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Attached is the daily news report for May 19.

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UTAH – TOP STORIES – MAY 19, 2017

1. Who owns the state of Utah?

KSL News, May 19 | Josh Furlong

SALT LAKE CITY — Pres. Donald Trump in April ordered a review of the size and scope of the national monuments created since 1996, which includes two monuments in the state of Utah.

2. Bill would grant northern corridor, utility access in tortoise territory

St George News, May 18 | Julie Applegate

ST. GEORGE – A bill introduced in Congress by Utah Rep. Chris Stewart would require the Bureau of Land Management to grant a right-of-way for the proposed northern corridor and ease restrictions for utility access in the Red Cliffs National Conservation Area.

3. Farm Bureau applauds monument review

Moab Sun News, May 18 | Guest Columnist Ron Gibson

The 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.

4. Why it's easy to question Lake Powell Pipeline

The Spectrum, May 18 | Conserve Southwest Utah

In the May 7 edition of The Spectrum & Daily News, our water district manager listed reasons we need the Lake Powell Pipeline (LPP). This continues a long-term marketing campaign. We deserve better.

5. NATIONAL MONUMENTS: Bears Ears critics say Zinke told them he'll recommend repeal

E & E News, May 19 | Jennifer Yachnin

Interior Secretary Ryan Zinke told local Utah officials earlier this month that he will recommend rescinding Bears Ears National Monument and vowed to review public lands management more broadly, according to San Juan County Commissioner Phil Lyman.



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E&E/NATIONAL NEWS – TOP STORIES

1. **Fake FBI documentary crew filmed Bundys, reports show**

KGW News Portland, May 19 | Sara Roth

PORTLAND, Ore. -- The 41-day standoff at the Malheur National Wildlife Refuge in Eastern Oregon in early 2016 is again making headlines, after national news outlets revealed how FBI agents impersonated a documentary film crew and embedded with standoff leaders.

2. **Interior secretary's personal schedule shows industry chiefs have frequent access**

The Washington Post, May 19 | Juliet Eilperin

Interior Secretary Ryan Zinke spent much of his first two months in office meeting with energy and other industry groups, according to personal schedules released this week under the Freedom of Information Act.

3. **INTERIOR: Deputy nominee pledges to get federal energy flowing**

E & E News, May 19 | Pamela King

The nominee to take over as the Interior Department's second in command yesterday promised to fulfill the Trump administration's goal of unencumbered extraction of federal minerals.

4. **INTERIOR: Oil and gas execs top Zinke's meeting list**

E & E News, May 19 | Corbin Hiar

In his first two months on the job, Interior Secretary Ryan Zinke had more meetings with oil and gas industry executives than representatives of any other type of interest group.

5. **METHANE: Oil industry asks Zinke to delay rule 2 years**

E & E News, May 18 | Brittany Patterson

The American Petroleum Institute is urging Interior Secretary Ryan Zinke to postpone upcoming compliance deadlines that will affect oil and gas operators, a move prompted by the Senate's failure to kill an Obama-era methane rule earlier this month.



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6. NATIONAL PARKS: Creationist sues NPS for denying him Grand Canyon rocks

E & E News, May 19 | Amanda Reilly

The Interior Department is facing a lawsuit from a Christian geologist who claims he was not allowed to collect rocks from Grand Canyon National Park because of his creationist beliefs.



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UTAH – FULL STORY

1. Who owns the state of Utah?

KSL News, May 19 | Josh Furlong

SALT LAKE CITY — Pres. Donald Trump in April ordered a review of the size and scope of the national monuments created since 1996, which includes two monuments in the state of Utah.

The review sparked an already heated debate about whether the federal government should own land, or whether individual state governments should be entitled to the land. Trump’s signing of the executive order signaled a move toward giving land back to the states while limiting the size of “a massive federal land grab.”

“It’s time to end these abuses and return control to the people, the people of Utah, the people of all of the states, the people of the United States,” Trump said.

Utah, like many of its Western state counterparts, is not the majority owner of the land within its state boundaries. Instead, the federal government owns a significant percentage of the land — approximately 64 percent of its 82,144 square miles.

For counties like San Juan, where much of the debate rests recently, the federal government owns approximately 61 percent of the land within its borders. However, counties like Garfield (90 percent), Wayne (86 percent), Kane (85 percent), Daggett (81 percent) and Emery (80 percent) are all overwhelmingly federally owned.

In May, Secretary of the Interior Ryan Zinke trekked through the southern part of Utah for a listening tour in the communities surrounding Grand Staircase-Escalante National Monument and the newly designated Bears Ears National Monument by former Pres. Barack Obama. Zinke has until June 10 to make a recommendation on whether Bears Ears and Grand Staircase-Escalante should remain a national monument or make changes.

For many, the issue is not about giving full access to the state of Utah, but working together with local, state and federal governments to create a partnership that works for all interested parties to protect the land while also allowing responsible access of the land to the public.

“The intent is to work together. We figure we have no choice,” Emery County public lands director Ray Petersen said. “We need to work with them, not against them. We’re not going to



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win that battle. We need to work with the agencies, resolve the problems that come up with stakeholders, whether it's livestock grazing, mining issues, recreation, hunting and fishing, stuff like that."

As Zinke and his staff review the land ownership and the various federal designations, here's a look at who owns land in Utah, according to data obtained by the State of Utah School and Institutional Trust Lands administration.

The federal government, which is administered by several agencies that include the Bureau of Land Management, the Bureau of Reclamation, the Department of Defense, the Department of Energy, the U.S. National Park Service, the Utah State Department of Wildlife Resources, the U.S. Forest Service, the U.S. Fish and Wildlife Service and in some cases the Utah State Department of State Parks, owns approximately 64 percent of the state of Utah

The Bureau of Land Management manages approximately 36 percent of the land, making it the largest single landowner in the state. The BLM uses the land for energy development, livestock grazing and recreation, in addition to protecting land for its cultural and historical purposes. Approximately 3 millions acres of Millard County is owned by the BLM, making it the largest amount of land owned in a county by the agency.

The BLM, which manages the land designated as the Bears Ears National Monument, has done well to preserve the land prior to its designation, according to San Juan County Commissioner Bruce Adams. He believes parts of Bears Ears should stay as a national monument, but that its current borders are too massive.

"The BLM could put up protective fencing, make a parking lot for cars. Pick 20 of these sites that are iconic and create a kiosk; make a map," he said. "Then we don't have people damaging the resource because they didn't know what they were damaging and they are going to learn something about it and direct their visitation. That just seems like a win-win for everybody to me."

The remaining amount of land owned by the federal government that is significant includes national forests, which make up 13 percent of the land, and national monuments and parks, which make up only 8 percent of land owned in the state. However, Grand Staircase-Escalante and Bears Ears are still managed by the BLM.



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The next largest owner of land in the state is classified as private land, which makes up approximately 21 percent of the state. This is land that is not publicly owned but could be owned by individual cities or counties. Box Elder County is the single largest owner of private land with its almost 2 million acres.

The state owns 10 percent of all land, with SITLA, an independent agency, owning 6 percent of that based on parcels of land allotted by Congress. The land SITLA manages is not public land but is set up as a trust to generate revenue for 12 state institutions, including public schools, state hospitals, colleges and universities. Trust land is scattered throughout the state and appears as a checkerboard when viewing a map.

The remaining 5 percent of land in the state is set aside as tribal land. Much of that land is found in San Juan (1,278,946 approximate acres), Uintah (473,255 approximate acres), Duchesne (393,109 approximate acres) and Grand (198,423 approximate acres) counties.

Regardless of who owns the land, Adams said, “The people that live in the county should have a say in how this whole public lands issue came about.”

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2. **Bill would grant northern corridor, utility access in tortoise territory**

St George News, May 18 | Julie Applegate

ST. GEORGE – A bill introduced in Congress by Utah Rep. Chris Stewart would require the Bureau of Land Management to grant a right-of-way for the proposed northern corridor and ease restrictions for utility access in the Red Cliffs National Conservation Area.

Washington County Commissioner Victor Iverson will testify Tuesday on the proposed legislation in a hearing before the Subcommittee on Federal Lands.

“The thing that we’re really going to be telling the committee is that Washington County knows that it can build the northern corridor without negative impact on the tortoise and without negative impact on the (Red Cliffs Desert) Reserve,” Washington County Commissioner Victor Iverson said Thursday.

“It’s absolutely essential that we have the corridor in order to not be bottlenecked on future traffic in our area.”



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There are plenty of ways to mitigate for any harm caused by the proposed northern corridor, Iverson said.

The northern corridor has been planned for more than 20 years, Iverson said, and was promised in the Omnibus Public Land Management Act of 2009.

“Congress did ... instruct the Interior Department to allow the northern corridor to take place,” Iverson said.

The county is pursuing its plan for a northern corridor by continuing to work with U.S. Fish and Wildlife Service on an administrative level and by working with legislators; legal action will be a last resort, Iverson said.

Southern Utah officials believe the corridor and more utility development are both essential for future transportation and growth needs. Recently completed Bureau of Land Management plans do not allow what is needed.

Officials from Washington County, the Washington County Water Conservancy District and St. George City are pursuing all available options to fight the BLM’s resource management plans, which affect the county’s two national conservation areas – more than 100,000 acres.

Sen. Orrin Hatch has introduced a bill in the U.S. Senate that would require the BLM to restart the planning process for both the Red Cliffs and the Beaver Dam Wash national conservation areas:

Language in Stewart’s bill directs the U.S. Department of Interior Secretary to grant any necessary rights-of-way for a northern corridor route as outlined in the Omnibus Public Land Management Act of 2009.

The bill also directs the Interior Department to authorize development of utilities as specified in the Washington County Habitat Conservation Plan, a document which governs the Red Cliffs Desert Reserve and the federally listed Mohave desert tortoise the reserve protects.

Stewart’s bill also directs the Interior Secretary to authorize the development of utilities in the Red Cliffs reserve, which officials say is severely restricted under the recently released BLM resource management plans.



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When the Habitat Conservation Plan was created it included utility protocols, Deputy Washington County Attorney Celeste Maloy said, and the Omnibus Public Land Management Act of 2009 stated that those protocols could be adopted.

However, the BLM's resource management plans stated the protocols were insufficient, Maloy said, and declared most of the area as exclusion zones where no rights of way are allowed under any condition.

The BLM management plans also tightened up restrictions on utility development in "avoidance areas" including an existing utility corridor. Under the new plan, even existing rights of way could not be permanently widened or upgraded.

"But even the ones we have will have to be maintained and upgraded over time. And turning Red Cliffs into almost completely an exclusion area causes problems for bringing utilities into St. George," Maloy said.

The longer the resource management plans are in place, the harder they will be to change, she said.

"This is something that if we fix it now, this can work for a long time into the future. But if we can't find solutions now, it'll be even harder down the road when this (resource management plan) has been in place for years, and then a (utility) line needs to be upgraded."

As a matter of policy, BLM does not comment on proposed legislation, BLM Color Country District spokesman Christian Venhuizen said in an earlier interview.

Details

The "Washington County, Utah, Public Lands Management Implementation Act," or H.R. 2423, was introduced in the U.S. House of Representatives May 16 and referred to the House Committee on Natural Resources the same day.

The House Committee on Natural Resources' Subcommittee on Federal Lands has scheduled a hearing on the bill at 10 a.m. EDT, Tuesday, May 23, in Washington, D.C.

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3. Farm Bureau applauds monument review

Moab Sun News, May 18 | Guest Columnist Ron Gibson

The 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 and Bears Ears national monuments? It's obvious the politics of Presidents 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 impacted, and will continue to adversely impact generations-old sheep and cattle ranching families, as well as other multiple



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uses like recreation and resource development. Livestock ranching, a major economic contributor going 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 in 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.

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4. **Why it's easy to question Lake Powell Pipeline**

The Spectrum, May 18 | Conserve Southwest Utah

In the May 7 edition of The Spectrum & Daily News, our water district manager listed reasons we need the Lake Powell Pipeline (LPP). This continues a long-term marketing campaign. We deserve better.



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We deserve, and we need, an information campaign featuring open and unbiased discussion of the facts, data and conclusions. That process may be starting with a recent agreement from the state sponsor of the LPP, the Division of Water Resources, to discuss our key questions (<http://conserveswu.org/wp-content/uploads/CSUs-Key-Water-Questions.pdf>).

With conservation and better management of our county's water supplies, as implemented by many southwest communities, we can sustain our growth into the distant future. Our near-term planning should focus on that, rather than on a pipeline that is very possibly not viable or affordable. The 2015 water audit (https://le.utah.gov/audit/15_01rpt.pdf) cites the inaccurate data and archaic practices used to justify projects like the LPP. Our long-term planning should be based on valid data about our needs, our local water, and the cost and viability of alternatives. Our water planning priorities are backwards.

- LPP affordability and viability: Wishing for an affordable, sustainable additional water source does not make it so. The LPP is very expensive: its \$1.1-\$1.8B cost will multiply 5-10 times including interest, operations and other hidden costs. Utah's economists have warned it's unaffordable. How will those costs affect our growing, vibrant, family-oriented community?

Experts declare the Colorado cannot sustain its current allocations, and decreasing flows from a changing climate are making it worse. Utah may already be using more water than will be allowed in the future. Adding the LPP is very risky, yet proponents believe that somehow if the pipeline is built it must be allowed to carry water, and that we must build it now or never. Where are the facts supporting these beliefs?

The only thing worse than a pipeline we can't afford is one that carries no water.

- Our local water: The LPP's justification is based on inaccurate assessments of our needs and incomplete accounting of our local supplies. Even though per capita use is decreasing, we are still among the most wasteful users.

We have a huge opportunity for conservation, yet we are not implementing the most effective methods. Management and accounting of county's water, including aquifers, agriculture water converted to culinary use as farms turn to neighborhoods, secondary water use for residential irrigation, and untapped water rights, is incomplete.

Well-managed local water can provide our needs far into the future. The most effective water management and conservation practices carry much less cost and risk than the LPP. They use



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well-known technology and can be implemented incrementally without large debt, interest and operations costs; the LPP is the opposite. Why not implement them?

The LPP is being pulled by a locomotive of political power and money. We don't need more marketing campaigns from our water authorities. We need a dialog about the facts, data, and the logic driving conclusions about our water. We hope this dialogue will finally begin. We'll report progress.

See our recent LPP update for details: <http://conserveswu.org/wp-content/uploads/Lake-Powell-Pipeline-UPDATE.pdf>.

Conserve Southwest Utah is a 501(c)(3) non-profit that supports responsible stewardship of southwest Utah's natural and cultural resources and advocates for smart growth that enables conservation of those resources for the benefit of present and future generations.

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5. NATIONAL MONUMENTS: Bears Ears critics say Zinke told them he'll recommend repeal

E & E News, May 19 | Jennifer Yachnin

Interior Secretary Ryan Zinke told local Utah officials earlier this month that he will recommend rescinding Bears Ears National Monument and vowed to review public lands management more broadly, according to San Juan County Commissioner Phil Lyman.

President Trump ordered Zinke to review the status of dozens of monuments created since 1996, with a particular focus on the 1.35-million-acre southeastern Utah site that became the nation's newest national monument in December (E&E News PM, April 26).

Local officials as well as state and congressional Republican lawmakers have urged Trump to eliminate the Bears Ears monument located in San Juan County, arguing the Obama administration failed to sufficiently take into account opposition to the designation.

During recent weeks, Zinke held multiple meetings with San Juan County officials, including a session in his Washington office and a visit to the monument earlier this month (Greenwire, May 9).



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Lyman, who serves as chairman of the San Juan County Commission and attended both meetings, told E&E News he urged Zinke to undo the monument, arguing that it is a hardship on the rural county to host such a "massive" site.

"We got a chance to visit with him in his office, and our message was that we'd like to see Bears Ears National Monument rescinded," Lyman said. "He said, 'Well, let me tell you what I'm thinking: Not only should that monument be rescinded, but we're not going to stop there. We need to discuss all the dysfunctionality of public land management over the last three decades.'"

An Interior Department spokeswoman did not respond to a request for comment for this article. But at a news conference near Monticello, Utah, earlier this month, Zinke said national monument status may not be the "right vehicle" for Bears Ears.

He ruled out the possibility of national park status for the site but said all other options remain on the table.

"The president has given me the flexibility to make a recommendation to him, and we have a lot of options," Zinke said. He has until June 10 to issue an interim report on his monument review, and until August to issue a final set of recommendations (E&E Daily, May 10).

In particular, Lyman and other opponents of the Bears Ears site have argued that national monument status could curb future efforts for energy development in the area and have raised concerns that grazing or religious rituals could face eventual restrictions.

"That's the same message that we've been shouting for the last three years at least in terms of the monument," said Lyman, who served 10 days in jail last year after leading an illegal ATV ride through Recapture Canyon in 2015 to protest the Bureau of Land Management's prohibition on motorized travel in a portion of that site (E&E News PM, Dec. 18, 2015).

Lyman expressed similar concerns about the new Bears Ears monument, which has yet to develop its own management plan.

"When you have a national monument designation, it removes the requirement of the federal agencies within the monument to get any local input on their decisions. So decisions that can and should be made locally and that affect people locally are now made in Washington," Lyman said. He pointed to potential conflicts over recreational access, hunting, prospecting and road development.



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"The commissioners who are elected in this county are elected to have some level of jurisdiction within those borders, and the idea that we are incompetent or unreliable or dishonest in fulfilling that obligation is the highest offense to us," he said.

Lyman added that suggestions that local residents only "want to drill or loot or steal or disrespect" the area are "offensive on every level."

'Dark skies and sagebrush'

San Juan Commissioner Bruce Adams said he likewise urged Zinke during his recent visit to Utah to rescind the monument, arguing that it "wasn't created the right way and I'd like to see it evaluated so that it could be done the right way."

He added, "I'd like to see the process started over and have the local people much more involved than there were previously."

Proponents of the monument — a coalition that includes various outdoor retailers and environmental and sportsmen's associations as well as the Bears Ears Inter-Tribal Coalition and Democratic lawmakers — have pointed to former Interior Secretary Sally Jewell's visit to the area, including a public forum held in Bluff, Utah.

Since leaving office, Jewell has asserted that many tribes, Utahans and other local partners worked together to protect Bears Ears. "Proud of every nat'l monument designated by Pres. Obama, shaped by local communities who were engaged from day one," she tweeted recently.

During his visit to Utah, Zinke faced protestors chanting "Talk to us!" and criticism from some local monument supporters who say he refused to meet with them (Greenwire, May 11).

But Adams said he highlighted for Zinke a series of local and state-level resolutions calling for a reversal of the Bears Ears monument, from the county commissioners, the state Legislature and Gov. Gary Herbert (R).

Like many opponents of the monument, Adams also argued the final declaration included too large an area. President Obama designated the monument in his final weeks in office under the Antiquities Act, after GOP congressional lawmakers failed to push through their own protections under the Utah Public Lands Initiative.



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"You get a proclamation that comes out from President Obama that says he wants to protect solitude, and dark skies and sagebrush and squirrels and chipmunks and rabbits — things that are highly common all over the area. It just doesn't fit," said Adams, who said he often recreates in the Bears Ears area.

Stewards of San Juan County member Devin Bayles Hancock, who was born and raised in the region, also had a chance to meet with Zinke during his visit to the area this month.

Much like the county commissioners, Hancock told E&E News that the designation was not "done in the correct way." But she also raised concerns about the impact of increased traffic from visitors to the Bears Ears region.

"The people in San Juan County — and it doesn't matter if you're Native American or Anglo or Hispanic or Asian — have been there for hundreds of years, and this is the land they live off of. Basically, we do not want it to become a popular destination for tourists to play in when it's what we live off of," Hancock said. "Because once the tourists start flooding in, construction's going to happen, and then what's going to happen? They're going to limit your access; all of these policies are going to start a domino effect because of the increase in popularity."

Hancock asserted that an increase in popularity has already stressed both emergency services and search-and-rescue operations in the region. She also asserted many tourists are not knowledgeable about the size of the monument or dangers like flash flooding.

"There has been an increase of people visiting the area, and it is because the designation is there, so that's why they want to see it, which is a little odd in my eyes," she said. "I mean, it was there before. Why didn't you come see it before, before it had all the increased numbers of tourism? You could have gone there six months ago and been the only person on the mountain, and now you're not."

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E&E/NATIONAL NEWS – FULL STORY

1. Fake FBI documentary crew filmed Bundys, reports show

KGW News Portland, May 19 | Sara Roth

PORTLAND, Ore. -- The 41-day standoff at the Malheur National Wildlife Refuge in Eastern Oregon in early 2016 is again making headlines, after national news outlets revealed how FBI agents impersonated a documentary film crew and embedded with standoff leaders.

Both Frontline and The Intercept have lengthy pieces on the FBI's unorthodox approach to catching the Bundy clan, featuring newly obtained video shot by the fake documentary crew.

Brothers Ammon and Ryan Bundy were acquitted on federal charges for their Oregon occupation involvement in a surprise jury verdict last year.

But they still face charges, along with their father Cliven Bundy and several others, for a 2014 standoff at the Bundys' Nevada ranch in 2014.

Cliven Bundy led an armed resistance against the Bureau of Land Management after BLM accused him of trespassing on federal land and refusing to pay more than \$1 million in cattle grazing fees. The three Bundys are set to stand trial this fall.

Some of the FBI's documentary video will be used as evidence in that trial.

According to the Intercept and Frontline reports, the FBI infiltrated the Bundy family ranch shortly after the 2014 Nevada standoff, posing as a documentary film company called Longbow Productions.

The crew interviewed Ammon, Ryan and Cliven Bundy, as well as Ammon and Ryan's mother, Carol Bundy, and several other militia members.

In one video, the documentary crew can be seen giving militia member Greg Burleson beer and a shot of alcohol. That testimony helped convict Greg Burleson to at least 57 years in prison for his role in the Nevada standoff.



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The videos highlight just how much freedom FBI agents have to shield their identities through impersonation.

Another Intercept report details how one of the FBI agents in the documentary crew was jailed when he impersonated a journalist in Colorado.

That agent was released after the FBI asked the local police department not to press charges.

The Intercept reports that former FBI director James Comey “defended the practice of impersonating journalists in criminal investigations but described it as ‘rare.’”

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2. Interior secretary’s personal schedule shows industry chiefs have frequent access

The Washington Post, May 19 | Juliet Eilperin

Interior Secretary Ryan Zinke spent much of his first two months in office meeting with energy and other industry groups, according to personal schedules released this week under the Freedom of Information Act.

The schedules, which cover March and April, detail a slew of meetings with oil and gas producers as well as officials representing gun owners, marine industries, automobile dealers and builders. Zinke, who was confirmed by the Senate on March 1, also met with representatives of the Navajo Nation and Montana’s Little Shell Tribe, as well as numerous lawmakers and officials from a range of states and U.S. territories.

Zinke held more than a half-dozen meetings with executives from nearly two dozen oil and gas firms during the period, including BP America, Chevron and ExxonMobil. He also spent time with the American Petroleum Institute, the Western Energy Alliance and Continental Resources chief executive Harold Hamm. Several of these discussions covered executive actions the administration would later take in an effort to reverse President Barack Obama’s policies, such as limits on drilling off America’s coasts and the venting of methane from drilling operations on federal and tribal land.

Politico first reported details of Zinke’s calendar.



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Jack Gerard, president and chief executive of API, said in a statement that "Interior is a critical agency for the natural gas and oil industry, regardless of who is in office. API engages with every agency, and our goal is to have constructive discussions to promote forward-looking policies that advance America's energy leadership throughout the world."

As for Zinke, Gerard added, he "has been open to constructive dialogue and has shown a willingness to work with all stakeholders."

The Montanan invited the National Wildlife Federation to his office on his first day, according to his spokeswoman Heather Swift, and he has since met with officials from the Nature Conservancy, the Outdoor Industry Association and with the president of the Congress-chartered National Fish and Wildlife Foundation.

But Sierra Club executive director Michael Brune criticizes the secretary for not paying more attention to conservation groups. "Zinke's schedule makes it obvious that he would rather meet with big oil companies like Chevron, BP, and ExxonMobil who want to drill our precious public lands than the tribes and communities who want to protect them," Brune said in a statement. "Zinke claims to want to walk in Teddy Roosevelt's shoes, but Roosevelt would be stunned by Zinke's obvious agenda of trying to sell out our natural legacy."

Tom Cors sees it differently. The Nature Conservancy's public lands director for U.S. government relations says Zinke "is trying to live up to" being a Teddy Roosevelt Republican. In April, Cors and other conservancy officials gave him a tour of Santa Cruz Island, the part of the Channel Islands National Park in California that they have helped restore. This month they showed him a section of the Bears Ears National Monument in Utah — which the Trump administration is considering shrinking or rescinding — that the organization owns.

"We are using our longstanding relationship with him to work with him and are trying to create success with that administration, as we have with every other administration," Cors said Thursday night.

The secretary's itinerary on that trip to Utah — including whom he saw and for how long — sparked controversy. Local tribal officials, who view Bears Ears as sacred ground and want its monument status preserved, complained that they had only an hour with him after months of unanswered requests. Even before his travels, Zinke had met in his office with Utah Gov. Gary



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R. Herbert (R) and members of the state's congressional delegation, who want the monument rescinded.

Zinke's schedules show he hosted Navajo Nation President Russell Begaye and the chief of staff for Arizona Gov. Doug Ducey (R) in early April. It's unclear if their conversation focused on the future of the Navajo Generating Station, a huge coal plant facing closure by its owners.

Also on the schedules were Zinke's multiple meetings with National Rifle Association officials, including an April 5 session in his office with NRA Institute for Legislative Action executive director Chris W. Cox. Zinke then flew to Atlanta on April 28 to deliver an address at the group's convention.

His calendar since taking office highlights his penchant for speaking with journalists from conservative media outlets. He appeared on the Fox News Channel five times during the two months and granted interviews to Breitbart, National Review and the Washington Examiner. He also spoke with reporters from the New York Times and Bloomberg.

In addition, the calendar gives a sense of how former officials in the George W. Bush administration provided input during the Trump administration's early days.

In late March, Zinke got together with Randall Luthi, who used to direct Interior's Minerals Management Service and now heads the National Ocean Industries Association, for a "personnel meeting," according to his schedule. The next month he spoke to NOIA's conference in Washington.

In an interview last month, Luthi said he had been inviting the head of Interior to address his members "twice a year" since 2010. "Secretary Zinke was the first" to come, Luthi said.

And on April 5, the secretary spoke by phone with former vice president Richard B. Cheney.

Kate Kelly, public lands director for the liberal think tank Center for American Progress, suggested in an email that "Zinke's schedule raises a lot of questions."

"We know more about how he spends his time from his twitter feed than we do from these schedules," she said, noting that one shows a full week in California — where he and his wife have a home — without any details about whom he met with "or how he used taxpayer dollars."



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By contrast, Zinke's tweets reveal that he met with Democratic Gov. Jerry Brown and Interior employees there. "Why not be transparent about that?" Kelly asked.

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3. **INTERIOR: Deputy nominee pledges to get federal energy flowing**

E & E News, May 19 | Pamela King

The nominee to take over as the Interior Department's second in command yesterday promised to fulfill the Trump administration's goal of unencumbered extraction of federal minerals.

But Senate Energy and Natural Resources Committee Democrats questioned whether David Bernhardt, former Interior solicitor under President George W. Bush, is too deep in the pockets of oil and gas interests to equitably balance the industry's desires against other users of public lands (Greenwire, May 18).

After leaving Interior when President Obama took office, Bernhardt returned to Brownstein Hyatt Farber Schreck LLP, where he had previously served as an associate from 1998 to 2001. He now chairs the firm's natural resources practice, which has represented clients such as the Colorado Oil and Gas Association, Noble Energy Inc. and WPX Energy Inc.

"Mr. Bernhardt is now seeking to come back through this revolving door and be part of regulating the same issues he was lobbying for in the private sector," said Sen. Maria Cantwell (D-Wash.), the committee's ranking member.

Panel Chairwoman Lisa Murkowski (R-Alaska) said she trusted that Interior's ethics team would address any possible conflicts of interest. She said she was confident Bernhardt, a western Colorado native, would honor the multiple-use land management model.

"Hailing from a small town in Colorado, he understands the management of federal lands, how it affects those who live near them, the implications of federal policies, and the need for balance between conservation and development," Murkowski said.

She said she hoped Bernhardt would carry some of those lessons into his work to address Alaskan communities' energy concerns.



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Having grown up on the edge of the gas-rich Piceance Basin, Bernhardt said he is intimately familiar with the ways the boom-and-bust natural resource cycle can roil a small community. When an energy bust in the mid-1980s plunged his town into an economic downturn, Bernhardt said, he was left with a sense that no one outside his county cared about his community's fate.

"That feeling was powerful," Bernhardt said.

He pledged that, if confirmed, he would work with Murkowski to get oil flowing through the Trans-Alaska pipeline.

Erasing BLM's backlog

Bernhardt also promised Sen. John Barrasso (R-Wyo.) that he would work to address a backlog of nearly 3,000 applications for permit to drill (APDs) that have yet to be processed by the Bureau of Land Management (Energywire, May 17).

Barrasso criticized the lengthy processing period and the Obama Interior's regulatory agenda for posing "more harm to the economy than help to the environment."

Bernhardt said he would focus on getting BLM's field staff the tools it needs to move on APDs in a timelier fashion.

"At times, the field offices are focused on things that are not necessarily within the parameters" of their authority, he said.

House Natural Resources ranking member Raúl Grijalva (D-Ariz.) questioned Republicans' and industry's "single-minded obsession" with the backlog.

"It's a hollow argument to say we have a backlog when BLM isn't telling us forthrightly the number of unused permits," he said.

As of Sept. 30, 2015, that number was 7,532. BLM says it is approving permits nearly twice as fast as companies are drilling wells.

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4. INTERIOR: Oil and gas execs top Zinke's meeting list

E & E News, May 19 | Corbin Hiar

In his first two months on the job, Interior Secretary Ryan Zinke had more meetings with oil and gas industry executives than representatives of any other type of interest group.

Zinke met more than half a dozen times with officials from over 20 oil and gas companies or trade groups in March and April, secretarial calendars recently posted online by the Interior Department show. He also had several conversations with industrial water users, as well as individuals and groups that donated to his congressional campaigns and helped elect President Trump.

Some notable oil and gas executives he sat down with include the leaders of Chevron Corp., BP America Inc., Exxon Mobil Corp. and Halliburton Co. and Continental Resources Chairman and CEO Harold Hamm. Zinke also met with top officials from oil and gas trade groups such as the American Petroleum Institute, National Ocean Industries Association and Western Energy Alliance.

Trump campaigned in part on increasing oil and gas development, and the meetings are further evidence that Interior aims to make good on that promise.

The department has already moved to rescind a hydraulic fracturing rule that set new requirements for fracked wells on tribal and public lands and has indicated it will overhaul regulations on methane waste from oil and gas operations. Both actions are strongly supported by the companies and trade groups with which Zinke has met (E&E News PM, May 10).

The oil and gas industry's unmatched access to the secretary may also be related to the central role it played in advancing his political career.

Other than real estate interests, no other industry gave more to Zinke than oil and gas, according to federal election data analyzed by the nonpartisan Center for Responsive Politics. During two election cycles, he received more than \$352,000 from the oil and gas industry.

Zinke also had met separately with officials from the Metropolitan Water District of Southern California and with executives from luxury real estate company Coldwell Banker Previews International. The latter meeting was described as being about "Regulatory issues facing the



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Western U.S. in regards to agriculture; balancing environmental concerns with droughts concerns; Secretary's objectives in CA."

Another meeting was with Jean Sagouspe, a California almond grower and former Westlands Water District board member. Deputy Interior secretary nominee David Bernhardt previously lobbied for Westlands (Greenwire, May 11).

The National Rifle Association and other major donors to Trump or Zinke also scored meetings with the secretary. Chris Cox, the NRA's top lobbyist, sat down with Zinke and other top Interior officials at least three times in the past two months, the calendars show.

The NRA spent more \$30.3 million during the 2016 race in support of Trump or targeting Democratic presidential nominee Hillary Clinton. That was more than any other outside group, the Center for Responsive Politics found.

Other megadonors Zinke sat down with include Landon Ash, the CEO of Alabama-based defense contractor Xtreme Concept Inc. Ash hosted a fundraiser for Zinke, a former Navy SEAL commander, during his first run for Congress in 2014.

"Several SEALs who now work for Xtreme served under Ryan Zinke, so we're especially pleased to be able to call him 'Congressman' now," the CEO told the website Yellowhammer after his win.

Interior didn't respond to a request for comment about Zinke's meetings with oil and gas execs or former donors.

Zinke also had a meeting with Minnesota Reps. Tom Emmer (R) and Rick Nolan (D) about a controversial mine that the company Twin Metals Minnesota LLC wants to build 3 miles from Boundary Waters Canoe Area Wilderness, a 1.1 million-acre swath of crystal-clear lakes and dense north woods forests (see related story).

Last year, Interior and the Forest Service denied Twin Metals' application, citing environmental concerns over excavation as well as local opposition to the project. They also imposed a moratorium on mineral development in the area to allow an environmental study to move forward (Greenwire, Dec. 15, 2016).



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Other notable events in Zinke's calendars include a 15-minute call with former Vice President Dick Cheney and a 30-minute call with Tom Farrell, the executive chairman, CEO and president of Dominion Resources Inc. A subsidiary of Dominion is looking to build a controversial 17-mile-long transmission line that would pass over the Captain John Smith Chesapeake National Historic Trail — the first and only congressionally designated water trail (Greenwire, June 28, 2016).

Zinke's calendars are also significant because of what they are missing. None of the meetings he had while in California or in travels to his home state of Montana are listed. The secretary did, however, often send out photos from such events.

"A couple House guys on a road trip to learn about @YosemiteNPS!" Zinke said in one tweet typical of the form. "Good 2 have my friend & fmr colleague @RepMcClintock."

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5. **METHANE: Oil industry asks Zinke to delay rule 2 years**

E & E News, May 18 | Brittany Patterson

The American Petroleum Institute is urging Interior Secretary Ryan Zinke to postpone upcoming compliance deadlines that will affect oil and gas operators, a move prompted by the Senate's failure to kill an Obama-era methane rule earlier this month.

In a letter sent Tuesday, API told Zinke "swift action" is needed so that oil and gas operators on public and tribal lands are not forced to invest in equipment to meet methane reductions set out in the rule overseen by the Bureau of Land Management. The regulation, finalized in November, limits flaring, venting and equipment leaks at more than 100,000 oil and gas wells across the West.

API urged Zinke to direct BLM to postpone the compliance dates by two years, "in light of the fact that any final determinations from the review and rulemaking processes will likely take several months."

In a surprise move last week, the Senate came up one vote short in its attempt to use the Congressional Review Act to nullify BLM's Methane and Waste Prevention Rule. The Interior



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Department has committed to taking a second look at the regulation as specified by President Trump's "energy independence" executive order issued in March.

However, because the methane rule remains in place, oil and gas operators face having to purchase expensive leak detection and repair equipment. Stricter requirements for producers are scheduled to begin on Jan. 1, 2018.

In the letter, API argues that changes to the methane rule are likely due to Trump's recent executive order and Interior's subsequent secretarial order, which detailed how the agency would comply. Both target the rule for review.

"With requirements of the Final Rule already applicable and deadlines approaching to initiate a multitude of acts to meet future compliance dates in the Final Rule, swift action from your Department is needed to provide certainty for operators of federal oil and gas leases subject to its terms," wrote API President and CEO Jack Gerard.

Mark Brownstein, vice president of U.S. climate and energy for the Environmental Defense Fund, criticized API for trying to skirt an opportunity for the public to comment.

"Having lost in federal district court in Wyoming, and again last week in Congress, industry is wasting no time trying to find an alternative path to avoid implementing basic, long-overdue measures to reduce waste and protect public health," he said in a statement. "Any changes to BLM's safeguards to reduce waste must be made available to the public for comment before they are finalized, and must be based on sound evidence."

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6. NATIONAL PARKS: Creationist sues NPS for denying him Grand Canyon rocks

E & E News, May 19 | Amanda Reilly

The Interior Department is facing a lawsuit from a Christian geologist who claims he was not allowed to collect rocks from Grand Canyon National Park because of his creationist beliefs.



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In the suit filed earlier this month, the Australian geologist, Andrew Snelling, says that religious discrimination was behind the National Park Service's decision to deny him a permit to gather samples from four locations in the park.

Snelling had hoped to gather the rocks to support the creationist belief that a global flood about 4,300 years ago was responsible for rock layers and fossil deposits around the world.

NPS's actions "demonstrate animus towards the religious viewpoints of Dr. Snelling," the complaint alleges, "and violate Dr. Snelling's free exercise rights by imposing inappropriate and unnecessary religious tests to his access to the park."

The lawsuit was filed May 9 in the U.S. District Court for the District of Arizona. NPS has yet to respond to the allegations.

According to the complaint and his online biography, Snelling obtained a doctoral degree in geology from the University of Sydney in 1982 and began his career by studying the Koongarra uranium deposit in Australia's Northern Territory. He spent time in exploration and mining industries before becoming involved with organizations that espouse creationism, rather than evolution.

From 1998 to 2007, Snelling was a geology expert at the Creation Science Foundation and has since worked for Kentucky-based Answers in Genesis, an organization that investigates geology "from a Biblical perspective."

He's also been an interpreter on more than 30 river trips in the Grand Canyon, which has been a central area of study for creationist geologists.

The complaint describes Snelling as "primarily focused on investigating geological phenomena from the perspective of one who believes in the truth of the Old and the New Testaments."

In 2013, Snelling applied for a permit to study the folding of Paleozoic sedimentary structures at four locations within the Grand Canyon. He wanted to collect 60 fist-sized rocks from the sites.

After seeking the opinion of several individuals in academia, NPS denied the permit on March 4, 2014.



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"His description of how to distinguish soft sediment from hard rock structures is not well written, up-to-date, or well referenced," Karl Karlstrom, a geologist at the University of New Mexico who co-authored a 2014 paper on the age of the Grand Canyon, wrote in his review of the proposal for NPS. "My overall conclusion is that Dr. Snelling has no scientific track record and no scientific affiliation since 1982."

NPS told Snelling that there were alternative locations outside of the park where he could gather the samples.

The then-chief of science and resource management at Grand Canyon, Martha Hahn, also warned Snelling that he would be "banned from research in the national park system" if he were to collect the samples without a permit, according to correspondence attached to the complaint.

He tried again in 2016, submitting an amended proposal. Rather than issue a permit, NPS told Snelling he would have to first obtain GPS coordinates and photographs of each of his proposed sites and submit detailed information about how the samples would be extracted.

Snelling refused to do so before obtaining the requested permit, according to the complaint.

"The park has routinely authorized applications proposing far more aggressive sampling without the demand that the researchers first conduct an independent trip to locate each sampling site with specific GPS data," the complaint says.

The lawsuit alleges that the park expressly discriminated against Snelling because of his creationist beliefs and by doing so violated Snelling's constitutional rights and the Religious Freedom Restoration Act.

It also says that NPS was inconsistent with President Trump's May 4 religious freedom executive order.

"This case perfectly illustrates why President Trump had to order executive agencies to affirm religious freedom, because park officials specifically targeted Dr. Snelling's religious faith as the reason to stop his research," said Gary McCaleb, senior counsel at the Alliance Defending Freedom, a Christian nonprofit advocacy and legal group that is representing Snelling in the suit.

Snelling's situation has attracted the attention of at least one lawmaker.



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On Jan. 30, Rep. Trent Franks (R-Ariz.) stepped in on behalf of Snelling, requesting via a letter to NPS Congressional Liaison Elaine Hackett that the permit be issued.

"I am confident there is a misunderstanding regarding the denial or lack of response to Dr. Snelling's request for issuing the permit," Franks wrote. "Because I have the utmost confidence in the integrity of the National Park Service, I am sure there would be no discrimination based on different viewpoints."

Geologists have hotly debated the age of the Grand Canyon. According to Karlstrom's 2014 paper in the journal Nature Geoscience, the Colorado River began to carve out the canyon 5 million to 6 million years ago. The oldest rocks in the Grand Canyon are 1.8 billion years old, according to NPS.

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