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Anita,

The attached document is a BLM Utah news report which I send out daily. I will add you to the distro list so you can start receiving these daily reports.

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DAILY NEWS REPORT - UTAH

UTAH – TOP STORIES – FEBRUARY 4-6, 2017

1. Editorial: Will Trump era undo Utah air quality progress?

The Salt Lake Tribune, Feb. 3 | Tribune Editorial

Believe it or not, the air is getting cleaner in Utah.

Is that going to continue? For the next few years, it largely depends on the Donald Trump administration.

2. Obama ignored residents' wishes with Bears Ears designation, legislature says

The Salt Lake Tribune, Feb. 3 | Benjamin Wood

The Utah Senate on Friday joined the House in urging President Donald Trump to rescind the designation of the Bears Ears National Monument.

3. Bears Ears Resolution Fast Tracked for Signing by Governor

Utah Political Capitol, Feb. 3 | Michael Orton

On Friday, HCR 11 – Concurrent Resolution Urging the President to Rescind the Bears Ears National Monument went to its final floor debate in the Senate after breezing through the House, due in no small part from the endorsement of the leadership of the House Speaker, Greg Hughes (Republican – Draper).

4. Efforts to restore imperiled Pando show promise says USU ecologist

The Science Daily, Feb. 3 | Utah State University

If you're depending on a room filled with 90-year-olds to repopulate and save the human race, you may be setting your hopes a little too high.

That's an analogy Utah State University researcher Paul Rogers uses to explain the challenges before Pando, a massive aspen clone in south central Utah thought to be the largest living organism on Earth.



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5. Op-ed: Trump officials should visit Bears Ears before making a hurried decision

The Salt Lake Tribune, Feb. 4 | Bob Keiter and John Ruple

We are writing to encourage President Donald Trump and Interior Secretary-designate Ryan Zinke to proceed cautiously in determining whether to abolish or change the Bears Ears National Monument. While Utah's elected officials are imploring them to take prompt action, the recent Colorado College poll reveals that Utah voters, by a 15-point margin, favor the Bears Ears designation.

6. Tell BLM: 'No' to drilling in Washington County

The Spectrum, Feb. 4 | Tom Butine, Conserve Southwest Utah

The local Bureau of Land Management office is processing an application to lease almost 5,000 acres of our public land for oil and gas drilling near Virgin just outside of Zion National Park and near Toquerville north of St George. We can stop this negative impact to our economy and lifestyles with an outpouring of letters to the BLM explaining the reasons we think this lease should not be granted.

7. My view: Policies speak louder than words

The Deseret News, Feb. 5 | Jason Chaffetz

Just before leaving office, a still historically popular President Barack Obama told the television program "60 Minutes" he "lost the PR battle," blaming his party's electoral losses on a failure to message properly.

8. My view: Bears Ears National Monument is our shared future, and it's time to get to work

The Deseret News, Feb. 5 | Carleton Bowekaty

As elected officials representing our five tribes, we are disappointed that Utah's congressional delegation continues to misrepresent the position of our tribes and our tribal members, as they did in their Jan. 24 opinion piece in the Deseret News. We support Bears Ears National Monument, we advocated for its designation as a national monument, and we will defend it using our nation-to-nation relationship with the federal government.



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9. Governor of Utah calls on Trump to revoke Bears Ears National Monument

United Press International, Feb. 5 | Brooks Hays

Feb. 5 (UPI) -- The Bears Ears National Monument was established by former President Barack Obama during the final days of his presidency. Now, Republicans are working to get rid of it.

10. Utah Representative Wants Bears Ears Gone And He Wants Trump To Do It

National Public Radio, Feb. 5 | Kirk Siegler

Republicans want to eliminate one of the nation's newest national monuments.

Former President Barack Obama created the 1.3 million-acre Bears Ears National Monument in Utah just days before he left office.

11. BLM and Forest Service Announce 2017 Grazing Fee

KCSG News, Feb. 6 | BLM Press Release

UTAH - The Federal grazing fee for 2017 will be \$1.87 per animal unit month (AUM) for public lands administered by the Bureau of Land Management and \$1.87 per head month (HM) for lands managed by the U.S. Forest Service. The 2016 public land grazing fee was \$2.11.

12. SAGE GROUSE: BLM alarmed by 'serious' population declines in NW Utah

E & E News, Feb. 6 | Scott Streater

The Bureau of Land Management is increasingly concerned about an isolated group of greater sage grouse in northwest Utah that has suffered what it calls a "serious decline" in population.

E&E/NATIONAL NEWS – TOP STORIES

1. The Plan to Stop Federal Law Enforcement of Public Lands

Outside Online, Feb. 3 | Leah Sottile

On Wednesday, Utah Republican Representative Jason Chaffetz responded to public outcry and dropped H.R.621, which sought to sell off millions of acres of public land across the West. But a similar, lesser-known bill to gut public land protections, which Chaffetz introduced alongside H.R.621 on January 24, is still on the table.



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2. BLM misconduct probe may derail Bundy Ranch standoff trial

AZ Central, Feb. 3 | Jenny Kane and Robert Anglen, USA Today Network

An investigation accusing a federal agent of misconduct and ethics violations could derail one of the most high-profile land-use trials in modern Western history.

3. Legislation would slash federal law enforcement in west

The Reno Gazette-Journal, Feb. 3 | Benjamin Spillman

Federal law enforcement agents who combat illegal dumping, conduct wildland fire investigations and eradicate environmentally damaging illicit marijuana growing operations would lose their jobs under a proposal by seven western lawmakers.

4. In Wyoming, a cautious public lands victory

High Country News, Feb. 3 | Rebecca Worby

On Jan. 20, public lands advocates across Wyoming celebrated a tenuous victory. In a move somewhat overshadowed by inauguration coverage, Wyoming Senate President Eli Bebout killed a proposed constitutional amendment that would have laid the groundwork for potential future transfers of federal lands to the state, citing doubt that the bill would have earned the necessary votes. Then, just ten days later, Wyoming House Majority Floor Leader David Miller filed another transfer bill, the latest in a spate of “land-grab” bills that have galvanized opposition among Wyoming sportsmen and conservationists.

5. Op-ed: Congress shouldn’t repeal federal methane rule

The Denver Post, Feb. 4 | Ryan Alexander

The Bureau of Land Management is charged with ensuring a fair return to taxpayers and minimizing waste from the development of natural resources on federal lands. In response to the growing problem of natural gas being vented and flared from federal lands, it undertook a five-year rule-making to curtail lost gas and clarify when it should be subject to a royalty payment to taxpayers. Congress is now considering a repeal of this rule under the Congressional Review Act. This would be a mistake.



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6. Op-ed: Wasting energy is not conservative: Keep the BLM wasted gas rule

The Hill, Feb. 6 | David Jenkins

Very soon, the U.S. Senate will decide whether to use a seldom-used mechanism known as the Congressional Review Act (CRA) to revoke important rules meant to increase industry accountability, protect taxpayers, and reduce harmful air pollution.

7. NEVADA STANDOFF: 'Incredibly crucial' Bundy ranch trials begin today

E & E News, Feb. 6 | Jeremy P. Jacobs

Federal prosecutors today will kick off the first of three trials stemming from the 2014 armed standoff at the Bundy family ranch in Bunkerville, Nev.

8. PUBLIC LANDS: House expected to pass resolution killing Obama land-use rule

E & E News, Feb. 6 | Scott Streater

The House will continue its anti-regulatory agenda this week, targeting one of the Obama administration's signature land management rules.

9. METHANE: Industry urges Senate to follow House lead on BLM rule repeal

E & E News, Feb. 6 | Pamela King

Oil and gas industry advocates Friday applauded House passage of a resolution to quash an Obama-era regulation over methane emissions on public lands and urged the Senate to follow suit this week.

10. SOLAR: Utah industry compromises on tax credits

E & E News, Feb. 6 | Emma Penrod, Salt Lake Tribune

Lawmakers and officials from Utah's solar industry have reached a compromise to phase out tax credits for residential solar system purchasers.



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11. PUBLIC LANDS: Democrats float bills to block Trump's border wall

E & E News, Feb. 6 | Jennifer Yachnin

Democratic lawmakers are aiming to stop President Trump's efforts to extend the nation's border wall with new legislation that would prohibit the construction of additional fencing along the 2,000-mile boundary with Mexico.



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UTAH – FULL STORY

1. Editorial: Will Trump era undo Utah air quality progress?

The Salt Lake Tribune, Feb. 3 | Tribune Editorial

Believe it or not, the air is getting cleaner in Utah.

Is that going to continue? For the next few years, it largely depends on the Donald Trump administration.

In a state that prides itself on thin regulation, Utahns never have received much help from state law when it comes to air pollution. Utah legislators, particularly in recent years, have been willing to chip in, like requiring more efficient water heaters or tax incentives for electric cars. But the real hammer has been the federal Clean Air Act and the Environmental Protection Agency that enforces it. That nearly half-century-old commitment to reducing pollution required dramatic cuts in industrial air pollution and a steady tightening of emissions standards for automobiles.

Those two requirements have driven the vast majority of progress made to reduce the harmful chemicals that get trapped by the Wasatch Front's geography. And as the Front once again topped the nation for the worst air this week, we're also faced with the prospect of losing that hammer.

Scott Pruitt, Trump's pick to run EPA, told senators at his confirmation hearing last month that EPA may not continue to give California a federal waiver to set its own pollution standards. Pruitt is an Oklahoman with ties to the oil industry.

If that waiver goes away, the effect will reach far beyond California. For automakers, the massive California auto market is unavoidable. They have been striving to meet stiffer California emission standards, and those cleaner cars get sold in Utah and elsewhere.

Cleaner vehicles have been the single biggest factor in improving air quality in Utah over the past 20 years or more. Nothing else even comes close. If that progress slows and less-polluting cars become a smaller part of our fleet, the consequences will be long lasting. Even if the feds were to return to tighter standards later, it will take years to get the dirtier cars off the road.

Meanwhile, Rep. Rob Bishop sees deregulatory opportunity in the U.S. Bureau of Land Management's rule on methane escaping from oil and gas operations. The Obama BLM recently



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put out rules to require operators to trap more methane, a change that not only cleans up the air but also gives operators more natural gas to sell. But Bishop wants Congress to rescind the methane rule, something he's betting a Trump BLM won't challenge.

Here's where we sit. Will we get more days when our business recruiters lose prospects as soon as they land at the airport? More days when our children can't exercise outside without risking their health? More days when our lung-challenged residents literally die?

The changes in Washington are indeed dramatic. Here's hoping they don't take our breath away.

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2. Obama ignored residents' wishes with Bears Ears designation, legislature says

The Salt Lake Tribune, Feb. 3 | Benjamin Wood

The Utah Senate on Friday joined the House in urging President Donald Trump to rescind the designation of the Bears Ears National Monument.

In a 22-6 vote that split almost entirely along party lines, senators approved HCR11, which asserts that Utahns are in the best position to care for the state's public lands and asks Trump to undo the December action by Barack Obama that protects 1.35 million acres near San Juan County's Cedar Mesa.

Gov. Gary Herbert signed the measure Friday evening, according to a spokeswoman.

Debate over the resolution focused primarily on the designation process.

Sen. Todd Weiler, R-Woods Cross, said there is broad agreement that the Bears Ears area is worthy of preservation. But through his executive action, Weiler said, Obama ignored the wishes of local residents, including American Indians.

"The footprint is too large," Weiler said. "The process was wrong, and I find it insulting that President Obama couldn't even interrupt his golfing in Hawaii to announce this."

Senate President Wayne Niederhauser, R-Sandy, was the Senate sponsor of the resolution. He said a Bears Ears monument created by Congress may have still prompted opposition from Utahns, but it would not have motivated him to sponsor a resolution to rescind.



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He said he would have preferred passage of the Public Lands Initiative, a preservation plan developed by Utah Republican Reps. Rob Bishop and Jason Chaffetz.

The lands contained within the Bears Ears monument are similar to those included in the PLI, Niederhauser said, but the legislative process would have been more inclusive and representative.

"It's been years of listening and working on a bill that could be presented to Congress and sent to the president," Niederhauser said of PLI. "That's all circumvented by one person's stroke of a pen. It's absolutely wrong."

But Sen. Jim Dabakis, D-Salt Lake City, said Obama was compelled to act in part due to the refusal of Utah's congressional delegation to work with the executive branch.

"Utah would not listen," Dabakis said. "We would not be serious about negotiation."

He criticized the desire of some Utah Republicans to take ownership of federal lands within the state, saying the costs associated with that oversight would drain Utah's resources.

"Heaven help us if this dog catches that car," Dabakis said. "If we ever did get all the federal land, the taxpayers in Utah would go broke."

And Sen. Gene Davis, D-Salt Lake City, said Obama allowed Bishop and Chaffetz ample time to prepare and lobby for their Public Lands Initiative.

When their efforts were unsuccessful, Davis said, the former president took action to preserve areas held sacred by an intertribal coalition.

"The president did his duty in declaring that this land should be preserved," Davis said. "I think it is wrongheaded to do this. I think the action of the president was totally appropriate."

Rep. Bruce Cutler, R-Murray, voted against the measure, along with the Democrats.

Sen. David Hinkins, R-Orangeville, said the monument designation works against the desire of native tribes to protect sacred lands.



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National parks and monuments fall victim to vandalism and disrespect, he said, due to the increased number of visitors.

"All you're doing is inviting more people to go there and to recreate," Hinkins said.

Senators also objected to the effect the monument could have on public education funding, with roughly 109,000 acres of school trust lands contained within the monument.

The large amount of federal land within the state diminishes the funding available for public schools, Sen. Lyle Hillyard, R-Logan, said.

"They ought to be paying property tax on it just like any private owner," Hillyard said. "That would solve our education problems in Utah. That's where we need to get our money and that's why we need to develop it."

Sen. Karen Mayne, D-West Valley City, said the monument is for all Utahns, not just local residents in San Juan County. Her district is urban, she said, and the outdoor enthusiasts she represents rely on areas like national parks and monuments for recreation.

"We have campers," Mayne said. "We fish, we hunt, we hike, we have to go places to do that and it gets harder and harder."

Only one Republican senator, Cottonwood Heights' Brian Shiozawa, joined the five Senate Democrats in opposing the resolution.

The House had approved the resolution on Tuesday in a 60-14 vote divided fully along partisan lines.

An additional resolution calling for a reduction of the Grand Staircase-Escalante National Monument passed the House in a 61-13 vote. That resolution was approved by a Senate committee Thursday evening, but has not yet received a debate on the Senate floor.

Niederhauser said there have been indications that Trump's administration is willing to consider action on the Bears Ears and Grand Staircase-Escalante monuments.

The resolutions send a message, he said, that the state is looking for a more balanced approach to the preservation of public lands.



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"We're now placing this in the hands of those in Washington and we'll see where it goes from here," Niederhauser said.

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3. **Bears Ears Resolution Fast Tracked for Signing by Governor**

Utah Political Capitol, Feb. 3 | Michael Orton

On Friday, HCR 11 – Concurrent Resolution Urging the President to Rescind the Bears Ears National Monument went to its final floor debate in the Senate after breezing through the House, due in no small part from the endorsement of the leadership of the House Speaker, Greg Hughes (Republican – Draper).

The resolution is Utah's attempt to increase the state's visibility on the entire topic of "state's rights," especially when it comes to federal lands. Since Utah's boundaries include more than 20 million acres of public lands, the idea of Washington, D.C. telling the Beehive State what it can and cannot do with the land inside its boundaries is particularly galling; indeed, almost 70 percent of Utah has never been under state's control.

In the fiercely independent West, traditional values are entrenched like the ruts from ancestral wagon wheels on dirt roads, many forged before the state actually came to be. Add to this general resentment of east-coast bureaucrats telling westerners what they can and cannot do, and the stage is set for a showdown.

Utah's Senate Approval

Senate President Wayne Niederhauser, (Republican – Sandy) sponsored the bill in the upper chamber, and in his presentation, he offered his take on why it was so important that Utah find a way to have the National Monument designation rescinded.

Referring to Barack Obama's use of the Antiquities Act, Niederhauser centered his pitch on the outrageous notion that one man, in Washington, D.C., could have so much power as to designate an area roughly the size of Rhode Island as off-limits to the interest of those who actually live in the area. In the months and years leading up to President Obama's use of Antiquities Act to protect another special place and its diverse cultural, biological, geological and archeological contents, many stakeholders came to express their interests.

The resulting movement became yet another Sagebrush Rebellion of sorts, and public monies began to be spent in support of advocacy groups like the American Lands Council operated in



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three states by Utah Representative Ken Ivory (Republican – West Jordan). Utah’s congressional delegation was involved in developing the Public Lands Initiative (PLI), a land-use strategy headed by Congressional Natural Resources Committee Chairman, Rob Bishop (Republican). When Bishop announced the draft of the PLI at the Utah State Capitol mid-2016, no mention was made of the Native American, First Nation’s people and their interests. When asked about this, Bishop and his colleague Jason Chaffetz (Republican) denied that anyone or any group had been omitted in more than 1,200 meetings held to forge the legislative blueprint.

A Scandalous Tragedy in San Juan County

In 2009, some prominent citizens of San Juan County were involved in a scandalous raid by federal agents seeking to recover antiquities which had been looted and placed into private collections with some finding their way to a growing market, just as had occurred at Mesa Verde early in the 20th century. Rather than suffer the shame of his arrest and pending trial, a local physician who was known to collect and trade artifacts took his own life. In reality, as early as 2010, the native tribes were beginning to ask federal authorities that their sacred lands and troves of objects be protected in San Juan County, Utah.

Tensions only grew higher when, in 2014, San Juan County Commissioner Phil Lyman organized an illegal ATV ride protest through Recapture Canyon east of Blanding via social media. In 2007, the Bureau of Land Management chose to close off parts of the canyon to such activities after it was discovered that unofficial trail construction damaged Native American archeological sites.

Off to the President

With these events as a policy backdrop, the debate over the use of public lands reached a fever pitch in the last months of President Obama’s presidency. Bishop’s PLI had received a lukewarm committee hearing in Washington and was deemed by insiders to be a non-starter when faced with opposition by tribal coalitions who’d registered their complaints that non-native politicians were ignoring them. That’s when they appealed to the Obama administration. When the designation was announced, many Utahns were offended by the idea that the President was golfing, leaving the correspondence to a courtesy phone call between Secretary of the Interior Sally Jewell and Utah Governor Gary Herbert, who didn’t like the news. Making the situation worse, the Interior Department posted an internet notice on the newly created National Monument, the seventh in Utah, with an image of Arches National Park.

“That’s wh congress should be involved in all of these decisions,” said Niederhauser after the Senate approved the resolution along party lines. “The Executive Orders issued over the last



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week, everybody is happy with those but are we happy with President Trump making those? I'm not happy with that. I may agree or disagree with him, but I think congress should be the one [entity] helping the President and being involved in those decisions," concluded Niederhauser while meeting reporters in his office.

HCR11 was signed by Governor Herbert later the same day.

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4. **Efforts to restore imperiled Pando show promise says USU ecologist**

The Science Daily, Feb. 3 | Utah State University

If you're depending on a room filled with 90-year-olds to repopulate and save the human race, you may be setting your hopes a little too high.

That's an analogy Utah State University researcher Paul Rogers uses to explain the challenges before Pando, a massive aspen clone in south central Utah thought to be the largest living organism on Earth.

"Pando is an iconic example of an aspen community undergoing rapid decline due to overstory mortality and chronic recruitment failure," says Rogers, director of the USU-based Western Aspen Alliance and adjunct associate professor in the Department of Wildland Resources and USU Ecology Center.

Yet, restoration treatments by the USU scientist and colleagues may be working. Rogers and Jody Gale of USU Extension Sevier County publish findings indicating evidence of Pando's recovery in the Jan. 19, 2017 issue of 'Ecosphere.'

The USU scientists' research was supported by the U.S. Forest Service, the Secure Rural Schools program, the Utah Forest Restoration Working Group, USU Extension and WAA's Pando Fund.

"Quaking aspen across the American West are stressed by a combination of sources, including drought, hungry herbivores, fire suppression, development and past management practices," Rogers says. "As part of a larger project to restore Pando, we fenced, treated and monitored a portion of this famous grove with the intent of documenting regeneration responses and using such practices at larger scales."

He and his team placed 27 randomly stratified monitoring plots across the 43-ha aspen community to monitor herbivory and regeneration responses to distinct treatment categories.



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Treatments included plots left unprotected and protected by fencing, passive (fenced only) treatment and active treatments such as burning, shrub removal and selective overstory cutting.

"At each site, we made extensive measurements of treatment responses," Rogers says. "Our results confirmed a positive regeneration response to limiting access to munching deer and other herbivores with fences, whereas non-fenced areas showed no improvement."

He notes both active and passive treatments produced regeneration levels sufficient to protect young aspen suckers, until they grow beyond the reach of ravenous browsers.

"Our results support a growing body of research, which suggests if managers invest in continuous protection from herbivory, they'll give Pando, as well as other western aspen communities, a fighting chance," Rogers says.

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5. Op-ed: Trump officials should visit Bears Ears before making a hurried decision

The Salt Lake Tribune, Feb. 4 | Bob Keiter and John Ruple

We are writing to encourage President Donald Trump and Interior Secretary-designate Ryan Zinke to proceed cautiously in determining whether to abolish or change the Bears Ears National Monument. While Utah's elected officials are imploring them to take prompt action, the recent Colorado College poll reveals that Utah voters, by a 15-point margin, favor the Bears Ears designation.

Given the depth and breadth of sentiments on all sides of the issue, we urge the administration to visit the monument and engage with its diverse stakeholders before proceeding. Postponing such a momentous decision costs only time and would de-escalate the simmering conflict, while providing the administration sufficient opportunity to weigh the implications of various courses of action.

By any objective standard, the Bears Ears National Monument designation fits the terms of the Antiquities Act. It protects "historic and prehistoric structures and other objects of historic or scientific interest" on federally owned lands. Indeed, the congressionally chartered National Trust for Historic Preservation recognizes that "perhaps nowhere in the United States are so many well-preserved cultural resources found within such a striking and relatively undeveloped natural landscape."



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Moreover, the monument proclamation borrows heavily from the Utah delegation's Public Lands Initiative proposal to delineate the protected acreage, establish multi-party advisory groups and ensure Native American access for traditional purposes. Hurriedly revising the Bears Ears National Monument would put irreplaceable resources, and the Native Americans that depend upon them, at risk of irreparable injury.

A decision to abolish or alter the monument will thrust the new administration into an uncertain legal thicket. Because no president has attempted to abolish a national monument by proclamation, there is no definitive judicial interpretation whether such action would be authorized under the Antiquities Act. However, multiple legal analyses, including U.S. attorneys general opinions, agree that only Congress may undo a presidential proclamation of a national monument under the Antiquities Act. Although presidents appear to have the power to make minor revisions to a monument proclamation, no president has tried to do so to the extent or for the reasons cited by monument opponents, calling such an action into question as well.

It has been more than 50 years since a president last diminished a national monument, when John F. Kennedy redrew the boundary of Bandelier National Monument, cutting here and adding there, to enhance resource protection. No president has ever diminished a monument while the ink is still wet on the proclamation. President Taft moved swiftest, waiting three years to reduce a monument that he himself had created earlier in his own presidency. The largest reduction, trimming 311,280 acres from the Mt. Olympus National Monument, was done to increase the supply of high quality wood to produce Allied combat airplanes and lumber for ships during World War I. No similar exigencies exist today.

Moreover, abolishing or dramatically reducing the monument will not resolve the issues driving current frustrations: a landscape checkerboarded by multiple owners, competing management objectives, underfunded land managers, or polarized stakeholders. Instead, action taken in haste and without adequate public involvement will almost certainly invite protests and litigation. Litigation will, in turn, further complicate and delay good faith efforts to improve on-the-ground management. One need only consider the Dakota Access Pipeline controversy to appreciate the need for a deliberative and thoughtful approach to addressing complex legal issues and heartfelt Native American concerns.

The new administration is well positioned to chart a different and more considered course, building on the hard work that came before and addressing the specific issues that underlie the current discontent over our public lands. To help de-escalate the conflict, we urge the new administration to take the time to visit the monument and familiarize itself with its many resources, and to engage with its diverse stakeholders before moving forward.



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Acrimony over public land management has reached a dangerous level. A steady hand is needed to guide us to the common ground that we believe exists. We are encouraged to have a Westerner and a sportsman poised to lead the Department of the Interior during these trying times. With mindful and respectful leadership, we believe that a peaceful and mutually beneficial path forward can be charted, and the public interest can be faithfully served. We urge President Trump and Interior Secretary-designate Zinke take that path.

Bob Keiter is the Wallace Stegner Professor of Law. John Ruple is an Associate Professor of Law and Stegner Center Fellow. Both work at the University of Utah's S.J. Quinney College of Law

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6. **Tell BLM: 'No' to drilling in Washington County**

The Spectrum, Feb. 4 | Tom Butine, Conserve Southwest Utah

The local Bureau of Land Management office is processing an application to lease almost 5,000 acres of our public land for oil and gas drilling near Virgin just outside of Zion National Park and near Toquerville north of St George. We can stop this negative impact to our economy and lifestyles with an outpouring of letters to the BLM explaining the reasons we think this lease should not be granted.

And there are plenty of reasons.

The boom-bust economy offered by oil and gas production would hurt our tourism and outdoor recreation, and put a big dent in the desirability of living here, especially for the high-tech industry and employees we hope to attract. The county is already growing very quickly. We're on the edge of acceptable air quality level for ozone. This operation's impact on air quality, especially near Zion National Park, would be unacceptable.

The increased traffic in the narrow corridor around Zion would also be unacceptable.

These lands have significant wilderness characteristics, with high value for recreation like hiking, bicycling, horseback riding, or just enjoying quiet solitude, sweeping vistas and clean air. It should not be spoiled with more roads, noise, air pollution, industrial equipment, oil spills and water pollution.



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Washington County has sufficient water to meet our growth needs if we carefully manage it. Risking water contamination from drilling, spills and leaks is unacceptable. These lease parcels are in the middle of our watersheds and near proposed future reservoirs. Contaminated wastewater could easily leak into our water supply. There are several active earthquake zones that could be impacted. Our high-quality night sky would be impacted by night operations and natural gas flaring.

There is already a glut of fossil fuel development that is being increasingly challenged by clean energy. This operation with its damaging local effects would add unnecessarily to global climate change, which is predicted to have significant local impacts. There is no need to allow it on our scenic and sensitive local public lands that have such high value to us and our economy.

Let's give the BLM a clear message that oil and gas production is not appropriate in our county. See our letter and reference materials on our website at <http://conserveswu.org/csu-letter-blm-oil-gas-exploration/>. Use the letter, the reference materials and this article as background to write your own letter, or just copy the letter and adjust it to make it your own. Personal letters do have more impact than a form letter.

The easiest way is to email your letter to utsgmail@blm.gov, but you can fax it to 435-688-3252, or mail it to Bureau of Land Management, St. George Field Office, Attn: Dave Corry, 345 E. Riverside Dr., St. George, UT 84790. Although there is a request for an extension on the public comment period, letters currently must be sent or postmarked by Friday (Feb. 10).

Please take this simple action to help protect the reasons you live here.

Tom Butine is board president of Conserve Southwest Utah, which advocates conservation of public lands and water, clean air and atmosphere, and smart growth policies. On the web: <http://conserveswu.org/>.

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7. **My view: Policies speak louder than words**

The Deseret News, Feb. 5 | Jason Chaffetz

Just before leaving office, a still historically popular President Barack Obama told the television program "60 Minutes" he "lost the PR battle," blaming his party's electoral losses on a failure to message properly.



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If a popular president who enjoyed the vocal support of the entertainment, cultural and media elites feels he has somehow lost the messaging battle, maybe the problem wasn't the messaging. Maybe it was the message. The real reason the president's party lost is because his policies simply don't work.

No amount of good PR can convince people they're better off without a job. No amount of PR can convince patients that paying more and getting less for their health care dollar is best for them. No messaging in the world is powerful enough to convince people their neighborhoods are safer with undocumented criminals released into their streets.

Margaret Thatcher famously said, "First you win the argument, then you win the vote." Mr. Obama and his party lost the argument.

Last time Republicans had the House, the Senate and the presidency, they blew it. This Congress intends to get the policies right. One place we can look for solutions is Utah — where the conservative agenda has long paid high dividends.

If our policies open up jobs, build prosperity, reduce health care burdens and restore local control, no amount of "good PR" from big-government progressives will win the argument. Utah's federal delegation now has a historic opportunity to get some of the state's best policy ideas across the finish line. I'm fired up and ready to dig in.

Many of my constituents saw their health care costs skyrocket under President Obama. Utah has always been willing to embrace innovate health care solutions, including the creation of a functioning exchange and the adoption of pioneering Medicaid reforms. I will work to empower Utah and other states to pursue solutions that work for them.

Utah led the way on pension reform guided by my friend, former state Sen. Dan Liljenquist. His reforms moved us away from the black hole of defined benefit to a defined contribution retirement system. That change happened humanely and fairly by phasing in the changes over time to protect those to whom the state had prior commitment. As a result, Utah taxpayers will no longer be required to provide pension benefits to state workers far richer than those they themselves will receive. The same should happen at the federal level. On the House Oversight Committee, we will not only pursue pension reform, but will look carefully at civil service reforms, some of which stem from requests made by frustrated government managers in Utah who bemoan their inability to hold recalcitrant federal employees accountable.



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One of my priorities this session will be a Utah-driven bill that deputizes and funds county sheriff's departments to handle law enforcement on public lands. Rural Utahns asked for this bill, which has garnered strong support from other public land states.

During my chairmanship, I have refocused the House Oversight Committee to be more responsive to some of the unique problems we face in the Intermountain West. An Interior subcommittee focuses resources on energy and public land management problems that disproportionately burden Western states. And in this session, we transitioned the Transportation Subcommittee into an Intergovernmental Affairs Subcommittee that will investigate the relationship between state and federal governments, the way we fund our highways and how we can restore more local control as required by the Constitution.

Utahns have helped shape many other reforms that I hope will gain traction in this session. From criminal justice to postal service reforms and from immigration to privacy legislation, Utahns have promoted policy solutions that can make a tangible difference in the lives of our fellow Americans.

Utah's congressional delegation is well positioned to leverage our leadership positions and key committee assignments to get these and many other positive things done for Utah.

Prosperity doesn't come from putting more people on food stamps or qualifying ever greater numbers for Medicaid. Prosperity comes from protecting the individual liberties that enable people to build a business, create a job, invest in themselves and others, raise strong families and give back to their communities. I am proud to represent Utah and proud to advocate your agenda at the federal level.

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8. My view: Bears Ears National Monument is our shared future, and it's time to get to work

The Deseret News, Feb. 5 | Carleton Bowekaty

As elected officials representing our five tribes, we are disappointed that Utah's congressional delegation continues to misrepresent the position of our tribes and our tribal members, as they did in their Jan. 24 opinion piece in the Deseret News. We support Bears Ears National Monument, we advocated for its designation as a national monument, and we will defend it using our nation-to-nation relationship with the federal government. While some among our tribal



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members in Utah may oppose the new monument, it seems their opposition is rooted in misrepresentations of fact that continue to originate from the Utah delegation itself.

Our proposal to President Obama, and his resulting action, did exactly as those who oppose Bears Ears National Monument claim to seek. President Obama's proclamation language is clear and easy to understand — it guarantees access, and the collection of herbs, medicines and firewood in perpetuity. To suggest that our tribes would advocate against the interests of our tribal members, or that we have been duped by environmentalists, is beyond insulting — it continues the unconscionable racism that we have experienced for hundreds of years.

Bears Ears National Monument is something new — it is not Natural Bridges, designated in 1908, and it will not be managed by the National Park Service. For the first time in American law, Native American traditional knowledge was written into a monument proclamation as both a value to be preserved by Bears Ears Monument and a resource to be used in its future management. This is a victory for Native American sovereignty, and will make a real difference on the land. It will also encourage responsible economic development for local communities as people from all over the world come to see this remarkable place, to learn from it and to learn about our cultures.

When Utah's delegation says: "As a congressional delegation, we value our public lands, and we want to do everything we can to protect them. Bears Ears is no exception," they ignore their own history and their own actions. Utah's members of Congress had every opportunity to work together with our tribes to protect Bears Ears, but they could not see past their own agendas that threaten the health of Utah's public lands to enter a real, thoughtful and serious discussion on the future of Bears Ears. President Obama was forced to act — by their inaction.

Now, Utah's congressional delegation seeks not to preserve Bears Ears, but to actively block its protection. They will stand in the way of progress, they say, by restricting badly needed funding to better manage irreplaceable cultural resources and by supporting ill-advised litigation to remove the monument. But Bears Ears is now on the map, more visitors are coming, and their further efforts to undo what has been done will only harm Bears Ears.

Bears Ears National Monument is a reality. It is broadly supported — by our five tribes, by more than 25 other Southwestern tribes, and by the more than 250 additional tribes of the National Congress of American Indians. More than 224,000 American citizens signed petitions in support of President Obama's action, and many of our tribal members in San Juan County support Bears Ears as well. Thousands upon thousands of people across America are celebrating Bears Ears National Monument because Bears Ears has something for everyone. There are many stories to be told about everyone's shared history here — native and non-native alike.



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We call upon Utah's leaders to lead — to set aside their quibbles over the method of protection, to stop deepening the divisions among their constituents, and to help us set to work. We are moving forward together with all Utahns to chart a course for our shared future. We are selecting our Bears Ears management commission members, gathering knowledge from our spiritual and cultural leaders, and we are ready to begin healing. It is time for the Utah delegation to rise to the challenge offered by their positions of leadership. Respectfully, we ask that everyone join us in coming together to fulfill the promise of Bears Ears National Monument.

Carleton Bowekaty is a Zuni tribal councilman and co-chairman of the Bears Ears Inter-Tribal Coalition, a partnership of the Hopi, Navajo, Uintah and Ouray Ute, Ute Mountain Ute and Zuni governments.

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9. **Governor of Utah calls on Trump to revoke Bears Ears National Monument**

United Press International, Feb. 5 | Brooks Hays

Feb. 5 (UPI) -- The Bears Ears National Monument was established by former President Barack Obama during the final days of his presidency. Now, Republicans are working to get rid of it.

On Friday, Utah Governor Gary Herbert signed a resolution challenging the monument. The bill was sent to him by the state's senate. It calls on President Donald Trump to rescind the national monument status from Bears Ears. Lawmakers hope the president could act on their resolution as early as this week.

State senators debated the bill before ultimately passing and sending the resolution to the governor. The bill's proponents, who question the legality of the Antiquities Act, say Obama's designation was an abuse of federal power.

"I'm telling you this is something we ought to oppose this process. This is something as a state we have a vested interest in making sure our citizens are heard and our counties are not carved up so I vote aye!" Utah Senate Majority Leader Ralph Okerlund, R-Monroe, said during deliberations.

The Antiquities Act was originally signed by Teddy Roosevelt. It grants the president power to establish national monuments to protect ancient artifacts and ruins.



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The Bears Ears National Monument established protection of 1.3 million acres surrounding a pair of buttes in southeastern Utah. Much the land, which borders Canyonlands National Park and Glen Canyon National Recreation Area, is considered sacred by local Native American Tribes, including the Navajo Nation, Hopi, Ute Mountain Ute, Ute Indian Tribe of the Uintah and Ouray Reservation and the Pueblo of Zuni.

The monument -- and the Antiquities Act -- is also facing opposition from politicians in Washington.

"Under the Antiquities Act, there is no ability of having any input," Congressman Rob Bishop, R-Utah, chairman of the House Committee on Natural Resources, told NPR. "No one ever gets to have a say, you don't work out things in advance. It has to be a gotcha moment where the president unveils something unilaterally."

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10. **Utah Representative Wants Bears Ears Gone And He Wants Trump To Do It**

National Public Radio, Feb. 5 | Kirk Siegler

Republicans want to eliminate one of the nation's newest national monuments.

Former President Barack Obama created the 1.3 million-acre Bears Ears National Monument in Utah just days before he left office.

At the center of the brewing legal fight is a relatively obscure federal law called the Antiquities Act that dates back to President Teddy Roosevelt, who famously used it early and often. It was meant to protect ancient artifacts and ruins that at the time were being pilfered from western lands. It also allows for a president to protect these sites and the lands around them as national monuments, without going through Congress.

"Under the Antiquities Act, there is no ability of having any input," says Rep. Rob Bishop, R-Utah.

Bishop, who chairs the powerful House Committee on Natural Resources, has emerged as one of the act's biggest critics.

"No one ever gets to have a say, you don't work out things in advance," Bishop says. "It has to be a gotcha moment where the president unveils something unilaterally."



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Bishop wants the Trump administration to also act by executive order, and either shrink Bears Ears or nullify it altogether. Bears Ears connects a huge protected corridor that links several monuments that ultimately bring you to the Grand Canyon. The land is also considered sacred to Native American tribes.

"It is the wrong size," Bishop says. "It does not take into account the various uses that the land can do."

That's the big rub for Bishop. A national monument designation generally means new development — like oil and gas drilling, expansion of cattle grazing — is off limits. Only the existing leases that are grandfathered in can be developed.

What Bishop is talking about doing, overturning a national monument of this size, has never been done before. Only a handful of smaller historical monuments have been shut down or transferred over to state management.

The law here is murky, according to University of Colorado law professor Mark Squillace, an expert on the Antiquities Act.

"The way that the Antiquities Act is structured, it essentially authorizes the president to proclaim, but not to modify or revoke, national monuments," Squillace says.

Under the act, only Congress can revoke a national monument outright. But Squillace isn't sure the Utah congressional delegation has the votes.

"It turns out that the designation of national monuments is very popular with the public," he says.

It's not yet clear what the new administration's move will be on Bears Ears, if there's one at all. During his Senate confirmation hearing, the president's nominee for interior secretary, Ryan Zinke, told lawmakers that the Antiquities Act doesn't authorize a president to rescind a monument.

"Legally, it's untested," Zinke said, adding that he thought the public has generally benefited from a lot of national monuments.

Economic studies have shown rural towns around them often see increases in tourism and recreation business.

But Bishop isn't buying it in Utah.



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"In the name of saying we're doing something for everyone, you actually hurt people, especially those who live in that particular area," Bishop says.

San Juan County, home to Bears Ears, is often the poorest county in Utah. Bishop wants more local control of federal public land. He's also one of the biggest supporters in Congress of the idea that most all federal public land should be turned over to states to own and manage.

An analysis by the Center of Responsive Politics however found that he gets more campaign donations from outside his home state than any other lawmaker in the House, much of that coming from energy and agribusiness.

One thing is clear: the fight over the future of the Bears Ears National Monument extends far beyond Utah.

At the Utah state capitol last week, Cynthia Wilson of the Navajo Nation protested the state Legislature's passage of a resolution condemning Bears Ears.

"As indigenous people, this is nothing new to us, we have always been attacked over our ancestral lands," Wilson told KUER. "We're going to keep defending this monument."

Many tribes are pledging to mobilize from around the country and get to Utah to fight for the protection of Bears Ears, if needed.

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11. **BLM and Forest Service Announce 2017 Grazing Fee**

KCSG News, Feb. 6 | BLM Press Release

UTAH - The Federal grazing fee for 2017 will be \$1.87 per animal unit month (AUM) for public lands administered by the Bureau of Land Management and \$1.87 per head month (HM) for lands managed by the U.S. Forest Service. The 2016 public land grazing fee was \$2.11.

An AUM or HM – treated as equivalent measures for fee purposes – is the use of public lands by one cow and her calf, one horse, or five sheep or goats for a month.

The newly calculated grazing fee, determined by a congressional formula and effective on March 1, applies to nearly 18,000 grazing permits and leases administered by the BLM and nearly 6,500 permits administered by the Forest Service.



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The formula used for calculating the grazing fee, which was established by Congress in the 1978 Public Rangelands Improvement Act, has continued under a presidential Executive Order issued in 1986. Under that order, the grazing fee cannot fall below \$1.35 per AUM, and any increase or decrease cannot exceed 25 percent of the previous year's level.

The annually determined grazing fee is computed by using a 1966 base value of \$1.23 per AUM/HM for livestock grazing on public lands in Western states. The figure is then calculated according to three factors – current private grazing land lease rates, beef cattle prices, and the cost of livestock production. In effect, the fee rises, falls, or stays the same based on market conditions, with livestock operators paying more when conditions are better and less when conditions have declined.

The 2017 grazing fee of \$1.87 per AUM/HM applies to 16 Western states on public lands administered by the BLM and the Forest Service. The states are Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming. Permit holders and lessees may contact their local BLM or U.S. Forest Service office for additional information.

The BLM, an agency of the U.S. Department of the Interior, manages more land – over 245 million surface acres – than any other Federal agency. Most of this public land is located in 12 Western states, including Alaska.

The Forest Service, an agency of the U.S. Department of Agriculture, manages approximately 193 million acres of Federal lands in 44 states, Puerto Rico, and the Virgin islands.

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12. **SAGE GROUSE: BLM alarmed by 'serious' population declines in NW Utah**

E & E News, Feb. 6 | Scott Streater

The Bureau of Land Management is increasingly concerned about an isolated group of greater sage grouse in northwest Utah that has suffered what it calls a "serious decline" in population.

As a result, BLM announced today the dwindling counts have set off "monitoring triggers" mandating adaptive management measures called for in the sweeping federal sage grouse conservation plans that the Obama administration finalized in 2015.



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Overall, the "vast majority" of sage grouse populations in the state "remain at normal populations and habitat levels," BLM said today in a news release.

The concern is a population of grouse in Juab, Tooele and Utah counties — dubbed the Sheeprocks area — that has declined by 40 percent in the last four years, the agency said.

The Sheeprocks grouse population "is geographically isolated and distinct from other populations in the state," said Kimberly Finch, a BLM spokeswoman in Utah.

Counts last year of male birds at sage grouse breeding grounds, called leks, reported 19 males — a significant drop from counts of 122 males just a decade ago.

Mark Salvo, vice president for landscape conservation at Defenders of Wildlife, called these counts "very small numbers for any grouse species."

BLM said actions will include making the area "a focal point for fire suppression." BLM will also work to minimize impacts contributing to the decline, including off-highway vehicles and other development, as well as pinyon-juniper encroachment into the sagebrush steppe the bird depends on for survival. It will also prioritize habitat restoration efforts in the Sheeprocks area.

BLM is working with the state, academic researchers and other federal agencies to restore this population of grouse. About half of the habitat occupied by grouse in the state — about 5.4 million acres — is on federal land.

In the past five years, BLM and other partners on the state and county level have been working with researchers and the public on "a variety of proactive measures ... to address the concerning trends in population and habitat, including: habitat restoration, translocation of birds, fire and fuel management, intensive monitoring efforts, and predator control," the agency said in the release.

The efforts by BLM that are triggered in the federal grouse plans come as those plans are under attack by congressional Republicans.

That effort is being led by House Natural Resources Chairman Rob Bishop (R-Utah), who last month filed [H.R. 527](#), which among other things would forbid the Interior secretary from altering the Fish and Wildlife Service's 2015 decision not to list the grouse for protection under the Endangered Species Act until at least Sept. 30, 2027.



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FWS decided the bird does not need ESA protection in large part because of the federal sage grouse conservation plans.

Sen. Jim Risch (R-Idaho) last week filed an identical bill, [S. 273](#), which would also allow state governors to block any provisions in the federal grouse plans that do not conform to state-approved grouse conservation strategies (E&E Daily, Feb. 3).

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E&E/NATIONAL NEWS – FULL STORY

1. **The Plan to Stop Federal Law Enforcement of Public Lands**

Outside Online, Feb. 3 | Leah Sottile

On Wednesday, Utah Republican Representative Jason Chaffetz responded to public outcry and dropped H.R.621, which sought to sell off millions of acres of public land across the West. But a similar, lesser-known bill to gut public land protections, which Chaffetz introduced alongside H.R.621 on January 24, is still on the table.

Dubbed “the Local Enforcement for Local Lands Act,” the bill proposes stripping the U.S. Forest Service and Bureau of Land Management of its law enforcement powers. Both organizations employ uniformed rangers and criminal investigators, who enforce laws and investigate a whole host of issues on federal land: mineral resource theft, dumping of hazardous materials, vandalism of archeological areas, theft of artifacts and timber, and wild land arson, among other crimes. Opponents of 622 say that federal law enforcement officers also help protect species and habitats by deterring illegal off-highway vehicle use, patrolling big game habitats, and curbing waterway pollution.

With 622, Chaffetz appears to be ripping a page from the anti-public lands chapter of the Bundy Family playbook. The Bundy Family, widely known for its highly publicized 2014 standoff with Bureau of Land Management agents on its Nevada cattle ranch, believes federal agencies should totally cede control of America’s public lands to local counties. That was the point that Ammon and Ryan Bundy, sons of Nevada rancher Cliven Bundy, drove home last year as they led a group of armed men in the highly-publicized 41-day takeover of southeastern Oregon’s Malheur National Wildlife Refuge. At press conferences, Ammon Bundy argued that by controlling land at the local level, counties could decide whether “to get the logger back to logging, to get the rancher back to ranching, to get the miner back to mining.”



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What Chaffetz and friends are proposing with 622—which Chaffetz originally introduced last year after the Malheur occupation—could have been written by Ammon Bundy himself: get the enforcement of public lands out of the hands of the feds, and into the hands of locals. “Federal agencies do not enjoy the same level of trust and respect as local law enforcement,” Chaffetz wrote in a joint statement with other members of the Utah delegation last March. “This legislation will help deescalate conflicts between law enforcement and local residents while improving transparency and accountability.” Policing functions are a “distraction” for BLM and Forest Service employees, the statement said. “This is a win all around.”

That’s not how environmental and conservation groups see it. Conservationists say taking away the law enforcement role from BLM and Forest Service officers is a part of a trend by GOP representatives to “defund our public lands, villainize public servants who are managing these lands, and in cases like this remove their ability to do their job,” says Brent Fenty, executive director of Oregon Natural Desert Association, an organization devoted to protecting the health of the state’s deserts. (BLM and Forest Service contacts refused to comment for this story, citing pending litigation.)

But here’s the scary part: what Chaffetz is proposing is already happening in some Oregon counties.

In Grant County, the Oregonian reported that Sheriff Glenn Palmer, a Constitutional sheriff who has designated his own militia and who supported the Bundy occupation, transferred the patrolling of Forest Service roads and campgrounds to local deputies, questioning if Forest Service officials even had the Constitutional authority to police federal forests there. “There is a general mistrust of the federal government by people of this County, State and Nation,” Palmer wrote in a 2011 letter to the director of a national forest located in Grant county. “Within the confines of Grand County, Oregon, the duties and responsibility of law enforcement will rest with the County Sheriff and his designees.”

If 622 passed, guys like Palmer would be “in charge of enforcing environmental rules, protecting endangered species, and protecting the rights of hikers,” says Steve Pedery, conservation director of Oregon Wild, a group working to protect Oregon forests and waterways. “That doesn't seem like a very good idea.”

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2. **BLM misconduct probe may derail Bundy Ranch standoff trial**

AZ Central, Feb. 3 | Jenny Kane and Robert Anglen, USA Today Network

An investigation accusing a federal agent of misconduct and ethics violations could derail one of the most high-profile land-use trials in modern Western history.

Jury selection is scheduled to start in a Las Vegas federal courtroom Monday for a series of trials in which 17 cattle ranchers and self-styled militia members face charges for their roles in the 2014 Bundy Ranch standoff against Bureau of Land Management officials.

But a Jan. 30 report by the Department of Interior's Office of the Inspector General appears to raise serious questions about the BLM special agent in charge of operations during the standoff, who is expected to be a key witness for the government in the case.

The report, which does not identify the agent by name, cites ethical violations that occurred in 2015 at the annual Burning Man event in Northern Nevada's Black Rock Desert.

Federal investigators said the agent wrongly used his influence to obtain benefits for himself and his family members at Burning Man, abused federal law-enforcement resources and intimidated other BLM staff to keep quiet about his conduct. They also accused the agent of manipulating BLM hiring practices to help a friend get hired.

Lawyers representing Bundy Ranch defendants say the report offers enough details to positively identify the agent as Dan Love, the BLM special agent in charge of Utah and Nevada between 2012 and 2015.

Already, they are filing motions to confirm it. A defense lawyer said Thursday they are asking a federal judge to force the government to reveal the name of the agent in the inspector general's report. If it is Love, they will ask for charges to be dismissed against the Bundy Ranch defendants before the trials begin.

"I'm sure it is him," Las Vegas attorney Bret Whipple said Thursday. "If it is Dan Love, first of all we will file a motion to dismiss. ... He is the primary figure in the government's case. He put together the plan. He negotiated with (the Bundys)."

Whipple represents ranch owner and Bundy family patriarch Cliven Bundy, 70, whose years-long feud with the federal government over cattle grazing rights on federal land culminated in the 2014 standoff.



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Whipple said the report paints a picture of an agent with a personal agenda and no regard for the rule of law. He said his client long has maintained that Love dangerously orchestrated events during the Bundy standoff to "enhance and enrich" his personal profile and "to make a name for himself."

Love did not respond to repeated phone calls left at his Utah office and on his cellphone.

BLM officials in Washington, D.C., declined to comment on the inspector general's report and would not confirm if Love is the unnamed agent. BLM spokesman Michael Richardson called the report a personnel matter. He said the unnamed agent is still employed with the BLM, but Richardson said he would not discuss the agent's status or current assignment.

"The Bureau of Land Management takes allegations of misconduct seriously," Richardson said in a statement. "These types of allegations do not align with our mission or the professionalism and dedication of our 10,000 employees doing essential work for America's public lands each and every day."

The U.S. Attorney's Office in Las Vegas also declined comment. Spokeswoman Trisha Young said Friday the witness list in the Bundy Ranch trials has been sealed and is not open to the public, and she declined to speak about Love's role in the case.

Individual federal prosecutors assigned to the cases did not return calls.

A potential credibility issue, law professor says

The inspector general's report could damage the credibility of the government's case if Love is identified as the agent, said Sara Gordon, associate professor of law at the Boyd School of Law at the University of Nevada, Las Vegas.

"It's in an ethics report. I think everything is up for grabs — misuse of the vehicles, using intimidation," Gordon said. "This stuff, it suggests that he's willing to cheat and lie for his job."

She said defense attorneys involved in the Bundy Ranch trials might not be able to show juries the inspector general's report but could question Love about specific incidents raised in it.

"Anytime a witness is on the stand, you can cross-examine them and ... try to impeach him," she said. "They can ask him about things that (could) show that he's dishonest."



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Gordon said any damage defense lawyers could inflict upon Love's credibility would not affect the credibility of other witnesses testifying for the prosecution.

"They don't have anything to show that he (Love) did any of this at the Bundy standoff," she said. "I wouldn't be happy if this was my star witness, but I don't think this will kill the case."

The 17 defendants are charged with conspiracy, assault on a federal officer, using a firearm in a crime of violence, obstruction of justice, interference of commerce by extortion and aiding and abetting a crime. If convicted, they could spend the rest of their lives in a federal prison.

Trials could go on for months. The defendants will be prosecuted in groups before three different juries based on their alleged levels of culpability.

The first trial, beginning Monday, primarily involves militia members. The second trial includes Cliven Bundy, two of his sons and two key figures in the standoff. The third includes two Bundy relatives and four others.

Report details special privileges for agent

Federal officials said the BLM agent's name was withheld from the Burning Man report because he is not a top official within the agency.

But an analysis by the Reno Gazette-Journal and The Arizona Republic found many details in the report coincide with Love's career, including the agent's former title, his base of operation, his past assignments and his on-site supervisor. In addition, the report cited a June 2015 Gazette-Journal story about complaints against Love over his conduct before Burning Man began.

The Inspector General's Office adopted language in its report identical to the Gazette-Journal article naming Love as a person behind a series of official requests that would have required Burning Man organizers to build a \$1 million luxury compound for BLM officials at the event.

Burning Man takes place during Labor Day weekend when as many as 70,000 people erect a temporary city on a remote desert playa miles away from any kind of services. The event culminates with the burning of a giant wooden effigy of a man.

Among Love's requests were flushing toilets, laundry facilities and 24-hour access to ice cream, documents show.



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The inspector general's report said the unnamed agent used his official position to buy three sold-out tickets to Burning Man; had five on-duty BLM officers escorting his father, family friend and girlfriend during the event; and also changed the hiring process so an unqualified applicant, a personal friend of his, would be hired.

During the burning of the effigy, the agent was on duty and he claimed 24 hours of official work time. He also claimed 24 hours of work time the next day, and the day after that.

Investigators said when they began looking into the complaints, the agent called other employees and encouraged them not to cooperate. He told them "I don't recall" was a valid answer to investigators' questions, the report said.

Investigators said the agent used intimidation to discourage his co-workers from speaking with investigators, telling one: "You know, if you don't side with me, grenades are going to go off and you'll get hit."

A history of conflict, controversy

Love's conduct was being called into question years before the Bundy Ranch standoff.

Love, formerly with the Federal Air Marshal Service, became the BLM's Nevada and Utah special agent in charge in 2012 and has often captured headlines for actions that exacerbated an already strained relationship between the federal agency and landowners.

Utah Lt. Gov. Spencer Cox called for Love's ouster from the state in 2014, saying the agent had so many conflicts with local officials that it was becoming a barrier to law enforcement, according to reports published in The Salt Lake Tribune.

Four Utah counties passed resolutions alleging the BLM posed a threat to public safety.

"This is untenable," Cox told The Tribune. "There comes a time when personalities get in the way of productivity."

Cox said he and other state officials were unable to negotiate with Love, and he publicly told a state commission that he didn't want Love "instigating a war," according to The Tribune.

Cox could not be reached for comment Friday. A spokeswoman for Utah Gov. Gary Herbert confirmed the statements made by Cox in 2014 and said they accurately reflected the state's position.



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In 2009, Love was one of the agents in charge of a massive raid of the home of Utah doctor James Redd, who had been busted for trading Native American artifacts out of the Four Corners region.

Redd, 60, committed suicide the day after his arrest, and the artifacts dealer committed suicide thereafter. Four others connected to the case, including the undercover artifacts dealer who got Redd arrested, also committed suicide.

Redd's widow, Jeanne Redd, filed a wrongful death lawsuit against two of the BLM agents, including Love. A federal judge dismissed the suit but questioned the agents' tactics.

At the ranch, agent accused of escalating tensions

On websites and social-media posts dedicated to the Bundy Ranch standoff, Love is accused of ratcheting up the conflict.

Recorded exchanges purportedly between Love and right-wing internet radio host Peter Santilli during the standoff show just how quickly events escalated as each man threatened the other with arrest.

Love maintained he had the federal courts on his side and wanted to end the standoff peacefully. Then he told Santilli that the protesters didn't have enough people to hold off law enforcement, saying, "You better hope that 10,000 show up," according to one website.

Santilli is one of the 17 facing charges.

Bundy's fight with the federal government dates back to the early 1990s, when he refused to pay the BLM for allowing his cattle to graze on public lands near his ranch in Bunkerville, Nev., about 80 miles north of Las Vegas on Interstate 15.

For two decades, the BLM repeatedly ordered Bundy to remove his cattle from federal lands and in 2014 the agency obtained a court order to seize Bundy's cattle as payment for more than \$1 million in back fees. In April, the BLM, led by Love, implemented a roundup of 1,000 head of Bundy's cattle ranging on public land.

Bundy fought back, issuing a social-media battle cry to help defend his land rights against federal agents. Supporters, including members of several militia groups, streamed to the ranch from several Western states, including Nevada, Arizona, Idaho and Montana. They showed up with rifles and handguns, determined to keep government agents at bay.



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Pictures of prone figures on overpasses sighting long rifles at BLM agents in a dusty wash below galvanized the public and brought international awareness to the feud over public lands and the potential consequences.

For six days, tension escalated as the standoff played out with demonstrations, speeches and attempted negotiations before the BLM abandoned the round-up and withdrew from the area without a single arrest. Cliven Bundy went back to grazing his cattle on the disputed public land.

The standoff was hailed as a victory by militia members. Cliven Bundy's sons, Ammon and Ryan Bundy, cited their success at Bundy Ranch in their run-up to the siege of an Oregon wildlife refuge in 2016, also in protest of BLM policies. They said they could make the federal government stand down.

Federal authorities answered the siege at Malheur National Wildlife Refuge, which ended in the shooting death of Arizona rancher LaVoy Finicum and with other arrests and indictments. But the Oregon case ended in embarrassment for federal prosecutors last year when a federal jury acquitted Ryan and Ammon Bundy and five other defendants.

Cliven Bundy was not directly involved in the Oregon siege. He was arrested last year in connection with his role in the 2014 Nevada standoff, which is referred to in militia circles as the Battle of Bunkerville. His sons and 14 others also were charged. All are being held without bail at a detention facility in Nevada.

Cliven Bundy's attorney said Thursday it "will be very interesting" to see how the case plays out with Dan Love as the government's key witness.

"Between you and me," Whipple said, "We're lucky we're at trial and not at a memorial service."

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3. **Legislation would slash federal law enforcement in west**

The Reno Gazette-Journal, Feb. 3 | Benjamin Spillman

Federal law enforcement agents who combat illegal dumping, conduct wildland fire investigations and eradicate environmentally damaging illicit marijuana growing operations would lose their jobs under a proposal by seven western lawmakers.



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A bill by Rep. Jason Chaffetz, R-Utah, seeks to eliminate the law enforcement branches of the U.S. Forest Service and Bureau of Land Management.

The bill, which includes Rep. Mark Amodei, R-Nev., among co-sponsors, would shift their duties to sheriff's departments which would receive block grants to pay for the extra work. Lawmakers have introduced similar measures in past years, to no avail.

"It's time to get rid of the BLM and US Forest Service police," Chaffetz said in a written statement announcing the bill. "If there is a problem your local sheriff is the first and best line of defense."

Amodei described the effort as an attempt to rein in law enforcement overreach by agencies that were created to be natural resource managers.

"BLM law enforcement used to be about enforcing resource issues and stuff like that," Amodei said. "Since 9-11 you have got a lot of federal agencies that have their own SWAT teams, their own this, their own that."

Amodei cited the armed standoff at the Bunkerville, Nev., ranch of Cliven Bundy as an example.

Bundy was accused of grazing cattle on federal land for decades without paying fees. When the BLM arrived in 2014 to confiscate the cattle Bundy, his family and armed anti-government protestors from around the west occupied the property.

The standoff ended without shooting after the BLM backed down to avoid a violent clash.

"It is somewhere in the neighborhood of a miracle there was no gunfire," Amodei said.

Another standoff in Oregon in 2015 involved two of Bundy's sons, Ryan and Ammon Bundy, and armed acolytes who took over the Malheur Wildlife Refuge.

That standoff included a car chase and shooting death of occupier LaVoy Finicum. Although the deadly clash involved the FBI and Oregon State Police, not BLM or Forest Service law enforcement.

In Nevada and California BLM and Forest Service law enforcement do everything from investigating wildland fires to preventing illegal dumping and congested area shooting to breaking up large scale marijuana growing operations that can be devastating to wildlife.



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“Forest Service and BLM officers routinely handle highly complex cases pertaining to archeological resources, timber theft, international drug trafficking, illegal immigration, wildlife poaching, and catastrophic wildfires,” Nathan Catura, president of the Federal Law Enforcement Officers Association wrote in a letter to Chaffetz. “Congress should be prioritizing its resources towards strengthening law enforcement functions of both these agencies rather than dismantling them.”

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4. In Wyoming, a cautious public lands victory

High Country News, Feb. 3 | Rebecca Worby

On Jan. 20, public lands advocates across Wyoming celebrated a tenuous victory. In a move somewhat overshadowed by inauguration coverage, Wyoming Senate President Eli Bebout killed a proposed constitutional amendment that would have laid the groundwork for potential future transfers of federal lands to the state, citing doubt that the bill would have earned the necessary votes. Then, just ten days later, Wyoming House Majority Floor Leader David Miller filed another transfer bill, the latest in a spate of “land-grab” bills that have galvanized opposition among Wyoming sportsmen and conservationists.

Since 2013, the state legislature has considered a total of nine different transfer-related bills, including ones proposing the transfer of federal lands to state or private hands, calling for related studies, or detailing the processes for the sale and management of transferred land.

Those bills have been introduced against a backdrop of mounting debate over federal land management throughout the West at the state and federal level. In recent weeks, the U.S. House passed a rule package that included a provision making it easier to sell off federal lands and Rep. Jason Chaffetz (R-Utah) introduced both HR 621, a bill promoting the sale of 3.3 million acres of federal lands to ten Western states, and HR 622, which would eliminate the law enforcement functions of the Forest Service and Bureau of Land Management. Chaffetz has since promised to withdraw HR 621, in response to public blowback.

Wyoming public land advocates have organized a fledgling coalition of loosely affiliated conservation, recreation, and sportsmen groups called Keep It Public, Wyoming. Though these groups have their differences, they share the fear that the passage of a public lands transfer bill at the state level would embolden Congress to make future public lands transfer possible. “We



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don't want to set the stage to make this transfer easy," says Wyoming Wildlife Federation Executive Director Chamois Andersen.

This is not the first time threats to Wyoming's public lands have driven disparate user groups together. In 2006, Citizens of the Wyoming Range, a coalition of local citizens, outfitters, and outdoor groups, helped prevent the development of a gas field in Sublette County. Their work contributed to the Trust for Public Land ultimately buying out the remaining leases on the threatened land in 2012.

In early November, Keep It Public, Wyoming planned a public lands rally in Casper, which attracted about 400 people. And when the Wyoming legislature's Select Federal Natural Resource Management Committee met the following week to discuss the amendment, about a hundred citizens "swamped the meeting," says Stephanie Kessler of the Wyoming Outdoor Council. Most came to voice their opposition. The Dec. 14 subcommittee meeting saw even greater turnout—and opposition. The 150 or so citizens who attended couldn't even fit in the room.

Aaron Bannon, the stewardship and sustainability director for National Outdoor Leadership School Environmental, described the crowd at the Wyoming hearings as "camo next to tie-dye," hunters and anglers next to ardent conservationists. "We can argue amongst ourselves about how we use our federal lands," says Buzz Hettick, chairman of the Wyoming chapter of Backcountry Hunters & Anglers, "but let's just keep them federal."

Similar efforts are underway in Montana: a public lands rally at the state capitol on Jan. 30 attracted over a thousand sportsmen, conservationists, and recreationists—nearly twice as many people as attended the group's 2015 rally.

The national spotlight on threats to public lands has pushed more people into the arms of local organizations. In the past, Montana Wilderness Association (MWA), which helped organize the rally, had to work to gather volunteers. Now, people are reaching out to MWA to ask how to get involved. "People are showing up that have never been a part of this movement before," says MWA State Policy Director Kayje Booker.

At a particularly divisive moment nationally, the groundswell of support for public lands has crossed political lines Westwide. In fact, the 2017 Conservation in the West Poll showed that the majority of Westerners from all parties took a positive view of "Trump's opposition to transferring national public lands to the states." At the Montana rally, Governor Steve Bullock emphasized the non-partisan nature of this issue. "This ain't about politics," he told the crowd.



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“Whether you’re a Democrat, or Republican, or Libertarian, or vegetarian, these lands belong to you.”

The battle’s not over in Wyoming. The latest transfer bill never made it to committee, so it is effectively dead—at least for this legislative session. But Keep It Public, Wyoming intends to keep up the fight. As Earl DeGroot, one of the administrators of the Facebook page Wyoming Sportsmen for Federal Lands, puts it, “When a war is declared, you come together to fight that war.”

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5. **Op-ed: Congress shouldn’t repeal federal methane rule**

The Denver Post, Feb. 4 | Ryan Alexander

The Bureau of Land Management is charged with ensuring a fair return to taxpayers and minimizing waste from the development of natural resources on federal lands. In response to the growing problem of natural gas being vented and flared from federal lands, it undertook a five-year rule-making to curtail lost gas and clarify when it should be subject to a royalty payment to taxpayers. Congress is now considering a repeal of this rule under the Congressional Review Act. This would be a mistake.

Since it was signed into law in 1994, the Congressional Review Act has been used only once, to repeal an ergonomics rule from the Clinton administration. One reason it has been seldom used is that it is a blunt instrument that stipulates no similar rule can be adopted, ever, unless Congress passes new legislation allowing it, which is unlikely. No similar ergonomics rule has ever been adopted.

While some in industry may cheer the prospect of a similar outcome, taking the BLM out of the waste-prevention game is going to make the problem worse. And it is a problem. The original guidance on venting and flaring is more than 30 years old. The amount of lost gas doubled from 2009 to 2013, worth millions every year. As production continues to expand, the antiquated guidelines will fall further behind. If Congress repeals the new rule, the old ones will become effectively permanent.

Opponents of the rule argue it is regulatory overreach and have sued in federal court. If they are right, the court will strike the rule down. This is why we have judicial review. The answer to possible administrative overreach is not congressional overreach. While repealing an Obama



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administration rule would be a political victory for the new Congress, taxpayers and the Treasury will be paying the price.

Ryan Alexander is president of Taxpayers for Common Sense in Washington, D.C.

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6. **Op-ed: Wasting energy is not conservative: Keep the BLM wasted gas rule**

The Hill, Feb. 6 | David Jenkins

Very soon, the U.S. Senate will decide whether to use a seldom-used mechanism known as the Congressional Review Act (CRA) to revoke important rules meant to increase industry accountability, protect taxpayers, and reduce harmful air pollution.

On the chopping block is the U.S. Bureau of Land Management's Methane Waste and Prevent Rule that prevents private energy companies from wasting energy resources that belong to the American people.

The BLM standards require oil and gas companies operating on public lands to reduce the amount of methane – the primary component of natural gas – that is burned, flared, or leaked into the air.

Analyses have shown that negligent drilling practices waste more than \$1 million of natural gas every day. In fact, enough American energy is wasted every year to power a city the size of Chicago.

That also translates to more pollution in the air and less royalty revenues for taxpayers. One recent study estimates that rolling back these protections will cost Americans \$800 million over the next decade.

Those public tax dollars are split between the federal government and energy-producing states to fund education, roads and bridges, conservation efforts, and other projects.

But without the methane waste rule, those tax dollars will literally go up in smoke.

There is nothing even remotely conservative about waste, which is why the push to overturn this prudent rule is so misguided.



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Claims by the oil and gas industry, which its pals in Congress parrot, that the methane rule represents costly, job killing, bureaucratic overreach are ridiculous. Nothing could be further from the truth.

Earlier, Congress pressed the President of the American Petroleum Institute for hard data about job loss associated with BLM's methane policies – but API delivered nothing.

That is because by requiring companies to adopt affordable technologies to capture lost gas, the industry can actually save up to \$188 million each year. The rule is also a boon to the dozens of companies—located across 46 states—that develop technologies in methane mitigation.

Rolling back these sensible standards now would erase all of these economic benefits – and would actually run in direct opposition with the President's own energy plan, which promises to maximize, not waste, the public's energy resources.

Genuine conservatives that are not in the pockets of special interests should be appalled. There is simply no excuse for wasting American energy and tax dollars.

This fiscally foolish rollback attempt comes after a conservative Wyoming judge recently denied a motion by industry to block the rule.

In 2014 Colorado became the first state in the nation to adopt rules to cut methane waste and pollution. Three years later, oil and gas production has increased, and leaks have dropped by 75 percent in the state's most developed oil and gas field. The dire hair-on-fire predictions of the oil and gas lobby have never materialized.

Other conservative, energy-producing states have smartly followed Colorado's lead and adopted rules to curb methane waste and pollution. Wyoming's regional strategy for the Upper Green River Basin is one example.

The BLM's methane rule enjoys overwhelming support among westerners, especially in the states the rule would affect, and benefit, most. An overwhelming 81 percent of westerners believe that the Trump administration should implement and uphold the BLM methane waste rule.

Equally telling, a recent Center for Methane Emissions Solutions survey found that seven out of ten companies believe the benefits of the rule outweigh the cost.



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The American conservation ethic is rooted in sound, conservative principles. The responsible stewardship of our natural resources is a core American value that Republicans and Democrats have long agreed are essential to America's prosperity.

The decision to use the CRA, an archaic legal loophole, to abolish a fiscally responsible, pro energy, pro conservation, and publicly supported rule represents special interest politics at its worse. It is a far cry from promises to drain the swamp, and senators who vote to overturn this rule will show that they reside deep in the muck.

David Jenkins is the president of Conservatives for Responsible Stewardship, a national nonprofit organization

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7. NEVADA STANDOFF: 'Incredibly crucial' Bundy ranch trials begin today

E & E News, Feb. 6 | Jeremy P. Jacobs

Federal prosecutors today will kick off the first of three trials stemming from the 2014 armed standoff at the Bundy family ranch in Bunkerville, Nev.

The stakes couldn't be higher coming off last October's surprise acquittals in the trial for leaders of the Malheur National Wildlife Refuge occupation in Oregon.

"The Nevada trial is incredibly crucial right now for the federal government," said Justin Pidot, an Interior Department attorney during the Obama administration.

Pidot, who didn't work on Bundy matters at Interior, said the Nevada standoff is more egregious than what occurred during the 41-day occupation at Malheur.

In Nevada, Cliven Bundy — the patriarch of the family — summoned some 200 followers to his ranch to take back about 400 cattle that the Bureau of Land Management had impounded because of court orders and decades of unpaid grazing fees.

Those followers took up sniper positions on bridges, pointing assault rifles at BLM officials. Eventually, BLM relented, fearing bloodshed.

The standoff emboldened Bundy, his family and his followers. It led to the armed takeover in Oregon last winter.



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Pidot, a professor at the University of Denver Sturm College of Law, said the importance of the Nevada trials has been amplified.

"It's exponentially more important to send a signal that you can't run out on federal land and point guns at federal employees," he said. "That significance is only magnified after the first verdict in the Oregon case."

The Nevada trials are more complicated than the cases in Oregon, but, similarly, they have already featured plenty of legal jockeying and some bizarre pretrial moments.

There are 17 defendants charged in Nevada, led by Cliven Bundy, his sons Ammon and Ryan, and Ryan Payne. The younger Bundys and Payne were also leaders of the Oregon standoff.

They are charged with more than 15 counts of conspiracy, illegal use of firearms, threatening federal officials, extortion and obstruction.

The U.S. District Court in Nevada has divided the case into three trials, with the first beginning today. It split the defendants into three "tiers" based on their involvement in the standoff. The third tier — or least culpable — will go first. It is composed of Ricky Lovelien, Todd Engel, Gregory Burleson, Eric Parker, O. Scott Drexler and Steven Stewart.

The trial for tier 1, including the Bundys, Payne and internet radio host Pete Santilli, will begin 30 days after the conclusion of the first trial. Tier 2 defendants will stand trial 30 days after the second case concludes (E&E News PM, Dec. 13, 2016).

Prosecutors plan to introduce volumes of photos and videos that show the defendants with guns pointed at BLM employees. They will also rely on statements from Cliven Bundy that he "would do whatever it takes" to stop the impoundment of his cattle and that he was "ready to do battle" with BLM.

But there have also been clear signs from prosecutors that they want to avoid missteps that cost prosecutors in Oregon.

In court documents, Nevada prosecutors have expressed concerns that the defendants will put BLM and the federal government on trial "in the hope of engendering confusion, sympathy, or other considerations [that] may distract the jury from the evidence."



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Consequently, the government has asked that the judge not allow any discussion of the Malheur occupation, alleged mistreatment of Bundy's cattle while they were impounded and arguments that the government does not own the public lands at issue in the case.

In the Oregon trial, prosecutors requested — and the judge largely granted — a restriction on the discussion of who owned the Malheur National Wildlife Refuge property. Nevertheless, the defense frequently raised the issue throughout the trial.

Prosecutors in Nevada argue that the United States has owned the land adjacent to Bundy's ranch since 1848, when it was acquired from Mexico.

BLM agent's testimony challenged

Defendants have raised a variety of potential arguments, but those on trial beginning today have zeroed in a controversial BLM law enforcement official.

Dan Love, a BLM agent who oversaw the agency's actions during the 2014 standoff, was recently outed as the subject of an Interior inspector general investigation.

The IG report concerns unrelated allegations that Love improperly obtained special access to the Burning Man music and art festival for his family and manipulated the hiring process for a friend (E&E News PM, Jan. 30).

Love was not named in the report, but his identity was confirmed by E&E News and other media outlets last week (Greenwire, Feb. 2).

He has been promoted by BLM since the standoff and is expected to be a key government witness in the upcoming trials.

Three defendants set for trial this week, however, moved on Thursday to dismiss the case because of Love's involvement.

Attorney Richard Tanasi, who represents defendant Stewart, wrote that the IG reports also suggest Love has a history of manipulating witnesses, though the report makes no reference to the Bundy standoff.

If the ethics report is true, Tanasi wrote, "influencing witnesses bears directly on his credibility and the credibility of every other witness he had contact with in his case."



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Further, he contended that the government knew of the IG investigation and should have disclosed it during the trial's evidence discovery stage.

"If Agent Love (or any agent in this case) is the agent in The Ethics Report, an order dismissing this case is the only appropriate remedy," Tanasi wrote.

The proceedings have also produced some strange moments.

Ryan Bundy has challenged his continued detention in a federal corrections facility in Nevada pending his trial.

In an unusual six-hour hearing last week, Bundy, who is representing himself, delivered a 90-minute opening statement contending that federal agents — not the defendants — should be on trial and denounced a "totalitarian" government, according to media reports.

"The wrong people are in jail," Bundy said.

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8. **PUBLIC LANDS: House expected to pass resolution killing Obama land-use rule**

E & E News, Feb. 6 | Scott Streater

The House will continue its anti-regulatory agenda this week, targeting one of the Obama administration's signature land management rules.

The House Rules Committee will meet later today to set debate parameters for Wyoming Republican Rep. Liz Cheney's H.J. Res. 44, which would undo the Bureau of Land Management's so-called Planning 2.0 rule through the Congressional Review Act.

The rule marked a major shift in how BLM revises and maintains roughly 160 resource management plans (RMPs) across the West.

Among other things, it is intended to make RMPs more dynamic by ensuring they are updated more frequently and are more conducive to landscape-level planning and mitigation required under an October 2013 order signed by former Interior Secretary Sally Jewell (E&E News PM, Dec. 1, 2016).



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Republicans have long blasted the rule, complaining among other things that it marginalizes local and state input in the federal land management process — a charge the Obama administration strongly denied.

Congressional Republicans are also targeting other key Obama energy and environment rules.

Congress last week approved a CRA resolution nixing the Stream Protection Rule; President Trump has promised to sign it (E&E News PM, Feb. 2).

And the full House last week approved H.J. Res. 36 to kill BLM's rule to limit methane emissions from oil and gas operations on federal lands (Greenwire, Feb. 3). The Senate is expected to approve its version, S.J. Res. 11, soon.

Conservation groups have strongly supported the Planning 2.0 rule, calling it a valuable land management tool. But the Senate may follow the House in acting against it.

Senate Energy and Natural Resources Chairwoman Lisa Murkowski (R-Alaska) last week introduced a disapproval resolution in her chamber, S.J. Res. 15. It has 17 Republican co-sponsors.

Cheney's CRA resolution has 15 co-sponsors, all Republicans, including Rules Committee Chairman Pete Sessions (R-Texas).

"I look forward to continue working hand-in-hand with Sen. Murkowski, as well as other leaders in Congress and the Executive Branch, as we repeal ineffective, unconstitutional and out-of-control federal regulations that stand in the way of meaningful economic growth and job creation for Wyoming," Cheney said in a statement.

Schedule: The Rules meeting is Monday, Feb. 6, at 5 p.m. in H-313 Capitol.

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9. **METHANE: Industry urges Senate to follow House lead on BLM rule repeal**

E & E News, Feb. 6 | Pamela King

Oil and gas industry advocates Friday applauded House passage of a resolution to quash an Obama-era regulation over methane emissions on public lands and urged the Senate to follow suit this week.



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Leaning on authority granted under the Congressional Review Act (CRA), House lawmakers voted 221-191 Friday to scrap a Bureau of Land Management regulation that seeks to limit natural gas flaring, venting and leakage on public and tribal lands (Greenwire, Feb. 3). Other targets for repeal include an Interior Department rule protecting waterways from coal mining pollution and a Securities and Exchange Commission requirement for disclosure of oil and gas industry payouts to governments.

"The United States leads the world in the production and refining of oil and natural gas, as well as in the reduction of carbon emissions," American Petroleum Institute President and CEO Jack Gerard said in a Friday statement. "BLM's rule is technically flawed and redundant, and it could impede the technological innovations that have led to increased domestic use of cleaner-burning natural gas."

BLM's rule would shut in currently producing wells, slash federal revenues and lower affordable energy supplies — all while overstepping the agency's purview, Gerard said.

"Given the broad impacts to U.S. oil and natural gas production on Indian and federal lands, the lack of authority by BLM to regulate air quality and the fact that U.S. producers already are highly incented to capture methane for delivery to American consumers, it is appropriate for the Congress to use the CRA to disapprove this redundant and unnecessary regulation," he said.

API is committed to helping Congress and the Trump administration craft a "smarter, science-based regulatory approach" to energy development, Gerard said, without offering details on what that strategy would look like. Some industry groups have proposed a narrower BLM regulation, although the legality of that option remains unclear, since the CRA prohibits release of "substantially similar" regulations (Energywire, Feb. 1).

Advancements in technology and horizontal drilling have pushed the U.S. oil and gas industry to reduce methane emissions without federal oversight, said Barry Russell, president and CEO of the Independent Petroleum Association of America. Energy firms will continue to improve methane capture — if the path is paved for a more comprehensive midstream infrastructure network, he said.

"Companies have every incentive to capture and sell as much of their product as possible to American consumers, rather than letting it escape into the atmosphere," Russell said in a statement. "However, this new BLM rule is aimed more at shutting down production than creating a workable solution for industry. A current lack of infrastructure and gathering lines to collect gas at the wellhead coupled with an extremely slow process to permit pipeline right-of-



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ways by the BLM make it exceedingly difficult for producers to safely transport their product to market."

The American Chemistry Council, whose membership includes downstream users of natural gas, said revoking the BLM methane rule will help keep one of its critical feedstocks affordable.

"Natural gas production on federal lands is in a downward spiral, falling 35 percent between 2009 and 2014, even as output on state and private lands rose 43 percent," the council wrote in a statement. "The government should take steps to reverse this trend and boost natural gas production on BLM lands. The chemistry industry is using new natural gas resources to expand and invest in the U.S., but federal lands aren't doing their part. We urge swift consideration of the resolution by the Senate."

Enviros ask Senate to block rollback

Using the CRA to dismantle BLM's methane regulation is a short-sighted move that disregards the concerns of residents who live near the flares the rule is designed to extinguish, said Sierra Club Legislative Director Melinda Pierce (Energywire, Feb. 3).

"Undoing the methane standard will do nothing but benefit House Republicans' dear friends, the fossil fuel industry," she said in a statement. "It's time [Speaker Paul] Ryan and House Republicans did their job and managed our public lands with the public's interest in mind and protect the health of communities that live nearby."

Environmental Defense Action Fund President Elizabeth Thompson asked the Senate to block the methane rule's repeal, an outcome that seems unlikely since CRA measures can pass with the support of a simple majority.

"The bill puts the special interests of the oil and gas industry squarely ahead of the interests of the American people," Thompson said in a statement. "This is not what the citizens of either party voted for last November. The rollback gives companies permission to waste \$330 million ... of public assets a year, and generate huge amounts of avoidable pollution that contaminates our air and has a devastating effect on public health. We call on the U.S. Senate to protect the interests of the American people, and not cast a vote for business as usual for the oil and gas industry."

Lawmakers in the upper chamber are expected to vote on the resolution this week.

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10. **SOLAR: Utah industry compromises on tax credits**

E & E News, Feb. 6 | Emma Penrod, Salt Lake Tribune

Lawmakers and officials from Utah's solar industry have reached a compromise to phase out tax credits for residential solar system purchasers.

The compromise comes after runaway growth in solar installations last year threatened to drain up to \$60 million from state coffers.

The agreement, which is contained in H.B. 23, was reached last week and will soon head to a House floor debate.

Under the terms of H.B. 23, tax credits for residents who install rooftop solar arrays would be phased out over four years.

While Utah residents can currently seek tax credits of up to \$2,000 for installing a residential solar system, H.B. 23 would cut that figure to \$1,600 starting in 2018.

Then it would fall by \$400 annually until it reached zero by Dec. 21, 2021.

The agreement would also do away with limits on the total amount annually devoted to solar tax breaks, effectively eliminating caps on how many residents can seek the incentives.

So far, the compromise has garnered mixed reactions from key players within the solar panel industry.

Ryan Evans, president of the Utah Solar Energy Association, said he supports the compromise even though he would have preferred to have kept the tax credits.

"Realizing the political pressures and budgetary pressures this year, we aren't contesting this," Evans said. "Solar energy is becoming more and more affordable every year, and I think we can absorb this."

But Alan Naumann, a solar energy consultant for Rocky Mountain Renewable Energy, said he believes the industry should maintain the current system of tax credits because it leads to growth in clean energy, which has significant economic and environmental benefits.

"We should be supporting all of this, gathering all the people in Utah to take advantage of these tax credits while we still can and not taking steps backward," Naumann said (Emma Penrod, Salt Lake Tribune, Feb. 2). — MJ



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11. **PUBLIC LANDS: Democrats float bills to block Trump's border wall**

E & E News, Feb. 6 | Jennifer Yachnin

Democratic lawmakers are aiming to stop President Trump's efforts to extend the nation's border wall with new legislation that would prohibit the construction of additional fencing along the 2,000-mile boundary with Mexico.

Democratic Reps. Michelle Lujan Grisham of New Mexico and Adriano Espaillat of New York both introduced bills last week that would curb Trump's recent executive order calling for an "impassable physical barrier" along the U.S.-Mexico line.

Secretary of Homeland Security John Kelly said last week that the expansion of the southern border wall could be completed within two years, with construction slated to begin in a "matter of months" despite lingering questions over how to fund the wall, which could cost as much as \$25 billion.

But Lujan Grisham, who serves as chairwoman of the Congressional Hispanic Caucus, has moved to block the new construction — fencing already marks more than 650 miles of the border — via H.R. 837, the "Build Bridges Not Walls Act."

Lujan Grisham said the bill would prohibit the construction of a continuous wall or fence along the southern border by restricting funding for the structure.

"The people who know the border the best, whether it's companies or lawmakers, both Republicans and Democrats, border communities, trade groups, economists, and law enforcement officials, all agree that building a wall is unnecessary, impractical, ineffective, and a complete waste of time and taxpayer money," Lujan Grisham said in a statement. "This bill protects taxpayers by stopping the funding for a wall that is not needed and from any other attempts by the President to fund similar orders."

The measure, which lists 58 Democratic co-sponsors but no Republican supporters, is also endorsed by the Congressional Hispanic Caucus as well as groups including GreenLatinos and the Sierra Club.

"The border wall proposal threatens our environment and puts the health and welfare of many communities along our border in jeopardy," GreenLatinos President Mark Magaña said in a



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statement. "To focus billions of dollars of our valuable taxpayer money and resources on an ineffective infrastructure like the President's proposed border wall goes against our basic values as Americans, and must be stopped."

Similarly, Espaillet last week introduced H.R. 739, the "This Land Is Our Land Act," which would block construction of the new barrier on federal public lands. It has 15 co-sponsors, all Democrats.

"Building President Trump's wall would trample on our public lands, potentially put precious endangered species at risk and likely disrupt or destroy environmentally important ecosystems and habitats," Espaillet said Wednesday on the House floor. "We should be building a wall around Trump to stop these irrational executive orders instead of this ludicrous \$25 billion wall between our closest ally."

Within 100 miles of the U.S.-Mexico border, the Interior Department oversees more than 25 million acres, including six wildlife refuges, lands held in trust for four American Indian tribes, a half-dozen national parks, and Bureau of Land Management districts. Espaillet's bill would also prohibit construction on any lands overseen by the Agriculture Department across California, Arizona, New Mexico and Texas.

But under the 2005 Real ID Act, the Department of Homeland Security is allowed to circumvent environmental regulations to speed construction of barriers along the border.

Defenders of Wildlife President Jamie Rappaport Clark praised both bills, saying that new border fences would "bisect and isolate iconic Southwestern landscapes and push vulnerable borderland species such as jaguars, Mexican gray wolves and ocelots to the brink of extinction."

She added: "This outrageously expensive and impenetrable barrier would ultimately shred the fabric of our core American values — equality, justice and the preservation of our natural heritage."

But Trump made the wall a central promise of his presidential campaign, saying the United States must regain control of its borders, and has promised that Mexico ultimately will pay for its construction.

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