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Attached is the daily news report for July 8 - 10.

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DAILY NEWS REPORT - UTAH

UTAH – TOP STORIES – JULY 8-10, 2017

1. **Tribune Editorial: Happy trails, outdoor retailers, until we meet again**

The Salt Lake Tribune, July 8 | Editorial Staff

The tents are going up on South Temple. Restaurants are stocking up on craft beers. In a couple of weeks, the army in cargo shorts will invade for the last time.

2. **Summit County drafts plan for managing resources on public lands**

The Park Record, July 7 | Angelique McNaughton

Summit County has joined the 28 other counties in the state in drafting a plan for how natural resources are managed on federally-owned public lands.

3. **Hatch praises Zinke's order to streamline process for leasing permits**

Utah Policy, July 9 | Press Release

Senator Orrin Hatch, R-Utah, the senior Republican in the United States Senate, praised Secretary of the Interior Ryan Zinke's Secretarial Order 3354, which tackles the extensive backlog in federal onshore oil and gas leasing permits.

4. **Is seven-county coalition squandering money earmarked for rural Utah?**

The Salt Lake Tribune, July 9 | Brian Maffly

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5. **Gradual demobilization under way for crews on Brian Head Fire**

The Salt Lake Tribune, July 10 | Bob Mims

A gradual demobilization was under way Monday along the fire lines near southern Utah's Brian Head resort, where remaining crews hoped to have a 71,660-acre blaze tamed by next weekend.



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6. Grand Staircase-Escalante was set up to fail

High Country News, July 10 | Christopher Ketcham

When Carolyn Shelton began working at southern Utah's Grand Staircase-Escalante National Monument in 2001, she expected to leave it in better shape for the next generation.

E&E/NATIONAL NEWS – TOP STORIES

1. Retrial Set for Defendants in Bundy Standoff Case in Nevada

U.S. News, July 9 | Ken Ritter, AP

LAS VEGAS (AP) — Federal prosecutors in Nevada are about to try again to prove that four men should spend decades in prison for bringing assault-style weapons to a confrontation that stopped government agents from rounding up cattle near Cliven Bundy's ranch more than three years ago.

2. METHANE: Greens, health groups dominate EPA hearing on rule delay

E & E News, July 10 | Arianna Skibell

Environmentalists came out in force today to oppose U.S. EPA's bid to further delay portions of an Obama-era rule for curbing methane emissions at oil and gas operations.

3. NATIONAL MONUMENTS: Public comments flood Interior as deadline nears

E & E News, July 10 | Jennifer Yachnin

More than 1.3 million submissions — including some that contain tens of thousands of comments — have poured into the Interior Department ahead of the agency's midnight deadline for public input on its review of the boundaries and management of dozens of national monuments.

4. OIL AND GAS: Enviros, tribes sue over delayed BLM methane rule

E & E News, July 10 | Amanda Reilly

Environmentalists and tribal groups today filed a lawsuit challenging the Trump administration's decision to indefinitely delay an Obama-era rule limiting methane emissions from oil and gas operations on public lands.



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5. **NEVADA STANDOFF: Feds to offer new evidence as retrial begins**

E & E News, July 10 | Jennifer Yachnin

Federal prosecutors this week will begin their second attempt to jail participants in the 2014 armed standoff between ranchers and federal agents near Bunkerville, Nev., after the first trial ended in April with the jury deadlocked over charges against four defendants.

6. **PUBLIC LANDS: Lawmakers take up bill to advance controversial mine**

E & E News, July 10 | Nick Bowlin

Legislation meant to accelerate a proposed Minnesota copper-nickel mine will get its first committee action Friday, just days after being introduced.



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UTAH – FULL STORY

1. **Tribune Editorial: Happy trails, outdoor retailers, until we meet again**

The Salt Lake Tribune, July 6 | Brian Maffly

The tents are going up on South Temple. Restaurants are stocking up on craft beers. In a couple of weeks, the army in cargo shorts will invade for the last time.

Hello and goodbye, outdoor retailers. The massive trade shows that have been a Salt Lake City staple for more than two decades will have their curtain call in two weeks. The shows are leaving for Denver, the capital of a state the retailers say has more respect for its public lands, as evidenced in Utah's rejection of Bears Ears National Monument.

In announcing Denver's selection this week, the retailers also upped the payoff, adding a third show that Denver officials say will put the total economic benefit over \$100 million per year.

"I spend my life trying to think about the economic development strategy for the eastern Plains and rural parts of the state. This is one of the best strategies you can have, to have more small outdoor recreation companies," Colorado Gov. John Hickenlooper said at a Thursday news conference. "This industry is only going to grow. It's like cybersecurity. It's only going to keep growing and growing. ... The more people enjoying outdoor recreation, the better the world is. How can you not support an industry [like this]?"

Utah's leaders found a way, and it was all over a fight they essentially have already lost. Despite a massive push by Gov. Gary Herbert, the Utah Legislature and Utah's congressional delegation, Interior Secretary Ryan Zinke did not recommend that the Bears Ears monument be rescinded.

He did recommend that it be smaller, and that may indeed happen. But there is every reason to believe there will always be a Bears Ears National Monument in Utah. Our leaders' vehemence didn't kill it, but it did chase off the state's largest convention and all the positive exposure that came with it. At best, that was a huge miscalculation.

It is only a matter of time before Utah is talking up the Bears Ears monument in tourism circles, as it should. The unique assets of the region are national treasures, and Utah will one day look at the monument as it does its "Mighty Five" national parks — as another opportunity.



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Zinke also recommended that Congress pass legislation to codify American Indian tribes' involvement in managing the monument, but that may have to wait until Rep. Rob Bishop has retired. Bishop's congressional bill to manage the area — the Public Lands Initiative — appears to be a nonstarter and another thing his co-sponsor Jason Chaffetz left unfinished.

The PLI was hardly an effort at joint management anyway. Bishop ignored the five tribes pushing for a monument until it was too late. Repairing Utah's historic relationship with American Indians may be the bigger missed opportunity than the trade shows.

Meanwhile, we'll still be submersed in outdoor products. Utah remains headquarters to several major industry players, and you can't swing a windbreaker in a brewpub or a ski lodge without hitting a Patagonia label. We also won't be moving our mountains as far from town as Denver's.

We wish you well, outdoor retailers. Perhaps our paths will cross again some day.

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2. **Summit County drafts plan for managing resources on public lands**

The Park Record, July 7 | Angelique McNaughton

Summit County has joined the 28 other counties in the state in drafting a plan for how natural resources are managed on federally-owned public lands.

In 2015, the Utah Legislature passed a measure requiring counties to develop a county-wide Resource Management Plan (RMP). A RMP is a "planning document used to define goals, objectives, and strategies for managing natural resources on public lands within each county," according to a draft of the county's plan.

The bill, H.B. 323, which was amended by H.B. 219 during the 2016 legislative session, states counties must create these plans to address how resources will be managed with regard to 28 topics, including water quality and hydrology, air quality, land access and use, and recreation and tourism, among others.

In March, the county hosted two open houses and solicited input online about the county's plan. At the 2016 Summit County Fair, attendees were asked to complete a public opinion survey to identify the top 5 resource planning topics. The themes that emerged were: water quality and hydrology; wilderness; air quality; recreation and tourism; and wildlife and fisheries.



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The Summit County Council is scheduled to hold a public hearing on the matter at 6 p.m. on Wednesday, July 12, at the County Courthouse in Coalville. The County Council will consider and possibly adopt through an ordinance the resource management plan. The state requires the plans to be submitted by July 31.

Once adopted, the plan will be added to the Snyderville Basin and Eastern Summit County General Plans. The plan has already been recommended for approval by both governing bodies.

"This helps us to work with our federal partners to ensure Summit County's interests are part of the conversation on how federal lands are managed," said Sean Lewis, a Summit County planner and project manager for the drafting of the plan. "The plan only applies to lands within the county under specific federal jurisdiction. This won't change how things are done in the Snyderville Basin or downtown Peoa."

The RMP addresses all of the federally-owned unincorporated areas of Summit County, totaling about 1,180,248 acres, according to the RMP draft. Nearly one-half of the county is mountainous and much of the High Uintas Wilderness Area is located within its boundaries, it states.

"We want to make sure we are protecting these resources and managing them in a responsible and effective way so we can balance the needs of the end-user, for whomever that may be, such as the recreationalist, the hunter or those who are looking for drinking water and clean air," Lewis said. "It is all interconnected."

State and local officials are authorized to furnish advice to the Bureau of Land Management (BLM), with respect to the "development and revision of land-use plans, guidelines, rules and regulations for the public lands," according to the RMP plan. It states this is significant because land-use plans adopted by the BLM are required to "be consistent with state and local plans to the maximum extent consistent with federal law and the purposes of the Federal Lands Policy and Management Act."

Summit County Council member Kim Carson said the county's plan is slightly more focused on environmental protection than some of the other counties' plans. Summit County's plan even added a 29th topic: scenic resources.

Carson said one of the benefits of this process has been meeting with managers of public lands, in conjunction with Wasatch and Utah counties, to explore the issues that each county is facing.

"This provides a template for us to work together with our Forest Service managers," Carson said. "We want to be partners with them. We don't want to take stuff over from them and I am confident we will have a lot in common. The Uinta-Wasatch-Cache National Forest Service area will be due to update its resource management plan and it will be good to have this in place because I think it will serve as a foundation."



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3. Hatch praises Zinke's order to streamline process for leasing permits

Utah Policy, July 9 | Press Release

Senator Orrin Hatch, R-Utah, the senior Republican in the United States Senate, praised Secretary of the Interior Ryan Zinke's Secretarial Order 3354, which tackles the extensive backlog in federal onshore oil and gas leasing permits.

The order will identify solutions to streamline the permitting process for mineral leases on federal lands, and will identify solutions for improved access to additional parcels of federal land that are appropriate for mineral development.

"Washington has continuously stalled the development of our own domestic reserves, especially throughout the Mountain West," Hatch said. "In Utah, where the federal government owns nearly 70 percent of the land, unelected bureaucrats have stymied attempts to recover energy resources via excessive regulatory processes. Even as American energy production has skyrocketed, production on federal lands has remained flat. That is why I strongly support Secretary Zinke's order to hold quarterly lease sales and process leasing permits within the required 30 days. Streamlining approvals of responsible energy development on federal land, and actually holding lease sales, will generate revenue for local communities and give them more access to energy reserves. The Trump administration continues to demonstrate an increased understanding for the importance of cutting the regulatory red tape on America's energy resources, allowing our nation to move toward energy dominance."

Background on Secretarial Order 3354:

As of January 31, 2017, the Bureau of Land Management (BLM) had 2,802 Applications for Permit to Drill (APDs) pending. The five BLM field offices with the highest number of pending APDs are listed below, which account for 2,060 (approximately 74 percent) of the total pending APDs.

Casper, Wyoming: APDs pending: 526

Vernal, Utah: APDs pending: 506

Dickinson, North Dakota: APDs pending: 488

Carlsbad/Hobbs, New Mexico: APDs pending: 388

Farmington, New Mexico: APDs pending: 152



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Last year, the Department of Interior canceled or postponed eleven lease sales. By contrast, the Trump Administration has already held more lease sales in the first six months than in the previous year, offered more acreage in those sales, and raised more revenue than in the same time period last year.

Secretarial Order 3354 directs the BLM to make both federal oil and gas resources and solid mineral resources on the public lands available for the benefit of the citizens of the United States. The Order is in compliance with the Mineral Leasing ACT (30 U.S.C. § 226), which requires oil and gas lease sales “be held for each State where eligible lands are available at least quarterly and more frequently if the Secretary of the Interior determines such sales are necessary.”

The order also directs the BLM to address permitting backlogs and identify areas where improvements can be made in the permitting process to ensure the safe and timely exploration and development of our nation's federal energy resources.

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4. **Is seven-county coalition squandering money earmarked for rural Utah?**

The Salt Lake Tribune, July 9 | Brian Maffly

Several mineral-rich eastern Utah counties banded together a few years ago to build costly commodity-moving projects needed by extractive industries to tap underground resources and get them to market.

Utah's isolation puts energy development at a competitive disadvantage, so, these county officials argue, the state should subsidize export terminals and rail, pipe and utility lines that help move Utah's coal, oil, gas, power and potash. That "throughput" infrastructure, in turn, helps lift economic prospects for rural Utah communities, including Price, Monticello, Huntington, Richfield and Vernal, that have historically relied on resource extraction.

So goes the logic behind the Seven County Infrastructure Coalition (SCIC), which has sought and secured millions from Utah's Permanent Community Impact Fund, a massive pool of federal mineral royalties set aside to help rural areas that struggle with puny tax bases, thanks to having so much public land within their borders.

The fund is overseen by an 11-member community impact board, or CIB for short, which doles out this money to municipalities and special-service districts for projects that address impacts from industrial development and provide essential public services.



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Now, spending by the county coalition — made up of Emery, Duchesne, Uintah, Daggett, Carbon, San Juan and Sevier counties — has come under serious scrutiny from a new board member, state Treasurer David Damschen, who succeeded Richard Ellis in 2015.

Damschen is openly skeptical whether coalition projects, geared toward economic development, are a legal use of CIB money and whether rural Utahns have much to show for millions of dollars that have already passed through the group.

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New reckoning • At Thursday's monthly CIB meeting in Salt Lake City, Damschen put executive director Mike McKee, a former Uintah County commissioner and CIB member, through a tough line of questioning, seeking to learn how the coalition spends its CIB grants and selects outside professional services.

He voiced concern with a lack of transparency in how the coalition operates and with the "public-private" funding model it pursues for proposed projects, such as a transmission line, pipeline and railroad serving the Uinta Basin oil patch.

The treasurer noted that private investors prefer projects with dense traffic and reliable revenue streams that promise higher rates of return.

"The opportunity for deals that will pencil and draw private capital in rural Utah, to call it a steep climb is a tremendous underestimate," Damschen told McKee. "Private capital carries a steeper price tag than municipal debt. You are saddling taxpayers with those costs," Damschen told McKee, who was flanked by the coalition's two top consultants, attorney Eric Johnson and Brian Barton of the Utah civil-engineering firm Jones and DeMille.

Spurring the treasurer's concern was a \$5 million grant awarded to the coalition to inventory eastern Utah's infrastructure. McKee, for his part, noted that the grant and the coalition's mission were nurtured by the CIB's then-chairman Gordon Walker, who retired two years ago, and both enjoyed unanimous board support three years ago.

"We are talking about things that are not typical CIB funding," McKee said. "We are thinking outside the box to look at what can we do to enhance our industries so we can be competitive."

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A wary eye • McKee acknowledged his annual salary is \$160,000, a little less than the \$175,000 paid to his predecessor Sen. Ralph Okerlund, R-Monroe.



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Legal fees have consumed \$377,000, while the Springville-based Jones and DeMille engineering firm was awarded a \$1.7 million contract to conduct the infrastructure study, which appears to be incomplete after more than two years. That study is to help the coalition identify projects to promote.

"I look at the legal expense, the engineering expense and the significant salaries and I don't see any ongoing revenue source that the coalition has other than grants from the CIB. Every dollar that goes into the coalition and these studies is a dollar that doesn't go into good projects in other rural communities," Damschen said.

"We need transparency and we need efficiency," the treasurer said. "I don't doubt anyone's intention, but as a board we have to keep an eye on whether this is an effective use of funds."

The coalition provided data detailing its grant spending, but Johnson resisted its public release, arguing that it and anything else the coalition submits to Damschen should be subject to attorney-client privilege.

The CIB disagreed and released the information to The Salt Lake Tribune.

The document indicates the coalition has thus far spent nearly \$3 million of the grant, much of it on administrative costs, including \$53,638 on "CIB issues" and \$12,095 on a failed bid to direct a \$100,000 CIB grant toward the renovation of a historic swinging bridge just across the Colorado state line in Moffat County.

Cozy relations • Membership in the SCIC has changed since its birth in 2014, but it has always included Emery, Duchesne, Uintah, Daggett, Carbon and San Juan counties. Grand dropped out early on over many residents' objections to the coalition's interest in cutting a highway through the Book Cliffs. Coal-rich Sevier County, meanwhile, joined the coalition this year.

If there is a lot of overlap between CIB and coalition leadership, it is no coincidence. Minerals extracted in coalition counties provide the bulk of CIB revenue, so by law the counties get heavy representation on the 11-member board.

When headed by Walker, the CIB approved huge grants for energy-related projects, such as \$50 million to develop an oil-tanker rail line out of the Uinta Basin and the \$5 million to survey infrastructure in eastern Utah.

At the time, four CIB members were commissioners from coalition counties, while a fifth was an investment banker, Jeff Holt, who specialized in the private-public financing deals that the coalition proposes.



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Holt also was a key figure behind the CIB's controversial decision to loan \$53 million to four coal-producing counties to invest in an export terminal under development in Oakland, Calif. That deal fell apart when the Oakland City Council banned the movement of coal through that East Bay city.

Currently, two CIB members are listed as coalition board members: Carbon County Commissioner Jae Potter and Sevier County Commissioner Tooter Ogden. Until last month, McKee himself was the longest-serving CIB member. He resigned his seat on the Uintah County Commission to take the helm of the coalition. He has since been replaced on the CIB by Vernal Mayor Sonja Norton.

Backing rural Utah • Last year, the CIB distributed \$98.3 million to 76 rural projects. Forty-three percent of that money went in the form of loans, the rest in grants. Roads, public safety, buildings and sewer consumed the lion's share — projects that elsewhere are typically covered by tax receipts in the name of providing basic public services. Under Walker's leadership, the CIB leaned in a new direction: toward massive infrastructure projects meant to encourage more resource extraction and grow the tax revenue pie.

The Oakland export terminal is a prime example, but many in Utah government warned such projects are not eligible for CIB funds under federal law. Last year, the Legislature engineered a workaround by diverting \$53 million from the CIB through the Department of Transportation to set up what now is called the "Throughput Infrastructure Fund," which is to provide loans for pipelines, railroads and export facilities.

This is the same pool of money the county coalition now hopes to tap for a pipeline to move oil from Duchesne to a rail hub at Wellington, among other projects.

Potter, from Carbon County, offered an eloquent defense of the idea.

"Nothing that has been done has not been for the common good," Potter said. "I am looking for additional revenue from these projects to buoy up what he have."

Eastern Utah is not enjoying the economic vitality seen in the rest of the state, so it makes sense, Potter argued, for the CIB to support projects that bolster economies that keep the impact fund flush.

"If the mineral jobs go away, the permanency of this board and what this board does goes away," said Potter. "The thing that we offer is the energy we produce that makes this state what it is."

McKee said he hopes coalition projects will help reduce or eliminate some of Utah's ongoing economic disadvantages, while also fulfilling CIB goals.



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"There are lot of good things happening," McKee told the board. "I want you to know we are not out here on a sinking ship."

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5. Gradual demobilization under way for crews on Brian Head Fire

The Salt Lake Tribune, July 10 | Bob Mims

A gradual demobilization was under way Monday along the fire lines near southern Utah's Brian Head resort, where remaining crews hoped to have a 71,660-acre blaze tamed by next weekend.

About 700 firefighters remained at the Brian Head Fire, roughly half the number that fought the blaze as its height. The fire, sparked June 17 by a weed-burning project gone wrong, destroyed 13 homes and forced 1,500 residents to flee.

All but a few evacuees from remote areas had been allowed to return and the fire was 80 percent contained as Monday dawned, with efforts focused on completing containment lines, dousing flareups and setting strategic backfires to deprive flames of fuels to spread further in the rugged, densely forested terrain.

Weekend thunderstorms also helped some, bringing locally heavy rain showers to parched slopes of mix conifer and brush. More storm activity was expected to continue over the next couple days.

"On the north end of the fire we're mopping up hot spots, and on the southern part of the fire we're mopping up hot spots," Fire Information Officer Julie Thomas said. "It's coming along very nicely."

As the Brian Head blaze wound down, fire managers were continuing to "release crews and equipment so they can help out on other fires" in the western states.

Meanwhile, the Coyote Fire was near containment after having burned about 300 acres in northwestern Utah's Box Elder County.

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6. Grand Staircase-Escalante was set up to fail

High Country News, July 10 | Christopher Ketcham

When Carolyn Shelton began working at southern Utah's Grand Staircase-Escalante National Monument in 2001, she expected to leave it in better shape for the next generation.

Fifteen years later, in spring 2016, her old friend Mary O'Brien, a local biologist, invited her over for dinner to celebrate her upcoming retirement. Shelton's eyes welled with tears at the thought of leaving. She had risen in the ranks — she was an assistant manager, the third most powerful person at the monument — but had not accomplished what she'd wanted, had not protected the land as she'd intended. "Mary, I tried," she told her friend. "I tried and I failed."

Perhaps she was being too hard on herself. The forces arrayed against conservation in southern Utah were deeply rooted. County commissioners, state elected officials, the entire Utah congressional delegation — all were against the monument from the moment of its creation in 1996. They considered it a usurpation of local power, and they had acted at every chance to attack its legitimacy. Even the agency tasked with managing it — Shelton's employer, the local field office of the Bureau of Land Management — sometimes seemed to conspire against its success. Shelton often felt her own colleagues were "moles" bent on undermining the mission. The Department of the Interior, which oversees the BLM, and Congress, which funds Interior, had not helped. By 2016, the budget for Grand Staircase had dropped to \$4 million from \$16 million in 2001. Three-quarters of the staff had been eliminated or driven out by political pressures. "Today, this monument office struggles to do the basic job," Shelton told me recently. "We don't have adequate funding, we don't have adequate staff."

Things were not supposed to go this way. At 1.9 million acres — 53 times the size of nearby Bryce Canyon National Park, bigger than Rhode Island and Delaware combined — the Grand Staircase was to have been the premier research monument in the national system, an outdoor lab for the practice of science. The 1996 proclamation by President Bill Clinton, who established it under the Antiquities Act, "identified the Monument's birth in science," as the BLM's website describes. The vast Grand Staircase, Clinton said in his proclamation, was still a frontier, much of it wild, unspoiled, with "a spectacular array of historic, biological, geological, paleontological, and archaeological objects" that required protection, care, study.

In the early years, when things were going well, when the mission was on track, and the funding and staff were in place, the Staircase was known proudly as "the Science Monument." That science staff is mostly gone. "The science we were supposed to be doing — it's not happening," Shelton said. "The resources we were supposed to be protecting — we're not doing it."



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One day this spring, Shelton invited me for a hike on the Grand Staircase not far from her home in Kanab, Utah. The afternoon before our rendezvous, I drove from the town of Escalante south across the Staircase on a rough dirt road called Cottonwood Wash. The monument's name is no mere marketing ploy: It is a geological designation. The staircase it refers to runs from the youngest cliffs in the north, the Pink Cliffs of Bryce Canyon, to the oldest, the Vermilion Cliffs way in the south. Beyond the Vermilion Cliffs is the oldest step of all, the Grand Canyon, exposing the most ancient rock.

Among these steps there are plateaus and valleys, countless peaks, folds, streams, forests, mesas, gorges, buttes and canyons. I'd been up on the Kaiparowits Plateau and in the slot labyrinths of the Escalante River's tributaries and through the deep watery places of the Box-Death Hollow Wilderness and in the tall pines on Canaan Mountain, but I had never been down Cottonwood Wash. It was a winding, dusty, washboard road, hot and shadeless and lonely, crossing for 40 miles across scrub-steppe hills, fields turned golden with sunflowers, and canyons colored purple, mocha, mauve and orange. Halfway to Kanab, at sunset, I stopped.

The night was balmy, sweetened with the spring bloom, and moonless, the stars lavish. I saw no one in another car, no one on foot, and no one at my campsite, which was nothing more than a level spot under a piñon pine in a sandy turnout beside the road. Before bed I set out in the dark into a nameless little slot canyon, wandering for an hour or so, listening for the night music of wrens, and loafing in the sandy bottom with boots off.

Shelton had advised this for any visitor to the Grand Staircase. "I tell people you don't need a trail. You don't need signs. You don't need maps. Just go out and find your own way," she told me. "Sit down, listen, observe, contemplate, be in the place where you are." The Grand Staircase is not about the fast-food vistas of the national parks, she said. "People want to drive to a viewpoint, then drive to another. This place requires effort. Time. Patience."

Shelton is 60, petite, with a lush head of hair and a long Roman nose that gives her a serious, philosophical air. That she was willing to talk with me was both a pleasure and a shock. For months, living in southern Utah near the Grand Staircase, I tried to interview current and former employees on the record about the state of affairs. But no one would talk. Even in retirement, monument staffers were afraid.

We met by the side of another of the innumerable dirt roads in the Staircase, and ditched our cars, setting out cross-country. Shelton wanted to find a passage up a line of jagged cliffs called the Cockscomb. She and her husband, Jim, a retired homebuilder who joined us for the hike, spend a lot of time outdoors, bird-watching and fly-fishing and hunting for deer and elk, pheasants and ducks and chukars. Mostly they hike.



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We never got to the Cockscomb. Instead, we strolled in an aimless pleasing way, stopping to sniff at wildflowers in a pygmy forest of piñons and junipers. The day grew very warm and the gnats swarmed. I was stunned by the variety of the flowers, the colors, the perfumes: Hopsage with its intricate fuchsia petals, creamy milkweed beloved of monarch butterflies, the white Sego lily, purple phacelia, orange globemallow so small and delicate, the garish red fingerling petals of Indian paintbrush, the claret cup cactus, the pale yellow petals of the prickly pear, the white and pink of the flowering buckwheat.

“The subtleness of these colors,” Shelton said, taking a knee next to a phacelia. “The tenacity of this plant. It’s tough to communicate these things. Or this.” She found a spot of hard black moss, *Syntrichia ruralis*. A few droplets from her water bottle: the moss was instantly green, soft as baby-flesh, photosynthesizing, growing before our eyes. “Resurrection moss,” she said. “Now think of the adaptation. We’ve measured surface temperatures of 160 degrees here in summer. This moss goes to sleep. It survives. We’re so anthropocentric we think technology is the highest form of literally everything on earth, when in reality the adaptations of a moss or a flower are far more evolutionarily successful than our building a skyscraper in Dubai. Maybe these are esoteric thoughts, I don’t know. The landscape draws this thinking out of you.”

Not long before meeting Shelton, I took a walk along the Escalante River to spend time with the bees. The astonishing diversity of flowers in the spring brings a stampede of pollinators. Some are bright orange and furry, some metallic-looking, lime-green, others yellow or black or purple or neon-blue, all exquisitely distinct.

Once upon a time, these wild native bees were among the subjects of the pioneering entomology funded by the BLM. In a five-year study during the early 2000s, researchers discovered that the 1.9 million acres of the monument had the second-highest bee diversity in North America. They found 648 species, 46 that were newly described, many of them endemic to southern Utah. They discovered a bee that only lives in the sandstone walls of the canyonlands. “Some of these bees only pollinate certain flowers at certain times in specific conditions,” Shelton told me. “We still have so much to learn. And now that process has been cut off.” (Recalling her own doctoral research on pollinators decades ago in California, Mary O’Brien, Shelton’s friend, told me, “It took me two years to discover a relationship two wasp species had with two buckwheat flower species. The loss of this kind of research in the monument is devastating.”)

When Shelton started in 2001, the Staircase had 140 employees, with more than half involved in science and research. There were two full science divisions: Cultural and Earth Sciences and the Biological Sciences. The science staff included botanists, soil experts, hydrologists, geologists, archaeologists, paleontologists and ecologists. The BLM maintained a dedicated \$1 million annual fund for university research on the monument.



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There were studies on the effects of climate change on native flora. There were studies on hydrology and erosion, on the microbes that live in sandstone, on aquatic insects in the driest parts of the desert. Researchers discovered a species of moth believed to be extinct. Scientists were consistently discovering new species of plants and insects that had never been described. One entomologist told Shelton that he had so many new insects piled up in his lab that he was hard-pressed to identify them all. Paleontologists recorded the fossil remains of dozens of different kinds of dinosaurs, including a new species of tyrannosaur, the world's largest oviraptor, and numerous new triceratops-like species. And archaeologists documented scores of prehistoric Native American dwellings, granaries, rock art panels. "In the early years, in any given year, there were probably 60 universities, in virtually every scientific discipline you can think of — biological, cultural, geological, paleontological — conducting research on the monument," Shelton told me. "This was the last place to be mapped and settled in the United States. Part of our mission was to discover what's out there, to set some baseline data."

The election of George W. Bush in 2000 signaled the beginning of the end of this. Funding cuts and subsequent staff losses accelerated throughout the 2000s. With the election of Barack Obama, the hope was that the death-by-thousand-cuts would be reversed. But it didn't happen. "It wasn't like any other Democratic administration," said Shelton. "We expected better from Obama."

Today, the two science divisions are gone. There are fewer than 45 staffers. "There's one guy left doing science, a paleontologist. Dr. Alan Titus," Shelton said. "One guy. That's it."

Before coming to southern Utah, Shelton worked at BLM offices across the American West. Her first job with the agency, in 1976, was as an interpretive specialist in the Mojave Desert near Barstow, California, developing educational programs and exhibits. Later, she worked in Colorado, Oregon and Washington, designing visitor centers and museums.

Utah, however, was different from anything she had experienced in the land-management bureaucracy. It was "like entering another country." What made the difference in the Utah BLM was the cultural and historical influence of Mormonism. "That's truly a factor here," Shelton told me. "Anyone who doesn't see it is blind."

The early history of the Latter-day Saints was one of separatism and sedition, driven by the belief that they were the chosen people on the continent and a persecuted people. Insular and apart, the Utah territory settlers in the 1840s, led by the prophets in Salt Lake City, dreamed of an independent Mormon nation that encompassed not just Utah but all of Nevada, parts of Idaho and Oregon, and a piece of Southern California. It was to be a religious imperium, with broad exploitation of natural resources and a port in San Diego for trade overseas. In the years before Utah joined the Union, the Mormon leadership under prophet Brigham Young resisted the federal center with a passion that approached hatred, undermining U.S. authority in the territory and finally advocating the violent overthrow of the



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government in D.C. They wanted its replacement with a theocracy led by the chosen ones. “Much of the heated political rhetoric in the West about the evil federal government began in Utah,” historian Will Bagley, author of many books of Western history and himself a former LDS member, told me recently.

Mormons today repudiate this seditionist past. They have integrated into the mainstream of business and government. And they dominate Utah’s public-lands bureaucracy. A position with the BLM is a plum deal, providing benefits, security, a good salary. It’s a process of capturing government jobs that Mormons call, with a sense of humor, “homesteading.”

But the homesteaders, Shelton told me, have a peculiar view of their relationship with the federal government. “You have to realize that a large part of the federal land management workforce in Utah is anti-federal,” she said. “Probably half of the staff at the Grand Staircase is anti-federal. I think a lot of it does have to do with the Mormon way of thinking.”

Over the years, said Shelton, she has seen coworkers display a naked contempt for the federal environmental and resource laws that limit traditional local practices on the public domain, such as the widespread grazing of livestock or the unrestricted use of off-road vehicles. Enmeshed in the web of local group and religious ties, these staffers often come from families of public-land ranchers who have run cows there for generations. They consider it their land, to be managed by locals, for locals. “With some of these people there’s a lack of acknowledgement that we’re part of the United States of America,” Shelton told me. “They don’t recognize that all Americans own this land, that it belongs to the people of Vermont and Florida and New York, too.”

I asked her why, if they hate the feds, are they working for them. “Well, I’ve asked that myself. I don’t know that I have a clear answer,” said Shelton. “But it does translate into some real conflict at the office.”

There is a toxic schism among employees at the Grand Staircase and in the Utah BLM generally. This is not just Shelton’s opinion; I spoke with four current employees at the Grand Staircase who confirmed her observation. On the one side are environmentally minded folks from outside the confines of Mormon culture, people like Shelton, who believe fervently in the federal public lands. Their ranks grew following the monument’s establishment in 1996 with the funding then available for hiring new staff, many of whom were trained at world-class science institutions. On the other side, said Shelton, “I see a powerful anti-conservation interest, an anti-science interest, and certainly an anti-climate change position. I’ve sat in meetings with high-level people in Utah BLM who will roll their eyes when you mention climate change and say, ‘Well, if you believe it.’ You might as well be asking them to convert to Zoroastrianism. So our staffs are at odds with each other. There’s a lot of antagonism. It’s a really difficult place to work.”

I shared Shelton’s comments about the Utah BLM with Larry Crutchfield, the public relations director at the Grand Staircase. In response, Crutchfield sent me an emailed statement from the monument’s



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manager, Cindy Staszak, who was appointed there in 2014 and worked directly with Shelton. “We pride ourselves on inclusivity and diversity,” said Staszak. “The Bureau of Land Management has a long and distinguished history of public service that does not create or accept boundaries based on religion, gender, ethnicity or other artificial divisions. It is wonderful to work with people who care about what they do and have dedicated themselves to the lands we manage.”

Staszak’s statement did not impress Shelton. “I don’t know why she’d say that,” she said. “Even though we try, it’s just not that welcoming of communities of diverse people. But maybe she actually thinks the staff is diverse.”

From the very beginning, Utah officials — almost all of them conservative, Republican, Mormon — mounted a campaign of disinformation about the Grand Staircase. And this only served to exacerbate staff conflicts. Much of the campaign amounted to “outright lies,” Shelton told me.

It was said that private land was condemned; that the land was “stolen” from local landowners; that hundreds of public roads were closed. The lies trickled into the populace and calcified as rural myth. At the salon in Kanab where Shelton gets her hair done, a hairdresser told her that after Clinton seized the land, he ordered the government to alter the maps of the Staircase in a conspiracy to erase the record of private ownership. Southern Utahans who tell this story — Shelton has heard many iterations of it — never know the names of the people whose land was stolen. That’s because those people don’t exist. The land was already publicly owned, managed by the BLM.

But the most egregious alleged offense was that the monument ruined the public-lands livestock industry, that stockmen with permits on the 1.9 million acres were forced off their grazing allotments. Statistics tell a different story. Roughly 97 percent of the monument remains open to cattle grazing. (In the 3 percent where there are no cows, the stockmen willingly gave up their permits after conservationists paid handsome sums to “buy them out.”) According to BLM grazing data, which Crutchfield forwarded to me, “Overall permitted use within the Monument is at roughly the same level now as it has been since the early 1990s. No reductions have occurred as a result of the Monument’s designation.”

Shelton notes that even with the straitened funding and staff cuts during the Bush and Obama years, one management program went untouched: livestock grazing subsidies. “That’s because grazing is sacrosanct,” she said. At the same moment they were losing science staff, the Staircase hired more range management staff, in positions that were “higher-graded” with better salaries.

“Trying to effect change is even more of an uphill effort now,” a former staff botanist named Laura Welp told me. Welp now works for the nonprofit Western Watersheds Project to ameliorate environmental damage from public-lands grazing. “My botany job was filled in-house by moving a young guy over from the range program who has lived in the area all his life, went to the nearby college where he was



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taught by livestock sympathizers, has extensive family and religious ties to the permittees and runs cattle himself on the adjacent field office. His understanding of advocating for the resource is running the bulldozer for the extensive vegetation treatments that are now going on to provide forage.” According to Welp, the recently hired assistant monument manager for natural resources is a former range staffer. He is also a bishop in the same Mormon church attended by the BLM official who hired him.

The job of the range staff, said Shelton, “basically is to maximize the number of cows out there.” This means maximization of forage, which requires what are called range improvements: more fences, cattle guards, roads, pumps, water pipelines, watering troughs, poisoning of noxious weeds, chopping down of piñon and juniper forest to expand forage, vegetation treatments, seedings — a massive program of invasive management that Shelton estimated to cost hundreds of thousands of dollars annually, benefiting a tiny number of stockmen. (Crutchfield told me the BLM does not have available to the public the total amount spent on livestock subsidies at Grand Staircase.)

So the staff, bereft of resources for other matters, is kept busy with cows. “We’ve only surveyed less than 5 percent of the archeological resources on the monument because most of the staff is doing paperwork for livestock grazing,” Shelton told me. “Meanwhile, you throw all those cows out there and denude the landscape — and we don’t even know what we’re ruining, because we no longer seem to care.”

Recently, I called the former chief botanist at the monument, Walter Fertig, who quit in 2005 in protest of grazing policies there. They were not in accordance with his findings as a scientist. “I was exceptionally naive when I came to Grand Staircase,” he told me. He had worked for 10 years in Wyoming, advising the BLM on endangered and threatened plant and animal species. “In my previous experience, I had always been able to provide sound, unbiased information, and federal land managers and politicians could use that information to then make informed decisions. Or at least that is how I thought the world worked. It was a rude awakening to learn that scientific evidence did not matter in range management.” He suggested that the conflicts over Grand Staircase and other national monuments, especially when it comes to grazing, “are really just proxy fights over local authority versus outside authority. It really has nothing to do with science or logic or reason. It is all about power.”

That power play is now unfolding with an unprecedented push against southern Utah’s public lands. Last April, Republican Gov. Gary Herbert toured several towns near the Staircase to announce his objections to it. Herbert thought it “too big, too unnecessary,” as he told students during a visit to Bryce Valley High School in the village of Tropic. “Probably there are 200,000 acres that deserve protection,” he said. He would thus reduce by roughly 90 percent what Clinton described in his proclamation as “the smallest area compatible with the proper care and management of the objects to be protected.”

Two months earlier, Herbert signed a state legislative resolution asking Congress to take action on the Grand Staircase to shrink its size. The resolution, which passed by majorities in the Utah House and



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Senate, was sweeping in its condemnation: “For more than 20 years, the (Grand Staircase) has had a negative impact on the prosperity, development, economy, custom, culture, heritage, educational opportunities, health, and well-being of local communities.”

In fact, the monument has been good for southern Utah. According to the U.S. Bureau of Economic Analysis, in Garfield County, one of two counties that are home to the monument, average annual per capita personal income growth “surpassed Utah's average throughout the 2000s and outperformed Utah's average over the 6-year period of the last decade (from) 2010-2015.”

A group of business owners from the Escalante and Boulder Chambers of Commerce, representing two of the larger towns near the monument, met with the governor’s staff in January armed with these statistics. That same month, Escalante residents, including a local homebuilder named Mark Austin, travelled to Washington, D.C. They talked with the staff of Utah Reps. Rob Bishop, Chris Stewart, Mia Love and Jason Chaffetz and Utah Sen. Mike Lee to share their experience of economic boon in the decades since the proclamation of the monument. “We wanted to counteract the nonsense propaganda coming out of Utah,” Austin told me. “But they were not interested, not one person in the Utah delegation, in our data or facts. They continued to portray the economy as blighted due to the monument. They’re just lying to the public.”

And so the campaign against Grand Staircase barrels ahead. At Bryce Valley High, Herbert promised the students, “We’re going to be working with President Trump and my good friend, Vice President Mike Pence.”

Trump has listened. On April 26, he signed an executive order requiring Interior Secretary Ryan Zinke to “conduct a review of all Presidential designations or expansions of designations under the Antiquities Act made since January 1, 1996,” with the intention of determining whether some of those monument designations should be rescinded or reduced in scope. At the signing event, Trump was surrounded by politicians from Utah. According to Fox News, the order “was created at the urging of Sen. Orrin Hatch and other members of Utah’s Republican congressional delegation.”

The first monument up for review is the 1.4-million-acre Bears Ears National Monument, which was carved out of BLM and Forest Service land in southern Utah by Obama during the final days of his presidency. In early May, not long before I met with Shelton, she joined a group of 300 or so demonstrators in Kanab who had gathered to meet Zinke as he travelled across southern Utah. He was scheduled to fly into the Kanab airport, and that’s where the demonstrators awaited him.

Shelton wanted to tell him that the past was prologue at Bears Ears; that the story of what happened at the Grand Staircase — the failure there to protect the land, to invest in its conservation, to uphold the mission with which the Staircase was proclaimed — has enormous implications for new monuments. “Just



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making it a national monument does not protect it,” Shelton said. “That’s the lesson. The funding has to be there. Do you think this administration, this Congress, is going to fund Bears Ears?”

But Zinke ignored the crowd in Kanab, and instead began his review with a series of private meetings with county commissioners, who were described as “jubilant” in press accounts. He met with Herbert, whose staff had organized the trip, and with members of Congress who have been prominent opponents of the Grand Staircase and Bears Ears, notably Utah Republican Rob Bishop. He then spent several hours on horseback with local ranchers, wearing a cowboy hat.

The private meetings with county commissioners, as it happened, were a violation of Utah’s open meeting laws. “And the commissioners don’t care,” Shelton told me. Nor, it seems, does Zinke. “Why couldn’t Zinke have spent an hour, just an hour, with the public, in a public meeting? I live here, too. I’m a place-based citizen. I’m retired, but I’m not leaving. I care about this place. I’m passionate about it. I’m going to keep fighting for it.”

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E&E/NATIONAL NEWS – FULL STORY

1. **Retrial Set for Defendants in Bundy Standoff Case in Nevada**

U.S. News, July 9 | Ken Ritter, AP

LAS VEGAS (AP) — Federal prosecutors in Nevada are about to try again to prove that four men should spend decades in prison for bringing assault-style weapons to a confrontation that stopped government agents from rounding up cattle near Cliven Bundy's ranch more than three years ago.

Jury selection begins Monday in Las Vegas for the conspiracy retrial of four defendants whose cases were left undecided when jurors weren't able to reach a verdict in April. Two other defendants were found guilty of some charges.

"They're going to pare down their case compared to last time," Jess Marchese, attorney for defendant Eric Parker, said Friday. "The government always fixes their mistakes."

Todd Leventhal, attorney for defendant Scott Drexler, said prosecutors are now asking the judge to narrow the focus of the trial to the standoff itself, and not let defense lawyers raise arguments



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about constitutional rights and government land policy. The judge has yet to rule on those requests.

A spokeswoman for acting U.S. Attorney Steven Myhre declined Friday to comment.

Parker was famously photographed lying on the pavement of an Interstate 15 overpass during the tense April 2014 standoff, looking with his AK-47-style rifle toward heavily armed federal agents below.

"His case comes down to that picture," Marchese said Friday. "It's a scary picture."

Drexler is seen in a similar photo, and images showed Richard Lovelien and Steven Stewart carrying assault-style rifles, but not aiming them.

Yet a 12-member jury that saw the same photos failed to reach verdicts about the four defendants. Most jurors voted to acquit on conspiracy, weapon, assault on a federal agent and other charges.

Defendants maintain they drove to southern Nevada from Idaho and Montana after seeing social media posts about scuffles involving unarmed Bundy family members and Bureau of Land Management agents using dogs and stun guns. Some said they'd never before met Bundy family members.

Officials said the government agents were enforcing federal court orders for Bundy to get his cattle off public rangeland after failing to pay more than \$1.1 million in grazing fees.

In the end, no shots were fired in the armed confrontation near Bunkerville. The local sheriff brokered a truce and cows that had been rounded up were released.

The outcome made Cliven Bundy a hero to anti-government activists, and led to his arrest in early 2016 with 18 other men, including four of his sons. All are in federal custody.

Two defendants pleaded guilty last year, and Gregory Burleson and Todd Engel were found guilty during the first trial.



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Burleson, of Phoenix, faces 57 years of mandatory prison time on eight charges. Engel, of Idaho, could face up to 30 years in prison. Their sentencings are set later this month.

Bundy, his sons Ammon and Ryan, and two other defendants are due for trial later this year. Six others, including two other Bundy sons, are slated for trial next year.

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2. **METHANE: Greens, health groups dominate EPA hearing on rule delay**

E & E News, July 10 | Arianna Skibell

Environmentalists came out in force today to oppose U.S. EPA's bid to further delay portions of an Obama-era rule for curbing methane emissions at oil and gas operations.

In a public hearing at EPA headquarters in Washington, the American Petroleum Institute was among the few defending the agency's proposed stay of the rule.

The Obama administration issued the standards last year to curb heat-trapping emissions of methane and reduce leaks of volatile organic compounds that contribute to smog.

Last month, the Trump administration announced its intent to delay portions of its 2016 New Source Performance Standards for two years — on top of an existing 90-day stay, which a federal court overturned last week.

EPA officials said the two-year halt would let the agency reconsider elements of the rule. The proposed two-year delay pertains to fugitive emissions and to pneumatic pump and professional engineer certification requirements in the rule. While the delay is in effect, industry wouldn't need to comply with these requirements (Energywire, June 14).

An EPA panel today heard tales from people who said their health was affected by oil and gas operations and who urged the agency to implement the rule without delay. The Sierra Club and other large green groups attended with Moms Clean Air Force, representing a large portion of this morning's witnesses.

Christine Berg, mayor of Lafayette, Colo., testified while holding her new baby. She said by the time the two-year proposed stay is over, her child will be in preschool, playing outside and breathing in polluted air. Other moms also testified with their children in tow.



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Nicole Ruscitto, a school librarian in Pittsburgh, explained how she, her husband and son started to suffer from nose bleeds, rashes and other physical symptoms once fracking increased in her neighborhood.

"Surrounding us everywhere, flanking us left and right, the fracking boom," she said. "There's no buffer for our American dream. ... The dream became nightmarish."

Molly Rauch, public health policy director for Moms Clean Air Force, pointed out that EPA acknowledged the health impacts that could occur from a delay. In a notice about the proposed delay, the agency wrote: "EPA believes that the environmental health or safety risk addressed by this action may have a disproportionate effect on children."

The notice, signed by EPA Administrator Scott Pruitt, goes on to say that because the action is "merely" a delay, any impacts on children's health will be limited because the length of the proposed stay, two years, is limited.

"As parents we find this deeply troubling," Rauch said. "Two years is too long."

Also testifying against the delay was the Rev. Mitch Hescox, the president and CEO of the Evangelical Environmental Network, who said anti-abortion Christians are among those against delaying the methane rule. His group, he said, lobbied Senate Republicans to reject President Trump's attempt to roll back a separate methane rule using the Congressional Review Act (Greenwire, May 10).

"We need to police more emissions, not less," he said, and concluded his testimony with a quote from Jesus.

Howard Feldman, API's senior director for regulatory and scientific affairs, said industry "emphatically" supports environmental protections.

"We're doing our part, and these trends are indicative of what our industry, when given the freedom to innovate, can achieve to improve the environment while protecting our nation's energy security," he said, referring to a national reduction in methane emissions. "And progress will continue."

Two environmental groups, the Clean Air Task Force and Earthworks, released an analysis ahead of the hearing showing that more than 203,000 Americans, including 51,000 children, live



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within half a mile of more than 18,000 oil and gas facilities that would be affected by the rule delay.

"EPA is trying to give the oil and gas industry a two-year pass on common-sense measures like checking their new wells for leaks, even after a similar gambit was overturned last week by a Federal Appeals court," David McCabe, a senior scientist with the Clean Air Task Force, said in a statement.

The U.S. Court of Appeals for the District of Columbia Circuit last week rejected the Trump administration's decision to delay the methane rule, instead agreeing with environmentalists that EPA lacked authority under the Clean Air Act to issue the 90-day administrative stay of the rule. The three-judge panel ruled EPA's decision was "arbitrary and capricious" under the law (Greenwire, July 3).

Pruitt's decision to administer the 90-day stay came after EPA granted requests by energy trade groups to reconsider parts of the rule. He then announced EPA would further delay those provisions by two years — the subject of today's hearing.

EPA will take public comment on the proposed stay until Aug. 9.

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3. **NATIONAL MONUMENTS: Public comments flood Interior as deadline nears**

E & E News, July 10 | Jennifer Yachnin

More than 1.3 million submissions — including some that contain tens of thousands of comments — have poured into the Interior Department ahead of the agency's midnight deadline for public input on its review of the boundaries and management of dozens of national monuments.

Interior Secretary Ryan Zinke has promoted the regulations.gov website as a key indicator of public sentiment as he conducts the review mandated by President Trump.

"The secretary is encouraged by the interest in the department's work and appreciates advocates on all sides of the issue weighing in," Interior spokeswoman Heather Swift told E&E News. "The department is hard at work reviewing all the comments, and we will have them read by the end of the review period."



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Under an executive order issued in late April, Zinke must submit a review of all monuments created since 1996 that include more than 100,000 acres, as well as those the secretary deemed did not include sufficient public input in their creation.

Zinke issued an interim report last month recommending that Bears Ears National Monument in southeast Utah, which President Obama created in his final weeks in office, be significantly reduced from its current 1.35 million acres (E&E News PM, June 12).

He is expected to include specifications for those reductions in his final report due Aug. 24.

That report will also include recommendations for the other 21 land sites as well as five marine national monuments.

But how much weight the public comment process will have in Interior's final recommendations remains to be seen.

Ahead of Zinke's proposal to shrink the Bears Ears monument, an analysis conducted by the Center for Western Priorities found public comments skewed heavily in favor of maintaining the site's current boundaries (Greenwire, May 26).

In a new analysis released today, CWP likewise found 98 percent of submissions in favor of maintaining the existing monuments being reviewed, with 1 percent opposed and 1 percent neutral.

The analysis sampled 1,000 comments and has a 3.1-point margin of error.

Wilderness Society President Jamie Williams said that among the 2.3 million comments, most support maintaining the monuments under review without changes.

"The Trump administration and Secretary Zinke have shown an alarming disrespect for America's shared public lands and cultural resources, which must be handed down to future generations healthy and intact," Williams said. "The purported 'review' of national monuments and the rhetoric surrounding its announcement is yet another means to hand these lands over to the oil, gas, mining and logging industries under the false pretense that they will create millions of jobs."

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4. OIL AND GAS: Enviros, tribes sue over delayed BLM methane rule

E & E News, July 10 | Amanda Reilly

Environmentalists and tribal groups today filed a lawsuit challenging the Trump administration's decision to indefinitely delay an Obama-era rule limiting methane emissions from oil and gas operations on public lands.

Led by the Sierra Club, the groups alleged several violations of the Administrative Procedure Act and asked for a court order immediately reinstating the rule.

"Trump and his administration cannot blatantly ignore the law just to benefit polluters at the expense of everyone else," said Earthjustice attorney Robin Cooley, who is representing environmental groups in the litigation. "Compliance with public health rules cannot be indefinitely delayed while the Trump administration and bad actors within the industry try to undo them."

Other groups joining the litigation include the Center for Biological Diversity, Environmental Defense Fund, National Wildlife Federation and Natural Resources Defense Council.

The lawsuit was filed in the U.S. District Court for the Northern District of California, where California and New Mexico last week also launched litigation challenging the delay (Energywire, July 6).

The Bureau of Land Management last year finalized the rule, which is known as the Methane and Waste Prevention Rule, to address venting, flaring and leaking of methane from oil and gas operations on public and tribal lands.

Key provisions went into effect in January after a federal court in Wyoming rejected industry's bid to put in place an injunction barring its compliance. By a narrow vote in May, the Senate rejected a measure to kill the rule via the Congressional Review Act.

But in June, BLM indefinitely paused January 2018 compliance deadlines for measuring flared gas, upgrading equipment, capturing vapors from storage tanks, and implementing leak detection and repair programs (Greenwire, June 14).

The agency stayed the compliance dates under a provision of the Administrative Procedure Act that allows for delaying rules pending judicial review.

Days after the announcement of the stay, BLM successfully convinced the U.S. District Court for the District of Wyoming, which is hearing litigation over the underlying rule, to delay the merits briefing in the



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case by 90 days to allow the agency to focus on administratively repealing the rule. Judge Scott Skavdahl cited uncertainty around the rule's fate as a reason to delay briefing deadlines (Energywire, June 28).

In today's complaint in California district court, environmental and tribal groups argued that BLM illegally postponed the effective date of a rule that had already been in effect.

The Trump administration cannot use its APA authority to justify giving BLM more time to rescind or revise the rule, the complaint argues.

The groups also alleged that BLM failed to apply the test established by courts to justify a stay, to offer a rational explanation for its changed position on the methane rule and to take into account the effects of the stay.

"Interior's BLM methane waste rule delay flies in the face of overwhelming public support, Congress' recent rejection of an attempt to repeal the rule, a federal court's determination that an injunction halting implementation of the rule was not warranted, and, fundamentally, core precepts of federal law," Erik Schlenker-Goodrich, executive director of the Western Environmental Law Center, said in a statement.

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5. **NEVADA STANDOFF: Feds to offer new evidence as retrial begins**

E & E News, July 10 | Jennifer Yachnin

Federal prosecutors this week will begin their second attempt to jail participants in the 2014 armed standoff between ranchers and federal agents near Bunkerville, Nev., after the first trial ended in April with the jury deadlocked over charges against four defendants.

Jury selection is scheduled to begin today in the retrial of four men who participated in the incident sparked when agents from the Bureau of Land Management attempted to seize rancher Cliven Bundy's cattle over more than \$1 million in unpaid grazing fees.

Federal prosecutors will attempt to prove defendants Richard Lovelien, Scott Drexler, Eric Parker and Steven Stewart conspired with Bundy and others "to threaten, and use, force and violence to interfere with the officers while they executed their duties to enforce the court orders," court documents say.



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But in the new trial, federal prosecutors plan to introduce new evidence tying the defendants to other protests of government management of public lands, including events at the Sugar Pine mine in Josephine County, Ore., in April 2015 and the White Hope mine near Lincoln, Mont., in August 2015.

In a notice indicating it planned to file new evidence, federal prosecutors asserted that information highlighting Drexler, Parker and Stewart's participation in the Idaho III%, an anti-government militia group, is "inextricably intertwined" with the conspiracy charges each faces.

But Drexler's attorney, Todd Leventhal, told the Las Vegas Review-Journal that he remains confident the case is unlikely to see a guilty verdict in its second attempt.

"As we saw in the last trial, the government had an exceedingly difficult time in communicating their case to the jury," Leventhal said. "That's because linking our clients to any crime or conspiracy is just not supported by the facts. I imagine the same will hold true in round two."

Jurors could not reach agreement on conspiracy charges against any of the six defendants in the original trial.

In that case, jurors found former FBI informant Gregory Burleson guilty of obstruction of justice and interstate travel in aid of extortion, as well as assault on a federal officer, threatening a federal officer and firearms counts; and found Idaho resident Todd Engel guilty of obstruction of justice and interstate travel in aid of extortion (E&E News PM, April 24).

Charges against participants in the Bunkerville incident were divided into three separate trials, with Cliven Bundy and his sons, Ammon, Melvin and David, slated to face trial 30 days after the retrial is concluded.

The Bundys' trial is expected to begin in October or September, followed by the third and final trial in the case.

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6. **PUBLIC LANDS: Lawmakers take up bill to advance controversial mine**

E & E News, July 10 | Nick Bowlin

Legislation meant to accelerate a proposed Minnesota copper-nickel mine will get its first committee action Friday, just days after being introduced.

The House Natural Resources Subcommittee on Federal Lands will review H.R. 3115, from Rep. Rick Nolan (D-Minn.), to accelerate an already-approved land exchange between the Forest Service and PolyMet Mining Corp. within 90 days of enactment.

The Forest Service approved the land deal in January, but several lawsuits from mine opponents have stalled the transaction from taking place (Greenwire, July 6).

The land in question sits within the Superior National Forest in northeastern Minnesota. PolyMet owns the subsurface mineral rights, while the federal government holds the surface area.

By forcing the swap, the bill would resolve a prolonged conflict between the company and the agency, and also with mine critics.

The company believes it can already break ground on the mine without obtaining surface rights. The Department of Agriculture, which includes the Forest Service, disagrees.

The agency obtained the surface rights under the Weeks Act of 1911, which authorized the government to purchase private land to protect headwaters of rivers and watersheds.

The bill would also codify valuation calculations on the land — the source of half of the lawsuits challenging the swap. Nolan's bill would prohibit reappraisal.

The PolyMet project is one of two proposed copper-nickel mines in Minnesota's Iron Range. The region has never had a copper-nickel operation, which environmentalists say is more polluting.

The subcommittee will also consider:

-H.R. 2582, from Rep. Mia Love (R-Utah), to allow state officials to select lands identified as disposable under the Pony Express Resource Management Plan for state use.

-H.R. 1547, from Rep. Martha McSally (R-Ariz.), to direct the Interior Department to transfer an 172.8-acre land parcel to the city of Tucson, Ariz., for "economic development" purposes.



BUREAU OF LAND MANAGEMENT

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-H.R. 873, from Rep. Mike Gallagher (R-Wis.), to establish a memorial in Washington, D.C., to armed service members who served in the war on terror.

Schedule: The hearing is Friday, July 14, at 9 a.m. in 1324 Longworth.

Witnesses: TBA.

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