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Attached is the daily news report for June 23.

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DAILY NEWS REPORT - UTAH

UTAH – TOP STORIES – JUNE 23, 2017

1. **'This is our homeland': Panelists say they'll do whatever it takes to protect Bears Ears**

The Salt Lake Tribune, June 22 | Brian Maffly

Regina Lopez-Whiteskunk knew getting into politics would require toughness, but nothing prepared the Ute Mountain Ute Council member for the treatment she received when she spoke last year before a Utah legislative panel in support of the proposed Bears Ears National Monument.

2. **Brian Head Fire has now burned 13 residences, and nearly 28,000 acres**

The Salt Lake Tribune, June 23 | Luke Ramseth

Garfield County Sheriff Danny Perkins watched Thursday as hotshot firefighter crews scrambled to save cabins surrounding Panguitch Lake, a popular southern Utah vacation destination.

3. **Proposed oil and gas leases near Dinosaur National Monument stoke opposition**

The Deseret News, June 23 | Amy Joi O'Donoghue

SALT LAKE CITY — Environmental groups are seething over the Bureau of Land Management's proposal to offer oil and gas leases adjacent to Dinosaur National Monument's western boundaries.

4. **Lynn R. Blamires: Understanding county road designations**

The Daily Herald, June 23 | Lynn Blamires

Land access and border disputes are an intricate part of United States history.

Utah has been rife with these same kinds of disputes. Having a large portion of federally managed land within state borders, land access is still making today's headlines. To better understand the access picture it is important to know the road designations that are under county authority.



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5. Shrink it: Bears Ears monument is wrong for Utah

The (St George) Spectrum, June 23 | Eric Clarke, Washington County Republican Party

We must understand that the main problem with the Bears Ears National Monument, in its current form, is the way it was created.

6. Do beetle-killed trees make wildfires worse? Brian Head blaze may provide surprising answers

The Salt Lake Tribune, June 23 | Brian Maffly

The wildfire threatening a southern Utah resort town this week raced through a forest that lost hundreds of thousands of spruce trees in a devastating bark-beetle outbreak.

7. PUBLIC LANDS: BLM advances lease sale near Dinosaur monument

E & E News, June 23, June 23 | Jennifer Yachnin

The Bureau of Land Management yesterday advanced plans to lease land near Dinosaur National Monument in northeast Utah despite National Park Service objections that development could negatively affect the 200,000-acre site.

E&E/NATIONAL NEWS – TOP STORIES

1. SAGE GROUSE: Ad to Zinke - 'Stand with the West, not Washington'

E & E News, June 23 | Jennifer Yachnin

The Western Values Project today launched a six-figure ad campaign urging Interior Secretary Ryan Zinke to refrain from altering federal sage grouse conservation plans.

2. PROPERTY RIGHTS: High court rejects takings claim in waterfront case

E & E News, June 23 | Jeremy P. Jacobs and Amanda Reilly

The Supreme Court today ruled against a Wisconsin family who claimed the state had unfairly taken their property without just compensation when it denied their bid to sell part of their riverfront property.



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3. **PUBLIC LANDS: Trump homes in on 4 conservation picks**

E & E News, June 23 | Corbin Hiar

The Trump administration may be close to naming four key public land management positions, according to sources in the recreation and ranching communities.

4. **CARBON CAPTURE: Post-Kemper question: Is 'clean coal' dead?**

E & E News, June 23 | Christa Marshall

The possible end of Southern Co.'s flagship "clean coal" project in Mississippi isn't the death knell for carbon capture and sequestration technology, industry analysts say.

5. **COAL: Industry urges lawmakers to nix mine cleanup bill**

E & E News, June 23 | Dylan Brown

The National Mining Association yesterday came out against a \$1 billion coal mine cleanup bill just ahead of a House committee vote next week on the measure.

6. **FORESTS: Republican eyes Western Dems on wildfire bill**

E & E News, June 23 | Marc Heller

Legislation to ease environmental hurdles for forest-thinning projects will likely pass the House in July before facing an uncertain future in the Senate, Rep. Bruce Westerman (R-Ark.) said yesterday.

7. **POLITICS: Oil and gas lobby targets coal and 'fuel diversity'**

E & E News, June 23 | Rod Kuckro

"Fuel diversity" has become a favorite buzz phrase of the Trump administration as it advocates for the increased use of coal to produce the nation's electricity.



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UTAH – FULL STORY

1. **‘This is our homeland’: Panelists say they’ll do whatever it takes to protect Bears Ears**

The Salt Lake Tribune, June 22 | Brian Maffly

Regina Lopez-Whiteskunk knew getting into politics would require toughness, but nothing prepared the Ute Mountain Ute Council member for the treatment she received when she spoke last year before a Utah legislative panel in support of the proposed Bears Ears National Monument.

Republican lawmakers interrupted her, expressed dismay that a male member of the tribal council hadn't made the six-hour drive to speak at the Capitol and questioned why a resident of Colorado would advocate for a monument designation in Utah.

"It was disheartening to learn how quickly that an elected leader could be disrespected and not allowed to finish your statement," she told a gathering of monument sympathizers Thursday at the University of Utah. "Better to walk away with grace than respond in a negative manner, so I chose to walk away. I was stopped by a lady in the hallway. She told me, 'Welcome to Utah. This is how we treat our women.' That broke my heart because my family is from Utah."

Lopez-Whiteskunk, who lives across the state line in Towaoc and no longer serves on her tribe's council, spoke on a panel activists organized to dispel what they say is "misinformation and a false narrative" pushed by Utah politicians. She was joined by Utah Dine Bikeyah board and staff members, many of whom live or grew up in Blanding; Oljato chapter President Jame Adakai; medicine man Jonah Yellowman; and Arizona state Rep. Eric Descheenie, D-Chinle, who previously served as the Navajo representative on the Bears Ears Inter-Tribal Coalition.

Since the Dec. 28 designation, monument proponents have been playing defense. Utah leaders continue to fight to take down the 1.3-million-acre monument President Barack Obama designated in Utah's San Juan County at the request of five tribes with ancestral ties to Cedar Mesa and lands around the Bears Ears buttes.

Utah now has a sympathetic ally in the new president, who instructed Interior Secretary Ryan Zinke to investigate whether to shrink 27 large monuments designated since 1996 under the



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Antiquities Act. Bears Ears is the first and central monument under review, followed closely by Utah's Grand Staircase.

Earlier this month, Zinke released an interim report recommending President Donald Trump clip the Bears Ears. He, however, has yet to specify acreages or even which places should remain in the monument.

According to Rep. Mike Noel, one of the Utah Legislature's fiercest monument critics, Interior has asked three Utah counties to provide maps delineating what their commissions believe should be the new boundaries for the Bears Ears and Grand Staircase-Escalante monuments.

Utah will defer to the counties' wishes regarding redrawn monuments as much as possible, Noel told the Legislature's Commission for the Stewardship of Public Lands Tuesday. San Juan County commissioners say the new monument was established without their input and will wreck residents' future, pointing to the impact of the 1996 Staircase designation had on Garfield and Kane residents' use of the land.

What the tribes see as an important tool for preserving their culture and traditional knowledge, many white residents see as an attack on their pioneer heritage. Some Navajo side with them.

Utah's political leaders, from House Speaker Greg Hughes to senior Sen. Orrin Hatch, point to the same person over and over to back their claim that local Navajo oppose monument: County Commissioner Rebecca Benally, a member of the Navajo Tribe's Aneth chapter. Elected in 2014 as the monument campaign was gathering steam, Benally has consistently opposed the Bears Ears proposal, arguing that a designation would lock out Native Americans. Zinke himself referenced Benally in testimony before Congress explaining his Bears Ears recommendations.

Navajo tribal leaders last month penned a letter to Congress, advising that Benally has no authority to speak for any of three tribes with land in San Juan County.

"We ask that you acknowledge and honor our laws that vest our leadership, elected by our enrolled membership, with the power to speak on behalf of our government and our people. This honors our tribal sovereignty, our government-to-government relationship," states the May 11 letter signed by Navajo President Russell Begaye and five other elected leaders.



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On Thursday, Adakai said the Navajos' ancestors spirits still roam the Bears Ears.

"The monument gives us an opportunity to apply our traditional knowledge in the management of the Bears Ears region. We are doing this for our children so they will have an opportunity to teach their kids the stories and their significant for the Navajo Nation," he said. "We hold reverence to the land and we want that to remain forever."

The speakers noted Native Americans have inhabited the region long before the present political lines were drawn.

"The four sacred mountains, which go inextricably to who we are, are not in the external boundaries of the Navajo Nation. Isn't that nuts? To say to Regina you should go back to Colorado or I should go back to Chinle is incredibly insulting to an indigenous person," Descheenie said. "This is our homeland and we will utilize every law at our disposal to protect it. In this case it's the Antiquities Act."

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2. **Brian Head Fire has now burned 13 residences, and nearly 28,000 acres**

The Salt Lake Tribune, June 23 | Luke Ramseth

Garfield County Sheriff Danny Perkins watched Thursday as hotshot firefighter crews scrambled to save cabins surrounding Panguitch Lake, a popular southern Utah vacation destination.

They "put their lives on the line" to dig fire lines and move firewood and other flammable material away from structures, he said, while flames devoured trees and underbrush hundreds of feet away. Some 150 cabins, many in the Clear Creek area north of the lake, continued to be immediately threatened by the roaring Brian Head Fire on Friday.

"Those guys are heroes," Perkins said Friday morning. "I personally witnessed them save dozens and dozens of cabins. They was up there fighting, right up on the porches of these cabins."

Despite the firefighters' best efforts, however, nine of the cabins were lost on Thursday night as the blaze spread to nearly 28,000 acres.



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Thick smoke prevented firefighters from safely using helicopters and air tankers for much of Thursday, officials said, though conditions appeared to be clearing Friday.

High temperatures and strong wind have primarily pushed the fire northeast. But late Thursday afternoon, the winds shifted and pushed to the southeast, causing the blaze to spread down Clear Creek, which drains into Panguitch Lake. That's when the additional cabins, as well as six outbuildings, were burned.

Panguitch Lake is about 10 miles east of the resort town of Brian Head, where the human-caused blaze was sparked on Saturday. The fire was just 5 percent contained Friday morning, as hundreds of residents and vacationers remained under evacuation orders.

So far, a total of at least 13 residences and eight outbuildings have been destroyed, including three cabins in the Horse Valley area and one in Brian Head.

On Friday, winds shifted and began pushing the fire to the northwest, said Cigi Burton, a spokeswoman with Dixie National Forest. Significant fire growth was expected to continue Friday due to the extreme weather conditions and dry fuels, she said.

"Today could be a good day, or it could be the worst day we've had," Perkins said. "It just depends on the wind, pretty much."

Areas under evacuation include Panguitch Lake, Horse Valley, Beaver Dam, Blue Springs, Rainbow Meadows, Dry Lakes, Second Left Hand Canyon and the town of Brian Head. Hundreds of cabins in the Mammoth Creek area south of Panguitch Lake also were evacuated Friday, Perkins said.

State Route 143 remains closed between the towns of Parowan and Panguitch.

The Red Cross was operating an evacuation shelter at Panguitch High School, 390 E. 100 South, for those displaced by the fire.

Additional crews and other firefighting resources continue to arrive. As of Friday morning, more than 800 personnel across 23 firefighting crews were on the scene. There were 11 helicopters, 34 engines, and several air tankers on the scene.



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Authorities warned of thick smoke in the area, saying those with sensitivities should limit time outdoors. Children and elderly are especially susceptible.

Perkins said he drove his truck around the lake Friday morning, and surveyed some of the damage in Clear Creek, where a number of cabins also appeared to be damaged.

"You literally couldn't see the end of your truck hood because of the smoke that had settled in around the lake," he said.

The fire has grown exponentially this week. On Monday, it was about 1,000 acres.

The fire was started by someone using a weed torch, according to Gov. Gary Herbert, who on Tuesday toured the burn area in a helicopter.

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3. Proposed oil and gas leases near Dinosaur National Monument stoke opposition

The Deseret News, June 23 | Amy Joi O'Donoghue

SALT LAKE CITY — Environmental groups are seething over the Bureau of Land Management's proposal to offer oil and gas leases adjacent to Dinosaur National Monument's western boundaries.

The BLM in Utah completed an environmental analysis on a plan to offer 98,639 acres for potential oil and gas development on 79 parcels in western and central Utah, some of which are also in the San Rafael region that critics say is rich in archaeological artifacts.

"This is an outrageous proposal to lease and develop some of Utah's most culturally rich and wildly scenic federal public lands. BLM has quickly come full circle and brought us back to the 'drill now-drill everywhere' days of the early 2000s, and once again Utah is front and center on the national stage for these disastrous policies," said Landon Newell, staff attorney for the Southern Utah Wilderness Alliance.

Mark A. Foust, superintendent of the Dinosaur National Monument, wrote the BLM in May, detailing worries that oil and gas exploration could compromise the experience of the monument's 300,000 visitors who come each year.



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Parcels of particular concern are those on the western boundary of the monument and the Green River District Entrance Road in Jensen, as well as those located near the Canyon Visitor Center in Dinosaur, Colorado, he noted.

Foust asked that the BLM pull those parcels from consideration in the analysis or if they aren't pulled from the December auction, require that they come with stringent regulations that include "no surface occupancy" by industry.

The Southern Utah Wilderness Alliance said one of the parcels was withdrawn by then-Interior Secretary Ken Salazar in 2009 after the botched auction interrupted by activist Timothy DeChristopher.

Salazar ended up directing an on-the-ground review of the controversial parcels in the wake of environmental protests and lawsuits.

Kathleen Sgamma, president of the Western Energy Alliance — which represents independent oil and gas producers — said she believes the BLM's environmental analysis of the proposal addresses the concerns raised by the park service.

"They consulted with Dinosaur National Monument and mitigated those impacts and specifically put in place stipulations that minimize noise. Visual impacts are well below the threshold that would be noticed by the casual visitor to the monument."

The Southern Utah Wilderness Alliance added that the proposed leases at the western edge of the San Rafael represent the third time in five years that the federal agency is targeting the Molen Reef, an area with high cultural and archaeological density and popular for recreation.

Each time before, the agency withdrew the leasing proposal and noted not enough information was known about the cultural resources.

SUWA contends the BLM has only surveyed less than 1 percent of the proposed parcels and the leasing "flip-flop" jeopardizes yet-to-be discovered cultural resources covered under the analysis.

Sgamma said environmental groups always raise objections to potential oil and gas development on public lands.



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"They don't want any development anywhere so that is not surprising. Environmental groups also like to ignore all of the restrictions BLM puts on these leases to address real environmental concerns. The bottom line is the environmental groups want to keep it in the ground, so they are going to protest everything."

The BLM is taking comments on its Price and Vernal proposals until 4:30 p.m. July 24.

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4. **Lynn R. Blamires: Understanding county road designations**

The Daily Herald, June 23 | Lynn Blamires

Land access and border disputes are an intricate part of United States history.

Utah has been rife with these same kinds of disputes. Having a large portion of federally managed land within state borders, land access is still making today's headlines. To better understand the access picture it is important to know the road designations that are under county authority.

Four classes of roads make up the road systems in each county. Class A roads are the major paved highways throughout the state. They do not include the interstate freeways. Class A roads were opened to all street-legal ATVs and UTVs in 2013 except in Salt Lake County.

Class B roads are hard surface, usually graded dirt, roads. Utah's west desert is laced with an intricate pattern of dirt roads maintained by the county. Class B roads in Emery County made the news sometime back when the county sent out graders to re-establish their rights to maintain them. Some environmental groups objected, wanting the roads to fade back into nature.

The county has the right to maintain those roads, but also the responsibility to see that they are passable because they are funded by the Utah Department of Transportation (UDOT) to do so. Class B roads are generally 66 feet wide.

Class C roads are paved secondary roads. Counties are funded by UDOT to keep them open and repaired.

Class D roads are the trails open to our ATVs and UTVs. These are also funded by UDOT and fall under the jurisdiction of county authority. As a rule they are not maintained, but



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improvements are made by volunteer groups in conjunction with Utah State Parks, federal agencies and the counties responsible. These roads are old mining roads, logging roads and hunting trails used by those who worked to make Utah what it is today.

Now here is where it gets tricky. The federal government manages land in Utah through two agencies — the Forest Service and the Bureau of Land Management. These are public lands managed by federal agencies.

While management is their responsibility, they do not own the right-of-way on established roadways. Access is the responsibility of the county and therein is the dispute. Where states' rights are supposed to be sovereign, the government has, on occasion, assumed authority that it does not rightfully have.

In 2014, a group of people rode ATVs on a trail through Recapture Canyon in southern Utah. This is a Class D road under the jurisdiction of San Juan County. The BLM closed the road temporarily to investigate damage to cultural sites in the area, but did not lift the closure at the end of its investigation. A county commissioner, Phil Lyman, rode the trail in protest of the BLM usurping county authority. That fight is still not over.

To ride the backcountry, a person needs to know where to ride. While Utah State Parks has trail maps available, each county will provide a map of its Class B and D roads, which will be more detailed for your areas of interest.

While a land owner may own the land, he/she doesn't own the public access routes. If a person buys land that features a road that has seen public use for at least 10 years, he can't close that road. The access is owned by the county. He can put a gate across the road, but he can't lock it. To do so is a Class B misdemeanor that carries a \$1,000 fine and up to a year in jail.

If you come across a locked gate on a public road, your responsibility is to notify the county sheriff. He has enforcement authority. A person who does not close a gate in this situation is subject to the same penalty.

The land owner can deny access to his land on either side of the road with no trespassing signs facing the road, but he can't deny access to the road itself. On a public road, the land owner has no responsibility in the case of an accident. He can't be sued.



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When you go, take plenty of water, keep the rubber side down, and know where you can ride in Utah's backcountry.

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5. **Shrink it: Bears Ears monument is wrong for Utah**

The (St George) Spectrum, June 23 | Eric Clarke, Washington County Republican Party

We must understand that the main problem with the Bears Ears National Monument, in its current form, is the way it was created.

The monument stands for the idea that good decision-making involves ignoring state and local leaders and growing the federal bureaucracy. This flies in the face of one of our nation's founding principles: Government closest to the people governs best.

This principle was demonstrated in 1776 by our nation's rejection of a distant and unrepresentative British government. It was later enshrined in our Constitution when the Framers limited the federal government — the government furthest from the people — to specific, enumerated powers. Even then, the Constitution was only ratified in 1788 after voters demanded further restrictions on the federal government through the Bill of Rights.

An enduring example of this principle is senatorial consent. In practice, senatorial consent means a presidential appointee who will operate in a single state — such as a federal district court judge — will not be confirmed if the senators from that state object to the appointment. This happens regardless of the President's political party.

Former President Obama ignored the principle of close government governs best in two ways when he created the monument.

First, elected officials opposed the monument in its current shape and size. To put this in perspective, a voting ballot for residents within the monument will include the offices of county commissioners, state legislators, governor, congressman, senators and the President. Each of those officeholders — except the President — opposed the monument .

Second, the 2,112-acre monument, nearly the size of Delaware, will be managed pursuant to federal law, regulations, handbooks, and land-use plans. The local governments — those closest



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to the people — will be completely ignored unless their land-use plans harmonize and are adopted by the federal government's convoluted bureaucracy.

Under the purview of the new monument, the federal bureaucracy now controls the type of economy and its growth in an area of our state. The monument will surely result in limitations on recreational access to this area and in a significant increase of federal law enforcement presence. The local citizens who are most affected by these changes to their community are severely limited in controlling the destiny of their communities.

Their feelings of helplessness and frustration were similarly felt by early Americans when they were ruled by a king who knew nothing about their local lives and problems.

President Trump must shrink — or even abolish — the Bears Ears National Monument. Our senators and President should establish something akin to senatorial consent for future monuments and make it clear that monuments created without the consent of that area's elected officials will not last. This is the only way to prevent future Democratic administrations from further dictating the future of rural Utah's economy.

It is also necessary to reestablish our founding principle that government closest to the people governs best.

Eric Clarke is District 71 legislative chair for the Washington County Republican Party.

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6. Do beetle-killed trees make wildfires worse? Brian Head blaze may provide surprising answers

The Salt Lake Tribune, June 23 | Brian Maffly

The wildfire threatening a southern Utah resort town this week raced through a forest that lost hundreds of thousands of spruce trees in a devastating bark-beetle outbreak.

While it remains unclear how much of a factor all that barren timber played in the Brian Head Fire, the area's glut of dead wood raises concerns about firefighter safety and how wildland blazes could behave in the 2 million acres of Utah forests that have turned gray from the phloem-munching beetles.



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For now, officials believe the Dixie National Forest trees perished so long ago that they no longer increase the likelihood of a catastrophic fire. Instead, hot, dry winds whipped this week's flames.

"The fine needles and smaller fuel fibers [from those dead trees] have fallen on the ground or they are gone, so there isn't that flashy fuel. That reduces the intensity. It's like trying to light a giant log with nothing around it," Dixie spokeswoman Cigi Burton said. Most of these snags and logs are considered a "1,000-hour fuel," referring to the amount of time a piece of dead wood takes to respond to changes in moisture conditions.

"They are burning now," Burton said, "but they are not the reason the fire moved so quickly."

In Utah, the beetle epidemic — afflicting much of western North America — began in the early 1990s in Dixie's spruce-covered Markagunt Plateau and Cedar Mountain. These highlands east of Cedar City harbor enclaves of homes that narrowly averted destruction in the 2012 Shingle Fire.

But Utah's worst-hit, beetle-plagued forests are in the Uintas, where swaths of dead timber extend for miles off the popular Mirror Lake Highway.

Experts hope the Forest Service will use the Brian Head Fire to gather sorely needed data on how blazes behave in beetle-battered forests as they burn, instead of waiting until the flames die to record observations.

The potential effects of beetle-killed timber on fires are the subject of intense debate among forest ecologists. Conventional wisdom suggests that dead and dying trees elevate the risk, but a research review paints a more-complex picture. Findings point in different directions, with some scientists arguing that lifeless trees may reduce fire severity.

Scientists rely on models to predict fire behavior, but the currently available ones aren't useful for forests that have been attacked by bark beetles, according to Forest Service ecologist Matt Jolly of the Rocky Mountain Research Station's Fire Sciences Lab in Missoula, Mont.

"The big challenge is we can't replicate this fire behavior in a laboratory," Jolly said. "What we need to do is observe real fire and document what we see."



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Whether this beetle assault contributes to more dangerous, destructive fires probably depends on a variety of factors, such as how long the trees have been dead, the species of tree, the condition of the bark, branches and needles the dead trees have deposited on the forest floor and the extent of mortality in a given stand.

Beetle-killed timber certainly elevates risks to firefighters and complicates how crews battle blazes.

"We know that a 20-year post-attack stand is a very dangerous place for a firefighter to be. The beetles make the tree brittle. We've seen them broken off 30 to 40 feet up off the ground," Jolly said. A dead tree, or snag, is far more likely to fall in a fire. Once down, this timber can block access to the fire, or worse, escape routes. Overlapping downed logs also make it virtually impossible cut fire lines.

A forest rebounding from a beetle infestation could be more susceptible to intense fire, not because of the dead wood, but because of the prolific tree growth that follows a die-off, said Mike Jenkins, a professor of forestry at Utah State University. This can be particularly true in Dixie, where the infestation left subalpine firs and young spruces. Beetles don't typically target trees whose trunks are less than 4 to 6 inches in diameter because they lack the rich layers of phloem on which the insects feed.

"Once the old trees are killed, these young trees see that as a release, and they grow like mad. That's because all the big trees that suck all the water and light are gone," said Jenkins, director of USU's Disturbance Ecology and Management Laboratory. "The subalpine fir are not attacked at all. They are a flammable tree with branches close to the ground."

Jolly suspects dead timber does boost the fire danger because needles and fine branches become 10 times drier as they turn red and eventually gray. But he cautioned that more research is needed to fully understand the beetle-fire interaction.

"If there's lots of dead foliage, there is, no doubt, a period of elevated fire potential. As trees start to decay, branch wood falls to the ground, but the fuel is still there. If you take a tree killed by beetles and it falls over, it becomes additional dead fuel on the ground," Jolly said. These fuels can exacerbate a phenomenon known as "spotting" in which burning material is lifted aloft and ignites new blazes ahead of the main fire.



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The hordes of marauding insects — along with a warming climate, on-and-off droughts and decades of fire suppression — have left the West's forests mired in unhealthy, overgrown conditions that many rural communities believe should be addressed through logging and other forms of "active management." But scientists believe fire must also be restored to the land — at least where it won't endanger communities.

"Ecologically, the effect of fire over large geographic areas is beneficial to break up some of these unhealthy forests, creating different age classes, allowing regeneration to happen," Jenkins said. "It's hard for people living in smoke and fearing for their lives and property to appreciate."

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7. **PUBLIC LANDS: BLM advances lease sale near Dinosaur monument**

E & E News, June 23, June 23 | Jennifer Yachnin

The Bureau of Land Management yesterday advanced plans to lease land near Dinosaur National Monument in northeast Utah despite National Park Service objections that development could negatively affect the 200,000-acre site.

According to a statement from BLM's Vernal and Price field offices, the agency is considering 64 parcels for inclusion in a December lease sale that includes nearly 67,000 acres.

The sites include parcels bordering Dinosaur and, according to NPS, would be visible from the visitor center and entrance road, as well as from other points within the monument.

"As we work in support of American energy independence, the BLM in Utah will move forward in a way that is consistent with national energy development policies," said BLM Utah spokeswoman Lisa Bryant.

"We will, of course, continue to carefully consider all nominated parcels to determine if they are appropriate for leasing and continue to conduct an environmental review before offering any leases for potential oil and gas development," Bryant said.

Conservationists have opposed the potential lease sale, arguing that energy extraction would affect the monument's dark night skies, as well as soundscapes and air quality.



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"It is disappointing that BLM decided to ignore the concerns of the National Park Service at Dinosaur National Monument and include leases directly on the park border in their preferred alternative," said Nicholas Lund, senior manager of conservation programs for the National Parks Conservation Association.

"The environmental quality and visitor experience of visiting Dinosaur National Monument will be harmed if these parcels are developed," Lund said.

BLM will collect public comment on its environmental assessment through July 24. The agency is set to publish a notice of parcels included in the sale in September.

"We are currently in the leasing stage and are seeking public input to determine if these leases will be offered or not, and to determine if the stipulations are sufficient to protect the resources," said BLM Green River District Manager Gary Torres in a statement.

Conservationists had similarly objected to the sale of industry-nominated parcels near Zion National Park in southwest Utah from a scheduled September lease sale.

BLM pulled those parcels earlier this month, and the agency has yet to determine whether it will pull them permanently or eventually return them to auction (E&E News PM, June 2).

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E&E/NATIONAL NEWS – FULL STORY

1. SAGE GROUSE: Ad to Zinke - 'Stand with the West, not Washington'

E & E News, June 23 | Jennifer Yachnin

The Western Values Project today launched a six-figure ad campaign urging Interior Secretary Ryan Zinke to refrain from altering federal sage grouse conservation plans.

The Montana-based government watchdog group's new campaign will also call on Western state governors to "hold Secretary Zinke and Washington bureaucrats accountable" for attempting to roll back any of the conservation efforts finalized in 2015.

Advertisements will air on television and digital markets, as well as in print, in Colorado, Montana, Nevada and Wyoming. The spots are timed to coincide with the Western Governors'



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Association's annual meeting next week, which will be held in Montana and features Zinke as a keynote speaker.

"Secretary Zinke's Secretarial Order undermines years of bipartisan collaboration to conserve the greater sage-grouse," Western Values Project Executive Director Chris Saeger said in a statement. "It appears Secretary Zinke wants to scrap all the work done by Western communities, coalitions, sportsmen and women, wildlife managers, private landowners, and industry groups."

He added: "If the Governors have an audience with Secretary Zinke next week, they must use it to insist that Interior continue with the sage-grouse plans. We simply cannot afford to turn back the clock on sage-grouse conservation."

Zinke announced earlier this month that the Trump administration would review federal greater sage grouse conservation plans to determine if they are hindering energy production on public lands (Greenwire, June 7).

A review panel is set to assess both federal and state-level efforts to protect the birds and possibly recommend significant changes to how they are managed.

The Interior and Agriculture departments finalized their greater sage grouse plans in 2015 — covering grouse habitat across 70 million acres in 10 Western states — including amendments and revisions to 98 Bureau of Land Management and Forest Service land-use plans.

Western state governors involved in the development of conservation efforts requested to meet with Zinke at next week's WGA meeting to discuss the review. The Interior Department has not said whether Zinke will meet with the officials (E&E News PM, June 21).

The new campaign includes a 30-second ad that touts bipartisan efforts among Western governors to create the 2015 conservation plans, which avoided a decision by the Fish and Wildlife Service to list the sage grouse under the Endangered Species Act.

"Sage grouse are a success story, proof conservation strategies can be effective," a male narrator states in the spot as images of the mottled-brown bird appear on screen.

The ad continues: "Epic collaboration among Western governors protecting habitat, property rights and energy development. But now, Washington wants to tell the West what to do, and



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Secretary Zinke is putting the interests of federal lobbyists ahead of families and public lands. The West is winning, keeping sage grouse off the endangered species list. Tell Secretary Zinke, stand with the West, not Washington."

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2. **PROPERTY RIGHTS: High court rejects takings claim in waterfront case**

E & E News, June 23 | Jeremy P. Jacobs and Amanda Reilly

The Supreme Court today ruled against a Wisconsin family who claimed the state had unfairly taken their property without just compensation when it denied their bid to sell part of their riverfront property.

Though the case hinged on an esoteric legal principle, it has been closely watched by property rights activists and real estate developers because the Supreme Court has not provided much guidance on the "parcel as a whole" concept in its jurisprudence. Nine states led by Nevada, as well as the U.S. Chamber of Commerce and other groups, supported the family in the lawsuit.

Murr v. Wisconsin concerned a set of siblings who wanted to put one of two adjacent lots on the St. Croix River that they had inherited from their parents on the market.

A 1975 change in land-use ordinances, however, said the two lots had become a single parcel due to various factors, including their physical characteristics and common ownership by the Murrs.

The state denied the siblings' request to sell the vacant lot in Troy, Wis., and the Murrs sued, contending that the ordinance amounted to an unconstitutional taking without just compensation because it limited their options for the property. Namely, they could not sell it alone.

Today, the court ruled 5-3 that the Wisconsin land-use ordinance was reasonable, and upheld the state court's ruling against the Murrs. Justice Neil Gorsuch did not participate in the ruling; the case was argued before he was confirmed to the court.

Justice Anthony Kennedy, writing for the majority, said several factors contributed to the conclusion that the ordinance did not constitute a taking.

First, he said courts should give significant weight to a state's ability to set land-use ordinances.



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Second, he agreed with Wisconsin that the court should consider the physical characteristics of the property. Though each of the Murrs' lots is over 1 acre — a key factor in the land ordinance — they both feature a steep bluff cutting through the center. Consequently, there is less than 1 acre of suitable space to be developed in both lots combined.

"[T]he physical characteristics of the property support its treatment as a united parcel," Kennedy wrote, adding that it was "reasonable to expect their range of potential uses might be limited."

Perhaps most importantly, Kennedy pointed directly to the appraisal of the lot provided by the Murrs. The appraisal valued the lot they wanted to sell at \$40,000 if it were left undeveloped. The value of the two lots together was pegged at \$698,300 — so the vacant lot represented less than 10 percent.

"[T]he government action was a reasonable land-use regulation, enacted as part of a coordinated federal, state, and local effort to preserve the river and the surrounding land," Kennedy wrote.

Kennedy was joined in the majority by the court's liberal wing: Justices Elena Kagan, Sonia Sotomayor, Stephen Breyer and Ruth Bader Ginsburg.

The typically more conservative justices dissented.

Chief Justice John Roberts wrote that Kennedy's "bottom-line conclusion does not trouble me." But he quibbled with the factors on which Kennedy relied, including the physical characteristics.

The Murrs were represented by the conservative, California-based Pacific Legal Foundation.

"My brothers and sister and I are certainly disappointed in today's ruling," Donna Murr said in a statement.

John Groen, PLF's general counsel, argued that the decision was "unfortunate" both for the Murrs and "all property owners."

Click [here](#) for the opinion.

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3. PUBLIC LANDS: Trump homes in on 4 conservation picks

E & E News, June 23 | Corbin Hiar

The Trump administration may be close to naming four key public land management positions, according to sources in the recreation and ranching communities.

Larry Voyles, who has led Arizona's Game and Fish Department since 2008, is believed to be in the running for Interior's assistant secretary for fish, wildlife and parks. He is set to retire from the state game office on July 26.

That Interior position, which oversees the Fish and Wildlife Service and National Park Service and requires Senate confirmation, is currently held on an acting basis by Aurelia Skipwith. A former manager at the agriculture giant Monsanto Co. who would serve as his deputy, Skipwith was hired by Interior Secretary Ryan Zinke earlier this year (Greenwire, April 6).

Voyles is a strong advocate of state wildlife management and clashed with the Obama administration's FWS over its recovery plan for the Mexican gray wolf.

Voyles is "a guy that understands the West and collaboration with state agencies," said one sportsmen's group executive. "He's someone that's highly approachable and someone that you can work with."

But another source expressed skepticism about Voyles' chances to land the high-ranking post. He has little direct experience managing parks and is believed to have been passed over for the FWS director position.

That job, several sources said, is likely to go to Scott Talbott. He is the director of Wyoming's Game and Fish Department and has a strong background in law enforcement.

Talbott grew up on a sheep ranch outside of Laramie, Wyo., according to his official biography. One of his first jobs was as a lumberjack. He has worked for the state game office since 1985 and led it since 2011.

"We know Scott to be a fair-minded state agency director," said the source. "He's been in a position to help look at ways to balance energy extraction in a manner that has the least amount of impact on public lands and fish and wildlife habitat."



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Earlier this month, Zinke hired Greg Sheehan, the former head of Utah's Division of Wildlife Resources, to serve at FWS in a newly created deputy director position. The move was seen by some sources as an effort to install political leadership at the service while the White House and the Senate vet the secretary's director pick (E&E News PM, June 5).

A couple of sources said they expect Talbott and other likely Interior nominations to be announced after the Senate confirms David Bernhardt, Zinke's pick for deputy secretary (Greenwire, June 16).

Another long-rumored conservation pick is Erica Rhoad, the staff director of the House Natural Resources Subcommittee on Federal Lands. She is widely believed to be a front-runner for the Agriculture Department's undersecretary for natural resources and the environment, a Senate-confirmed job that would entail overseeing the Forest Service.

Rhoad came to the subcommittee after lobbying for the National Rifle Association and the Society of American Foresters (Greenwire, Jan. 27, 2016).

"I don't quite understand what the hangups are" to Rhoad's expected nomination, another sportsmen's group official said. "We know Erica. We can work with Erica. She'd be fine."

The undersecretary post Rhoad is in line for is currently held by Dan Jiron, a career official (E&E Daily, June 19).

Sources also mentioned Rick Cables, the vice president of natural resources and conservation for Vail Resorts, as a possible pick for Forest Service chief.

Cables spent 35 years at the Forest Service, rising to the rank of regional forester, a title he held in both the Alaska and Rocky Mountain regions. He left the service six years ago to join the Colorado state government, where he oversaw the merger of the state's parks and wildlife division.

Since 2013, he has worked for Vail, which has a long-term lease with the Forest Service.

"He was campaigning for it early on," the official said of Cable's chief bid. "He came back here right after the election and did the rounds and threw his hat in the ring."



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Cables could be hired immediately to replace Tom Tidwell, who served as chief for nearly the entirety of the Obama administration.

But the fact that he hasn't gotten the nod has led some sources to speculate that Agriculture Secretary Sonny Perdue may be content to leave Tidwell in place as he focuses on filling more than a dozen other key posts at the department (E&E Daily, June 14).

Alternatively, one ranching group official suggested that Perdue may be waiting to put Rhoad in place before the chief, who would report to her.

Spokesmen for USDA and all of the rumored administration picks didn't respond to requests for comment.

Interior press secretary Heather Swift said, "We do not have any personnel announcements at this time."

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4. **CARBON CAPTURE: Post-Kemper question: Is 'clean coal' dead?**

E & E News, June 23 | Christa Marshall

The possible end of Southern Co.'s flagship "clean coal" project in Mississippi isn't the death knell for carbon capture and sequestration technology, industry analysts say.

Instead, the problems at the Kemper County Energy Facility — which state regulators want to turn into a natural gas plant after years of delays and cost overruns — resulted from a unique series of events and a coal gasification system that was scaled up too fast.

The plant's equipment to capture and store carbon dioxide didn't cause its current challenges and is still an option for coal and other fossil fuels, said Erin Burns, a policy adviser in the clean energy program at Third Way, a centrist Democratic think tank.

"This is absolutely not the death of CCS," she said.

A string of CCS successes this year, including the launch of the world's largest retrofit of a coal plant with carbon capture technology, make it clear the technology works, she said. Other large



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projects have opened in the Middle East and Illinois this year to trap CO₂ from steel and ethanol manufacturing.

Still, both critics and boosters of making coal cleaner in a world worried about climate change have been looking to Kemper as a model for future development. For many, Kemper was at least part of the future of coal.

That's why so many observers were shocked when on Wednesday the Mississippi Public Service Commission asked Southern Co. subsidiary Mississippi Power to find a settlement within 45 days that would abandon the Kemper plant's coal and CCS operations (Energywire, June 22).

The PSC said it was seeking a solution that would "eliminate ratepayer risk for unproven technology." Under the framework, Kemper would operate solely on natural gas, a fuel that has already been running the plant for years.

In a statement, Mississippi Power emphasized that no final decisions have been made, and that discussions with the PSC are ongoing.

"The PSC provided several guidelines to consider for the negotiations, including the possibility of the project only operating as a natural gas-fueled combined cycle plant. We look forward to reviewing the order," the company said.

Kemper, with a price tag now around \$7.5 billion, has been under construction since 2010. Developers envision gasifying lignite coal into synthetic gas and capturing 65 percent of the resulting CO₂ emissions.

Unique case

If fully operational, it would be the second U.S. coal plant to capture the majority of its carbon emissions, after NRG Energy Inc.'s Petra Nova project in Texas, which launched this year.

Most of the recent setbacks for Kemper centered around its two gasifiers, which turn lignite coal from a mine near the plant into synthetic gas.

In January 2016, for instance, Mississippi Power said one of the gasifiers got hotter than anticipated during testing, causing cracks in the lining. The plant has operated approximately 200 days on lignite, said the company.



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What's significant is that the gasifiers are separate from the carbon capture or "clean coal" portion of the plant, said John Thompson, director of the fossil transition project at the Clean Air Task Force.

The capture unit involves an antifreeze-like solvent called Selexol to strip CO₂ that has been in use in other facilities since the 1960s.

"The capture equipment was actually the most mature part of this plant," Thompson said.

The same cost overruns and delays would have occurred even if Kemper had never tried to use CCS, he said, noting that coal gasification in general has been done successfully elsewhere with different technology.

In Mississippi, Southern was trying out its new transport integrated gasification (TRIG) technology, designed to be a model for gasifying "low-rank" lignite coals, which are common in countries like India.

Southern's experience differed from others in the sense TRIG was not tested extensively at commercial scale before being tried at a power plant. The gasifier was used at a testing center, but at a size about one-hundredth that of Kemper.

"They went from the pilot plant level to, like, 600 megawatts. People at the time thought they were way too ambitious. And it's been proven out," said Massachusetts Institute of Technology carbon capture expert Howard Herzog.

Coal's woes

Kemper also ran into other issues not related to CCS, such as labor challenges and expiring Department of Energy grants. It didn't help that a consistent drop in natural gas prices after the plant's groundbreaking seven years ago made the idea of turning coal into gas less of a viable concept.

Kemper's fate also may have been sealed before it ever broke ground. In an interview last year, Southern CEO Tom Fanning said the one thing he would change about the project was committing to a fixed price for customers with only 10 percent of the plant's engineering work completed.



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"If we had taken more time to do more engineering ... we would have circumvented a lot of the problems that we incurred," Fanning said.

Critics of CCS have long said that Kemper was a huge waste of funds that could have been directed to other clean-energy solutions.

In a report last year, Friends of the Earth and Taxpayers for Common Sense said Kemper is "a stark reminder of why carbon capture and sequestration is a waste of our tax dollars and a false solution to the climate crisis."

Whether the plant's woes will hurt support for CCS policy is an open question. Thompson and other CCS supporters say advancing carbon capture and putting new incentives in place for it is critical for climate change because of the world's ongoing reliance on coal.

Supporters on Capitol Hill are pushing for an expansion of existing tax credits to provide more certainty to developers, among other incentives (E&E Daily, Dec. 6, 2016).

Problems for Southern

Kemper was a potential model in places like China, which has a lot of facilities that are gasifying coal to make chemicals and venting the CO₂ into air, said Thompson.

But Petra Nova, which began operations on budget and on time, is perhaps the more relevant model for CCS because of its status as a retrofit, according to many analysts. That is especially relevant in the U.S., which is not building new coal plants, much less coal gasification plants.

While gasification has worked elsewhere, it has "totally soured" as a concept for the power sector, according to Herzog. You don't need to gasify to do CCS, he said.

"Look at Petra Nova," he said. In addition to not gasifying coal, Petra Nova completed 90 percent of its conceptual design before it began construction.

Regardless of what Kemper may mean for CCS in general, it does mean a lot for Southern, which could be left with a CO₂ pipeline, coal mine and gasifier system to nowhere in a natural-gas-only scenario.

Issues that have to be addressed include an existing contract with Denbury Resources Inc. to use Kemper's CO₂ in enhanced oil recovery.



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The utility signed several memorandums of understanding in recent years to explore the use of its TRIG technology at overseas projects. In December 2015, for instance, Southern penned a letter of intent with a South Korean company to evaluate the deployment of TRIG at a new 1,000-MW power plant.

One thing that might not be an option if the plant becomes gas-only is use of the existing carbon capture infrastructure. Selexol typically is used when the CO₂ concentration in flue gas is high, which is much more suited to coal than natural gas, according to Thompson.

He called for an investigation into all the factors that led to this point. "There really needs to be an analysis of what went wrong," Thompson said.

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5. **COAL: Industry urges lawmakers to nix mine cleanup bill**

E & E News, June 23 | Dylan Brown

The National Mining Association yesterday came out against a \$1 billion coal mine cleanup bill just ahead of a House committee vote next week on the measure.

The powerful trade group sent a [letter](#) urging House Natural Resources Committee members to vote down [H.R. 1731](#), the "RECLAIM Act," at a markup next week.

NMA President Hal Quinn warned lawmakers that their vote would be tallied on NMA's congressional scorecard, which tracks how closely members' views align with those of the coal industry.

Until the letter, NMA had been publicly silent as Rep. Hal Rogers (R-Ky.) whipped up bipartisan support for his bill to speed up payments to states out of the Abandoned Mine Land (AML) Fund, a collection of fees charged to coal companies for each ton they mine.

Tracing back to an Obama administration proposal, the overarching goal of the legislation is to inject an extra \$1 billion into areas crippled by the coal industry downturn, namely in Appalachia.



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"Our opposition to the bill should not be viewed as opposition to its ostensible purpose for promoting economic revitalization and diversification of distressed coal mining communities," Quinn wrote.

His concern is the money will not achieve the goal of the fund — reclamation of the most dangerous abandoned coal mines — by adding "red tape" in proving a project's connection to economic development and allocating money to acid mine drainage and other "lower priorities."

The letter fits neatly into NMA's opposition to reauthorization of the AML Fund as a whole.

NMA argued that only \$2.8 billion out of \$10 billion in AML fees has gone to priority reclamation work, an argument that drew condemnation from state regulators at a recent AML hearing (E&E Daily, June 8).

The federal Office of Surface Mining Reclamation and Enforcement says \$3.3 billion has been spent on that work, another \$1 billion on project design and \$2.4 billion unappropriated by Congress.

In a statement, Rogers was "disheartened" by NMA's opposition.

"The RECLAIM Act has been delicately constructed with thoughtful input from Republicans and Democrats alike, as well as our coal mining states in the east and west over the last two years," he said. "The RECLAIM Act is a groundbreaking bill that will finally fast-track available AML funding that has been idle for decades to spur job creation and reclamation where it's needed most.

Rep. Matt Cartwright (D-Pa.) added: "We can all agree that there are significant unexpended funds in the AML Fund — which is exactly why we need to put these resources to work. The bipartisan, bicameral compromise bill directs the bulk of the funds to the most deserving projects to revive our land, grow our economy, and put people back to work."

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6. **FORESTS: Republican eyes Western Dems on wildfire bill**

E & E News, June 23 | Marc Heller

Legislation to ease environmental hurdles for forest-thinning projects will likely pass the House in July before facing an uncertain future in the Senate, Rep. Bruce Westerman (R-Ark.) said yesterday.

In an interview with E&E News, Westerman said he hopes to convince some Western Democratic senators to support the measure, called the "Resilient Federal Forests Act," [H.R. 2936](#), despite strong opposition from environmental groups.

"That's where I see the biggest obstacle," Westerman said. "I really, really hope some of those Democratic senators out West will realize that this will be good for the environment, good for the economy, and they should really get on board and support this bill."

Westerman's bill is set for a markup in the House Natural Resources Committee next week (E&E Daily, June 21). There, it's likely to pass easily, albeit on a largely party-line vote. A handful of congressional Democrats support it, including Rep. Rick Nolan of Minnesota, a co-sponsor.

The legislation would expand to 10,000 acres the area that could be thinned of vegetation with less rigorous environmental reviews, through "categorical exclusions" from the National Environmental Policy Act.

The higher limit — an increase from 3,000 acres in the 2014 farm bill — would apply to areas at risk of wildfire because of disease or recent fires.

In cases where various agencies and local authorities are collaborating on such projects, the area eligible for categorical exclusions could be up to 30,000 acres.

The softening of environmental reviews is the sensitive point that has repelled greater Democratic support, even though many lawmakers share Westerman's other goal in the bill: ending the Forest Service's practice of borrowing money from non-fire-related accounts to pay for fire suppression, which takes up more than half of the Forest Service's budget.

A bill aimed solely at fire budgeting would probably gain plenty of Democratic votes in the Senate but doesn't address more long-term needs, Westerman said.



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"If you just do the fire fix, it's not really a fix, it's a Band-Aid," he said.

Forest management projects would still be subject to environmental reviews, Westerman said, but wouldn't involve the level of detail — or time to complete — of a formal environmental impact statement or environmental assessment.

Timber industry representatives say the Forest Service takes far longer than other agencies to complete environmental reviews and that the bill would provide a workaround in limited situations.

Senate action

Senate Energy and Natural Resources Chairwoman Lisa Murkowski (R-Alaska) has worked with Sen. Ron Wyden (D-Ore.) on a compromise that addresses wildfire budgeting and forest management, including streamlining environmental regulations — but without the categorical exclusions.

Senate aides say Murkowski and Wyden's work is a foundation for action, but that prospects for legislation moving anytime soon aren't good, given the chamber's work on health care, taxes and other pressing business.

In the Agriculture Committee, Chairman Pat Roberts (R-Kan.) has taken an approach more in line with Westerman's, as the Senate's Energy and Agriculture panels try to sort out jurisdiction on the matter.

Westerman said environmental groups and some House Democrats have overreacted to environmental review provisions in his bill. The higher levels for categorical exclusions are "a ceiling, not a floor," he said.

"It's amazing how politicized issues get twisted into something they're not," Westerman said.

Westerman's approach pits the timber industry, hurt by mill closures in California and other states, against environmental groups calling for a more reserved approach to logging.

Proponents have increased efforts in recent weeks to promote the bill, and the Federal Forest Resource Coalition — representing timber companies — is collecting signatures on a letter from industry supporters to be delivered to Natural Resources Committee members next week.



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The Wilderness Society, which opposes the bill, said the measure ignores science to restore forests and called it a "clear-cut disaster."

Some groups, such as the John Muir Project, have urged a more hands-off approach to federal forests, greatly scaling back logging.

Westerman dismissed that approach and said he accepts that some advocates will never support his efforts, although sportsmen are lining up behind it and other groups at least aren't complaining, he said.

Forests, which are alive and growing, can't be preserved but can be conserved and put in better shape for future generations, Westerman said. "Preservation's for artwork and pickles and stuff like that."

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7. **POLITICS: Oil and gas lobby targets coal and 'fuel diversity'**

E & E News, June 23 | Rod Kuckro

"Fuel diversity" has become a favorite buzz phrase of the Trump administration as it advocates for the increased use of coal to produce the nation's electricity.

It rolls off the tongues of Energy Secretary Rick Perry and U.S. EPA Administrator Scott Pruitt with regularity in speeches, testimony and interviews.

The concept was central to Perry's April request for a study of electricity markets and reliability, a much anticipated document whose delivery was supposed to be today but that has been pushed back until "early July," DOE said Wednesday.

So maybe it wasn't coincidental that a study with an opposite point of view critical of coal was released yesterday — and not by an environmental organization.

"There's been a lot of focus on this statement about 'fuel diversity provides reliability,'" said Erica Bowman, chief economist at the American Petroleum Institute, which issued the study yesterday.



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The study, "Diversity of Reliability Attributes: A Key Component of the Modern Grid," was produced for API by the Brattle Group.

"We really wanted to demonstrate that it is not fuel diversity that provides reliability. It is a diversity of attributes from the generators. Reliability is really fuel-agnostic," Bowman said.

Bowman said "there wasn't an intention" that the API study pre-empt or act as a counterpoint to what DOE may produce for Perry. "I hope they use it as a resource and are able to incorporate some of it," she said.

Reviving a rivalry

Power-sector issues have never been in the wheelhouse of API, which represents the nation's oil and natural gas producers.

But as natural gas from the shale boom is being used more and more to produce electricity in a market with very little growth in demand and increasing use of renewables — which have no fuel cost — the gas and coal industries are rekindling a rivalry going back decades.

It's pure and simple about competition for market share.

In 2016, natural gas provided 34 percent of total electricity generation, surpassing coal to become the leading generation source, according to the U.S. Energy Information Administration.

Between 2000 and 2008, coal was significantly less expensive than natural gas, and coal supplied about 50 percent of total U.S. generation, EIA said.

Natural gas first exceeded coal as the most common electricity fuel on a monthly basis in April 2015 and on an annual basis in 2016.

Today, the two fossil fuels are virtually neck and neck in terms of powering electricity, with market shares in the low 30 percent range.

Earlier this month, Pruitt expanded on the need to support coal generation beyond ensuring baseload capacity, arguing that if the share of coal use falls below 30 percent, it could expose the United States to terrorist attacks (Climatewire, June 7).



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"When we're at less than 30 percent or right at 30 percent today, that creates vulnerabilities to attacks on infrastructure," Pruitt said on MSNBC's "Morning Joe," without specifying what kind of threats he meant.

'Misinformed'

Asked if Pruitt had it right in his arguments in favor of coal, Bowman said, "He's misinformed."

"With respect to coal, you don't need coal as a baseload fuel to make the electric system reliable," she said.

"Coal has had a lot of value to the United States throughout time, but as we move forward and there are different environmental requirements, it's been more difficult for that fuel to compete as natural gas has become so affordable and cheap," Bowman said.

Natural gas "can offer all of the attributes that coal has. And then some," she said.

For example, "when you look at a coal generator and you look at ramp rates and you look at start times, they're a lot slower than a natural gas facility."

"Natural gas facilities, depending on the technology type, can go from zero to 100 megawatts in less than five minutes. For a coal generator, you can move maybe 5 to 7 MW per minute. So you're not able to load follow in the same way that you would be able to with natural gas generation," she said.

Opposition to subsidies

API has been politically active in states such as Ohio, Illinois and New York in trying to persuade lawmakers and regulators to reject calls for subsidies to nuclear and coal plants that are struggling in an electricity market defined by low wholesale prices and slumping demand.

Among the arguments put forth by subsidy proponents are that the plants offer fuel diversity.

API's state chapters are "100 percent opposing" the subsidies, Bowman said.

"We don't always understand what they mean by fuel diversity. We are in a more diverse fuel era than we've ever been," she said.



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"It really means they want to maintain coal and nuclear facilities at any cost. And that's something that we do want to push back against. When you allow free markets to decide your generation mix, you're actually going to go to natural gas," she said.

Moreover, "there's been a strong case against coal from an environmental standpoint," she said.

"Pity they didn't look at price volatility over the past few decades and reliability during weather-induced power demands, e.g., the polar vortex, but it's understandable why they didn't. Otherwise, good to see how well coal stacks up," said Luke Popovich, spokesman for the National Mining Association.

API President and CEO Jack Gerard was once the president and CEO of NMA.

"There is no reason that we should rely on this idea that coal-fired baseload is needed especially if we have concerns about climate change," said Christina Simeone, director of policy at the Kleinman Center for Energy Policy at the University of Pennsylvania.

"Natural gas generation is cleaner, cheaper, more efficient, more flexible. It can provide baseload, it can ramp up and down. And we'll need more and more as renewable penetration increases," Simeone said.

The API study is not the last one trying to influence the debate on grid reliability and the roles of coal, gas and renewables.

The Natural Resources Defense Council on Monday will unveil a new report on how the utility industry is using wind and solar to cost-effectively and reliably power the grid. NRDC made a point of saying it was done in advance of the DOE study.

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