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Attached is the daily news report for May 6 8, as well as a more detailed listing with articles related to the Secretary of the Interiors visit to Utah.

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DAILY NEWS REPORT - UTAH

TOP STORIES – MAY 5-8, 2017

1. With National Monuments Under Review, Bears Ears Is Focus Of Fierce Debate

NPR, May 5 | Kirk Siegler

A lot of the anger over federal public land in rural Utah today can be traced back to a windy, gray day in Arizona in September 1996. At the Grand Canyon, President Bill Clinton formally designated the Grand Staircase-Escalante National Monument in Utah, more than 100 miles away.

2. Record-setting southern Utah tourism highlights stakes of national monument debate

KSL News, May 5 | Dave Cawley

SALT LAKE CITY — U.S. Interior Secretary Ryan Zinke's plan to visit southern Utah next week will place him, and by extension the Trump Administration, in the middle of two bitter fights over public lands in the state.

3. Patagonia to Zinke: 'Conserve Our Shared Public Lands for Future Generations'

EcoWatch, May 5 | Yvon Chouinard and Rose Marcario

Dear Secretary Zinke,

As Secretary of the Interior, you hold the solemn responsibility to steward America's public lands and waters on behalf of the American people who own them. Our public lands, including the national monuments you are now reviewing, represent a vital part of our nation's heritage—a legacy that belongs not just to us, but to all future generations of Americans. It is an important part of your job to safeguard this legacy by making careful and informed decisions about what federal lands can be used for development and what special or vulnerable areas should be preserved for the future.



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4. INTERIOR: Agency suspends advisory panels even as decisions loom

E & E News, May 5 | Scott Streater

The Interior Department is formally reviewing the "charter and charge" of more than 200 advisory panels that assist federal agencies managing hundreds of millions of acres of public lands at a time when the Trump administration is considering significant changes to land-use designations and management practices.

5. 27 national monuments under Interior Dept. review

David DeMille, May 5 | David DeMille

ST. GEORGE, Utah — Nearly two dozen national monuments will face a federal review period following an executive order by President Trump.

6. Native American advocates size up Trump administration

KPAX News, May 6 | Eleanor Mueller

With President Donald Trump's first 100 days in office in the rearview mirror, lawmakers and advocates are uncertain but hopeful about the impact the new administration will have on the Native American community.

7. Op-ed: Utah Farm Bureau applauds review of national monuments

The Salt Lake Tribune, May 6 | Ron Gibson

Utah Farm Bureau applauds President Trump's review of presidential national monument designations over the past two decades, including the highly controversial 1996 Grand Staircase-Escalante and 2016 Bears Ears National Monument.

8. Much at stake as Interior Secretary Ryan Zinke visits Bears Ears

The Deseret News, May 6 | Amy Joi O'Donoghue

SALT LAKE CITY — To all in the fight over the Bears Ears monument designation, there is much to win, a way of life to lose, and very little room on any side to compromise.



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9. Supporters of Bears Ears, Grand Staircase rally in advance of Interior Secretary Ryan Zinke's visit

The Salt Lake Tribune, May 6 | Peggy Fletcher Stack

After his birth in Utah's Monument Valley, James Adakai's umbilical cord was buried at Bears Ears.

10. In our opinion: Reviewing the Antiquities Act is an important course of action

The Deseret News, May 6 | Deseret News editorial board

We believe in the importance of conservation. The nation's public and shared lands are a vital treasure that need to be preserved.

11. Op-ed: Will Bears Ears Be the Next Standing Rock?

The New York Times, May 6 | Terry Tempest Williams

After seven years of organizing, the Bears Ears Intertribal Coalition — made up of the Hopi, Navajo, Uintah and Ouray Ute, Ute Mountain Ute and Zuni Nations — played a key role in securing the protection of 1.35 million acres surrounding Bears Ears from development and resource extraction just before President Obama left office.

12. Zinke promises to hear out protestors of rescinding national monuments

The Washington Times, May 6 | Ben Wolfgang

Interior Secretary Ryan Zinke on Sunday launched a "listening tour" across Utah designed to quell an uproar over his department's controversial review of national monuments.

13. National Monuments: Presidents Can Create Them, but Only Congress Can Undo Them

Govexec.com, May 6 | Nicholas Bryner, Eric Biber, Mark Squillace and Sean B. Hecht

On April 26 President Trump issued an executive order calling for a review of national monuments designated under the Antiquities Act. This law authorizes presidents to set aside federal lands in order to protect "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest."



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14. Rallies over Bears Ears act as prelude to Zinke's visit

KSL News, May 7 | Jasen Lee and Marjorie Cortez

SALT LAKE CITY — For scores of Utahns, preserving the monument status of the state's newest protected public lands and one of its more revered places was more than enough reason to spend a weekend afternoon at the state Capitol.

15. Zinke met by protest as he arrives to consider Utah voices on national monuments

The Deseret News, May 7 | McKenzie Romero

SALT LAKE CITY — While protestors clogged the sidewalk outside, Interior Secretary Ryan Zinke said he will be gathering perspectives of people on all sides of a deeply controversial issue as he reviews the Bears Ears and Grand Staircase-Escalante national monuments.

16. Zinke starts review of Utah's Bears Ears National Monument

The Las Vegas Review-Journal, May 7 | Michelle L. Price and Brady McCombs, AP

SALT LAKE CITY — U.S. Interior Secretary Ryan Zinke will start a four-day Utah trip Sunday to assess whether 3.2 million acres of national monuments in the state's southern red rock region should be scaled down or even rescinded.

17. The new range war

The Christian Science Monitor, May 7 | Amanda Paulson

MAY 7, 2017 SALMON, IDAHO—Merill Beyeler bears the classic look of a Western rancher. He's got the leathery face of someone who has spent a lot of time outdoors. He wears flannel shirts, jeans, and a bone-colored cowboy hat.

18. The Latest: Zinke says he may not favor shrinking monuments

NewsOK, May 7 | The Associated Press

SALT LAKE CITY (AP) — The Latest on a visit to Utah by Interior Secretary Ryan Zinke to review the designation of national monuments (all times local):



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19. **Zinke says monument designations have been an 'effective tool,' though 'very few ... are to the scale of the recent actions'**

The Salt Lake Tribune, May 7 | Matthew Piper

As he embarked on a tour of Utah to review two national monuments, Ryan Zinke said he sees no evidence Native American proponents of Bears Ears National Monument were exploited by special interest groups, as state leaders have suggested.

20. **Zinke Begins Utah Listening Tour**

KUER News, May 7 | Judy Fahys

Utahns for and against national monuments have been asking the Trump administration to weigh in on Bears Ears ever since it was created in December. U.S. Interior Secretary Ryan Zinke arrived in Utah Sunday to hear their concerns firsthand.

21. **Zinke in southern Utah to tour Bears Ears**

The Deseret News, May 8 | Amy Joi O'Donoghue

BLANDING — Native American supporters of the new Bears Ears National Monument talked Monday about the sacred nature of the rugged landscape and why it's so important to protect.

22. **Zinke kicks off Utah tour in national monuments review**

The Hill, May 8 | Timothy Cama

Interior Secretary Ryan Zinke is in Utah this week to tour two controversial national monuments that the Trump administration is considering rescinding or shrinking.

23. **Mr. Zinke, Keep Channeling Teddy Roosevelt**

The New York Times, May 8 | The Editorial Board

On his first day on the job, Ryan Zinke, President Trump's secretary of the interior, rode a horse to work, in plain imitation of Teddy Roosevelt, who as president used to gallop around Washington, and whose admirable record as a conservationist Mr. Zinke says he hopes to emulate.



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24. Could management shift to states even if public lands remain federally owned?

The Las Vegas Sun, May 8 | Daniel Rothberg

At a Lake Tahoe fundraiser in August, Elko County Commissioner Demar Dahl — a leader in the movement to transfer federal land to the states — met privately with then-candidate Donald Trump. According to a story Dahl has told many times since then, he asked Trump how he would feel operating a 10-floor hotel in which eight floors were owned by a bureaucracy 2,500 miles away.

25. Could management shift to states even if public lands remain federally owned?

The Center for American Progress, May 8 | Mary Ellen Kustin

On April 26, President Donald Trump launched an attack on national parks, public lands, and waters. His executive order called on U.S. Secretary of the Interior Ryan Zinke to “review” the 54 national monuments that presidents have designated or expanded since 1996. The order gives wide discretion to the secretary to recommend actions that the president or Congress should take to alter or rescind the protections for these natural, historical, and cultural treasures.

26. US Interior secretary tours hotly contested Utah monument

The Washington Post, May 8 | Michelle L. Price and Brady McCombs, AP

SALT LAKE CITY — U.S. Interior Secretary Ryan Zinke on Monday will get a bird’s-eye view of one of 27 national monuments he’s been ordered to review as he flies over 1.3 million acres of southern Utah’s red rock plateaus, cliffs and canyons graced with sagebrush, juniper trees and ancient cliff dwellings in one of America’s newest and most hotly contested monuments.



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FULL STORY

1. **With National Monuments Under Review, Bears Ears Is Focus Of Fierce Debate**

NPR, May 5 | Kirk Siegler

A lot of the anger over federal public land in rural Utah today can be traced back to a windy, gray day in Arizona in September 1996. At the Grand Canyon, President Bill Clinton formally designated the Grand Staircase-Escalante National Monument in Utah, more than 100 miles away.

"On this remarkable site, God's handiwork is everywhere in the natural beauty of the Escalante Canyons," he said.

But Clinton didn't set foot in Utah. The planning for the monument was largely done in secret, and state leaders had little warning it was coming.

Now, nearly 21 years later, mistrust toward the federal government persists, in the tightknit, mostly Mormon town of Blanding, Utah. Folks can't help but draw a parallel to how President Barack Obama's sweeping Bears Ears National Monument ended up in their backyard.

"I don't understand how it would protect the land when you're inviting thousands of footprints in," says Laura O'Donnell.

O'Donnell, who works at Blanding's modest visitor center, says she is uncomfortable with her town suddenly being the flashpoint in the heated debate over the future of federal public lands.

Interior Secretary Ryan Zinke is keeping a promise to travel into rural Utah beginning this weekend to hear from locals who live around the new 1.35 million-acre Bears Ears monument and the established 1.8 million-acre Grand Staircase monument to the west. The Trump administration has launched a 45-day review over whether large national monuments like these that protect federal land should be rescinded or shrunk.

In Blanding, Zinke's visit is highly anticipated. Here, opposition to the monument runs deeper than the usual anxieties in sagebrush country about adding more protections to public land that would restrict future mining and other development.



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"Monuments should be an honor to an area, and we feel like this one is nothing but a punishment," says Jami Bayles, who founded a group called the Stewards of San Juan County.

From her office at a small college, you can see the twin Bears Ears buttes framing the distant horizon out on the vast Cedar Mesa west of town. While not as visually dramatic as the famous national parks nearby, the area is dense with cliff dwellings and ancient artifacts.

Bayles and many of her neighbors felt offended when the federal government announced additional protections under a new monument because they felt it sent a message that the land was being threatened.

"We keep that place pristine, we keep it clean, we check on it all the time," Bayles says. "I guess my argument is, 'OK, yeah, it belongs to everybody, but not everybody has been taking care of it.' "

Bayles says that the monument is being pushed by extreme, out-of-state environmentalists and that her side has struggled to be heard.

There are deep pockets behind the campaign to protect Bears Ears.

San Juan County is about 50 percent Native American. A short drive down the road, on the Navajo Nation Reservation, tribal leaders say it's a lie for people in Blanding to argue that the monument is being pushed on them from the outside.

"For them to be here for 130 years, they should at least understand the Native Americans now," says Kenneth Maryboy, a chapter president.

Native Americans from around the Four Corners region, where Utah, Colorado, New Mexico and Arizona meet, who back the new monument are open about the fact that they're getting outside help and money because they didn't have a voice before, according to interviews with tribal leaders. Many tribes in the region have officially come out in support of the monument, though not all.

Maryboy was involved with the first talks with Utah's congressional delegation almost a decade ago about protecting Bears Ears as a National Conservation Area. They broke down last year, then came Obama's executive order.



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"Our gripe and our fight is to preserve what's there, the Native American artifacts, the antiquities and all the shrines and the ruins," Maryboy says.

The sacred burial grounds of the famous Navajo leader Manuelito are included in the new monument. Maryboy sees the monument as crucial to protecting these antiquities from vandalism and looting, a historical problem in San Juan County.

"The San Juan County good ol' boys don't want to see this happen," says Maryboy. "They adamantly, openly said, 'This is our land. The damn Navajos need to go back to the reservation.'"

It's not an overstatement to say that Zinke will see deep tension and polarization when he arrives at Bears Ears late this weekend for a two-day tour.

Tribes here point to a history of broken promises with the U.S. government. If the Trump administration moves to abolish Bears Ears, it's not hard to imagine a Standing Rock-inspired protest here. On the other hand, if the monument stays intact, some wonder whether the militias that support rancher Cliven Bundy and his sons would arrive in San Juan County.

Back in Blanding, some locals like Ferd Johnson are floating a compromise. Why not just shrink the monument and protect the cliff dwellings and other antiquities themselves, they say.

"All these environmentalists, these Navajos, Hopis and the other Indians didn't even know where the Bears Ears was," Johnson says. "Why is it so sacred if they don't even know where it is?"

The tribes dispute this. Some have already signaled they'll sue if, after Zinke's Utah trip, the Trump administration moves to rescind Bears Ears.

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2. **Record-setting southern Utah tourism highlights stakes of national monument debate**

KSL News, May 5 | Dave Cawley

SALT LAKE CITY — U.S. Interior Secretary Ryan Zinke's plan to visit southern Utah next week will place him, and by extension the Trump Administration, in the middle of two bitter fights over public lands in the state.



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One, a white-hot battle over the 1.3-million-acre Bears Ears National Monument in San Juan County, erupted last December when then-President Barack Obama created the monument at the request of tribal representatives and against the wishes of county and state leaders.

The other fight has simmered for two decades. It deals with an older and even larger monument, blamed by many in southern Utah for slowly strangling the life out of their communities. Yet the disagreement over Grand Staircase-Escalante National Monument is coming back to a boil even as tourism in the region sets new records year after year.

A review of economic indicators by KSL, including employment data, visitation statistics, tourism-related tax revenues and county building permit records obtained through an open records request, reveals both the struggles and opportunities facing places like Cannonville, Kanab, Boulder and Big Water.

The simmering dispute

An irritated Rep. Mike Noel, R-Kanab, was sick of hearing about the values of southern Utah's tourism economy. During a meeting of the state's House Natural Resource, Agriculture and Environment Committee in late February, the lawmaker unloaded on his colleagues from Salt Lake City.

"People tell me there's all kinds of jobs down there; everything's going great," Noel said. "I really kind of get a gutful of it up here, I really do. It bothers me because it sends a false premise."

Noel represents House District 73, a giant swath of territory covering all of Kane, Garfield, San Juan, Wayne and Piute Counties, as well as pieces of Beaver and Sevier Counties. He chastised urban lawmakers for suggesting federal management of Utah lands has had a positive influence by driving visitors, and by extension their tax dollars, into the rural region he represents.

"I've lived there for 41 years. I've seen what's happened down there and my ancestors have lived there for over 100 years and it's not in a good condition as far as you say, as far as economically and what's happening to families," Noel said.

In recent years Noel has helped lead the charge in several high-profile efforts to take control of federal lands. Key among those lands is the monument at the heart of his district — Grand Staircase-Escalante.



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The maligned monument

As designated by President Bill Clinton in 1996, Grand Staircase-Escalante National Monument covered roughly 1.9 million acres. It's bounded on the east by Capitol Reef National Park and Glen Canyon National Recreation Area, and on the west by Bryce Canyon National Park. The monument's northern edge abuts the Dixie National Forest, while its southern extremity touches the Arizona border.

Wrapped within it sits a maze of twisted river canyons, eroded sandstone pinnacles and arches, relics of pioneer history and fossilized dinosaur bones.

Rep. Noel's cry to turn over those lands to state management, or to at least prioritize cattle grazing, ATV use and mineral extraction, have support from people like Garfield County Commissioner Leland Pollock.

"200,000 acres would be a stretch, to say that there's antiquities, things of value that meet the Antiquities Act criteria," Pollock said. "What is it? It's BLM range. It's brush land. It's sage brush."

The Bureau of Land Management administers the monument, unlike most other Utah monuments which are instead operated by the National Park Service.

Prior to the designation two decades ago, a bitter fight had raged between the mining company Andalex Resources, Inc. and environmental groups over the company's plans to extract large amounts of coal from the region. Andalex held federal mineral leases around the Kaiparowitz Plateau.

The wording of President Clinton's declaration made clear those existing leases were to be honored. However, the company made the decision not to develop the resources and ultimately gave up the leases in exchange for \$14 million from the Department of the Interior.

Miners were not the only ones with claims to the land. Ranchers also held leases that allowed them to graze their cattle over much of what is now in the monument. Those uses were largely respected and allowed to continue by the Bureau of Land Management, though some parcels were withdrawn from use.



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Monument critics believe the coal reserves could still be developed, to the economic benefit of the region, were the federal land managers not standing in the way.

Recreation opportunities on the monument are expansive, though not without difficulty.

Unlike many national parks, where trails are paved and shuttle buses run on tight schedules, Grand Staircase-Escalante is almost entirely primitive. It holds just three established campgrounds: Calf Creek along state Route 12 between Boulder and Escalante, Deer Creek on the Burr Trail Road and White House on the Paria River. Roads to most popular destinations are unpaved and at times impassable due to weather or damage.

"They did not want tourism," Pollock said. "The monument itself, they would tell me when I was first sworn in as a commissioner, 'this wasn't created for tourism. It was created to study science.'"

The popularity explosion

Want them or not, tourists are coming to Grand Staircase-Escalante in record numbers.

Visitation statistics maintained by the National Park Service show Zion led the pack of Utah parks in 2016, taking in 4.3 million people. Bryce Canyon, the state's second-most-visited park, welcomed almost 2.4 million. Both figures are nearly double the visitation recorded in 1996, when Grand Staircase-Escalante was born.

BLM records show the monument has also almost doubled its annual visitation during the same period. It set a high-water mark of 923,236 visitors last year, placing it above even Canyonlands and about on par with Capitol Reef National Park.

The rate of visitation growth for Zion, Bryce and Arches accelerated sharply in 2013. Kem C. Gardner Policy Institute Director Natalie Gochnour noted that in recent years, the Utah Office of Tourism has heavily advertised the parks with the Mighty Five campaign.

"There's a lot of money that goes into promoting our state and it's proven to be very well invested ... but you have to be really careful that you also invest in the quality of that experience," Gochnour said. "Whether it's roads or campgrounds or bridges or water treatment plants, amenities, you need to invest in the tourism infrastructure business to get a payback from it."



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In Washington County, home to St. George and the Zion gateway community of Springdale, taxes on short-term lodging and restaurant sales have followed a similar curve as the park's visitation. Grand County, too, has shown strong tourism-related tax growth, boosted by visitors to Arches who also stay and spend in Moab.

The visitation spike has helped accelerate recovery in Washington and Grand Counties following the recession of the late 2000s.

"The tax revenues related to tourism and travel are going up, have been for the last five years," Jennifer Leaver said. She works as a research analyst at Gardner Institute and has spent a good deal of time examining the economics of southern Utah. "Jobs have been either remaining flat or going up. Wages have been going up."

But while Garfield County is home to Bryce Canyon, it has not seen quite the same boost.

Challenges of the tourism economy

The tiny town of Boulder is made up of little more than a few buildings and farms snuggled into the valley where state Route 12 and the Burr Trail meet on the southern slopes of Boulder Mountain. As of the 2010 Census, Boulder claimed a population of 226.

Yet it's exactly where Blake Spalding and her partner chose to start their business, Hell's Backbone Grill, shortly after Grand Staircase-Escalante's creation.

"We really just built it up. This is our 18th season. We have about 45 employees that work with us year after year," Spalding said.

Hell's Backbone Grill, which is located on the grounds of the Boulder Mountain Lodge, has received numerous accolades from both local and national press over the years. It draws clientele with its menu and its reputation, but finding qualified help has proved to be one of the restaurant's biggest challenges.

"There's not a business from a construction company to the school to the towns themselves, certainly my restaurant, that isn't hiring right now. We have jobs aplenty," Spalding said. "What we don't have is residents to fill them."



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Making a life in a place like Boulder can be incredibly difficult, especially for someone accustomed to urban living. Cell phone service is spotty. Cultural options are limited, though outdoor recreation is in abundant supply. Grocery runs can require long drives to bigger towns. And while there are jobs available, many are not the kind capable of providing a steady living.

Lecia Langston, a regional economist with the Utah Department of Workforce Services, said tourism jobs tend to come and go.

“For Garfield County particularly they see a huge amount of seasonality so that during the summer they basically have to import a lot of their labor because they need it, but they don’t need it in the winter,” Langston said.

People who can’t afford to stay the winter on what they earned are forced to leave in search of other opportunities, as work in other more stable fields can prove tough to find.

“Garfield County has the highest percentage of leisure and hospitality services jobs in the state. They run about 43 percent of their total non-farm employment,” Langston said.

The result is a yo-yoing effect. In March, the most recent month for which numbers are available, the seasonally adjusted unemployment rate in Garfield County was 7.1 percent. That was the lowest it’s been since the end of the recession but it was still well above the statewide average of 3.1 percent.

“If you were to look at the raw rate in July for Garfield County it would be very, very, very low,” Langston said. Conversely, it would be much, much higher in December. “Kane County (in March) actually looks fairly low, given the fact that they do have a lot of seasonality. Their unemployment rate right now is 3.2 percent, which is comparable to the state average.”

Kanab on the cusp

Kane and Garfield Counties have much in common, making that difference in their unemployment rate very conspicuous.

“What’s interesting about Kane County is they do have a couple of unusual employers that make their employment numbers look a little bit different,” Langston said. “Kane County’s largest employer is actually Best Friends Animal Sanctuary. They show up in what we call ‘other services’ so they have a really high percentage of employment in that sector. The other thing



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that's important to know about Kane County is they do have some manufacturing. Stampin' Up was a homegrown company that started in Kane County and still has a sizable employment presence."

That little bit of diversity helps make Kane's economy more resilient. Kane County Office of Tourism Executive Director Camille Johnson said the addition of steady jobs has allowed for more stability and, as a result, investment in the visitor experience.

"We had Comfort Suites and Hampton Inn open up in the last year and we've got a La Quinta on line to open in 2018. Then I just learned of one of our local partners that's doing an expansion," Johnson said. "We've had a lot of new restaurants open up."

The city also has geography to its advantage. Kanab sits within striking distance of Zion, Bryce Canyon, the Grand Canyon, Lake Powell and the Wave. The county is promoting Kanab as a place to base camp while visiting the whole variety of southern Utah destinations. The goal is to keep visitors in town long enough to help the local economy, rather than having them simply pass through on their way to another place.

Johnson said overcrowding in the banner locations like Zion also has Kane County pointing increasingly more visitors toward hidden gems outside of the Mighty Five.

"Because tourism is such a hot industry for us right now, we're having a little bit of a labor force crisis and a housing crisis," Johnson said. "With the two new hotels opening up and several restaurants, it spread our already thin labor force even thinner."

Up in Garfield County though, the hospitality industry has grown more slowly since the creation of Grand Staircase-Escalante.

Commercial building permit papers obtained by KSL through an open records request reveal much of the new lodging construction over the last 20 years has focused Ruby's Inn or the Bryce Canyon gateway communities. Recently, more rustic rental options like cabins, yurts or RV parks have started to open around Escalante and Tropic.

Back in Kanab, some fear the rapid growth could dilute the history and western character of the region.



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“Locals will say to me ‘we don’t want to be like Moab, we don’t want to be like Springdale, please don’t let that happen’,” Johnson said. “They’re afraid that we’ll lose the spirit of our community and our heritage and then it won’t be appealing for locals to stay here and then they uproot and then we lose that heritage.”

The tale of two Utahs

The loss of locals is already happening and not just in Kanab. It’s evident from the average age in many rural Utah counties.

“There are two different economic realities in our state. We call it ‘the tale of two Utahs’,” Natalie Gochnour said. “They basically have children who left the counties, presumably for employment opportunities, schooling and they don’t come back. And so these counties get older and older and older.”

Why don’t they come back? Experts agree it’s a lack of high-paying skilled work in rural communities.

“It’s kind of a catch-22 because there aren’t necessarily the kinds of jobs young people want, or that pay the kind of wages that they’d really like to have, so they leave and you don’t get the population growth that you need to spur the economic growth,” Lecia Langston, the Workforce Services regional economist, said.

Garfield County even declared a state of emergency in 2015 due to declining enrollment at Escalante High School.

“In 1996 you had about 144 children enrolled at Escalante school, seventh through 12th grade,” Commissioner Leland Pollock said. “When we declared that state of emergency it was down to 51.”

Pollock points to Grand Staircase-Escalante National Monument as the primary reason for the drop. Others though see the problem in more nuanced terms.

“I think it’s really a time to think very purposefully about rural Utah, particularly rural Utah that’s hurting, and figure out how do we connect and unify and help,” Gochnour said.



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She suggested that could mean having policymakers lean on urban Utah's strength, investing the fruits of Wasatch Front productivity into rural counties through infrastructure improvements like better roads or broadband access. At the same time, battles over public lands could be quieted by some good-faith deal-making.

"I think a really productive place for state decision makers to focus is on land exchanges and making all of these state institutional trust lands that are locked up inside federal lands, not accessible, getting them closer to the cities, closer to the towns and letting those towns grow," Gochnour said.

The Wasatch Front could in turn benefit in the form of reduced air pollution and traffic congestion, as more people disperse into areas outside of the urban core. Gochnour suggested outdoor gear companies already operating in the state could lead the charge, choosing to locate their manufacturing facilities in areas like Kanab.

"Maybe it's time for the state and the federal government, locals, recreationists to all come together and say 'there is a path forward that can address our needs'."

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3. **Patagonia to Zinke: 'Conserve Our Shared Public Lands for Future Generations'**

EcoWatch, May 5 | Yvon Chouinard and Rose Marcario

Dear Secretary Zinke,

As Secretary of the Interior, you hold the solemn responsibility to steward America's public lands and waters on behalf of the American people who own them. Our public lands, including the national monuments you are now reviewing, represent a vital part of our nation's heritage—a legacy that belongs not just to us, but to all future generations of Americans. It is an important part of your job to safeguard this legacy by making careful and informed decisions about what federal lands can be used for development and what special or vulnerable areas should be preserved for the future.

That is why the arbitrary 120-day deadline for you to review whether to shrink or rescind dozens of national monuments is absurd. As you know, the process to establish a national monument



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often takes years, if not decades. It involves significant study of the area of the proposed monument—including its ecological, cultural, archeological, economic and recreation value—and robust consultation with local communities and their elected representatives at every level. Given the unique and complex histories of each monument, there is simply no way to meaningfully review dozens of individual monuments in such a short period.

You justify this review on the false premise that the American people have not yet been heard on the designation of these national monuments. But the communities near the national monuments under your review have already made their voices heard during public input and stakeholder engagement periods prior to designation. For example, notwithstanding the rhetoric of Utah Governor Gary Herbert and members of the Utah Congressional delegation, the designation of Bears Ears National Monument involved years of public input gathered by the Obama administration. This process included a series of public meetings in Southeastern Utah in 2016, including several sessions attended by former Interior Secretary Sally Jewell. It also included significant engagement with the Bears Ears Inter-Tribal Coalition, which represents tribal nations for whom the land is sacred and contains archeological artifacts with immense cultural value. Additionally, in a recent poll, 68 percent of voters in seven Western states said they prioritize the protection of land, water and wildlife for recreation on public land, compared with 22 percent who prioritized increased production of fossil fuels. Your review must account for this extensive record of consultation as you purport to seek public input.

As you undertake this review, we urge you to consider the enormous economic benefits of protected public lands for nearby communities, including many rural areas. A recent study showed that areas in the West with protected lands consistently enjoy better rates of employment and income growth compared to those with no protected lands. In the 22 years since the Grand Staircase-Escalante in Utah was declared a national monument, jobs grew by 38 percent in two neighboring counties. The designation of 17 national monuments—including nine monuments covered under your review—led to significant increases in per capita income in regions adjacent to the newly-protected areas.

Rescinding or shrinking the national monuments under review also threatens the fast-growing outdoor recreation economy, which relies significantly on recreation access to protected public lands. These lands are not "locked up," as the Trump administration has said repeatedly declared—they are extremely productive. As you know, since you participated in the outdoor industry's announcement of a new economic study last week, the recreation economy drives \$887 billion in consumer spending every year and supports more jobs (7.6 million) than oil,



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natural gas and mining combined. Rescinding or shrinking the national monuments under review would significantly impact the strength of the outdoor recreation economy and limit our ability to create and sustain jobs.

Patagonia has been outfitting outdoors people and protecting public lands for more than 30 years. The debate over land and water conservation is always complex and sometimes divisive. But we have never witnessed the legacy of America's federal lands encountering greater risk than we see right now. As you visit these protected places and report back to the president, I urge you to follow in the tradition of President Teddy Roosevelt and conserve our shared public lands for future generations.

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4. **INTERIOR: Agency suspends advisory panels even as decisions loom**

E & E News, May 5 | Scott Streater

The Interior Department is formally reviewing the "charter and charge" of more than 200 advisory panels that assist federal agencies managing hundreds of millions of acres of public lands at a time when the Trump administration is considering significant changes to land-use designations and management practices.

The Bureau of Land Management has told members of its 30 resource advisory councils (RACs) to postpone scheduled meetings through at least September as part of the new national review of Interior's advisory panels, both internal and external.

That includes canceling meetings of six other BLM advisory committees affiliated with specific sites within the agency's National Conservation Lands system, as well as two other high-profile panels: the National Wild Horse and Burro Advisory Board and the North Slope Science Initiative Science Technical Advisory Panel in Alaska.

It also affects other panels, such as the National Park System Advisory Board, which advises the NPS director and Interior secretary "on matters relating to the National Park Service, the National Park System, and programs administered by the National Park Service," including the Antiquities Act, which has been targeted by GOP congressional leaders.



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The timing means some land management recommendations — including a high-profile review of national monuments — will be completed without the advisory panels' input.

Heather Swift, an Interior spokeswoman, told E&E News in an email today that the review is part of an ongoing effort by Interior Secretary Ryan Zinke aimed at "restoring trust in the Department's decision-making."

Swift said the review of "the charter and charge of each Board/Advisory Committee" is designed to "maximize feedback from these boards and ensure their compliance with the Federal Advisory Committee Act," the 1972 law that ensures that advice by various advisory committees is objective and accessible to the public.

"This review process necessitates the temporary postponement of advisory committee meetings," Swift said.

But Swift said the review is also designed to ensure compliance with "the President's recent executive orders."

President Trump in the last month has signed a number of executive orders, including one requiring the review of all policies that may "potentially burden" energy production activity on federal lands.

Trump last week also signed one requiring Interior to review the boundaries of dozens of national monuments designated within the last two decades and to decide whether they should be altered or eliminated (Greenwire, April 26).

That executive order is targeted at more than 30 national monuments designated since 1996 that comprise at least 100,000 acres. It will initially focus on the fate of the recently designated 1.35-million-acre Bears Ears National Monument but will ultimately include sites like the 1.9-million-acre Grand Staircase-Escalante National Monument, both in Utah.

That executive order requires Zinke to submit a report with his recommendations on the national monuments to the president within 120 days, before the Interior review of the advisory committees and boards is completed and the postponement of the meetings lifted.

That means the Utah resource advisory council that provides recommendations to BLM on management of the 22.9 million acres of federal public lands in the state will not weigh in on the



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national monument issue; neither, presumably, will the members of the agency's Grand Staircase-Escalante National Monument advisory committee.

That concerns Greg Zimmerman, deputy director of the Center for Western Priorities.

"The Trump administration and Interior Secretary Zinke talk a big game about including Western communities in decisionmaking on public lands, but this action proves it's nothing more than talk," Zimmerman said. "They are shutting out input from communities just as the administration takes unprecedented steps toward wiping national monuments from the map."

It's a particular concern for BLM, critics say.

Canceling the BLM RAC meetings "sends a clear signal that Secretary Zinke intends to make decisions behind closed doors and not through an open and transparent public process," Zimmerman said.

The agency's 30 RACs, whose members are appointed by the Interior secretary, are designed to help guide BLM administrators on a wide variety of issues involving major projects such as multistate transmission lines and energy projects.

The advisory panels typically have 10 to 15 members, who are supposed to represent a cross-section of local residents, state government agencies, industry and conservation leaders. They evaluate and submit recommendations on "land use planning, fire management, off-highway vehicle use, recreation, oil and gas exploration, noxious weed management, grazing issues, wild horse and burro herd management issues," and other topics, according to BLM.

Recommendations from the RACs, established by Interior in 1995 during the Clinton administration, are supposed to carry significant weight with BLM leaders.

But there have been some high-profile examples in the past two years where BLM ignored the recommendations of its RACs.

BLM in January approved the final two segments of the Gateway West Transmission Line Project in Idaho over the objections of an eight-member subcommittee of the BLM Boise District's RAC that concluded the route would unnecessarily affect communities, natural resource values and private landowners (Greenwire, Jan. 20).



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And last year, BLM formally approved the 287-megawatt Soda Mountain Solar Project in the Southern California desert, despite the recommendation of BLM California's Desert District RAC against the project and its impacts on wildlife, groundwater quality and other natural resources (E&E News PM, April 5, 2016).

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5. **27 national monuments under Interior Dept. review**

David DeMille, May 5 | David DeMille

ST. GEORGE, Utah — Nearly two dozen national monuments will face a federal review period following an executive order by President Trump.

The Department of the Interior, under new Trump appointee Secretary Ryan Zinke, released the names of 27 monuments Friday that it will put under a review, including a public comment period that will run for 60 days.

“Today’s action, initiating a formal public comment process finally gives a voice to local communities and states when it comes to Antiquities Act monument designations,” Zinke said in a written release. “There is no pre-determined outcome on any monument. I look forward to hearing from and engaging with local communities and stakeholders as this process continues.”

Trump ordered the reviews last week, covering a 21-year period bookended by two of the more controversial monument designations in recent memory, both in Utah: the Grand Staircase-Escalante National Monument designated by President Clinton in 1996 and the Bears Ears National Monument designated by President Obama late last year.

Zinke is scheduled to visit both monuments next week, meeting with local officials.

Either Congress or the president can protect federal land by designating a national monuments, with the 1906 Antiquities Act giving the president authority to quickly preserve land without waiting for legislation from Congress. There were 129 monuments nationwide at the start of the year, with recent presidents tending to designate more land than most of their predecessors. George W. Bush and Obama each designated more than 200 million acres as monument lands.

The Bears Ears designation was especially contentious in recent years, with many Utah officials comparing it to the Grand Staircase-Escalante designation two decades earlier.



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No president has ever moved to rescind a designation made by a previous president.

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6. **Native American advocates size up Trump administration**

KPAX News, May 6 | Eleanor Mueller

With President Donald Trump's first 100 days in office in the rearview mirror, lawmakers and advocates are uncertain but hopeful about the impact the new administration will have on the Native American community.

Trump's choice of Ryan Zinke to be secretary of the interior quelled the concerns of some; as a former congressman from Montana, Zinke has experience representing Native Americans in Washington, which is seen as a promising sign by many of the community's top advocates.

But some of the President's executive actions and controversial comments, including a recent reference to Democratic Massachusetts Sen. Elizabeth Warren as "Pocahontas," have raised some concerns. Lawmakers serving on the Senate Committee on Indian Affairs have voiced trepidation about the impact the new administration may have on Native American health care, education funding and sovereignty, among other issues.

However, community stakeholders say they are trying to balance those concerns with optimism as the President's first term unfolds.

Zinke takes over

In interviews, lawmakers expressed trust in Zinke's demonstrated ability to understand the issues important to Native Americans across the nation. Hailing from a state with seven Indian reservations, Zinke possesses "a degree of knowledge" not typical of the interior secretary position, said Sen. John McCain, the current longest-serving member and former chairman of the Senate Committee on Indian Affairs.

"Secretary Zinke has much more experience on Native American issues than his predecessor -- who had literally none," the Arizona Republican told CNN in an interview. "My initial impression is President Trump and the people around him support sovereignty and the Native American population. They can have a degree of knowledge and involvement in Native American issues that was not the case amongst their predecessors."



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The interior secretary under former President Barack Obama was Sally Jewell, the previous CEO of outdoor retailer REI. The Interior Department did not respond to requests for comment.

In 2015, then-Rep. Zinke sought to make tax breaks on coal mined from American Indian reservations permanent -- a move viewed as boosting the communities' revenue and creating jobs for tribal members. In a statement emailed to CNN, the National Congress of American Indians expressed their support for Zinke, citing "his approach to the (Bureau of Indian Affairs) as well as his commitment to giving tribal nations a seat at the table across the federal government."

"Ryan Zinke has a long history of fighting for our country," NCAI President Brian Cladoosby said in the statement. "Throughout his service as a congressman for Montana, he fought for Montanans and Montana's tribes in the halls of Congress. We have no doubt that Secretary Zinke will continue fighting for all tribes as secretary of interior."

Tribal sovereignty

The densest cloud of uncertainty surrounds the matter of tribal sovereignty, or the US agreement to protect the ability of individual tribal governments to govern themselves.

While Zinke's congressional track record reflects commitment to Native American self-determination, Trump's past is not as clear.

"Secretary Zinke has always supported the principles of tribal sovereignty and self-determination," McCain said. "That's an important pillar of our tribal relations."

In 1993, Trump's comments in a congressional hearing on Indian casinos shocked lawmakers and others.

"Go up to Connecticut, and you look (at the Mashantucket Pequots)," Trump told the House Natural Resources Native American affairs subcommittee. "They don't look like Indians to me."

In June 2016, then-presidential candidate Trump labeled Democratic Sen. Elizabeth Warren of Massachusetts "Pocahontas" -- a reference to her claimed Indian heritage.

"Pocahontas is at it again!" Trump wrote in a tweet. "Goofy Elizabeth Warren, one of the least productive U.S. Senators, has a nasty mouth."



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The President resurfaced the comment in Atlanta on April 28 this year, telling a crowd of National Rifle Association members that "it may be Pocahontas" pursuing the Democratic presidential nomination in 2020.

The remarks were condemned by the National Council of American Indians, who in a May 3 statement called them "derogatory."

"I'm disturbed by some comments the President has made," Sen. Tom Udall, vice chairman of the Senate Committee on Indian Affairs, told CNN. "He has made some very derogatory comments about tribes. I hope Secretary Zinke encourages President Trump about the importance of self-determination, teach him about that, understand what it's all about."

Recent executive actions have done little to assuage these worries, the New Mexico Democrat said. On the Dakota Access Pipeline and the planned border wall (which would cut a reservation in half), Trump has moved ahead "without talking to" American Indian stakeholders, Udall said.

"He's taken action without consultation," Udall said. "One of the cores of trust and responsibility is government-to-government consultation, talking with tribes that are concerned."

"It shows a complete lack of understanding of tribal sovereignty, self-determination -- things very, very important to tribes," Udall added.

However, these are missteps that could be remedied with future collaboration, Udall said.

"The tribes are a little apprehensive," Udall said. "But I think if they see an outreached hand, it is going to help get some things done."

Education

One issue that's already on Zinke's plate at Interior is Native American education. Speaking at a March 8 hearing of the Senate Committee on Indian Affairs, the secretary acknowledged the failings of the Bureau of Indian Education.

"Words cannot capture how terrible it is that children in schools overseen by Bureau of Indian Education are so poorly served," Zinke said.



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Many lawmakers agree that the schools should be a top priority for the new administration. But though Zinke has said he supports upgrading the schools, actually making changes is more difficult.

"He responded as you might expect (during the March 8 hearing) -- that he was committed to it, that he understood the challenges and the situation, and he said it was on his highest priority list," McCain said. "He gave the right answers. And I believe him. But I've heard those same answers for years and years."

Among the things McCain said he would like to see: More federal funding for school choice initiatives.

"The answer to that in my view is to give the tribe access to BIE funds to be used for private tuition, tutors, classes, charter schools, so Native families have more choices," McCain said. "I'm not saying charter schools are better or worse -- although I personally believe they're better -- but Native American parents should be able to have a choice where they want their children to go."

According to a 2014 Government Accountability Office report, the Bureau of Indian Education spent about \$15,391 per pupil annually -- compared to the average of \$9,896 per student at public schools nationwide.

Despite this, Government Accountability Office reports have found that BIE students have higher dropout rates, lower scores on college admission tests and lower college entrance rates than their public school counterparts.

"We have a long way to go when it comes to Indian education," Udall said.

And the confirmation of Betsy DeVos as secretary of education has done little to assuage the New Mexico Democrat's concerns: "The thing that worries me the most is the new education secretary," he said.

DeVos's efforts to "voucherize education" "could well apply to the Bureau of Indian Education," Udall said.

"I think that would be a real disaster," Udall said. "It would be draining resources away from already depleted resources pool. That is not a good idea."



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Health care

Also on Zinke and lawmakers' wish lists are improvements to Native American health care.

"The one (issue) I would really start with would be Indian health care," Udall said. "It's been a hot-button issue."

During his January 17 confirmation hearing, Zinke told lawmakers that "as bad as the VA is, (Native American health) is worse."

With the ongoing GOP efforts to repeal the Affordable Care Act, lawmakers and advocates are unsure what the future may hold for the health care of the Native American community.

According to Udall, Republicans are "not involving Democrats" in health care reform discussions; an exclusion that makes it difficult for the party to advocate for Indian-American rights.

"It's a closed-door affair," Udall said. "The best advocates for Native Americans excluded from the table."

Given the underfunding of the Indian Health Service, many tribal members "rely heavily" on the Affordable Care Act's health exchange, Udall said. Were the federal government to cut discretionary spending -- as proposed in the President's budget -- and repeal Obamacare, tribes across the country would suffer, Udall said.

"The proposal in the budget is to increase defense dramatically at the expense of the domestic side," Udall said. "With that proposal and the proposal on the Affordable Care Act, that could be a big hit on the tribes across the country."

Speaking at the March 8 hearing, Paul Torres, the chairman of Al Pueblo Council of Governors, also voiced concerns about the budget cuts.

"These across-the-board cuts are alarming because the majority of programs serving Indian Country fall under the category of discretionary spending and are not exempted under the President's proposed plan," Torres said.

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7. **Op-ed: Utah Farm Bureau applauds review of national monuments**

The Salt Lake Tribune, May 6 | Ron Gibson

Utah Farm Bureau applauds President Trump's review of presidential national monument designations over the past two decades, including the highly controversial 1996 Grand Staircase-Escalante and 2016 Bears Ears National Monument.

It is refreshing, remembering President Bill Clinton sitting on the south rim of the Grand Canyon in Arizona without consulting local officials or notifying Utah's elected leaders of his intention to set aside 1.9 million acres in the Grand Staircase-Escalante National Monument. Or, that one month before the end of his presidency, Barack Obama would unilaterally lock up another 1.35 million acres in the Bears Ears National Monument. Certainly, a closer look is warranted!

The president has authority under the Antiquities Act to "protect objects of historic and scientific interest" but it must be "confined to the smallest area compatible with the proper care and management of the objects to be protected." Such was the case when Teddy Roosevelt made the 1,300-acre Devils Tower the first National Monument in 1906. Sadly, things have taken a drastic turn toward massive monuments since President Jimmy Carter in the 1970s.

Did protection of unique features or politics of the day drive the designation of nearly 3.5 million acres being locked away in the Grand Staircase-Escalante National Monument and Bears Ears National Monuments? It's obvious the politics of Clinton and Obama didn't line up with Utah. The courts have declared there is no need to protect common sagebrush ground with no scientific or historic value. While there are clearly beautiful areas of historic and cultural importance that can be preserved in these monuments, much of it is common sagebrush that should be open for multiple uses.

A review of land ownership in the most affected counties – Kane, San Juan and Garfield – would bring into focus whether or not the designation of these national monuments is excessive and regulatory overkill. These rural county governments already struggle to meet their citizens' needs and to educate their children with only 10 percent (Kane), 8 percent (San Juan) and a paltry 5 percent (Garfield) of the land in these counties privately owned.

National monument designations in these three counties have, and will continue, to adversely impact generations-old sheep and cattle ranching families, as well as other multiple uses such as recreation and resource development. Livestock ranching, a major economic contributor going



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back to pioneer settlement, must now deal with a new level of Resource Management Planning by the Bureau of Land Management and U.S. Forest Service.

In Utah, with 67 percent of the state owned and controlled by the federal government, family sheep and cattle ranchers have been compelled for generations to combine their limited private land and water with the public domain to have sustainable and economically viable businesses. While this model worked historically for these family businesses, increasing uncertainty in how public lands are managed makes going forward difficult. Ranchers have already had to absorb a reduction of 70 percent of livestock grazing numbers in the past 50 years.

Cattle ranching and its economic contribution in Southern Utah's Kane, Garfield and San Juan Counties has been hard hit by the presidential orders. Approximately 40,000 head of cattle were harvesting the annually renewing forage in these counties in 2016, generating more than \$33 million in direct sales. Using a conservative multiplier, as ranching families spend those dollars and they ripple through the small towns, cattle sales will generate more than \$50 million to the local economy. And that is a contribution that can renew itself every year.

Livestock grazing on the public lands is an important part of the history and culture of rural Utah and is a critical component of these rural economies. Harvesting the renewable forage provides an affordable protein for American dinner tables, contributes to the health of the ecosystem, reduces the potential for catastrophic wildfires, and supports rural, local economies.

The Utah Farm Bureau welcomes President Trump's desire to review these monuments for the past 20 years to ensure they're keeping with the stated intent of the Antiquities Act. With all the economic growth taking place along the Wasatch Front, it's important for us all to support one of the pillars of economic success for these rural Utah counties – agriculture.

Ron Gibson is president of the Utah Farm Bureau Federation.

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8. **Much at stake as Interior Secretary Ryan Zinke visits Bears Ears**

The Deseret News, May 6 | Amy Joi O'Donoghue

SALT LAKE CITY — To all in the fight over the Bears Ears monument designation, there is much to win, a way of life to lose, and very little room on any side to compromise.



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When Interior Secretary Ryan Zinke steps off the plane Sunday in Utah, he will become the key witness to a dramatic showdown over the fate of the 1.35 million-acre monument, and for the next several days, the man everyone in this fight will want to meet.

If the monument stands, Native Americans, environmental groups and conservation organizations that spent millions of dollars on the effort for a new monument in San Juan County can set about on the next steps.

Monument status elevates the cultural, historical and spiritual significance of the rugged country, they say, and puts federal land managers on a path to protecting thousands upon thousands of ancient artifacts.

A monument designation for the region gives five Native American tribes not only a reason to celebrate, but a reason to hope that strong bonds will be forged with an American government that over centuries has let them down at best or betrayed them at worst.

To these Native American men and women who fight for the survival of the Bears Ears National Monument, it assures their spiritual connection there will live on, cradled in the arms of wind-swept buttes, pine-dotted mountaintops and sprawling Cedar Mesa sandstone.

But a loud chorus of people in San Juan County say they love the land as well, but hate the monument.

They're offended that a place hailed for its beauty and solitude suddenly needs an absentee landlord in Washington, D.C., to exercise oversight when generations have grown up with it as their backyard.

Regardless of the promises in President Barack Obama's Bears Ears proclamation, they see monument status as the wedge in the door of access that the federal government will eventually slam shut.

They fear hunting, fishing, grazing, collecting firewood, motorized travel — multiple uses of the land — will be chipped away and restricted until the activities are eventually gone. In their place will rise a Moab-esq atmosphere with monument signs, a visitor center, lines of cars and hoards of selfie-taking tourists intent on scratching one more destination off their to-do list.



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With 65 percent of land within Utah's borders already owned and controlled by the federal government, the state's leaders and county governments are indignant that one more layer of government control — over their objections — was hoisted upon a county that is already the poorest in the state, where jobs are already tough to come by.

Against this backdrop, Zinke — a former Navy Seal Team Six leader — will wade into the fray by visiting Bears Ears and meeting with local residents before he returns to Washington, D.C., to eventually advise President Donald Trump on what its fate should be.

"The fact that he has agreed to come and visit, I think, is a good thing for everybody," Gov. Gary Herbert said. "He needs to come and look at the public lands issues we have here in the Intermountain West and particularly in Utah. He needs to look at some of the areas of controversy. I think he needs to come with an open mind and an unbiased attitude, and take a look and listen to the pros and cons."

Zinke's visit to the Bears Ears and Grand Staircase-Escalante national monuments — also under fire but in a blaze that was set 21 years ago when it was created — comes as a result of an executive order issued by President Trump on April 26.

That order directs a 45-day review centered around Bears Ears with resulting recommendations for the president, as well as a look at designations of monuments with more than 100,000 acres since 1996.

With a sympathetic president at the helm who campaigned on the promise to return power to the states and power to the people — and also unravel federal regulations — Utah's leaders are practically giddy at the prospect there will be some sort of presidential directive on Bears Ears.

While no president has ever rescinded a monument, and therefore that executive power has never been tested in court, five presidents have significantly reduced monuments. In the most extreme example, President Howard Taft reduced the Navajo National Monument by 89 percent.

Over time, 11 national monuments have been abolished through acts of Congress, according to the National Park Service, most typically because their importance was overstated or the resources for which they were established were diminished.

In Utah, a legal battle raged to overturn Grand Staircase-Escalante National Monument, but that proved unsuccessful.



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History, then, offers a mosaic of executive branch and congressional reactions to controversial monument creations.

For supporters of Bears Ears, a rescission is akin to blasphemy — and any reduction in size as a so-called "compromise" is untenable.

"Friends of Cedar Mesa is committed to on-the-ground stewardship of these public lands whatever the politicians decide," said Josh Ewing, the group's executive director. "However, any shrinkage of the monument just makes it that much harder for us to do good stewardship to benefit the landscape as we're forced into legal/political/policy battles to stop bad things from happening to lands that should have been protected in the first place."

Jami Bayles, president of Stewards of San Juan County, said the designation goes against what residents want and won't automatically come with protections supporters want. The monument designation needs to go.

"It is appalling that nonlocal voices have drowned out those who treasure this land the most. Long before established bureaus arrived, it was and has always been the local people who have protected and cared for this land. We are the reason it is pristine," Bayles said.

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9. Supporters of Bears Ears, Grand Staircase rally in advance of Interior Secretary Ryan Zinke's visit

The Salt Lake Tribune, May 6 | Peggy Fletcher Stack

After his birth in Utah's Monument Valley, James Adakai's umbilical cord was buried at Bears Ears.

The Navajo Nation's commissioner for Bears Ears now worries such a sacred spot will be lost unless Interior Secretary Ryan Zinke agrees to meet with the state's tribal authorities during his four-day visit to Utah — a face-to-face conversation the secretary has so far declined.

Zinke needs to "listen to everyone," Adakai told a crowd of more than 1,000 supporters of the Bears Ears and Grand Staircase-Escalante national monuments gathered on the Capitol's steps Saturday afternoon.



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Zinke intends to be in the Beehive State from Sunday to Wednesday as part of President Donald Trump's plan to review 27 large monuments designated since 1996.

The review could lead Trump to shrink the size of some monuments or possibly attempt to rescind one, which has never happened. Zinke has until June 10 to report back on the 1.35 million-acre Bears Ears monument, the last one created by President Barack Obama just weeks before his term ended. The secretary has a few more months to make recommendations on the others, including Grand Staircase. Zinke's fact-finding trip will be highly watched and highly political, with a much smaller anti-monument rally held in Blanding on Saturday.

Many in the larger Capitol crowd — including a contingent of American Indians — held signs that read "Save our monuments — antiquities in stone and bone," "Don't Trump Utah," "Don't give our public lands to greedy local politicians," "Rural Born Utahn for Bears Ears" and "Honor Tribal Sovereignty."

As they filled the Capitol's steps and spilled down the lawns, Gavin Noyes, executive director of Utah Dine Bikeyah, told The Salt Lake Tribune he hoped Zinke would "walk the land with traditional tribal elders whose past and future is tied to Bears Ears." His group, which is led by Native Americans, sought the creation of the controversial monument over the objection of Utah's members of Congress and most state leaders.

Noyes opened the 1 p.m. rally under a blazing sun with a call for the Cabinet official to listen to more than just Utah's top politicians.

"Don't touch our monuments," he said. "Listen to the people, not the delegation."

The Dine Bikeyah director urged attendees to plant pro-monument signs in their yards so that when the Interior secretary arrives Sunday for meetings in Salt Lake City, he will be visually bombarded. Noyes further instructed supporters to pack Zinke's news conference scheduled for 4 p.m. Sunday to make their wishes known.

Evangeline Gray, a Navajo medicine woman, offered a prayer to the Creator Spirit, calling on the divine to "get people to hear our voices ... that the land is precious to us ... and to touch [the delegation's] heart."

Virgil Johnson, chairman of the Utah Tribal Leaders Association, said: "We are stewards of this land ... protective of our land and beliefs."



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Noting tribal sovereignty, Johnson said he asked for a meeting with Zinke while the Cabinet member was in Utah but was declined.

"We are not being heard," he said. "Our rights are being swept aside. ... It needs to stop."

That was followed by wild applause.

During Utah's legislative session earlier this year, state representatives passed resolutions asking the president either to reduce the size of Grand Staircase and Bears Ears or eliminate Bears Ears altogether.

"I represent a conservative district," state Rep. Patrice Arent, D-Millcreek, said "but I didn't hear from one person asking me to vote for these bills."

These lands are not just valuable to Utahns, but "all over the nation and world," Arent told the crowd. "We cannot afford to auction them off to the highest bidder."

She further argued that tourists visiting these monuments have helped, not hurt, the local economy — a point reiterated by Nate Waggoner, of the Boulder Chamber of Commerce, near the Grand Staircase monument.

At the same time supporters were meeting in Salt Lake City, dozens of Bears Ears opponents gathered in Blanding's Pioneer Park.

"Unlike the rally being held 300 miles away at the state Capitol, the San Juan celebration of local voices is about bringing together those who know and love our public lands the most," Ryan Bennaly, vice president of Stewards of San Juan County, wrote on the group's website. "For the monument advocates far, far away, San Juan County is a vacation spot. For First Nations people, it's our home."

At the Blanding rally, Jami Bayles urged participants to meet back at the park Monday, when they hope to meet with the secretary in person.

"San Juan County is eager to have Secretary Zinke visit our home and see firsthand why locals oppose the national monument designation," Bayles wrote on the site. "We have worked tirelessly to advocate for what's best for this land, and it's nice to know that someone is finally listening."



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Back at the Capitol rally, attended by many Native Americans and some residents of San Juan County, Jared Campbell of Salt Lake City brought his 3-year-old daughter, Phoebe, because she's "grown up living in the outdoors."

Recently, Campbell spent four days in the designated area, drinking in its beauty and grandeur.

After that experience, he wondered if monument opponents across the state have "touched the soil" there.

Zinke will have his chance this week. He plans a full day of meetings in San Juan County on Monday, followed by a visit to Bears Ears on Tuesday. He'll then travel to Kanab and a part of the Grand Staircase monument on Wednesday.

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10. **In our opinion: Reviewing the Antiquities Act is an important course of action**

The Deseret News, May 6 | Deseret News editorial board

We believe in the importance of conservation. The nation's public and shared lands are a vital treasure that need to be preserved.

Yet, legislators must fix the Antiquities Act and allow for greater local input and decision-making power before monuments are made.

As Utah welcomes U.S. Secretary of the Interior Ryan Zinke to the state this weekend, we also welcome his department's review of the Antiquities Act.

Sec. Zinke's visit to Utah comes as President Trump directed the Department of the Interior to review national monument designations made under the Antiquities Act since 1996 that exceed 100,000 acres. On Friday, the department released a list of 15 monuments under review and invited public comment. The Bears Ears (1,353,000 acres) and the Grand Staircase-Escalante (1,700,000 acres) monuments in Utah both made the list.

The review is a worthwhile endeavor to see what public input went in to the designations. It should help lead to legislative revisions of the Antiquities Act, which is being used to lock up land without the consent of local citizens.



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Conservationists, of course, are fearful that this review will lead to rescinding or reducing of the Bears Ears National Monument. But, in the long-run, the important question for America is what should be the proper political process for declaring a monument designation that permits local involvement.

When President Theodore Roosevelt championed the Antiquities Act in the early 20th century, the legislation was enacted to protect Native American artifacts and sacred burial sites from looting and to preserve historic edifices or areas of scientific importance. Designations under the act were to “be confined to the smallest area compatible with proper care and management of the objects to be protected.”

In recent years, however, with the stroke of a pen, the executive branch has restricted access to millions of acres of land without, in some instances, even consulting the local citizenry or their political representatives. No matter the original intent of the Antiquities Act, the law is increasingly used to sanction unacceptable federal overreach.

Shared governance and compromise is part of what makes the American system unique — abuse of the Antiquities Act is antithetical to those principles.

Reporting by Deseret News’ Jesse Hyde uncovered the behind the scenes political maneuvering that led to the Trump administration’s decision to review the law. Utah’s senior Sen. Orrin Hatch played a major role in persuading Trump to look at rescinding or reducing the Bear’s Ears National Monument.

It’s well known that Utah’s political leaders have been lobbying the administration to reverse the order by President Obama creating the Bear’s Ears monument. In announcing the review, President Trump made it clear that he philosophically sides with Utah’s political leadership, saying, “The Antiquities Act does not give the federal government unlimited power to lock up millions of acres of land and water, and it is time we ended this abusive practice.”

If the administration is inclined to follow the advice of Utah’s governor, legislative leaders and congressional delegation and ultimately rescind or make changes to national monuments in Utah, it will immediately trigger lawsuits and a judicial review of the president's authority to do so.

What will come of such a legal battle is unclear, but the real long-term solution to this problem is to fix the legislation. Whether or not Bear’s Ears should be rescinded is a question separate from



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the legitimacy of the Antiquities Act. Polls show Utahns are largely split on the issue of Bear's Ears. We believe the region deserves protection.

Political leaders, however, have couched the most recent designation as a “betrayal” by the Obama Administration of good-faith efforts by the state to cobble together a consensus on how best to protect the land. Supporters of the monument argue, with some justification, that the state’s efforts in that direction were doomed to succumb to political pressures as they stumbled through the legislative process in Washington. Others counter by pointing out that the prospect of a presidential monument designation caused negotiations to go no where since conservationists were confident they would get their monument anyway.

The solution, however, should not be that the executive branch steps in to pick a winner. Rather, the U.S. needs a system that fosters the kind of compromise and local solutions that were being worked out.

Reviewing the Antiquities Act with an eye toward congressional revision is an important course of action and one that will hopefully lead to good conservationism and sound practices of shared governance.

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11. **Op-ed: Will Bears Ears Be the Next Standing Rock?**

The New York Times, May 6 | Terry Tempest Williams

“Rising from the center of the southeastern Utah landscape and visible from every direction are twin buttes so distinctive that in each of the native languages of the region their name is the same: Hoon’Naqvut, Shash Jáa, Kwiyaqatu Nukavachi, Ansh An Lashokdiwe, or ‘Bears Ears.’ For hundreds of generations, native peoples lived in the surrounding deep sandstone canyons, desert mesas ... one of the densest and most significant cultural landscapes in the United States.”

— Proclamation by President Barack Obama establishing Bears Ears National Monument, Dec. 28, 2016

After seven years of organizing, the Bears Ears Intertribal Coalition — made up of the Hopi, Navajo, Uintah and Ouray Ute, Ute Mountain Ute and Zuni Nations — played a key role in



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securing the protection of 1.35 million acres surrounding Bears Ears from development and resource extraction just before President Obama left office.

But in our climate of political myopia, President Trump recently ordered the Interior Department to review the size and scope of national monuments larger than 100,000 acres created since 1996. He complained that these designations “unilaterally put millions of acres of land and water under strict federal control,” called them a “massive federal land grab” and directed Interior Secretary Ryan Zinke to review and reverse some of them.

There is a subtext here, as his order made clear. Monument designations, the document said, can “create barriers to achieving energy independence” and “otherwise curtail economic growth.” Among the likely beneficiaries of any reversals are the oil and gas industries, mining and logging interests and commercial development.

In issuing this order, President Trump — who has never visited Bears Ears — apparently chose to listen to the bellicose politicians of Utah and do the bidding of Senator Orrin Hatch and Representatives Rob Bishop and Jason Chaffetz, who complain that Utahns were cut out of the process. Call that another alternative fact. The lawmakers claim it was an endgame move by the departing President Obama to create a “midnight monument.”

The truth is, the establishment of Bears Ears National Monument was a healing moment of historic importance. A unique agreement was reached between Indian tribes and the United States government for a collaborative approach to the management of Bears Ears. It was a clasp of hands across history. It was also about America looking into the deep future rather than into the narrow exhaust pipe of today. It was about drilling for hope and dignity, rather than fossil fuels.

But now Bears Ears could very well become another Standing Rock in both desecration and resistance — the latest example of a new colonialism, with the government bulldozing Indian sovereignty and privileging Big Oil. “If the Trump administration moves forward with their interests, they are taking us backward 100 years, rupturing trust once again between the federal government and Indian people,” Regina Lopez-Whiteskunk, a former councilwoman from the Ute Mountain Ute Tribe, said.



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No president has ever attempted to abolish a national monument, and it is unclear whether a president has the power to do it without Congress. And no president in the last half-century has reduced the size of a monument.

Bears Ears is a cradle of Native American history. Far from creating a “midnight monument” willed into existence at the slash of a presidential pen, the Obama designation provides these sacred lands with the protection that has long been in the prayers and dreams of tribal leaders.

“Bears Ears is all about Indian sovereignty,” said Russell Begaye, the president of the Navajo Nation.

The removal of one square inch from Bears Ears National Monument will be seen as an assault on the home ground of Native Americans in the American Southwest, a disrespect for their ceremonial lives and the traditional knowledge of their ancestors. Hundreds of thousands of artifacts are buried in the serpentine canyons and shifting pink sands of Cedar Mesa, hidden, until exposed by rain or wind or theft. The desecration of Indian graves has prompted F.B.I. raids and convictions.

But it’s not just about local desecration. So much of the American West these days is under threat of development and fossil fuel extraction. Our very sense of wildness and wilderness is at stake, from Grand Staircase-Escalante National Monument in Utah to the Organ Mountains-Desert Peaks in New Mexico. “This is a war on our public lands,” said Senator Tom Udall, Democrat of New Mexico. Our national parks and monuments and other public lands are breathing spaces for a society increasingly holding its breath.

“We are not just protecting these lands for our people, but all people,” Jonah Yellowman, a Navajo medicine person and spiritual leader, said.

As a Utahn, I have spent considerable time in the pinyon-juniper-laced mesas and sandstone canyons of Bears Ears. This is a landscape of immense stillness where ancient handprints left on red rock walls are a reminder of who came before us and who will follow.

If President Trump is successful in rescinding Bears Ears National Monument, it will be a breach of faith with our future and our past. Over 330 million visits were made to the national parks last year. One park or monument at risk means all are at risk. Pick yours: Yellowstone, Yosemite, Grand Canyon, Big Bend, Acadia. The federal Bureau of Land Management has proposed



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issuing oil and gas leases just outside Zion National Park, one of the nation's most visited parks. Forty national parks are vulnerable to oil and gas extraction.

A portrait of Andrew Jackson has been newly hung in the Oval Office over Donald Trump's shoulder. The portrait might remind our 45th president of how Jackson signed the 1830 Indian Removal Act, which lit the match to America's criminal treatment of native people. The Trail of Tears is just part of Jackson's legacy. His face still remains on the \$20 bill — fitting perhaps, since so much of the battle over land is the battle over the dollar.

No amount of money is a substitute for beauty. No amount of political power can be matched by the power of the land and the indigenous people who live here. If we do not rise to the defense of these sacred lands, Bears Ears National Monument will be reduced to oil rigs and derricks, shining bright against an oiled sky of obliterated stars.

Terry Tempest Williams is the author, most recently, of "The Hour of Land: A Personal Topography of America's National Parks." She teaches at Dartmouth.

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12. **Zinke promises to hear out protestors of rescinding national monuments**

The Washington Times, May 6 | Ben Wolfgang

Interior Secretary Ryan Zinke on Sunday launched a "listening tour" across Utah designed to quell an uproar over his department's controversial review of national monuments.

Mr. Zinke is spearheading a federal study of more than two dozen land and marine monuments following an executive order from President Trump last month.

The process is likely to lead to the first revocation of a U.S. monument, though there are still outstanding legal questions about whether a president has the power to make such a rescission.

Attempts to un-designate any monument surely will be met with legal challenges from environmental groups and tribal groups.

Mr. Zinke's review notably includes Utah's Bears Ears National Monument, established late in President Barack Obama's tenure and a prime example, critics say, of the previous



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administration stretching the century-old Antiquities Act to its breaking point in declaring vast areas of land as monuments and shutting them off from energy exploration and other activities.

Mr. Zinke met Sunday afternoon in Salt Lake City with members of the Bears Ears Inter-Tribal Coalition, kicking off a trip that will include a stop at Bears Ears on Tuesday and conclude Wednesday.

While Sunday's meeting was not open to the public or press, about 500 people protested outside the building as it occurred, carrying signs and shouting "Save our monuments, stand with Bears Ears!"

Talking with reporters after the meeting, Mr. Zinke said the local Indians are "smart, capable, passionate, and have a deep sense of tie to their culture and want to preserve it."

He said no decisions had been made and that he was coming to Utah "without any predisposition of outcome."

Sen. Orrin G. Hatch, Utah Republican, said Sunday evening that the Indians might be being manipulated by left-wing political groups.

More broadly, the monuments review includes sites dating back to 1924's Craters of the Moon National Monument in Idaho through Bears Ears.

Other notable monuments under review include Utah's Grand Staircase-Escalante, Hanford Reach in Washington, Grand Canyon-Parashant in Arizona, the Papahānaumokuākea marine monument off the coast of Hawaii and a host of others.

Though the review need not mean any will be stripped of their designations, it's clear the administration intends to shrink the number of monuments and, in the process, open up that land for energy development.

Critics charge that the listening tour, along with the fact that the Interior Department is soliciting public comments as part of its study, is a sham.

"Trump and Zinke pretend to care what the public thinks, but they're really only listening to the oil, gas and timber industries. It's special interests, not the public, that want these monuments to lose protection," said Randi Spivak, public lands director at the Center for Biological Diversity.



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“We must leave these spectacular cultural and national treasures just as they are. Our grandchildren won’t look back and wish we’d cut down more trees or drilled for more oil.”

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13. National Monuments: Presidents Can Create Them, but Only Congress Can Undo Them

Govexec.com, May 6 | Nicholas Bryner, Eric Biber, Mark Squillace and Sean B. Hecht

On April 26 President Trump issued an executive order calling for a review of national monuments designated under the Antiquities Act. This law authorizes presidents to set aside federal lands in order to protect “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest.”

Since the act became law in 1906, presidents of both parties have used it to preserve 157 historic sites, archaeological treasures and scenic landscapes, from the Grand Canyon to key landmarks of the civil rights movement in Birmingham, Alabama.

President Trump calls recent national monuments “a massive federal land grab,” and argues that control over some should be given to the states. In our view, this misrepresents the law. National monuments can be designated only on federal lands already owned or controlled by the United States.

The president’s order also suggests that he may consider trying to rescind or shrink monuments that were previously designated. Based on our analysis of the Antiquities Act and other laws, presidents do not have the authority to undo or downsize existing national monuments. This power rests with Congress, which has reversed national monument designations only 10 times in more than a century.

Contests over land use

Trump’s executive order responds to opposition from some members of Congress and local officials to national monuments created by Presidents Bill Clinton and Barack Obama. It calls for Interior Secretary Ryan Zinke to review certain national monuments created since 1996 and to recommend “Presidential actions, legislative proposals, or other actions,” presumably to shrink



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or eliminate these monuments. The order applies to monuments larger than 100,000 acres, as well as others to be identified by Secretary Zinke.

When a president creates a national monument, the area is “reserved” for the protection of sites and objects there, and may also be “withdrawn,” or exempted, from laws that would allow for mining, logging or oil and gas development. Frequently, monument designations grandfather in existing uses of the land, but prohibit new activities such as mineral leases or mining claims.

Zinke said that he will examine whether such restrictions have led to “loss of jobs, reduced wages and reduced public access” in communities around national monuments. Following Secretary Zinke’s review, the Trump administration may try either to rescind monument designations or modify them, either by reducing the size of the monument or authorizing more extractive activities within their boundaries.

Two of the most-contested monuments are in Utah. In 1996 President Clinton designated the Grand Staircase-Escalante National Monument, a region of incredible slot canyons and remote plateaus. Twenty years later, President Obama designated Bears Ears National Monument, an area of scenic rock formations and sites sacred to Native American tribes.

Utah’s governor and congressional delegation oppose these monuments, arguing that they are larger than necessary and that presidents should defer to the state about whether to use the Antiquities Act. Local officials have raised similar complaints about the Gold Butte National Monument in Nevada and the Katahdin Woods and Waters National Monument in Maine, both designated by Obama in late 2016.

What the law says

The key question at issue is whether the Antiquities Act gives presidents the power to alter or revoke decisions by past administrations. The U.S. Constitution gives Congress the power to decide what happens on “territory or other property belonging to the United States.” When Congress passed the Antiquities Act, it delegated a portion of that authority to the president so that administrations could act quickly to protect resources or sites that are threatened.

Critics of recent national monuments argue that if a president can create a national monument, the next one can undo it. However, the Antiquities Act speaks only of designating monuments. It says nothing about abolishing or shrinking them.



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Two other land management statutes from the turn of the 20th century – the Pickett Act of 1910 and the Forest Service Organic Act of 1897 – gave the president authority to withdraw other types of land, and also specifically stated that the president could modify or revoke those actions. These laws clearly contrast with the Antiquities Act’s silence on reversing past decisions.

In 1938, when President Franklin D. Roosevelt considered abolishing the Castle-Pinkney National Monument – a deteriorating fort in Charleston, South Carolina – Attorney General Homer Cummings advised that the president did not have the power to take this step. (Congress abolished the monument in 1951.)

Congress enacted a major overhaul of public lands law in 1976, the Federal Land Policy and Management Act, repealing many earlier laws. However, it did not change the Antiquities Act. The House Committee that drafted the 1976 law also made clear in legislative reports that it intended to prohibit the president from modifying or abolishing a national monument, stating that the law would “specifically reserve to the Congress the authority to modify and revoke withdrawals for national monuments created under the Antiquities Act.”

The value of preservation

Many national monuments faced vociferous local opposition when they were declared, including Jackson Hole National Monument, which is now part of Grand Teton National Park. But over time Americans have come to appreciate them.

Indeed, Congress has converted many monuments into national parks, including Acadia, the Grand Canyon, Arches and Joshua Tree. These four parks alone attracted over 13 million visitors in 2016. The aesthetic, cultural, scientific, spiritual and economic value of preserving them has long exceeded whatever short-term benefit could have been derived without legal protection.

As Secretary Zinke begins his review of Bears Ears and other national monuments, he should heed that lesson, and also ensure that his recommendations do not overstep the president’s lawful authority.

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14. **Rallies over Bears Ears act as prelude to Zinke's visit**

KSL News, May 7 | Jasen Lee and Marjorie Cortez

SALT LAKE CITY — For scores of Utahns, preserving the monument status of the state's newest protected public lands and one of its more revered places was more than enough reason to spend a weekend afternoon at the state Capitol.

Hundreds of people fanned out across the front lawn and stairs leading up to the Capitol on Saturday to show their support for the national monument status of Bears Ears and Grand Staircase-Escalante.

The "Monumental Rally," as it was called, was organized as "an urgent call to action" because the two monuments are in the crosshairs of powerful political interests, including Utah's congressional delegation and members of the Trump administration.

Opponents call the designations by two Democratic presidents — Barack Obama for Bears Ears and Bill Clinton for Grand Staircase-Escalante — federal overreach that didn't take into account the feelings and sensibilities of local interests.

Contrarily, supporters believe the designations preserve the land considered hallowed by Native Americans for centuries.

"My ancestors lived in the area and traded with other Native Americans in the area," explained Hank Stevens, member of the Navajo Nation. "The land is sacred in Native American culture. It's very important."

Stevens expressed concern that if the monument status were rescinded by the Trump administration, revered artifacts may be destroyed and many of the traditions practiced by local tribes could be lost.

Interior Secretary Ryan Zinke is scheduled to be in Utah this week to visit with stakeholders concerned about the designation of Bears Ears and Grand Staircase-Escalante as national monuments. The Trump administration has directed Zinke to conduct a 45-day review of the Bears Ears monument and a 120-day review of Grand Staircase-Escalante, then offer some recommendations.

The state Capitol rally was organized by Gavin Noyes, executive director of Utah Diné Bikéyah — a nonprofit organization that supports indigenous communities in protecting culturally significant ancestral lands.



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Noyes said Utahns must show Zinke that supporters intend to defend culturally important places such as Bears Ears and Grand Staircase-Escalante.

"This event is really important to remind Utahns that this is not a political issue," he said. "All Utahns care about our public lands and monuments. I'm proud to see so many of my fellow citizens out here supporting each other and supporting the land, and standing up for what's best for our future.

"We (also) want to remind people that local voices matter, and they should have a say in how lands are treated in this state. The governor and the Utah (congressional) delegation are out of touch."

Buoyed by a strong turnout, with throngs of people wearing "Protect Bears Ears" T-shirts and many hoisting signs supporting the individual causes of both national monuments, Noyes said he believes the message of the people will resonate with Zinke while he's in Utah.

"If Secretary Zinke gets a full understanding of who we are as Utahns and what our landscapes are like, I absolutely think that he would stand with us defend these lands," Noyes said.

Salt Lake City resident Ian Wade said because Bears Ears and Grand Staircase-Escalante are such "special" places, they deserve the added protection of monument status. He attributed much of the opposition to the monument status to partisanship.

"It's a political thing. People are just opposed to the idea that President Obama designated something in Utah just like they hated President Clinton when he designated Grand Staircase," Wade said. "Just the simple anger that a Democrat would do something in a Republican state."

Meanwhile, opponents of the monument designation gathered simultaneously at Pioneer Park in Blanding for a rally organized by Stewards of San Juan County.

Unlike monument supporters who are backed by corporations and the likes of actor Leonardo DiCaprio, Stewards of San Juan County has been a true grass-roots effort, said the organization's president, Jami Bayles.

People have literally walked up to her and other leaders of the group on the streets, offering the cash in their pockets to fight the designation, she said.

Ultimately, "it's a fight about what's right and what's wrong," Bayles said.

Area residents have been slighted by name-calling, insults, purposely left out by organizations conducting public opinion polls, and personal accounts of some opponents of the designation have even been dismissed as "fake news," she said.



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"We've been told by out-of-state recreation enthusiasts that, 'My hobby is more important than your livelihood. If you don't like it, go live somewhere else,'" Bayles said.

Through it all, area residents have stood resolute against the designation in the waning days of the Obama administration.

"The best part is we did this together. We did this on our own time and, we did this on our own dime. We paid for all this ourselves," Bayles said.

San Juan County Commissioner Phil Lyman urged those in attendance to be "loud and controversial." Otherwise, the county "is going to be steamrolled," he said.

Still, Bayles and Lyman urged opponents to comport themselves with grace and decency during Zinke's upcoming visit to the area and the ongoing fight.

"It's San Juan County's opportunity to show who we are with dignity and respect," Lyman said.

While Bears Ears is one of 27 national monuments that will be reviewed under an executive order by President Trump signed Friday, the outcome is yet unknown. Bayles said opponents of the designation will continue to fight "long and hard. We're going to fight with everything that we have."

Sen. Mike Lee, R-Utah, addressing the rally via FaceTime, said he will urge Zinke during his upcoming visit to Utah to end the monument designation.

"It's time to expect, my fellow Americans, to expect more. It's time to expect freedom," Lee said.

Eva Clarke, secretary of Stewards of San Juan County, said the fight has been a painful reminder that area residents must constantly be engaged to protect the land and way of life.

Area residents have joined forces with "my ancestors ... who first loved this beautiful, red earth," Clarke said.

"Thank you so much. Keep up the good fight," she said.

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15. Zinke met by protest as he arrives to consider Utah voices on national monuments

The Deseret News, May 7 | McKenzie Romero

SALT LAKE CITY — While protestors clogged the sidewalk outside, Interior Secretary Ryan Zinke said he will be gathering perspectives of people on all sides of a deeply controversial issue as he reviews the Bears Ears and Grand Staircase-Escalante national monuments.

Zinke landed in Salt Lake City on Sunday bound for his four-day "listening tour" regarding the monuments — both designated by Democratic presidents and decried by Utah Republicans — but the voices on the street expressed their doubt the secretary will listen much at all.

Speaking to reporters in the offices of Utah's Bureau of Land Management, Zinke said that while many of the nearly 30 national monuments he will be reviewing enjoy widespread support, he doesn't believe that's the case with Bears Ears.

"The Bears Ears is not widely supported or accepted in the state of Utah," Zinke said, citing the outcry from state legislators and congressmen over the designation, and a Native American population he says is at odds with one another.

Zinke went on to say he has no doubt the area will be a breathtaking "cultural treasure," but he isn't decided about how it should be protected.

"I'm sure what I'm going to find over the next couple of days is beautiful, beautiful land worthy of protection. What vehicle that takes, I don't want to be predisposed because I haven't see it and haven't talked to everybody yet," Zinke said.

Outside, Dena Williams, of Salt Lake City, stood with her two sons among the crowd of protestors watching for a glimpse of Zinke's motorcade. The family carried signs demanding, "Keep public lands in public hands."

"This is important because this is about their future, their quality of life, and everything they hold important today and in the future is at risk," Williams said of her two boys.

Asked if she thinks Zinke will listen to that plea, Williams said she "wants to remain hopeful, but it's hard to tell."



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Nikolas Johnson, 14, and Lukas Johnson, 12, are active with the Boy Scouts of America, going often to Grand Staircase to hike, camp and enjoy nature.

"The president or anyone else shouldn't be controlling the lands. It should be the people," Nikolas said.

Lukas said he wants the nature he enjoys to be preserved for other kids in the future, voicing concern that without protections, "lousy coal and oil" will take over the land.

Under an executive order from President Donald Trump, Zinke will conduct a 45-day review of the Bears Ears monument and a 120-day review of Grand Staircase-Escalante before sending his recommendations to the White House.

"I'm looking at making sure we follow the law, what the Antiquities Act was intended to do, talking to all parties, and getting a perspective of making sure Utah and the stakeholders have a voice," Zinke said of the reviews.

While Zinke acknowledged no U.S. president has ever rescinded a national monument, he noted that few monuments "are to the scale of the recent actions," and saying it's not uncommon for a monument and its boundaries to be modified.

Rallies for and against the monument designations over the weekend prefaced Zinke's visit.

Opponents of the monuments say the designations by Democratic presidents Barack Obama and Bill Clinton are examples of federal overreach that didn't take into account the feelings and sensibilities of local interests.

But supporters believe setting the areas aside under the Antiquities Act preserves land considered hallowed by Native Americans for centuries and ensures they will remain intact for future generations to enjoy.

Zinke met Sunday with the Bears Ears Inter-Tribal Coalition, which is made up of leaders of the Hopi Tribe, Utah Navajo Chapter of Ojibato, Navajo Nation Council, Ute Indian Tribe and Zuni Tribe.



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The secretary called it the first time the tribal leaders have had an opportunity to voice their perspectives about the monument designations, describing the mistrust he believes they feel over a history of efforts to manage the land.

A similar mistrust, Zinke says, is felt by Utahns living near the monuments, the state's elected leaders and others.

However, at least some representatives of Native American groups in the state say they have been cut out of the conversation. Virgil Johnson, tribal chairman of the confederated tribes of the Goshute nation, was among the protestors Sunday and said his letter requesting a meeting with Zinke was denied.

"The executive order gives us a right to come to the table, but they're making decisions without native voices at the table," Johnson said. "What we would like is for him to see why we are very protective of our sacred grounds and the artifacts that are left there."

Throughout his media appearance, Zinke called himself a Montana man; a former geologist who is fascinated by archaeology; a military commander who wants to see "the frontlines" of any situation; an admirer of President Teddy Roosevelt, who created the Antiquities Act and designated the first national monument; and someone who is not an advocate of transferring or selling public lands.

Zinke also met Sunday with Sens. Orrin Hatch and Mike Lee, both R-Utah, followed by meetings with the State Historic Preservation Office and Utah Department of Heritage; legislative leadership and Utah Attorney General Sean Reyes; and the Utah School and Institutional Trust Lands Administration.

At the media appearance, Hatch introduced the secretary as someone who is "experienced in Western lands" and "understands what we're up against."

Afterward, Hatch said Native Americans in Utah "may not understand" how a national monument designation restricts what they are able to do on the land. Asked to provide examples of what tribes would no longer be able to do, Hatch simply said the reasons would take too much time to go into.



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"They would be severely restricted on what they could or could not do on the land," Hatch said. "I can just tell you it will never cease until the far left gets their way in locking up all these lands in Utah, and we're just not going to allow that."

Hatch said there are a number of political obstacles between different Native American groups in the state and that sometimes different groups are "manipulated." He also said the state's elected leaders "love Utah" and will ensure it's protected without being "shoved around by radical people from elsewhere, on either side of the issues."

On Monday, Zinke will be joined by Gov. Gary Herbert and members of the state's congressional delegation as he flies over Bears Ears and takes a tour of the House of Fire site.

Moving forward, Zinke encouraged Utahns wanting to weigh in on the review to visit [regulations.gov](https://www.regulations.gov) in the coming weeks to leave a comment.

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16. **Zinke starts review of Utah's Bears Ears National Monument**

The Las Vegas Review-Journal, May 7 | Michelle L. Price and Brady McCombs, The Associated Press

SALT LAKE CITY — U.S. Interior Secretary Ryan Zinke will start a four-day Utah trip Sunday to assess whether 3.2 million acres of national monuments in the state's southern red rock region should be scaled down or even rescinded.

The re-evaluation of the new Bears Ears National Monument on sacred tribal lands and the Grand Staircase-Escalante National Monument, created in 1996, is part of an executive order signed last month by President Donald Trump calling for a review of 27 national monuments established by several former presidents.

The Bears Ears monument, a source of ire for Utah's conservative leadership, is a top priority in the review.

Zinke has been tasked with making a recommendation on that monument by June 10, about 2 ½ months before a final report about all the monuments.



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Utah Republican leaders, led by U.S. Sen. Orrin Hatch, campaigned hard to get President Donald Trump to take a second look a monument designated by President Barack Obama near the end of his term.

Hatch and others contend the monument designation is a layer of unnecessary federal control that hurts local economies by closing the area to new energy development.

Hatch said in a statement he looks forward to hosting Zinke and showing him “our beautiful state and working with him to give the people of San Juan County a voice in protecting the lands they’ve lived on for generations.”

Zinke will spend Sunday in Salt Lake City before traveling Monday to the southeastern corner of Utah to spend time in the Bears Ears area.

On Wednesday, he’ll be in the area near the Grand Staircase-Escalante National Monument.

Interior officials haven’t made public the details of whom Zinke plans to meet with. But officials with a coalition of five tribes that pushed for the Bears Ears designation said they have a one-hour meeting with Zinke Sunday in Salt Lake City.

Natasha Hales, the Bears Ears Inter-Tribal Coalition lead staffer, said members plan to tell Zinke about their long history with the Bears Ears land and the landscape’s sacred importance.

They also plan to reiterate that they willing to take legal action to defend the monument if needed.

“The Utah congressional delegation is cherry picking a few voices in opposition to this but there’s overwhelming support for this,” Hales said. “We wanted to take Secretary Zinke out on the ground with our people and show him around but that invitation was never extended.”

The monument review is rooted in the belief Trump and other critics that a law created by President Theodore Roosevelt to designate the monument has been improperly used to protect wide expanses of lands instead of places with particular historical or archaeological value.

Grand Staircase-Escalante is 1.9 million acres, about the size of Delaware. Bears Ears is a bit smaller at 1.3 million acres.



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Conservation groups counter that the review puts in limbo protections on large swaths of land home to ancient cliff dwellings, towering Sequoias, deep canyons and oceans habitats where seals, whales and sea turtles roam.

Environmental groups have vowed to file lawsuits if Trump attempts to rescind monuments, which would be unprecedented.

Patagonia, the outdoor clothing company, put ads in newspapers in Utah and Montana over the weekend playing off Trump's own comments at the signing of the executive order in which he said, "I've heard a lot about Bears Ears, and I hear it's beautiful."

"Mr. President, Bears Ears National Monument is beautiful," the ad said, listing how it has more species diversity than Yellowstone and darker skies than Yosemite.

Zinke has said the report will recommend whether any monuments should be abolished or resized.

He promises an open-minded approach and said he remains opposed to selling any federal land or transferring it to state or local control.

Congress might weigh in as well. Numerous bills on the issue were introduced in the previous session, including measures to prevent the president from establishing or expanding monuments in particular states and to require consent of Congress or state legislatures.

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17. **The new range war**

The Christian Science Monitor, May 7 | Amanda Paulson

MAY 7, 2017 SALMON, IDAHO—Merill Beyeler bears the classic look of a Western rancher. He's got the leathery face of someone who has spent a lot of time outdoors. He wears flannel shirts, jeans, and a bone-colored cowboy hat.

Mr. Beyeler, whose family roots in Idaho's Lemhi County extend back to the 1850s, is also a rock-ribbed Republican. True, in Idaho, one of the reddest states in the nation, most people are Republican. But in Lemhi County, a hauntingly beautiful expanse of bald, taupe mountains and verdant river valleys wedged up against the Montana border, virtually no one puts a Democratic



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bumper sticker on his or her pickup. So you'd think that people like Beyeler would be happy at the prospect of the new Trump administration, buttressed by one of the most conservative cabinets in decades, ushering in a dramatic change in the management of public lands in the West. You'd think that they would relish the prospect of federal agencies either opening up more expanses to ranchers and commercial interests or giving more control back to the states.

You'd be wrong.

While Beyeler occasionally chafes at the way federal lands are managed, he doesn't want US Forest Service and Bureau of Land Management land opened up unconditionally to loggers or developers, or – worse – handed over to bureaucrats in Boise and sold off. "The reason you come home is that this is the soul of our people," he says. "When you look at our public lands in that respect – as an economic driver and as the soul of our state – the idea of losing that, or risking that, is just too great."

As the Trump administration works to fashion an identity in Washington, one of the big questions is how much the federal government will change its stewardship of public lands in the West. With Republicans in control of Congress, many envision a significant shift in access to and development of public expanses similar to what happened under the Reagan administration 35 years ago. They believe it could be one of the signature achievements of the Trump era. A few on the right are even pushing for an outright transfer of some of those lands back to state control.

Yet others – including many Republicans – occupy a more pragmatic middle. Like Beyeler, they are looking for a recalibration rather than a land-management revolution. They believe that the natural landscape is as much a part of the region's identity as coal seams and oil shale and requires at least some federal stewardship. And they believe firmly that public lands need to stay public – not sold off to private interests.

When Rep. Jason Chaffetz (R) of Utah recently introduced a bill in Congress to sell 3.3 million acres of federal lands in the West, he was forced to withdraw the legislation days later because of the backlash from his own constituents, many of whom regularly fish for steelhead trout or hunt elk on federal lands.

"I've been working in this field for 17 years, and no one has ever seen a congressman introduce a bill and then withdraw it within a week," says Land Tawney, director of Backcountry Hunters



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and Anglers, a nonprofit that fiercely opposed the bill. “The sportsman community is about 70 percent conservative. We’re finding this is a unifying issue, with folks on both sides of the aisle. There can be nothing more American than our public lands.”

The land-use decisions of the next four years will have the most impact in places like Lemhi County, which is 92 percent owned by the federal government. Few areas of the United States are more remote than the high desert sagebrush area here.

Salmon, the county’s largest town, is 90 miles from a railroad, and 150 miles from an airport, the Interstate, or a Wal-Mart. The county is empty, stark, and stunning. Local ranchers and residents differ – even within families – over how public lands should be managed. But some of them are also working with government officials in a way that could become a model for solving future land wars in the West.

The battle over public lands and resources is as old as westward expansion itself. It extends from early fights over mining and water claims in the 1800s to the Sagebrush Rebellion of the 1970s to the anti-Washington “wise-use movement” of the 1980s and ’90s. The only constant in it all is the ebb and flow of tensions between Western residents and the largest landholder, Washington.

“The political side of it dates all the way back to the creation of the country,” says Robert Keiter, a law professor at the University of Utah and director of the Wallace Stegner Center for Land, Resources, and the Environment.

Last year, simmering frustrations about federal control over Western lands culminated most visibly in the occupation of the Malheur National Wildlife Refuge in Oregon by militant ranchers. Yet Westerners’ grievances have been finding an outlet through various assaults in Washington as well.

In late April, the Trump administration ordered the Interior Department to review some 30 places that have been designated national monuments over the past 20 years. The White House believes the designations have increasingly set aside more land than was intended under the 1906 Antiquities Act, costing the nation jobs. Environmentalists see the move undermining one of the most important tools for protecting national parks and public lands.

The change could affect places such as the Bears Ears National Monument, in the red-rock area of southern Utah, which was protected in the waning days of the Obama administration. Several Utah lawmakers, including Mr. Chaffetz and Republican Rep. Rob Bishop, have been pressing to



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overturn the designation. (In response, the Outdoor Industry Association pulled a trade show, which brings about \$45 million a year to Utah, from Salt Lake City.)

Western lawmakers have also been pushing the idea of selling off some public lands to private parties, or transferring them to state ownership. And the Trump administration is trying to repeal a regulation that requires oil and gas firms operating on public lands to control their methane emissions.

Behind all the rebellious moves is the size of Washington's real estate portfolio. The federal government owns 47 percent of all the land in 11 Western states. That ranges from a high of 85 percent in Nevada to a low of 30 percent in Montana.

"It's a long-standing irritation, and at times it becomes more pronounced," says Lynn Scarlett, global managing director for public policy for The Nature Conservancy and a former deputy Interior secretary under President George W. Bush. Ms. Scarlett says tensions have always simmered over how the federal government manages those lands in regard to energy development, mining, grazing rights, and endangered species.

What's new in the latest backlash, she says, is the focus on the lack of maintenance on public lands, which is largely the result of federal agencies getting less funding. Departments such as the Forest Service, BLM, and US Fish & Wildlife Service had hoped that highlighting the backlog of work would help them garner more funds. Instead, critics have just seized on the maintenance issues to buttress their argument that the federal government isn't the right steward of public lands.

"The bottom line is that we want our public lands to be managed in a way that's responsible," says Jennifer Fielder, a Montana state senator and chief executive officer of the American Lands Council, a leader in the call to transfer federal land to state control. "Those of us who live near here are sick of seeing the lock-it-up and let-it-burn policies out of Washington."

Senator Fielder says she watches the ineptitude from her living-room window in Montana. The Feds' inability or unwillingness to thin underbrush and perform other basic management practices, she says, led to a wildfire last summer becoming much larger, and more expensive, than it needed to be. "Forty thousand acres burnt to a crisp, habitat destroyed," she says.



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Others believe that having an absentee landlord isn't the best way to care for property and that the people closest to the land are the ones who know best how to manage it – and should reap the benefits from it.

“Without these lands, you can't operate as a republican form of government inside your state,” says Jim Chmelik, a former Idaho county commissioner and a leader of the land-transfer movement. “If you don't have access to your resources, you can't provide good-paying jobs and you can't provide a good quality of life.”

Yet critics of shifting control to the states believe it will either lead to lands being sold off to private interests or an oil derrick being put on top of every ridge, despoiling the natural beauty that attracts people from around the country – and contributes to regional economies. States also have far fewer resources than Washington to manage the vast public expanses. And most states are required to balance their budgets, which could put pressure on them to sell lands in lean times, even if they vow not to do so.

As proof, critics point out that 11 Western states were granted a total of almost 77 million acres of land at statehood. They've sold off about 44 percent of those lands. Nevada, granted 2.7 million acres at its founding, now has just 3,000 acres of public state land.

“Study after study has shown states can't afford” to manage public lands well, says Mr. Tawney of Backcountry Hunters and Anglers.

Just south of Lehmi lies Custer County – home of some of the most spectacular wilderness in Idaho. The celebrated Middle Fork of the Salmon River flows through the area, and the rugged Sawtooth Mountains rise steeply from the plains. It's the third largest county in Idaho, but home to barely 4,000 people. Roughly 96 percent of the county is federal land.

“Custer County is the size of Connecticut, but we have one sheriff and four deputies,” says Wayne Butts, a county commissioner who has lived in Challis, the county seat, since he was 8. “There's no tax bases.”

Sitting next to the warmth of a wood-burning stove in his small-motor repair shop, he ticks off the economic limitations of living in a remote area: The county has a 100-year-old jail with just six beds in one room, making it impossible to house men and women at the same time. Local roads are in desperate need of repair, but no money exists to fix them. A decrease in grazing



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rights on federal lands has led to fewer ranchers, resulting in less local revenue. A molybdenum mine, once the county's largest employer, shut down in 2014.

People come from all over the country to hike, fish, and play in Custer County, but don't add much to the economy, says Mr. Butts: Many of them drive in from Boise, bring their own food and camping supplies. They don't even buy gas in Custer.

"Old-time customs and culture – that's the way we like it," says Butts. To him, that means ranching, mining, logging. He's frustrated that federal lands increasingly seem to be managed to inhibit those activities.

Still, despite all those irritations, Butts isn't willing to back transferring lands to state ownership unless he sees a budget proposal that makes sense to him. He thinks either the state or local communities could do a better job managing the lands, but he is well aware of the costs involved. Instead, he wants to see limits put on turning any more private land into public land and hopes that the Trump administration and Republican Congress will help roll back some of the more onerous environmental protections on federal lands that already exist.

A few dozen miles to the east of Challis, in the shadow of Idaho's tallest peak, Mt. Borah, Steve Smith shares many of Butts's grievances. Mr. Smith and his parents live on his family's 2,800-acre ranch, where they have a herd of 400 cows.

Just a mention of public lands is enough to set Smith and his father, Wiley, off, venting about their years of vexation in dealing with the BLM and Forest Service. This has included navigating around what they see as burdensome protections for the sage grouse, as well as a BLM water-rights claim that took them years to defeat.

Yet even this father and son don't agree on whether control of public lands should be shifted from Washington to the states. Despite his virulent criticism of federal management, Wiley doesn't believe states have the resources to care for public lands.

Steve would like to see a modest transfer – perhaps 2 percent of total holdings – provided states have a plan for how they will manage the areas. "The ranchers, the miners, the loggers – they're the ones that have taken care of these areas," he says. "[Federal officials] put a black mark on those industries and don't see that [the land] has been in their care for 150 years."



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Others are more adamant in their opposition to state control. On a cold, rainy Saturday in March, nearly 3,000 people gathered at the State Capitol in Boise to support public lands staying public – and under federal stewardship.

The demonstration attracted plenty of traditional environmentalists, but also hunters, anglers, and dirt-bike riders. “Rednecks and hippies unite!” read one sign. “I fill my freezer on public lands,” said another.

In between various chants – such as “Keep public lands in public hands!” – the crowd listened to speakers ranging from a member of the Shoshone-Bannock Tribes to a fifth-generation Idaho woman who talked of accompanying her mother on her first moose hunt when she was 8 days old.

“I hunt and I fish on public lands,” says Travis Long, who came to the rally from Kuna, Idaho, outfitted in camouflage. “I’ve got four kids and I want to make sure public lands remain that way.”

It is too early to know what a Trump administration will mean for public lands. Much of the push to undermine the power of federal oversight agencies, or to transfer or sell off public lands, is coming from Congress, and President Trump’s Interior secretary, Ryan Zinke, has repeatedly said he would never transfer or sell them.

“I think we’re in a better place with [Mr. Trump and Mr. Zinke] than we would have been with others interviewed for the Interior secretary, or with Ted Cruz,” says Whit Fosburgh, president and chief executive officer of the Theodore Roosevelt Conservation Partnership, a nonprofit that represents sportsmen and sportswomen.

At the same time, Mr. Fosburgh and other conservation leaders say they’re concerned about legislation that has been passed or proposed. In March, for instance, the Trump administration rescinded Barack Obama’s three-year moratorium on coal leases on federal land. A proposed bill in Congress would strip the Forest Service and BLM of their law enforcement powers, putting the job of policing environmental and other rules in the hands of local sheriffs.

“It’s one more attempt to weaken management of public lands,” says Fosburgh.



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Trump's proposed budget also includes a 12 percent cut to the Interior Department, which could make maintenance of public lands even more problematic and give states more leverage in their quest to take over.

Eventually, it's possible that some of the hostility to Washington's handling of public lands will die down under the new administration. The Sagebrush Rebellion subsided once Reagan came to power.

"In the big picture politically, it would not surprise me if [the transfer movement] slowly disappears from the radar screen with Republicans in control of Congress and the White House," says Mr. Keiter, the Utah law professor. "It works as an oppositional strategy to more progressive or environmentally friendly policies of Democratic administrations."

Perhaps the best hope for ending the standoffs over public lands is a more collaborative approach in the canyons and valley floors of the West itself – far from the politics of Washington and statehouses. One such effort is under way in Salmon, where ranchers, federal agencies, and conservation groups are finding common ground.

"What doesn't get attention is the really good, responsible, productive work taking place on the Western landscape," says Beyeler, the Lemhi County rancher.

At the same time that the Malheur standoff was occurring, he notes, the Forest Service and BLM were working with a local rancher to help him get seven miles of pipeline approved in an area that includes an important salmon spawning tributary. Endangered sockeye salmon travel more than 900 miles, up 6,500 feet of elevation, to spawn in rivers and lakes here.

"It was a collaborative process," says Beyeler. "I worry that this tension on whether the state or federal government should own [public lands] distracts from the collaborative work."

Tom Page, another Salmon Valley rancher, got into ranching in part because he wanted to see if he could do it in a conservation-minded way – and make money. He is surprised by how hard it has been to navigate all the environmental rules and by how difficult lawsuits filed by activists make it for local landowners.

When he recently sought to get approval for 200 feet of fence on his grazing allotment, to keep cows from straying into restricted forest land, federal officials told him not to apply for the permit. Because it would disturb fish and sage grouse habitat, the US Forest Service "knows they



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have to write a thick document for those 200 feet of fence,” says Mr. Page, and that they’re likely to be sued by environmentalists – which was not worth it, in their view, for such a small project.

The Upper Salmon area, Page agrees, has become a model for conservation and collaboration – but only because it has nonprofits and both federal and private money helping to support that work. In rural counties with less federal attention, there tends to be a lot less trust, he says.

Bob Cope has seen both cooperation and conflict. A large man with a deep voice and earthy sense of humor, he is a veterinarian for all the local ranchers as well as a Lemhi County commissioner. He has served on numerous state and federal committees representing Western interests.

With face-to-face collaboration and local involvement, he says public-lands disputes are solvable. But he understands people’s frustrations, especially when they see onerous rules being made by people back East.

“We can work with our federal officials, but [local people] get handcuffed,” he says. “We’ve had management by legislation and litigation. There’s still a lot of mistrust on both sides.... People feel like they have no voice.”

Over on the 25,000-acre ranch he’s managed for 20 years, Shane Rosenkrance epitomizes the attitude of many people in this part of Idaho. He harbors a deep love for the lands he manages and the public holdings that surround them. Mr. Rosenkrance points to the imposing peaks rising out of the desert floor – the Lost River Range, the Pioneer Mountains, Mt. Borah. He wants them to remain in federal hands and not be sold to individuals who might turn them into their own private preserves.

“You can go anywhere you want,” says Rosenkrance, whose family has lived in the valley for seven generations. “Residents appreciate that more than anyone. But we don’t want some guy in New York telling us how to manage these lands, or to lock them up.”

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18. **The Latest: Zinke says he may not favor shrinking monuments**

NewsOK, May 7 | The Associated Press

SALT LAKE CITY (AP) — The Latest on a visit to Utah by Interior Secretary Ryan Zinke to review the designation of national monuments (all times local):

6:40 p.m.

U.S. Interior Secretary Ryan Zinke says he may not necessarily recommend that President Donald Trump rescind or shrink two Utah national monuments, and it's possible that once he views the red rock areas, he could decide the monuments need to be larger.

Zinke told reporters Sunday in Salt Lake City that his visit is a listening tour and he wants to ensure that the Antiquities Act was used as intended when Bears Ears and Grand Staircase-Escalante monuments were declared.

The Interior secretary spoke to reporters after a closed-door meeting with leaders of a tribal coalition that campaigned for the monument.

His visit comes after an executive order signed last month by President Donald Trump called for a review of 27 national monuments established by several former presidents.

5:05 p.m.

More than 500 protesters urging the protection of Utah's Bears Ears National Monument are demonstrating outside a Salt Lake City building where U.S. Interior Secretary Ryan Zinke is meeting with tribal leaders.

Protesters carried signs Sunday and shouted "Save our monuments, stand with Bears Ears!" as Zinke started a four-day Utah trip.

He's assessing whether 3.2 million acres of the state's red rock region should remain national monuments or have borders scaled down.



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Zinke's meeting with the Bears Ears Inter-Tribal Coalition, which pushed for the monument, was not open to the public or media.

His visit comes after an executive order signed last month by President Donald Trump called for a review of 27 national monuments established by several former presidents.

4:15 p.m.

U.S. Interior Secretary Ryan Zinke is meeting with a coalition of five tribes that pushed for President Barack Obama to designate Bears Ears National Monument.

Zinke's hour-long meeting Sunday with the Bears Ears Inter-Tribal Coalition came as the Interior secretary kicked off a four-day tour in Utah.

The meeting was not open to the public or media, but Zinke is expected to speak to reporters later in the day.

While in Utah, he's expected to assess whether the designation of 3.2 million acres of national monuments in the state's southern red rock region should be scaled back or rescinded.

His visit comes after an executive order signed last month by President Donald Trump called for a review of 27 national monuments established by several former presidents.

9:20 a.m.

U.S. Interior Secretary Ryan Zinke is set to start a four-day Utah trip to assess whether the designation of 3.2 million acres of national monuments in the state's southern red rock region should be scaled back or rescinded.

Zinke arrives in Salt Lake City Sunday to launch the re-evaluation of the new Bears Ears National Monument and the Grand Staircase-Escalante National Monument.

His visit comes after an executive order signed last month by President Donald Trump's called for a review of 27 national monuments established by several former presidents.



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The Bears Ears monument is a source of ire for Utah's conservative leadership and is a top review priority.

Zinke must make a recommendation on that monument by June 10 ahead of a final report about all the monuments.

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19. Zinke says monument designations have been an 'effective tool,' though 'very few ... are to the scale of the recent actions'

The Salt Lake Tribune, May 7 | Matthew Piper

As he embarked on a tour of Utah to review two national monuments, Ryan Zinke said he sees no evidence Native American proponents of Bears Ears National Monument were exploited by special interest groups, as state leaders have suggested.

"I think they're smart, capable, passionate, and have a deep sense of tie to their culture and want to preserve it," the secretary of the Interior said after a meeting with the Bears Ears Inter-Tribal Coalition, which requested the monument on behalf of five tribes, at Salt Lake City's Bureau of Land Management office on Sunday.

Minutes later, however, Sen. Orrin Hatch said Native Americans are "manipulated sometimes by people" and that the "far left" has further designs on the 1.35 million acres in southeastern Utah protected by President Barack Obama on Dec. 28.

"The Indians, they don't fully understand that a lot of the things that they currently take for granted on those lands, they won't be able to do if it's made clearly into a monument or a wilderness," Hatch said.

Asked to describe which activities Obama's designation would prevent Native Americans from doing, Hatch said, "That'd take too much time right now."

Pressed further for one example, Hatch said: "Once you put a monument there, you do restrict a lot of things that could be done, and that includes use of the land. ... Just take my word for it."

Navajo nation delegate Davis Filfred, who serves as member of both the tribal coalition and a tribal commission created to provide input on management of the monument, said Sunday night that the meeting with Zinke was overdue.



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"I told him today that you met with the Utah delegation more than a couple of times thus far and this is the first time that we are meeting," Filfred said. "I'm requesting equal time."

While Filfred and others fight to defend it, Hatch and other state leaders have four days to convince Zinke that the Bears Ears National Monument designation constituted federal overreach and defied the will of most of the region's inhabitants.

Zinke then has until June 10 to recommend to President Donald Trump a fate for the newborn monument.

He also will stop within the boundaries of Grand Staircase-Escalante — whose 1996 designation by President Bill Clinton is the starting point for a review of 27 large monuments that was ordered by Trump. Utah leaders hope Trump will drastically reduce the boundaries of the 1.9 million-acre monument.

Zinke said he arrives in Utah "without any predisposition of outcome."

"Over the course of our history, I think it's undisputed that the monuments have been an effective tool to save [and] preserve some of our greatest cultural treasures," Zinke said, though he later added that "very few monuments are to the scale of the recent actions."

"Some of the monuments are, I don't want to say universally but certainly widely, supported and accepted," Zinke said. "The Bears Ears is not widely supported or accepted in the state of Utah."

His tour is reminiscent of one conducted last July by his predecessor, Sally Jewell, to inform Obama's decision.

Jewell witnessed striking vistas and delicate archaeological treasures as she weighed varied opinions about who should oversee them, and she concluded her visit by soliciting public comment for three hours inside a cramped Bluff Community Center.

The eventual designation hewed closely to boundaries in the Public Lands Initiative proposed by Utah's delegation, but if Obama's monument was intended as a compromise, it wasn't viewed that way by Utah leaders.

Hatch said Sunday that Obama made the declaration "without talking to any members of the delegation."



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"It was pretty pathetic," he said.

Zinke's entourage drove past about two dozen protesters lining the 200 South border of The Gateway shopping mall as he accessed BLM offices Sunday for his first meeting with a full complement of the Bears Ears Inter-Tribal Coalition. Zinke met earlier with Sens. Hatch and Mike Lee, Gov. Gary Herbert, Utah Attorney General Sean Reyes and state legislative leaders.

Proponents of the two disputed national monument designations worry that their voices will be absent from the Interior secretary's upcoming agenda.

Zinke's office rejected repeated requests to meet with members of the roundly pro-monument Boulder-Escalante Chamber of Commerce, writing "his current schedule is quite full and it's unlikely that he'll be able to accommodate any additional engagements." Chamber members were invited to comment on a forthcoming feedback website.

Members of Utah Dine Bikeyah, a grassroots nonprofit that supports the monument, also have called publicly for a meeting and sent Zinke's office a letter Sunday describing two previous letters and "several email and verbal requests" to meet.

Executive Director Gavin Noyes said Sunday that the Bears Ears boundaries were drawn based on the group's conversations with 75 Native American elders.

"We want to make sure that he doesn't trim any boundaries without talking to people who know the Bears Ears area the best," Noyes said. "The biggest risk at this point is that he believes that [largely anti-monument] Blanding and Monticello residents are the only people that he needs to meet with."

The Center for Western Priorities' Greg Zimmerman declared in a Sunday statement that Zinke's itinerary "[makes] it clear he intends for his visit to Utah to be a one-sided affair, ignoring input from local stakeholders who support national monuments at Bears Ears and Grand Staircase-Escalante."

Tribal leaders who pushed for the monument have said they will sue to preserve the protections, if necessary.

Filfred said Zinke agreed to meet with members of the intertribal coalition only last Wednesday, after multiple requests went unanswered.



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Sunday's hourlong meeting was insufficient for them to state their case for the monument, he said. He was unimpressed by Zinke's posture and took a cellphone photo of the secretary reclining in his chair.

"You're asking this question as if we're supposed to answer it in one sentence, one phrase, one paragraph," Filfred said.

Zinke said Sunday that it's clear involved Native Americans "have roots in that area. They recognize that this is the first time that they're at the table, and there is some distrust of previous efforts that the tribe and tribes, in this case, aren't heard. Remarkably, that's the same argument I hear from many counties and many elected officials: that the federal government by and large has not heard the local voice."

As a freshman representative from Montana, Zinke opposed a GOP effort to transfer federal lands to states.

"The federal government needs to do a much better job of managing our resources, but the sale or transfer of our land is an extreme proposal, and I won't tolerate it," he said last June after voting against a bill that would have given states the option to buy 2 million federal acres for logging.

He also took sides against Rob Bishop when the Utah representative, who serves as Natural Resources Committee chairman, tried to block funding to the Land and Water Conservation Fund that the government uses to buy and conserve potentially threatened lands.

In January, however, Zinke said there was "no doubt the president has the power to amend a monument" and "[i]t will be interesting to see if a president can nullify a monument."

Utah's Legislature resolved during this year's session to ask Trump to rescind Bears Ears despite legal scholars' doubts that he has such authority.

Rep. Mike Noel, R-Kanab, who has been supported by Utah leaders as a candidate to lead the Bureau of Land Management, has said that "a whole lot of just plain old sagebrush" that could be ranched or mined lies within the boundaries of the two monuments.



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A recent poll conducted by Dan Jones & Associates and commissioned by UtahPolicy.com found that a small majority of Utahns support reducing the acreage in Bears Ears or eliminating it altogether, while a similarly slim majority say Trump should leave the Grand Staircase as is.

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20. **Zinke Begins Utah Listening Tour**

KUER News, May 7 | Judy Fahys

Utahns for and against national monuments have been asking the Trump administration to weigh in on Bears Ears ever since it was created in December. U.S. Interior Secretary Ryan Zinke arrived in Utah Sunday to hear their concerns firsthand.

Around two hundred protestors gathered outside the federal Bureau of Land Management's state office as Zinke met inside with leaders of the five tribes that will help manage the new Bears Ears National Monument.

"There's a lot of anger out there," he said afterward, speaking with reporters. "There's a lot of mistrust out there."

Zinke's visit coincides with an open public comment period on 27 national monuments that have been created in the past two decades. He invited all Utahns and all Americans to voice their concerns. Zinke insists his mind is NOT made up.

"I'm talking to all parties," he said, "and getting a perspective of making sure that Utah and all the stakeholders have a voice."

He's scheduled to tour the new Bears Ears National Monument on foot, in a plane and on horseback over the next two days. Then he visits the Grand Staircase Escalante Monument.

The Interior Secretary also met Sunday with Utah Republican leaders. They've organized the tour to make a case that Bears Ears should be rescinded and the Grand Staircase should be shrunk.

"We're going to make sure Utah functions the way it should function and that it's protected and that it's not just shoved around by radical people from elsewhere," said Sen. Orrin Hatch, a Utah Republican who joined Zinke Sunday at the BLM.



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Native Americans and conservationists throughout the state are among the monument supporters who complain they're being excluded from the Zinke meetings.

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21. **Zinke in southern Utah to tour Bears Ears**

The Deseret News, May 8 | Amy Joi O'Donoghue

BLANDING — Native American supporters of the new Bears Ears National Monument talked Monday about the sacred nature of the rugged landscape and why it's so important to protect.

At an event hosted by Utah Dine Bikeyah, reporters and photographers in town for Interior Secretary Ryan Zinke's visit were given aerial tours of the San Juan County monument.

The 30-minute flights come in advance of Zinke's scheduled hike to the House on Fire ruins near Mule Canyon, inside the monument footprint.

Utah Gov. Gary Herbert is expected at the hike, as well as several staffers from Utah's congressional delegation.

Willie Grayeyes, chairman of the board of Utah Dine Bikeyah, said he hopes Zinke realizes that as Interior secretary he has a "trust responsibility" to Native Americans.

That responsibility, he added, should be part of Zinke's decision on whether the monument stands as Grayeyes hopes.

Members of Utah's congressional delegation have been united in opposition to Bears Ears' designation by former President Barack Obama late last year. Sen. Orrin Hatch, R-Utah led out on the effort that led to President Donald Trump signing an executive order on April 26 to review monument designations going back to 1996.

San Juan County commissioners were also at the airport for Zinke's arrival, which has stirred up residents. This is the second time in less than a year that a secretary of the Interior has visited the region. Last summer, then-Secretary Sally Jewell was here.



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"The windup has been pretty intense," said San Juan County Commissioner Phil Lyman, who said it was clear Zinke intended to listen to the variety of viewpoints about the December 2016 designation.

"He's gone above and beyond in that respect," he said. Lyman said the county leaders remain adamantly opposed to the monument.

"In this country we value consent, and this was done without our consent," he said.

This story will be updated throughout the day.

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22. **Zinke kicks off Utah tour in national monuments review**

The Hill, May 8 | Timothy Cama

Interior Secretary Ryan Zinke is in Utah this week to tour two controversial national monuments that the Trump administration is considering rescinding or shrinking.

Zinke arrived Sunday for meetings with stakeholders, including elected officials and a group of American Indian tribes that pushed for the creation of the Bears Ears National Monument.

At a news conference with Sen. Orrin Hatch (R-Utah) late Sunday, Zinke said that, unlike many other national monuments, Bears Ears doesn't enjoy local support, according to the Salt Lake Tribune.

"Over the course of our history, I think it's undisputed that the monuments have been an effective tool to save [and] preserve some of our greatest cultural treasures," Zinke said, adding later that "very few monuments are to the scale of the recent actions."

"Some of the monuments are, I don't want to say universally, but certainly widely, supported and accepted," he continued said. "The Bears Ears is not widely supported or accepted in the state of Utah."

Zinke pushed back on the narrative that the five nearby tribes that supported former President Barack Obama's decision to protect the land were misled by environmentalists.



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"I think they're smart, capable, passionate, and have a deep sense of tie to their culture and want to preserve it," Zinke said, according to the Tribune.

Zinke had met earlier with the Bears Ears Inter-Tribal Coalition.

Hatch, however, said he thinks the tribes were tricked.

"The Indians, they don't fully understand that a lot of the things that they currently take for granted on those lands, they won't be able to do if it's made clearly into a monument or a wilderness," said Hatch, who declined to name specific activities that aren't allowed within the monument area.

Dozens of protesters supporting the monuments faced Zinke outside the Salt Lake City offices of the Bureau of Land Management when he arrived, the Deseret News reported.

Zinke, Rep. Rob Bishop (R-Utah) and others are taking a plane trip Tuesday to see Bears Ears from the air. Later in the week, he'll tour parts of Bears Ears and the Grand Staircase-Escalante national monument on horseback.

Interior will also take formal comments soon via mail and online as they consider a revision of those monuments and two dozen others.

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23. **Mr. Zinke, Keep Channeling Teddy Roosevelt**

The New York Times, May 8 | The Editorial Board

On his first day on the job, Ryan Zinke, President Trump's secretary of the interior, rode a horse to work, in plain imitation of Teddy Roosevelt, who as president used to gallop around Washington, and whose admirable record as a conservationist Mr. Zinke says he hopes to emulate.

By all accounts, Mr. Zinke, a former Navy SEALs member and congressman from Montana, is not a dope. He therefore knows that he cannot possibly match Mr. Roosevelt if he embraces the dismaying anti-environmental agenda Mr. Trump has saddled him with.



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As David Roberts of Vox has pointed out, that agenda is both plutocratic and lazy. It seeks to confer new benefits on oil and gas interests that are already richly favored. Yet it requires nothing of Mr. Trump himself. All he has done is issue executive orders that tell someone else to do the work. He cannot scrap the clean power rule or President Barack Obama's aggressive fuel efficiency standards; the relevant federal agencies will have to face the laborious and uncertain process of writing new rules and whatever court challenges those rules bring.

In similar fashion, in two separate orders, Mr. Trump has instructed Mr. Zinke to review Obama policies designed to protect important landscapes for the enjoyment of future generations and the oceans from catastrophic oil spills. The wording in both orders makes it clear that Mr. Trump wants the policies revised or jettisoned altogether, and in the end, great damage could be inflicted on the environment. It's up to Mr. Zinke to make sure that does not happen.

One order instructs Mr. Zinke to review all national monument designations made under the Antiquities Act after Jan. 1, 1996, that encompass 100,000 or more acres. Since Mr. Roosevelt signed the law in 1906, eight Republican (including T.R.) and eight Democratic presidents have used it to unilaterally protect threatened landscapes from commercial intrusion. Mr. Trump complains that such designations prohibit new mining and drilling projects that could create jobs, but a close look at his order shows that it makes no economic sense and is little more than cynical genuflection to the Utah congressional delegation.

The order's bookends are the 1.9 million-acre Grand Staircase-Escalante National Monument, established by President Bill Clinton in 1996, and the 1.35 million-acre Bears Ears National Monument established just last year by Mr. Obama. The designations have stuck in the craw of two Republican warhorses, Senator Orrin Hatch and Representative Rob Bishop.

Both monuments contain magnificent landscapes and priceless artifacts. Neither contains significant oil and gas reserves, and the Grand Staircase designation has led to a big growth in tourism. Bears Ears is likely to do the same. Both have popular support, and both are best left alone.

The second order deals with oil and gas exploration. The United States is producing robust supplies, from both federal and private lands, but the oil industry wants more, and so does Mr. Trump. He has therefore ordered Mr. Zinke to draw up a new five-year exploration plan, roll back an Obama rule from last December withdrawing America's Arctic waters from drilling, and "reconsider" several safety regulations implemented after the disastrous BP oil spill.



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Five-year plans come and go; every nearly every administration draws up a new one. Mr. Trump's plan calls for drilling in the Atlantic, an idea Mr. Obama rejected after protests from coastal states. The instructions on Alaska and safety precautions are simply irresponsible. Mr. Obama withdrew Alaskan waters using existing legal authority and for a very good reason: An oil spill in the inhospitable waters of the Arctic would be a disaster. Further, after Shell's bumbling and ultimately fruitless \$7 billion attempt to find oil, companies have been abandoning old leases right and left, and, whatever their ambitions elsewhere, do not seem to be seeking new ones in the Arctic.

As for revising and presumably weakening the safety regulations — common-sense efforts to strengthen specific pieces of offshore drilling equipment, like blowout preventers, that failed in the 2010 gulf disaster — it's hard to believe that even industry wants something that stupid.

Back to Mr. Zinke's first day on the job. The day after he got off his horse, he addressed his employees and promised to defend them against brutal budget cuts that Mr. Trump had already threatened. That's all well and good, but the real measure of his leadership is whether he will also defend the crucially important work his employees are involved in, and, like Mr. Roosevelt, decide to protect and add to the public lands and waters instead of diminishing them.

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24. Could management shift to states even if public lands remain federally owned?

The Las Vegas Sun, May 8 | Daniel Rothberg

At a Lake Tahoe fundraiser in August, Elko County Commissioner Demar Dahl — a leader in the movement to transfer federal land to the states — met privately with then-candidate Donald Trump. According to a story Dahl has told many times since then, he asked Trump how he would feel operating a 10-floor hotel in which eight floors were owned by a bureaucracy 2,500 miles away.

"He caught right on," Dahl said.

This is how Dahl sees Nevada's position relative to the federal government, which owns more than 85 percent of the state. "So many of the rules and regulations we have to live by are made



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so far away in Washington by people who are not really familiar with our problems out here,” he said.

In late April, Dahl flew to Washington, D.C., to discuss the future of public lands with President Trump’s staff, after the administration invited him to a signing ceremony for an executive order on education. The political landscape around the land issue had changed since August. Trump’s administration had veered away from the pro-transfer position included in the Republican Party’s platform.

“I’m adamantly opposed to the sale or transfer of public lands,” Secretary of the Interior Ryan Zinke said at an Outdoor Industry Association event that same week in April. “So is my boss.”

That position, which has hardened in recent weeks, has forced land-transfer advocates in the West to look at more modest proposals for giving states more control over federal lands. At the meeting in April, for instance, Dahl suggested transferring more management responsibilities to the states.

When asked about such proposals, a spokesperson for the Interior Department said in an email that Zinke “believes the federal government needs to be a better manager and a better neighbor and that bureaus need to work more closely with one another and local and state governments on local land management policy.” She added: “What works for Seattle doesn’t exactly work for Henderson.”

State legislators across the West introduced bills this year encouraging Congress to revisit the idea of wholesale land transfers — ceding large parcels of land to the states, which could then sell the land for development and extraction, or manage it for the public. Those bills face an uphill battle.

The federal government, which owns the majority of land in Nevada, Oregon and Utah, sits on nearly 47 percent of all Western land. It’s a reality that has existed since statehood, when the federal government ceded land to newly formed states looking to raise revenue for public services. Nonetheless, it’s a development that remains a thorn in the side of land-transfer advocates, who argue that local jurisdictions should make choices about how their land is managed.

Politicians supporting the land-transfer movement, though, have had difficulty making gains, facing headwinds from both sides of the partisan spectrum.



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Conservationists and sporting groups believe that transferring federal land could constrict space for hunting, fishing and outdoor recreation. It's likely that these groups would oppose Dahl's suggestion — to transfer management, not the land, to the states.

"That gets to be a very slippery slope," said Alex Boian, vice president of governmental relations for the Outdoor Industry Association. "It's not a real compromise."

A spokesperson for Montana-based Backcountry Hunters and Anglers echoed Boian's concern. She too called such proposals a slippery slope and likened the protection of public lands to a "second Second Amendment."

The groups flexed their political muscle this year with a successful social media campaign that urged Rep. Jason Chaffetz, R-Utah, to withdraw a bill to sell 3.3 million acres of federal land. "It's the first shot across the bow," Land Tawney, executive director for Backcountry Hunters and Anglers, told Outside Magazine in February. "We don't have the money, but we have the people."

At a recent lunch meeting with members of the Congressional Western Caucus, Zinke reiterated his opposition to divesting federal land, U.S. Rep. Mark Amodei, R-Nev., said in an interview with The Sunday.

Zinke declined to discuss whether there would be any exceptions, said Amodei, who introduced legislation in 2014 that would have transferred about 7.5 million acres of federal land to Nevada.

"That's not in the cards at this time," Amodei said.

Amodei instead plans to prioritize smaller gains for the land-transfer movement. He stressed the importance of monitoring land use around Yucca Mountain, funding for the Southern Nevada Public Land Management Act and proposed expansions of Air Force facilities at Nellis and Fallon. He said he expected the administration to be open to land bills that address county-by-county issues.

While Dahl was in D.C., Trump signed a directive ordering Zinke to review national monument designations dating back to the Clinton administration. The request asked the Interior Department to look at downsizing or eliminating any recent monuments declared through presidential powers. .



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The American Lands Council, a group that Dahl co-founded, applauded the order. But the group said on its website: “reforms need to go much further.”

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25. Could management shift to states even if public lands remain federally owned?

The Center for American Progress, May 8 | Mary Ellen Kustin

On April 26, President Donald Trump launched an attack on national parks, public lands, and waters. His executive order called on U.S. Secretary of the Interior Ryan Zinke to “review” the 54 national monuments that presidents have designated or expanded since 1996. The order gives wide discretion to the secretary to recommend actions that the president or Congress should take to alter or rescind the protections for these natural, historical, and cultural treasures.

While the order is written in such a way that all recent national monuments—including the Stonewall, César E. Chávez, Belmont-Paul Women’s Equality, and Pacific Remote Islands Marine national monuments—are subject to the 120-day review, Secretary Zinke publicly called out two monuments: The “bookends” of his review will be the Grand Staircase-Escalante and Bears Ears national monuments, both located in Utah. These two monuments later made the list of monuments Secretary Zinke is initially reviewing.

It has been widely reported that the Utah congressional delegation was the driving force behind President Trump’s executive order. Sen. Orrin Hatch (R-UT) and Rep. Rob Bishop (R-UT) have been particularly outspoken in their opposition to the Antiquities Act writ large and to Utah’s national monuments specifically. Indeed, both were at the signing ceremony for the executive order; Utah Gov. Gary Herbert (R) and Sen. Mike Lee (R-UT) were also in attendance. President Trump gave Sen. Hatch the pen he used to sign the order after recognizing Hatch as “tough” for repeatedly calling Trump to say “you got to do this.”

The national monument review will be a legal, moral, and political minefield. President Trump’s embrace of the Utah delegation and its pet cause is especially interesting given that most of the delegation’s members were vocal in their opposition to him during the presidential primary. For a president known to keep a list of those who speak ill of him, it is a curious alliance. The Center for American Progress’ analysis suggests that a closer look at the oil, gas, and coal underneath



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Utah's national monuments—and the fossil fuel industry's influence on Trump and the Utah delegation—might help explain this newly formed partnership.

The Trump administration and the Utah delegation's history of disagreement

President Trump struggled to find support in Utah during his campaign, with the majority of the state's voters supporting someone else in both the Republican caucuses and the general election. Rep. Bishop reluctantly voted for Trump, saying, "Unless he resigns, I must support the Republican nominee as my only option." Sen. Hatch eventually supported Trump, but only after endorsing two other Republican candidates first. And Utah's junior senator, Mike Lee, another critic of the Bears Ears National Monument, told constituents that Trump "scares [him] to death." Similarly, Utah Rep. Chris Stewart (R) said last year that "Donald trump does not represent republican ideals, he is our Mussolini."

In addition, the Trump administration's early policy statements on land management differ from those of the Utah delegation. During the campaign, Trump indicated in an interview with Field & Stream magazine that his administration would be "great stewards" of public lands and that he did not "like the idea" of transferring federal lands to the states. His pick of Secretary Zinke, who resigned his delegate post at the Republican National Convention over the party's platform on this issue, underscored that commitment. By contrast, Rep. Bishop, Rep. Jason Chaffetz (R-UT), and Sen. Lee (R-UT) have all introduced legislation that would make it easier to sell off public lands.

It is noteworthy, then, that President Trump is pushing an executive order that is a thinly veiled land seizure. He even parroted a land seizure activist talking point—embraced by Rep. Bishop and other proponents of diminishing federal land management—just before signing the order, saying he would "give that power back to the states and to the people, where it belongs."

Curious, perhaps, until one remembers that this rhetoric traces its roots to industry-backed front groups with vested interests in selling off public lands for private gain.

Extractive industries threaten national monuments in Utah

Both President Trump and members of the Utah delegation, particularly Rep. Bishop, have benefited from oil, gas, and coal industry contributions. Trump's presidential campaign received more than \$1.1 million from the fossil fuel industry. And coal, oil, and gas interests contributed \$1 out of every \$10 raised—a total of at least \$10 million—for Trump's inaugural celebrations.



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These events were not subject to the same campaign finance restrictions as donations made during the election.

Rep. Bishop, meanwhile, received the highest percentage of out-of-state campaign contributions of anyone in the House, and the oil and gas industries—including the American Petroleum Institute, a trade association that represents hundreds of oil and gas companies—contributed more to his campaigns than any other industry. Although Bishop has repeatedly claimed that his issues with the Grand Staircase-Escalante and Bears Ears national monuments have nothing to do with the fossil fuel interests located below them, both monuments appear to be in the sights of this heavily invested industry.

The American Petroleum Institute was quick to send a letter to House Natural Resources Committee Chairman Bishop and his counterpart in the Senate shortly after the 115th Congress convened, imploring them to “re-examine the role and purpose of the Antiquities Act.” The organization argued that the law threatens the extraction of fossil fuels from public lands and waters. In addition, the oil and gas industry group Western Energy Alliance, or WEA, has indicated interest in drilling in Bears Ears. WEA President Kathleen Sgamma has said about the monument, “There certainly is industry appetite for development there, or else companies wouldn’t have leases in the area.” And geologists have known for years that the Grand Staircase-Escalante area has coal, oil, and mineral deposits.

The following maps reveal why special interests would want access to mine and drill within the boundaries of both Grand Staircase-Escalante and Bears Ears national monuments. A new analysis by CAP and Conservation Science Partners, or CSP, finds that Grand Staircase-Escalante scored in the 72nd percentile for oil and gas and the 37th percentile for mineral resources among similarly sized Western landscapes. The boundary of Grand Staircase-Escalante also encompasses the extensive coal beds found in the Kaiparowits Plateau. As CAP and CSP previously reported, when compared with similarly sized landscapes in the West, Bears Ears scored above the 50th percentile for both mineral resources and oil and gas. Without protection, Grand Staircase-Escalante and Bears Ears would be at great risk of destructive mining and oil and gas development.

These national monuments are also two of the wildest and most ecologically valuable places in the West. The new analysis indicates that Grand Staircase-Escalante is in the top 4 percent for ecological intactness and the top 6 percent for connectivity, which are essential to biodiversity



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and landscape-level conservation. As CAP and CSP previously showed, Bears Ears is in the top 10 percent of similarly sized places in the West for these two important factors.

Even though national monuments are public lands that, by definition, belong to the people, President Trump said he was signing the executive order to “return control to the people—the people of Utah, the people of all the states, the people of the United States.” However, it appears the people he has in mind may be those with close industry ties.

Methodology

To determine the ecological importance of Bears Ears National Monument and Grand Staircase-Escalante National Monument, CAP and CSP mapped and summarized 10 landscape-level indicators of resilience to climate change; ecological connectivity; and intactness, biodiversity, and remoteness. Publicly available spatial data and published methods of analysis were used to create indicator maps across 11 Western states to compare Bears Ears National Monument and Grand Staircase-Escalante National Monument with equivalently sized areas throughout the West. The same was done with each of seven national parks. A mixture of iconic Western national parks known for their ecological importance and Utah national parks were selected for comparison. CAP and CSP also assessed Bears Ears for two threat indicators: mineral resource potential and oil and gas resource potential. No coal resources were found within Bears Ears National Monument. Similarly, CAP and CSP assessed Grand Staircase-Escalante for three threat indicators: mineral resource potential, oil and gas resource potential, and coal resource potential.

CAP and CSP determined the values of each of the indicators relative to the larger landscape using a simple scoring system based on percentile ranks. Specifically, the mean value of each indicator within Bears Ears National Monument and Grand Staircase-Escalante National Monument was compared with the distribution of means of a large random sample of 1,000 areas across the 11 Western states, including all jurisdictions. The size of the random samples was equivalent to the size of the monument. CAP and CSP did the same for the seven national parks. Scores on indicators ranged from 0 to 100. For example, a score of 98 for a given indicator signified that the mean value of that indicator in the monument was greater than or equal to 98 percent of the equivalently sized random samples. Scores of 50 or higher suggested a relatively important indicator.

A more detailed description of methods and data [can be found here](#).



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Mary Ellen Kustin is the Director of Policy for Public Lands at the Center for American Progress.

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26. **US Interior secretary tours hotly contested Utah monument**

The Washington Post, May 8 | Michelle L. Price and Brady McCombs, AP

SALT LAKE CITY — U.S. Interior Secretary Ryan Zinke on Monday will get a bird’s-eye view of one of 27 national monuments he’s been ordered to review as he flies over 1.3 million acres of southern Utah’s red rock plateaus, cliffs and canyons graced with sagebrush, juniper trees and ancient cliff dwellings in one of America’s newest and most hotly contested monuments.

His tour guide aboard the helicopter will be Gov. Gary Herbert, one of several prominent Republican leaders in the state who oppose the Bears Ears National Monument. Herbert, U.S. Sen. Orrin Hatch and the rest of the all-GOP Congressional delegation consider the monument creation by former President Barack Obama an unnecessary layer of federal control that will hurt local economies by closing the area to new energy development and isn’t the best way to protect the lands.

During the first day of a four-day trip to Utah to see two monuments, Zinke was serenaded in Salt Lake City by about 500 protesters who chanted, “Save our monuments, stand with Bears Ears.” They represented tribal leaders and conservationists on the other side of the debate who are imploring Zinke to leave Bears Ears alone to preserve lands considered sacred to the tribes.

After holding a closed-door meeting with a coalition of tribal leaders who pushed for the monument, Zinke spoke on Sunday of his admiration for President Theodore Roosevelt, who created the law that gives presidents the power to create monuments.

Zinke, a Montana Republican, said that “it is undisputed the monuments have been an effective tool to save, preserve our greatest cultural treasures.”

He insisted there is no predetermined outcome of his review, saying he may not recommend the monuments be made smaller or rescinded, and he might even recommend an addition. Zinke has been tasked with making a recommendation on the monument by June 10, about 2½ months before a final report about on all the monuments.



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"I'm coming in this thing as a Montanan, a former congressman and now the secretary of the Interior without any predispositions of outcome," Zinke said at a news conference Sunday evening in Salt Lake City. "I want to make sure that the public has a voice, that the elected officials have a voice."

The two monuments he's reviewing in Utah are quite large. Created in 1996, Grand Staircase-Escalante is 1.9 million acres (7,700 square kilometers), about the size of Delaware. Bears Ears is a bit smaller at 1.3 million acres (5,300 square kilometers).

Hatch, who appeared with Zinke at the Sunday news conference, said he is grateful the Interior secretary was making the visit.

"He understands that there are two sides. Maybe more than two sides," Hatch said.

Hatch led the campaign by Utah Republican to get President Donald Trump to take a second look at a monument designated by President Barack Obama near the end of his term.

The monument review is rooted in the belief of Trump and other critics that a law signed by President Theodore Roosevelt allowing presidents to declare monuments has been improperly used to protect wide expanses of lands instead of places with particular historical or archaeological value.

Conservation groups contend that the monument review puts in limbo protections on large swaths of land that are home to ancient cliff dwellings, towering Sequoias, deep canyons and ocean habitats where seals, whales and sea turtles roam.

Environmental groups have vowed to file lawsuits if Trump attempts to rescind monuments, which would be unprecedented.

Congress might weigh in as well. Numerous bills on the issue were introduced in the previous session, including measures to prevent the president from establishing or expanding monuments in particular states and to require the consent of Congress or state legislatures.

Zinke and Herbert are scheduled to hold a news conference Monday afternoon before hiking up to the House on Fire, one of dozens of intact ancient ruins within the monument.



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On Tuesday, he plans to tour the area by while riding a horse, mentioning his horseback commute through the streets of Washington, D.C., on his first day on the job in March.

“I think, sometimes, the best way to see things is slow and easy with a horse,” Zinke said.

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UTAH – TOP STORIES – MAY 6-8, 2017

1. Op-ed: National monuments are a positive economic force for rural communities

The Salt Lake Tribune, May 6 | Amy Roberts

The next several months are pivotal for the future of America's public lands. It is not easy to articulate how we have gotten to this point – but here we are.

2. Interior Secretary Zinke in southern Utah to tour Bears Ears

The Deseret News, May 8 | Amy Joi O'Donoghue

BLANDING — Interior Secretary Ryan Zinke landed in San Juan County Monday to begin his first full day exploring the rugged footprint of the new Bears Ears National Monument.

3. Amazing Earthfest in Kanab set to celebrate public lands of American West

The Salt Lake Tribune, May 8 | Tom Wharton

Kanab will host its 11th annual Amazing Earthfest on May 14-20 that includes arts and culture, healthy living events, documentary film screenings, hiking, mountain biking, and lectures on science and the land.

4. Bears Ears: Hatch, Utah delegation lead pushback effort

The Spectrum, May 8 | David DeMille

After signing an executive order calling for a review of more than two dozen national monuments, President Donald Trump handed the pen to U.S. Sen. Orrin Hatch, crediting the Utah Republican for being a driving force behind the order.

5. San Juan County residents welcome visit from Secretary Zinke

ABC 4 Utah, May 8 | Glen Mills

Interior secretary Ryan Zinke is touring two national monuments, and taking input from local stakeholders.



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6. Interior Turns Down Meetings With 2 Groups Supporting Utah Monuments

The Morning Consult, May 8 | Jack Fitzpatrick

The Department of the Interior turned down meetings this week with at least two groups supporting national monument designations in Utah, spurring complaints that the Trump administration's review of monuments may be one-sided.

E&E/NATIONAL NEWS – TOP STORIES

1. Groups Seek to Use Anti-Regulatory Tool to Undo Obama-Era Land Restrictions

The Washington Free Beacon, May 8 | Kevin Mooney

A rarely used but potent anti-regulatory tool could be used to undo land use restrictions the Obama administration imposed on more than 72 million acres of western lands, according to attorneys and public policy analysts.

2. Tribal Groups Press U.S. Senate to Keep BLM Methane Waste Rule

Public News Service, May 8 | Staff Writer

NAVAJO NATION -- A vote on whether to repeal the Bureau of Land Management's Methane Waste Rule could come in the U.S. Senate in the next few days, and tribal leaders are stepping up to support the rule.

3. EPA dismisses half of key board's scientific advisers; Interior suspends more than 200 advisory panels

The Washington Post, May 8 | Juliet Eilperin and Brady Dennis

Both the Environmental Protection Agency and the Interior Department are overhauling a slew of outside advisory boards that inform how their agencies assess the science underpinning policies, the first step in a broader effort by Republicans to change the way the federal government evaluates the scientific basis for its regulations.



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4. **SPECIES: Birds, tortoise at new risk from wind power growth**

E & E News, May 8 | Kavya Balaraman

America's growing wind sector may be easing the country's carbon footprint, but it's leaving a heavy imprint on local wildlife.

5. **LAW: Trump team defends fracking authority as it rethinks rule**

E & E News, May 8 | Ellen M. Gilmer

Government lawyers walked a fine line in legal briefs Friday, arguing that the Interior Department does have authority to regulate hydraulic fracturing but shouldn't have to continue defending an Obama-era fracking rule in court.

6. **REGULATIONS: Congressional anti-rule push may live on after methane vote**

E & E News, May 8 | Arianna Skibell

The Congressional Review Act clock is ticking, and time is running out.

The window of opportunity to use the expedited procedure to roll back Obama-era regulations is set to close at the end of this week, and Senate Republicans are still trying to ram through one more resolution of disapproval.



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UTAH – FULL STORY

1. **Op-ed: National monuments are a positive economic force for rural communities**

The Salt Lake Tribune, May 6 | Amy Roberts

The next several months are pivotal for the future of America's public lands. It is not easy to articulate how we have gotten to this point – but here we are.

It seems like only yesterday that the outdoor industry and outdoor recreation economy were tiny blips on the radar of our national economy and jobs figures, yet over the last 20 years, the outdoor recreation economy has grown exponentially and contributes \$887 billion per year to the nation's GDP, and is responsible for over 7 million American jobs across the country.

The outdoor recreation economy, and the industry that supports it, is a major force in international trade, economic development, job creation and public lands policy and is a major financial contributor to programs that get kids and families outside across the nation. It is a growing economy that is uniquely American.

The outdoor industry supports protecting our nation's public lands, not just because the American landscape and its rugged, natural beauty sets our nation apart from the rest of the world, but also because America's public lands are the very foundation, the infrastructure, of the massive outdoor recreation economy.

So, why are the next few months so pivotal? President Trump signed an Executive Order last month ordering the Department of the Interior to review the designation of National Monuments over 100,000 acres in size and created between 1996 and the end of 2016 under the authority of the Antiquities Act, a Teddy Roosevelt-era law that has protected more of America's landscapes and waterways than perhaps any other law. Interestingly, the majority of Utah's National Parks were first protected as monuments.

As part of his department's review, Secretary of the Interior Ryan Zinke has stated that he is committed to a transparent process that will take into account the views of multiple stakeholders. This is a good starting point, and we look forward to working with the Administration, Secretary Zinke and others to highlight the significant, beneficial role National Monuments and the



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Antiquities Act play in our American heritage, the protection of iconic places, and the development of local economies built on recreation and tourism.

The notion that monuments are harmful to their surrounding communities and result in net job loss is demonstrably false. Cities and towns that have protected lands like National Parks and Monuments attract employers in fast-growing economic sectors like tech and health care. It is proven that the communities that protect and invest in recreation infrastructure end up having more diverse economies and are better prepared to weather potential economic downturns.

While it is true that some traditional jobs do, at times, decrease with the designation of a monument in the short-term, those losses tend to stabilize even as the local economy transitions. The addition of monuments in most cases speeds up the economic diversification of the local community from traditional rural economies to a more dynamic combination of energy development, agriculture, ranching, tourism and outdoor recreation that coexist on the land. These economies and the local tax base that supports schools and government services benefit from adding more recreation-related businesses such as guide services, retailers, manufacturers and additional service related jobs such as doctors, engineers and teachers. Outdoor recreation generates \$59 billion in state and local tax revenue.

As Secretary Zinke visits Utah this week and begins the evaluation of past monument designations, we ask that he remember that our national monuments are already the people's lands and that he consider the full and positive impact they have on the overall physical and economic health of our nation. We hope he notes the benefits they provide to our rural communities by counting ALL of the businesses and jobs added over a period of time after a designation, and the growth of the community's economy before and after the designation. As we have seen in Garfield County, Utah or Chaffee County, Colorado, if the process is truly transparent, the findings will be enlightening and should inform any eventual decision by this Administration on existing and future national monuments.

Amy Roberts is executive director of the Outdoor Industry Association.

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2. Interior Secretary Zinke in southern Utah to tour Bears Ears

The Deseret News, May 8 | Amy Joi O'Donoghue

BLANDING — Interior Secretary Ryan Zinke landed in San Juan County Monday to begin his first full day exploring the rugged footprint of the new Bears Ears National Monument.

Zinke's midmorning arrival created much fanfare at the tiny airport on the southern edge of Blanding, where Native American monument supporters pressed their case to the media.

Zinke is expected to stay in Utah through Wednesday, and he is being accompanied on this trip by Rep. Rob Bishop, R-Utah.

Earlier Monday, Native American supporters talked about the sacred nature of the rugged landscape and why it's so important to protect. At an event hosted by Utah Diné Bikéyah, reporters and photographers in town for Zinke's visit were given aerial tours of the monument.

Zinke took his own aerial tour of the Bears Ears region in one of three Blackhawk helicopters before a scheduled hike later Monday to the House on Fire ruins near Mule Canyon, inside the monument footprint.

Utah Gov. Gary Herbert is expected at the hike, as well as several staffers from Utah's congressional delegation.

Ecoflight pilot Bruce Gordon, who has been flying 30 years, said he thinks having the "bird's eye" view of a landscape helps to further the conservation discussion.

"We give the land a voice and we try to be objective," he said. "The aerial perspective gives people a better view."

Willie Grayeyes, chairman of the board of Utah Diné Bikéyah, said he hopes Zinke realizes that as Interior secretary he has a "trust responsibility" to Native Americans.

That responsibility, he added, should be part of Zinke's decision on whether the monument stands as Grayeyes hopes.



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Diné Bikéyah describes itself on its website as a nonprofit organization that "works toward healing of people and the Earth by supporting indigenous communities in protecting their culturally significant, ancestral lands."

Woody Lee, the legislative district assistant for the Navajo Nation Council, said he hopes Zinke makes time to meet with members of the nation. He said the Bears Ears region "is something we all hold sacred. It's like the U.S. Capitol building that all Americans hold sacred."

Members of Utah's congressional delegation have been united in opposition to Bears Ears' designation by former President Barack Obama late last year. Sen. Orrin Hatch, R-Utah led out on the effort that led to President Donald Trump signing an executive order on April 26 to review monument designations going back to 1996.

San Juan County commissioners were also at the airport for Zinke's arrival, which has stirred up residents. This is the second time in less than a year that a secretary of the Interior has visited the region. Last summer, then-Secretary Sally Jewell was here.

"The windup has been pretty intense," said San Juan County Commissioner Phil Lyman, who said it was clear Zinke intended to listen to the variety of viewpoints about the December 2016 designation.

"He's gone above and beyond in that respect," he said. Lyman said the county leaders remain adamantly opposed to the monument.

"In this country we value consent, and this was done without our consent," he said.

The morning brought together a pair of men who were engaged in an amiable discussion over the monument, despite holding polar opposite views.

Mathew Gross, with the Southern Utah Wilderness Alliance, and Matthew Anderson, with the conservative Sutherland Institute, even posed for photos together.

"We may be opposites, but everybody cares about this land," Anderson said.

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3. **Amazing Earthfest in Kanab set to celebrate public lands of American West**

The Salt Lake Tribune, May 8 | Tom Wharton

Kanab will host its 11th annual Amazing Earthfest on May 14-20 that includes arts and culture, healthy living events, documentary film screenings, hiking, mountain biking, and lectures on science and the land.

The free festival (donations appreciated) celebrates the national and state parks, national forests, national monuments and public lands of the American West. Organizers hope the educational events will stimulate the imagination and connect people to southern Utah's natural wonders.

Visit www.AmazingEarthfest.org for a complete list of events.

Sponsors include Grand Staircase Escalante Partners, the BLM, U.S. Forest Service, George S. and Dolores Dore Eccles Foundation, Utah Office of Tourism, Best Friends Animal Society, Garkane Energy, Kanab and Wingate Therapy.

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4. **Bears Ears: Hatch, Utah delegation lead pushback effort**

The Spectrum, May 8 | David DeMille

After signing an executive order calling for a review of more than two dozen national monuments, President Donald Trump handed the pen to U.S. Sen. Orrin Hatch, crediting the Utah Republican for being a driving force behind the order.

"Believe me, he's tough," Trump said, nodding to Hatch during the April 26 signing ceremony. "He would call me and say, 'You gotta do this.' Is that right, Orrin?"

Two weeks later, Hatch and the rest of Utah's all-Republican congressional delegation were meeting with newly-appointed Interior Secretary Ryan Zinke ahead of his on-site visit to the Bears Ears and Grand Staircase-Escalante national monuments, Utah's two largest and the two that Hatch calls examples of Washington-ordered "land grabs" that lock out local communities.



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The 83-year-old was already a 20-year veteran of the Senate when then-President Bill Clinton signed the Grand Staircase into monument status in 1996, and when he saw Bears Ears leaning the same direction two decades later he said the similarities were obvious.

"Nearly 20 years ago, the Clinton administration blindsided Utah with a massive 1.9-million-acre monument designation in Southern Utah," Hatch said, saying that in both cases a monument designation would go against the will of Utah's elected representatives and local residents.

The debate over those two monuments has made Utah ground zero in what is likely to become a wide-ranging political battle over monument designations, one that most observers expect to end up being fought in the courtroom.

On one side is the contention that Bears Ears, like other western monuments, is among the places most in need of protection, an undulating collection of mountainous terrain rich in cultural significance to native tribes, thousands of archaeological sites, paleontological resources, scenic landscapes and some of the nation's darkest night skies.

A large coalition of tribal leaders, environmentalist groups, archaeologists and others fought for the monument designation.

The monument proposal had the support of six of the seven Navajo chapters in the state, along with representatives from some two dozen other tribes and the National Congress of American Indians, as well as organizations like the Friends of Cedar Mesa and the Utah Diné Bikéyah, a conservation organization led by Native Americans.

"National monuments are designated so they may be preserved for all the people of the United States," said Madison Hayes, content manager for the advocacy group Alliance for a Better Utah. "These are national treasures. Once they are lost and sold off for development and extraction, there is no way to return these beautiful lands to their original state."

But Bears Ears, like the nearby Grand Staircase, is also rich with natural resources that area leaders contend could help prop up poor economies.

When Clinton signed the Grand Staircase into law, it closed ideas of mining coal out of potentially rich beds beneath the Kaiparowits Plateau, where the U.S. Geological Survey had suggested there were some 30 billion tons of minable coal.



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Both monuments house what researchers suggest could be rich deposits of gas, oil, uranium and other resources.

Utah officials have long argued that environmental protections could be maintained while allowing for some resource extraction, and most have argued that both monuments ignored the wishes of local leadership.

"Utahns deserve a collaborative land management process that ensures local residents have a seat at the table," said U.S. Rep. Chris Stewart, whose district includes the Grand Staircase monument.

Legal experts suggest Trump would have difficulty unilaterally rescinding a national monument designated by a previous president, since that ability is not spelled out in the Antiquities Act.

But there are arguments that he could amend or shrink the borders of monuments.

Congress has acted in the past to remove monument status and to make changes to existing monuments, and Utah's lawmakers have been among those proposing legislative changes to the 1906 law.

Last year, Hatch and Sen. Mike Lee proposed one measure that would have allowed monument designations to expire if states didn't sign off on them, and then a second bill that proposed exempting Utah from any new monuments. Neither made it to a vote.

Similarly, the Public Lands Initiative, legislation developed by Utah Reps. Rob Bishop and Jason Chaffetz as an alternative to the Bears Ears monument designation, never saw a vote.

But Trump's win on Election Day has raised the hopes of state officials that a Republican administration might take a different look at the monuments.

Utah's back-and-forth with federal agencies over control of federally-controlled lands within its borders goes back decades, reaching a fevered pitch in recent years as state lawmakers propose suing over control of about 31 million acres.

County commissioners, along with county and municipal leadership across the region, Utah Gov. Gary Herbert and other state leaders have pushed for changes to the monument designation.

The Legislature passed a resolution this year demanding the federal government revisit the issue.



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5. **San Juan County residents welcome visit from Secretary Zinke**

ABC 4 Utah, May 8 | Glen Mills

Interior secretary Ryan Zinke is touring two national monuments, and taking input from local stakeholders.

This is the latest step in a bitter battle over public lands in Utah. Both sides say their way of life is at risk, and they are doing all they can to protect it.

On Main Street in Blanding, Utah sits the JC Hunt Company. Carl and DeeAnn Hunt are the owners. They distribute petroleum to farmers and ranchers in the Four Corners area.

All around their business you will find a strong statement on public lands. They want the Bears Ears National Monument rescinded.

"We are afraid we will lose those rights to go on the land, and to enjoy the land the way that we have," said DeeAnn Hunt.

The Hunts say the process under the Obama Administration was hijacked, and local voices weren't heard.

"Everybody was against the designation of the monument, and yet that was never taken into consideration. We feel like the monument was a foregone conclusion," said Carl Hunt.

Now opponents are getting a second chance under President Trump's Executive Order calling for a review of the Antiquities Act.

Over the next few days Secretary Zinke will get an up close look at the Bears Ears and Grand Staircase- Escalante monuments, which combine for about 3.2 million acres.

He's also meeting with local stakeholders to get their input on the impact. Even monument supporters are welcoming the visit.



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"I'm glad he's coming to educate himself, and also walk the lay of the land, to have a better understanding," said Mark Maryboy, with Utah Dine Bikeyah, and former San Juan County Commissioner.

But, Maryboy says they are ready to file a lawsuit with the 10th Circuit Court of Appeals if President Trump decides to rescind the monument or alter the size.

They say it's about protecting sacred traditions.

"Go baby, go baby drill. That's their philosophy, and we are all about conservation, Mother Earth, protect the land. We believe in climate change," said Maryboy.

The Hunts say they too want to preserve the land. They say it's in their blood, but they say the monument consumes way too much land.

"We've lived here, we love the land, we take care of it. We've been taught as young people to be stewards over the land and to take care of it," said DeeAnn Hunt.

Secretary Zinke is viewing the Bears Ears National Monument by helicopter and horseback on Monday. No decisions will be made during this trip.

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6. Interior Turns Down Meetings With 2 Groups Supporting Utah Monuments

The Morning Consult, May 8 | Jack Fitzpatrick

The Department of the Interior turned down meetings this week with at least two groups supporting national monument designations in Utah, spurring complaints that the Trump administration's review of monuments may be one-sided.

Interior Secretary Ryan Zinke is in Utah through Wednesday to meet with stakeholders about a review of potential changes to two national monuments in the state. But Interior has not announced any public meetings in the area, though the department is taking written comments online and Zinke has met with some major stakeholders.

Bears Ears National Monument and Grand Staircase-Escalante National Monument are among 27 national monuments the administration is considering altering or revoking under an executive



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action signed by President Donald Trump in April. Designation as a monument limits the number of activities that can take place on the land, such as energy production.

Opponents of the monuments criticized former Presidents Bill Clinton and Barack Obama for creating them without enough public input, using the 1906 Antiquities Act to unilaterally designate the monuments without approval from Congress.

But as Zinke starts a 45-day review of Bears Ears and a 120-day review of the others, monument supporters say he has not engaged enough with the local community.

Interior turned down requests for meetings with Utah Diné Bikéyah, a nonprofit that supports Bears Ears and coordinates with five nearby tribes, Executive Director Gavin Noyes said. The department also declined to meet with some members of the Escalante & Boulder Utah Chamber of Commerce, Vice President Kris Waggoner said.

"We feel like our board members and the elders in the local community have critical knowledge that he [Zinke] needs to understand before he recommends any changes to the monument," Noyes said in a phone interview Monday. "So we don't quite understand why he hasn't felt it necessary to engage us, but we'll certainly continue trying to get that critical information to him. We had hoped to walk the land with him."

Zinke met with the Utah congressional delegation Monday morning, Sen. Orrin Hatch (R-Utah) said in a statement. Interior also planned several stops to talk to local press Sunday through Wednesday, but Waggoner said she is not aware of any public meetings at which she could voice her support for the monuments.

Interior did not respond to requests on Monday for details on whom Zinke would meet during his tour.

The Salt Lake Tribune reported that Zinke on Sunday met with the Bears Ears Inter-Tribal Coalition, which supports the Bears Ears monument designation.

Noyes said he is concerned Zinke will not spend enough time in the southern half of San Juan County, Utah, an area with a more predominantly Native American population. That southern half of the county is where the most people hope to preserve the land for cultural reasons, he said.



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"The people who use Bears Ears daily for cultural purposes, those are all south of where it seems he is going to visit," Noyes said. "It seems like he's spending his time primarily in the Anglo [northern] half."

Bears Ears has also attracted criticism from some local tribal organizations, such as the Utah-based Aneth Chapter of Navajo and the Blue Mountain Diné, an organization that represents Navajos living in San Juan County.

In lieu of meeting in person with Zinke, Noyes said his group still hopes to hold a conference call with him before Zinke finishes his Bears Ears review. Waggoner said she will organize a "party" May 12-14 at a business she owns, where she will set up computers for guests to submit online comments on the monuments review.

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E&E/NATIONAL NEWS – FULL STORY

1. **Groups Seek to Use Anti-Regulatory Tool to Undo Obama-Era Land Restrictions**

The Washington Free Beacon, May 8 | Kevin Mooney

A rarely used but potent anti-regulatory tool could be used to undo land use restrictions the Obama administration imposed on more than 72 million acres of western lands, according to attorneys and public policy analysts.

The 15 amended federal land use plans the Interior Department's Bureau of Land Management adopted in cooperation with the Agriculture Department's Forest Service are among the rules and regulations now in effect that could be vulnerable under the Congressional Review Act of 1996, attorneys with the Pacific Legal Foundation told the Washington Free Beacon.

The nonprofit, public interest law firm headquartered in Sacramento, California advocates on behalf of "private property rights, individual liberty, free enterprise, limited government, and a balanced approach to environmental protection." The firm embarked on a new initiative in February titled "Red Tape Rollback," which is devoted to educating lawmakers and the public about the Congressional Review Act (CRA) and its largely unexploited benefits.



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How the CRA works

The legislation, which was enacted under House Speaker Newt Gingrich and signed into law by President Clinton in March 1996, calls for regulatory agencies to send rules to both houses of Congress and the Government Accountability Office. This must be done before the rule can go into effect. Congress then has the ability to schedule up-or-down votes with simple majorities on resolutions of disapproval for any rule the members want to disapprove using fast track procedures.

During the first 60 legislative days after a rule is received, the CRA allows Congress to vote on those resolutions of disapproval to overturn rules without a Senate filibuster and with limits on the amount of time the Senate can take to debate. A member of the House and Senate each have to first introduce a joint resolution and the majority leader has to bring it to the floor.

Both the House and the Senate versions would be subject to a simple majority vote if acted upon within the 60-day legislative window.

Those resolutions that pass are sent to the president for his signature or veto. If the president signs, this means the rule is voided and any "substantially similar" rule cannot be adopted in the absence of a new law authorizing it.

Grouching around

The Obama administration's land use amendments—which were implemented with the stated purpose of protecting a stout, ground-dwelling, chicken-type bird species known as the greater sage-grouse—are among the many Obama-era rules that the Trump administration could submit for congressional review, Todd Gaziano, an executive director for the Pacific Legal Foundation's Washington, D.C. Center, said in an interview.

Since the Interior Department's Bureau of Land Management and the Agricultural Department's Forest Service failed to submit their "Records of Decision" on the land use plans for congressional review, they are not lawfully in effect and cannot be lawfully implemented, Gaziano said, adding that they are therefore vulnerable to resolutions of disapproval.

The greater sage-grouse occupies about 170 million acres in 11 western states, according to the Bureau of Land Management. The land use plans impact 10 of those states: North Dakota, South



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Dakota, Wyoming, parts of California, Nevada, Oregon, Utah, Colorado, Montana and Idaho. Colorado is also home to the Gunnison sage-grouse, a close cousin of the greater sage-grouse, which Interior's U.S. Fish and Wildlife Service (USFWS) listed as "threatened" under the Endangered Species Act (ESA) in November 2014.

Gov. John Hickenlooper filed suit against the Interior Department and USFWS a few months later to overturn the listing. Local government officials in Gunnison County have joined with Hickenlooper in this effort. The Democratic governor points to figures in his lawsuit that show the bird population has increased in response to local conservation efforts and should not be listed under the ESA.

Environmental groups are calling on the USFWS to elevate the listing of the Gunnison sage-grouse from "threatened" to "endangered." WildEarth Guardians has partnered with Clait Braun, a retired sage-grouse researcher with the Colorado Division of Wildlife, in its Gunnison sage-grouse litigation while The Center for Biological Diversity and the Western Watersheds Project have joined in a separate suit calling for an endangerment listing.

The Interior Department announced in September 2015, that the greater sage-grouse would not be listed under the ESA thanks to public-private partnerships that have boosted the bird's population. However, Gaziano suspects that agency bowed to political pressure from environmentalists, imposing the land use amendments in lieu of an ESA listing.

"On the merits, the land use amendments are a good set of rules for Congress to express its will and as a citizen I hope that Congress disapproves of these rules because [U.S.] Fish and Wildlife properly found that the greater sage-grouse is not threatened or endangered," said Gaziano, who is also a senior fellow in constitutional law for the Pacific Legal Foundation. "In response to the anger over their correct scientific decision, which resulted in the lack of an ESA listing, BLM and Forest Service officials essentially did what would have been done under the ESA with the land use amendments."

Reasserting Congress's role

By striking down the Obama-era sage-grouse regulations, Congress would reaffirm constitutional principles and bolster local conservation efforts, said Jonathan Wood, a staff attorney with PLF.



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"The Constitution gives Congress, not federal agencies, authority to decide what to do with federal lands," he said. "We think there is no question the land use amendments are subject to the Congressional Review Act since they were not reported to Congress. This means they could be sent up to Congress and disallowed. This would send two positive signals. First, it would discourage the agencies from doing this again and second, it would embrace what states and private industry have done to preserve the sage-grouse without burdensome federal regulations."

The land use amendments are in some ways more onerous and burdensome than an ESA listing said Brian Seasholes, a policy fellow with the Montana-based Property and Environment Research Center.

With the ESA, it is at least possible to have a species delisted if the population figures improve. However, the land use amendments are on the books for an indefinite period of time without any measurable goal posts for success.

"This coercive, heavy-handed, top-down approach to conservation does not work," he said. "The land that has the most ecological value is, for the most part, privately owned. But the federal plans only deal with federal land and they are operating under a narrative that says livestock is bad. If we are going to shove ranchers off federal land, that means they are going to graze private land more intensely and that could have an impact on the sage-grouse population."

Next steps

What happens next depends on the Trump administration. The Justice Department could attempt to reach a settlement between states and environmental groups suing the federal government, while the Interior and Agriculture departments work to revise the land use plans. Interior Secretary Ryan Zinke has been critical of BLM's "Washington Knows Best" approach to the greater sage-grouse and has said he favors state based solutions. Representatives with Zinke's Interior Department declined to comment for this story.

Seasholes is keen on the idea of pressing ahead with the Congressional Review Act. When the Obama administration finalized its land use plans, local conservation plans had paid off in the form of a rising greater sage-grouse population that now exceeds 430,000, according to the most recent figures. This could point a path forward.



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"For conservation to work, it needs to be very localized and site specific," he said. "What works in central Nevada doesn't work in northern Utah. These federal plans take no account of the differences across geography. The Congressional Review Act offers a way out of these ill-conceived plans. There are significant restrictions that have been imposed on activity in western lands that were never submitted to Congress for review, which is what should have happened under the law."

If land use amendments were permitted to stand without congressional review, it would set a terrible precedent, Gaziano said.

"It's bad enough that the Endangered Species Act has been abused and used in ways that are not authorized by statute," he said. "But what has been done with the greater sage-grouse is to say that despite the fact that it is not threatened or endangered, the federal government can just come in and place controls on huge swaths of land without letting congress review these rules. If they can get away with it with the sage-grouse, they can get away with it almost any animal whether or not it is actually threatened or endangered."

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2. Tribal Groups Press U.S. Senate to Keep BLM Methane Waste Rule

Public News Service, May 8 | Staff Writer

NAVAJO NATION -- A vote on whether to repeal the Bureau of Land Management's Methane Waste Rule could come in the U.S. Senate in the next few days, and tribal leaders are stepping up to support the rule.

The Methane Waste Rule requires oil and gas companies to install equipment to capture methane gas at wells instead of venting it or burning it off. Companies also would be required to identify and fix leaks.

Laurie Weahkee, director of the Native American Voters Alliance, said the excess gas should be brought to market, which would bring royalties to states and tribes.

"Many tribes do not have an adequate infrastructure, and so all of this money goes back to tribes," Weahkee said. "You know, we need water lines, we need our roads, our schools, all that sort of stuff."



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Opponents of the rule say it is too expensive for the industry and call it government overreach.

But Navajo Nation officials and President Russell Begaye, as well as the Standing Rock Sioux Tribe and three affiliated tribes in North Dakota all have opposed the rollback of the Methane Waste Rule. They said that the methane mitigation industry already has begun to create jobs in Indian Country.

The release of methane gas into the atmosphere has been linked to climate change and to smog that worsens asthma and respiratory disease. Weahkee noted that the Four Corners area has long been plagued by air pollution coming from oil and gas facilities.

"And my understanding is that, you know, when it mixes with other chemicals, it really does cause a lot of health problems for a lot of our community members," she said.

Despite bipartisan opposition, the U.S. House already has voted to repeal the rule, which was finalized in the last days of the Obama administration. Now the Senate has until this week to reverse it under the Congressional Review Act.

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3. EPA dismisses half of key board's scientific advisers; Interior suspends more than 200 advisory panels

The Washington Post, May 8 | Juliet Eilperin and Brady Dennis

Both the Environmental Protection Agency and the Interior Department are overhauling a slew of outside advisory boards that inform how their agencies assess the science underpinning policies, the first step in a broader effort by Republicans to change the way the federal government evaluates the scientific basis for its regulations.

EPA Administrator Scott Pruitt decided to replace half of the members on one of its key scientific review boards, while Interior Secretary Ryan Zinke is "reviewing the charter and charge" of more than 200 advisory boards, committees and other entities both within and outside his department. EPA and Interior officials began informing current members of the move Friday, and notifications continued over the weekend.



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Pruitt's move could significantly change the makeup of the 18-member Board of Scientific Counselors (BOSC), which advises EPA's prime scientific arm on whether the research it does has sufficient rigor and integrity, and addresses important scientific questions. All of the people being dismissed were at the end of serving at least one three-year term, although these terms are often renewed instead of terminated.

EPA spokesman J.P. Freire said in an email that "no one has been fired or terminated" and that Pruitt had simply decided to bring in fresh advisers. The agency informed the outside academics on Friday that their terms would not be renewed.

"We're not going to rubber-stamp the last administration's appointees. Instead, they should participate in the same open competitive process as the rest of the applicant pool," Freire said. "This approach is what was always intended for the board, and we're making a clean break with the last administration's approach."

Separately, Zinke has postponed all outside committees as he reviews their composition and work. The review will effectively freeze the work of the Bureau of Land Management's 38 resource advisory councils, along with other panels focused on a sweep of issues, from one assessing the threat of invasive species to the science technical advisory panel for Alaska's North Slope.

"The Secretary is committed to restoring trust in the Department's decision-making and that begins with institutionalizing state and local input and ongoing collaboration, particularly in communities surrounding public lands," Interior spokeswoman Heather Swift said by email Monday. "As the Department concludes its review in the weeks ahead, agencies will notice future meetings to ensure that the Department continues to get the benefit of the views of local communities in all decision-making on public land management."

Greg Zimmerman, deputy director of the non-partisan advocacy group Center for Western Priorities, said in an interview that "it just doesn't make any sense they would be canceling meetings as they do this analysis." BLM's regional advisory councils include officials from the energy and outdoor recreation industry as well as scientists and conservationists, Zimmerman added. "The only reasonable explanation is they don't want to be hearing from these folks."

The moves came as a surprise to the agencies' outside advisers, with several of them taking to Twitter to announce their suspensions.

John Peter Thompson, who chairs Interior's Invasive Species Advisory Panel, tweeted Monday that he had been notified that "all activities are suspended subject to review by Depart of Interior."



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Members of EPA's Board of Scientific Counselors had been informed twice — in January, before President Barack Obama left office, and then more recently by EPA career staff members — that they would be kept on for another term, adding to their confusion.

"I was kind of shocked to receive this news," Robert Richardson, an ecological economist and an associate professor in Michigan State University's Department of Community Sustainability, said in an interview Sunday.

Richardson, who on Saturday tweeted, "Today, I was Trumped," said that he was at the end of an initial three-year term but that members traditionally have served two such stints. "I've never heard of any circumstance where someone didn't serve two consecutive terms," he said, adding that the dismissals gave him "great concern that objective science is being marginalized in this administration."

Courtney Flint, a professor of natural resource sociology at Utah State University who had served one term on the board, said in an email that she was also surprised to learn that her term would not be renewed, "particularly since I was told that such a renewal was expected." But she added, "In the broader view, I suppose it is the prerogative of this administration to set the goals of federal agencies and to appoint members to advisory boards."

Ryan Jackson, Pruitt's chief of staff, noted in an email that all the board members whose terms are not being renewed could reapply for their positions. "I'm not quite sure why some EPA career staff simply get angry by us opening up the process," he said. "It seems unprofessional to me."

Yet Terry F. Yosie, who directed EPA's Science Advisory Board from 1981 to 1988, noted in an email that the Board of Scientific Counselors does not report directly to the administrator or his office. "It's quite extraordinary that such a body would receive this level of attention by the Administrator's office," he said.

And Rush Holt, CEO of the American Association for the Advancement of Science, expressed concern and said he hoped Pruitt reconsidered his decision. "Academic scientists play a critical role in informing policy with scientific research results at every level, including the federal government," he said.

Pruitt is planning a much broader overhaul of how the agency conducts its scientific analysis, said a senior administration official who spoke on the condition of anonymity to discuss internal deliberations. Pruitt has been meeting with academics to talk about the matter and putting thought into which areas of investigation warrant attention from the agency's scientific advisers.



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The agency may consider industry scientific experts for some of the board positions as long as these appointments do not pose a conflict of interest, Freire said.

Conservatives have complained for years about EPA's approach to science, including the input it receives from outside scientific bodies. Both the Board of Scientific Counselors and the 47-member Scientific Advisory Board have come under criticism for bolstering the cause for greater federal regulation.

A majority of the members of the Board of Scientific Counselors have terms expiring this fiscal year, along with the terms of 12 members of the Scientific Advisory Board. GOP lawmakers have frequently criticized the Clean Air Scientific Advisory Committee (CASAC)—a committee within the Scientific Advisory Board—for its recommendation that the EPA impose much stricter curbs on smog-forming ozone. The seven-person panel, which is charged under the Clean Air Act to review the scientific basis of all ambient air quality standards, is legally required to have a medical doctor and a member of the National Academy of Sciences as members.

Sen. James M. Inhofe (R-Okla.), who questions the link between human activity and climate change and has several former aides now working for Pruitt, said in an interview earlier this year that under the new administration, "they're going to have to start dealing with science, and not rigged science."

House Science Committee Chairman Lamar Smith (R-Tex.) held a hearing on the issue in February, arguing that the Scientific Advisory Board should be expanded to include more non-academics. The panel, which was established in 1978, is primarily made up of academic scientists and other experts who review EPA's research to ensure that the regulations the agency undertakes have a sound scientific basis.

"The EPA routinely stacks this board with friendly scientists who receive millions of dollars in grants from the federal government," Smith said at the time. "The conflict of interest here is clear."

In a budget proposal obtained by The Washington Post last month, the panel's operating budget is slated for an 84 percent cut — or \$542,000 — for fiscal 2018. That money typically covers travel and other expenses for outside experts who attend the board's public meetings.

The document said the budget cut reflects "an anticipated lower number of peer reviews."

Joe Arvai, a member of the Scientific Advisory Board who directs the University of Michigan's Erb Institute for Global Sustainable Enterprise, said in an email that Pruitt and his colleagues should keep in mind that the board's membership, just like its standing and ad hoc panels, "already includes credible scientists from industry" and that its "work on agency rulemaking is open to public viewing and comment. So, if diversity of thought and transparency are the administrator's concerns, his worries are misplaced because the SAB already has these bases covered.



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“So, if you ask me, his moves over the weekend — as well as the House bill to reform the SAB — are attempts to use the SAB as a political toy,” Arvai said. “By making these moves, the administrator and members of the House can pander to the president’s base by looking like they’re getting tough on all those pesky ‘liberal scientists.’ But, all else being equal, nothing fundamentally changes about how the SAB operates.”

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4. **SPECIES: Birds, tortoise at new risk from wind power growth**

E & E News, May 8 | Kavya Balaraman

America's growing wind sector may be easing the country's carbon footprint, but it's leaving a heavy imprint on local wildlife.

According to the American Wind and Wildlife Institute, an estimated three to five birds are killed every year per megawatt of wind energy. And new research indicates that wind farms could pose a threat to land-dwelling species, as well.

It's a far cry from President Trump's claim that wind energy "kills all your birds," but experts say they are beginning to pay more attention to how expanding wind facilities are affecting local wildlife.

"In the past decade, there's been a lot of incentive for wind energy development. The Department of Energy is calling for a 10 percent share of wind energy by 2020. With that development, we're seeing quite a few companies looking into buying land, and these lands are home to threatened and endangered species," said Mickey Agha, a graduate student at the University of California, Davis.

Agha authored a study on the impact that wind farms could have on wildlife, which was recently published in the *Journal of Wildlife Management*. It came about while working on a previous research project on tortoises in the California's Mojave Desert, he said. That project involved setting up cameras at a wind facility to study tortoise burrows. While looking through the tapes, scientists noticed that a host of animals passed through the site: coyotes, bobcats, foxes, skunks and even bears.



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"Some of the developments are currently on undisturbed landscapes," said Agha, referring to sites that were being built on the first time. "And once you have the facility in place, infrastructure like roads and turbines add to the fragmentation of habitat. They could block migration routes for birds and restrict corridors that terrestrial wildlife use."

Birds are especially affected. Wind turbines are generally mounted on 300-foot towers and have wingspans that are twice that of a Boeing 747, spinning at around 200 mph. The operators of the first industrial-scale wind farm in the country — in Altamont Pass, Calif. — quickly began to notice that the turbines were killing numerous bird species, including red-tailed hawks and golden eagles, said Todd Katzner, a research wildlife biologist with the U.S. Geological Survey's Forest and Rangeland Ecosystem Science Center.

"Birds like golden eagles are essentially designed to soar on upward-moving wind curves," he explained, "and places with a lot of wind movement are also really good places to put wind turbines. Also, birds tend to not think about threats from things like spinning blades — their evolutionary history prepares them for threats from above, like other birds attacking, or from the ground. They aren't really used to things moving directly in front of them."

Roberto Albertani, associate professor of mechanical engineering with the Oregon State University College of Engineering, thinks he may have a solution to the problem. He recently received funding from the Department of Energy's Wind Energy Technologies Office to experiment with a network of sensors and cameras that he hopes will help reduce eagle fatalities in American wind farms. Working with a team of scientists, including Katzner, Albertani plans to set up a three-part system to test this technology.

"The project has three subsystems: detecting the eagle, providing a deterrent for the eagle and detection if there's a strike on the blade," he explained. "These are all integrated."

The system will be tested at the North American Wind Research and Training Center in Tucumcari, N.M., and the National Renewable Energy Laboratory's National Wind Technology Center in Boulder, Colo. It includes a camera mounted on the towers, which is programmed to identify eagles flying toward it. If it spots one, it will trigger the "deterrent" — images of people, which will hopefully scare the bird away. The turbines will also be equipped with vibration sensors so that if an eagle does collide with one, scientists can examine footage and determine the cause.

Collecting similar data for terrestrial animals is equally important, said Agha.

"What we need to know is what's happening on the ground. For instance — how are the vibrations and noise produced by the turbines going to impact the auditory cues of wildlife? It may also impact their ability to [inhabit] these areas. Future research should look at monitoring these facilities," he added.



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5. **LAW: Trump team defends fracking authority as it rethinks rule**

E & E News, May 8 | Ellen M. Gilmer

Government lawyers walked a fine line in legal briefs Friday, arguing that the Interior Department does have authority to regulate hydraulic fracturing but shouldn't have to continue defending an Obama-era fracking rule in court.

Justice Department lawyers made those arguments to the 10th U.S. Circuit Court of Appeals as part of the latest round of legal wrangling over the Bureau of Land Management's fracking rule, the Obama administration's marquee effort to increase oversight of modern oil and gas development on public and tribal lands. The rule has been sidelined by litigation since its March 2015 release.

"Although BLM had authority to promulgate the Hydraulic Fracturing Rule, it also has substantial discretion in how it carries out its statutory mission of administering federal and Indian leases," the brief says. "The specific provisions of the Rule may no longer reflect BLM's best judgment of how to exercise that authority."

The agency is in a tricky position after a district court struck down the fracking rule last summer, finding that the federal government has no authority over fracking. The Obama administration immediately appealed the decision, calling it a "manifestly incorrect" interpretation of federal laws.

The Trump administration is now trying to preserve its defense of federal authority over fracking while simultaneously walking away from President Obama's approach.

"In holding that BLM lacks authority to ensure safe operations on federal and Indian lands, the district court made a serious and consequential error about federal authority and the interpretation of statutes that BLM administers," government lawyers told the 10th Circuit. "BLM now faces a significant litigation dilemma: In order to seek review of the district court's error, the agency would have to defend a rule that it no longer considered appropriate to protect federal and Indian lands."

BLM is urging the court to instead put the case on hold while the agency reviews the rule, arguing that active judicial review would not be appropriate because the rule may change. While BLM



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believes the lower court's decision was wrong, "review of that decision is not urgent in light of the upcoming rulemaking," the brief said.

Courts have recently granted several similar requests in litigation over other Obama-era regulations (Greenwire, April 27).

Appealing without the government

Friday's brief also sets the stage for another battle that may be on the horizon: If the Trump administration doesn't want to defend the rule, can environmental groups push the appeal forward on their own? The 10th Circuit asked the litigants to address the question in this round of briefs.

DOJ lawyers argued it's not relevant at this time because BLM only wants to pause the case, not walk away from it. But if the agency were to abandon its appeal, they argued, environmental groups would not have legal standing to carry it forward on their own.

They point to *Diamond v. Charles*, a 1986 Supreme Court decision that held that an intervenor did not have standing to appeal a court's decision to void a statute when the government itself declined to appeal.

Several appellate courts have applied *Diamond* to lawsuits over regulations, finding that intervenors supporting challenged rules lacked standing to appeal judgments without the government — though at least one circuit, the 9th, has taken a more permissive approach.

The 10th Circuit, where the fracking rule litigation is playing out, does not have much case law on the issue. In proceedings over the Forest Service's roadless rule, it allowed environmental groups to defend the Clinton-era regulation when the Bush administration would not. But the court ultimately dismissed the appeal in 2005 on unrelated grounds and never addressed the standing question directly.

The Sierra Club, Earthworks and several other groups have defended the fracking rule since the litigation began and have said they plan to continue fighting for it even if the Trump administration does not (Energywire, March 16).



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"If the Court were to address the issue here, it should find that Diamond is controlling and that the Environmental Intervenors would lack standing to pursue their own appeal," DOJ told the court.

BLM also noted that environmental groups would have future opportunities to challenge the results of the agency's new rulemaking process or oppose individual permitting decisions.

The groups are expected to push back strongly on DOJ's position, arguing that they have a legal interest in seeing the lower court's decision reversed.

Status quo

Finally, the court asked BLM to discuss what should happen to the fracking rule if the case is put on hold. The agency noted that because the district court scrapped the rule, the 10th Circuit can preserve the status quo by simply letting that judgment stand while holding the appeal in abeyance.

If the appeal is ultimately made moot after BLM completes its new rulemaking process, the 10th Circuit should vacate the lower court's decision, the brief said. That would erase precedent BLM and the environmental intervenors disagree with without forcing the court to rule on the Obama regulation that is likely to change.

BLM plans to publish a Federal Register notice June 13 that kicks off a formal process to suspend, revise or rescind the rule.

"We've come to expect the Trump administration's eagerness to sacrifice our public lands and public health for the benefit of Big Oil," Earthjustice attorney Mike Freeman said in an email. "The administration's arguments are just as meritless now as they were when BLM announced its reversal in March."

The government's Friday filing was 11 days ahead of its deadline, speeding up the briefing schedule for the other parties in the case. Opponents of the fracking rule — Wyoming, Colorado, North Dakota, Utah, the Western Energy Alliance, the Independent Petroleum Association of America and the Ute Indian Tribe — have until June 5 to file their response. Environmental groups' response is due the same day.

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6. **REGULATIONS: Congressional anti-rule push may live on after methane vote**

E & E News, May 8 | Arianna Skibell

The Congressional Review Act clock is ticking, and time is running out.

The window of opportunity to use the expedited procedure to roll back Obama-era regulations is set to close at the end of this week, and Senate Republicans are still trying to ram through one more resolution of disapproval.

Sen. John Barrasso (R-Wyo.) said that, despite some unforeseen opposition within his party, he is confident a vote against a controversial rule limiting methane waste on public lands will happen this week.

Robert Dillon, spokesman for the American Council for Capital Formation and former aide to Senate Energy and Natural Resources Chairwoman Lisa Murkowski (R-Alaska), said last week the methane rule vote could happen Wednesday.

"We'd prefer sooner rather than later," said Dillon, whose organization supports repeal of the rule. "I think the votes are there. I think Barrasso is right," he said, adding that ACCF has been talking regularly to members about the issue.

However, Donald Stewart, deputy chief of staff to Majority Leader Mitch McConnell (R-Ky.), cautioned that McConnell had not yet announced when a methane rule vote would happen.

The House passed the resolution of disapproval, S.J. Res. 11, in February, but Senate Republicans have struggled to garner support for the measure.

The November 2016 Interior Department rule seeks to curb greenhouse gas emissions from oil and gas flaring, venting and leakage on public and tribal lands.

A slight glitch arose last week when a couple of corn-state Republicans tried to leverage the methane vote to pass through a waiver of seasonal restrictions on the sale of E15, or 15 percent ethanol in gasoline.



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Sens. Chuck Grassley (R-Iowa) and John Thune (R-S.D.) signaled that their support of the methane repeal was contingent on Republican support for the ethanol change.

Relaxing restrictions for seasonal E15 use is not a party issue. Republicans remain divided, and Thune and Grassley's obstinacy may not be a politically viable stance, analysts say.

Another hurdle could be Sen. Cory Gardner (R-Colo.), who remains publicly undecided on the issue, though he is expected to vote in favor of the repeal when push comes to shove.

Next CRA fight

The repeal of the methane rule would mark President Trump's 14th deployment of the Congressional Review Act to roll back so-called midnight regulations finalized under the Obama administration.

Sponsored by former Rep. David McIntosh (R-Ind.), the CRA was signed by President Clinton in 1996. It requires federal agencies to submit final rules to both Congress and the Government Accountability Office before they can take effect.

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

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

The "substantially similar" clause has been a point of contention for many watching the CRA scenario unfold. The environmental group Center for Biological Diversity last month filed a lawsuit arguing the provision is unconstitutional because it amounts to a legislative veto, which is prohibited (E&E News PM, April 20).

The rule-busting statute will likely come under intense scrutiny again when the Securities and Exchange Commission issues a new transparency rule for resource extraction firms.



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Trump this year used the CRA to eliminate the agency's second attempt at the rule, which is required under the Dodd-Frank Wall Street Reform and Consumer Protection Act.

When lawmakers scrap a rule mandated by statute, the issuing agency has a year from repeal to offer a new one that is not "substantially similar." Assuming Republicans do not repeal Dodd-Frank, the new rule will likely set the stage for an unprecedented legal battle.

If SEC releases a new rule that is seen as more flexible, watchdog groups will likely sue. But if the agency issues a standard that business groups see as too strict, they could launch litigation on the grounds that the new rule is "substantially similar" to the old (E&E Daily, Feb. 10).

Complicated timing calculations

Until this year, Congress and the White House had used the CRA successfully only once, to toss out a Labor Department rule in 2001.

Because the law requires the president's signature on resolutions of disapproval, it is most successful at the start of a new administration; a president is not likely to undo actions taken under his executive authority.

Additionally, the CRA gives Congress 60 full legislative days to review new rules. If a rule is published in the Federal Register with fewer than 60 session days left, the clock starts over at the beginning of the next Congress with a fresh 60 days. That's why the clock on all Obama rules published after June 13, 2016, started over in the 115th Congress.

Accordingly, lawmakers had 60 session days from Jan. 30 to vote on disapproval resolutions against the previous administration's actions. But the House and the Senate measure time differently; the House uses legislative days, while the Senate uses session days.

How many calendar days fit into a session or legislative day varies, depending on leadership. For example, when Senate Democrats were attempting to stall Cabinet confirmations, five calendar days only counted as three session days.

The deadline to fast-track CRA resolutions is expected to expire either Thursday or Friday. But even after the 60-day window closes, Congress can still pass them. They just won't qualify for expedited procedures.



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Some conservatives are arguing, however, that the CRA could actually be used to roll back rules dating back to the 1990s that agencies never submitted properly (E&E Daily, March 7).

Todd Gaziano, who's advocating for the expanded definition, was general counsel to McIntosh when he served in Congress and helped write the law.

Amit Narang, regulatory policy advocate at Public Citizen's Congress Watch, said that reading of the law stretches it "way beyond its intent."

"I think that's baloney," said Narang. "It reads into the CRA this paperwork requirement that becomes this be-all and end-all of whether a rule takes effect or not. That makes no sense."

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