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Attached is the daily news report for Feb. 16.

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## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

#### UTAH – TOP STORIES – FEBRUARY 16, 2017

1. **How a Utah mine became the lone North American tungsten producer**

*KSL News, Feb. 15 | Carter Williams*

WENDOVER — With its usefulness in a plethora of fields, there are plenty of needs for tungsten. However, much of the material is mined outside of North America.

2. **Pressure over public lands pushes effort to move Outdoor Retailer show from Utah**

*The Deseret News, Feb. 15 | McKenzie Romero*

SALT LAKE CITY — Pressure is mounting behind the push to uproot the Outdoor Retailer show out of Salt Lake after two decades in the city, a response to a state resolution opposing Bears Ears National Monument.

3. **Colorado group takes out newspaper ads in Utah urging Outdoor Retailers Show to move**

*Utah Policy, Feb. 15 | Bryan Schott, Managing Editor*

A Colorado group has taken out half-page ads in Utah newspapers trying to lure the Outdoor Retailers show away from Utah.

4. **Analysis: Utah's Bishop wants Endangered Species Act to be on the threatened list**

*The Salt Lake Tribune, Feb. 15 | Darryl Fears, The Washington Post*

Washington — A Senate hearing to "modernize the Endangered Species Act" unfolded Wednesday just as supporters of the law had feared, with round after round of criticism from Republican lawmakers who said the federal effort to keep species from going extinct encroaches on states' rights, is unfair to landowners and stymies efforts by mining companies to extract resources and create jobs.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

#### 5. In our opinion: Be friends, not enemies, in trying to keep Outdoor Retailer show in Utah

*The Deseret News, Feb. 16 | Deseret News editorial*

We urge Utah's political leaders and the organizers of the semiannual Outdoor Retailer show to come together and find solutions so the show can remain in the Beehive State.

#### 6. Senate nears vote on methane rule

*The Moab Sun News, Feb. 16 | Rudy Herndon*

Congress is poised to overturn a federal rule that aims to reduce methane emissions from oil and gas wells. And while some in the energy industry are cheering, others fear the move could stifle the growing emissions-control industry and its technological innovations.

#### 7. Natalie Gochmour: Invest in rural Utah to help with public land disagreements

*The Deseret News, Feb. 16 | Natalie Gochmour*

I revere the people of rural Utah. Eighteen years of public service in the Utah governor's office afforded me many opportunities to travel to rural communities, meet the hardworking people, and appreciate the important economic and cultural contributions they make to the Beehive State.

#### 8. Herbert, Outdoor Retailer execs take on Bears Ears

*The Deseret News, Feb. 16 | Lisa Riley Roche*

SALT LAKE CITY — Gov. Gary Herbert said he will talk today about stepping down from a call to rescind the new Bears Ears National Monument designation during a meeting with the Outdoor Industry Association.

#### 9. Gov's water advisers take their work out of public view

*The Salt Lake Tribune, Feb. 16 | Emma Penrod*

Advisers to Utah Gov. Gary Herbert continue to shape a 50-year blueprint for state water policy and big-dollar dam and pipeline projects, but the public has yet to be invited to their latest series of meetings.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

#### E&E/NATIONAL NEWS – TOP STORIES

##### 1. Trump Lifts Hiring Freeze at Some Federal Agencies

*Outside Online, Feb. 15 | Charlie Ebberts*

President Donald Trump's temporary federal hiring freeze has been lifted for the U.S. Forest Service, according to an internal memo from the Department of Agriculture sent to staffers on Tuesday. Other federal land management agencies staffed with seasonal employees, including the Bureau of Land Management, Fish and Wildlife Service, National Park Service, and Natural Resource Conservation Service may follow soon. About one-third of the Forest Service's employees are seasonal, meaning they work for four to six months a year on trail crews or as firefighters, and the freeze stopped the agency from hiring them back for the coming summer months, the busiest season.

##### 2. BLM agent testifies Bundy ranch standoff gunman aimed at him

*The Daily Herald, Feb. 15 | Ken Ritter, The Associated Press*

LAS VEGAS (AP) — A federal agent testified Wednesday that he saw a "sniper" behind a concrete barrier on a freeway overpass pointing a military-style weapon at him while a crowd of protesters in a dry river bed called for the government to release Nevada rancher Cliven Bundy's cattle in April 2014.

##### 3. Las Vegas jury views video of April 2014 rally led by Cliven Bundy

*The Las Vegas Review-Journal, Feb. 15 | Jenny Wilson*

In response to news that federal agents decided to stop rounding up his cattle, rancher Cliven Bundy grabbed a microphone and delivered an ultimatum to the local sheriff.

##### 4. BLM public input rule protects public lands

*The Denver Post, Feb. 15 | Tyler Baskfield*

South Park is a sportsmen's paradise of large elk herds, dream trout streams and endless recreation possibilities. For Colorado Front Range residents like me, South Park is a vast backyard playground, just a short hour and a half drive from Denver. South Park also is the headwaters of the South Platte, an important source of drinking water for Denver. It's one of the crown jewels of public lands in Colorado.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

#### 5. DOE: Defenders and attackers of loan guarantees briefly switch sides

*E & E News, Feb. 16 | Umair Irfan*

Some rhetorical judo led to a Democrat calling to close the Department of Energy's loan guarantee program while a Republican praised the initiative yesterday.

#### 6. PIPELINES: On Capitol Hill, sacred lands spark fierce debate

*E & E News, Feb. 16 | Jenny Mandel*

A House hearing on energy infrastructure yesterday turned fiery as discussion centered on how the Standing Rock Sioux Tribe approached negotiations over the routing of the Dakota Access pipeline on land that, in the words of one GOP lawmaker, "can all be considered sacred in some way."

#### 7. PUBLIC LANDS: Bipartisan resolution seeks to protect 'national treasures'

*E & E News, Feb. 16 | Kellie Lunney*

Two Western lawmakers introduced a bipartisan House resolution yesterday that affirms the sense of Congress that public lands are a national treasure benefiting all Americans.

#### 8. COAL: Trump axes Stream Protection Rule

*E & E News, Feb. 16 | Dylan Brown*

President Trump this afternoon struck down coal mining regulations that the Obama administration spent more than seven years crafting to better protect streams.

#### 9. Why You Need the Internet to Drill in the U.S.

*Bloomberg News, Feb. 16 | Mya Frazier*

The Obama administration largely put an end to old-school federal energy auctions last year, just when they were starting to get interesting.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

10. **BLM Calls Wild Horse Slaughter Article 'Fake News'**

*The Horse, Feb. 16 | Pat Raia*

The Bureau of Land Management (BLM) has labeled an article claiming the agency plans to slaughter more than 40,000 wild horses as fake news.

11. **181 artifacts from looted site found, BLM asks for help**

*St George News, Feb. 16 | Julie Applegate*

ST. GEORGE – In the wake of the looting of a prehistoric Native American village near Beaver Dam, Arizona, land managers are asking the public's help in protecting the wide variety of cultural resources located on the Arizona Strip.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

#### UTAH – FULL STORY

##### 1. How a Utah mine became the lone North American tungsten producer

*KSL News, Feb. 15 | Carter Williams*

WENDOVER — With its usefulness in a plethora of fields, there are plenty of needs for tungsten. However, much of the material is mined outside of North America.

That is, however, aside from one mine in Tooele County.

According to the [Mineral Commodity Summaries 2017 report](#) released by the U.S. Department of the Interior and U.S. Geological Survey, Scheelite Metals — based in Wendover with a mine located southwest of Dugway — was the only mine to produce tungsten concentrates in 2016.

The report stated that seven other companies processed the metal throughout the year.

“It’s a very small world — the tungsten world is,” said Jon Rush, part owner, chief mine manager and mining engineer of Scheelite Metals.

That’s because the majority of tungsten mining is based in China. The Department of Interior and USGS report stated that “world tungsten supply was dominated by production in China and exports from China.” Canada, Bolivia and Germany are also near the top of tungsten imports from 2012 through 2015, but Canada's lone tungsten mine closed down at the end of 2015.

With possible trading concerns with China that could pop up, Rush said it’s important to have a domestic supplier of tungsten.

“What we’re trying to do is try to get the tungsten up and to stay here in the United States and self-supporting,” he said. “Tungsten is the hardest metal — it’s hard to mine too. We bust bits right and left when we drill.”

Tungsten is used for all sorts of carbide bit drills and cutting tools since it has a strong hardness and its ability to increase heat resistance. It’s also used in energy-saving fluorescent light bulbs and all sorts of electronic products such as cellphones, television sets and microwaves, according to the [International Tungsten Industry Association](#).

Tungsten even has uses in the medical industry, as also noted by the ITIA. Rush added that it has several military uses.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

“Nearly 60 percent of the tungsten used in the United States was used in cemented carbide parts for cutting and wear-resistant applications, primarily in the construction, metalworking, mining, and oil and gas drilling industries,” the joint Department of Interior and USGS report stated. “The remaining tungsten was used to make various alloys and specialty steels; electrodes, filaments, wires, and other components for electrical, electronic, heating, lighting, and welding applications; and chemicals for various applications. The estimated value of apparent consumption in 2016 was approximately \$500 million.”

So how did a mine in northwest Utah become the North America’s tungsten production leader?

Scheelite Metals was founded in 2013. Rush, a Tooele native, made a career out of mining all sorts of minerals and metals. After a brief retirement, he set his eyes on Gold Hill mining gold.

When that didn’t pan out, tungsten became the primary focus.

“Nobody mines tungsten ... people don’t get greedy over tungsten, so I thought this would be a good opportunity,” Rush said, pointing out the rarity of mines.

That’s when he went into prospecting for the metal in Nevada. After finding tungsten there, he went over to Kennametal location in Fallon, Nevada, to show the company there was tungsten to be mined in the Western region. With the help of Kennametal, Rush said he purchased a mine that began operation in 2014.

That survived through a tungsten market crash that claimed North American Tungsten Corporation based in Vancouver, British Columbia, in 2015. The mine was one of the other active tungsten mines in North America.

What was found in Utah gave new life to the industry in North America.

“This is a super-high grade vein. It’s really high,” Rush said, regarding the Tooele County mine. “The normal is .05 percent per ton and we’re running anywhere from 37 percent to half a percent and an average of 5 percent.”

Now Rush says the growth of the industry is giving Scheelite Metals an opportunity to boom.

What began as a six-man company, Rush said there are currently four people out at the mine, but a massive hiring growth is expected in the next few months.





## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

“When we get going here, it’s only going to get bigger and bigger,” he said. “This is the biggest deposit I’ve run into other than Bishop (California), which I also have, and we have another mine in Wells, Nevada, that we’re bringing on. Things are really hopping for me.”

Of course, it all comes down to having a domestic supplier of such a valuable metal. It’s an added bonus for Rush that it’s coming out from an area near where he grew up.

“I think it’s great for our economy in Utah to have a tungsten mine,” he said.

[BACK](#)

## **2. Pressure over public lands pushes effort to move Outdoor Retailer show from Utah**

*The Deseret News, Feb. 15 | McKenzie Romero*

SALT LAKE CITY — Pressure is mounting behind the push to uproot the Outdoor Retailer show out of Salt Lake after two decades in the city, a response to a state resolution opposing Bears Ears National Monument.

A Colorado nonprofit group launched a public campaign Wednesday hoping to woo the massive trade show out of the state after its contract with Salt Lake City expires in 2018. But if the lucrative event leaves Utah, tourism representatives say the economic consequences would reach further than many realize.

Meanwhile, exhibitors scheduled to attend the twice-yearly trade show face a line in the sand after major retailers have vowed to boycott the summer event, while the show's director is calling on participants to instead keep their spot and join in advocacy efforts while they're in town.

The Outdoor Retailer show announced earlier this month it will be taking bids to move the show out of Utah after the founder of outdoor clothing company Patagonia said he cannot in good conscience attend the event in light of the state's position on public lands issues, including vehement opposition to the Bears Ears National Monument designation.

Gov. Gary Herbert's office declined comment about the growing tension, saying the governor will address the issue Thursday in his monthly KUED news conference.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

The governor will also meet Thursday with the Outdoor Industry Association, the trade show's advocacy partner, though that meeting looks to happen after the 10 a.m. press conference.

Amy Roberts, executive director of the Outdoor Industry Association, said the meeting was called specifically to discuss retailers' compounding concerns about state leaders' stances on public lands, including efforts to take over federal lands, the sale of public lands, and most recently, a resolution passed by the Legislature calling on President Donald Trump to rescind the monument designation for Bears Ears.

The monument received its title from former President Barack Obama just a few weeks before he left office.

Roberts said she is hopeful Herbert will be willing to hear the concerns of executives from companies in the association, but if he isn't, the decades-old relationship between Utah and the Outdoor Retailers show could be at a tipping point.

"I think the content of this discussion tomorrow, while not necessarily definitive, is going to be really important to understanding do we have an opportunity to move this conversation forward or are we at an impasse," Roberts said.

The Outdoor Industry Association sees public lands as an essential foundation for the industry, Roberts said, and has spent years working to preserve them. Because the major industry trade show has been in Utah during that time, the state has become "ground zero" in the public lands debate, she said.

The association has come up against the state regarding public lands issues in the past, Roberts said. Sometimes the state has yielded to their petitions, and sometimes it hasn't. Now, she says, the association will tell the governor that the state is at a crossroads.

"There is an opportunity for the Utah political leadership to embrace the outdoor recreation economy and really grow that economy in the state, but it's going to take a change of attitude and a change of approach," she said.

Roberts pointed to the line of retailers who have opted to lay their business aside and not participate in the show until it moves to a state more friendly to public lands issues.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

In a statement issued Tuesday, Outdoor Retailer Show Director Marisa Nicholson shared appreciation for companies that have declared solidarity with the show and pledged to split their time in Salt Lake advocating on behalf of public lands.

"This is not a one-and-done issue. While Bears Ears National Monument status is a lightning rod, it is just the most currently visible example of what will be a long, hard series of fights the outdoor community needs to not only raise our voices about, but, even more importantly, about which we need to be heard," Nicholson wrote.

Matt Anderson, a public lands policy analyst at the Sutherland Institute, a conservative think tank, warns that debating the issue through public proclamations rather than two-way negotiation cuts out concerned voices and limits chances for an amicable resolution.

"Ultimatums do not produce principled legislation or compromise, they simply restrict dialogue and they don't allow everyone to come to the table and get together," Anderson said.

Specifically, Anderson said he believes rural communities that rely on the debated public lands for their livelihoods have been forgotten amidst the controversy.

"There used to be a healthy debate about this, with both sides coming together and realizing they're not going to get everything that they want, but that a little compromise can go a long way," Anderson said.

Anderson emphasized that the Sutherland Institute wants the Outdoor Retailer show to stay in Utah and welcomes conversations from any of its members who want to talk.

As the political drama plays out in Utah, a half-page advertisement appeared Wednesday in the Desert News and Salt Lake Tribune from the nonprofit group Conservation Colorado, which issued an invitation to the trade show and its retailers printed on a lush Rocky Mountain landscape.

The ad promises stronger beer, taller peaks and higher recreation, a reference to Colorado's legal marijuana.

"But most of all, we love our public lands," the ad says.

The advertisement is currently running just in the two Salt Lake newspapers, but will expand to include personal petitions to industry leaders as well as an online campaign.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

"We believe that here in Colorado we are deeply committed to protection of and stewardship of our public lands, and that is a value that the outdoor industry has said they are looking for as they initiate these conversations to change the location of the show," said Jessica Goad, Conservation Colorado's communications director.

Goad pointed to recent legislation establishing a holiday to celebrate public lands, defeats of land seizure efforts and a welcome reception for two national monuments established by Obama.

Colorado's Democratic Gov. John Hickenlooper began campaigning in late January, saying his state is a better venue to host the Outdoor Retailer show. Herbert has countered, saying that Colorado has only 4 acres of public land per capita compared with Utah's more than 12 acres, and that Utah has the largest active watershed and wildlife habitat restoration program in the nation.

Salt Lake and the Salt Palace Convention Center have grown up around the trade show, says Visit Salt Lake CEO Scott Beck, and their sustainability efforts have kept pace with Outdoor Retailer's values. When the city makes its bid to keep the trade show, Beck said those advances and ideals will be emphasized.

"When we respond to the (request for proposals), our narrative will be the strength of our local community, and the strength of that local community may or may not overcome the narrative of our governor, state Legislature and federal elected officials," Beck said.

If the trade show were to abandoning Salt Lake specifically for Denver, Beck said, it would give up a convention center with a considerably smaller carbon footprint, would be forced to drive more because of fewer public transit options and would have to commute more than double the distance from the airport.

"We do hope that it will be looked at holistically, because if the industry is true to their word, they can't look just at being in a state that wants them more because of their view on public lands in a community that is not sustainable on any level," Beck said. "If it's just about public lands, then the rhetoric of the industry, I don't think, has any soul to it."

Thousands of Outdoor Retailer attendees spend an average of \$1,019 each in Salt Lake, according to an assessment by Visit Salt Lake and the Kem C. Gardner Policy Institute, meaning that the two events combined inject nearly \$50 million annually into the city's economy.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

But that's just 10 days' worth of economic activity, Beck says, going toward things like restaurants, hotels, shopping and local attractions.

"The economic impact is exponentially higher," according to Beck, who said the show's reach is compounded by the time it has spent in Utah.

The attendee spending estimate doesn't factor in expenditures like paying a local electrician to build a vendor's booth, printing promotional materials through area companies or renting a storage unit year-round for use between events. It also doesn't account attendees putting on private events around the state before or after the trade show.

And after those additional expenditures are made, Beck says, Utahns being paid in connection with the event go out and use the money they make, buying soccer cleats for their children, eating in restaurants or shopping in the state.

"There's indirect or induced activity around that, and typically that can be three or four times the impact of the delegate spending," Beck emphasized.

Simply filling the Salt Palace for the dates the Outdoor Retailer show normally would have taken can't fill the void that would be left behind, Beck said.

[BACK](#)

### **3. Colorado group takes out newspaper ads in Utah urging Outdoor Retailers Show to move**

*Utah Policy, Feb. 15 | Bryan Schott, Managing Editor*

A Colorado group has taken out half-page ads in Utah newspapers trying to lure the Outdoor Retailers show away from Utah.

Conservation Colorado launched the ads in the Salt Lake Tribune and Deseret News that say, "A message to our outdoor retailers from your friends in Colorado: We have stronger beer. We have taller peaks. We have higher recreation. But most of all, we love our public lands"

The ads are in response to the latest row over public lands policy in the state. Utah lawmakers rushed through a resolution calling on President Trump to reverse the national monument designation for Bears Ears. in response, some outdoor recreation companies said they would no longer attend the Outdoor Retailers Show in Utah because of the fight over Bears Ears.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

On Tuesday, 30 outdoor recreation companies sent a letter to Gov. Gary Herbert saying they would call on organizers of the Outdoor Retailers show to move out of Colorado if state leaders did not do more to protect public lands.

A [press release](#) from Conservation Colorado said:

"There's no better place than Colorado when it comes to protection and stewardship of our public lands," said Pete Maysmith, Executive Director of Conservation Colorado. "From embracing our newest national monuments, to being the first state to establish a holiday to celebrate our lands, to soundly defeating eight bills in our state legislature that would have turned our lands over to private interests, we fully recognize the myriad benefits that public lands bring to our state and to the nation."

The Outdoor Retailers show brings \$45 million annually to Utah's economy. Last week, the organizers of the show said they were exploring other possible host cities for the event.

[BACK](#)

#### 4. **Analysis: Utah's Bishop wants Endangered Species Act to be on the threatened list**

*The Salt Lake Tribune, Feb. 15 | Darryl Fears, The Washington Post*

Washington — A Senate hearing to "modernize the Endangered Species Act" unfolded Wednesday just as supporters of the law had feared, with round after round of criticism from Republican lawmakers who said the federal effort to keep species from going extinct encroaches on states' rights, is unfair to landowners and stymies efforts by mining companies to extract resources and create jobs.

The two-hour meeting of the Environment and Public Works Committee was led by Sen. John Barrasso, R-Wyo., who said last month that his focus in a bid to change the act would be "eliminating a lot of the red tape and the bureaucratic burdens that have been impacting our ability to create jobs," according to a report in Energy and Environment News.

In his opening remarks, Barrasso declared that the act "is not working today," adding that "states, counties, wildlife managers, home builders, construction companies, farmers, ranchers and other stakeholders" have made that clear in complaints about how it impedes land management plans, housing development and cattle grazing, particularly in Western states, such as Wyoming.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

Barrasso's view is in lockstep with the Trump administration, which wants to cut regulations that impede business, particularly energy cultivation. Last week, the Interior Department under President Donald Trump delayed the start date of protections for the endangered rusty patched bumblebee, which has lost an estimated 90 percent of its population in the past two decades. The department said it is reviewing rules set by the Obama administration only weeks earlier, triggering a lawsuit from a nonprofit conservation group that called the delay and the review illegal.

At least one Republican has vowed to wage an effort to repeal the Endangered Species Act. "It has never been used for the rehabilitation of species," House Natural Resources Committee Chairman Rob Bishop, R-Utah, said, according to an Associated Press report. "It's been used to control the land. We've missed the entire purpose of the Endangered Species Act. It has been hijacked."

The Endangered Species Act is a 43-year-old law enacted under the Nixon administration at a time when people were beginning to understand how dramatically chemical use and human development were devastating species. It has since saved the bald eagle, California condor, gray wolves, black-footed ferret, American alligator and Florida manatee from likely extinction.

But members of the hearing said its regulations prevented people from doing business and making a living. In a comment to a former U.S. Fish and Wildlife Service director who testified at the hearing, Sen. James M. Inhofe, R-Okla., repeated a point made by Barrasso that of more than 1,600 species listed as threatened or endangered since the act's inception, fewer than 50 have been removed.

That's about 3 percent of the total, the chairman said. "As a doctor, if I admit 100 patients to the hospital and only three recover enough to be discharged, I would deserve to lose my medical license," Inhofe said.

There was no discussion on the committee about the stability of species that were listed and recovered as a result of the act, and also no discussion of continued human expansion into the habitats of hundreds of species as their numbers dwindle.

Sen. Thomas R. Carper, D-Del., tried to make the point with a question to five members of a panel called to testify about the act: Former Wyoming Gov. David Freudenthal, North Carolina Wildlife Resources Commission Executive Director Gordon Myers, Wisconsin Farm Bureau Federation President James Holte, Defenders of Wildlife chief executive Jamie Rappaport Clark and Association of Zoos and Aquariums chief executive Daniel Ashe.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

Referring to research published in the journals *Science* and *Conservation Biology* that the rate of extinction across species is 1,000 times the rate before human expansion, Carper asked the panelists whether they believed the finding that Earth is on the verge of a sixth mass extinction.

Each panelist who testified the act should be significantly changed — Freudenthal, Myers and Holte — said they weren't qualified to answer such a question. Rappaport and Ashe, the most recent directors of Fish and Wildlife under presidents who are Democrats, emphatically answered yes.

Amid the din of criticism of the act, Carper asked why it was needed in the first place: Weren't states that manage their individual animal populations aware that some species were disappearing? Why didn't they act faster to save them before federal officials brought regulations?

Freudenthal took a stab at a reply. "Only in the last 15 years have state game agencies shifted to species management," he said. "Now agencies have a much broader mission."

In the years that states were less engaged, according Freudenthal, the total number of mammals, birds, reptiles and amphibians, among others, have declined by half, Ashe said. He added that the act could use tweaking, but hardly needs an overhaul.

"The Endangered Species Act is the world's gold standard" for government conservation, Ashe said. "It's not perfect. It can be better. Your goal is to make it . . . stronger and better."

[BACK](#)

#### **5. In our opinion: Be friends, not enemies, in trying to keep Outdoor Retailer show in Utah**

*The Deseret News, Feb. 16 | Deseret News editorial*

We urge Utah's political leaders and the organizers of the semiannual Outdoor Retailer show to come together and find solutions so the show can remain in the Beehive State.

On America's playgrounds, when children disagree, they take their ball and go home.





## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

In the world of business and politics, there should be a more enlightened approach to resolving differing opinions. Constructive dialogue is what needs to take place between leaders from the Outdoor Retailer community and Utah lawmakers.

While many local conservatives view the Outdoor Retailer community — which is weighing whether to relocate its trade convention outside of Utah — as taking the proverbial ball and storming off, many of the state's political leaders haven't helped the situation.

While we too disagreed with President Obama's use of the Antiquities Act to declare another monument in Utah, we disagree with the at-times vituperative rhetorical posture toward the Bears Ears Monument. On the other side, the leaders of the Outdoor Retailer show have focused too much on the political rhetoric, overlooking the unrivaled actions Utah has taken as a state to preserve and protect its immense natural beauty.

Now, sensing an opening, Colorado is actively trying to lure the show away.

Wednesday's copies of the Deseret News and the Salt Lake Tribune contained an ad from a Colorado conservation group suggesting that the show move eastward and highlighting the state's purported "love" for its public lands.

Of course in Colorado there's a lot less to love. Utah has more than 12 acres of public land per capita compared to Colorado's 4 acres. But, more importantly, the show should stay in Utah because for more than two decades the state and outdoor retailers have shared a strong symbiotic relationship that's well worth preserving on both sides.

First introduced in Salt Lake City in 1996 — the same year President Bill Clinton designated the Grand Staircase-Escalante National Monument — the retailers have been staging two trade shows a year ever since. The events now attract some 30,000 people and generate an annual economic impact of \$45 million for the Beehive State.

At the same time, according to Gov. Gary Herbert, the state and local municipalities contribute more than \$1.4 million each year for the shows. What's more, in 2013, Utah was the first state to create an office of outdoor recreation. Add to this tax incentives for outdoor retailers and a robust legislative commitment to protecting public lands, and it doesn't take long to realize that the state has more than demonstrated its "love" for local public lands.

Utah has, for example, the largest active watershed and wildlife habitat restoration program in the nation, with 1.3 million acres restored over the past 11 years, according to numbers provided by Gov. Gary Herbert. The governor also noted that Utah has purchased roughly half a million



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

acres of private land for conservation purposes and is working on protecting 265,000 acres of land. Six current and three proposed preservation projects are within the boundaries of the Bears Ears monument.

Yet, it's hard to focus on substance and facts when there's so much political noise. Bombastically denouncing federal overreach with regard to public lands — even with good cause — is hardly the best way to win friends and influence people, either within the outdoor retail community or the federal government.

If the Utah delegation and local leaders adopt a more measured approach, they might be able to reassure those in the recreation community that they do in fact care about protecting public lands. By the same token, if business leaders are sincere about trying to shape land policy with an eye toward protection and preservation, the right approach is not to threaten those who disagree but to engage them in constructive dialogue.

Friends can persuade better than enemies.

Taking the ball and storming home may be an effective negotiation technique to win in the short term, but in the long term it corrodes the nation's social fabric. For a democratic republic to succeed, those with differing opinions must strive to work them out not by schoolyard tactics but through a civil process more reflective of what society expects from its commerce and political communities.

Only then can Utah politicians and outdoor retailers cease the schoolyard brawls and get back to preserving and appreciating Utah's unparalleled backyard.

[BACK](#)

#### 6. **Senate nears vote on methane rule**

*The Moab Sun News, Feb. 16 | Rudy Herndon*

Congress is poised to overturn a federal rule that aims to reduce methane emissions from oil and gas wells. And while some in the energy industry are cheering, others fear the move could stifle the growing emissions-control industry and its technological innovations.

The U.S. House of Representatives voted 221-191 on Friday, Feb. 3, to approve Rep. Rob Bishop's resolution killing a U.S. Bureau of Land Management (BLM) rule to curb emissions from oil and gas wells on public lands. While the U.S. Senate has pushed back a vote on a



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

companion resolution, some Congress watchers now anticipate that it could come up for a vote early next week.

Methane is a waste gas that is a byproduct of oil and gas production. It's also responsible for about 9 percent of America's greenhouse gas emissions that scientists link to global climate change, and it's more powerful as a heat-trapping gas than carbon dioxide, according to federal regulatory agencies.

A 2010 Government Accountability Office report found that 5 percent of all natural gas on lands within the U.S. is lost to flaring and venting. However, the report said that federal agencies likely lowballed the amount of wasted gas that's lost to flaring and venting, and predicted that more than one-third of it could be captured with existing technologies.

Speaking in support of his resolution against the methane rule, Bishop acknowledged that the oil and gas industry thrived throughout much of former President Barack Obama's two terms in office. But the Utah Republican said that success came in spite of the former administration's "anti-energy" policies.

"It has especially hit those of us in the West very hard," he said during the House floor debate on the bill. "... This is an illegal rule and it's a costly one. This rule's repeal is a vote for people and making sure their lives are better, not worse."

Public Land Solutions Director Ashley Korenblat of Moab sees things differently, though.

Korenblat said that while the rule's opponents are quick to blame regulatory agencies for a loss in energy industry jobs, the real culprit was the global collapse in oil prices. Those prices came crashing down in late 2014 after years of growth due to a glut of oil on the market, although crude oil prices have since bounced back to about \$53 per barrel.

"Oil and gas jobs slowed down because of the price of oil – not because of excess regulation," Korenblat said.

By sticking with the rule, she said, the Senate can show its support for a burgeoning industry, while creating new jobs by developing and improving technologies that capture "fugitive" methane gas releases on public lands. Likewise, other proponents of the rule, such as the head of a Texas company that makes tools to identify pipeline leaks, have said the federal regulation would be a boon to maintenance workers who repair pipeline breaches, according to a report from E&E Publishing.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

“If the intention is to create jobs, then implementing these methane-capture technologies is going to do that,” Korenblat said.

At an energy summit in Vernal last fall, she said, the subject of technological innovation to capture waste gas turned out to be a major topic of conversation and interest among attendees.

“It's well-documented that there are lots of companies that are poised to capture this gas, keep the air clean and sell more royalties,” Korenblat said.

Zooming in on the local level, she said, a repeal of the rule threatens the “Moab brand” that balances outdoor recreation with “responsible” energy development in places like the Big Flat area surrounding Dead Horse Point State Park.

“In Moab especially, we are really trying to build a model of how to optimize recreation and resource extraction,” she said.

As the Senate vote looms on the horizon, Korenblat is encouraging residents to contact the offices of Sen. Orrin Hatch, R-Utah, and Sen. Cory Gardner, R-Colorado, and speak up in support of the rule. In doing so, she said, they can help ensure that in the future, waste gas is captured from new wells in places like the Cane Creek Unit near Moab, and then put to good use.

“We have the technology to do it right, and allowing the companies to be sloppy just hurts the locals,” she said. “Ultimately, the local community gets left with the mess, and that's the fact ... Even if they clean it up, they still have the mess of having a bad reputation.”

Utah officials say state strives to reduce emissions

Thirteen states challenged a separate methane rule from the U.S. Environmental Protection Agency (EPA), but Utah was not among them.

In light of the House vote – and in anticipation of the looming Senate vote, state officials have no plans to speak further about the BLM's rule, either, according to Utah Division of Oil, Gas and Mining (UDOGM) Public Information Officer Hollie Brown.

“We aren't going to submit any comments now with the (pending) repeal of this rule,” she said.

In the past, however, Utah Public Lands Policy Coordinating Office Director Kathleen Clarke – who served as the BLM's national director during former Republican President George W. Bush's administration – outlined the state's objections.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

"The State questions the need to implement sweeping national rules that will increase operating costs for Utah's oil and gas industry and other states while achieving minimal results," Clarke wrote.

Clarke noted that the BLM itself has acknowledged that 91 percent of gas flaring nationwide occurs in just three states: North Dakota, South Dakota and New Mexico. Altogether, she wrote, oil and gas operations in North Dakota account for nearly two-thirds of methane emissions nationwide.

Even without the new rule, Clarke wrote, methane emissions are dropping rapidly – especially in Utah.

Since 2015 alone, she wrote, the state has cut the volumes of flared and vented gas by 61 percent.

However, data about "fugitive" methane emissions from oil and gas wells in the state are hard to come by: According to UDOGM and Utah Division of Air Quality officials, they don't keep track of such releases.

"I don't think we've done any analysis of the oil and gas industry," Utah Division of Air Quality Inventory Section manager Joe Thomas said.

Even without that data in hand, UDOGM Oil and Gas Permitting Manager Brad Hill said he can say that his division's governing board has increasingly taken an interest in reducing methane waste.

"In recent years, our board has gotten very particular about flaring as little as possible," Hill said.

However, Castle Valley resident Bill Rau said that from his perspective, it's clear that the Division of Air Quality is not committed to curbing that loss.

He noted that the division recently granted Wesco Operating Company's application to flare waste gas from a well it acquired through the purchase of Fidelity Exploration and Production's Moab-area assets, instead of ordering the company to capture it.

"My feeling is that the previous oil company, Fidelity, invested heavily in a natural gas pipeline to capture gas associated with oil production," Rau said. "Any new well or newly expanded well within the field once leased by Fidelity should also reduce water, protect air quality and serve the interests of the people of Grand County and the hundreds of thousands of visitors to our area."



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

[BACK](#)

#### 7. **Natalie Gochmour: Invest in rural Utah to help with public land disagreements**

*The Deseret News, Feb. 16 | Natalie Gochmour*

I revere the people of rural Utah. Eighteen years of public service in the Utah governor's office afforded me many opportunities to travel to rural communities, meet the hardworking people, and appreciate the important economic and cultural contributions they make to the Beehive State.

I also love outdoor recreation. I've backpacked in the canyons of the Escalante, camped in the San Rafael Swell, and experienced the whitewater in Cataract Canyon. I view a large portion of the Colorado Plateau as sacred land that needs protection.

I share this background because the rancor between Utah's outdoor products industry and many of Utah's elected leaders troubles me. Amid the talk of boycotts and lawsuits, I think an important element is missing from the conversation. In addition to preservation of Utah's precious wild lands, we need to talk about the economic reality facing rural Utah.

Right now we have two Utahs: urban and rural. Urban Utah attracts all sorts of economic accolades — fastest growing population in the nation, "Wall Street of the West," "Silicon Slopes," and "Best State for Business." Urban Utah just entered its eighth year of economic expansion and generally looks at rural Utah as a place of refuge, solace and play.

In contrast, many areas of rural Utah are in decline. Eight rural Utah counties experienced net out-migration from 2015 to 2016. The population in six of these counties declined over the same period. The most recent state jobs' report shows the economies in 10 Utah counties contracting, all of them in rural Utah.

Perhaps most telling is what is happening to the median age. In 1960, the state median age was almost identical to that of Piute, Kane, Garfield, Daggett and Wayne counties. Today, the median age in these counties is at least 10 years older than the state average. The generative nature of these counties is under threat as young people leave and don't come back.

So, while Utah has amazing landscapes that need protection, we also have many Utahns in rural Utah facing significant economic insecurity. I would like to see the outdoor products industry and elected leaders come together to address this challenge. In doing so, I think both groups would find common ground and make progress on the things they hold dear.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

To his credit, Gov. Gary Herbert announced in this year's State of the State Address a goal to create 25,000 new jobs over the next four years in counties off the Wasatch Front. But how, and can, the outdoor products industry help?

I think the first thing our state needs is more respect, dialogue and understanding between disputing parties. With less finger-pointing and more thoughtful conversations, our elected leaders and the outdoor products industry can identify points of progress.

I'd like to see more investment in rural Utah economies. A good place to start is more public investment in tourism infrastructure such as roads, trails, campgrounds, gateway communities to national parks and other needs. Tourism is one of Utah's largest industries, and like any asset, investment is key.

Another intriguing possibility is investment in an inland port in Salt Lake City that would serve as a valuable urban-rural connecting point. Working with the state, the outdoor products industry could explore ways to manufacture more of their products in rural Utah and benefit from convenient and quick access to the global supply chain.

More investment in research and development at our public universities may also help. Engineers at the University of Utah, for instance, are investigating cost-effective, carbon-friendly methods of turning coal into carbon-fiber composite materials to be used in automobiles, aircraft and even skis. The outdoor products industry could be a valuable partner.

These are just a few ideas, and with dialogue we can find more. Utah faces an unfortunate economic division between urban and rural. The public land debate intensifies this separation and causes unhealthy disagreements between Utah's amazing outdoor products industry and elected leaders. There are ways to find common ground. A good place to start is economic development in rural Utah.

*Natalie Gochmour is an associate dean in the David Eccles School of Business at the University of Utah and chief economist for the Salt Lake Chamber.*

[BACK](#)



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

#### 8. Herbert, Outdoor Retailer execs take on Bears Ears

*The Deseret News, Feb. 16 | Lisa Riley Roche*

SALT LAKE CITY — Gov. Gary Herbert said he will talk today about stepping down from a call to rescind the new Bears Ears National Monument designation during a meeting with the Outdoor Industry Association.

"We'll have that discussion today and see, in fact, how that comes about," the governor said during the taping of his monthly news conference on KUED. "Again, my job is to reflect the desires and the will of the people in Utah."

Herbert said Utah has been consistent in saying, "We want to have a legislative fix," citing the stalled Public Lands Initiative proposed by Rep. Rob Bishop, R-Utah, that would "bring peace to really 18 million acres" in the state.

The governor is scheduled to sit down this afternoon with the association, the sponsor of the biannual Outdoor Retailer show and industry leaders about the state's effort to have President Donald Trump undo the monument designation.

Since the Legislature passed a resolution opposing the action taken by then-President Barack Obama in the final days of his presidency, Patagonia and other retailers have said they will not exhibit at the trade show if it stays in Utah.

In a statement about the meeting, the Outdoor Industry Association said the governor will be asked "to stop all efforts to rescind the Bears Ears National Monument through executive order, to stop efforts to gut the Antiquities Act and to support keeping our public lands public for all Americans to enjoy."

The trade show's contract with Salt Lake City ends in 2018 and other places, including in Colorado, are vying to host the event estimated by the association to contribute more than \$856 million in state and local tax revenues.

"If they are unable to reach agreement, OIA will continue to work with Outdoor Retailer to move the show as soon as possible," the association's statement says.

Herbert said his preference is to have land in San Juan County protected through action by Congress. He said the issue can be resolved "in the best interests of everyone" with action by a new president and Congress.





## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

"For me, it's a better opportunity legislatively," the governor said. "It's kind of a repeal and replace. We're going to replace it with this and repeal the monument. That's how I envision it."

[BACK](#)

#### 9. Gov's water advisers take their work out of public view

*The Salt Lake Tribune, Feb. 16 | Emma Penrod*

Advisers to Utah Gov. Gary Herbert continue to shape a 50-year blueprint for state water policy and big-dollar dam and pipeline projects, but the public has yet to be invited to their latest series of meetings.

First convened in 2013, the Water Strategy Advisory Team released an initial draft of its report last fall. Since December, the roughly 40-member team has broken into smaller groups to revise specific chapters.

Dates and times for these meetings have not been disclosed, with officials claiming that because they involve informal teams of volunteers, the discussions are not subject to state open-meetings laws. A Salt Lake City media attorney said the Open and Public Meetings Act may indeed not apply, due to what he called a loophole in the law.

Along with calling for conservation, early versions of the team's report assert that the massive Lake Powell Pipeline and the Bear River projects must be built to meet future water needs, each expected to cost in the range of \$1.5 billion. The draft calls for additional statewide water system upgrades that could total more than \$18 billion.

Despite the magnitude of these issues, state officials say the team is correct in choosing not to disclose all its inner workings.

"This was a group that was picked to bring to the table their own understanding and knowledge based on decades of experience," said Alan Matheson, executive director of the Utah Department of Environmental Quality. "It wasn't a group intended to summarize public input. ... And yet we've tried to make this, and I think we have made it, the most public process on water that this state has ever seen."

The advisory team — comprised of state regulators, lawmakers, representatives of municipal utilities, industrial, academic and environmental interests — hosted eight public meetings around the state through the summer of 2013 before it began drafting its report.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

Last fall's release was based on feedback from these meetings, more than 800 comments collected online, and on information gathered during Envision Utah's "Your Utah, Your Future" surveys, according to the Governor's office. Envision Utah also collected public comments on its website following the release of the report.

Two of the advisory team's three co-chairs defended taking their work out of public view, describing it as a time-saving move. The third did not provide comment to The Salt Lake Tribune.

"That's always been a little bit of a challenge," said co-chair and state Rep. Tim Hawkes, R-Centerville, "How do you make it so that this group can move, and at every stage trying to get public input and trying to get it effectively, and when do you let the group just do its thing?"

Moreover, Hawkes said, the team has already collected so much public input that "there isn't a public comment that we haven't heard hundreds of times."

According to the Open and Public Meetings Act, Utah's governing bodies must issue a notice including the date, time and location of a meeting at least 24 hours in advance. But under its definition, a "public body" is one created by the state constitution, statute, rule, ordinance or resolution.

Members of the Herbert's water team were personally invited to participate and never organized as a formal government body.

Jeff Hunt, a Salt Lake City-based media attorney, said the Water Strategy Advisory Team seems exactly the sort of group state open-meetings laws were designed to govern.

"It sounds like this body has been given a significant charge by the governor," Hunt said, "and obviously ... there is a clear public interest in having this group operate in the sunshine."

Members of the public would not be turned away should they attend one of the ongoing discussions, said Ari Bruening, chief operating officer for Envision Utah. Bruening, who has helped to guide meetings of the team in the past, said the gatherings were not advertised to avoid attracting large crowds that might further delay the revision process.

Warren Peterson, another of the team's co-chairs, said what while no new deadline has been set for issuing a final report, the team plans to release its revised work for another round of public comment. The goal, Peterson said, is to get as many eyes on the report as possible.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

But the team's initial report drew controversy last fall when the co-chairs at first refused to release the draft. Bold red text on the draft's original cover stated the document "is only for editing purposes and should not be distributed to anyone outside of the team."

Zach Frankel, executive director of the Utah Rivers Council and one of those present at that September meeting, said at this point he has stopped trying to attend the advisory team's meetings.

"They've asked me several times not to speak at the meetings I've gone to, so it's kind of a waste of time," Frankel said. "They refuse to allow water experts they disagree with to speak."

With the advisory team now split into subcommittees, regard for public input appears to vary from one team sub-group to the next.

Lynn de Freitas, an advisory team member and executive director of Friends of Great Salt Lake, said some of the three sub-groups in which she is involved have included public comments in their discussions.

"We're taking those comments to heart as we revisit the existing draft," she said. "We want to be sensitive to improving it, making it more reflective of public comment."

But Robert Gillies, director of the Utah State University's state climate science center, said in the work on his sub-group, he hasn't seen any comments from the public regarding the draft. He has read the comments the team initially collected, he said, but none regarding the draft report.

More broadly, Matheson played down the importance of public participation in creating the state's water strategy, given that the team's final product won't set state policy. Rather, he said, the plan is intended to inform future debates about water policy.

"Ultimately, as with anything, it's our elected officials who are going to make policy," he said, "and all of those processes will be open to the public, as they always are."

[BACK](#)



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

#### E&E/NATIONAL NEWS – FULL STORY

##### 1. Trump Lifts Hiring Freeze at Some Federal Agencies

*Outside Online, Feb. 15 | Charlie Ebbers*

President Donald Trump’s temporary federal hiring freeze has been lifted for the U.S. Forest Service, according to an internal memo from the Department of Agriculture sent to staffers on Tuesday. Other federal land management agencies staffed with seasonal employees, including the Bureau of Land Management, Fish and Wildlife Service, National Park Service, and Natural Resource Conservation Service may follow soon. About one-third of the Forest Service’s employees are seasonal, meaning they work for four to six months a year on trail crews or as firefighters, and the freeze stopped the agency from hiring them back for the coming summer months, the busiest season.

The Department of Agriculture, which directs the Forest Service, said in the memo that roughly 10,000 to 15,000 seasonal employees will get their jobs back. USDA spokesman Michael Illenberg confirmed to Outside on the phone that the agency will move ahead with hirings. "Today, USDA said an exemption has been made for seasonal, non-fire employees for the Forest Service. The people who run the campsites, the trails people, and others," he said.

The freeze, put into effect on January 22, two days after Trump took office, effectively handcuffed land agencies that rely on seasonal workers: the National Park Service, which hires 8,000 to 10,000 workers every year, has been unable to hire wilderness EMTs, trail crew members, or seasonal visitor use assistants; the Forest Service hasn’t been able to fill biological technicians or any non-fire personal; and 20 percent of the BLM’s workforce, which includes range technicians, permit officers, and biologists, hasn’t been staffed for the coming summer due to the freeze.

The initial freeze was implemented to force the Office of Management and Budget (OMB) to design a long-term plan “to reduce the size of the Federal Government’s workforce through attrition,” according to a statement from the White House. Then on January 31, the OMB released a memo loosening the language of the original freeze and allowing every federal agency to hire temporary or short-term employees who deal with “traditionally recurring workloads.” The Forest Service then earned an exemption and was able to hire upper-level firefighters and law-enforcement officials.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

Last week, in accordance with the January 31 memo, the Forest Service put in another exemption request to the OMB, so it could hire more employees. On Tuesday the exemption was extended to include all seasonal employees. A spokesman for the BLM said it expects to receive similar approvals to start hiring seasonal staffers in the next few days.

[BACK](#)

#### 2. **BLM agent testifies Bundy ranch standoff gunman aimed at him**

*The Daily Herald, Feb. 15 | Ken Ritter, The Associated Press*

LAS VEGAS (AP) — A federal agent testified Wednesday that he saw a "sniper" behind a concrete barrier on a freeway overpass pointing a military-style weapon at him while a crowd of protesters in a dry river bed called for the government to release Nevada rancher Cliven Bundy's cattle in April 2014.

Bureau of Land Management Special Agent Michael Johnson told a U.S. District Court jury hearing a third day of evidence in Las Vegas that he'll never forget the feeling of fear, and that that he "absolutely" felt his life was in danger.

"There was a man with binoculars right next to him. He would periodically pop up," Johnson said, adding that he also saw the man he termed a "spotter" using a monocular range-finder to judge the distance between them.

Johnson testified he took cover for more than an hour behind a portable generator trailer, and never raised his handgun or AR-15 rifle at the overpass or at unarmed men, women and children in the wash below.

On Tuesday, another bureau agent, Rand Stover, testified for the prosecution that he too felt his life was threatened.

Under questioning by defendant Todd Engel, who is serving as his own lawyer, Johnson said Wednesday he saw other federal agents with weapons pointed toward protesters.

Engel tried to establish a timeline suggesting government officials were first to draw weapons.

No shots were fired during the tense standoff, and the cattle were eventually released.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

Six defendants who prosecutors say wielded weapons are now standing trial on charges including conspiracy, firearm offenses and assault on a federal officer that could get them more than 100 years in federal prison.

Bundy and sons Ammon and Ryan Bundy are due to stand trial with two other men as a second group, after the first trial is over.

[BACK](#)

### 3. Las Vegas jury views video of April 2014 rally led by Cliven Bundy

*The Las Vegas Review-Journal, Feb. 15 | Jenny Wilson*

In response to news that federal agents decided to stop rounding up his cattle, rancher Cliven Bundy grabbed a microphone and delivered an ultimatum to the local sheriff.

“Disarm the park service,” he bellowed at a morning rally on April 12, 2014, after Clark County Sheriff Doug Gillespie announced that the Bureau of Land Management would cease a cattle impoundment operation that resulted from decades of unpaid grazing fees.

“We want those arms delivered ... in one hour,” Bundy declared, with the open range behind him and scores of supporters, some of them armed, before him. He also called on the sheriff to “take your county bulldozers and tear down those entry places ... where they make us pay the fees” to national parks.

A video of the speech was played in federal court Wednesday during the trial of six men accused of conspiring with Bundy. Prosecutors played several video clips from that day as they tried to piece together for jurors the events that led to the armed standoff in Bunkerville in April 2014. The videos were shot by members of the public who attended the protests.

After an hour passed, Bundy formulated a plan.

“Let’s go get those cattle back,” he told supporters. “All we gotta do is open the gate and let them run out, and they’ll be home.”

Some protesters would block the freeway overpass for safety. Dozens of cowboys on horseback would travel up Power Line road. They would meet under the Toquop Bridge, adjacent to the impoundment site where the BLM had corralled the cattle.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

“Get ‘er done, cowboys,” Bundy said. “Let’s go get ‘er done.”

Federal authorities had been watching Bundy closely in the days leading up to the standoff. Undercover BLM agents had posed as Bundy supporters to “continually assess the threat,” BLM Agent Adam Sully testified Wednesday. State and federal law enforcement officers were surveilling the scene from planes and helicopters.

Video shot from the highway overpass shows protesters arriving under the bridge carrying flags, with women, dogs and children in tow. The horsemen lined up in front of the crowd. Ahead of them was the gate to the impoundment site. Behind the gate were roughly 20 armed BLM agents, weapons ready.

Some people — such as the six men standing trial — stayed on high ground, guns in hand. The crowd was raucous and vocal.

Most of the videos were played during testimony from Alex Ellis, a teenager who learned of the protests online and drove from Utah the day before to see the events live. Court adjourned Wednesday before defense attorneys had the chance to cross-examine Ellis.

Sully, who was one of the undercover agents, testified that the day before the standoff, Bundy said: “The range war starts tomorrow.”

In cross-examination of Sully, defense attorneys were quick to point out that no shots were fired. They attacked law enforcement actions in the days preceding the confrontation to support their claims that federal agents were the aggressors.

“Would it be safe to say that the only thing hurt out there was the BLM agents’ feelings?” defendant Todd Engel, who is representing himself, asked. U.S. District Judge Gloria Navarro did not let the witness answer.

[BACK](#)



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

#### 4. BLM public input rule protects public lands

*The Denver Post, Feb. 15 | Tyler Baskfield*

South Park is a sportsmen's paradise of large elk herds, dream trout streams and endless recreation possibilities. For Colorado Front Range residents like me, South Park is a vast backyard playground, just a short hour and a half drive from Denver. South Park also is the headwaters of the South Platte, an important source of drinking water for Denver. It's one of the crown jewels of public lands in Colorado.

Unfortunately, it's also currently in the cross-hairs of shortsighted partisan politics.

Sportsmen everywhere should be alarmed by an effort afoot in Congress to roll back the public's say in managing South Park and other public lands. Now is the time to speak up if we want to protect these special places.

A critical vote is expected in the Senate in the coming weeks that may eliminate the Bureau of Land Management's Planning 2.0 initiative through the Congressional Review Act. The House earlier this week voted to repeal the BLM planning rule.

This misguided move to repeal Planning 2.0 is a thumb in the eye of sportsmen and others who believe local residents and governments should have more of a say in how public lands are managed. The BLM developed Planning 2.0 in response to concerns about the lack of transparency in public lands management and to create a more collaborative planning process with opportunities for meaningful public involvement.

Planning 2.0 gives sportsmen, local governments, landowners and residents more input early on in the planning process — and this "smart from the start" approach helps to avoid conflict by bringing stakeholders together to settle thorny land use issues, such as where to site oil and gas development and how best to allow multiple uses of the land while ensuring the health of wildlife, rivers and other natural resources.

South Park is one of the places where BLM is piloting Planning 2.0, and so far the majority of stakeholders have embraced the new planning process. Members of Front Range water providers, sportsmen, environmentalists, Park County commissioners, business owners, agency personnel — all praise the increased opportunities for input and believe Planning 2.0 will help protect natural resources while sustaining the local economy.





## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

Sen. Cory Gardner rightly called outdoor recreation “a cornerstone of our economy in Colorado” after the Outdoor Recreation Jobs and Impact Act of 2015 that he authored recently passed the Senate. He clearly understands the importance of outdoor recreation, public lands and wildlife resources to local economies and residents. Outdoor recreation accounts for more than \$13 billion in economic activity in Colorado and supports some 125,000 jobs, according to the Boulder-based Outdoor Industry Association.

The foundation of that booming outdoor sector is the health of places like South Park.

Colorado sportsmen and outdoor enthusiasts call on Gardner and other lawmakers to continue to lead and advocate for the state’s important recreation economy and public lands heritage by resisting this reckless stampede to scrap Planning 2.0.

The current administration has a great deal of latitude to implement, or if necessary revise, the rule to ensure that it works for all stakeholders, including public land users, state and local governments and the BLM itself. Using the Congressional Review Act does not help to solve public land management challenges; it will only make it more difficult for the BLM to be good land stewards. The House of Representatives erred when it passed its resolution disapproving of the Planning 2.0, but the Senate doesn’t have to make the same mistake.

Please take a few minutes to contact your senators and urge them to oppose efforts to do away with Planning 2.0. Let’s ensure that the public has a voice in public land management and in preserving our last best places.

*Tyler Baskfield is sportsmen’s coordinator in Colorado for Trout Unlimited.*

[BACK](#)

#### 5. **DOE: Defenders and attackers of loan guarantees briefly switch sides**

*E & E News, Feb. 16 | Umair Irfan*

Some rhetorical judo led to a Democrat calling to close the Department of Energy's loan guarantee program while a Republican praised the initiative yesterday.

At the hearing, titled "Risky Business: The DOE Loan Guarantee Program," before the House Science, Space and Technology Subcommittee on Energy, lawmakers challenged the program's record and debated the future of DOE's role in spurring clean energy deployment.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

The main philosophical debate was whether a government agency should be in the business of helping new companies secure financing for nuclear power plants, carbon capture facilities and concentrating solar power farms.

"The department can't prioritize the basic research it does best when it plays venture capitalist," said subcommittee Chairman Randy Weber (R-Texas) in his opening statement.

A loan guarantee, as opposed to a loan, offers a backstop for private lenders to invest in risky, first-of-a-kind projects. The cash doesn't come from the government, but the Energy Department is on the hook if the development flames out.

DOE's loan guarantee program was first authorized under President George W. Bush. Under Section 1703 of the Title XVII of the Energy Policy Act of 2005, DOE received authority to disburse loan guarantees for energy deployments that "employ new or significantly improved technologies as compared to commercial technologies."

The American Recovery and Reinvestment Act of 2009 added another component to the loan guarantee program, Section 1705, which paid the credit subsidy cost for the borrower, making the loan guarantees a much more attractive instrument. The credit subsidy cost is the expected long-term liability to the government.

Loan guarantees disbursed under Section 1705 were aimed at "shovel ready" projects that were meant to put Americans to work during the depths of the Great Recession. The program's authority expired in 2011.

As of December, DOE had issued \$31.98 billion in loans and loan guarantees. Sections 1703 and 1705 account for \$28 billion distributed across 30 energy companies. About \$10 billion was appropriated to cover losses, but DOE reported losses of \$810 million, yielding a portfolio that is more than 97 percent solvent.

DOE also reported \$1.79 billion in interest payments received, giving the program a positive cash flow of more than \$900 million.

The high-profile program suffered a major setback in 2011 when solar photovoltaic manufacturer Solyndra, which received a \$535 million loan guarantee in 2009, declared bankruptcy. "Solyndra" soon became shorthand among congressional Republicans for government mismanagement.

Rep. Clay Higgins (R-La.) found an upside to the program.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

"The loan guarantee program has had serious problems regarding some of the loans in its portfolio, including controversial failed projects such as Solyndra," he said. "Although there is room for improvement in the program, it's important that we give reasonable consideration to Department of Energy loans designed to commercialize innovative technology in the oil and gas industry versus the green industry."

He cited the conditional \$2 billion loan guarantee awarded to the Lake Charles carbon capture and storage plant in Louisiana at the tail end of the Obama administration (Greenwire, Dec. 21, 2016).

"That's an example, to me, of a wise investment," Higgins said.

Three of the four witnesses before the committee expressed skepticism about the program, arguing that federal loan guarantees expose taxpayers to too much risk, create distortions within energy markets, remain vulnerable to cronyism, and overlap with state policies and incentives for clean energy.

"Federal subsidies are overkill," said witness Chris Edwards, director of tax policy at the right-leaning Cato Institute.

Rep. Ed Perlmutter (D-Colo.) said that he wondered whether such authority would be used wisely under the Trump administration.

"Some of you brought up some points that I am really concerned about," he said to the witness panel.

"Even though the Republican Congress passed this back in 2005, signed by George Bush, used by that administration, used by the Obama administration, if this Congress wants to take this tool away from the Trump administration because they're worried about potential cronyism, I may applaud that," Perlmutter added.

"I don't think it's just DOE, either; it's all programs of these nature," said Diane Katz, a senior research fellow at the Heritage Foundation, a conservative think tank.

"So you think all these programs should be taken away from the Trump administration?" Perlmutter asked.

"Absolutely," Katz responded.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

[BACK](#)

#### 6. **PIPELINES: On Capitol Hill, sacred lands spark fierce debate**

*E & E News, Feb. 16 | Jenny Mandel*

A House hearing on energy infrastructure yesterday turned fiery as discussion centered on how the Standing Rock Sioux Tribe approached negotiations over the routing of the Dakota Access pipeline on land that, in the words of one GOP lawmaker, "can all be considered sacred in some way."

The tribe at the center of the protests of Dallas-based Energy Transfer Partners' controversial 1,172-mile oil pipeline from North Dakota to Illinois has been criticized for its cold stance toward talking with project developers and regulators during the prescribed tribal consultation process. Tribal members argue that the limited contacts conducted through that process were too late in development to be meaningful and were geared to securing an outward appearance of participation (Energywire, July 29, 2016).

During a House Energy and Commerce Committee hearing on energy infrastructure, Republican Rep. Markwayne Mullin of Oklahoma pointed to his own Cherokee heritage in questions targeted at Chad Harrison, a member of the Standing Rock Sioux tribal council who had testified on the tribe's dissatisfaction with the consultative process led by the Army Corps of Engineers.

"Mr. Harrison, I'm Cherokee, and I understand very well sacred sites, heritage sites. It's our heritage. I want to protect them, too," Mullin said.

But Mullin challenged the idea that the Dakota Access pipeline would bring the tribe risk without any attendant benefits. "We still own the same land that was allotted to my family," Mullin said. "There's a utility easement that goes across it, and I was glad to grant the utility easement, because it's not just about our backyard; it's about the country as a whole. What's good for your backyard is what's good for the country; it's going to create jobs in your backyard, too."

Joey Mahmoud, the pipeline's project director for Energy Transfer Partners, testified that the company had reached out to the tribe numerous times both publicly and privately over two years, and that the Army Corps had attempted to contact the tribe nine times, but that the tribe "declined to participate in any meaningful way."

Mahmoud said the selection of the contested Lake Oahe point to cross the Missouri River was based on an existing utility corridor there that already carries a natural gas pipeline and a high-



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

voltage electric transmission line. "The site chosen is, by far, the most benign site for the crossing and would reduce impacts to stakeholders and the environment," he said.

The tribe submitted extensive comments on the Army Corps' draft environmental assessment of the river crossing plan.

In his questioning, Mullin called the Standing Rock Sioux Tribe's opposition to crossing the river at that point, and its stance that the pipeline should be rerouted elsewhere, "hypocritical."

"Through[out] the Indian Country, every time we dig up through certain places, because we occupied all the land, it can all be considered sacred, at some point," said Mullin. "You don't want it there; well, where do you want it?"

Harrison struggled to respond to Mullin's verbal attack, repeating quietly that the tribe fears an eventual pipeline breach and spill and that the company's repeated dialing of a tribal phone number did not amount to "an actual dialogue" with tribal members.

Eventually, Mullin's questioning was cut short as California Democratic Rep. Raul Ruiz unleashed his own tirade of criticism at the idea that the tribe had waived its right to oppose the project by not working with the company and regulators.

"I'm so tired of the federal government not respecting the meaningful consultation" portion of the law, Ruiz said. "Notification is not meaningful consultation. Engagement is not meaningful consultation. Asking somebody to come to your meeting so they can check off a box and use that as an excuse to say, 'See, we did consult with these tribes,' is political trickery; it is not meaningful consultation," he added.

#### **'A very lengthy process to wrap your head around'**

Also speaking on the panel was Kim Kann, a private citizen who has opposed the construction of the \$2.6 billion Atlantic Sunrise pipeline project under development by a Williams Cos. subsidiary. That project was recently approved by the Federal Energy Regulatory Commission to run 183 miles of new pipeline in Pennsylvania and upgrade equipment and existing pipeline segments in Pennsylvania, Maryland, Virginia, North Carolina and South Carolina (Energywire, Feb. 7).

Kann said opposition to the pipeline in her rural, heavily Republican community largely centered on a desire to protect land that families had owned for years and indignation at the idea that a company could use eminent domain to overturn landowners' decisions around granting access.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

"As people speak up on this issue, they almost feel like they are not in keeping with their Republican roots," Kann said. But she described a strong belief in property rights as grounding the community's opposition.

"We get that sometimes land needs to be taken for the benefit of the community," Kann said. "For this project, locally, there was none."

In comments to E&E News, Kann said she is concerned about the current political enthusiasm for streamlining and accelerating regulatory processes like pipeline approvals.

"As an affected landowner, my concern about speeding up the regulatory process is that it took us an entire year to get up to speed," Kann said. "We needed to find out first of all what the project was, what it meant; we needed to actually understand if it was beneficial or if it was harmful, and what kind of balance there was to that — and then, in the event that we found more harms than benefits, then what were our options as affected landowners, community members, local legislators, to do something about that."

"It's a very lengthy process to wrap your head around that kind of information, and it isn't an industry that's known for its transparency," Kann added. "You don't just ask for the information and get it; you have to dig, and dig, and dig, and dig."

*Correction: A previous version of this story misidentified the House member who criticized the Standing Rock Sioux's pipeline opposition. It was Rep. Markwayne Mullin (R-Okla.).*

[BACK](#)

#### 7. **PUBLIC LANDS: Bipartisan resolution seeks to protect 'national treasures'**

*E & E News, Feb. 16 | Kellie Lunney*

Two Western lawmakers introduced a bipartisan House resolution yesterday that affirms the sense of Congress that public lands are a national treasure benefiting all Americans.

Reps. Alan Lowenthal (D-Calif.) and Dave Reichert (R-Wash.) introduced the [measure](#), which enumerates the many attributes of public lands, including housing fish and wildlife, creating thousands of jobs, providing recreational activities for the public, and serving as cultural and religious sites for Native Americans.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

The resolution said that public lands belong to all Americans and should be maintained for future generations.

"It is our duty to make sure our children and grandchildren are afforded the same experiences and to support our local economies who depend on their natural beauty to attract tourists and visitors from across the globe," said Reichert in a statement. "We must continue to protect and preserve our federal lands."

Lowenthal said that "Congress has the responsibility to oversee the proper management of these lands for generations to come."

Several resolutions are pending now in Congress that would roll back Obama-era regulations affecting public lands.

[BACK](#)

#### 8. **COAL: Trump axes Stream Protection Rule**

*E & E News, Feb. 16 | Dylan Brown*

President Trump this afternoon struck down coal mining regulations that the Obama administration spent more than seven years crafting to better protect streams.

Surrounded by coal-state lawmakers, the president signed [H.J. Res. 38](#) to kill the Interior Department's Stream Protection Rule, which imposed new water quality and monitoring standards.

"We haven't treated [coal] with the respect it deserves," Trump said.

Congress and the president repealed the rule through the Congressional Review Act. The law is in vogue as Trump and Republicans wage a sweeping war on Obama-era regulations.

"I want regulations because I want safety, I want environmental, all environmental situations to be taken properly care of, it's very important to me, but you don't need four or five or six regulations to take care of the same thing," Trump said at a press conference today.

Coal mining companies and their allies in Congress managed to put the stream rule atop the kill list. The resolution against it was among the first that lawmakers took up and the second Trump has signed.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

"President Trump made a major down payment on his campaign pledge to revive the coal industry and preserve the livelihoods of one-third of our nation's miners whose jobs would have been sacrificed by this massive regulation," National Mining Association CEO Hal Quinn said in a statement.

The federal Office of Surface Mining Reclamation and Enforcement analysis found the rule did not threaten coal jobs. The agency said it could have been a job creator because of stricter reclamation standards.

The agency's delay in issuing the rule, including conflict with contractors and intense opposition from Capitol Hill, made it vulnerable to repeal under the CRA.

Fourteen states sued OSMRE for overstepping its legal authority. They said the agency didn't include them enough in the rulemaking process.

The debate over mountaintop-removal mining, which has buried miles of streams in Appalachia, has been central to the debate. The rule was part of the Obama team's focus on cracking down on the practice.

However, companies like Murray Energy Corp. also said the rule would have hurt underground longwall mining, which tends to cause subsidence and hurt streams on the surface.

Murray Energy CEO Robert Murray said in a statement, "This repeal will also prevent years of litigation, where we would have ultimately prevailed in."

Trump greeted Murray warmly today during the signing. "God bless you, Mr. President," Murray told him.

Democrats in the room included Sens. Joe Manchin of West Virginia and Heidi Heitkamp of North Dakota, whom Trump called "sort of a Democrat."

Environmentalists had spent years demanding an even stronger buffer between streams and coal mines, citing increasing scientific evidence linking coal mining to downstream illnesses.

"During his campaign, the president said Americans need 'crystal-clear and clean water,'" said Earthjustice water and mining advocate Jenifer Collins. "If he really meant that, he would have vetoed this legislation."





## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

After decades of political wrangling, the CRA resolution means the administration cannot submit a "substantially similar" regulation without congressional approval.

With President George W. Bush's Stream Buffer Zone Rule voided by a federal court, OSMRE is left with standards dating back to 1983 (Greenwire, Feb. 13).

Environmentalists generally liked the old language as written, but they have complained about lax enforcement at the federal and state level.

Just yesterday, a federal court admonished U.S. EPA's "acquiescence" to West Virginia's "plodding" in developing plans to clean up bodies of water damaged by coal pollution (E&E News PM, Feb. 15).

[BACK](#)

#### 9. **Why You Need the Internet to Drill in the U.S.**

*Bloomberg News, Feb. 16 | Mya Frazier*

The Obama administration largely put an end to old-school federal energy auctions last year, just when they were starting to get interesting.

Those barker-and-gavel sessions, long the primary way the Bureau of Land Management sold leasing rights for oil and gas drilling on federal property, had become targets for climate activists. A year ago, a conservationist worried about drilling near her home in Utah paid \$2,500 for the rights to 1,120 acres of federal land. (She put the purchase on a credit card.) The BLM rescinded the lease months later after she'd made it clear she didn't intend to drill.

The bigger disruption came in May, when hundreds of protesters blockaded a 7,000-acre auction at a Holiday Inn in Lakewood, Colo. Police eventually broke the blockade, and Kathleen Sgamma, president of Western Energy Alliance, a powerful industry lobbying group, told a local newspaper she'd ask the BLM "to get rid of this circus by just holding online auctions."

Over the summer, the BLM changed its rules to do just that, and this year only two of its 26 auctions will be held in person. The rest have been contracted to EnergyNet, a privately held company in Amarillo, Texas, that runs the country's largest auction site for oil and gas properties. Obama's BLM gave EnergyNet a five-year exclusive to manage the bureau's online auctions, and the company has since made similar deals with state agencies in Colorado, New Mexico, North Dakota, Texas, Utah, and Wyoming.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

EnergyNet takes a 1.5 percent commission on its BLM auctions, and sales of federal and state lands on the site topped \$158 million last year. Overall sales on the platform rose to \$745 million, more than triple the 2013 figure. Partly, that's because cratering oil prices have pushed leaseholders to put their rights up for sale.

EnergyNet auctions naturally filter out most protesters. Under the terms listed on the website, registered lessees must be able to prove that they're professionals "engaged in the oil or gas or other minerals business on an ongoing basis." Still, Chief Executive Officer William Britain is clearly worried about activists. He responded to an interview request by asking that a Bloomberg Businessweek editor call to confirm the reporter's identity. "With the government work we are doing, we have a lot of protesters," Britain says. "You can't be too careful these days."

Britain, previously an oil and gas driller, founded EnergyNet in 1999 and started pitching the site to the BLM in 2009. At the time, a Reagan-era federal mandate required that all auctions be conducted in person and relatively near the land being auctioned, so "we went to work trying to get that law changed," he says. Eventually, the company helped get language giving the BLM power to shift its auctions online tucked into the 2015 National Defense Authorization Act, the annual Pentagon budget. "Everyone should want it to be easier to buy federal leases," Britain says, "rather than just these little regional live auctions they'd been having."

Anti-drilling activists say the result is opacity, not efficiency. "The real effort here is to take auctions out of the public spotlight and to scurry into the cover of darkness to escape people who want to protest," says Jason Schwartz, a spokesman for Greenpeace, which helped organize the Lakewood protest.

Then again, the old auction process wasn't exactly transparent, either, says Nada Culver, director of the BLM policy group at the Wilderness Society, another conservation advocate. "The guy in the cowboy hat and the boots at the auction is not the giant oil and gas company that ends up with the lease," she says. "This is not a process that's ever been open to regular people."

The bottom line: Sales on EnergyNet more than tripled in three years, reaching \$745 million in 2016, including \$158 million in government lands.

[BACK](#)



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

#### 10. **BLM Calls Wild Horse Slaughter Article 'Fake News'**

*The Horse, Feb. 16 | Pat Raia*

The Bureau of Land Management (BLM) has labeled an article claiming the agency plans to slaughter more than 40,000 wild horses as fake news.

A Jan. 30 article published by the website Native Indigenous American alleges that the Department of the Interior voted Jan. 27 to slaughter 67% of the wild horses remaining in the United States. The article alleges that the decision was made following a congressional hearing during which beef industry representatives testified that the wild horses were “overpopulated and unhealthy.” The article also said the beef industry representatives “maintained that the only way to solve this population crisis humanely was the slaughter of 44,000 horses currently corralled by the BLM and to surgically sterilize all remaining wild horses, effectively eliminating the entire country’s population of wild horses.”

The article alleges the BLM would sell the horses to middlemen who would then sell them for processing in Canada and Mexico.

In response, Tom Gorey, BLM senior public affairs specialist, told *The Horse* the article was “fake news.”

“The agency's policy is to not sell or send wild horses or burros to slaughter and there has been no congressional direction to the contrary,” he said.

Gorey said that during a September 2016 meeting, members of the National Wild Horse and Burro Advisory Board, an independent group composed of members of the public, recommended the BLM sell wild horses and burros without limitation and apply euthanasia to off-range horses and burros for which there is no adoption or sales demand.

“The BLM announced after that meeting that it would continue to place off-range horses in good homes and that it would not apply euthanasia to healthy wild horses or burros,” Gorey said.

No one at Native Indigenous American was available for comment.

[BACK](#)



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

#### 11. **181 artifacts from looted site found, BLM asks for help**

*St George News, Feb. 16 | Julie Applegate*

ST. GEORGE – In the wake of the looting of a prehistoric Native American village near Beaver Dam, Arizona, land managers are asking the public's help in protecting the wide variety of cultural resources located on the Arizona Strip.

The looting case has prompted Bureau of Land Management to ask for increased awareness of the role the public can play in preserving archeological resources for present and future generations of Americans, BLM Arizona Strip District spokeswoman Rachel Carnahan said.

The looted site near Beaver Dam is a large village covering the entire top of a bluff and containing subsurface pit houses, petroglyph rock art, pictographs, grinding mortars, cooking features, artifact middens and human burials.

Part of the site had been investigated by archaeologists in the 1960s during the construction of the Interstate 15 Highway.

Damage and looting at the site was first found in 2011 during a fiber-optic subsurface cable installation and continued for the next three years.

The BLM began an investigation and eventually identified half a dozen individuals involved in looting and damaging the site as well as selling Native American artifacts.

After obtaining a search warrant for a residence in Beaver Dam, investigators incidentally uncovered a methamphetamine distribution ring in addition to looted Native American artifacts.

Two people were ultimately charged and prosecuted for archaeological resource crimes and related drug activities.

Tara Melissa Craft of Beaver Dam, Arizona, pleaded guilty in December in U.S. District Court, District of Arizona, to unlawful removal of archaeological resources.

Court documents state that 20 pieces of pottery collected from the archaeological site and a sifting screen were found in plain sight at Craft's house.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

After obtaining a federal search warrant, a total of 181 artifacts were found at the residence, along with shovels, books and notepads, court documents state. Marijuana was found on Craft's person and methamphetamine was found in the house.

Craft pleaded guilty to one count of the unlawful removal of archaeological resources, a Class A misdemeanor. She was sentenced to one year's probation and ordered to pay \$2,000 in restitution.

Craft was also banned from BLM land in Utah, Nevada and Arizona with the exception of travel on federal, state or local highways or roads.

Matthew Branden Doyle pleaded guilty in federal court in December to one Class A misdemeanor for possession of methamphetamine; he was placed on probation for two years.

#### **Protecting the past**

Although the impacts to the Beaver Dam site totaled more than \$4,000 in damages, Carnahan said, the long-term impacts are greater for the public and Native American tribes who hold these sites sacred.

In addition to its scientific value, this site is of archaeological interest for its potential to provide an understanding of past human behavior.

Oral histories of American Indian groups including the Paiute and Pueblo peoples tell of their prehistoric migration and occupation of the Arizona and Utah areas, and the significance of the Grand Canyon area to their cultural and religious beliefs, Carnahan said.

Archaeological sites and other areas that were blessed and actively visited by their Native American ancestors are considered sacred to this day, Carnahan said.

For many Native Americans the disturbance of these places is considered religious sacrilege comparable to the vandalism of churches and the illegal looting of consecrated graveyards, she said.

The 1976 Federal Land Policy and Management Act recognized the need for BLM law enforcement to provide for public safety and protect resources on the nation's public lands, Carnahan said. Rangers, special agents and archaeologists work together to monitor and protect historic and prehistoric sites in partnership with state and local law enforcement agencies.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

“Whether it be an old ranch or school house, a pioneer trail or American Indian granary, each cultural site is significant and valuable to all Americans in linking us to past generations,” she said.

Vandalism and looting desecrates and devalues American Indian sites, which tribes consider sacred, Carnahan said.

“These are places where rock writings, artifacts and structures should be honored for their sacred and historic values so others may enjoy them for years to come.”

The Archaeological Resources Protection Act of 1979 protects cultural resource items and makes collecting, buying or selling items from public lands illegal.

The Arizona Strip contains a wealth of cultural resources that are important to understanding both recorded history and prehistory, Carnahan said.

So far, 5,900 cultural sites have been identified on the 195,000 acres that have been inventoried for cultural resources.

#### **How to help**

The public is encouraged to report vandalism, dumping and other suspicious activities on public lands by calling 1-800-637-9152, 24 hours a day, seven days a week.

To learn more about protecting public lands, see Tread Lightly’s Respect and Protect program [webpage](#).

[BACK](#)