."

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E&E/NATIONAL NEWS – FULL STORY

1. **Op-Ed: Good News For Grouse & The Economy**

The Daily Caller, March 13 | Brian Seasholes

Across 173 million acres in 11 western states there is good news for a chicken-sized bird known as the greater sage grouse and for the economies of rural, natural resource-dependent communities. One of the Obama administration's most pernicious regulatory initiatives can potentially be eliminated—15 federal sage grouse plans that cost an estimated \$7.7 billion annually and 31,000 jobs, as well as harm the grouse and a host of other species that depend on the same habitat. While the plans technically cover nearly 73 million acres of federal land, they effectively impact almost all of the grouse's habitat, including the 31% that is private, because restrictions on federal lands often impact adjacent and nearby private land.

According to Red Tape Rollback, a project of the Pacific Legal Foundation, the federal government's 15 sage grouse plans can be invalidated through the Congressional Review Act (CRA). "Although the land use plans impose significant restrictions on activity throughout a massive area of the western states, the agencies did not submit it to Congress as required by the CRA," states a post on redtaperollback.com. "Therefore, it cannot be legally enforced and remains vulnerable to congressional disapproval."

The Congressional Review Act requires federal agencies to submit short reports to Congress on final regulations. Under the CRA, Congress has 60 days to review agencies regulations, depending on which of two events occurs later—final agency action or when agencies submit a report to Congress. Once the 60-day clock starts, Congress can take an up-or-down vote on whether to disapprove a regulation. If Congress disapproves and the President signs off, then the agency regulation is wiped off the books and agencies cannot in the future issue another similar regulation unless explicitly authorized through legislation.

The prospect of the 15 sage grouse plans being invalidated is good news for the grouse and rural economies because the plans are poised to do enormous harm to both. A healthy economy is necessary for a healthy environment, including for the greater sage grouse. People, families and communities under financial duress understandably care most about their well-being, such as food, clothing and shelter. Only when people feel financially secure can they afford to turn their thoughts to environmental conservation.

Ironically, at the time the Bureau of Land Management and U.S. Forest Service finalized the harmful sage grouse plans in 2015, the bird was doing fine, with an increasing population of



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nearly 425,000, due to a successful incentive-based approach to conservation led by states. The penalty-based approach embodied by the 15 federal plans is the surest way to harm the bird, which is apparent when compared to several realities of successful sage grouse conservation.

First, private land, not federal land, is the linchpin for sage grouse. “Wetlands are keystone features that structure [sage grouse] populations,” according to Patrick Donnelly, U.S. Fish and Wildlife Service biologist. As revealed by Donnelly’s research, over 80% of the wetland habitat grouse, especially hens and chicks, rely on in the summer is privately owned. “With 81 percent of sparse summer habitat in private ownership, sage grouse success is inextricably linked to ranching and farming in the West,” Donnelly stated.

Yet the 15 federal sage grouse plans are poised to damage private wetland habitat by eliminating and reducing permitted livestock grazing on tens of millions of acres of federal land. This will harm the sage grouse by putting ranching families under financial duress, by increasing the likelihood ranchland will be subdivided and sold (which generally decreases its ecological value), and by forcing ranchers to graze livestock more intensively and for longer periods of time on their private land in order to compensate for lost forage on federal land. While grazing and sage grouse conservation are mutually beneficial, the timing and intensity of grazing is key. Too much summer grazing in wetland areas can be harmful. “The failure of a national strategy to recognize sage-grouse dependence on private lands may result in regulations which ultimately increase sage-grouse habitat loss and fragmentation on private lands if landowners are forced to intensify management actions to offset lost revenues from public land grazing allotments,” according to comments filed by Utah about the state’s federal sage grouse plan.

Second, conservation, whether for sage grouse or any other species, means hands-on work over years, if not decades. The people best able to provide constant, hands-on conservation for the sage grouse on private and public land are the tens-of-thousands of ranchers, their families and employees scattered across the species’ habitat. Ranchers represent by far the largest conservation force for the sage grouse. Furthermore, ranchers are, by profession, land and resource managers who are very capable of implementing conservation measures for the grouse—so long as they are not punished and their livelihoods not threatened.

Third, successful sage grouse conservation is based on the incentive-based model that looks a long like cooperative extension, not the penalty-based, command-and-control approach embodied by the 15 federal plans. Cooperative extension, which is focused on gaining landowners’ voluntary cooperation through technical assistance and cost sharing to implement conservation projects, is largely based in the land grant universities in every state, including the



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11 in sage grouse country. Landowners generally like cooperative extension because they respond well to the open hand of friendship, not the closed fist of regulation.

Fourth, successful conservation depends on sustainable, long-term relationships among the people involved. Cooperative extension and states are very good at fostering such relationships. By contrast, the 15 federal sage grouse plans result in mistrust and suspicion by landowners and communities toward the federal government

Former Interior Secretary, Sally Jewell, called the 15 sage grouse plans “the future of American conservation.” In reality the plans represent yet another version of penalty-based conservation, which is a lose-lose for the sage grouse and rural economies. Fortunately, the Congressional Review Act offers an opportunity to reconsider these ill-conceived and harmful plans.

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2. Flight educates officials about oil, gas sites

The Farmington Daily Times, March 14 | Noel Lyn Smith

FARMINGTON — Environmental advocates gave officials from chapters in the Northern Agency an elevated view of natural gas and oil production on the Navajo Nation on Monday.

The flight was conducted in response to growing pressure to repeal a new federal rule meant to reduce methane emissions and to show leaders the environmental impact of such production.

In November, the Bureau of Land Management issued new regulations for methane emissions for flaring, leaking and venting from oil and natural gas production on public and tribal lands.

Efforts are underway to repeal the rule, including a joint resolution introduced in January by U.S. Sen. John Barrasso, R-Wyo. The resolution has been referred to the Senate Committee on Energy and Natural Resources, which has yet to address the proposal.

For Laurie Weahkee and Sam Dee, now is the time to generate support for keeping the rule in place, as well as advocating for the Navajo Nation to develop a similar rule under its own EPA.

Weahkee is the executive director for the Native American Voter Alliance, and Dee is an independent consultant with 40 years of experience in the oil and natural gas industry.

One of the reasons the flight was scheduled, Dee said, was to help broaden the perspectives of chapter officials about drilling activities.



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"We have some issues with methane because it is affecting the environment, health," Dee said.

EcoFlight, a nonprofit organization based in Aspen, Colo., provided air transportation for the tour.

Flying over tribal land southeast of Farmington, tribal leaders saw numerous production sites dot the landscape and nestle in the ridges of the plateau.

Shiprock Chapter President Duane "Chili" Yazzie said the flight showed him that "every nook and cranny" had roads, tanks and pump jacks, and that activity increased his concern about the environmental impact of oil and gas activity.

"My thought was it is an over proliferation of development. The only conclusion I can make out of that is, it's greed. Industry is not satisfied with what it is getting out," Yazzie said.

Aneth Chapter President Wesley Jones and Navajo Nation Council Delegate Davis Filfred were part of the flight that traveled into southeast Utah.

Jones said natural gas and oil production have caused pollution, and that activity is causing vegetation to deteriorate.

There are Navajo elders who use plants for medicinal purposes, and certain plants are becoming scarce, he said.

Weahkee and Dees were part of a group from the Navajo Nation who traveled to Washington, D.C., in early February to meet with federal lawmakers about the need to keep the regulation in place.

"I think it was important for them to hear from affected Navajo people and communities. ... Our hope is that they'll recognize that this is a very pragmatic and practical rule that they should not overturn," Weahkee said.

Under the regulations, oil and gas producers will be responsible for updating equipment, using current technology to reduce flaring and conducting periodic inspections to check for leaks.

Wally Drangmeister, spokesman for the New Mexico Oil and Gas Association, said there are thousands of low-producing gas wells in the San Juan Basin, and those wells will become uneconomical to maintain as costly regulations are added.



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"Once wells become uneconomical to operate because of increased costs forced by these regulations, they are permanently closed, and the well sites are restored (to a natural state)," Drangmeister said adding job loss will increase if wells close.

He added that a calculation by the New Mexico Tax Research Institute projects the rule will cost the state approximately \$105.1 million over the next three years.

"For decades, environmental groups have consistently accused the oil and gas industry of being greedy and motivated solely by profits, but now they claim the oil and gas industry is purposefully wasting natural gas that is costing the state of New Mexico millions in royalties," Drangmeister said.

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3. **INTERIOR: FWS assistant director enabled employee misconduct — IG**

E & E News, March 14 | Corbin Hiar

A former Fish and Wildlife Service assistant director repeatedly failed to investigate outside work his deputy did for a group they helped oversee and allowed that employee and others to commit travel fraud dozens of times, according to the Interior Department's inspector general.

Hannibal Bolton, who has since left FWS, didn't provide "basic supervision to his employees" and enabled their misconduct while assistant director for the Wildlife and Sport Fish Restoration Program, the IG said.

The IG found that Bolton's employee Stephen Barton over seven years collected more than \$375,000 in unauthorized income from the Western Association of Fish and Wildlife Agencies, a state wildlife regulators group, and charged taxpayers over \$96,000 for travel to and food and lodging in Boise, Idaho. That's where WAFWA's headquarters are and where Barton's wife lives, even though his Fish and Wildlife job was based in the Washington, D.C., area (Greenwire, June 8, 2016).

The IG began looking into Bolton after completing the investigation of Barton.

Bolton, who was named senior adviser for diversity and workforce inclusion at FWS after Barton's misconduct was revealed, told investigators that he recalled someone warning him about



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his former deputy's outside income as far back as 2009. But he did nothing to investigate the claim, even though such oversight was a requirement of his job.

"I didn't do anything because I didn't know there was anything to do," he told the IG in a report released yesterday afternoon.

Bolton also signed a form Barton submitted in 2010 claiming he wasn't getting paid by WAFWA "the year after [Bolton] learned that Barton was receiving income from the association," the report said. Then in 2011 and again in 2014, FWS officials raised concerns — which Bolton ignored — about his deputy's conflicting roles.

Meanwhile, Bolton overlooked payroll claims that allowed Barton to rack up the equivalent of nearly 23 weeks of paid leave during a three-year period. Partially as a result, Barton was able to receive a net payout of more than \$20,000 when he retired in May 2016, shortly after FWS received the IG report about him.

Five months later, Barton pleaded guilty to making false statements and concealing about \$300,000 of outside income (E&E News PM, Oct. 25, 2016).

Although he could have faced up to five years in prison and a fine of \$250,000, Barton in February received a sentence of three years' probation and a \$10,000 fine.

"Bolton said it was clear that he had not done a 'complete job' of supervising Barton," the IG noted.

But Barton wasn't the only employee of Bolton's who violated travel policies of the Interior Department, the agency of which FWS is a part. Due to his lax oversight, two unnamed former employees of the service's wildlife and sport fish restoration program were also able to take "personal trips at Government expense between various locations and their homes" outside the Beltway, the IG found.

One former employee claimed \$17,000 in travel and food and lodging expenses flying to his home state between January 2010 and June 2011. The other former official billed taxpayers for over \$6,400 worth of personal travel.

The report was provided to Jim Kurth, the acting director of FWS, "for whatever action he deemed appropriate," the IG said.



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In response to the IG's findings, FWS spokesman Gavin Shire said the agency has "undertaken a comprehensive review of internal controls related to this issue to ensure they are sufficient to prevent similar activities from taking place in the future." He added that "Mr. Bolton has since left the Fish and Wildlife Service."

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4. **CLIMATE: Browner slams 'onslaught' of Obama reg rollbacks**

E & E News, March 14 | Robin Bravender

Carol Browner, who was President Obama's top energy and climate adviser, isn't pleased with the Trump administration's early moves on climate change rules.

"This is an onslaught to repeal and remove all sort of climate change pollution regulations," Browner said today in an interview.

Before working in the Obama White House, Browner was U.S. EPA administrator during the Clinton administration.

Her comments come as President Trump is scheduled to travel to Michigan tomorrow, where he is expected to announce whether his administration will consider lowering vehicle emissions and fuel economy requirements (E&E News PM, March 13).

Browner was a key architect of early Obama administration efforts to reduce auto emissions and boost fuel economy standards.

In response to demands from auto industry CEOs and their trade lobbies, the Trump administration is widely expected to reopen a review of the 2022-2025 vehicle standards finalized in the waning days of the Obama administration. Automakers have said the process was rushed in an effort to lock in a key part of Obama's climate program.

"I think what's surprising is that first of all, industries understand that climate is real and that ultimately they will need to reduce their carbon emissions," Browner said.

By stalling the rules, industry is "giving up some certainty and predictability," Browner said. "We're likely to end up right back where we are. ... I think it's a very short-term gain."

In addition to the anticipated review of the auto standards, the Trump administration is expected to order the repeal of major climat



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5. **AIR POLLUTION: Utah lawmakers use CRA as weapon against haze rule**

E & E News, March 14 | Sean Reilly

Utah lawmakers are seeking to deploy the Congressional Review Act against U.S. EPA's regional haze rule for the state.

Republican Sen. Mike Lee introduced a CRA [resolution of disapproval](#) yesterday, following up on [H.J. Res. 87](#), a similar House measure dropped in Friday by Rep. Jason Chaffetz, another Republican.

The EPA plan, published last July over state objections, would require two coal-fired plants owned by PacifiCorp to slash emissions of nitrogen oxides, with the goal of improving visibility at nine national parks and wilderness areas, including Canyonlands National Park in Utah and the Grand Canyon in Arizona.

PacifiCorp estimates the cost of new pollution controls at \$700 million. The Oregon-based company and state elected officials are contesting the EPA plan in lawsuits filed with the 10th U.S. Circuit Court of Appeals.

In a news release yesterday, Chaffetz echoed their opposition, saying EPA had assumed unwarranted authority "in order to impose significant costs without any discernible benefit."

"Such actions are typical of Obama-era federal overreach and must be repealed," Chaffetz said.

The Congressional Review Act, dating to 1996 but rarely used until this year, allows simple majorities in the House and Senate to overturn relatively recent regulations. Anything put in place on or after June 13, 2016, is fair game, according to the Congressional Research Service.

At Heal Utah, an advocacy group that backs the EPA plan, Executive Director Matt Pacenza called the repeal effort distressing, given that EPA has put years of study into developing its plan.

Utah lawmakers are "choosing politics" over the health of state residents and clearer park vistas, Pacenza said.

The haze program, authorized by the Clean Air Act, aims to restore natural visibility conditions to 156 national parks and wilderness areas by 2064.



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Under the Obama administration, EPA's willingness to use the program to force cleanups of older coal-fired plants has spawned a string of lawsuits.

Among the challengers was Scott Pruitt, EPA's new administrator. As Oklahoma's Republican attorney general, he spent three years in an unsuccessful fight against EPA's regional haze plan for his state.

Last week, the 8th U.S. Circuit Court of Appeals agreed to EPA's request to launch settlement talks in litigation over federal haze regulations for Arkansas (Greenwire, March 8).

In the Utah case, Utah Attorney General Sean Reyes (R) filed a [brief](#) Friday seeking to void the haze plan. PacifiCorp is already seeking a stay; EPA's latest response to that bid is due March 23.

Co-sponsoring the bills introduced by Lee and Chaffetz are the remaining members of Utah's congressional delegation, all of whom are also Republicans: Sen. Orrin Hatch and Reps. Rob Bishop, Chris Stewart and Mia Love.

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6. **FEDERAL AGENCIES: Trump targets 'duplication and redundancy everywhere'**

E & E News, March 14 | Kevin Bogardus

President Trump has ordered federal agencies to come up with recommendations to cut and shift their programs in order to make them more effective.

The president signed an [executive order](#) yesterday to begin the process of what he called "a long-overdue reorganization" of the executive branch's department and agencies. The action fits into Trump's agenda of shrinking federal government where he has also pulled back on regulations and frozen hiring across the agencies.

"Today there is duplication and redundancy everywhere," Trump said before signing the order in the White House's Oval Office. "Billions of dollars are wasted on activities that are not delivering results for hard-working American taxpayers, and not even coming close."

Trump said his order requires an examination of every department and agency to eliminate waste and improve service. Office of Management and Budget Director Mick Mulvaney will oversee the evaluation.



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"We will develop a detailed plan to make the federal government work better — reorganizing, consolidating and eliminating where necessary," Trump said. "In other words, making the federal government more efficient and very, very cost-productive."

Trump then said that his administration would work with Congress to implement the recommendations to reorganize government resulting from the order.

Within 180 days of the date of the order, each agency head will submit a reorganization plan to OMB. Within 180 days after that, OMB will submit a reorganization plan for the federal government to the president, considering several factors, including whether state and local governments can take on federal functions, whether some agency programs are redundant as well as the costs of shutting down or merging agencies.

Earlier yesterday, at the start of his first Cabinet meeting, Trump touted actions by his young administration, including "rolling back job-crushing regulations at a faster clip than ever before by far."

He also said the order he signed yesterday would "begin the process of reorganizing the executive branch to make it less wasteful and more productive."

The order comes as Trump is set to introduce his first budget blueprint to Congress on Thursday.

The fiscal 2018 proposal is expected to have massive cuts across the federal government, including to energy and environmental agencies like U.S. EPA and the Department of Energy, to help fund a \$54 billion boost to defense spending. The reorganization order could help those agencies find duplicative programs to cut to deal with budget losses under Trump.

The administration doesn't have a savings goal in mind for the order. In yesterday's briefing for reporters, White House spokesman Sean Spicer said, "There's no set number that we're driving down to as we review government."

Discussing the reorganization order, Spicer said some federal agencies' missions may "no longer be relevant."

"Sometimes you just walk into an agency and you realize that agency's mission is no longer relevant or that it's duplicative in three other agencies, or that there are too many people performing a function that no longer exists for a variety of reasons," Spicer said (E&E News PM, March 13).



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Republicans cheered Trump's order yesterday.

"This directive from the president will allow agencies to address areas that are wasteful, and prioritize the departments and programs that are most needed by Americans. It is time the federal government address overlap, duplication and wasteful spending — and this is a strong step in the right direction to achieve these goals," said Sen. James Lankford (R-Okla.).

Others were more skeptical about the order. David Goldston, government affairs director of the Natural Resources Defense Council, said, "How our government is organized can have an enormous and direct impact on our health and well-being — both good and bad."

"In the past, some leaders have tried to rearrange how the government is organized as a way to slip through fundamental and durable changes that they know would be too controversial to approach head-on. So we will review the detailed proposals very, very closely," Goldston said.

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7. PUBLIC LANDS: Greens slam sponsors of bills for transferring federal tracts

E & E News, March 14 | Jennifer Yachnin

The Center for Biological Diversity today fired back against lawmakers who've sponsored legislation that would transfer federal lands to state ownership, branding 15 members of Congress as "Public Lands Enemies."

In a new report, CBD analyzed legislation introduced in the three preceding sessions of Congress, finding a total of 132 bills that the conservation group deemed would "give away, dismantle, destroy or privatize America's public lands, placing extractive interests over wildlife, habitat protection, clean water, air and recreation."

The report targets the primary sponsors of those bills — nine House lawmakers and six senators, all of whom hail from eight Western states.

"These 15 members of Congress are trying to turn America's public lands into an open cash register for corporations," CBD Public Lands Director Randi Spivak said. "For everyone who cares about our national forests, wildlife refuges, national parks and monuments, these elected officials need to be watched very closely and opposed at every step."



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Members from Utah's six-member congressional delegation dominate the list, with Sen. Mike Lee (R) and House Natural Resources Chairman Rob Bishop (R) nabbing the list's top two spots, respectively.

The Utah group also includes Sen. Orrin Hatch (R), Rep. Chris Stewart (R) and House Oversight and Government Reform Chairman Jason Chaffetz (R).

Among its complaints, CBD pointed to Lee's sponsorship or co-sponsorship of 21 bills, including measures to limit the president's authority to designate new national monuments via the Antiquities Act as well as his opposition to the Land and Water Conservation Fund.

Similarly, CBD criticized Bishop for his sponsorship or co-sponsorship of 30 bills, as well as his sponsorship of a measure in House rules that would make the transfer of public lands "budget neutral." It's a change that Bishop has defended as a simple accounting measure but that critics see as a step toward easing the transfer of public lands.

CBD also slammed Bishop over his sponsorship of the Utah Public Lands Initiative, a proposal intended to settle public land disputes in the state and avoid former President Obama's designation of the Bears Ears National Monument in the state's southeast corner. Obama moved ahead with the designation in December.

Other GOP lawmakers targeted by the conservation group are Reps. Paul Gosar of Arizona, Don Young of Alaska, Raúl Labrador of Idaho, Mark Amodei of Nevada, Steve Pearce of New Mexico and Tom McClintock of California, along with Wyoming Sen. John Barrasso, Arizona Sen. Jeff Flake, Nevada Sen. Dean Heller and Senate Energy and Natural Resources Chairwoman Lisa Murkowski of Alaska.

The report detailed legislation sponsored by each lawmaker, dividing bills into four categories: land seizures, or the disposal of public lands to states or private groups; private or state control of public land, in which management and operational authority is handed over; weakening federal protection, such as environmental laws or rules; and "no more parks, monuments or refuges" for those bills that would amend the Antiquities Act.

The publication also detailed the contributions each lawmaker's campaign committee has received from donors in industries including oil, natural gas and coal, drawing on data maintained by the Center for Responsive Politics.

"The Bundy clan's attempt to seize federal land by force last year may be viewed as extreme — but these members of Congress share the same end goals: the dismantlement of the federal land



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system," Spivak said, referring to the occupation of the Malheur National Wildlife Refuge in Oregon by a group led by brothers Ammon and Ryan Bundy. The pair, along with their alleged co-conspirators, were acquitted by a jury earlier this year.

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8. **DAKOTA ACCESS: Company calls religious claims 'last-gasp' effort against pipe**

E & E News, March 14 | Ellen M. Gilmer

Dakota Access pipeline lawyers pushed back yesterday on yet another bid to halt the almost-complete oil project.

In a brief filed at the U.S. District Court for the District of Columbia, company lawyers accused the Cheyenne River Sioux Tribe of raising religious freedom issues merely as a "last-gasp" legal maneuver.

"The free exercise of religion is indisputably important to the functioning of a free society," company lawyers told the court. "Like all important rights, however, it should not be held back only for use as part of a last-gasp litigation tactic."

The argument comes as the Cheyenne River Sioux Tribe on Friday launched another effort to block completion of the pipeline. After the district court last week rejected the tribe's recent religious freedom claims, tribal lawyers took their arguments to the U.S. Court of Appeals for the District of Columbia Circuit. They're also asking the district court to issue an injunction blocking oil from flowing through the pipeline while the appeal moves forward.

"The Tribe's free exercise of religion is at stake, a right paramount in the United States' Constitution, and it would be egregious for this Court to wait until the harm occurs to provide equitable relief," they told the district court (Energywire, March 13).

The tribe says the presence of oil beneath Lake Oahe will desecrate waters used in Lakota sacraments, amounting to a violation of the Religious Freedom Restoration Act.

The Army Corps of Engineers is expected to file its opposition brief today, and Judge James Boasberg will likely decide the matter quickly. If he rejects Cheyenne River's request, the tribe will ask the D.C. Circuit to issue an injunction.



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Meanwhile, pipeline construction is nearly finished. Company lawyers told the district court yesterday that workers are almost ready to insert pipe beneath Lake Oahe a half-mile north of the Standing Rock Indian Reservation in North Dakota. The company expects to introduce oil into the pipeline early next week — a slight delay from previous projections that oil would flow this week.

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9. **CLIMATE: Methane from power plants far exceeds EPA estimates — study**

E & E News, March 14 | Hannah Hess

A new study shows that estimates of how much methane escapes from natural gas-fired power plants and oil refineries could be much too low, pointing to pollution from leaky industrial hardware.

Researchers from Purdue University estimated that emissions from power plants fueled by natural gas could be 21 to 120 times higher than figures in U.S. EPA's most recent final greenhouse gas inventory. For oil refineries, emissions may be 11 to 90 times higher than EPA estimates.

The [study](#) was published yesterday by the journal Environmental Science & Technology.

The team used Purdue's flying atmospheric chemistry lab — a Beechcraft Duchess light twin-engine airplane equipped with an airflow measurement probe — to collect daily samples at three natural gas power plants and three refineries from July 30 to Oct. 1, 2015.

"Our objective was to collect reliable data to compare to the inventories," said Paul Shepson, director of Purdue's Climate Change Research Center.

EPA's greenhouse gas reporting program focuses on how much escapes from belching power stacks, without considering that methane could be leaking from compressors, valves and industrial hardware, Shepson explained.

"The good news from our study is that while emissions are greater than anticipated, natural gas-burning power plants are still cleaner, relative to burning coal," Shepson said.

The amount of methane escaping from the plants in the pilot study, combined with previous estimates of methane leakage in the supply chain, is still below the "breaking point" at which it



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would cancel out the positive climate impacts of switching from coal to natural gas, Shepson explained.

The study was conducted in collaboration with the Environmental Defense Fund, with funding provided by the Alfred P. Sloan Foundation. Researchers hope to form a partnership with utilities, offering their sophisticated measurement techniques to understand more about which components may be leaking.

"More measurements are needed to better understand the methane emissions from these sectors," said Joseph Rudek, a lead senior scientist at EDF and a co-author of the paper.

EPA did not respond to an inquiry about the study.

Shepson stressed in an interview today that he never wants to be critical of EPA and thinks the work the agency does is valuable and important. With the study, Shepson said, he hopes to contribute to the conversation around how to protect air quality and "make some positive headway" on climate change.

EPA published its draft greenhouse gas inventory last month, showing that total U.S. emissions declined 2.2 percent between 2014 and 2015, spurred by changes in the power sector (Greenwire, Feb. 14).

According to the draft version, natural gas systems in 2015 emitted a total of 166.5 million metric tons of carbon dioxide equivalent, down from 176.1 million metric tons in 2014 and 175.6 million metric tons in 2013.

Methane emissions resulted primarily from domestic livestock, EPA said.

Last year, the oil and gas industry accused EPA of playing politics with its estimates in an attempt to justify new methane rules for the sector (E&E News PM, April 19, 2016).

Seth Whitehead, a researcher for the industry group Energy in Depth, today stressed that study after study has shown that the transition to natural gas has dramatically reduced greenhouse gas emissions.

"Even if this study's methane emission estimates are correct, they show that emissions from power plants and refineries are still negligible and would account for just 0.09 percent of total 2014 methane emissions," Whitehead said.



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"It is also important to understand the limitations and flaws that the authors highlighted," he added. "They note that there were 'high uncertainties' in the emission estimates for two of the three natural gas power plants studied and that this study includes only 'preliminary estimates,' which were collected during peak operating hours at these facilities, suggesting the estimates may be overstated."

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10. **WHITE HOUSE: Waiting game continues for Clean Power Plan order**

E & E News, March 14 | Robin Bravender

The wait is on for President Trump's expected move to begin dismantling a major Obama-era climate rule.

Trump was expected to sign off today on an order directing U.S. EPA to repeal the so-called Clean Power Plan rule to slash power plants' greenhouse gas emissions, but the order appears to have been delayed yet again.

A White House official today said there are no announcements to make regarding the timing of Trump's directive.

Both the timing and the rumored contents of the order have been in flux. The administration had planned to release the order last week but pushed back its plans.

Some stakeholders expect Trump to issue a broad order to topple several major energy policies, including the Clean Power Plan, a related rule to curb new power plants' emissions, the Obama-era moratorium on coal leasing on federal lands and potentially other policies.

Others are expecting the Clean Power Plan to be tacked onto a narrower directive that zeros in on the power plant rule.

Supporters and foes of the Obama-era rule are eager to see the contents of Trump's directive, which won't come as a surprise. Trump made the repeal of the climate change rule one of his top energy priorities, and EPA Administrator Scott Pruitt helped lead the lawsuit challenging the regulation during his tenure as Oklahoma's Republican attorney general.

It still seems possible that the climate order could come this week, although much of Trump's schedule today is devoted to health care discussions. He is slated to talk about overhauling



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President Obama's health care plan this afternoon with Secretary of Health and Human Services Tom Price and top House Republicans.

Energy and climate issues are on Trump's agenda for tomorrow, however. The president plans to travel to Michigan, where he is expected to announce whether his administration will consider lowering vehicle emissions and fuel economy requirements (E&E News PM, March 13).

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