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Attached is the daily news report for Feb. 8.

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## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

#### UTAH – TOP STORIES – FEBRUARY 8, 2017

1. **Retailer threats to leave Utah shouldn't dictate public policy, House speaker says**

*The Deseret News, Feb. 7 | Jasen Lee*

SALT LAKE CITY — The announcement that organizers of Utah's largest convention are considering other sites, plus concerns some retailers have raised about the state's political public lands stances has caught the attention of Utah policymakers.

2. **Noel wants to create independent administrator for school trust lands**

*Utah Policy, Feb. 7 | Bob Bernick*

When it comes to public land policy, paranoia can run high.

But Rep. Mike Noel, R-Kanab, says there is nothing underhanded about his HB291, introduced Monday.

3. **Chaffetz urges Trump to revoke Bears Ears National Monument designation**

*The Salt Lake Tribune, Feb. 7 | Thomas Burr*

Washington — Rep. Jason Chaffetz urged President Donald Trump on Tuesday to reverse the designation of Bears Ears National Monument in southeastern Utah during a face-to-face White House meeting and discussed a host of measures to reform the federal bureaucracy, but they did not venture into any potential oversight of the Trump administration.

4. **Deadline extended to comment on oil, gas leasing outside Zion**

*The Spectrum, Feb. 7 | David DeMille*

Federal officials announced Tuesday they would extend the public comment period regarding a controversial proposal to sell oil and gas leases outside of Zion National Park.



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#### 5. Patagonia pulls out of Utah outdoor show amid Bears Ears National Monument battle

*USA Today, Feb. 8 | Mary Bowerman*

The maker of Patagonia has a message for Utah government officials: If you want big outdoor business, act like it.

#### 6. Tribune Editorial: There is risk for Utah in calling Outdoor Retailers' bluff

*The Salt Lake Tribune, Feb. 8 | Tribune Editorial*

Outdoor retailers and Utah's political leaders are back at the poker table, and once again the Utahns are calling the retailers' bluff.

#### 7. Earth+Bone, Part 3: Utah GOPs Try To 'Trump' The Bears Ears Monument

*Fronteras, Feb. 8 | Laurel Morales*

On one of former President Barack Obama's last days in office he used his authority under the Antiquities Act to protect 1.35 million acres surrounding a pair of buttes in southern Utah called Bears Ears.

#### 8. BLM to begin gathering wild horses on Cedar Mountain

*The Deseret News, Feb. 8 | Press Release*

SALT LAKE CITY — The Bureau of Land Management's Salt Lake field office is set to begin removing excess wild horses from the Cedar Mountain Wild Horse Herd Management Area in western Utah on Saturday, weather permitting.

#### 9. Op-ed: Tell BLM 'Yes' to drilling in Washington County

*The Spectrum, Feb. 8 | J. Farrell Petersen*

Mr. Tom Butine does not want to allow drilling for oil in Washington County.

In the first paragraph of his Feb. 5 opinion column for Conserve Southwest Utah, Butine writes "our public land." Well, I have got news for him: I am part of the public and I approve the multiple use of "our public lands."



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#### 10. Local governments could appeal BLM plans

*The Spectrum, Feb. 8 | David DeMille*

Washington County's largest government entities are moving forward with plans to appeal the federal government's management plans for two National Conservation Areas and other public lands.

#### 11. Comment period extended for controversial oil, gas leases near Zion National Park

*St George News, Feb. 8 | Julie Applegate*

ST. GEORGE – The Bureau of Land Management has extended the comment period for what has quickly become a controversial proposal to lease land located near Zion National Park for oil and gas development.

#### 12. Utah Senate approves call to shrink Grand Staircase-Escalante National Monument

*The Salt Lake Tribune, Feb. 8 | Benjamin Wood*

At 1.88 million acres, Utah's Grand Staircase-Escalante National Monument is larger than the combined footprints of the state's "Mighty 5" national parks and the Cedar Breaks National Monument.

### E&E/NATIONAL NEWS – TOP STORIES

#### 1. Planning 2.0: Statement of Administration Policy

*The White House, Feb. 7 | White House Briefing Room*

The Administration strongly supports the actions taken by the House to begin to nullify unnecessary regulations. The regulations that the House is voting to overturn under the Congressional Review Act establish onerous reporting requirements and other constraints on States, local communities, and institutions of higher education.





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#### 2. House votes to kill BLM “Planning 2.0” rule aimed at giving residents of Colorado and the West greater control over public land

*The Denver Post, Feb. 7 | Bruce Finley*

The U.S. House of Representatives on Tuesday voted to kill a federal rule that gives Americans more of a voice in large-scale planning for projects using public land, including 8.4 million acres in Colorado.

#### 3. Wild Horses, Wilder Controversy

*The National Geographic, Feb. 7 | Ben Masters*

My fascination with wild horses began in 2009 at Texas A&M University. Parker Flannery, a close friend of mine, proposed that we drop out of school, adopt wild horses, and attempt to traverse the Continental Divide Trail. What started as a crazy idea turned into reality when we adopted a handful of mustangs from a holding facility in Paul’s Valley, Oklahoma. Being 20 years old and in way over our heads, we adopted the biggest, stoutest, and most dominant horses they had available.

#### 4. PUBLIC LANDS: Industry cites preservation 'bias' in backing Planning 2.0 repeal

*E & E News, Feb. 8 | Pamela King*

President Obama's signature land-management rule has not yet affected the way oil and gas producers do business on public lands, but industry groups say the regulation could add new layers of uncertainty to the permitting process.

#### 5. NATIONAL MONUMENTS: Chaffetz urges Trump to rescind Bears Ears designation

*E & E News, Feb. 8 | Jennifer Yachnin*

Utah Republican Rep. Jason Chaffetz yesterday continued his campaign to rescind the new Bears Ears National Monument in a one-on-one meeting with President Trump.



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#### 6. NATURAL RESOURCES: Bishop coy on whether panel GOP staff moonlighted for Trump

*E & E News, Feb. 8 | Corbin Hiar*

House Natural Resources Chairman Rob Bishop yesterday couldn't rule out the possibility that the committee's Republican staff have secretly worked with the Trump transition team to craft forthcoming executive orders.

#### 7. REGULATIONS: Trump DOJ appeals order forcing EPA to tally lost coal jobs

*E & E News, Feb. 8 | Amanda Reilly*

The Trump administration has appealed a lower-court order compelling U.S. EPA to calculate the economic impacts of air regulations on the coal industry.

#### 8. PUBLIC LANDS: Sportsmen aim to derail Chaffetz bill to cut police units

*E & E News, Feb. 8 | Jennifer Yachnin*

In the wake of a successful campaign to snuff out Utah Rep. Jason Chaffetz's proposal to sell off more than 3 million acres of public lands, sportsmen's groups are now targeting the Republican lawmaker over legislation that would eliminate hundreds of law enforcement positions at the Bureau of Land Management and Forest Service.

#### 9. NATIONAL MONUMENTS: Fans of abolishing sites aim to build on past examples

*E & E News, Feb. 8 | Jennifer Yachnin*

More than 1,100 people make their way up Cedar Mountain in Wyoming each year, trekking 3 miles west of Cody and up a gravel road to explore the expansive Spirit Mountain Cave.

#### 10. FEDERAL AGENCIES: Lawmakers scrutinize nondisclosure agreements

*E & E News, Feb. 8 | Kevin Bogardus*

House lawmakers are asking agencies across the federal government, including U.S. EPA, whether their workers are signing nondisclosure agreements.



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#### 11. REGULATIONS: Environmentalists sue Trump over executive order

*E & E News, Feb. 8 | Arianna Skibell*

The Natural Resources Defense Council sued President Trump today over his executive order that would require agencies to repeal two federal rules for every new one.



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#### UTAH – FULL STORY

##### 1. **Retailer threats to leave Utah shouldn't dictate public policy, House speaker says**

*The Deseret News, Feb. 7 | Jasen Lee*

SALT LAKE CITY — The announcement that organizers of Utah's largest convention are considering other sites, plus concerns some retailers have raised about the state's political public lands stances has caught the attention of Utah policymakers.

But Utah House Speaker Greg Hughes said no group or industry should think it can dictate public policy.

Emerald Exposition, which owns the Outdoor Retailer Summer and Winter market shows, has issued requests for proposals from several cities nationwide. The move alone wasn't all that unusual. The show's contract with Salt Lake City runs through summer 2018 — and organizers typically put out feelers for other possible venues well in advance of its expiration to see if they can find a more favorable deal.

What was different was the tone some critics of the state's policies have taken regarding public lands use. Executives with Black Diamond and Patagonia have suggested that the show leave Utah unless state leaders change their position that former President Barack Obama's creation of Bears Ears National Monument be rescinded.

The Utah Legislature earlier this month passed a resolution urging that the monument designation be unraveled.

In fact, Rose Marcario, president and CEO of the clothing firm Patagonia, which is based in Ventura, California, said her company will not go to any future shows in Utah as long as the governor and state leaders continue to oppose the national monument designation.

"Because of the hostile environment they have created and their blatant disregard for Bears Ears National Monument and other public lands — the backbone of our business — Patagonia will no longer attend the Outdoor Retailer show in Utah, and we are confident other outdoor manufacturers and retailers will join us in moving our investment to a state that values our industry and promotes public lands conservation," she said in a statement.



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While state leaders contend they value the relationship Utah has had with the Outdoor Retailer convention over the past 20 years, they don't like the threats or the way state leaders have been portrayed regarding their stances on public lands conservation.

"If the insinuation in the letter is that we comply with their agenda or else, I don't think our constituents would want us to make decisions on policy (that way)," said Hughes.

"If they are hoping by that letter to intimidate or impose their political agenda because they hold the convention in our state, that's not the way the Legislature considers public policy."

The Utah House speaker said in reviewing the matter, lawmakers will consider every concern carefully and vote their conscience as they always do. He also said those who feel strongly about Bears Ears should visit San Juan County to interact with area residents to get a better sense of what they feel would be in the best interests of the community and the lands surrounding them.

"It's a diverse community and has broad-based opposition to this monument," he said Tuesday. "If (opponents) are offended by the resolution we passed, then they should go down and meet the people that live down there and tell them that they are incapable of being good stewards of the land."

He added that no industry or corporate entity should be able to dictate public policy.

"It's a bit of a reach to believe (Outdoor Retailer) should change some of the other public policy decisions that we make," Hughes said. "As with any corporate citizen, we would take their input and consider it like anything else we do."

The governor's office is optimistic about reaching a suitable agreement once show organizers and local leaders convene to discuss the issues that are of highest priority, including public lands, hotels and site scheduling.

"Gov. (Gary) Herbert thinks there is a real opportunity to get the right people at the table to work through 'win-win' solutions on these issues," said Paul Edwards, Herbert's deputy chief of staff.

He said a meeting has been scheduled for next week in which stakeholders will exchange ideas on all matters pertinent to the continuation of the mutually beneficial relationship between Outdoor Retailer and Utah.

"Gov. Herbert has been very clear that Utah has always been a public lands state and always will be," Edwards said. "The question will be how best to manage these lands and resources for the people that deeply care about them."



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Among the other issues of note is the fact that the show will be shifting to a new format of three expos per year instead of two, said Darrell Denny, executive vice president of Emerald Expositions, which runs the show.

The organization has hosted two shows a year in Utah since 1996, except for 2002 during the Winter Olympics. The shows bring Utah an estimated \$45 million in annual direct spending.

This is not the first time the show has considered moving. In 2015, show organizers considered Las Vegas, Chicago and other cities before signing the current two-year deal to stay in the Beehive State. This time, however, the bid process will be broader, Denny said.

Scott Beck, president and CEO of Visit Salt Lake, said his organization is “looking forward to responding to the specifics of the (request for proposal).”

“We have known for a long time that a better overall hotel package is what our destination needs to stay competitive — and not just for the (Outdoor Retailer) markets,” Beck said. Scheduling will be a key factor for any city, he noted.

“We know the dates and are working on a path that will allow us to propose their preferred dates,” he said. “We will work hard on creating the best response that we can to all aspects of (proposal) that showcase the incredible things we are doing to match the ethos of the outdoor industry.”

Salt Lake County Mayor Ben McAdams said Tuesday that Utah has much to offer the convention.

“This is not the first time that an RFP has been issued and, as always, Salt Lake County welcomes the opportunity to highlight all that it has to offer Outdoor Retailers Summer and Winter markets,” he said.

“Many in our state value protecting recreation and open space. The community of Salt Lake and the Salt Palace Convention Center are among the most sustainable in the convention industry. We look forward to showcasing that to the outdoor companies, their representatives and their customers.”

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## 2. Noel wants to create independent administrator for school trust lands

*Utah Policy, Feb. 7 | Bob Bernick*

When it comes to public land policy, paranoia can run high.

But Rep. Mike Noel, R-Kanab, says there is nothing underhanded about his HB291, introduced Monday.



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The bill does, in fact, give increased powers to the boss of the state's trust land administration, but it should not re-enforce opponents' beliefs that the Republican run state government is out to sell off or otherwise make money off of public lands.

One of the great bugaboos that Democrats and others fear about Utah gaining control of millions of acres of currently-federally-managed lands in the state is that GOP governors and lawmakers will sell some or much of it off to land-impactors, like oil, mining and ranching entities.

GOP Gov. Gary Herbert and Republican legislators have said time and time again that whatever federal land the state may gain in the current land fight will stay in public hands – just be better managed for citizens and school children by state officials.

Now, inside of each section of federal lands are four, square-mile parcels of state trust land.

Most of each section is federal land. And if it should come into state control, it would be OUTSIDE of the trust lands administration. Those state-owned parcels are now, and would stay, in the trust administration.

But many of those state parcels are currently locked up – they can't be developed because potential users can't get to them – can't cross the federal land.

So those locked up parcels aren't being developed right now. But could be accessible should the state get control of the surrounding lands.

You see, public state trust lands are, by the state Constitution, to be used to the financial benefit of public schools, colleges or state hospitals. And, indeed, the trust lands administration has amassed billions of dollars, interest upon which adds tens of millions of dollars each year to public schools et al.

And state trust lands are, by definition NOT public lands – owned by the public -- but dedicated to a specific public use – schools et al.

HB291 seems innocuous at first glance.

But it would make the trust lands director "independent."



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Noel tells UtahPolicy that there seems to be some politics being played – and that at times members of the elected State Board of Education have tried to lead trust lands decisions.

The bill says the trust lands director must take a special oath:

“I solemnly swear to carry out my duties as director of the School Children’s Trust Section, with undivided loyalty to the beneficiaries, to the best of my abilities and according to law.”

In addition, the bill says the now-independent director shall act “in a fiduciary capacity.”

All this legal jargon means the director must make decisions about the trust lands to the best financial interest of state school children.

That only makes sense, one would think.

But it could also mean that if someone wants to buy the state trust lands, or lease them, and thus make money for the trust, then the director has to do it – even if selling or leasing the lands would mean a different use of those lands than is the current practice.

And he must do it, if you will, to the highest bidder. If, for example, a conservative trust wanted to lease a trust land section for X, and a private developer wanted to lease the section for 2X, then it goes to the developer.

And there must be some kind of access to that trust land parcel – across the newly-acquired federal lands.

That is exactly what the Democrats and other opponents to the state getting its hands on millions of federal acres fear – that money – even for the good cause of educating our children – will take precedence over keeping the land as is: Mostly open space and unused except for hiking, camping or other relatively non-invasive practices.

HB291 has a section explaining that if the independent director doesn’t provide proper fiduciary oversight, he can be removed from his office.

The bill gives the director a six-year term (he now serves at the pleasure of the state trust land board). And he can be reappointed for more terms, if desired.





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This is how each “township” of federally-owned land is broken up: Trust land parcels were allocated by apportioning the state into townships, each six by six miles, and dividing each township into 36 square-mile sections. Utah was given sections 2, 16, 32, and 36 in each township for public schools, resulting in a checkerboard of state land ownership.

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### 3. **Chaffetz urges Trump to revoke Bears Ears National Monument designation**

*The Salt Lake Tribune, Feb. 7 | Thomas Burr*

Washington — Rep. Jason Chaffetz urged President Donald Trump on Tuesday to reverse the designation of Bears Ears National Monument in southeastern Utah during a face-to-face White House meeting and discussed a host of measures to reform the federal bureaucracy, but they did not venture into any potential oversight of the Trump administration.

Chaffetz, who chairs the House Oversight and Government Reform Committee, said the president warned at the outset of the meeting — before the Utah Republican could sit down — that any oversight issues would not be part of their conversation. Chaffetz didn't push back, he said.

"At the appropriate time, perhaps [I will], but while we have ongoing investigations that's not what I was there to talk to the president about," Chaffetz said, referring to probes he began when Barack Obama was president. While Chaffetz hasn't launched any Trump-specific investigations, he noted that the new president told him during a Republican retreat in Philadelphia previously that he shouldn't shy away from doing his job as Oversight chairman.

Trump sat behind the Resolute Desk in the Oval Office and Chaffetz and White House Chief of Staff Reince Preibus sat to the side as the Utah congressman rattled off a list of reforms he'd like to push through, from streamlining civil servant protections, writing up changes to the Postal Service to limiting the president's power under the Antiquities Act to name new national monuments.

"He asked probing questions but did not express any serious reservations about any of these," Chaffetz said about their 30-minute encounter. "He was very inquisitive and for that I was really grateful."

White House press secretary Sean Spicer said Trump and Chaffetz would discuss the president's "reform agenda" but did not elaborate. The White House was initially going to allow a small



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pool of reporters and photographers into the Oval Office for a brief photo op but then canceled the access after the group of journalists had assembled.

Chaffetz said he presented Priebus with a copy of a letter from Utah's members of Congress asking Trump to revoke then-President Barack Obama's designation in December of the 1.35 million acre Bears Ears National Monument, as well as the resolution passed by the Utah Legislature and signed by Gov. Gary Herbert to jettison the designation.

Chaffetz said he got no promises from the president but Trump did ask for more information on the Bears Ears monument and the Antiquities Act.

"He was more in the receiving mode," Chaffetz said. "I think he was very sympathetic to the hardship that it creates for Utahns."

The monument was welcomed by conservation groups and American Indians but derided by Utah's Republican politicians. Montana Rep. Ryan Zinke, Trump's pick to head the Interior Department, has vowed to visit Utah as one of his first trips and hear more about the monument.

Sen. Orrin Hatch, who met with Trump for 90 minutes recently, also pressed the president to toss out the Bears Ears monument.

No president has ever rescinded a monument designation by a prior White House occupant and some question whether such authority exists.

Chaffetz also said the two discussed legislation that would require online retailers to charge state and local sales taxes and Trump "really did sympathize with retailers who are struggling because of the disparities in their state."

And Chaffetz, who had launched an investigation into the Sept. 11, 2012, attacks on a U.S. Consulate in Benghazi, Libya, where four Americans died, added that he spoke to the president about the need to boost security at U.S. embassies, including the soon-to-be opened facility in London.

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#### 4. **Deadline extended to comment on oil, gas leasing outside Zion**

*The Spectrum, Feb. 7 | David DeMille*

Federal officials announced Tuesday they would extend the public comment period regarding a controversial proposal to sell oil and gas leases outside of Zion National Park.



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Citing requests from the National Park Service and others, the Bureau of Land Management pushed back the deadline from Feb. 10 to March 9, giving Washington County residents and other interested parties another month to respond to the agency's environmental assessment of the proposal.

The change also removes the proposed areas from being sold at the BLM's scheduled June lease sale, with the sites instead pegged for another sale scheduled for Sept. 14.

"The BLM is working with the National Park Service and other agencies and is soliciting public comments to ensure a careful environmental analysis is conducted under the National Environmental Policy Act," according to a release from the agency.

The BLM released the environmental assessment in January, responding to a proposal from a company called Utah Exploration and Drilling LLC (UED) to include three Washington County parcels, totaling 4,730 acres, in its summer sale.

The proposal's proximity to the park raised quick criticism from conservation groups and some local residents, along with inquiries from the park service and local governments.

The Washington County Commission was considering a resolution Tuesday stating they were "actively opposed" to the proposal and calling on the BLM to ensure any leases wouldn't negatively affect tourism, traffic or water resources.

Local governments have traditionally been supportive of natural resource development in the county, but the resolution notes that such support is dependent on those uses being developed "responsibly."

"I don't feel it's really in the best interest of Washington County to support these leases," Commissioner Victor Iverson said.

Jeff Reber, a managing partner with UED, said he couldn't provide details on the company's interest in the area ahead of a potential auction, but he did say the company doesn't intend to use the land for oil or gas drilling, suggesting the primary interest was water.

"We really have no intention of doing anything that would disturb the park or the surrounding area," he said.



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Reber said the Utah company is locally-owned and has partnered with a Texas company to secure all of the mineral rights in the area. Some nearby state trust land is already under lease with Castle Resources LLC, out of Fort Worth, Texas.

While UED nominated the parcels for a lease sale, another party could purchase those leasing rights at auction.

Two of the parcels are located about two miles southwest of the park on Kolob Terrace Road, a popular tourist route that connects the park's mountainous Kolob areas to state Route 9 and popular tourist towns like Virgin and Springdale.

The third parcel is several miles farther to the west, along Interstate 15 near the Toquerville freeway interchange and near the location of a proposed water reservoir.

More than 4 million visitors were counted at Zion in 2016, an all-time record and a 17 percent uptick from the previous year, and a number of residents and business owners have expressed worry about the prospects of oil or gas drilling within view of Utah's busiest national park.

Brent Fitzpatrick, who purchased a property adjacent to the proposed lease sites with plans to build an outdoor nature center, said he was shocked to hear oil or gas extraction could be possible in the picturesque location.

Upon first hiking the property in 2009, Fitzpatrick said he was overwhelmed by the natural beauty.

"When I ascended the slope across the creek, I had what I call my Brigham Young experience, realizing that 'this is the place,'" he said.

Oil and gas development could have a devastating effect on the Kolob Gate Garden project, Fitzpatrick said, suggesting that many other area business owners could also be affected.

"Everyone in the area is feeling the rising tide created by the huge uptick in tourism in Zion the past several years, coupled with St. George's return to being one of the fastest growing locales in the country," he said. "It seems like the perfect place for both to continue to take advantage of the unparalleled amenities that this area is blessed with and show the world that the local community fully appreciates the great gift that we've been blessed with."

Washington County hasn't had an active oil and gas lease since 2005, and no drilling has taken place for decades, although there were active wells above Virgin in the early 20th century.



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The BLM assessment suggests oil production or equivalent use of the parcels could provide short-term opportunities for employment and other economic benefits, noting the average cost to drill and complete an individual well is estimated at some \$5 million. A productive well could yield longer-term benefits.

But it also acknowledges potential negative impacts to air quality, viewsapes, attractiveness for recreation and nearby endangered or protected animal and plant species.

Agency representatives said any development on the parcels would require additional environmental analysis even if a lease is purchased.

But agency language seems to make it clear that once a lease is granted, there is the expectation of development, said Cory McNulty, Utah senior program manager with the National Parks Conservation Association. The BLM can tweak the requirements or add some stipulations, but generally lease holders can expect they'll be able to move forward, she said.

"If you wait until you get to the permitting stage, it's too late," she said.

The public comment extension is a good thing, McNulty said, noting she was glad to see officials in Zion would be given more time to consider potential impacts in developing their comments.

Other parties also get more time.

"This extension not only gives the public a chance to weigh in and identify other impacts and let their views be heard, but it also gives the BLM more time to really thoroughly go through the comments and review the information," she said.

Electronic copies of the BLM assessment are available online at <http://bit.ly/2kio6pF> under the "documents" page. Hard copies can be obtained in person at the BLM St. George Field Office, 345 E. Riverside Drive in St. George.

BLM officials said comments should "identify substantive issues relevant to the proposed action" or contain new technical or scientific information. Comments that only state opinions or preferences may be considered but do not require a formal agency response, said Roger Bankert, minerals support supervisor for the BLM's Utah state office.

How to comment



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Electronic copies of the BLM assessment are available online at <http://bit.ly/2kio6pF> under the “documents” page. Hard copies can be obtained in person at the BLM St. George Field Office, 345 E. Riverside Drive in St. George.

Comments can be emailed to [utsgmail@blm.gov](mailto:utsgmail@blm.gov) or via paper mail to:

Bureau of Land Management  
St. George Field Office  
345 E. Riverside Drive  
St. George, UT 84790  
Attn: Dave Corry

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#### **5. Patagonia pulls out of Utah outdoor show amid Bears Ears National Monument battle**

*USA Today, Feb. 8 | Mary Bowerman*

The maker of Patagonia has a message for Utah government officials: If you want big outdoor business, act like it.

Patagonia announced this week it will not attend a major outdoor trade show in Utah in response to a resolution passed last week advising President Trump to overturn the newly-designated Bears Ears National Monument in the state.

The resolution, which was signed by Utah Gov. Gary Herbert on Friday, made it clear to Patagonia that the company could not partake in the Outdoor Retailer show in Salt Lake City, Rose Marcario, President and CEO, Patagonia, Inc., said in a statement.

“Because of the hostile environment they have created, and their blatant disregard for Bears Ears National Monument and other public lands, the backbone of our business, Patagonia will no longer attend the Outdoor Retailer show in Utah,” Marcario said in a statement. “We are confident other outdoor manufacturers and retailers will join us in moving our investment to a state that values our industry and promotes public lands conservation.”

In December, former President Obama designated 1.35 million acres in the Four Corners region as the Bears Ears National Monument. The designation was seen as a major victory for Native American tribes, conservationists and outdoor enthusiasts, though seen as a blow to many Republicans and rural groups that worry it will deter energy development.



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The twice-yearly Outdoor Retailer has been held in Utah since 1996 and brings the state \$45 million in annual direct spending, but that may not be the case for long. The Outdoor Industry Association, which organizes Outdoor Retailer, announced earlier this week it's looking for a new host city that may align more directly with the values of public land conservation held by many in the industry.

“Outdoor Retailer has always been about ‘Right time, right place, right stuff,’” Marisa Nicholson, show director for Outdoor Retailer, said in a press release. “We’ve been listening to the concerns from the industry and agree that it’s time to explore our options.

Patagonia and Black Diamond Equipment founder Peter Metcalf pointed to several examples of the hostile environment in Utah against public lands, including the Bears Ears National Monument designation and a rule proposed in Congress by Rep. Rob Bishop, R-Utah, which would make it easier to transfer federal land to local governments to potentially sell them.

Last month, Patagonia founder and CEO Yvon Chouinard penned an op-ed titled *The outdoor industry loves Utah; Does Utah love the outdoor industry?*

In the blog post, he pointed to the \$12 billion in consumer spending and 122,000 jobs that outdoor recreation creates for the state of Utah each year.

“The outdoor industry creates three times the amount of jobs than the fossil fuels industry, yet the Governor has spent most of his time in office trying to rip taxpayer-owned lands out from under us and hand them over to drilling and mining companies,” Yvon Chouinard said.

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#### 6. **Tribune Editorial: There is risk for Utah in calling Outdoor Retailers’ bluff**

*The Salt Lake Tribune, Feb. 8 | Tribune Editorial*

Outdoor retailers and Utah's political leaders are back at the poker table, and once again the Utahns are calling the retailers' bluff.

The people behind the twice-yearly trade shows announced Monday that they were putting out a request for proposals from other cities to host the shows, which bring \$40 million to Utah annually. Justification for looking elsewhere was placed squarely on Utah politicians' efforts to reverse the new Bears Ears National Monument. Public lands being at the very heart of outdoor



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recreation, industry leaders see Utah's moves as both philosophically wrong and economically damaging.

But if Utah leaders are concerned about the retailers' show moving, they weren't letting on Monday.

"It's going to be tough for them to find as strong a venue," said Paul Edwards, Gov. Gary Herbert's spokesman.

That attitude comes from experience. Utah has been here before with the retailers, who have often sparred with our elected leaders over public lands. In a deliberative RFP process, Salt Lake City outshines other locales on many fronts, including in proximity to venues for product demonstrations and in lower cost nonunion labor. As such, the people who actually put on the show have sucked up the anti-environmental talk and kept it going here.

But on Tuesday morning, one of the crown jewels of the outdoor industry, Patagonia, said it's not coming to Utah anymore "because of the hostile environment they have created and their blatant disregard for Bears Ears National Monument and other public lands."

Patagonia is not waiting to see if the show moves elsewhere. It's simply not coming. Not this August for the next summer show, and not the following January for the winter show. Patagonia just said, "Adios," and it's encouraging others in the industry to join them.

If that happens, the RFP process and its careful deliberations may not be enough. This wouldn't be about a contract negotiation for future years. It would be a boycott, and the contract negotiation — if there is one — would happen against the backdrop of that boycott and its resulting publicity.

What would such a boycott do to Utah's recreation-products industry, a growing sector whose success depends on access to public lands? If companies like Petzl and Backcountry.com also decide Utah doesn't share their values, we will have lost much more than \$40 million per year.

And all this risk does not come with any tangible reward. Utah politicians are going all out to kill the Bears Ears Monument, but there is no guarantee they will succeed. They have to overcome legal precedent to get a new president to reverse it, and so far they haven't even determined if the new president wants to do that.

And, even if it is reversed, the reversal will not produce any windfall for San Juan County or anyone else. There is no energy project or other development that was prevented by the monument declaration.





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So we're risking millions of dollars that are already flowing into Utah to make a point about presidential overreach, and the alleged overreacher isn't even president anymore. Poker may not be our game.

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#### 7. **Earth+Bone, Part 3: Utah GOPs Try To 'Trump' The Bears Ears Monument**

*Fronteras, Feb. 8 | Laurel Morales*

On one of former President Barack Obama's last days in office he used his authority under the Antiquities Act to protect 1.35 million acres surrounding a pair of buttes in southern Utah called Bears Ears.

While some tribal leaders are celebrating the monument designation, many Utahns, including some Navajos, are protesting. And some lawmakers are now lobbying for President Donald Trump to reverse the designation under the rallying cry of "Trump the monument."

On a recent windy day in southern Utah, a snowy fog lifts to reveal an enchanting landscape — red rock spires, hoodoos, stone arches and towering pinnacles. It's no wonder this place is called the Valley of the Gods.

This land is protected under an executive order, but if some members of Congress have their way, it won't be. And under federal statute, this land, where the Anasazi people lived before the time of Christ, could legally be sold.

"I'm a spiritual adviser," said Jonah Yellowman, a Navajo elder. "A medicine man is different. He's higher than me. I'm a second grade level."

Bears Ears National Monument looks just like it sounds — a giant bear's head emerging from the ground.

"We're right in the middle of the two buttes, it's like a door right there," Yellowman said. That's our connection. We talk to nature, that's the doorway right there. When we say Bears Ears he listens to us. These trees ... you make an offering you put your hand on it like that. You talk to it."

Yellowman holds the branch of a juniper tree as if he's shaking hands with it.



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"I want to be strong like you," Yellowman said. "You stand throughout the winters. We talk to these trees. When the breeze comes through they talk to us. Sometimes when you're by yourself you can feel something over here. You can hear something, sometimes you look over there. You can hear it too. It's like a shrine out here it's a holy place."

Several tribes come here for ceremony. Sacred sites are connected to stories of creation, danger, protection and healing.

At the end of a windy unmarked trail Yellowman picks up a piece of Anasazi pottery on the ground.

"So as you walk around you'll find something everywhere," Yellowman said.

Bears Ears is rich with such artifacts, rock art and cliff dwellings. There are more than 100,000 archaeological sites. That's one of the reasons Obama decided to protect it.

Jim Enote is a farmer and a director of a Zuni museum and heritage center. He said Bears Ears contains a library of knowledge.

"Bears Ears helps us to connect the dots of our history and our ancestors' experiences," Enote said. "And those places, those homes or those shrines and altars that, when they were built, they were consecrated. And once they were consecrated they were consecrated for life."

Enote remembered a recent visit when he came across an old village. He made offerings, much like people would at a cemetery with flowers. Then he noticed someone had carved into the petroglyphs and dug into a dwelling wall.

"How could anybody do something like that?" Enote said. "We wouldn't do that at a cemetery, of course not. If people are able to respect places like cemeteries, or war memorials, or war battlefields, places that are sacred to many people, why can't they afford us the same kind of respect and civility?"

Angela Hurst grew up in Blanding, in Utah's San Juan County visiting Bears Ears almost every weekend. She still picnics at Bears Ears with her six kids.

"It is a sacred place," Hurst said. "It's sacred to all of us."

She can see Bears Ears from her backyard.

"That's it right there," Hurst said. "We see it every day. It's part of our home."



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The town of about 3,700 is mostly made up of Mormons who settled here after they were chased out of Mexico for polygamy.

Hurst and many of her neighbors don't want a national monument. They worry their farming and ranching land will be taken away. If you look at Blanding on a map you'll see it's surrounded by public land.

"I'm afraid that making it a monument takes it away from us, makes it so much less accessible to the regular people," Hurst said.

Many in Blanding don't trust the federal government. Twice the FBI decided to crack down on the community for selling stolen artifacts. The feds raided 16 homes and trading posts in the mid-1980s. Then two decades later, they came back.

Down the street from her home, Hurst points out three of her neighbors' homes, where arrests were made.

"They all had guns drawn and I thought, 'What in the heck is going on here?'" Hurst said. "I thought it was unconscionable. They're in their 70s."

The FBI arrested more than two dozen people, including the town doctor, Jim Redd, and his wife Jeannie. The judge told Jeannie she faced up to 35 years in prison, if convicted. The day after the Redds were released from custody, Jim Redd committed suicide.

"He delivered half my kids," Hurst said.

Two other people involved in the raid also killed themselves. Many people believe when you take a sacred artifact, you're cursed.

San Juan County Commissioner Phil Lyman said Blanding hasn't been the same since.

"The town was heartbroken and broken period," Lyman said.

Lyman was arrested recently, too. Not for pot hunting, but for leading an ATV ride in protest of a federal government plan to shut down a county road leading to federal land.

Lyman said the Bureau of Land Management gave him permission to do the ride.



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"I've never tried to exceed my defined authority," Lyman said. "And I wish the federal government could say the same thing because they are constantly pushing the bounds of their jurisdiction, their authority, their legal reach."

Lyman and his colleague Rebecca Benally, who is Navajo, have fought the monument designation, saying local leaders should manage this land.

Benally said environmental groups coerced tribal leaders to lobby Washington, D.C. She spoke at a meeting last year with Utah's Congressional delegation.

"How dare these special interest groups speak for us as if we can't speak for ourselves?" Benally said. "We depend on these lands for our living, our worship and our cultural traditions. We do not support any movement to convert our sacred lands to a monument that will ultimately be controlled by bureaucrats who is totally out of touch with our history and our way of life."

Many Utah Navajos feared they won't be allowed access to the monument to chop wood or gather medicinal plants. But Obama, in his proclamation, calls for an advisory group made up of local leaders and a tribal commission to help federal officials manage the monument.

Still Benally is not convinced.

"We should not be so quick to believe these promises," Benally said.

For years Republican lawmakers have tried to gut the 1906 Antiquities Act, but never had enough support behind the effort.

John Leshy is professor emeritus of law at the University of California-Hastings. He said there's a whole new political landscape to consider now with Republican control of Congress and the White House.

"Bottom line is Congress can do whatever it wants to. Congress can rescind the monument proclamation," Leshy said. "Congress can sell off all the lands if it wants to by simple statute. There's nothing in the constitution that protects those lands. But we'll see."

Leshy said for Congress to be tinkering with a law that's protected so many national treasures is politically risky.

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#### 8. **BLM to begin gathering wild horses on Cedar Mountain**

*The Deseret News, Feb. 8 | Press Release*

SALT LAKE CITY — The Bureau of Land Management's Salt Lake field office is set to begin removing excess wild horses from the Cedar Mountain Wild Horse Herd Management Area in western Utah on Saturday, weather permitting.

Approximately 600 to 700 horses will be rounded up, and of those, 200 to 300 adoptable-age horses will be removed. The rest will be returned to the management area after roughly 200 are treated with the fertility control vaccine porcine zona pellucida -22.

Members of the public are welcome to view the daily operations. Participants should meet at the Flying J gas station located at I-80 Exit 99 at 1605 E. Saddleback Blvd. in Lake Point, where tours will depart at 5:30 a.m.

Participants must provide their own transportation, water and food. The BLM recommends footwear and clothing suitable for harsh winter conditions. Binoculars and four-wheel drive, high-clearance vehicles are also strongly recommended. Public restrooms will not be available once the tour begins.

The management area, which encompasses approximately 197,275 acres, is located about 50 miles west of Tooele and is home to an estimated 960 wild horses. The BLM says the appropriate management level is 190 to 390 horses.

Recreationists and visitors should be aware that there will be low-flying helicopters and should avoid recreational use of drones within the area. Brief road closures may also be needed to allow movement of horses during operations.

Animals taken from the range will be made available for adoption through the BLM Wild Horse and Burro Adoption Program. Those that are not adopted will be cared for on off-range pastures, where they retain their protection under the 1971 Wild Free-Roaming Horses and Burros Act.

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#### 9. **Op-ed: Tell BLM ‘Yes’ to drilling in Washington County**

*The Spectrum, Feb. 8 | J. Farrell Petersen*

Mr. Tom Butine does not want to allow drilling for oil in Washington County.

In the first paragraph of his Feb. 5 opinion column for Conserve Southwest Utah, Butine writes “our public land.” Well, I have got news for him: I am part of the public and I approve the multiple use of “our public lands.”

What Mr. Butine views as a negative impact appears to be a positive for a lot people. Many years ago, there was active oil production just outside of the city of Virgin. What negative impact do you see now? There is something more than recreational uses for these lands, (hiking, biking, polluting horse riding, etc.)

Just go up there and sit in the middle of the 5,000 acres and appreciate the beauty and the serenity, the same thing that is all around us in southern part of Utah. Beauty is in the eye of the beholder.

Go stand next to an oil jack with a 9-foot stroke and realize what this is providing. It gave you tires for your bicycle, fuel for your SUV, asphalt for your highways, as well as employment for those who work in many industries, tax royalties for our schools and much more.

Today’s rules will provide the requirements to do this job — and do it right. Already, Mr. Butine has contaminated our water shed, our air and now wants to cut off access to more public lands. He has been very partial in pointing out everything he wants. Yes, just for him, and only allow a few who can hike or bike to use it.

Mr. Butine, remember, these are all of “our public lands.” I support the drilling programs. Just drive toward Dead Horse Point, and you will notice an oil field, where the wells are all fenced off and kept exceptionally clean.

Please do contact the Bureau of Land Management and express your opinion on oil and gas leasing near Virgin and Toquerville.

*J. Farrell Petersen lives in St. George.*

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#### 10. Local governments could appeal BLM plans

*The Spectrum, Feb. 8 | David DeMille*

Washington County's largest government entities are moving forward with plans to appeal the federal government's management plans for two National Conservation Areas and other public lands.

In a resolution passed on Tuesday, the Washington County Commission voted unanimously to enter a cost-sharing agreement with the City of St. George and the Washington County Water Conservancy District and naming Colorado attorney Constance Brooks and her firm to handle the appeal.

The costs are estimated at between \$9,500 and \$14,000, according to the written resolution.

Local governments have acknowledged an appeal may be imminent since well before the U.S. Bureau of Land Management [published its finalized plans](#) in December, with local elected officials citing differences of opinion on a number of issues.

In approving the measure on Tuesday, commissioners also suggested the documents were hastily done to meet a deadline imposed as part of a court order, with Commissioner Dean Cox saying there were technical deficiencies likely attributable to a lack of time.

"Anybody who reads that document can tell it's wishy-washy," Commissioner Zachary Renstrom said. "I think they had to rush it."

The BLM plans were published Dec. 21, with new wilderness protections, rules for recreation and other management plans laid out in new Resource Management Plans for both the Red Cliffs and Beaver Dam Wash NCAs, as well as an amendment to the countywide management plan. The BLM controls some 630,000 acres across Washington County.

They were written after a years-long process launched when Congress passed sweeping legislation in 2009 designating certain lands for conservation and others for new development.

In Washington County, where large expanses of public lands face encroachment from the growing population and urban expansion, the law was billed as a compromise, setting aside the two new NCAs and other protections but also including language supporting local interests like recreational access, grazing rights and access to water and other resources.



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The Red Cliffs NCA, which includes about 70 percent of the land included in the separately-created Red Cliffs Desert Reserve, has been especially contentious because of disagreements over a controversial “northern corridor” highway that would cross through sensitive tortoise habitat.

The Red Cliffs plan declines to designate a specific right-of-way for the roadway, instead setting aside “avoidance” areas where rights-of-way could eventually be granted if strict conditions are met.

The BLM started the planning process with public scoping meetings in 2010, publishing multiple alternatives in draft form in 2015 then holding additional public comment periods before releasing its proposed plans in September.

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#### **11. Comment period extended for controversial oil, gas leases near Zion National Park**

*St George News, Feb. 8 | Julie Applegate*

ST. GEORGE – The Bureau of Land Management has extended the comment period for what has quickly become a controversial proposal to lease land located near Zion National Park for oil and gas development.

The possibility of oil and gas development near the park and at the site of a future reservoir near Anderson Junction is raising alarm among local residents and environmental advocates alike; even the Washington County commission has expressed its disapproval.

The BLM announced the comment extension Tuesday, citing a request from the National Park Service and “interest from other parties.”

Public comments will now be accepted until March 9 – a month after the original Feb. 10 deadline.

Three parcels totaling 4,730 acres have been nominated for leasing in the county; two are within 1.5 miles of the border of Zion National Park, BLM spokesman Christian Venhuizen said, and near the town of Virgin.

The two parcels are located along and straddle Kolob Terrace Road, a popular scenic route which passes through Zion National Park and offers access to several popular attractions including the Subway, the Left Fork of North Creek and Lava Point.





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"I don't feel that it's in the best interests of Washington County to ... support these particular issues," Washington County Commissioner Victor Iverson said at a regular commission meeting Tuesday.

Another parcel is located near Anderson Junction, the site of a planned reservoir, which raises concerns about water quality.

"There's enough uncertainty with fracking and other things that I personally have grave reservations doing anything that would impair one of our really high-quality potable water sources," Commissioner Dean Cox said.

The commission passed a resolution expressing active opposition to the proposed oil and gas leases.

Virgin resident George Walsh believes while oil and gas development in the area may have been appropriate in the past, it is not now. The number of visitors to Zion National Park was over 4 million last year, and many people visit or move to the area because of the beauty of the land, he said.

"Yes, obviously we need gas and oil exploration, drilling and production," Walsh said. "But the big question is, 'is it an appropriate site for that?'"

"Tourism is the No. 1 business in the area," he added. "It doesn't seem like it's an appropriate thing based on those kind of realities."

The leases are based on a resource management plan that hasn't been updated since 1999, Walsh said, noting he would like to see the lease proposal postponed until a new resource management plan can be put in place.

Local conservation group Conserve Southwest Utah adamantly opposes the leases.

"The very idea of this operation is in direct conflict with the direction our county is heading," Conserve Southwest Utah president Tom Butine wrote in a comment submitted to the BLM.

"Air quality, traffic congestion, and wilderness access will be stressed enough by our growth alone, even without oil and gas development," Butine wrote.



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In addition, the group expressed concerns about air quality, greenhouse gasses, degradation of recreational experience, contamination of the area's limited water supply, and the loss of tourism and outdoor recreation the leases could cause.

The National Parks Conservation Association and the Southern Utah Wilderness Alliance also oppose the leases and issued a joint statement in January.

If developed, the two parcels could easily be seen from Utah's most popular national park and are "clearly not compatible with this world-renowned landscape," the statement said.

A Change.org petition opposing the oil and gas leases states that industrial development is not appropriate for the area. The petition had garnered 3,264 signatures as of Wednesday afternoon.

The potential leases raise concern about negative impacts on air, water and soil quality, night skies, view sheds, soundscapes, ecosystems, historical preservation, grazing rights, and the recreation of hikers, campers, mountain biker and off-highway vehicle users, the petition states.

#### Details

The lease parcels are in locations that would require restrictions due to the presence of wildlife habitat and cultural resources, St. George Field Office Manager Brian Tritle told the Washington County Commission in December.

Read more: BLM to consider oil, gas leases in Washington County

If a proposed lease survives the initial environmental assessment and a lease was purchased, Tritle said, it would trigger a more in-depth National Environmental Policy Act, or NEPA, analysis and offer more opportunities for public comment.

"The public comment period will help us decide whether to offer the parcels for lease. Substantive public comments will help shape the decision, which is why we agree with the National Parks Service's request to extend the public comment period until March 9," Venhuizen said in an email.

#### Comments

Additional information about the proposed parcels is included in the environmental assessments and other documentation available for public review and comment and may be accessed as follows:



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Electronic copies can be found online; information and documentation on proposed leases can be found here: National Environmental Policy Act number DOI-BLM-UT-C030-2017-0010-EA .

Hard copies of the environmental assessments can be obtained from the St. George Field Office, 345 E. Riverside Drive, St. George.

The public review and comment period opened Jan. 10 and closes at 4:30 p.m. on March 9.

The most useful comments are those that identify issues relevant to the proposed action or contain new technical or scientific information, the BLM states in its notice. Comments that contain only opinions or preferences will not receive a formal response but may be considered in the BLM decision-making process.

Written comments may be mailed or emailed to:

Bureau of Land Management, St. George Field Office  
345 East Riverside Drive  
St. George, UT 84790  
Attn: Dave Corry  
Email: [utsgmail@blm.gov](mailto:utsgmail@blm.gov)

Before including an address, phone number, email address, or other personal identifying information in any comments, be aware that the entire comment — including personal identifying information — may be made publicly available at any time. Requests to withhold personal identifying information from public review can be submitted but the BLM cannot guarantee that it will be able to do so.

For more information regarding the sale, contact Robin Naeve at 801-539-4039. Persons who use a telecommunications device for the deaf may call the Federal Information Relay Service at 800-877-8339 to leave a message or question for Naeve. The FIRS is available 24 hours a day, seven days a week. Replies are provided during normal business hours.

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#### 12. **Utah Senate approves call to shrink Grand Staircase-Escalante National Monument**

*The Salt Lake Tribune, Feb. 8 | Benjamin Wood*

At 1.88 million acres, Utah's Grand Staircase-Escalante National Monument is larger than the combined footprints of the state's "Mighty 5" national parks and the Cedar Breaks National Monument.

That's too big, according to a resolution approved Wednesday by the Utah Senate following passage last week in the House.

HCR12 calls on Utah's federal delegation to support a reduction or modification of the monument, which was created by then-President Bill Clinton in 1996.

"Twenty years later, why shouldn't we still have those discussions about what makes sense to be designated as a monument?" Sen. Ralph Okerlund, R-Monroe, said. "The locals do not support it and they will not until we finally get to a point where they have some ability to be able to participate in the process."

Last week, the Legislature passed and Gov. Gary Herbert signed a resolution urging President Donald Trump to rescind the newly-created Bears Ears National Monument.

But unlike the Bears Ears resolution, a member of Utah's Democratic Party joined his republican colleagues Wednesday in supporting a renegotiation of the Grand Staircase-Escalante monument.

Sen. Gene Davis, D-Salt Lake City, said the 1996 designation has led to two decades of lingering consternation among the residents of Southern Utah.

"This is not a discussion to do away with the Grand Staircase-Escalante National Monument," Davis said. "But rather, let's sit down and negotiate some of the boundaries."

Wednesday's resolution is likely to add to the concerns of Outdoor Retailers organizers, who this week said they would consider new venues for the convention held twice-yearly in Salt Lake City.

And Patagonia president Rose Marcario announced Tuesday that her company would sit out the convention unless it was moved to another state due to Utah's "hostile environment" for public lands.



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"We are confident other outdoor manufacturers and retailers will join us in moving our investment to a state that values our industry and promotes public lands conservation," she said.

Lawmakers who supported the resolution spoke in favor of preserving recreational opportunities for outdoor enthusiasts. But they added that a "mixed use" of public lands would provide a greater benefit to local communities, including the potential to mine coal and uranium deposits contained within the Grand Staircase-Escalante monument.

"You add all of the additional jobs that come along with that mining opportunity and it's huge for that economy," Okerlund said. "It would dwarf any economic growth that we have seen over the past 20 years."

But Sen. Luz Escamilla, D-Salt Lake City, said studies have found growth in population, personal income and employment in the two decades since the monument was created.

The resolution sends a message, she said, but not necessarily one that helps the state.

Senate President Wayne Niederhauser, R-Sandy, said the primary issue with both Bears Ears and Grand Staircase-Escalante is their size.

He said he supports the creation of Utah's national parks, which included congressional approval, but described the unilateral designation of Utah's monuments as "tyrannical."

And while the demand for coal is decreasing, he said, the relatively low sulfur levels within Utah's reserves would provide a greener alternative to the remaining coal-fired operations.

"If places are burning coal," Niederhauser said, "they ought to be burning Utah coal because it will be less impactful on the environment."

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#### **E&E/NATIONAL NEWS – FULL STORY**

##### **1. Planning 2.0: Statement of Administration Policy**

*The White House, Feb. 7 | White House Briefing Room*

The Administration strongly supports the actions taken by the House to begin to nullify unnecessary regulations. The regulations that the House is voting to overturn under the



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Congressional Review Act establish onerous reporting requirements and other constraints on States, local communities, and institutions of higher education.

**H.J. Res. 42** would nullify the Employment and Training Administration's Federal-State Unemployment Compensation Program; Middle Class Tax Relief and Job Creation Act of 2012 Provision on Establishing Appropriate Occupations for Drug Testing of Unemployment Compensation Applicants 81 Fed. Reg. 50298 (August 1, 2016), promulgated by the Department of Labor. The rule determines the occupations that regularly conduct drug testing for use by States when determining which unemployment insurance applicants may be tested. The rule imposes an arbitrarily narrow definition of occupations and constrains a State's ability to conduct a drug testing program in its unemployment insurance system, as authorized in Public Law 112-96, the Middle Class Tax Relief and Job Creation Act of 2012.

**H.J. Res. 44** would nullify the final rule relating to Resource Management Planning, 81 Fed. Reg. 89580 (Dec. 12, 2016), promulgated by the Department of the Interior, Bureau of Land Management (BLM). This rule, also known as the BLM Planning Rule 2.0, would prioritize regional and national considerations over state and local interests in land use planning for activities on public lands. The BLM manages over 245 million acres of Federal lands, located mostly in the western States, for multiple uses, including grazing, timber, recreation, and energy and mineral development. Given its regional approach to planning, the Administration believes the rule does not adequately serve the State and local communities' interests and could potentially dilute their input in planning decisions.

**H.J. Res. 57** would nullify the final rule Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act – Accountability and State Plans, 81 Fed. Reg. 86076 (Nov. 29, 2016), promulgated by the Department of Education. This rule establishes requirements for how States must implement the statutory provisions that require States to have an accountability system based on multiple measures, including school quality or student success, to ensure that States and districts focus on improving outcomes and measuring student progress. While school accountability is important, the Administration is committed to local control of education and this rule places additional burden on States and constrains them in areas where the ESSA intended broad flexibility. The Administration looks forward to working with the Congress on how the Department of Education can support States and school districts as they implement the new reauthorization of the Elementary and Secondary Education Act.

**H.J. Res. 58** would nullify the final rule related to the Teacher Preparation Program Accountability System, 81 Fed. Reg. 75494 (Oct. 31, 2016), promulgated by the Department of Education. This rule establishes annual State reporting to measure the performance and quality of



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teacher preparation programs and tie them to program eligibility for participation in the Teacher Education Assistance for College and Higher Education grant program. The rule imposes new burdensome and costly data reporting requirements on States and institutions of higher education.

If these bills were presented to the President in their current form, his advisors would recommend that he sign them into law.

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#### **2. House votes to kill BLM “Planning 2.0” rule aimed at giving residents of Colorado and the West greater control over public land**

*The Denver Post, Feb. 7 | Bruce Finley*

The U.S. House of Representatives on Tuesday voted to kill a federal rule that gives Americans more of a voice in large-scale planning for projects using public land, including 8.4 million acres in Colorado.

The action launched by House Republicans, including sponsors Rep. Scott Tipton of Colorado and Liz Cheney of Wyoming, would nullify the Bureau of Land Management’s “Planning 2.0” rule that took effect in December. That rule governs all planning for future uses of 250 million acres of federal public land that is concentrated in the West.

It was the third time in a week that lawmakers invoked the Congressional Review Act to strike at Obama administration environmental rules. The act lets them roll back executive action taken during the past 60 legislative work days — if the rule imposes excessive costs, exceeds agency authority or is redundant. On Friday, House lawmakers voted to zap the federal methane rule that requires oil and gas companies using public lands to control air pollution.

The BLM and methane-flaring measures now move to the Senate. If the rollbacks are approved, the rules would be eliminated and the BLM banned indefinitely from developing similar rules.

Last week, Congress killed the Stream Protection Act that required efforts to protect waterways near coal mines.

For Colorado, the impact of a rollback of the BLM planning rule is potentially huge. BLM officials developed the rule saying it would increase public involvement and incorporate the most current data and technology to decide whether and where drilling, mining and logging will happen on public land.



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Park County's commissioners, all Republicans, strongly supported the planning rule, calling it essential for taking better care of sensitive wildlife-rich areas such as South Park, the main watershed for metro Denver.

They wrote last year to BLM director Neil Kornze saying they wanted "additional opportunities for public involvement earlier in the planning process, including the chance to review preliminary resources management alternatives and preliminary rationales for those alternatives."

"The current BLM planning methodology lacks adequate opportunities for public involvement, particularly early in the process," they wrote. "It also lacks transparency. It often results in a range of alternatives that fails to address the concerns of all stakeholders."

The "Eastern Colorado Resource Management Plan," which encompasses South Park, emerged as one of three BLM pilot projects in the nation where the best planning methods were to be applied — emphasizing broad scope, rather than focusing on individual parcels.

The impact of a rollback of the federal methane rule also could be significant because energy operations in neighboring states could produce more pollution that likely would drift into the state. Colorado already has a state-level air quality rule requiring companies drilling on public lands to control their emissions of methane, a heat-trapping gas linked to climate change. Oil and gas companies helped write the state rule, working with the Environmental Defense Fund.

On Tuesday, House Natural Resources Committee Chairman Rep. Rob Bishop, R-Utah, argued that the BLM's planning rule "dilutes local and state voices and centralizes power here in Washington D.C. ... This puts special interest groups above local elected officials, which is not the way it was ever intended."

Tipton made a similar argument in a prepared statement. He could not be reached to discuss his position.

Conservationists mobilized Tuesday, launching a lobbying blitz targeting senators and rallying their constituents.

"This is the modern way we do land-use planning. It provides for more of a public voice that we do not have now," said Phil Hanceford, the Denver-based assistant director of the Wilderness Society's BLM Action Center.

"These are our public lands. People should have more of a say in how they are managed. Otherwise, the wrong decisions can be made," Hanceford said. "BLM land management plans





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control, for decades, how oil and gas is developed, conservation, and grazing – how every use of our public land is managed. The public should have more of a say in the process.”

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### 3. **Wild Horses, Wilder Controversy**

*The National Geographic, Feb. 7 | Ben Masters*

My fascination with wild horses began in 2009 at Texas A&M University. Parker Flannery, a close friend of mine, proposed that we drop out of school, adopt wild horses, and attempt to traverse the Continental Divide Trail. What started as a crazy idea turned into reality when we adopted a handful of mustangs from a holding facility in Paul’s Valley, Oklahoma. Being 20 years old and in way over our heads, we adopted the biggest, stoutest, and most dominant horses they had available.

Thanks to Parker’s training expertise, we successfully trained the horses, brought in another friend, Mike Pinckney, supplemented our herd with a few ranch horses, and embarked on our journey in the summer of 2010. We planned to ride 2,000 miles from Santa Fe, New Mexico, through Colorado, Wyoming, and Montana to the Canadian border.

The trip completely changed my life. Being from Texas, where there is virtually no public land, I was blown away by the sheer size and majesty of our vast public lands in the American West. I found it amazing that a backcountry stretch of that distance still existed, and now that I’ve researched Western public lands extensively, I have an even greater appreciation for the blood, sweat, and tears that enlightened conservationists shed in the fight to have these public lands set aside for future generations to cherish and protect. I was equally as amazed—and shocked—at the plight of the wild horses and burros. In 2009 there were nearly 31,500 wild horses and burros in government holding facilities and 37,000 in the wild—in an area that supposedly had enough forage for only 27,000 horses. Numbers have grown steadily since then.

Wanting to find homes for the horses in the government holding pens, I gathered three friends and planned to do another long ride to promote wild horse adoptions—this time going all the way from Mexico to Canada through the most backcountry route left in the American West. To raise awareness, we created a documentary, *Unbranded*. We launched a Kickstarter campaign, gathered the money, attracted an all-star film production team directed by Phillip Baribeau, adopted wild mustangs from the Bureau of Land Management (BLM), trained them with assistance from horse trainers Lanny Leach and Jerry Jones, and embarked on our journey.



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For five months and six days during the summer of 2013 we crossed 3,000 miles, primarily through public lands, in Arizona, Utah, Idaho, Wyoming, and Montana. We saw some of the most amazing landscapes in the world: the Grand Canyon, Yellowstone National Park, Glacier National Park, and many other wonderful but lesser known public lands. The trip was simply spectacular and redefined who I am.

The documentary turned out much better than I could've ever dreamed. We took Unbranded to film festivals across the world and had a theatrical release. It received more than two dozen awards, and is available worldwide on Netflix. The film has been seen by millions of people. We promoted the adoption of wild horses to the best of our ability, even going so far as auctioning a personal horse. We held nationwide theatrical screenings, with all the proceeds going to the Mustang Heritage Foundation to fund adoption efforts.

Did we succeed in getting wild horses adopted? Absolutely. Hundreds of people were inspired to adopt wild horses, and we raised nearly \$100,000. Did we succeed in getting all the wild horses adopted and finding a solution to the plight of the wild mustangs? Not even close.

As of March 1, 2016, there were 67,000 horses and burros on public lands and 45,000 in government holding pens. Computer models show that the current population, including foals born in 2016, is approximately 75,000 wild horses and burros. The controversial nationwide Appropriate Management Level (AML), defined as "the number of horses to have thriving ecological balance with the vegetation, wildlife, and livestock usage," is 27,000.

How did wild horse numbers get so much higher than the Appropriate Management Level? The BLM gathers excess horses to prevent overgrazing and offers them up for adoption. But there aren't enough adopters, and euthanasia or slaughtering for human or pet consumption aren't attractive options. The horses have accumulated in holding across the country to the 45,000 we have today. The vast majority of the BLM's budget goes to feeding horses in holding pens, which prohibits limits the agency's ability to gather other horses off the range. Without the budget or facilities to round up and hold enough horses to equal the birth rate, the population in the wild has increased to nearly three times the Appropriate Management Level.

Ecologists, rangeland managers, and ranchers are concerned that overpopulated wild horse herds have caused and are causing irreversible damage to delicate desert ecosystems. Wild horse advocates argue that sheep and cattle, which outnumber wild horses on public lands nationwide, should be reduced to make more forage available. Wildlife conservation organizations claim that



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bison, bighorn, mule deer, pronghorn, sage grouse, and other native species should take precedence over livestock and wild horses.

Through the creation of Unbranded and an accompanying book, I had the chance to interview some of the most brilliant minds in ecology, wildlife biology, animal welfare, politics, and rangeland management. I was humbled beyond belief earlier this year when I was nominated to sit as wildlife management chair for the volunteer Bureau of Land Management wild horse and burro advisory board, as a 28-year-old, to help make policy recommendations that directly influence the rangeland and wildlife health on 31.2 million acres of public land in the West.

Since then, because I voted in favor of euthanizing unadoptable horses to prevent rangeland degradation, I have had death threats directed at me and my family. So before I dive into this issue in as journalistically as I possibly can, I need to clarify a few things: I am not in the livestock industry, I am not being paid by a political entity, and the following blogs and short film were being developed long before my volunteer nomination took place. I've also adopted seven mustangs and love them dearly.

"Wild" horses in the American West are the perfect example of how species classification in politics is much more interesting than in biology class. What exactly is a wild horse? Depending on whom you ask, wild horses are a reintroduced native species indigenous to North America, an invasive pest disrupting ecological functions, or feral livestock that are culturally significant and whose numbers need to be closely managed.

In the 1950s, Velma Johnston, later known as Wild Horse Annie, witnessed a variety of unnecessarily cruel mustang-gathering techniques and dedicated the rest of her life to the protection of her "wild ones." Her dedication culminated in the passing of the Wild Free Roaming Horses and Burro Act that President Richard Nixon signed into law in 1971. The law states that "Congress finds and declares that wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West; that they contribute to the diversity of life forms within the Nation and enrich the lives of the American people; and that these horses and burros are fast disappearing from the American scene."

At the passing of the WH&B Act, free-roaming horses and burros were found on 53.8 million acres across the United States, 42.4 million of which were under the Bureau of Land Management's jurisdiction. Today, wild horses and burros are present on 179 different BLM Herd Management Areas (HMA), covering 31.6 million acres in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Wyoming.



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Each HMA is different in size, geography, and bloodlines. Some of the herds have Spanish descent, others are large draft animals, and some herds are tiny and known for being difficult to train. Some herds are mainly paints, others bays, and some exhibit primitive features of a dorsal stripe and stripes on the withers and legs. Each herd is unique, but all herds have survived a gauntlet of serious selection criteria. Generations of natural selection, of braving extreme heat and cold, and of battling for breeding rights have resulted in animals that survive on meager rations and are resilient, tough-footed, intelligent, and well-suited to thrive in the West's harsh conditions.

Under the WH&B Act's protection, wild horse and burro populations expanded and rangeland managers became concerned that the animals would overgraze and damage the land. The BLM established Appropriate Management Levels for each Herd Management Area to have "a thriving natural ecological balance" with wildlife, vegetation communities, and, in some areas, livestock. To achieve the AMLs, the BLM began gathering horses, putting them in holding pens, and offering them up for adoption. Since 1971, more than 235,000 wild horses and burros have been adopted. As our society changes and regulations tighten, annual adoptions have fallen from a high of 8,000 per year to about 2,500 per year currently. Over time, these excess horses became stockpiled in feedlot-type pens to the point where the BLM knew they couldn't adopt them all out. The agency started leasing out pastures in the Midwest for long-term holding. This unsustainable program has steadily grown for decades to the disaster it is in today.

As of March 1, 2016, there were nearly 13,500 wild horses and burros living in feedlot-type short-term holding pens and another 31,500 living in long-term pastures. Take a minute and let those numbers sink in. All 45,000 of these wild animals were gathered off the range, segregated by sex, castrated, branded, given shots, and doomed to sit in a feedlot for about five years. They have been or will be released onto a foreign pasture in the Midwest bearing no resemblance of their former wild lifestyle. Each horse will live on that long-term pasture until he gets old, or has organ failure or an injury. Then he will be destroyed in as humane a manner as possible.

The cost for all 45,000 of these horses is approximately \$50,000 per horse over its lifetime. That's more than twice what I paid to go to college. Although the Wild Horse and Burro Act specifically states that "The Secretary shall cause additional excess wild free-roaming horses and burros for which an adoption demand by qualified individuals does not exist to be destroyed in the most humane and cost-efficient manner possible," this option hasn't been utilized due to lawsuits, public outcry, and congressional riders. The expense of holding all these horses has crippled the BLM's wild horse budget to the point where it's spending two-thirds of its entire budget, nearly \$50 million in 2016, warehousing horses in short-term and long-term pastures.

In addition to the financial cost, the environmental cost of transporting tens of thousands of horses and supplying feed to them is staggering. Yield data from the USDA-NASS for California shows that



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irrigated grass hay can require a hundred gallons of water per pound of hay. The BLM generally feeds each horse 20 pounds of hay every single day. One horse in a holding pen in California or Nevada, eating locally produced irrigated hay, could be responsible for water usage totaling 730,000 gallons per year. Today, there are 4,620 wild horses and burros in California and Nevada pens, needing 3,372,600,000 gallons of water annually if no non-irrigated hay is available (as in drought conditions). While this water usage pales in comparison to the local dairy and livestock industry's demand for its alfalfa production, it's worth noting, especially since the American West has recently seen some of the hottest and driest years in history.

With its wild horse and burro budget crippled by the nearly \$50 million annual feed bill, the BLM has completely forsaken trying to keep horses on public rangelands at the Appropriate Management Level on a nationwide scale. That has allowed exponential growth to the current population of 75,000, nearly three times the appropriate level. This population estimate does not include the hundreds of thousands of free-roaming wild horses on tribal lands or the unknown number of horses on public lands that aren't designated as wild horse areas. In its October 2016 report, the Office of the Inspector General found that the "BLM has no strategic plan to manage wild horse and burro populations."

In 2013 I traveled to southwest Utah to photograph and watch a wild horse roundup. I had the pleasure of interviewing Ellie Price, a California vintner, filmmaker, horse sanctuary owner, and advocate with the American Wild Horse Preservation Campaign. I asked her, "Do wild horses have a right to be here?"

"Congress has already answered that question by unanimously passing a law to protect wild horses as living symbols of the historic and pioneer spirit of the West," she replied. "The American public has demonstrated time and time again its support for the protection of these animals on our Western public lands. The horse evolved on the North American continent, maybe it left for a while, but as far as I'm concerned they have a place on the Western landscape as a reintroduced native species."

Wild horse management has been controversial ever since the 1971 act was passed to protect the horses, said Bob Garrot, director of the Fish and Wildlife Ecology and Management Program at Montana State University, who has researched wildlife and wild horse population dynamics since the 1980s.

"Before [1971], they were feral livestock and anyone could go out, gather them, do whatever they wanted. Since the act was passed, management of the horses has been ... I don't want to say dysfunctional, but we don't have and have never had a sustainable management plan. The vast majority of the wild horses we have come from standard saddle stock like thoroughbreds and farm horses, and their genetics are commonly found domestically. A lot of these horses originated in the Dust Bowl when people just turned them loose when they couldn't afford them; that still happens today.

"It's akin to dogs. Dogs came from domesticated wolves, but through a long history of artificial selection by people, we have all these different breeds which all trace back to wolves," Garrot explained. "But are they native? Are they the same critters that were there 10,000 years ago? Well, no they aren't. Those



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horses are not the same horses that were here in the Pleistocene. The Western landscapes are not the same landscapes, neither are the plant and animal communities. So the question now is, how many do we need to have, where do we need to have those animals, and how do we manage them to get to that number?"

How people perceive wild horses varies greatly. To dig deeper into the matter, I traveled to Texas A&M University to meet with Gus Cothran, a professor and equine geneticist who has tested 70,000 horses in his lifetime, 12,000 of which were BLM wild horse and burros. I also pulled hair samples from my adopted mustangs to see if we could test them and get insight into their pasts. The data obtained from my horses' DNA can then be compared to other breeds for clues to their ancestry. In wild horse herds, the same data can reveal the genetic variability of their herd. This is important, because many wild horse herd management areas are genetically isolated.

"The vast majority of herds living on the BLM's lands are basically mongrel, mixed-breed horses that probably have not been living wild for many generations. Genetic changes happen very, very slowly, even when populations are really small, and inbreeding depression isn't going to happen at a rapid rate. But there is indication that some herds could move in that direction," Cothran said.

"The good things about working with horses, from a management standpoint, is that they're very long lived, so things happen in generation intervals. And if a herd is getting inbred, the easiest thing to do is add an individual or two per generation from another herd. It only takes a very low level of genetic exchange," he said.

It took a few hours for the genetic results from my horses to come back, but Cothran got really excited when he saw them. "Basically what we do is take the individual DNA for each sample and compare them to a reference panel of about 70 different breeds of horses and see which is the best fit. Whether it means anything is hard to tell, but it does give you some information. Three of your mustangs, Violet, Chief, and Luke, have results all over the map, indicating that they're mongrel type horses that don't really have unique genetics. That's the rule for most mustangs.

"But the last one, Tuff, his closest result is Brazilian Criollo, the second is Pantaneiro, and the third is Argentine Criollo. Those breeds all descended from Spanish stock so we definitely have a Spanish horse here. While the Spanish genetics are commonly found domestically, only about 3 to 5 percent of mustangs in the wild have those unique genetics, and they're primarily found on only about 10 of the 179 Herd Management Areas."

I asked Cothran what advice he has for the BLM managers from a genetic standpoint.

"The herds that do have unique bloodlines are worth preserving and treating as special populations, managed differently, to grow that unique genetic pool," Cothran said. "The vast majority of the mustangs, I refer to it as the mongrel population, you can take a general management strategy on them because their genetics are commonly found in domestic breeds. In fact, if you took individuals from different breeds



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and turned them loose in the wild, after a few generations you would have the mustangs we have today. Because that's exactly what happened."

So what exactly is a wild horse? That depends on whom you ask. And why should we even manage wild horses rather than allowing them to be wild, free, and regulate naturally? I packed my bags and drove to Ely, Nevada, the heart of the wild horse and burro controversy, to meet with ecologists, wildlife biologists, and rangeland managers to learn more about the ecological consequences of mismanagement.

*Ben Masters is a filmmaker, writer, and horse hand who splits his time between Bozeman, Montana, and Austin, Texas. Masters studied wildlife management at Texas A&M University, is a proud owner of six mustangs, and serves as wildlife management chair for the volunteer BLM Wild Horse and Burro Advisory Board. Masters is best known for Unbranded, an adventure documentary where he and three friends adopted wild horses and rode 3,000 miles across the American West to inspire people to adopt mustangs. This four-part series and short film presents his experiences, research, and interviews on the controversial wild horse issue in the United States.*

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#### 4. **PUBLIC LANDS: Industry cites preservation 'bias' in backing Planning 2.0 repeal**

*E & E News, Feb. 8 | Pamela King*

President Obama's signature land-management rule has not yet affected the way oil and gas producers do business on public lands, but industry groups say the regulation could add new layers of uncertainty to the permitting process.

House lawmakers yesterday voted to strike down the Bureau of Land Management's so-called [Planning 2.0 rule](#). The regulation joins a handful of Obama-era regulations, including BLM's rule to curb methane emissions from oil and gas operations on public lands, that appear poised for elimination under the Congressional Review Act.

"Planning 2.0 presents multiple challenges that will prejudice multiple use interests with a bias against oil and gas resources on public lands," the Independent Petroleum Association of America (IPAA) and Petroleum Association of Wyoming (PAW) wrote in a Jan. 18 [letter](#) to House Speaker Paul Ryan (R-Wis.).

Conservation advocates seemed puzzled by the rule's opposition from industry and Republicans in Congress. Planning 2.0 is a "wishy-washy" process rule that sets goals for BLM, but does not dictate outcomes, as the agency carries out its duty to manage public lands, said Jeremy Nichols, climate and energy program director for WildEarth Guardians.



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"There's something deeper going on here," he said. "This is another example of how this Congress has declared war on public lands."

In its final rule, BLM amends its procedures for preparing, revising and amending land-use plans with the goal of mitigating "undesirable impacts" to federal resources. The rule suggests, but does not require, that a mitigation standard might call for "no net loss" of an environmental asset. But a Nov. 3, 2015, [memo](#) from the president to the heads of several agencies, including the Interior Department, states that mitigation policies should set a "net benefit goal or, at a minimum, a no net loss goal" for natural resources.

Such a standard is inconsistent with the target of balanced multiple uses of federal lands, which should include a space for fossil fuels extraction, IPAA and PAW said.

"The mitigation standard of a net benefit, or net conservation gain, is policymaking that has been put in place through recent executive and secretarial directives and memorandums, and is not based upon laws or rules that have gone through the lawmaking or rulemaking process," they wrote.

Industry interests also raised concerns about Planning 2.0's focus on landscape-level planning. In its rule, BLM says a broader scope would address land-management challenges like climate change, wildfires and invasive species.

The bureau's process "ignores state boundaries, so it is contrary to our system of federalism," said Kathleen Sgamma, president of the Western Energy Alliance.

If resources dictate land-use plans, it's possible that a piece of land could be subject to several management strategies, IPAA and PAW said.

While BLM's rule does not mandate landscape-scale planning, it notes an "increasing emphasis" within Interior and the federal government on that type of strategy and cites other department directives to adopt a less localized planning approach.

Phil Hanceford, assistant director of the Wilderness Society's BLM Action Center, said a landscape-focused planning process could help build in more certainty for industry by allowing BLM and energy companies to resolve potential land-management conflicts across a region before development begins.

"It's basic stuff," Hanceford said. "It's basic planning."





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IPAA, PAW and the Western Energy Alliance said they fear Planning 2.0 would complicate National Environmental Policy Act (NEPA) reviews.

BLM's rule provides that in most circumstances, allowance of a land use — such as mineral leasing — will not constitute a final decision to authorize a similar use in the future. Rather, it will be subject to site-specific NEPA analysis.

Prior to Planning 2.0, operators were required to assemble an environmental assessment for each lease sale. PAW and IPAA wrote that they believe the new rule could require an environmental impact statement at that stage, extending the process by nearly a year.

Requiring more early NEPA legwork would help settle stakeholder conflicts before land-use plans are solidified, Hanceford said.

"The whole idea is that you have more public participation for NEPA up front to avoid all of the controversy and litigation that we have toward the end of the process," he said.

Killing BLM's planning rule is an attempt to shut out public input and limit the bureau's authority, said Kyle Tisdell, an attorney with the Western Environmental Law Center. Planning 2.0 could have been tweaked without wielding the CRA, which pre-empts agencies from reissuing "substantially similar" rules, he said.

"To a large extent, the federal government already acts as a rubber stamp in the leasing and development of our public lands, particularly in major oil and gas producing areas," Tisdell wrote in an email. "Planning 2.0 represented an opportunity to broaden the consideration of impacts, regardless of jurisdictional boundaries, to better understand the sacrifice to our land, air, water, and communities. The CRA is an attempt to keep the public in the dark, and agency consideration siloed."

The measure to stop Planning 2.0 now heads to the Senate, where votes on Trump administration nominees have stymied action on CRA resolutions.

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#### 5. NATIONAL MONUMENTS: Chaffetz urges Trump to rescind Bears Ears designation

*E & E News, Feb. 8 | Jennifer Yachnin*

Utah Republican Rep. Jason Chaffetz yesterday continued his campaign to rescind the new Bears Ears National Monument in a one-on-one meeting with President Trump.

And Chaffetz said the new commander in chief is "very sympathetic" about concerns over the 1.35-million-acre site designated late last year.

Following his 30-minute meeting with Trump, Chaffetz — who had initially acknowledged he did not know why the president had summoned him to the White House — told Utah media outlets that he raised his opposition to the state's newest national monument as the first discussion point.

"I took this unique opportunity when meeting with the president to bring it up as subject No. 1," Chaffetz told the Deseret News.

Along with the rest of the Beehive State's six-member congressional delegation, Chaffetz has called for Trump to undo President Obama's designation of the site in southeast Utah.

During a recent Republican legislative retreat in Philadelphia, Chaffetz similarly pitched his case to Vice President Mike Pence, White House Chief of Staff Reince Priebus and Interior secretary nominee Rep. Ryan Zinke (R-Mont.) (Greenwire, Jan. 26).

Chaffetz said Trump did not reveal whether he will move to undo the monument, either via the Antiquities Act or by urging Congress to take action to abolish the site.

"He was more in the receiving mode. I think he was very sympathetic to the hardship that it creates for Utah," said Chaffetz, who added that the discussion lasted about five minutes before turning to other topics. "It was obvious he had heard about it previously."

Although Congress has in the past abolished a handful of monuments or converted their status, the Antiquities Act does not give presidents explicit authority to undo protections put in place by their predecessors.

Given that no president has ever sought to do so, most observers suggest such an action by Trump could lead to legal battles.



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Chaffetz, who serves as chairman of the House Oversight and Government Reform Committee, said he passed along a letter from Utah's delegation opposing the monument and a copy of the state Legislature's recent resolution calling for the site to return to its previous status.

While Chaffetz has sought documents related to Trump's lease of the Old Post Office Pavilion in Washington, the duo did not discuss that subject during their meeting, and Trump prohibited him from raising oversight issues, he said.

Conservation groups immediately criticized Chaffetz for his continued campaign against Bears Ears, pointing to the lawmaker's own recent decision to kill a bill that called for the disposal of more than 3 million acres of federal land across 10 states (Greenwire, Feb. 2).

"Just last week Representative Chaffetz withdrew a piece of anti-public lands legislation after a strong backlash, saying 'I hear you.' In asking President Trump to abolish the Bears Ears National Monument, it's clear he didn't get the message," Center for Western Priorities Advocacy Director Jesse Prentice-Dunn said in a statement.

A White House spokeswoman declined to comment on the meeting or offer further details about Trump's plan for the monument.

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#### **6. NATURAL RESOURCES: Bishop coy on whether panel GOP staff moonlighted for Trump**

*E & E News, Feb. 8 | Corbin Hiar*

House Natural Resources Chairman Rob Bishop yesterday couldn't rule out the possibility that the committee's Republican staff have secretly worked with the Trump transition team to craft forthcoming executive orders.

"I don't know what people have actually signed and what they haven't," the Utah Republican said when asked by E&E News about any nondisclosure agreements his staffers may have entered into with the Trump team.

"But it doesn't matter because the Ethics Committee has already come up with the standard," Bishop added. "We're going to follow that standard."



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Questions about Natural Resources staffers' potential covert involvement with the transition first arose at a business meeting earlier yesterday (see related story).

"Are you aware of any employees of this committee who have entered into a nondisclosure agreement for any work performed for anyone other than the members of this committee?" Rep. Norma Torres (D-Calif.) asked the chairman at one point in the hearing.

She noted that senior House Judiciary Committee staffers had reportedly aided the incoming administration on its controversial order curbing immigration without alerting Chairman Bob Goodlatte (R-Va.) or GOP leadership.

But Bishop, a former high school history teacher, offered only a lawyerly response to Torres' question.

"The Ethics Committee was consulted well in advance and has provided guidance related to staff assisting with the transition of the administrations," he said. "So any actions would comport with the Ethics Committee's written guidance."

That didn't satisfy Torres, who asked Bishop to clarify.

"I still have the same answer," he said. "The Ethics Committee was consulted, the Ethics Committee has the guidelines. We will follow those guidelines in every situation."

"Right," she said. "But you still did not answer my question as to whether anyone on staff from this committee has entered into a nondisclosure agreement with the new administration. It's just a simple yes or no."

"Yes or no," Bishop replied. "You got the answer. We're following the Ethics Committee's guidelines. We will do it in every situation."

The chairman was referring to a [memo](#) issued last December that laid out three ways in which House employees could assist the incoming Trump administration: as part of their congressional duties, on paid detail, or while on vacation or unpaid leave.

But all of these scenarios require some direction from or the consent of the House member for whom the staffer works. It is unclear how that would be possible if lawmakers were unaware that staffers were aiding the transition due to the nondisclosure agreements that the Trump team reportedly required them to sign.



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The Trump administration has hinted at using executive orders to undo national monuments that President Obama established using his authority under the Antiquities Act — an unprecedented move that could benefit from the knowledge Natural Resources staffers have of the century-old law.

The Natural Resources Committee's Democrats were troubled by Bishop's unwillingness to offer them a definitive answer on the work his staff may or may not have done for the Trump administration.

"That's something we ought to know about, if our committee staff is moonlighting, doing work like that and then signing extraordinary gag orders, like the ones that Donald Trump is known to require of those who work for him," Rep. Jared Huffman (D-Calif.) told E&E News. "It seems like a dual loyalty problem."

Huffman, the panel's vice ranking member, added that there was a difference between coordinating with members of one's party and potentially working behind their backs.

"It's typical to do some vetting and have communications," he said. "But to actually enlist these staffers to do work for you and to bind them in a corporate-like nondisclosure agreement? That's unusual and, many of us feel, dubious. That's not how it's supposed to work. The committee staff are in an independent branch of government."

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#### 7. **REGULATIONS: Trump DOJ appeals order forcing EPA to tally lost coal jobs**

*E & E News, Feb. 8 | Amanda Reilly*

The Trump administration has appealed a lower-court order compelling U.S. EPA to calculate the economic impacts of air regulations on the coal industry.

U.S. District Judge John Preston Bailey for the Northern District of West Virginia in January ordered EPA to submit by July 1 an evaluation of how the regulations affect coal jobs, mine closures and power plant shutdowns.

The Justice Department last Friday appealed the order to the 4th U.S. Circuit Court of Appeals and yesterday asked the court to set an expedited schedule for the case.

The order places a "significant" burden on EPA, DOJ's [motion](#) says.



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"EPA believes that it will need to undertake a significant data-collection effort consisting of several sequential steps to complete this task," it says.

Environmentalists had been concerned that the Trump DOJ would stop defending EPA in the case, but the motion indicates the administration will keep the case alive.

Murray Energy Corp. filed the lawsuit in 2014, calling it a counter to the Obama administration's "war on coal." The coal company contended that EPA failed to comply with a Clean Air Act provision requiring continuing economic evaluations of its regulations.

In October, Bailey ruled in Murray's favor, ordering EPA to submit a plan for assessing job losses. In response, EPA submitted a two-year plan for coming up with a methodology with the help of its science advisers.

Bailey found that the EPA plan was "wholly insufficient, unacceptable, and unnecessary," and in January ordered the agency to submit an evaluation of regulation's role on coal job losses by July 1 (Greenwire, Jan. 12).

Bailey's latest order, DOJ says in its motion, would require EPA to retrospectively evaluate the impacts on the 2,076 coal mines and 447 power plants that were operating in 2009. The agency would also have to identify market relationships between mines and power plants.

"To obtain all of this data, EPA likely will need to engage with non-federal entities, such as state and local environmental officials and potentially the affected facilities themselves," the motion says.

DOJ asked the 4th Circuit to set an expedited briefing schedule in the appeal and to set oral arguments during the week of May 9-12.

On Monday, the 4th Circuit consolidated the appeal of the January order with the Obama administration's earlier appeal of the October order. It's not clear yet, though, whether the Trump DOJ will continue to argue for appealing both orders or just the January one.

The 4th Circuit also consolidated an appeal by three West Virginia environmental groups of Bailey's denial of their request to intervene in the lawsuit. The groups had asked to enter the case because President Trump campaigned on a platform of getting rid of regulations and boosting the coal industry (Greenwire, Dec. 14, 2016).

A spokesman for Murray did not respond to a request for comment on the latest developments.



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#### 8. **PUBLIC LANDS: Sportsmen aim to derail Chaffetz bill to cut police units**

*E & E News, Feb. 8 | Jennifer Yachnin*

In the wake of a successful campaign to snuff out Utah Rep. Jason Chaffetz's proposal to sell off more than 3 million acres of public lands, sportsmen's groups are now targeting the Republican lawmaker over legislation that would eliminate hundreds of law enforcement positions at the Bureau of Land Management and Forest Service.

Backcountry Hunters & Anglers President Land Tawney said today that the organization will replicate the social media campaign that targeted Chaffetz earlier this month over legislation that would have disposed of lands across 10 Western states (Greenwire, Feb. 2).

The new campaign will focus on Chaffetz's [H.R. 622](#), known as the "Local Enforcement for Local Lands Act."

That bill, which the Utah lawmaker first authored in early 2016 and reintroduced last month, would eliminate about 300 law enforcement rangers or special agents within BLM as well as more than 700 law enforcement officers at the Forest Service and replace them with deputized local officials (E&E Daily, Jan. 25).

Tawney criticized the proposal by asserting that local law officers lack the "expertise and passion" to enforce regulations protecting wildlife, habitats, minerals, timber and archaeological treasures.

"This idea of trying to eliminate these positions and then pass these off to sheriffs. ... It's like asking your dentist to do gallbladder surgery for you," Tawney said. "You're trying to get people that have no expertise with the laws that manage our public lands, and you're asking them to step up and do something they don't know how to do."

Although the legislation would fund local law enforcement based on the percentage of public land in each state, Tawney also asserted that most local or regional police departments would struggle with funding under the proposal.



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Federal Law Enforcement Officers Association Executive Director Pat O'Carroll, who spoke along with Tawney and other former federal law enforcement officials on a conference call today, noted his 26,000-member group has also opposed the bill.

"Turning the function of federal law enforcement officers over to local departments just doesn't work," O'Carroll said, adding that federal agents are free from political pressures that can otherwise affect local agents.

Former BLM Colorado State Chief Law Enforcement Ranger Lanny Wagner likewise argued that while federal agents often coordinate with local agencies, their specialized training and knowledge of public lands give those officers a different perspective.

"It's not BLM's land, it's the public's land, and we're just there to manage it," Wagner said.

Tawney said he expected the bill will receive a hearing before the House Natural Resources Committee, which is chaired by Utah Republican Rob Bishop.

The group plans to urge Chaffetz, as well as Bishop and other Utah lawmakers, on social media to drop the legislation, as well as target a town hall meeting Chaffetz is set to hold tomorrow in his district.

A spokeswoman for Chaffetz yesterday declined to comment, pointing to the Utah lawmaker's recent statement on his decision to kill [H.R. 621](#), the "Disposal of Excess Federal Lands Act."

"I'm a proud gun owner, hunter and love our public lands. The bill would have disposed of small parcels of lands Pres. Clinton identified as serving no public purpose but groups I support and care about fear it sends the wrong message," Chaffetz stated on his Instagram account last week. "The bill was originally introduced several years ago. I look forward to working with you. I hear you and HR 621 dies tomorrow."

The missive did not address the law enforcement proposal, however.

The Western Landowners Alliance, which represents 14 million acres of private and leased public land, has likewise called on Chaffetz to drop the legislation.

"HR 622 would remove much-needed federal law enforcement from federal lands, replacing it with block grants to states. As landowners and managers who work in these remote landscapes, we believe natural resource management and law enforcement on federal lands is best handled





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by a trained workforce dedicated specifically to those tasks," WLA Executive Director Lesli Allison said in a statement.

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#### **9. NATIONAL MONUMENTS: Fans of abolishing sites aim to build on past examples**

*E & E News, Feb. 8 | Jennifer Yachnin*

More than 1,100 people make their way up Cedar Mountain in Wyoming each year, trekking 3 miles west of Cody and up a gravel road to explore the expansive Spirit Mountain Cave.

While spelunkers might appreciate the limestone cavern for both its beauty and its solitude — it's accessible only after securing a permit from the Bureau of Land Management and submitting a \$20 deposit to unlock the facility's gate — Congress might have more interest in the site's historical lessons.

The cave claims a status as one of the first national monuments to be created in the wake of the Antiquities Act of 1906, as well as one of the few to be formally abolished by Congress and transferred to state ownership, in 1954. But the land eventually made a round trip two decades later back to federal status — though not as a national monument.

Along the way, the 210-acre site changed its name from Frost Cave, in honor of the rancher who discovered it, to Shoshone Cavern National Monument and now to Spirit Mountain Cave.

"It turns out these monuments are quite popular even in the states where some of the politicians object," said University of Colorado Law School professor Mark Squillace, who has studied the Antiquities Act.

Previous attempts to change monuments — including an unwanted harbor island in South Carolina and iconic Western areas wanted for grazing or timber — show there's no easy path for proponents of either abolishing them or simply amending their boundaries.

As Utah's state government, its congressional delegation and the Trump administration contemplate whether and how to reverse former President Obama's designation of the 1.35-million-acre Bears Ears National Monument in southeast Utah, there is relatively little precedent to rely on.



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Congress itself has abolished fewer than a dozen national monuments — typically small sites like Spirit Mountain Cave that have been returned to state ownership or transferred to other agencies — and converted the status of another 50-odd monuments to national parks or preserves.

"Congress has never reversed a decision on a major national monument. That seems to suggest that there really isn't much appetite in the Congress for reversing these things once they are dedicated," Squillace said.

It may be that reluctance on Capitol Hill that has prompted House Natural Resources Chairman Rob Bishop (R-Utah) and his fellow legislators as well as the state Legislature to urge President Trump to undo the Bears Ears designation, as well as to shrink the boundaries of the state's Grand Staircase-Escalante National Monument.

"The fact that you can modify a monument, that's OK, means you can also just rescind a monument," Bishop told E&E News late last year, before Bears Ears was announced (E&E News PM, Nov. 17, 2016).

But conservationists and some legal observers dispute that notion, asserting that the Antiquities Act does not give presidents that kind of authority. To date, no president has attempted to abolish a monument designation made by his predecessor, an action that would likely become entangled in legal challenges.

"There's really no precedent for a president abolishing a monument," said former Interior Department Deputy Solicitor for Land Resources Justin Pidot, who is now an associate professor at the University of Denver Sturm College of Law.

Both Pidot and Squillace pointed to an opinion then-Attorney General Homer Cummings issued in 1938 in response to whether President Franklin Roosevelt could abolish a monument designated by former President Coolidge.

In that decision, Cummings found that there was no statutory authority to revoke a monument, and that because such designations are equivalent to an act of Congress, only lawmakers could abolish a monument.

"The Antiquities Act explicitly delegates to the president the authority to proclaim a national monument but says nothing about revocation or modification," Squillace said. "There's a good policy reason for this, as well. The point of the Antiquities Act is to protect lands that have some sort of historic or scientific interest that the president thinks are worthy of protection."



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The handful of monuments abolished by Congress itself include the one targeted by Roosevelt that prompted the 1938 opinion.

The former Castle Pinckney National Monument, a fort built in 1810 in the harbor of Charleston, S.C., gained its monument status in 1924. The 3.5-acre site was abolished by Congress in 1956 and transferred to South Carolina, where it was later purchased by the South Carolina Ports Authority.

News reports indicate that the dilapidated structure, which is not open to the public, was sold in 2011 to a local chapter of the Sons of Confederate Veterans for a nominal sum of \$10.

#### **Boundary changes**

Trump could, however, opt to rein in the boundaries of any national monuments — since the Antiquities Act requires only the "smallest area compatible with the proper care and management of the objects to be protected."

One of the most prominent examples of presidential reductions can be found in Washington state.

President Theodore Roosevelt designated the Mount Olympus National Monument there in 1909, but it faced three rounds of reductions before its conversion into Olympic National Park in 1938.

The largest of those cuts reduced Mount Olympus by nearly half its acreage.

According to National Park Service records, that cut occurred in 1915, when then-President Wilson reduced the monument by more than 313,000 acres as "an urgent need for timber supplies, including spruce for airplane construction," arose with the advent of World War I.

"It was very controversial, but it was never challenged in court," said Squillace, who cited the Mount Olympus boundary amendments as the best-known monument changes. Olympic National Park contains around 923,000 acres.

Similarly, Franklin Roosevelt in 1940 slashed the Grand Canyon II National Monument by about one-quarter of its original size, nearly 72,000 acres. Squillace noted that the reduction was "done almost certainly at the behest of the grazing industry."

The monument would be redesignated as Grand Canyon National Park in 1975.



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"There are interesting legal arguments about whether these are appropriate modifications," he added.

A Congressional Research Service report on monument modification notes that the Muir Woods National Monument in California has similarly undergone repeated boundary changes — as four presidents enlarged the site between its 1908 founding and 1959.

But a boundary reduction — whether at Bears Ears or Grand-Staircase Escalante — would likely prompt a lawsuit against the Trump administration, Pidot asserts.

"The president lacks authority to adjust a boundary if, in so doing, an object of scientific or historic interest that was included in the public proclamation would be outside the boundary of the monument," he said.

Critics of the Bears Ears monument, including Utah House Speaker Greg Hughes (R), have questioned the designation's protection of animals including skunks and its stated desire to protect "natural and quiet, deafening silence" (Greenwire, Feb. 1).

Pidot acknowledged that defending the designation could be an "uphill battle" compared with changes to a boundary.

Still, he added: "That part of the world is full of cultural and historical resources all over the place, and the president's proclamation identifies a wide range of sites that are throughout the area. Anything other than a very surgical and limited modification of the boundary is inevitably going to leave some site that was inhabited thousands of years ago or continues to have spiritual significance to the tribes out of the boundary. That's where the most aggressive legal challenges are going to be brought."

Such challenges could include tribes who have been given a role in the Bears Ears Commission to advise the Interior Department on the monument's management (E&E News PM, Jan. 30).

"The thing to me about Bears Ears that is so special ... is that it's the first time where tribes that have inhabited that landscape for generations upon generations were both so strongly seeking protection for their cultural and sacred sites and given an important advisory role in the way the federal government is going to manage these sites going forward," Pidot added. "I think it would be a real loss for a monument that in some sense is trying to change the dynamic between the federal government and tribes."

#### **Conversion to parks**



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While more than 50 former national monuments have been converted to national parks, national historical parks or national preserves, those shifts tend to ruffle fewer feathers, explained former National Park Service Chief Historian Bob Sutton.

A spate of modifications to monuments in the 1970s and 1980s sought to address sites established in some cases before NPS itself was created in 1916.

The sites "had no money, no administration, nothing. They were designated, but beyond that there was no real mechanism to manage or fund any of these sites," he said.

Recent conversions include the First State National Historical Park in Delaware and the Oregon Caves National Monument and Preserve.

The former spent a little more than a year as a national monument before Congress approved its new status in fall 2014, while the Oregon Caves National Monument was first created in 1909.

Still, while national monument status generally prohibits new mineral leasing or extraction and limits road construction, Sutton said national park status can offer even more safeguards to public lands.

"Generally, they're far more protected, and there's usually a budget for NPS units as opposed to national monuments," Sutton said, noting that parks are typically created with both a fee boundary and a congressional boundary to allow NPS to purchase additional lands.

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#### 10. **FEDERAL AGENCIES: Lawmakers scrutinize nondisclosure agreements**

*E & E News, Feb. 8 | Kevin Bogardus*

House lawmakers are asking agencies across the federal government, including U.S. EPA, whether their workers are signing nondisclosure agreements.

Top Oversight and Government Reform members Gerry Connolly (D-Va.) and Mark Meadows (R-N.C.) yesterday sent letters to 16 different agencies requesting more information about whether or not they were using NDAs.

"We are writing to request information about your agency's use of nondisclosure agreements. Recently there have been news reports that guidance in some agencies raised concerns regarding the implications for federal employees' personal communications including, in some instances,



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communications with Congress," they wrote in their [letter](#) to acting EPA Administrator Catherine McCabe.

Meadows is chairman of the House Oversight and Government Reform Subcommittee on Government Operations. Connolly is the subcommittee's ranking member. The lawmakers also sent letters to the departments of [Energy](#) and the [Interior](#).

Connolly and Meadows asked the agencies for several records, including all agreements "that purport to limit the ability of current or former employees to communicate with Congress." The lawmakers gave agencies a Feb. 20 deadline.

The letter said that in 2012, the Whistleblower Protection Enhancement Act became law. That measure bans agencies from blocking government workers from communicating with Congress.

Last month, House Democrats alleged that President Trump's White House has violated that law by issuing "gag orders" that limited federal employees' interaction with Capitol Hill (E&E News PM, Jan. 26).

Further, the use of NDAs has come under scrutiny after Trump had his presidential campaign aides and transition team members sign the agreements.

Staffers for the House Judiciary Committee reportedly signed NDAs without telling Chairman Bob Goodlatte (R-Va.) so they could work on an immigration and refugee executive order signed by Trump.

House Natural Resources Chairman Rob Bishop (R-Utah) was asked yesterday if his aides had signed NDAs so they could work with the Trump transition team. He couldn't say whether or not they had done so (E&E Daily, Feb. 8).

Heather Swift, an Interior spokeswoman, said the department planned to respond to the letter on NDAs.

"The Department has received a letter from the congressmen and it is being reviewed. We have not yet responded, but it is our goal to develop and maintain a good working relationship with both chambers and respond to congressional inquiries in a timely and transparent manner," Swift said.

Representatives for DOE and EPA didn't respond to E&E News when asked for comment.

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#### 11. **REGULATIONS: Environmentalists sue Trump over executive order**

*E & E News, Feb. 8 | Arianna Skibell*

The Natural Resources Defense Council sued President Trump today over his executive order that would require agencies to repeal two federal rules for every new one.

NRDC, along with Public Citizen and the Communications Workers of America, is seeking to block implementation of the order, which also establishes a regulatory budget that allows the president to set a cap on rule costs each year.

"President Trump's order would deny Americans the basic protections they rightly expect," NRDC President Rhea Suh said in a statement.

"New efforts to stop pollution don't automatically make old ones unnecessary," she said. "When you make policy by tweet, it yields irrational rules. This order imposes a false choice between clean air, clean water, safe food and other environmental safeguards."

The groups filed their complaint against the president and other administration leaders in the U.S. District Court for the District of Columbia. It claims that the executive order exceeds Trump's authority under the Constitution.

The [complaint](#) states that agencies cannot comply with the order without breaking the laws under which they operate or violating the Administrative Procedure Act.

To follow the "one in, two out" mandate, agencies will be forced to repeal rules needed to protect health, safety and the environment, they argue. Vehicle safety, occupational health, air pollution and endangered species could all be affected.

"This executive order will mean more contaminated food, an accelerated rush to climate catastrophe, more dangerous cars and trucks, more workplace injuries and deaths, slashed consumer rights, more oil spills, more human misery," Robert Weissman, president of Public Citizen, said in a statement. "All unnecessary. All preventable."

In a [separate document](#) explaining its action, NRDC states that Trump's executive order is not only dangerous and illogical, but also unconstitutional.

"Presidents cannot change laws by fiat," the document states. "With this Executive Order, the President is attempting to single-handedly amend or overturn numerous statutes that are designed



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to protect the public, ensure an open rulemaking process and provide certainty and predictability to industry."

The executive order is one-sided, groups argue, as it only weighs the costs of regulations and not the benefits. "Yet benefits are the whole reason that regulations are issued to begin with," they wrote.

#### **'Impermissible and arbitrary'**

The complaint lists instances that they argue demonstrate the negative effects of the executive order on the plaintiffs and their members, as well as how the order directs agencies to act unlawfully and why it is unconstitutional.

The complaint lists potential actions under the executive order that could harm members and run afoul of current law. For example, the order would require agencies to offset costs when implementing the Mine Safety and Health Act.

The Mine Safety and Health Administration as proposed a rule that would require underground coal mine operators to include detection systems in their equipment to reduce deaths.

The agency estimated the cost at between \$16 million and \$18 million a year but said the action would create as much or more in benefits.

The rule is "significant" and therefore falls under the executive order. The agency would be required to repeal at least two existing rules to offset the cost of the new one without taking into account the benefits to miner safety.

"The Executive Order requires the agency to make decisions based on an impermissible and arbitrary choice — whether to issue a new standard at the cost of the loss of benefits of two existing standards," the complaint states.

"To repeal two standards for the purpose of adopting one would be arbitrary, capricious, an abuse of discretion, and contrary to the MSH Act," it says.

The complaint explains how a number of regulations could be affected by the executive order, including the Toxic Substances Control Act, Energy Policy and Conservation Act, Endangered Species Act and Clean Air Act.

Trump and his allies on Capitol Hill campaigned against Obama administration regulations and on reducing red tape. The executive order is part of that agenda.





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White House Press Secretary Sean Spicer slammed the lawsuit today. "It makes a ton of assumptions that call for speculation on what may or may not happen in the future," he said. "It's just subjective at best and doesn't have any basis in fact."

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