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Attached is the daily news report for April 14. (A little late)

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DAILY NEWS REPORT - UTAH

UTAH – TOP STORIES – APRIL 14, 2017

1. Public invited to help monitor wilderness study areas using a new iPad app

Deseret News, April 14 | Deseret News Staff

SALT LAKE CITY — The Bureau of Land Management and American Conservation Experience have partnered to develop an electronic citizen science monitoring program for wilderness study areas in Utah.

2. More than 20,000 people expected at Utah's Little Sahara during Easter weekend

Fox 13 News, April 14 | Robert Boyd

JUAB COUNTY, Utah -- For many Utahns, Easter weekend is the kickoff to off road season. More than 20,000 people are expected to ride the dunes in Little Sahara the next few days.

3. BLM acquires land near Kanarraville Falls

The Spectrum, April 14 | Haven Scott

Estimates from the U.S. Census Bureau list the rural Iron County community of Kanarraville had 364 residents in 2014, the latest data available.

4. Opposition builds against oil, gas leases near Zion National Park

Las Vegas Review-Journal, April 14 | Henry Brean

Longtime Las Vegas businessman Chuck Dimick spent about 15 years searching for just the right piece of land in Utah to use as a weekend getaway spot.

5. Op-ed: A realistic view of Bears Ears National Monument

The Deseret News, April 14 | Ryan Benally

As we await newly minted Secretary Ryan Zinke's visit to our treasured part of the world, I have to wonder, is he truly getting the correct information about the Bears Ears National Monument forced upon Utahns?



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6. Trump Is Quietly Redefining America's Public Lands

BuzzFeed News, April 14 | Jim Dalrymple II

Public lands in the American West may be on the verge of a major shift thanks to a recent series of rapid-fire policy changes from the Trump administration that have conservatives celebrating and environmentalists sounding the alarm.

E&E/NATIONAL NEWS – TOP STORIES

1. Happy Easter, Interior Department! You get to leave 59 minutes early

USA Today, April 14 | Jessica Estepa

Interior Department employees, rejoice: Your Easter weekend will start 59 minutes early.

2. Siege Has Ended, but Battle Over Public Lands Rages On

New York Times, April 14 | Kirk Johnson

BURNS, Ore. — A year ago, this corner of rural Oregon became center stage in the drawn-out drama over public lands when armed militia leaders seized a national wildlife refuge, arguing that the government had too much control of land in the West.

3. Jury deliberates in 2014 Bundy standoff trial

High Country News, April 14 | Tay Wiles

After the nine-week trial in Las Vegas, a jury is now deliberating over the fate of six men for their parts in the 2014 armed standoff between supporters of rancher Cliven Bundy and the federal government.

4. HOUSE: Bishop promises monuments bill; Grijalva frets about riders

E & E News, April 14 | Kellie Lunney

The head of the House Natural Resources Committee still plans to introduce legislation to reform the law allowing presidents to designate national monuments on public land, even if President Trump issues an executive order on the matter.



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5. **CLEAN WATER RULE: No time to waste for Trump admin's assault on WOTUS**

E & E News, April 14 | Ariel Wittenberg

The Trump administration must sprint if it wants to repeal and replace the Clean Water Act rule that determines which wetlands and streams get automatic federal protection.



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UTAH – FULL STORY

1. **Public invited to help monitor wilderness study areas using a new iPad app**

Deseret News, April 14 | Deseret News Staff

SALT LAKE CITY — The Bureau of Land Management and American Conservation Experience have partnered to develop an electronic citizen science monitoring program for wilderness study areas in Utah.

The new iOS application WildSNAP is now available for download through Apple's app store.

"BLM-Utah is incredibly excited about the potential for the WildSNAP app to engage a new generation citizens in the stewardship of public lands," Aaron Curtis, branch chief for the BLM's Outdoor and Heritage Resources, said in a statement.

"The WildSNAP app packages the traditional approach of using a stack of paper, pen, camera, resource guides, compass and maps into a single, cleanly packaged and user-friendly interface. This new app technology will make field data collection more useful and efficient," Tim England, director of technology for the American Conservation Experience, a nonprofit organization dedicated to providing environmental service opportunities for a volunteer force to help restore America's public lands.

The app, which allows users to collect information about natural and cultural resources within nine study areas throughout the state, will be available to members of the public who complete the required online training. The initial public launch will be limited to iPads; it will be supported on iPhones in the near future.

Data collected through the app will be sent to the local BLM office, and once verified by BLM staff, it becomes part of the official file. The BLM will review the information to determine whether any responses are appropriate when issues are discovered.

Site-specific guides have been developed for nine study areas — Crack Canyon, Mexican Mountain, San Rafael Reef, Sids Mountain, Deep Creek Mountains, North Stansbury Mountains,



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Spring Creek Canyon, Wah Wah Mountains and White Rock Range. In total, BLM manages 86 wilderness study areas in Utah. Additional monitoring guides will be released on a rolling basis.

For more information, go to wildSNAP.org or contact Peter Woodruff, American Conservation Experience program manager, at pwoodruff@usaconservation.org, or Allison Ginn, BLM-Utah National Conservation Lands program lead, at aginn@blm.gov.

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2. More than 20,000 people expected at Utah's Little Sahara during Easter weekend

Fox 13 News, April 14 | Robert Boyd

JUAB COUNTY, Utah -- For many Utahns, Easter weekend is the kickoff to off road season. More than 20,000 people are expected to ride the dunes in Little Sahara the next few days.

"They are excited to come out here every Easter, that's their favorite thing to do; for the past week I've heard non-stop, 'When are we going to the dunes?'" said mother of seven Michelle McCracken of Heber.

The Bureau of Land Management says Easter, Memorial Day and Labor Day are the three busiest weekends of the year at Little Sahara Recreation Area, which is in Juab County.

"I like it because it's not too hot, if it's too hot to ride then it's not as enjoyable, plus we have Good Friday and take the Monday off too, so it's a long holiday," said Charley Aubergar of Baron, Utah.

Aubergar didn't hesitate when asked which four-wheeler she's going to jump on first.

"I have a need for speed," she said.

The BLM says when you have thousands of people going as fast as they can, that's a concern. They are urging safety first.

"Stay out of high traffic areas, keep your speeds down, watch ahead, always plan for the unexpected," said Reggie Swenson of the BLM



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The BLM also wants to remind all parents that if you have a child under 18 years old, they better wear a helmet, which is required by law.

"Kids know that they don't go out without a helmet, they've seen a lot of injuries," McCracken said. "I've gone to EMT school so they know firsthand exactly what happens."

Every vehicle should also have a flag, according to the BLM. They also encourage people to bring plenty of water.

"Typically you want a gallon of water per person per day, so we are just asking people to conserve water, bring water if you can," Swenson said.

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3. **BLM acquires land near Kanarraville Falls**

The Spectrum, April 14 | Haven Scott

Estimates from the U.S. Census Bureau list the rural Iron County community of Kanarraville had 364 residents in 2014, the latest data available.

Due to the popularity of nearby Kanarraville Falls, more than 40,000 hikers visit the town annually, according to a Bureau of Land Management assessment using infrared counters placed on the trail to the falls in 2015.

The BLM recently purchased 40-acres of land at the base of the Spring Creek Canyon Wilderness Study Area from private property owners. A trail running through the property has been used for generations to reach Kanarra Creek and the slot canyon that leads hikers to a waterfall.

The land purchase conforms with the Cedar/Beaver/Garfield/Antimony Resource Management Plan approved in 1986 as it, "results in the acquisition of lands which serve a national priority identified in nation policy directives," the 2016 BLM environmental assessment noted.



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Public input is being considered for potential recreational uses from both sportsmen and recreational enthusiasts. But, the BLM purchase will also serve to protect the habitat near Kanarra Creek.

“We will be working with the locals in town, the private land owners, and our own representatives from the wilderness study area to devise a recreation plan that will meet all needs,” BLM spokesman Christian Venhuizen said. “We want to make the most of the recreational opportunities associated with the land while planning responsibly.”

In total, 40.78 acres of land were purchased from S.C. Limited Liability Company for \$660,000. The BLM received the funds to purchase the property from the Land and Water Conservation Fund (LWCF), a bipartisan collection started by the United States Congress in 1965.

“Every year, \$990 million in royalties paid by the energy companies drilling for oil and gas on the Outer Continental Shelf are put into this fund,” the LWCF website states. “The money is intended to create and protect national parks, areas around rivers and lakes, national forests, and national wildlife refuges from development.”

In 2012, one of the property's previous owners attempted to set up a pay booth and charge hikers a fee to use the main trail on the property that leads to the Spring Creek Canyon WSA. An Iron County judge ruled the trail is “deemed a public road” the same year.

The Utah BLM now owns and manages the trail with the recent land purchase.

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4. Opposition builds against oil, gas leases near Zion National Park

Las Vegas Review-Journal, April 14 | Henry Brean

Longtime Las Vegas businessman Chuck Dimick spent about 15 years searching for just the right piece of land in Utah to use as a weekend getaway spot.

Now his creek-side slice of heaven just outside Zion National Park is in the crosshairs of a controversial push to open public land in the area to oil and gas drilling.



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At an auction in September, the Bureau of Land Management is planning to offer “fluid mineral leases” on three parcels totaling just over 4,700 acres near the iconic national park in Utah, 160 miles northeast of Las Vegas.

Two of the parcels extend within 2 miles of Zion’s western boundary and straddle both a creek that flows into the Virgin River and Kolob Terrace Road, the main route into the less touristed, central part of the 150,000-acre park.

Dimick is part of a broad coalition of landowners, conservationists and tourism boosters who are pushing back against the plan. They worry that fossil fuel exploration in the area could pollute the air and water, drive away visitors, increase truck traffic and diminish the natural splendor in and around Utah’s most popular park.

The BLM received about 40,000 comments on its environmental assessment of the proposed leases, including letters of opposition from officials in Washington County, Utah, and the Zion gateway town of Springdale.

In a memo to the bureau in early March, Zion National Park Superintendent Jeff Bradybaugh raised concerns about possible air, noise and light pollution from oil and gas development near the park. He also questioned the BLM’s reliance on a resource management plan for the area that was written in 1999, when Washington County was home to about 65,000 fewer people and Zion’s annual visitation was 1.8 million lower than it is now.

Michael Richardson, a spokesman for the BLM in Utah, said all of the comments are now being reviewed for possible inclusion in the final draft of the environmental assessment.

In the coming months, he said, BLM officials will have to decide whether to auction off the leases as planned, defer some of them for further study or withdraw the parcels.

A cinematic landscape

Dimick is surprised anyone would want to drill for oil and gas near his property.

“It seems odd that they would even try that,” he said. “Nothing’s really built up for it.”

Dimick’s neighbor, Brent Fitzpatrick, put it another way: “This is insane. It would just be insanely destructive,” he said.



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Fitzpatrick has plans to develop a Frank Lloyd Wright-inspired art garden and campground on the 56 acres he bought eight years ago on Kolob Terrace Road, about 5 miles from the park boundary. It's just not a suitable place for a bunch of oil derricks, he said.

Fitzpatrick's view includes several Zion landmarks, and the landscape surrounding his property was featured in such classic movies as "Jeremiah Johnson" and "Butch Cassidy and the Sundance Kid."

"Robert Redford pretty much built his career up and down my road," he said.

Utah Exploration and Drilling LLC nominated the parcels for lease, but an official for the St. George company insists there are no immediate plans for large-scale drilling on the land.

Managing partner Jeff Reber said his firm is primarily in the business of locating underground water resources.

"We're not a company that's going to go in there and throw up 100 oil wells," he said. "But if we're drilling for water and we hit oil I think we'd be crazy not to have the mineral rights."

Reber said the company he founded with his late father has been trying to secure those rights in the area for several years, so he doesn't really understand why the effort is suddenly receiving so much negative attention.

"We thought it would be a wise thing to do. I'm not so sure it is anymore, but I want to see it through," he said.

Reber acknowledged that the parcels his company nominated aren't likely to produce a huge amount of oil or gas, an assessment apparently shared by the both BLM and the park service. If the western gateway to Zion were sitting atop a major fossil fuel deposit, he said, "you'd see Exxon in here."

Of oil and water

Jerry Otero, the Southwest energy program manager for the National Parks Conservation Association, an independent, nonprofit advocacy group, said the lease proposal is "ill-conceived at best" and could chase away other kinds of economic development from the gateway to Zion even if no oil wells are ever drilled.



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“Leases create a whole lot of uncertainty,” said Otero. “The what-ifs themselves can have a chilling effect on communities.”

Otero’s organization is calling on the BLM to defer all oil and gas leases from its St. George field office until the management plan for the area is updated and the impacts of drilling reviewed in greater detail.

There is a history of oil exploration in Washington County that dates back to before Zion became a National Park in 1919.

Dimick said he has several old oil wells on his property that were capped in the 1920s or 1930s. And water well drillers in the area have told him that if you dig too deep you can wind up with crude in your water.

“I’m not one who’s opposed to all drilling and all fracking,” said Dimick, who has operated a construction company in Las Vegas for the past 32 years. “I’m certainly opposed to them drilling up there, just from the sheer nature of where it’s at.”

But what bothers him even more than that is Reber’s talk of developing water resources in the area. Dimick said he paid \$30,000 per acre-foot for his water rights, and he’s probably going to need to more water if he wants to plant a field and run livestock on his property.

“Water is a big deal in this area,” he said, and if someone is allowed to pump it all out of the ground “that would really piss me off.”

Contact Henry Brean at hbrean@reviewjournal.com or 702-383-0350. Follow @refriedbrean on Twitter.

By the numbers

27.8M barrels

Utah’s total oil production in 2016, 11th most among the 50 states

4,774 barrels

The lifetime oil production from Utah’s Washington County, home of Zion National Park



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212

The number of oil and gas drilling permit applications filed in Utah last year, down from a peak of 2,105 in 2012

0

The number of drilling permit applications filed in Washington County over the past 30 years. The last application there came in 1986 for a single well that was drilled and capped in the same year.

SOURCES: Utah Division of Oil, Gas and Mining; U.S. Energy Information Administration

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5. **Op-ed: A realistic view of Bears Ears National Monument**

The Deseret News, April 14 | Ryan Benally

As we await newly minted Secretary Ryan Zinke's visit to our treasured part of the world, I have to wonder, is he truly getting the correct information about the Bears Ears National Monument forced upon Utahns?

Secretary Zinke and I have in common the honor of serving our great country in the military. During my deployments to the war in Iraq in 2003 and 2005 with the U.S. Marines, the thing that we valued above all and saved lives was proper communication. We had to get the right information to the right people to make the right decisions. Therefore, it is my duty to my country, my homeland and to my fellow Native Americans to provide the correct information to Secretary Zinke of why Bears Ears National Monument is not the right decision.

Elders taught us plenty. They hold a special thing that resonates with many people, and that's the gift of perspective. Through their eyes, one can see how the hands of federal supervision created certain mistrust. My dear Grandma Betty Jones taught me that over-reliance on federal management caused many intergenerational problems Native Americans still have to this day. She'd know, she is one of the few remaining, living examples of government relocation from the Glen Canyon Dam area. Native people had to tragically pass through a terrible history to understand what "federal management" means.



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As a result, nearly all of San Juan County's natives sat in a Senate's Energy and Natural Resources Committee hearing in Blanding, Utah, last summer. They spoke to our elected Utah leaders about why another national monument was the wrong answer to protecting lands we all share. Why incorporate a national monument when there are already existing federal protections for the land for every single reason that creating a monument was called for?

With all these levels of protection, how did the monument still happen? Years ago, out-of-state business organizations and radical environmental groups tried to implement a "wilderness area" — the legislative equivalent to a national monument. The boundary proposal was suspiciously the exact dimensions as what Bears Ears National Monument is today. At the time, former San Juan County Commissioner Mark Maryboy (who is now wholeheartedly joined at the hip with monument pushers) venomously disagreed with such a horrid proposal. So much to even say, "I oppose any wilderness designation. Wilderness designation just creates another National Park Service and the BLM is just another BIA (Bureau of Indian Affairs)." Now we wonder, whatever happened to Maryboy's legitimate distrust?

Native Americans living near Bears Ears have remained as distrustful of any wilderness-monument type designation because it creates another oppressive controlling systemic government-run entity, like the BIA. Our people's distrust of more government hasn't change one bit. Still, a national monument was unfairly pushed on San Juan County natives by out-of-state organizations, such as the outdoor retail industry, which showed its true intentions when it decided to make a spectacle of its exit of the Outdoor Retailer show.

Information is pivotal. Information in this instance reflects a sense of renewed faith in local native stewardship when the state of Utah passed a resolution in support of fully rescinding the Bears Ears National Monument. Therefore, it was a cause for celebration when news spread that Gov. Gary Herbert signed the resolution for our disenfranchised native people who were scared to enter the monument for wood gathering.

Native Americans are fully aware of our living history and ties to the lands we've managed for eons. Our culture will not be hijacked and will not be made to believe that a national monument is the only way we can ever preserve our cultural heritage. As a fellow veteran to Secretary Zinke, it is my duty in this moment in time to convey a much more realistic perspective of how a Native American of Utah truly views this unwarranted Bears Ears National Monument designation.



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Ryan Benally is Vice Chairman of the Stewards of San Juan County and a lifelong Native American resident of San Juan County, Utah.

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6. Trump Is Quietly Redefining America's Public Lands

BuzzFeed News, April 14 | Jim Dalrymple II

Public lands in the American West may be on the verge of a major shift thanks to a recent series of rapid-fire policy changes from the Trump administration that have conservatives celebrating and environmentalists sounding the alarm.

The changes signal a cultural shift away from President Obama's legacy of conservation and environmental regulation to protect wildlands. Those policies led Obama to create a series of new national monuments in the West, setting aside more public land than any other US president.

While President Trump has not signaled he plans to undo all of Obama's legacy in the West, his Interior Department — which has been tight-lipped about any unifying strategy — has quietly carried out a series of policy changes that target symbolically important sites. When taken together these changes show the Trump administration is already in the midst of handing victories to those who want the federal government out of the West.

The most recent policy change came Monday when the Department of the Interior announced it would reverse course and allow motorized vehicles in a remote Utah canyon near the controversial Bears Ears National Monument. Access to Recapture Canyon has long been a point of contention between locals and the federal Bureau of Land Management (which is part of the Interior Department).

Days earlier, the BLM revealed that it was suspending surveys along the Red River, the winding waterway which divides Texas and Oklahoma. The surveys, proposed during the Obama administration, sparked controversy because they could have made public land out of what people in Texas believe is their private property.

The two locations, Recapture Canyon in Utah and the Red River in Texas, are separated by hundreds of miles but have two important things in common: both are epicenters of frustration



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with the federal government, and people involved in both cases attribute the recent policy changes to the Trump administration.

In the case of Recapture Canyon, the area was the site of a 2014 protest against federal land management policies, including access for vehicles in the canyon. The protest led by San Juan County commissioner Phil Lyman, involved dozens of demonstrators riding ATVs illegally through the canyon. Lyman and another protester were later convicted of misdemeanors for the ride but not before they became folk heroes to many westerners who have quarrels with the feds' approach to public land.

Lyman's protest came just weeks after the Bundy family led an armed standoff with federal agents in Nevada, exposing a growing sense of frustration among many in the rural west toward the federal government.

The Interior Department's decision this week stopped short of what many locals wanted — they believe there should be even greater access — but Lyman told BuzzFeed News he welcomed the announcement and felt "vindicated" for his protest in the remote Utah canyon.

"We're 11 years waiting for what was supposed to be a six-month decision," Lyman said.

Lyman attributes the arrival of that decision to the Trump administration and the president's newly appointed Secretary of the Interior, Ryan Zinke.

"I think the BLM would've stalled forever had Secretary Zinke not been in place," Lyman said.

The same goes for the Red River, where years of conflict suddenly lurched toward a resolution last week.

"It is very significant that you have a change in administration, and then now a couple of months into this administration you have a radical reversal of position," attorney Rob Henneke, who represents land owners involved in the dispute, told BuzzFeed News.

Like Recapture Canyon, the Red River case prompted considerable angst among locals, some of whom discovered BLM survey markers had been placed on their land without their knowledge. In a statement hailing the suspension of the surveys, Texas Attorney General Ken Paxton characterized the previous move as an attempt to "justify a land grab involving 90,000 acres." And, like Henneke, Paxton pointed to Trump.



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"This latest action by the Trump administration protects the property rights of Texans as defined by the US Supreme Court and prevents the federal government from infringing upon Texas' sovereign borders," Paxton said.

In a letter, the BLM said it had officially suspended the surveys after concluding that it used "incorrect methodology."

Despite the reversals, neither case is over. Henneke said the Red River litigation continues, and Lyman said questions remain about access to Recapture Canyon. But the policy changes show the Trump administration is looking closely at land issues and sending a message to the so-called Sagebrush Rebellion – the loose movement that would drive the feds from the West — that it is on the president's radar.

"To me, Recapture is a symbolic place," Lyman said, adding that for better or worse the site has come to represent much of the conflict over land in the West.

The recent shifts in Utah and Texas come on the heels of a series of other shifts as well. In February, Trump eliminated an Obama era coal mining regulation. Last month, flanked by western lawmakers, he signed an order repealing a BLM planning rule that was much-loathed in the region. Days later, Zinke signed orders intended to make it easier to extract fossil fuels from public lands.

"It's certainly a signal that the war on coal is over," Zinke said.

The Interior secretary also approved a \$22 million coal lease in Utah. And last week, in a move widely viewed as symbolic, the BLM changed the cover photo on its homepage from a family hiking through scenic hills to a massive coal vein (it has since been changed again).

Conservatives, weary of the Obama years and what they see as excessive regulation, have welcomed these changes. In Lyman's case, he's optimistic that Trump will continue shifting the policies that govern the West.

"I'm a huge supporter," Lyman said of Trump. "I'm hopeful and I'm so happy with everything he's done so far."

Environmentalists, however, aren't happy. In February, National Resources Defense Council President Rhea Suh blasted the president, saying his mining order "frees Big Coal to bury



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pristine streams beneath toxic waste, pollute drinking water sources, kill fish and wildlife and scar the land."

A barrage of criticism against the Trump administration from the environmental community has continued in the ensuing months, and in March the Sierra Club said the president and Zinke were "gutting common sense" and revealing "where their allegiances lie."

"Donald Trump and Ryan Zinke have made it clear that they believe America's public lands exist for only one purpose: fossil fuel development," Sierra Club Executive Director Michael Brune said in a statement. "This administration is selling us a bill of goods by handing our public lands to bankrupt coal companies for pennies on the dollar."

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E&E/NATIONAL NEWS – FULL STORY

1. **Happy Easter, Interior Department! You get to leave 59 minutes early**

USA Today, April 14 | Jessica Estepa

Interior Department employees, rejoice: Your Easter weekend will start 59 minutes early.

A memo sent out to employees on Friday said they would get to leave early, as authorized by Interior Secretary Ryan Zinke.

"The Secretary would like to express his deep appreciation to each member of the DOI team for his or her dedication, hard work and commitment," the memo reads.

An Interior spokesman said this is far from the first time federal employees were allowed to leave early before a holiday.

Why such a specific number? It's known as the 59-minute rule. It's not actually a rule, the Federal Times once noted, but rather a custom that supervisors and managers mind when they let their employees have a bit of time off prior to a major holiday (though not necessarily a federal holiday). You'll find mention of it in a number of government documents.

So, 59 minutes it is.



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2. **Siege Has Ended, but Battle Over Public Lands Rages On**

New York Times, April 14 | Kirk Johnson

BURNS, Ore. — A year ago, this corner of rural Oregon became center stage in the drawn-out drama over public lands when armed militia leaders seized a national wildlife refuge, arguing that the government had too much control of land in the West.

Now that President Trump is in office, people here and in other parts of the 11 states where 47 percent of the landmass is publicly owned are watching to see what he will do on everything related to public lands, from coal mining and cattle grazing to national monuments and parks. In Burns, some ranchers and others are feeling emboldened, hopeful that regulatory rollbacks by the federal government will return lands to private use and shore up a long-struggling economy.

But the change in administration has also spawned a countermovement of conservatives and corporate executives who are speaking up alongside environmentalists in defense of public lands and now worry about losing access to hunting grounds and customers who prize national parks and wildlife.

In Idaho, for example, a deal to put thousands of acres into private ownership — exactly the sort of transaction that the militia leader brothers, Ammon and Ryan Bundy, had espoused in seizing the Malheur National Wildlife Refuge — was met with fierce opposition, by no less than a group of conservative outdoorsmen.

The deal had been in the works for years and was backed by Republican elected officials, who said that adding new taxable private land would generate business activity and property tax revenue.

But the proposal, to the surprise of many people on both sides, hit a wall with people like Ray Anderson, a machine shop owner in the tiny community of Grangeville, Idaho, who raised money and helped a group of fellow outdoor enthusiasts kill the plan and boot out of office a county commissioner and state senator who had supported it. Mr. Anderson said he feared that Idaho County, rural and in need of cash, would encourage private owners to develop the lands, or put up fences to keep out hunters and fishermen like him.



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"I'm a businessman and I'm a conservative, but nothing about the plan seemed to make sense," Mr. Anderson said. "Where I grew up I was told that public lands will be public lands forever."

In Montana, access to public lands for recreation shaped last fall's governor's race, with the incumbent, Gov. Steve Bullock, a Democrat, staking out a position in defense of public lands and portraying his Republican opponent as captive to private interests that would put up gates and fences. Mr. Bullock won.

In Utah a new fight over lands has energized the outdoor recreation industry.

Earlier this year, organizers behind a big outdoors trade show — held in Salt Lake City for the last 20 years — announced they would move the show's location in 2019 because of the opposition by the state and its congressional delegation to the creation of the 1.35 million-acre Bears Ears National Monument, endorsed by President Barack Obama in his final months in office. The convention's organizer, Outdoor Retailer, said in a joint statement with two trade groups representing hundreds of companies that they would seek a new location "that upholds our industry's core values around the importance of America's public lands."

The outdoor outfitter Patagonia has made Bears Ears, about 300 miles southeast of Salt Lake City, part of a national advertising campaign, linking its brand to land rights with a series of videos and sponsorship messages on public television.

"We intend to keep the pressure on until we are confident public lands are protected," said Rose Marcario, the president and chief executive of Patagonia. "Patagonia and many other companies in the outdoor industry are not going to stand by and watch as elected officials denigrate our public lands. These lands are the backbone of our business," she said in an email.

A conservative group in Utah called the Sutherland Institute has fired back with its own television ad, urging President Trump and Congress to revoke or at least reduce the size of the new monument.

The ad features a series of children talking about what they want to be when they grow up — ranchers, doctors, teachers — underscoring a message that public land designations can bring economic harm, too. "When somebody takes away your land and livelihood, can you really be anything you want to be?" a little girl says into the camera.



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Battles continue in court as well. Although Ammon Bundy, his brother Ryan and four of their followers were acquitted of all charges related to the occupation last October by a federal jury in Portland, they still face trial in Nevada this spring, along with their father, Cliven, on charges related to a standoff in 2014 at the Bundy Ranch.

Some scholars who study public lands said the new debates echoed the recent dynamic in Washington over health care reform. The long-held Republican promise by members of Congress from Utah and other Western states to reverse decades of federal lands ownership and restore control to states and counties — like the repeal of Obamacare — becomes harder to keep when the bills that would achieve that end are more than just symbolic statements.

And the possibility of a land reform victory for conservatives has in turn galvanized people who oppose the idea and had not taken it seriously before, said John Freemuth, a professor of public policy at Boise State University who specializes in Western land issues.

“There’s just more and more alarm from people ranging the gamut from sportsmen to environmentalists and just ordinary folks who aren’t that political but like their access, thinking that they could lose a lot if the states gained ownership,” he said.

But supporters of Mr. Bundy and his ideas have also felt energized in the last year as the election of President Trump brought much of the anti-government rhetoric militia leaders preached into the mainstream.

Here in Harney County, where about three-fourths of the land is federally owned, jobs and economic growth have always been tied to industries like logging and cattle grazing, rather than the tourism that some public lands supporters hold out as an alternative pathway for struggling rural communities. The Bundys, their supporters said, made those connections clear — that getting back onto the land for older Western uses creates jobs — even if the legal means to getting there was murky.

The Trump administration has sent mixed signals about where its public lands policies might go, with expressions of support at times for recreational access, but also moves to open up more lands to industry, especially for coal exploration and production, and proposed budget cuts for federal agencies that manage those lands.

In Burns, the county seat with 2,800 people, a decline in timber cutting in the national forests hurt the economy and forest health too, said Brenda Smith, the executive director of the High



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Desert Partnership, a nonprofit group that tries to bring together government agencies and local people over land disputes. Since the events at the Malheur Refuge and last fall's election, she said it was a much tougher conversation.

People suspicious of government have stiffened in their resolve to say no, Ms. Smith said, even when they agree that an outcome could be positive for the community. "There are people who see collaboration as a threat," she said.

Butch Eaton, a retired carpenter here in Burns who stood with the occupiers at Malheur, said he felt more optimistic now, especially since the election, that the federal lands presence in Oregon and across the West was waning. "People are just tired of being told what to do all the time, and they're saying, 'These are our lands.' I'm feeling more hopeful for my grandkids," Mr. Eaton said.

The land itself here, meanwhile, is undergoing a kind of healing. At Dan Nichols's ranch, about 20 miles from the refuge, rains pelted down on a recent afternoon as 500 pregnant cows prepared to give birth in the pastures outside his century-old farmhouse. The drought that has parched the area for years, said Mr. Nichols, a former Harney County commissioner, is abating.

The Nichols place depends on public lands, with about 95 percent of the grass that the cattle eat grown on federal rangeland, for which Mr. Nichols said he happily paid the grazing fees. But even he draws the line at talk of expanded protections to the land, through wilderness or national monument designations that would restrict agriculture.

"Public land is supposed to be for multiple use," he said. "That is all too often forgotten."

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3. **Jury deliberates in 2014 Bundy standoff trial**

High Country News, April 14 | Tay Wiles

After the nine-week trial in Las Vegas, a jury is now deliberating over the fate of six men for their parts in the 2014 armed standoff between supporters of rancher Cliven Bundy and the federal government.



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The standoff and ongoing court battles reflect a longstanding war in Western states over public lands, which has taken on new energy from a recent upswelling of anti-federal “patriot” groups across the country that began in 2008. The 2014 face-off drew hundreds of people from across the country, many of whom were loosely or directly affiliated with self-styled militia groups. People camped near Bunkerville, Nevada, to protest a federal impoundment of Bundy’s cattle, which were grazing illegally on public land. The lead-up spanned several days and the standoff itself occurred on April 12, ending when Bureau of Land Management and National Park Service employees abandoned the operation in order to avoid a violent confrontation.

Defendants Steven Stewart, Ricky Lovelien, Eric Parker, Gregory Burleson, Todd Engel and Scott Drexler face charges including conspiracy to impede federal officers, obstruction of justice and threatening federal officers. This case is the first of three related to the standoff; there are 17 defendants total, with Bundy and his sons grouped in the second trial, which may not begin until June.

Throughout the first trial, prosecutors and defense described the 2014 events in starkly different terms. The government portrayed the showdown as terrifying for federal officers who were merely trying to follow court orders to round up 1,000 head of cattle that had been illegally grazing federal lands for years. The defense team portrayed their clients as people trying to stand up for what they believed in and attend a protest, which resulted in no bloodshed.

In closing arguments this week, defense attorneys distanced their clients from the Bundys. “Mr. Cliven Bundy manipulated a whole bunch of people and got them to come out to the site,” said Terrence Jackson, who represented Burleson. “Just because someone gets up and gives some crazy speech, doesn’t make it (my client’s),” said defense attorney Todd Leventhal, who represented Drexler, in reference to Bundy telling supporters to retrieve his cattle from the Bureau of Land Management and National Park Service roundup and telling the county sheriff to disarm the federal officers.

Prosecutors countered that the defendants knew what they were getting into. They were not there to just hold a protest sign, Assistant U.S. Attorney Nicholas Dickinson said, but to take the cows back.

Dickinson also reminded the jury that an FBI witness had testified that leading up to the standoff “they were seeing a build up of militia like they had never seen before—anywhere.” Multiple



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defense attorneys countered that their clients were not militia members. "I'm not in any militia," Parker said in a video taken after the standoff. "When you do (join a militia), you get involved with other people's agenda." Parker also said he was part of a "county civil defense unit" from Idaho.

The jury also heard contradictory stories over what the defendants' intentions were on the day of the standoff and whether they had an agreement—tacit or otherwise—to impede. Some attorneys insinuated their clients could not have conspired because they barely knew anyone else in the crowd of 400 protesters at the standoff. The prosecution countered you don't have to know someone to have an agreement, saying the defendants complied with Bundy's call on the morning of April 12 to retrieve the cattle, to "get it done." Some defense attorneys responded that their clients were just there to watch.

Attorneys on both sides displayed defendants' social media posts leading up to the day of the Nevada showdown and video interviews conducted afterwards, to prove their intentions. "I literally went there to put them six feet under," Burleson told undercover FBI agents months after the standoff, referring to federal employees. On the other hand, Lovelien said in a social media posting prior to the standoff: "The entire point of the militias going to Nevada is to prevent violence, not to start violence."

The standoff participants' use of guns also proved to be a major theme of the trial. Defense attorneys said firearms are protected by the Second Amendment to the Constitution. The prosecution countered that they are not protected if they are used to intimidate, threaten or assault.

The jury began deliberations on April 13 and is expected to continue on Monday April 17. Bundy and his sons are expected to go to trial in late May or early June.

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4. HOUSE: Bishop promises monuments bill; Grijalva frets about riders

E & E News, April 14 | Kellie Lunney

The head of the House Natural Resources Committee still plans to introduce legislation to reform the law allowing presidents to designate national monuments on public land, even if President Trump issues an executive order on the matter.



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"Oh, yeah, there will be some legislation regardless," Chairman Rob Bishop (R-Utah) told E&E News. "Any bill that is 111 years old now that hasn't been changed, there's a need for reform," he said, referring to the 1906 Antiquities Act.

An energy lobbyist who previously led Trump's Energy Department transition team told E&E News last week that an executive order clarifying "where we are going with Antiquities" is possible, but he did not offer specifics (E&E News PM, April 4).

Bishop said he had only heard "rumors" about a possible executive order on the Antiquities Act. "Until I get something that I hear directly from them, I'm not counting [on] anything." Bishop has requested a meeting with Trump but so far has not heard back from the White House, he said.

Along with other members of Utah's all-GOP delegation, Bishop has argued that the Antiquities Act can be used to both create and dismantle presidentially designated sites, including the 1.35-million-acre Bears Ears National Monument in southeast Utah. He would like to see Trump use executive authority to reduce the size of Bears Ears or rescind the designation altogether.

When asked about a possible Trump executive order on the Antiquities Act and Bears Ears, White House spokeswoman Kelly Love said to contact the Interior Department "regarding Bears Ears."

Bishop also said it's possible policy riders related to natural resources and energy could be attached to whatever fiscal 2017 spending bill lawmakers come up with. "Everyone is still talking about everything," he said. When they return to work April 24, lawmakers will have only a few days to pass legislation keeping the government open past April 28.

Bishop said the likelihood of riders being attached to a spending bill depends on the legislative vehicle. "If there's a CR [continuing resolution], probably not. There will be very few. If there is an omnibus, cromnibus or whatever kind of bus you want to call it, yeah, there could be a lot of those that we put in play."

However, the chairman did not think any provisions related to the Antiquities Act would surface in a spending package. "You're not going to change Antiquities in an appropriations rider," he said.

But Arizona Rep. Raúl Grijalva, the top Democrat on the Natural Resources Committee, is concerned about possible spending bill riders to fiscal 2017 funding affecting major laws: the Antiquities Act, Endangered Species Act and the National Environmental Policy Act. "If I could name three, those would be the three that I am worried about right now," he said.



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Grijalva said the only surefire way to change the Antiquities Act is through legislation, predicting that a Trump executive order would spark a successful legal challenge. "Much of what they want done, he can't do it through executive order."

The Democrat said Bishop "would have a hard time" getting legislation passed that would revoke the national monument status of Bears Ears. Grijalva said he would not support a bill tweaking the Antiquities Act that included any provisions undoing or reducing the Bears Ears monument footprint.

Grijalva said it's the minority party's job in the House to make the passage of such legislation "as difficult as possible" so the Senate understands there are political consequences associated with changing the law.

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5. **CLEAN WATER RULE: No time to waste for Trump admin's assault on WOTUS**

E & E News, April 14 | Ariel Wittenberg

The Trump administration must sprint if it wants to repeal and replace the Clean Water Act rule that determines which wetlands and streams get automatic federal protection.

Legal experts say agencies overseeing the Clean Water Rule — U.S. EPA and the Army Corps of Engineers — must dump former President Obama's regulation before the Supreme Court decides which court should handle multiple legal challenges to it.

EPA said this week that it intends to do two rulemakings to repeal and replace the rule, which is also known as the Waters of the U.S. (WOTUS) rule. The regulation has drawn fierce fire from farmers, developers and the oil and gas industry, which say it's regulatory overreach.

The agency has one eye on the high court, which is expected to decide on WOTUS jurisdiction by the end of this year.

If the justices decide the litigation belongs in district court, it could endanger a nationwide stay issued by the 6th U.S. Circuit Court of Appeals that barred WOTUS from taking effect.

"If the court says the 6th Circuit doesn't have jurisdiction, the stay is dissolved," said Pat Parenteau, a professor at Vermont Law School. "They already tried to stop the court from taking the case, and that didn't work, so this is the next best way around that question."



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But replacing WOTUS won't be done quickly or easily given likely legal challenges to a revamped regulation and a long history of battling over Clean Water Act protections for isolated wetlands and waterways (Greenwire, Feb. 10).

So the Trump administration likely felt it had to proceed with a repeal to ensure it could get that done before the Supreme Court rules, said Larry Liebesman, a senior adviser with Dawson & Associates, a Washington lobby shop and consulting firm that specializes in water resources.

"I think they probably looked at the practical realities of doing it one at a time and realized that this was the easier path, given the Supreme Court decision, rather than trying to do it all in one fell swoop," he said.

Jonathan Adler, a law professor at Case Western Reserve University, agreed.

"I think this strategy probably makes sense in the sense that they want the old rule gone and they admit that a replacement will take time," he said. "There is a certain logic to doing it in two stages."

Adler noted that the Trump administration has said it will write a new regulation that relies on an opinion written by the late Supreme Court Justice Antonin Scalia in the famously messy 2006 *Rapanos v. United States*, a 4-1-4 split decision.

Scalia, who died last year, had argued that the Clean Water Act applied only to relatively permanent bodies of water or wetlands connected to "navigable waters" by a surface flow at least part of the year. Chief Justice John Roberts and Justices Clarence Thomas and Samuel Alito joined him.

But Justice Anthony Kennedy issued a concurring opinion stating that waters must have a "significant nexus" to navigable rivers and seas, including through biological or chemical connections. Until now, EPA has followed Kennedy's "significant nexus" test in regulating clean water.

Both the George W. Bush and Obama administrations relied on Kennedy's test.

"The more aggressive the administration wants to be, the more care and attention will be required," Adler said. "Writing a regulation that is more in line with Scalia's plurality opinion can be done lawfully, but it would take care to do it right. It's not something you can do on the fly."

Reed Hopper, an attorney at the conservative Pacific Legal Foundation, said WOTUS challengers could convince a district court to issue a nationwide stay, but the matter would be easier if the administration can repeal the regulation before the Supreme Court rules.



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"They are going to withdraw the rule sometime, so they might as well do it now," he said. "It can take a while to do a replacement, there is no question about it, and you have a litigation that is still pending, so why not get rid of it now and start from a clean slate?"

'Legal roadblocks'

Still, while conducting separate rulemakings to repeal and replace the regulation might be easier for the Trump administration than trying to do both at once, it's far from a sure path.

Splitting the rulemakings gives environmentalists two opportunities to challenge the administration and start another round of litigation.

"Even the rescission is going to be challenged, and certainly the replacement will be," Parenteau said.

Liebesman agreed: "This strategy will run into legal roadblocks, there is no way around that."

But the PLF's Hopper said the administration has little choice but to take that route.

"It is probably the most economical and efficient approach, even though we are confident that the courts would ultimately overturn the regulation," he said.

Liberal-leaning legal experts say a strategy of splitting up WOTUS repeal and replacement into separate procedures could mean a replacement is never written. They say that would bring Clean Water Act jurisdiction back to guidance from the George W. Bush administration, which would likely be less restrictive than the Trump administration would prefer.

Jon Devine, a senior attorney for the Natural Resources Defense Council, said he believes the Trump administration is "desperately afraid" that any attempt to write a more conservative regulation will flop.

"They're scared that their preferred plan of changing the legal test to radically roll back what the law protects will fail, so they don't want to tie their repeal of the Clean Water Rule to that anchor," he said.

Parenteau agreed.



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He said while the courts might not appreciate the Trump administration repealing the regulation without even setting a timeline for replacing it, "that risk may be less than the risk of coming up with a Scalia-based test."

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