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Attached is the daily news report for July 13.

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DAILY NEWS REPORT - UTAH

UTAH – TOP STORIES – JULY 13, 2017

1. **Utah rancher has a beef with state's mandatory fees for marketing**

The Salt Lake Tribune, July 12 | Kathy Stephenson

A Utah rancher is challenging the state's "Beef Checkoff" marketing effort, alleging in a lawsuit that the program, with its mandatory assessments, lacks transparency and promotes political advocacy, a violation of the First Amendment.

2. **Grab a passport and explore the revamped Energy Loop National Scenic Byway in central Utah**

The Salt Lake Tribune, July 12 | Tom Wharton

The Energy Loop National Scenic Byway in Huntington and Eccles canyons in central Utah may not be well known, but it traverses beautiful scenery as well as historic mining areas.

3. **Tribune Editorial: Utah treasurer is right to question use of mineral royalty money**

The Salt Lake Tribune, July 12 | Tribune Editorial

It is understandable that folks who live in places where the economy has been largely driven by the extractive industries — mining, drilling for oil and gas — would want to use some of the money gained from those endeavors to boost the same activities into the future.

4. **Brian Head Fire: With flames nearly hemmed in, crews turn to forest rehab work**

The Salt Lake Tribune, July 12 | Bob Mims

Aided by thunderstorms and showers, crews on Wednesday were tightening their stranglehold on southern Utah's nearly month-old Brian Head Fire.



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5. Judge rejects Utah ranchers plea to evict wild horses

The Salt Lake Tribune, July 13 | Brian Maffly

A federal judge on Tuesday tossed a lawsuit brought by Utah ranchers demanding the Bureau of Land Management remove "excess" wild horses from several areas in the West Desert they say are overrun with free-roaming horses that displace their cattle.

6. Proposed 5.5-mile pathway would connect city to Ken's Lake area

The Moab Sun News, July 13 | Kathryn Wardenski

A new commuter trail is in the works for Grand County residents.

The proposed project, a multi-use pathway along Spanish Valley Drive, would run from the intersection of Mill Creek Drive and Spanish Valley Drive to the Grand and San Juan county border. The new trail would total approximately 5.5 additional miles for community usage.

7. County seeks public comments on state-mandated resource management plan

The (Moab)Times-Independent, July 13 | Molly Marcello

The Grand County Council is now accepting public comments on the Grand County Resource Management Plan (RMP), which must be approved as part of their general plan by a state-mandated deadline August 1. Although Grand County's 182-page RMP will likely be approved, local officials still question the use and overall benefit of the state-mandated process.

E&E/NATIONAL NEWS – TOP STORIES

1. House panel approves \$31.4B Interior, EPA funding bill

The Hill, July 12 | Devin Henry

A House panel on Wednesday approved a \$31.4 billion bill funding the Interior Department and the Environmental Protection Agency (EPA), the first step toward moving the legislation to the floor.



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2. AG Sessions: 'I'm not taking sides' in Bundy case

Las Vegas Review-Journal, July 12 | Jenny Wilson

U.S. Attorney General Jeff Sessions made a brief reference to the ongoing Bunkerville standoff trial Wednesday when he offered praise to the lead prosecutor, but he declined to take a side in the case that his Justice Department is prosecuting.

3. Getting to the roots of Sahara mustard invasion in the American Southwest

Phys.org, July 13 | Ecological Society of America

In 2015, a rural community in southeastern California approached Daniel Winkler and his doctoral advisor, Travis Huxman, for help with an invader that was hurting their local economy. An Old World annual plant called Sahara mustard (*Brassica tournefortii*) was spreading rapidly through the deserts of the southwestern U.S., carpeting the local Anza-Borrego Desert in spring, and smothering the native wildflowers that draw tourists to the region. Loss of native plants put the animals that depend on them for food and shelter at risk. The mustard was disrupting the entire desert ecosystem.

4. BLM firefighters take a break from battling blazes to rescue endangered pygmy bunnies

Idaho Statesman, July 12 | Nicole Blanchard

A crew of Washington state firefighters took a break from battling wildfires to save some tiny, adorable wildlife last week, according to a Facebook post from the Oregon Bureau of Land Management.

5. Will Congress fix wildfire funding this year?

High Country News, July 13 | Rebecca Worby

The West is in the midst of another intense wildfire season. Recent weeks have seen dangerous fires from Nevada to Montana; a state of emergency has been declared in Arizona. With President Donald Trump proposing to cut the Forest Service's firefighting budget by nearly \$300 million, the question of how to manage and fund wildfire suppression on public lands has again reared its head.



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6. **NATIONAL PARKS: Employees fear outsourcing would increase camping fees**

E & E News, July 13 | Rob Hotakainen

The Trump administration's preference to outsource more park functions to private companies is running into resistance from a large group of current and former employees of the National Park Service.

7. **NATIONAL MONUMENTS: Zinke recommends no changes to Idaho, Wash. sites**

E & E News, July 13 | Jennifer Yachnin

Interior Secretary Ryan Zinke announced today that a pair of national monuments in Idaho and Washington are no longer included in his review of the boundaries of dozens of monuments nationwide, and that he will not recommend any changes to those two sites.

8. **LAW: Lawmakers approve 'sue-and-settle' bill**

E & E News, July 13 | Amanda Reilly

A House committee yesterday advanced legislation Republican backers say is necessary to counter the so-called sue-and-settle phenomenon.

9. **WILD HORSES: House panel moves to block BLM from killing excess animals**

E & E News, July 13 | Scott Streater

House appropriators rejected a Trump administration request to reduce the growing number of wild horses and burros on federal rangelands by allowing the Bureau of Land Management to euthanize or sell animals.

10. **CARBON CAPTURE: After Kemper debacle, senators see promise in CCS bill**

E & E News, July 13 | Christa Marshall

An unusual coalition of coal-state Republicans and liberal Democrats is pushing legislation to boost carbon capture and sequestration technology, despite the recent collapse of Southern Co.'s flagship "clean coal" project.



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11. PUBLIC LANDS: Jewell to urge outdoor enthusiasts to push for protections

E & E News, July 13 | Jennifer Yachnin

Former Interior Secretary Sally Jewell will call on attendees at the Outdoor Retailer show in Salt Lake City to work to influence public lands policy, the Outdoor Industry Association announced today.

12. SAGE GROUSE: Senate Dems pump Zinke for details on federal review

E & E News, July 13 | Scott Streater

Senate Democrats want Interior Secretary Ryan Zinke to provide them with details about an ongoing review of federal greater sage grouse conservation plans that could result in substantive changes to the Obama-era regulations.

13. NATIONAL MONUMENTS: Greens bash Zinke's decision not to change 2 sites

E & E News, July 13 | Jennifer Yachnin

Conservationists unexpectedly slammed Interior Secretary Ryan Zinke's decision today to pull two national monuments from a review of dozens of such sites, asserting the move only serves to highlight the "arbitrariness" of the agency's ongoing assessments.

14. OIL AND GAS: Court lets EPA delay methane rule for 'limited period'

E & E News, July 13 | Amanda Reilly

A federal court today granted U.S. EPA a two-week reprieve from complying with its recent ruling that the agency lacked authority to delay Obama-era methane standards for the oil and gas industry.



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UTAH – FULL STORY

1. **Utah rancher has a beef with state's mandatory fees for marketing**

The Salt Lake Tribune, July 12 | Kathy Stephenson

A Utah rancher is challenging the state's "Beef Checkoff" marketing effort, alleging in a lawsuit that the program, with its mandatory assessments, lacks transparency and promotes political advocacy, a violation of the First Amendment.

Evergreen Ranch, an independent cow-calf operation in Eden, filed the complaint against Utah Agriculture Commissioner LuAnn Adams, the Utah Department of Agriculture and Food and U.S. Secretary of Agriculture Sonny Perdue in 3rd District Court in May. Utah attorneys are hoping more ranchers will join in the class-action suit.

"The government is taking money from these private citizens and giving it to a private entity that can say whatever it wants," said Karra J. Porter, an attorney with Christensen & Jensen, which is overseeing the case. "They are taking hundreds of thousands of dollars and there is no transparency."

The Beef Checkoff program also is unconstitutional, the suit contends, because ranchers have been forced "to associate with, support or subsidize the private speech of the Utah Beef Council" and other private recipients of the fees on political topics such as endangered species, public lands disputes, greenhouse gas emissions and national monument designations.

Until the lawsuit can be settled, attorneys will seek a preliminary injunction for the upcoming cattle season. "We want people to be able to sell their cattle without having money taken from them," Porter said. The injunction request should be filed sometime this week.

Officials with the UDAF told The Tribune they do not comment on pending litigation.

This is not the first time there has been criticism of the national or state Beef Checkoff program, established in 1985 by Congress.

In 2016 and 2017, Sen. Mike Lee, R-Utah, attempted without success to give farmers and ranchers the chance to opt out of the program.



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And in June, a federal judge barred the involuntary collection of the Montana Beef Checkoff Tax after independent ranchers argued that the funds benefited corporations, in violation of the First Amendment.

The Beef Checkoff is touted as a marketing and research program designed to increase domestic and international demand for beef. Ranchers are charged \$1.50 per head when selling or slaughtering cattle. UDAF collects the money and sends 50 cents to the federal beef promotion board, while the remaining \$1 is given to the Utah Beef Council, which is charged with creating beef promotional campaigns.

During the past four years, \$1 million in assessments from the transfers of cattle in Utah has been collected, the suit states.

But the Evergreen Ranch alleges in its lawsuit that the Beef Council's use of the funds lacks accountability. Among the ranch's complaints:

- The council does not submit an annual budget.
- The council is not subject to audit.
- The council uses funds to engage in political advocacy "that is detrimental to independent domestic beef producers because it does not distinguish between imported and domestic beef."

Added Porter: "It's hard to tell what they are using the funds for."

The suit also points out the significant overlap between the Utah Beef Council and the Utah Cattlemen's Association, "a private organization that among other things engages in lobbying political speech and other efforts to influence governmental legislation and policy."

For example, according to the suit:

- The beef council and the cattlemen's association share the same Salt Lake City address, 150 S. 600 East, #10-6.
- Seven of the eight members of the beef council also are members of the cattlemen's board.



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- The beef council's executive director is the executive vice president of the cattlemen's group.
- The beef council and the cattlemen's association issue a joint newsletter each month.

The monthly newsletter, the suit claims, "regularly express or encourages support for the Public Lands Council, a private organization that represents cattle and sheep producers who hold public lands grazing permits."

In addition to determining the constitutionality of the Beef Checkoff program, the lawsuit seeks monetary damages, refunds and attorney fees.

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2. Grab a passport and explore the revamped Energy Loop National Scenic Byway in central Utah

The Salt Lake Tribune, July 12 | Tom Wharton

The Energy Loop National Scenic Byway in Huntington and Eccles canyons in central Utah may not be well known, but it traverses beautiful scenery as well as historic mining areas.

The loop has recently undergone a makeover, with the U.S. Forest Service and local partners adding 30 interpretive signs that can be seen at 16 wayside stops.

To celebrate, several organizations have scheduled a public tour Saturday. Beginning at 10 a.m., participants can pick up a passport card at the Stuart Guard Station in Huntington Canyon, the snowmobile parking lot at the top of Fairview Canyon or at the Scofield town stop.

As travelers move along the byway, they can have their card stamped at the various stops. A volunteer at each stop will lead kids through a fun activity.

Those visiting at least seven signs and having their card stamped can take it to the nearest entry or exit station for a bag filled with freebies and discounts that can be used in Carbon, Emery and Sanpete counties.

"You don't need to be a kid to enjoy a drive along the Energy Loop and Huntington and Eccles Canyons National Scenic Byway," explained Rosann Fillmore, byway coordinator. "There is so much to do and see, you could spend the summer."



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The byway corridor, she added, is a recreation hub, offering places for fishing, hiking, camping, ATV riding, picnicking and great scenery.

The byway along Utah 31, 264 and 96 received its original national designation 17 years ago. The new signs tell of the history of the corridor and the surrounding environment, and guide travelers to attractions.

The new signs have been placed on pedestals made of logs cut on the Manti-La Sal National Forest and private property owned by Skyline Mine.

The committee that developed the signs includes members from Carbon, Emery and Sanpete counties, Rocky Mountain Power, the Skyline Mine, Utah Department of Transportation, Utah State Parks and Recreation, the Manti-La Sal National Forest and the town of Scofield.

Shari Yagodnik and Rebeca Field of Kimley Horn designed the signs. Numerous members of local communities contributed images and information.

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3. Tribune Editorial: Utah treasurer is right to question use of mineral royalty money

The Salt Lake Tribune, July 12 | Tribune Editorial

It is understandable that folks who live in places where the economy has been largely driven by the extractive industries — mining, drilling for oil and gas — would want to use some of the money gained from those endeavors to boost the same activities into the future.

But wishing for more wishes isn't likely to work.

There is little wisdom in pouring money into futile efforts to arrest the inevitable shift in the rural Utah economy away from the boom-and-bust of drilling and mining and toward more sustainable enterprises.

It would make more sense to put the money toward projects — roads, schools, fire stations — that those communities can keep long after the coal and oil are gone. Or, probably more likely, after those resources are left in the ground by a global economy that doesn't see the payout.



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That was, after all, the original idea behind the fund. It was to help pay for community improvements that were harder to finance in areas where — as we are constantly reminded — the federal government owns so much tax-exempt land.

And, whatever use is made of the royalty money that passes through the accounts of Utah's Permanent Community Impact Fund, the whole process needs to be more transparent and better managed.

Into that void has, thankfully, stepped Utah State Treasurer David Damschen.

In the same way that you didn't know who Damschen is and what a state treasurer does, Damschen, a member of the board that is supposed to oversee the funds, is worried that neither he nor anyone else knows enough about the flow of millions of dollars in funds drawn from the royalties paid for drilling and mining on federal land.

A great deal of it seems to have gone to inventories, studies, reviews and legal fees, work that seems to have produced no tangible results and sums that an alliance of counties interested in the extractive economy wanted to keep private under the guise of client-attorney privilege. The Community Impact Board, though, knew better and released the information.

That board is perhaps a little too cozy with the alliance of seven counties that is pushing for the money to be used in suspect ways. Ways that depend on a pipe dream of connecting their remote resources to a global supply chain that, even if Utah volunteers millions, is likely to pass us by.

This is another example of Utah's many boards, commissions and special service districts, fed by public money but managed in the shadows and unnoticed by the public until something goes very wrong.

Damschen must keep asking the pointed questions. And the fund needs to start looking to a future fed by sustainable businesses, from tourism to renewable energy.

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4. Brian Head Fire: With flames nearly hemmed in, crews turn to forest rehab work

The Salt Lake Tribune, July 12 | Bob Mims

Aided by thunderstorms and showers, crews on Wednesday were tightening their stranglehold on southern Utah's nearly month-old Brian Head Fire.

The blaze, sparked June 17 by a weed-burning project gone wrong, was at 71,673 acres and 85 percent containment as of dawn Wednesday. About 560 firefighters — roughly a third of the number that fought the fire at its height — worked toward a goal of 100 percent containment by early Saturday afternoon.

"They did a really good job overnight on the north end of the fire, where it was still active," said Fire Information Officer Lucinda Nolan. "Today [crews] are working to tie the west and east [containment] lines together."

That effort was slow-going due to steep, rugged terrain. "It's really difficult work," Nolan added.

As crews and equipment continued to be gradually pulled off the fire for use elsewhere in the burning West, efforts shifted to clearing debris and mopping up remaining hot spots. Personnel also were focusing on protection of sage grouse habitat on the eastern flank of the blaze, in the Panguitch Watershed area.

"The rest of the fire is looking pretty good," Nolan said. "We're doing a lot of rehabilitation work."

Recent storm activity elevated humidity on the fire lines, and while drier air moved into the region Wednesday morning, fire managers looked for afternoon and evening thunderstorms to provide additional welcome moisture.

All of the 1,500 evacuees, who fled as flames destroyed 13 homes on the area of the Brian Head Ski Resort early on, have been allowed to return. Three campgrounds — the South Panguitch, North Panguitch and White Bridge sites — were reopened Wednesday.

However, Nolan said a portion of Dixie National Forest in the fire area remained closed as a precaution while crews worked to douse the last vestiges of the blaze.



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5. Judge rejects Utah ranchers plea to evict wild horses

The Salt Lake Tribune, July 13 | Brian Maffly

A federal judge on Tuesday tossed a lawsuit brought by Utah ranchers demanding the Bureau of Land Management remove "excess" wild horses from several areas in the West Desert they say are overrun with free-roaming horses that displace their cattle.

Represented by Karen Budd-Falen, a Wyoming lawyer who sources say is undergoing final vetting to serve as the BLM's next director, the ranchers argued that federal law requires the removal of horses that exceed population targets the agency has set for particular herd areas. But U.S. District Judge Jill Parrish ruled that roundups are not compulsory, unless certain conditions are met.

"Once BLM determines that an overpopulation in fact exists in a given area, the agency has wide discretion in how it addresses that overpopulation," wrote the former Utah Supreme Court justice in her ruling. "BLM may address the identified overpopulation through removal or through other methods it deems more suitable."

In recent years, the BLM has been working with contraceptives as a less costly, more humane alternative to the endless cycle of roundups on Western ranges that have resulted in 50,000 horses incarcerated for life in private pastures off the range.

Current federal law prohibits selling these animals for slaughter to nations where horse meat is commonly used for human consumption, although pending legislation in Congress could relax these restrictions.

The Utah ranchers, angry with BLM requests that they slash their cattle's time on the public rangelands, formed the Western Rangeland Conservation Association in 2014, pooling their money to bring the lawsuit. The Utah Farm Bureau Federation, national Public Lands Council and Iron and Beaver counties all pledged financial support and filed amicus briefs, while the American Wild Horse Preservation Campaign intervened on the BLM's side.

The ranchers' suit sought to compel removals from particular management areas where horse numbers exceed designated "appropriate management levels," or AMLs, which set high and low



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target populations. In Utah and many other Western states, horse numbers chronically remain two to three times the upper limits of AML, creating endless conflict with the ranchers who hold grazing allotments in those areas and their allies on rural county commissions.

Beaver County Commissioner Mark Whitney likened the BLM to a gelding because it is "impotent" to meet its legal obligations. The federal agency lacks the resources and tools to properly manage wild horses, which have been protected under federal law since 1973, forcing it to skirt legal requirements, he said.

"Our federal partners can abuse the law and twist it the way they want," said Whitney, who heads the Utah Association of Counties. "The ones on the range that are over AML, not only destroy the range, they are leading to the demise of their own breed."

Horse overpopulation also displaces big game by denuding the land of forage, according to declaration filed in the suit by then-director of the state Division of Wildlife Resources Greg Sheehan, now acting director of the U.S. Fish and Wildlife Service.

Parrish, however, concluded the wild horse law — as amended in 1978 to clarify a goal to "achieve and maintain a thriving natural ecological balance on the public lands" — provides no "absolute" or "date-certain deadline" for reducing horse numbers.

At issue in this case are eight herd management areas, another area of mostly state land known as Blawn Wash and private lands encompassed within or lying adjacent to public lands. The eight horse-management areas under scrutiny here are Frisco, Four-Mile, Bible Springs, Sulphur, Choke Cherry, Muddy Creek, North Hills and Swasey. Together, the boundaries of these areas encompass nearly 1 million acres.

"Among other things, BLM's failure to perform its legal responsibilities of removing identified excess horses from the range has reduced forage and water available for wildlife and domestic livestock, reduced the amount of revenue available for the state and its political subdivisions, and damaged water and wildlife resources within the state," wrote Assistant Attorney General Tony Rampton in Utah's amicus brief.

And more harm from excess heard is likely in future, Rampton wrote, "in the form of diseased animals, damaged waterways, overgrazing, loss of permitted rights, loss of revenue, threats to public safety, and private and public property damage."



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Beaver County has a related suit pending before U.S. District Judge Clark Waddoups, calling foul on the BLM's decision to return gathered horses back onto the range after administering contraceptives to the mares.

The agency, meanwhile, is studying whether this practice can keep horse populations in check, but state officials insist these animals need to remain off-range. The logic of Parrish's ruling suggests the BLM will prevail in that case, according to Nick Lawton, a lawyer representing the horse-advocacy group that intervened in the Western Rangeland case.

"It should be an important persuasive precedent that helps to explain why the Beaver County case lacks merit," Lawton wrote in an email.

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6. **Proposed 5.5-mile pathway would connect city to Ken's Lake area**

The Moab Sun News, July 13 | Kathryn Wardenski

A new commuter trail is in the works for Grand County residents.

The proposed project, a multi-use pathway along Spanish Valley Drive, would run from the intersection of Mill Creek Drive and Spanish Valley Drive to the Grand and San Juan county border. The new trail would total approximately 5.5 additional miles for community usage.

Grand County's budget for the 2017 fiscal year supported the proposed project to the tune of \$100,000. Grand County Community Development Director Zacharia Levine subsequently filed a grant application to the National Park Service's Rivers, Trails and Conservation Assistance (RTCA) Program, whose mission, according to the NPS website, "supports community-led natural resource conservation and outdoor recreation projects across the nation."

Previously, the RTCA Program contributed to the success of Lions Park and the Lions Park Transit Hub in Moab.

"I submitted a grant to the RTCA folks in hopes of leveraging the money set aside by the county council for early phase planning and design of the pathway," Levine said.

Grand County Council vice chair Mary McGann wrote a letter of support to the RTCA Program, citing the council's commitment to serving the residents of Grand County. She highlighted the



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county's previously approved budget of \$100,000 as "an indication of our desire to see this pathway come to fruition."

Grand County currently has more than 150 miles of dedicated non-motorized pathways – primarily used for recreational purposes. Most of these pathways are managed and maintained by the Grand County Trail Mix Committee and exist on Bureau of Land Management (BLM) and U.S. Forest Service (USFS) managed lands.

In the unincorporated county, the only dedicated bike and pedestrian pathways are in the North Moab Recreation Corridor, which includes the Colorado River Pathway and the Moab Canyon Pathway, totaling approximately 15 miles.

The proposed Spanish Valley Drive trail, however, would run alongside a county road and cater to the local commuting population, representing the county's growing emphasis on building commuter and connector trails for residents' non-motorized transportation needs.

"Regarding the target populations and end-users, I would say that personally my focus has been on local commuters and recreational users," Levine said. "However, there is an obvious benefit to tourists as well, whether it be for accessing downtown through active transportation or exploring the area (of Ken's Lake and the La Sal Mountains) by bicycle."

Moab Trails Alliance Executive Director and Trail Mix member Kim Schappert said the proposed pathway is an integral component of a countywide non-motorized trail system.

"It has been discussed for many years and I am happy to see positive steps happening today that will bring us closer to a finished project," she said.

Schappert said the proposal is not so much aimed at traffic safety on U.S. Highway 191 as it is about kids being able to ride their bikes to school or sports events. For the same reason, she said, their parents could follow the pathway to work, and it would provide recreational opportunities for older residents and others – all of whom would be safely segregated from motorized traffic.

City works to expand, improve commuter trails

Within the city limits, Moab City Manager David Everitt highlighted the city's active participation in commuter trail improvement and expansion programs.



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“When I got here, I was like, 'We’ve got to get these pedestrian and connections back,’” Everitt said.

The city has plans to restore a trail and install a bridge across Pack Creek on property between St. Francis Episcopal Church and a new hotel that is currently under construction next to Giliberto's Mexican Taco Shop on South Main Street.

Under an agreement that had been in place since the 1980s, cyclists and pedestrians used the old trail for years until 2014, when the former owner of what is now the hotel property cut off public access to his land.

City officials and others recognized the importance of that trail, and after the property sold, they worked with the new owners to ensure that public access to the trail will be restored.

“That one will be a win for everybody, and it will be an access point for the public moving forward in perpetuity,” Everitt said.

Just to the north of that trail, the city is eyeing improvements to a connector that links Kane Creek Boulevard to a pedestrian and bike path that crosses Pack Creek and emerges at the western edge of 200 South. (Work on the 200 South trail and bridge has been delayed until September, following the nesting season of a threatened bird species that may inhabit the surrounding riparian woodlands.)

Last but not least, Moab City Parks, Recreation and Trails Director Tif Miller and others are working with developer and businessman Mike Bynum to relocate a trail along the south side of Mill Creek near 100 West to the north side of the creek, where Bynum owns property.

According to Everitt, the old trail was “basically” put in without the property owner's permission, hence the need to move it. Once the new trail is in place, Everitt anticipates that the city will put in another bridge across Mill Creek.

“I feel like these bridges are all working in concert with each other,” he said.

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7. County seeks public comments on state-mandated resource management plan

The (Moab)Times-Independent, July 13 | Molly Marcello

The Grand County Council is now accepting public comments on the Grand County Resource Management Plan (RMP), which must be approved as part of their general plan by a state-mandated deadline August 1. Although Grand County's 182-page RMP will likely be approved, local officials still question the use and overall benefit of the state-mandated process.

Council chairwoman Jaylyn Hawks said she is unsure how the county will use the RMP but she remains hopeful it will prove useful in the future.

"I think that, theoretically, it could be useful in that it gives us another set of plans, another set of blueprints that would hopefully support what we've already done and support the direction the county wants to go," Hawks said.

In 2015, the state required Utah's 29 counties to identify local preferences for 28 different environmental, cultural and economic resources within their county, including water and air quality, recreation and mining. Once the plans are completed this summer they will be merged into a statewide resource management plan.

Springville-based planning group Rural Community Consultants helped draft Grand County's plan by compiling local data and public input, hosting public meetings, and managing the website, grandrmp.org. County officials said the company was hired using \$50,000 in state-allocated funds.

Mike Hansen, of Rural Community Consultants, said the company helped 11 counties compile their RMPs. Of those counties, Hansen called Grand County "the most informed on public lands issues and law," noting that the first draft received 90 pages of "good, useful" public comments.

"In other parts of the state, I've had to explain what the watershed is. In Grand County, these conversations have already been going on," Hansen said.

He said Grand County's collective knowledge about local public lands resources has transformed a document ripe for political rhetoric into a data-driven, fact-based process.



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"Grand County's plan is very academically based, more so than the rest of those in the state. In other counties, you get a lot of opinion where a commission will want to do something but doesn't say why," Hansen said. "But in Grand County, they'll cite a water study, saying that they think it's important to do something based on that study."

Although Grand's process may be data-driven, questions remain about how Utah will use the information once the 29 plans are incorporated into a statewide RMP.

When the state issued the 2015 mandate to counties, Carmen Bailey, assistant director for Utah's Public Lands Policy Coordinating Office, told the Grand County Planning Commission that the documents would aid in the transition should the state succeed in taking over federal lands.

"... Some of the official reasons [for the mandate] are with the state proposal for transfer of public lands or federal lands to state ownership," Bailey said in 2015. "One of the biggest criticisms of that is what would the state do with the land. We don't have any plans in place that would adequately take care of public lands if it were to come over to us. So this is kind of a response to that."

Grand County Community Development Director Zacharia Levine suggested the county RMPs are either predicated on the state taking over federally managed lands or supporting counties to push the "coordination clause" within federal land managers' environmental assessment processes "to its limit."

"This would be a scenario where a federal land management agency made a decision that contradicted a policy identified in the county's RMP, and the county or state suggesting that it represented a violation of the coordination clause," Levine said. "In either instance, the county's RMP could come into play."

But Levine said a federal lands takeover by the state or a conflict with the coordination clause does not seem likely in the "near future."

Council member Curtis Wells said the local document would not instruct public land managers in any way.

"I view it as an advisory document," Wells said. "... It's not directing state and federal agencies how to do things, this is meant to be more of a reflection of what Grand County would like to see in terms of resource management."



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At the very least, Levine said, Grand County has gained something from the RMP process — “a comprehensive database of all studies, data sets, and planning documents addressing the 28 resource topics enumerated in the state legislation.”

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E&E/NATIONAL NEWS – FULL STORY

1. House panel approves \$31.4B Interior, EPA funding bill

The Hill, July 12 | Devin Henry

A House panel on Wednesday approved a \$31.4 billion bill funding the Interior Department and the Environmental Protection Agency (EPA), the first step toward moving the legislation to the floor.

An Appropriations Committee subpanel quickly approved the legislation on Wednesday, sending the bill to the full committee for consideration.

The bill would slash the EPA’s budget by \$528 million, or 6.5 percent, next year, a cut that would send the agency’s funding to 2008 levels, but far smaller than the \$2.6 billion cut President Trump had sought.

Lawmakers also cut spending for the Interior Department and programs like the Land and Water Conservation Fund, National Park Service, Bureau of Land Management, Fish and Wildlife Service, and the U.S. Geological Survey. None of the cuts were close to the levels Trump envisioned in his budget proposal.

The bill overall spends \$824 million less than 2017 levels, and is \$4.3 billion higher than Trump’s budget.

“Preserving the natural resources for future generations is a responsibility we all share,” Appropriations Committee Chairman Rodney Frelinghuysen (R-N.J.) said.

The bill “prioritizes the limited funding for programs that protect the environment with a responsible, sustainable budget.”



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Democrats, though, indicated their opposition to the bill, with ranking member Betty McCollum (Minn.) saying its funding levels are “too low” and “a step in the wrong direction.”

“I believe everyone on this committee values clean air and clean water,” she said. “Our differences are not in this goal, but in what we are willing to invest to achieve it.”

The Appropriations Committee has not yet scheduled a full mark-up for the bill.

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2. **AG Sessions: ‘I’m not taking sides’ in Bundy case**

Las Vegas Review-Journal, July 12 | Jenny Wilson

U.S. Attorney General Jeff Sessions made a brief reference to the ongoing Bunkerville standoff trial Wednesday when he offered praise to the lead prosecutor, but he declined to take a side in the case that his Justice Department is prosecuting.

“I’ve got to tell you, it’s impressive when you have a tough case, a controversial case, and you’ve got the top guy leading the battle, going to court, standing up and defending the office and the principles of the law,” Sessions said of Nevada Acting U.S. Attorney Steven Myhre.

“I’m not taking sides or commenting on the case,” Sessions said. “Just want to say that leadership requires, a lot of times, our people to step up and be accountable.”

Sessions’ comments — and his explicit unwillingness to take a side — were significant because supporters of rancher Cliven Bundy previously have signaled that they see a potential ally in the Trump administration.

Bundy is a leader of a small-government movement that espouses individual rights principles. Supporters of the movement tend to represent a small faction of conservative libertarianism, one that is viewed as extremist in mainstream political circles, but their views on the role of government align more closely with current administration policies than was the case when former President Barack Obama was in office.

That was evident in the throngs of Bundy supporters who rallied outside the U.S. attorney’s office when Sessions gave his remarks Wednesday. The supporters held signs supporting both



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Bundy and President Donald Trump. They called for the release of more than a dozen defendants who were arrested in the case.

Sessions' comments "were a victory for us," said supporter Ashley Jones, a producer for radio show host Pete Santilli. Santilli, a Bundy ally, is incarcerated pending trial in the case.

Meanwhile, Roger Stone — the longtime on-and-off adviser to Trump — is scheduled to speak at a pro-Bundy rally in Las Vegas this weekend to raise money for the rancher's legal defense fund.

"The Bundy Ranch case hasn't gotten the proper coverage it deserves and what's more outrageous is the Govt's conduct towards 17 men arrested at a Rally in support of the Bundy family," Stone said in an emailed statement.

The event, scheduled for Saturday evening at the Rainbow Gardens of Las Vegas, is described in a promotional YouTube video as "a benefit for the Patriots who stood up for the natural rights of all Americans currently serving time as political prisoners under the corruption of federal bureaucracies."

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3. **Getting to the roots of Sahara mustard invasion in the American Southwest**

Phys.org, July 13 | Ecological Society of America

In 2015, a rural community in southeastern California approached Daniel Winkler and his doctoral advisor, Travis Huxman, for help with an invader that was hurting their local economy. An Old World annual plant called Sahara mustard (*Brassica tournefortii*) was spreading rapidly through the deserts of the southwestern U.S., carpeting the local Anza-Borrego Desert in spring, and smothering the native wildflowers that draw tourists to the region. Loss of native plants put the animals that depend on them for food and shelter at risk. The mustard was disrupting the entire desert ecosystem.

The Tubb Canyon Nature Conservancy asked Winkler to take on a project to learn what enabled Sahara mustard to adapt so successfully—and, hopefully, gain insight into how to stop it. Winkler will report his findings on August 11, at the Ecological Society of America's 2017 Annual Meeting in Portland, Oregon.



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"In 2015 I went on the greatest American road trip—5000 miles of highway, dirt roads, and trails—to visit over 50 sites in California, Arizona, New Mexico, Texas, Utah, and Nevada, the current range of Sahara mustard in the U.S.," said Winkler. He collected 2,000 leaf samples and up to a million seeds.

The project was a good fit for Winkler, who was already studying native flowers in the Sonoran. It also benefited from his years working at the U.S. Bureau of Land Management and the Fish and Wildlife Service prior to pursuing a doctoral degree in ecology. His collection road trip included stops at ten national parks and monuments. He collaborated with park managers, citizen scientist programs, and volunteer groups to obtain samples.

"It's usually a challenge to get permits to work in these parks, but in this case I got immediate calls back. The land managers have no idea how to stop the spread of Sahara mustard. It grows fast, self-fertilizes, and each plant can produce up to 10,000 seeds. It's a real problem," said Winkler.

Back in the lab, Winkler investigated the plant's adaptation to local conditions through multigenerational garden experiments with seeds from ten representative locations selected from his collecting road trip, spanning the Sahara mustard's range. He found that the timing of seed germination, leaf growth, and flowering had shifted to take advantage of temperature and precipitation patterns in the landscapes it invaded. Sahara mustard grows very fast in response to variable winter rains.

Sahara mustard's native range is southern Europe, northern Africa, and most of the Middle East. It is believed to have been introduced into California's Coachella Valley in the 1920s, and began spreading notably in the Southwest in the '80s and '90s, with explosive growth only in the last 20 years or so. The relatively recent establishment lends hope that it can be eradicated, said Winkler. His next step is to collect samples in the native range to compare to plants in the U.S. to learn more about the original introduction of the plant in North America.

Winkler, a Ph.D. student at the University of California, Irvine, was a recipient of a 2016 award from the Ecological Society's Forrest Shreve Student Fund, which supplies \$1,000-2,000 to support ecological research by graduate or undergraduate student members of ESA in the hot deserts of North America (Sonora, Mohave, Chihuahua, and Vizcaino). Support from the award will fund rapid "next generation" DNA sequencing to uncover unique genetic signatures for each plant. By comparing the genetic signatures, he will learn how similar plants growing across the



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U.S. southwest are to each other, and to populations in Sahara mustard's native range. Identifying the source location, or locations, of the U.S. invasion, he said, could aid in finding biological control agents.

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4. BLM firefighters take a break from battling blazes to rescue endangered pygmy bunnies

Idaho Statesman, July 12 | Nicole Blanchard

A crew of Washington state firefighters took a break from battling wildfires to save some tiny, adorable wildlife last week, according to a Facebook post from the Oregon Bureau of Land Management.

The Sutherland Canyon Fire, which sparked near Wenatchee, Wash., on June 26, swept through a state-managed breeding ground for endangered pygmy rabbits as it burned 38,000 acres of wildland into early July. That meant bad news for the small bunnies, which were deemed a threatened species in 2007 by Idaho judge Edward Lodge.

“The ground and most the sagebrush that the pygmy rabbits rely on were charred black. In some areas, the soil was still warm to the touch,” the BLM post said.

The rabbits are small and delicate, BLM officials said — they weigh about a pound and can easily fit in a person’s hand full-grown. They almost exclusively subsist off the sagebrush that was scorched by the wildfire. In an effort to save some of the already-endangered rabbits, the BLM got to work on an unusual rescue.

A team of seven BLM firefighters accompanied a state wildlife biologist to the breeding area as part of a “capture team,” said Spokane BLM fire management officer Richard Parrish.

“Everybody was really excited to be a part of that,” Parrish said in the post.

For upward of five hours, the firefighters laid on their bellies, reaching into rabbit burrows to turn up as many surviving pygmies as they could find.



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“The BLM reserve fire crew was amazing,” said Matt Monda, regional manager for the Washington Department of Fish and Wildlife, in the post. “While waiting to be assigned to fire duty, they joined our staff to rescue the survivors, which escaped the flames by retreating into their burrows.”

The capture team found and relocated 32 pygmy rabbits, though 70 other rabbits were killed by the lightning-sparked fire.

“Wildfires are a fact of life here in sagebrush country,” said Monda in a WDFW release.

While the fire may have been a setback for the pygmy rabbit population, thanks to the help of BLM firefighters, officials think the rabbits can continue to recover.

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5. **Will Congress fix wildfire funding this year?**

High Country News, July 13 | Rebecca Worby

The West is in the midst of another intense wildfire season. Recent weeks have seen dangerous fires from Nevada to Montana; a state of emergency has been declared in Arizona. With President Donald Trump proposing to cut the Forest Service’s firefighting budget by nearly \$300 million, the question of how to manage and fund wildfire suppression on public lands has again reared its head.

Over the past decade, as wildfire season has lengthened and fires have grown more severe, firefighting has claimed more and more of the Forest Service’s funds, accounting for 56 percent of its overall budget in 2016. Conservatives in Congress have long tried to push legislation that, though ostensibly geared toward wildfire risk reduction, would benefit the timber industry. And with a Republican majority and an administration intent on rolling back environmental review processes, such legislation may gain more traction this time around.

First introduced in 2015, the Resilient Federal Forests Act is one such attempt. The self-described only forester in Congress, Bruce Westerman, R-Ark., re-introduced the bill in the House last month. “This legislation will streamline the permitting process for proactive thinning



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projects while simultaneously ensuring reforestation activities,” cosponsor Rep. Paul Gosar, R-Ariz., said in a press release.

That “streamlining” would be done in part through expanding the use of what are called categorical exclusions. The exemptions would increase the acreage that could be thinned or logged without public input and environmental review, from 3,000 acres currently to 10,000 acres. The bill would also allow the Forest Service and the Bureau of Land Management to skip required consultations with the Fish and Wildlife Service if the land management agencies say a project isn’t likely to harm federally protected species.

The House Natural Resources Committee has approved the legislation, with a vote expected in the House later this month. Committee Chairman Rob Bishop, R-Utah, said in a press release that the bill will “increase the pace, scale and cost efficiency of forest management projects without sacrificing environmental protections.”

But environmentalists—and House Democrats—disagree, citing concerns that the bill would fast-track logging projects and sidestep environmental considerations under the banner of wildfire risk mitigation. The bill is “a wish list for the timber industry,” says Susan Jane Brown, wildlands program director and staff attorney at the Western Environmental Law Center, noting that the Forest Service didn’t ask for the expansion of categorical exclusions. “It’s the timber industry pushing forward with that ask throughout the bill,” Brown says.

The Resilient Federal Forests Act also addresses wildfire management funding, an increasingly urgent problem. In 1995, the Forest Service dedicated 16 percent of its budget to firefighting. That number ticked up to 40 percent by the early 2010s, and rose above 50 percent by 2015. Currently, fire suppression costs are subject to a budget cap based on the average cost over the last ten years. When costs go higher, agencies like the Forest Service are forced to use resources allotted for other purposes – so-called “fire-borrowing.” This practice translates to less money for other important programs, including those meant to reduce future fire danger. Under this bill, the Forest Service and the BLM would be able to tap into Federal Emergency Management Agency funds to fight catastrophic fires.

The Western Governors’ Association, which has long sought to end fire-borrowing, suggests that a “comprehensive solution should address capacity constraints and allow for a predictable program of work for agencies to fulfill their management responsibilities,” according to a spokesperson. The Wildfire Disaster Funding Act, first introduced in 2013, represents a more



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comprehensive alternative, at least when it comes to funding. Introduced again in June by Rep. Mike Simpson, R-Idaho, the bill would create a new funding process, under which agencies' disaster budget caps could be adjusted as the cost of fighting wildfires increases. The bill has the support of major environmental groups, including the Sierra Club and the Wilderness Society, and enjoys bipartisan support in the House, with over 60 cosponsors, while the Resilient Federal Forests Act has only eight.

Both bills have failed to make it through the Congress in the past and that could be the case again. But Brown notes that parts of a piecemeal bill like the Resilient Federal Forests Act could be "plucked out and put onto other moving vehicles," must-pass legislation that would be much more challenging to stop. "The potential for doing harm is high with this Congress," she says.

[BACK](#)

6. **NATIONAL PARKS: Employees fear outsourcing would increase camping fees**

E & E News, July 13 | Rob Hotakainen

The Trump administration's preference to outsource more park functions to private companies is running into resistance from a large group of current and former employees of the National Park Service.

The Coalition to Protect America's National Parks, which includes more than 1,300 current and former employees, sent a [letter](#) yesterday to Interior Secretary Ryan Zinke, urging him to take "a cautious, conservative and inclusive approach."

The group said it fears that camping fees could rise, making it harder for some Americans to use the parks.

In the letter, Maureen Finnerty, the coalition's chairwoman, said that increases in camping fees "could price out families of lesser means who are seeking an affordable vacation on our public lands."

Finnerty said the move could also result in park visitors making fewer contacts with park rangers, describing them as "popular public servants."



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"As you know, the public's surveyed responses to existing park experiences ... exceed a 90% approval rating," she said. "We know, as well, that much of this positive feedback is based upon personal contact with uniformed rangers in visitor centers, entrance stations, interpretive forums, and campgrounds."

Zinke last month suggested that the Park Service could address its more than \$11 billion backlog of deferred maintenance projects partly by outsourcing (E&E News PM, June 6).

"As the secretary, I don't want to be in the business of running campgrounds," Zinke told members of the Recreational Vehicle Industry Association. "My folks will never be as good as you are."

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7. NATIONAL MONUMENTS: Zinke recommends no changes to Idaho, Wash. sites

E & E News, July 13 | Jennifer Yachnin

Interior Secretary Ryan Zinke announced today that a pair of national monuments in Idaho and Washington are no longer included in his review of the boundaries of dozens of monuments nationwide, and that he will not recommend any changes to those two sites.

Zinke revealed in a statement that he will exclude the Craters of the Moon National Monument and Preserve in Idaho and the Hanford Reach National Monument in Washington state from an ongoing assessment of 27 sites that was mandated by President Trump in late April.

"When the President and I began the monument review process we absolutely realized that not all monuments are the same and that not all monuments would require modifications," Zinke said. "Today I'm announcing that the Craters of the Moon and Hanford Reach National Monuments review process has concluded and I am recommending no changes be made to the monuments."

Trump issued an executive order in April directing a review of all national monuments created since 1996 that encompass more than 100,000 acres, or those that the secretary deemed did not include sufficient public input.

A final report on the review is due Aug. 24.



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In an interim report released last month, Zinke recommended significant reductions to Bears Ears National Monument in southeastern Utah, although he did not provide specifics for which sections of the 1.35-million-acre site could be eliminated.

In hearings on Capitol Hill last month, Zinke also indicated that another monument, the Canyon of the Ancients in Colorado, would likely be spared from any changes, but he did not mention that site in today's announcement.

Washington Democratic Sens. Patty Murray and Maria Cantwell praised Zinke's decision not to amend their state's monument, noting it was created after significant collaboration with local communities.

"I commend everyone who made their voice heard during this process. Because of you, the Trump administration is getting the message loud and clear that families in our state and around the country are ready to fight back against ill-conceived efforts to roll back protections for our prized public lands," Murray said.

Earlier this year, Washington state Attorney General Bob Ferguson (D) threatened to sue the Trump administration if it tried to alter the monument, asserting that the president does not have the authority to do so under the Antiquities Act of 1906.

"In short, the President and the Secretary of the Interior lack the legal authority to revoke or reduce a National Monument designation," Ferguson wrote in April (Greenwire, May 12).

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8. **LAW: Lawmakers approve 'sue-and-settle' bill**

E & E News, July 13 | Amanda Reilly

A House committee yesterday advanced legislation Republican backers say is necessary to counter the so-called sue-and-settle phenomenon.



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The bill, introduced by Rep. Doug Collins (R-Ga.), would require agencies to publicly post and report to Congress any information on lawsuits, consent decrees or settlement agreements. It would also prohibit same-day filing of complaints and pre-negotiated settlements.

The House Judiciary Committee voted 15-8 along party lines to approve the measure after voting down — also along party lines — a Democratic amendment to exempt settlements related to toxic pollution.

Collins said H.R. 469 would cut down on instances in which special interests file litigation to force federal agencies to cut backroom deals and settle disputes through new regulation.

"Too often we have seen pro-regulatory plaintiffs sue sympathetic agencies to enact regulations in the dark absent public input," he said.

Obama administration officials and environmental groups have denied that "sue and settle" is occurring. The Government Accountability Office has also issued reports refuting Republican claims about the phenomenon.

At yesterday's markup, Rep. David Cicilline (D-R.I.) said legal settlements and consent decrees are needed to enforce deadlines written into environmental statutes. Federal agencies often unlawfully fail to meet their mandatory obligations because of resource constraints, he said.

The Collins legislation would have a chilling effect on the use of consent decrees, said Rep. John Conyers (D-Mich.), the ranking member on the Judiciary Committee.

"I've come to the simple conclusion that its purpose is to discourage the use of settlement agreements and consent decrees," Conyers said.

The bill, he said, "will inevitably generate more litigation that will result in millions of dollars in additional transactional cost."

Collins, though, maintained that his legislation would preserve consent decrees as a tool for resolving legal disputes.



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The markup came after key officials in the Trump administration have vowed to limit "sue and settle." U.S. EPA Administrator Scott Pruitt, for example, issued an "oral directive" instructing his agency to halt the practice (Greenwire, July 3).

House Judiciary Chairman Bob Goodlatte (R-Va.), who has pressed the administration to develop written guidelines on the issue as soon as possible, yesterday said that legislation is still needed.

"Without the help of statutory reform, relief may only be temporary," he said.

Senate Judiciary Chairman Chuck Grassley (R-Iowa) earlier this year introduced a companion bill, [S. 119](#), but his committee has yet to take any action (Greenwire, Jan. 13).

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9. **WILD HORSES: House panel moves to block BLM from killing excess animals**

E & E News, July 13 | Scott Streater

House appropriators rejected a Trump administration request to reduce the growing number of wild horses and burros on federal rangelands by allowing the Bureau of Land Management to euthanize or sell animals.

The Interior Department and U.S. EPA spending [bill](#) approved yesterday by the Interior, Environment and Related Agencies Appropriations Subcommittee includes a paragraph stating that funds in the measure "shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the [BLM] or its contractors."

That's a sharp rebuke of BLM's \$1.1 billion fiscal 2018 budget request, which includes a provision allowing the agency to reduce growing herds of wild horses and burros on federal rangelands by allowing for the "humane euthanasia and unrestricted sale" of potentially thousands of animals it cannot adopt out to other agencies or individuals.

The request called for cutting funding for the Wild Horse and Burro Program to \$70.7 million from \$80.5 million in the fiscal 2017 omnibus.

The nearly \$10 million in savings would come from reducing horse gathers and by selling some 9,000 "older, unadopted animals if Congress enables the BLM to use all the tools provided for"



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in the Wild Free-Roaming Horses and Burros Act of 1971, according to an agency statement to E&E News in May.

BLM has the authority to sell and euthanize excess horses under the law, but Congress for years has attached stipulations in Interior appropriations bills prohibiting BLM from using federal money to sell wild horses or to destroy any of the animals.

The section in the BLM budget request regarding wild horses was never discussed during yesterday's markup. The subcommittee passed the bill by voice vote, leaving more in-depth deliberations for when the full committee acts (E&E News PM, July 12).

But the spending bill includes a provision, also included in the \$1 trillion fiscal 2017 omnibus spending package approved in May, that would allow the Interior secretary to "transfer excess wild horses or burros" BLM has removed from federal rangelands "to other Federal, State, and local government agencies for use as work animals."

The provision includes language stating that the animals cannot be killed, sold or transferred to any entity that would slaughter them "for processing into commercial products." But it would allow transferred horses and burros to be euthanized "upon the recommendation of a licensed veterinarian, in cases of severe injury, illness, or advanced age."

Activists cheer; BLM in a bind

Wild horse advocates cheered the budget stipulation against slaughter.

"We're pleased that the subcommittee reported out a bill that honors the wishes of the American people, 80 percent of whom oppose slaughtering America's horses," said Suzanne Roy, executive director of the American Wild Horse Campaign.

But she added, "We expect a hostile amendment to be offered in full committee next week that would permit mass slaughter of wild horses and burros.

"We urge the members of the full Appropriations Committee to honor the American public's overwhelming support for protecting wild horses and burros on our public lands and strongly



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oppose horse slaughter by defeating any amendment that would result in the harm or destruction of these cherished and iconic animals," Roy said.

BLM representatives did not respond to requests for comment by publication time.

But the agency is in a tough position when it comes to managing the estimated 73,000 wild horses and burros roaming federal lands across the West. BLM says it cannot handle the escalating costs of caring for and feeding the nearly 50,000 additional animals it has already rounded up in holding pens and corrals.

"Simply put, the BLM's Wild Horse and Burro program — in its current form — is unsustainable," the agency said in its statement in May.

The Wild Free-Roaming Horses and Burros Act requires the agency to protect herds from harm but also to remove animals as soon as they exceed appropriate management levels.

The 73,000 wild horses and burros currently on federal rangeland are nearly three times the 26,715 animals that BLM says the rangelands can sustain.

The agency says it lacks the resources it needs to round up the 46,000 excess animals or to care for them over the lifetimes of the animals.

BLM's National Wild Horse and Burro Advisory Board last year recommended that the agency take aggressive steps to sell the wild horses it has and is caring for in corrals — and euthanize those horses it cannot sell or adopt (Greenwire, Sept. 13, 2016).

The Obama BLM rejected that recommendation.

Proponents of transferring animals, or euthanizing those that cannot be adopted out or are sick or old, say the tens of thousands of wild horses and burros have exhausted resources, and that some of the animals simply starve to death.

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10. **CARBON CAPTURE: After Kemper debacle, senators see promise in CCS bill**

E & E News, July 13 | Christa Marshall

An unusual coalition of coal-state Republicans and liberal Democrats is pushing legislation to boost carbon capture and sequestration technology, despite the recent collapse of Southern Co.'s flagship "clean coal" project.

The "Furthering Carbon Capture, Utilization, Technology, Underground Storage and Reduced Emissions (FUTURE) Act," introduced yesterday, would expand existing tax credits for stored carbon dioxide trapped from industrial facilities and power plants.

The measure is backed by a mix of oil companies, coal interests like Peabody Energy Corp. and environmental groups like the Natural Resources Defense Council.

Southern announced this month it was abandoning its Kemper CCS project in favor of a natural gas plant following years of cost overruns and other problems.

When asked whether developments surrounding that venture might repel lawmakers from CCS, sponsor Sen. Heidi Heitkamp (D-N.D.) said she wasn't concerned. Heitkamp said the bill would promote research to help prevent setbacks in the first place.

"Had we invested in this technology, they might have had greater success," Heitkamp said at a press conference with sponsors Sens. Shelley Moore Capito (R-W.Va.), John Barrasso (R-Wyo.) and Sheldon Whitehouse (D-R.I.). "So that's the idea, to be the technological leader."

Heitkamp added, "I think you have to look at Petra Nova," referring to the world's largest retrofit of a coal plant in Texas that launched this year without the same cost overruns of Kemper.

Similarly, Capito said she had spoken to Energy Secretary Rick Perry and administration officials about carbon capture technology and believed the president was "committed."

Heitkamp said she was hopeful she could get a third of the Senate behind the bill. And there are discussions with members of the House for a companion, she said.



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The proposal would expand tax credits worth \$20 per metric ton for captured CO₂ stored in geological formations and \$10 per metric ton for CO₂ used in enhanced oil recovery.

Advocates say that the current credit is too low to help projects and creates uncertainty for developers because of an overall tax program cap of 75 million tons of CO₂. As of 2014, companies had exhausted half that amount.

Without a carbon price or new incentives, "the market just doesn't support this, so that's why we are stepping in," Whitehouse said.

The legislation would increase the credit value to \$35 per metric ton for CO₂ used in EOR and \$50 per metric ton for CO₂ stored in geological formations.

It also would allow the \$35 credit to be used for air capture projects and other "utilization" of CO₂ outside EOR.

Additionally, it would remove the 75 million cap for new projects and allow developers to claim the credit for up to 12 years. They would also be able to transfer the credit to another entity involved in storage.

Heitkamp said new incentives are needed, including for storing CO₂ from burning natural gas and a range of fuels, because of long-term climate change projections and continued use of fossil energy globally.

In the U.S., the money spigot from the 2009 American Recovery and Reinvestment Act that drove initial large carbon capture demonstrations is gone, so there are not other large projects under construction.

"If you look at any international report on meeting target levels for reduction of carbon ... none of them say you can do it without having some kind of carbon capture and sequestration," said Heitkamp.

Senate Majority Leader Mitch McConnell (R-Ky.) is not an official co-sponsor of the bill, despite being one on similar legislation in the previous session of Congress.



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A McConnell spokesman said the majority leader "continues to be interested in the progress of carbon capture technology. He is currently focused on comprehensive tax reform, but this is one of many items that may be discussed during debate."

And critics of CCS, like the environmental group Friends of the Earth, were quick to tie Kemper to the new tax credit proposal.

"Senators haven't learned the simple lesson of Southern Co.'s disastrous Kemper plant: These projects do not make economic or environmental sense. ... Even worse, this legislation enables the ignorant and dangerous energy rhetoric coming from the White House," said Lukas Ross, a climate campaigner for the group.

Industry analysts say that Kemper's woes weren't caused by CCS technology (Greenwire, June 23). And Heitkamp noted that previous versions of the legislation nearly made it across the finish line three or four times.

The bill has five more sponsors this time around than at the end of the 114th Congress. "It's not like some pipe dream that's been out there; we've been very close," Heitkamp said.

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11. **PUBLIC LANDS: Jewell to urge outdoor enthusiasts to push for protections**

E & E News, July 13 | Jennifer Yachnin

Former Interior Secretary Sally Jewell will call on attendees at the Outdoor Retailer show in Salt Lake City to work to influence public lands policy, the Outdoor Industry Association announced today.

Jewell, who helmed outdoor recreation company REI before her tenure in the Obama administration, will serve as keynote speaker at OIA's Industry Breakfast event on July 27.

"America's public lands — like Yosemite, the Statue of Liberty, Bears Ears National Monument, and more — each tell a unique story and help protect and honor our nation's natural, cultural and historic heritage," Jewell said in a statement. "The outdoor industry depends on our nation's public lands and waters, and I am proud to see leaders help policymakers understand the profound significance of these places to our economy and the health of our nation."



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The Bears Ears monument is the focus of a Trump administration review of dozens of national monuments across the country, and Interior Secretary Ryan Zinke recommended last month that the 1.35-million-acre site be significantly diminished.

President Obama created the Bears Ears monument in his final weeks in office, sparking opposition from Utah state and congressional lawmakers who have now urged President Trump to attempt to undo its status.

"Public lands are the very foundation of the outdoor industry's massive outdoor recreation economy, which employs more than 7.6 million Americans and generates more than \$887 billion in consumer spending," OIA Executive Director Amy Roberts said in a statement. "Secretary Jewell brings incredible experience and perspective to help guide the industry as we collaborate to protect the lands we love."

In addition to Jewell and Roberts, Montana Gov. Steve Bullock (D) is scheduled to be at the event. Professional climbers Alex Honnold and Cedar Wright are also scheduled to speak.

The breakfast will also be broadcast on the website Brandlive [here](#).

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12. **SAGE GROUSE: Senate Dems pump Zinke for details on federal review**

E & E News, July 13 | Scott Streater

Senate Democrats want Interior Secretary Ryan Zinke to provide them with details about an ongoing review of federal greater sage grouse conservation plans that could result in substantive changes to the Obama-era regulations.

A group of four senators, including Environment and Public Works ranking member Tom Carper of Delaware, sent a [letter](#) to Zinke this week asking him to provide "a full list of those appointed to serve" on the review panel analyzing the grouse plans.

They requested that Zinke provide details about when he will make the recommendations of the panel, established last month by a secretarial order, "available to Congress and to the public." They



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also asked Zinke to tell them whether there will be opportunities for the public to review and comment on any changes before they are implemented.

They asked Zinke to provide responses to their questions in the letter by July 21.

"We are very interested in ensuring that the review mandated by your Order does not lead to diminished conservation outcomes and that the process is as transparent, inclusive and science-driven as the process that led to the original 2015 plans," the senators wrote.

In addition to Carper, the letter was signed by Energy and Natural Resources ranking member Maria Cantwell of Washington and Oregon Sens. Jeff Merkley and Ron Wyden.

"We request your response to the following questions, as well as any documents related to your decision to conduct this review and a response on how and when all of this information will be accessible to the public," they added.

It's not clear how the Interior Department will respond to the request. An Interior spokeswoman could not be reached for comment on this story in time for publication.

Interior has not publicly offered many details about the review since Zinke signed the order establishing a review panel to look at both federal- and state-level efforts to protect the birds and possibly recommend significant changes to how they are managed (Greenwire, June 7).

Interior and the Bureau of Land Management have not responded to requests from E&E News this week to provide the names of the review team members.

Interior has said the team would be composed mostly of representatives from BLM, the Fish and Wildlife Service and the U.S. Geological Survey.

The Obama-era grouse plans finalized in September 2015 amended 98 BLM and Forest Service land-use plans to include grouse conservation measures covering nearly 70 million acres in 10 Western states. The federal plans were strong enough to convince the Fish and Wildlife Service that the bird does not need federal protection under the Endangered Species Act.



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Some fear that altering the plans devised over several years could drive the birds back toward extinction and an ESA listing, though Congress has inserted provisions in spending legislation that would forbid FWS from doing so.

"How are you ensuring that needed conservation activities are continuing under the current state and federal management plans as you undertake the review?" the senators wrote.

Questions, few answers

The senators also asked Zinke in the letter to "provide a specific timeline for the activities of the review team, including visits to sage-grouse states, public meetings and other forms of stakeholder engagement."

The letter comes as review team members are meeting behind closed doors this week in Denver with representatives of numerous Western governors and agencies in an effort to gather input about specific changes to the federal plans (Greenwire, July 12).

The team's activities have received mostly positive reviews from Western state leaders, though some governors were initially startled by Zinke's announcement of the review and the lack of information provided to them by the Trump administration.

E&E News talked with a member of the review team who asked not to be named, as well as other state leaders who attended the closed-door meetings in Denver.

While some said they have concerns about changing the federal plans, they all said they are pleased the review team came to Denver this week to get their input and to involve them in the review process.

As part of the effort to include state voices, and at the suggestion of Western governors, Zinke added to the review team Dustin Miller, a top natural resources aide to Idaho Gov. Butch Otter (R), and Bob Budd, a grouse expert who chaired a task force that in 2008 devised Wyoming's groundbreaking "core sage grouse area" strategy, sources said.



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That strategy — implemented by former Gov. Dave Freudenthal (D) and continued under Gov. Matt Mead (R) — identified critical grouse habitat where development is discouraged. The federal plans currently under review are modeled largely on the Wyoming plans.

"We asked for this, and [Zinke] came through," said John Swartout, a senior adviser to Colorado Gov. John Hickenlooper (D), referring to the review panel's meetings this week with state leaders in Denver.

"We asked for our participation [in the review process], and he's done what he said he would do," Swartout added.

He said the closed-door meetings have been "productive," and he said he believes the federal plans will remain strong while carefully balancing the unique needs of each state.

He said Colorado's message to the review team has been, "Fix, but don't break" the plans.

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13. NATIONAL MONUMENTS: Greens bash Zinke's decision not to change 2 sites

E & E News, July 13 | Jennifer Yachnin

Conservationists unexpectedly slammed Interior Secretary Ryan Zinke's decision today to pull two national monuments from a review of dozens of such sites, asserting the move only serves to highlight the "arbitrariness" of the agency's ongoing assessments.

Zinke announced earlier today that he would not recommend any changes to either the Craters of the Moon National Monument and Preserve in Idaho or the Hanford Reach National Monument in Washington, and further would strike both sites from his ongoing review of 27 national monuments (Greenwire, July 13).

Although Washington Democratic Sens. Patty Murray and Maria Cantwell praised the move, conservationists questioned Zinke's decision coming just days after the closure of a public comment period that drew more than 2 million remarks.



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"This is an obvious attempt to put a fig leaf on the Trump administration's sham monument review, but it only highlights how capriciously Zinke is handling this increasingly bizarre process," said Center for Biological Diversity Government Affairs Director Brett Hartl.

He added: "Millions of Americans submitted public comments on monuments on Friday, so making unilateral decisions less than a week later violates the whole idea of informed decisionmaking. Are we supposed to thank the secretary for not violating federal law by trying to open these protected public lands to development?"

Center for American Progress Public Lands Director Kate Kelly likewise slammed the review as a "process without logic or transparency."

"The only thing that's been consistent throughout Zinke's review is its arbitrariness. From the get-go, it's been a guessing game on what monuments are actually targeted, how the review is being conducted and what is driving Zinke's decisions," Kelly said.

President Trump in late April mandated an analysis of all national monuments created since 1996 that encompass more than 100,000 acres, and Zinke is set to issue his final report on the sites on Aug. 24.

Zinke issued an interim report in June that recommended the Bears Ears National Monument in southeastern Utah be significantly reduced, although he has yet to provide specifics for where those cuts would be made in the 1.35-million-acre site.

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14. **OIL AND GAS: Court lets EPA delay methane rule for 'limited period'**

E & E News, July 13 | Amanda Reilly

A federal court today granted U.S. EPA a two-week reprieve from complying with its recent ruling that the agency lacked authority to delay Obama-era methane standards for the oil and gas industry.

The U.S. Court of Appeals for the District of Columbia Circuit said it was recalling the mandate "for a limited period" to allow time for EPA to decide whether to ask for a rehearing or seek another form of appeal.



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The court, though, said giving EPA any longer would, in effect, give the agency the stay that was found to be illegal in the first place.

At issue are Clean Air Act standards that the Obama administration released last year to curb methane leaks from new and modified oil and gas operations. EPA Administrator Scott Pruitt in June announced he was staying compliance with the standards by 90 days as the agency considered an industry petition for reconsideration.

But a D.C. Circuit panel issued a split 2-1 ruling July 3 finding the Clean Air Act didn't grant EPA the authority to delay the standards. On the same day, the court issued a mandate cementing the decision and requiring EPA to restore the standards (Greenwire, July 3).

A few days later, EPA filed a motion to recall the mandate, arguing the court took an "unusual step" in requiring compliance after it issued the decision.

EPA said it needs more time to evaluate options for appeal and to figure out how to implement the rule.

"The regulated community would ordinarily be afforded a reasonable amount of time to make the necessary adjustments to ensure compliance," EPA said in its motion. "Not so here. The Court has arguably placed the regulated community abruptly at risk of noncompliance with the 2016 Rule" (Energywire, July 10).

Oil and gas groups had urged the court to grant the Trump administration's request, while environmentalists and state supporters of methane curbs had characterized the request as "extraordinary." Environmentalists say oil and gas companies have had more than enough time to comply with the standards (E&E News PM, July 11).

In today's per curiam order, the same three-judge panel said it would recall the mandate for 14 days.

But, the court noted, "to stay issuance of the mandate for longer would hand the agency, in all practical effect, the very delay in implementation this panel determined to be 'arbitrary, capricious [and] ... in excess of [EPA's] statutory ... authority.'"



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Judges David Tatel and Robert Wilkins, both Democratic appointees, heard the case with Judge Janice Rogers Brown, a Republican appointee who announced this week she would retire from the court at the end of August.

Brown, who dissented from her colleagues in the decision to toss EPA's stay of the methane curbs, also diverged from her colleagues on the order to recall the mandate.

She would have held off on issuing the mandate until seven days after EPA's petition for a panel rehearing, "rather than a truncated time-frame which shortchanges all sides," according to the court.

EPA is still considering a proposal to further delay the methane standards by two years.

[Click here](#) to read the court order.

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