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Attached is the daily news report for May 3 - 4.

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DAILY NEWS REPORT - UTAH

UTAH – TOP STORIES – MAY 3 - 4, 2017

1. National monuments harm the economy, Utah public lands official tells Congress

The Salt Lake Tribune, May 3 | Thomas Burr

Washington • National monument designations in Utah have harmed the economy and way of life for communities abutting them, killing jobs and harming ranchers, the head of Utah's public-lands office testified before Congress on Tuesday.

2. Queen of Fire: A Millcreek resident advising the city on a wildfire plan, draws on a wealth of experience

Salt Lake City Weekly, May 3 | Stephen Dark

When Eileen Grace looks out the office window in her home overlooking the Wasatch Mountains, she doesn't so much admire the steep slopes, with their rich green lines of trees and meadows climbing up the east benches, as view them with trepidation. To her eyes, they represent, "a very high wildland-urban interface," meaning that nature and homes are smacked up against each other and the potential for a wildland fire engulfing the fledgling city's houses is all too apparent.

3. Tribal leaders: We'll take Trump to court if he rescinds Bears Ears

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Washington • Tribal leaders who pushed for the Bears Ears National Monument said Wednesday they hope the Trump administration will leave the protection in place but, if not, they will go to court to ensure the monument remains.

4. Trump's Plan To Dismantle National Monuments Comes With Steep Cultural And Ecological Costs

The Huffington Post, May 3 | Michelle Bryan & Monte Mills, The University of Montana, and Sandra B. Zellmer, University of Nebraska-Lincoln

In the few days since President Trump issued his Executive Order on National Monuments, many legal scholars have questioned the legality of his actions under the Antiquities Act..



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5. Op-ed: More than just a place to play

Moab Sun News, May 4 | Guest Columnist Dan Hohl

I grew up kayaking and hiking at Pinecrest Lake in the Stanislaus National Forest in the Sierra Nevada. The 2013 Rim Fire cut my summer trip to Pinecrest short when ash choked the air. But the most alarming menace to America's public lands is not a natural force like a wild fire but our human desire to dissect and destroy a landscape for profit.

6. Tailings cleanup could get boost in Trump budget

Moab Sun News, May 4 | Rudy Herndon

If President Donald Trump's budget office sticks with its current spending priorities for the coming fiscal year, the agency that manages the Moab Uranium Mill Tailings Remedial Action (UMTRA) Project could get an unexpected boost in funding.

7. BLM offers tour of Axtell off-range wild horse corals, official says horse adoptions on rise

The Sanpete Messenger, May 4 | Robert Stevens

AXTELL—After a nearly 83-percent drop in the number of wild-horse adoptions, the Bureau of Land Management's horse adoption program is beginning to pick up again in Utah, says the BLM's top man overseeing the program.

8. Trump order puts Utah monuments in crosshairs

The Moab Times-Independent, May 4 | Molly Marcello

Local and state tensions regarding Utah's Bears Ears and Grand Staircase Escalante national monuments gained national attention after President Donald Trump's April 26 "Antiquities Act Executive Order" placed both designations under review.



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E&E/NATIONAL NEWS – TOP STORIES

1. **Inside The Debate Over Repealing Curbs On Methane Leaks**

Utah Public Radio, May 3 | Nate Rott

A deadline is fast approaching for Republican lawmakers who want to undo an Obama-era regulation that aims to limit the emissions of methane — a powerful greenhouse gas — from energy production sites on public lands.

2. **Groups prod Senate to undo Obama's fracking rule as deadline nears**

The Washington Examiner, May 3 | John Siciliano

A group of more than 10 conservative and free-market groups launched an eleventh-hour push in the Senate Wednesday to pressure lawmakers to pass a bill repealing an Obama-era climate change rule before next week's deadline.

3. **EPA chief: US needs coal to protect electric grid**

The Hill, May 3 | Timothy Cama

The head of the Environmental Protection Agency (EPA) argued Wednesday that using coal for electricity is necessary for the reliability of the electric grid.

4. **HYDRAULIC FRACTURING: BLM freezes central Calif. leasing in deal with enviros**

E & E News, May 4 | Ellen M. Gilmer

The Trump administration will pause oil and gas leasing on thousands of acres of public lands in California while it takes a closer look at the impacts of hydraulic fracturing.



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5. NUCLEAR: Key Democrat appropriator promotes federal aid for industry

E & E News, May 4 | Emily Holden, Sam Mintz and Hannah Northey

The beleaguered nuclear industry is seeking financial support from Congress, looking for opportunities to expand the availability of existing tax credits and potentially entertaining the possibility of short-term assistance.

6. WILD HORSES: BLM transfer provision in omnibus outrages advocates

E & E News, May 4 | Scott Streater

The omnibus spending package the Senate approved today contains a provision that would make it easier for the Bureau of Land Management to adopt out or transfer wild horses and burros, reducing the growing number of animals under the agency's care.

7. APPROPRIATIONS: Senate passes omnibus with strong bipartisan backing

E & E News, May 4 | George Cahlink

The Senate today sent a huge fiscal 2017 omnibus spending bill to the president, who is expected to sign it into law and avert a government shutdown at midnight tomorrow night when current funding expires.



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UTAH – FULL STORY

1. National monuments harm the economy, Utah public lands official tells Congress

The Salt Lake Tribune, May 3 | Thomas Burr

Washington • National monument designations in Utah have harmed the economy and way of life for communities abutting them, killing jobs and harming ranchers, the head of Utah's public-lands office testified before Congress on Tuesday.

"Any perceived benefits from the designation of huge landscape monuments need to be weighed against the impacts suffered by those who have traditionally used the lands," Kathleen Clarke, the former Bureau of Land Management director and now head of the Utah Public Lands Policy Coordinating Office, told a House Natural Resources subcommittee. "Landscapes don't disappear, but jobs and artifacts do."

Clarke joined a chorus of Republicans in blasting the Antiquities Act, which President Barack Obama used in late December to name the 1.35 million-acre Bears Ears National Monument in southeastern Utah. She also told the congressional committee that the 1996 designation of Grand Staircase-Escalante National Monument has impaired the area's economy.

"The creation of these huge monuments has unnecessarily had significant and negative impacts upon the traditional uses of these lands and upon the lives and livelihoods of the local populations that have stewarded the lands for generations," said Clarke, who was BLM head under former President George W. Bush.

Clarke's testimony doesn't square with two studies on the issue. One by Headwaters Economics concluded that designation of the Grand Staircase did not significantly change economic growth trends seen in surrounding areas, with rising population, jobs and per capita income. Another study, by Utah State University, found that the Grand Staircase declaration had little or no effect on host counties' economic situation.

The testimony comes as Interior Secretary Ryan Zinke, as ordered by President Donald Trump, is reviewing the Bears Ears and Grand Staircase designations and other national monuments named in the past 21 years. Zinke must report back recommendations by June 10 on Bears Ears and the rest within four months.

Rep. Rob Bishop, a Utah Republican who heads the Natural Resources Committee, charged that the Bears Ears designation ignored the wishes of residents, especially Native Americans in the area.



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"Never in my 14 years of Congress have I seen such a concerted effort to suppress the voices of local tribes by such powerful, deep-pocketed opponents," Bishop said. "No local tribe in San Juan County, Utah, where the national monument is located, supported this designation. But most do not know this, because it is barely reported."

Obama's designation had the support of the Bears Ears Inter-Tribal Coalition, a coalition of five sovereign Tribal Nations: Hopi, Navajo, Ute Indian Tribe, Ute Mountain Ute and Zuni.

Rep. Raul Grijalva of Arizona, the top Democrat on the Natural Resources Committee, countered the GOP's complaints about the 1906 Antiquities Act, noting that presidents since Teddy Roosevelt have used it to preserve and protect landscapes across America.

"You can't find a more popular government program," Grijalva said. "And yet we're here today because my colleagues in the majority want to destroy the law and potentially even abolish existing national monuments."

He noted last week's Outdoor Industry Association report that outdoor recreation supports 7.6 million jobs and provides \$887 billion in consumer spending.

"If the only monuments Donald Trump wants are hotels, so be it," Grijalva added. "But the national monuments established by his predecessors are not subject to Donald Trump's whims."

More than 450 organizations, ranging from the American Bird Conservancy to the Wyoming Outdoor Council, signed a letter unveiled Tuesday opposing any effort to reduce or rescind national monuments.

"Our national monuments protect our uniquely American heritage and we stand with the overwhelming majority of our fellow Americans in defending them from efforts to undermine protections for parks and monuments," the groups wrote in the open letter. "We urge you to refrain from any effort to shrink, repeal or otherwise undermine any national monuments."

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2. Queen of Fire: A Millcreek resident advising the city on a wildfire plan, draws on a wealth of experience

Salt Lake City Weekly, May 3 | Stephen Dark

When Eileen Grace looks out the office window in her home overlooking the Wasatch Mountains, she doesn't so much admire the steep slopes, with their rich green lines of trees and meadows climbing up the east benches, as view them with trepidation. To her eyes, they



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represent, "a very high wildland-urban interface," meaning that nature and homes are smacked up against each other and the potential for a wildland fire engulfing the fledgling city's houses is all too apparent.

One of the early female federal wildland firefighters in the late 1970s, based primarily in the Pacific West, she breaks down fire's behavior into simple elements: "Fire has a tendency to go uphill, a tendency to go the way the wind is blowing, and it will get big if it has enough to burn. To a wildfire, a housing development looks like 9,000 tons [of fuel] per acre."

With Millcreek incorporated as a city this past January, one responsibility it will take from Salt Lake County is developing a community-protection plan for wildland fires—a lengthy process involving public education, preparation and mitigation of potential wildland fire threats. Unified Fire Authority Battalion Chief Riley Pilgrim says Grace, as an adviser, brings a "unique perspective. She understands fire behavior; she understands the risks present in Millcreek."

Grace's 14-year wildland firefighting career at the U.S. Forest Service underscores both her fascination with the seasonal, uninsured occupation, and how gender discrimination dogged some women in the field. The problem has continued since she quit federal wildland firefighting, she says, pointing to a December 2016 survey by nonprofit education group Association for Fire Ecology. Out of 342 respondents, 54 percent reported observing gender discrimination, while 44 percent reported experiencing it firsthand. The majority of respondents who experienced sexual harassment didn't report it.

"The report was horrifying to me, but what is more horrifying to me, after all this work, all this time, [women] are not standing up for themselves, not taking it upon themselves," Grace says. "They want to create this gender-neutralized bureaucracy, but it's not realistic. Let knowing how to get along with wildfire be the driver."

The Utah divisions of Bureau of Land Management, U.S. Forest Service and Forestry, Fire & State Lands provide 75 percent of the wildland firefighters on call each season. While more emphasis has been put on hiring women to fight wildland fires both at the state and federal level, the efforts haven't shifted the historic levels of approximately 10 percent women on crews. Jason Curry, the state's public information officer for Forestry, Fire & State Lands, says they've seen more female hires and applicants in recent years for seasonal work. But the back-breaking, physically demanding nature of the job, he speculates, "makes it a hard environment to work in if you're a female." Out of three 20-person crews and one eight-person crew, each has one or two



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women at most. Since 2006, to Curry's knowledge, there have been no sexual harassment or Equal Employment Opportunity complaints filed relating to wildland fire crews.

UFA's Pilgrim, who met his wife fighting wildland fires, acknowledges that it's a male-dominated career with many "Type A male personalities who tend to be reluctant when it comes to trusting females." He's been involved in firefighting since 2000, and says the treatment of women as well as opportunities available for them have improved, with male resistance much less common than it used to be.

Grace's career was built on the idea that gender was irrelevant. It was simply about who could do the job best. A child abuse survivor, she believes fire picked her in some primal way. "I had something to prove to myself, to my father, to my perpetrators. I make a poor victim; I fight back." At the same time, she says, "You've got to stay humble in the face of fire, but that humility I lent to fire I did not lend to my male counterparts."

Grace started as a firefighter in rural Oregon in 1977 when she was 19, joining an initial attack crew in the Barlow Ranger District. "They were paying a dollar more an hour than the Payless drug store," where she sold cosmetics. When Grace attended a week of fire school training, she walked into a room of "250 guys, and then there's me." She worked with a small group of Vietnam vets, whom she recalls as mostly "tolerant and protective."

If initial attack crews are akin to the first responders of wildland fires, interagency hotshot ones are among the elite of wildland firefighters, ready to be dispatched anywhere in the country. Grace set her cap at joining such a crew. The U.S. Forest Service was embroiled in a discrimination lawsuit filed in 1973, which ultimately led to a consent decree mandating that there had to be more women on federal wildland crews. When she and the initial attack crew were dispatched to a late season fire in Northern California, she applied to join the local virtuoso team. "They told me I had to hire a girl and a n———," a supervisor informed her. She didn't get the job.

She then signed up with the Mt. Hood, Oregon-based ZigZag Hotshots as a late season fill-in in 1980 and was rehired in 1981. Already a record-setting marathon swimmer, Grace trained even harder before joining ZigZag, to make sure she was just as fit as any of her counterparts. Being a peak endurance athlete, however, inevitably put her in conflict with men who questioned having women in their ranks.



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"If a guy is going to define himself doing something a girl can't do, what does that mean about him as a man if a woman comes along who can do it the same or better?" Grace asks. "That's where the rage—the contempt—comes from."

She learned how much animosity there could be working at another hotshot crew when she was made squad boss in the middle of a fire, six weeks after she joined. Three men, she says, walked off the fire, refusing to work for a woman.

Juli Bradley, who lives near Portland, fought wildland fires with Grace as her squad boss for a year in 1986. "She took me under her wing," she says. "I learned how tough I could be." While she only did two years fighting wildland fires, "I know who I am because of fire. Because of that job, I feel sure and confident about myself."

Grace's nickname was "Hell bitch," taken from Larry McMurtry's classic novel, *Lonesome Dove*. "You had to earn the right to say it to my face." She says she had "a savant relationship with fire," something she shared to some degree with her supervisor, legendary firefighter Paul Gleason, whom she married in 1987. "We were both in love with fire. Nobody else would talk to me like that, nobody else would hear what I have to say, my ideas. I was insatiable to understand how does fire really behave."

While there were seven women on her crew—"BMWs, burly mountain women," she says—Grace was tough on them as squad boss; too tough, Gleason told her. "I ran off more women than men who didn't belong on the hotshot crew. I wasn't going to lower the bar for boobs. If you're going to come on my hotshot crew, it's not going to be because of boobs. I kept the bar as high as it can possibly be for everybody who wanted to wear a ZigZag Hotshots T-shirt. I didn't think we could afford to have women there who were noticeably less capable."

Grace went on to develop other careers in occupational therapy and fire consulting, but her passion for fire remains unbowed. Even beyond that, though, she says, there is one fundamental that never changes in fighting wildland fires, be it in Oregon or Utah: "I just want everybody to go home for dinner," she says.

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3. Tribal leaders: We'll take Trump to court if he rescinds Bears Ears

The Salt Lake Tribune, May 2 | Thomas Burr

Washington • Tribal leaders who pushed for the Bears Ears National Monument said Wednesday they hope the Trump administration will leave the protection in place but, if not, they will go to court to ensure the monument remains.

"If it does really come to a fight, and some of us don't want to say it, but it will become a legal fight," said Shaun Chapoose, chairman of the Ute Indian Tribe Business Committee. "We don't get to shoot arrows at each other anymore, right? They don't get to shoot bullets at me. But the way we're going to fight is we're going to go to court."

The tribes may not be the only ones.

As Interior Secretary Ryan Zinke begins his 45-day review of the monument's designation — and a larger look at all monuments named since 1996 — several groups are readying for a legal battle should Zinke recommend, and President Donald Trump take action, to jettison the national monument status of the Bears Ears region or trim other monuments.

The Southern Utah Wilderness Alliance and "a coalition of conservation groups have been clear that we will litigate any illegal effort by President Trump to rescind or diminish either the Bears Ears and/or Grand Staircase-Escalante National Monument," said Steve Bloch, SUWA's legal director. "Both of these national monuments protect world-class cultural, paleontological, and geologic resources. In the case of the Bears Ears, its cultural resources are at risk from looting and vandalism facilitated by off-road vehicle use. And in the case of the Grand Staircase, its host of resources are at risk from coal mining and other shortsighted schemes."

Still Waiting • Several Native American leaders said they have yet to hear back on their requests to meet with administration officials and are concerned that the federal government will once again go back on its promise to the country's native peoples.

"I don't think you could say it's a slap in the face" if Trump rescinds the Bears Ears monument designation, Chapoose said. "What it is, it's a repeat of history. It's not like this is the first rodeo. There have been so many broken promises. But tribes are still always hopeful."



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In fact, Zinke met with Chapoose and other Ute Indian Tribe leaders Wednesday.

"The tribal leaders and the secretary discussed several issues including energy development, the nature of sovereignty, public lands, and the Bears Ears National Monument," said a statement from the Interior Department. "The meeting was the first of many conversations. The secretary and the tribal leaders committed to maintaining an ongoing open and positive dialogue."

That visit occurred following a morning news conference by members of the Bears Ears Inter-Tribal Coalition — representing the Hopi, Navajo, Ute Indian Tribe, Ute Mountain Ute and Zuni tribes — at which they urged Trump and Zinke to listen to their voices, with tribal leaders noting that they felt ignored. Zinke has already met with members of Utah's federal delegation and, Tuesday, held a private session with the San Juan County Commission, which opposes the monument.

"We ask that we be heard," said Davis Filfred, a Navajo Nation Council delegate. "We want to be listened to."

The Interior Department pushed back on the criticism by the tribal leaders.

"The claims that the secretary is not consulting tribes regarding Bears Ears is false," spokeswoman Heather Swift said. "Consultation is a priority of the secretary, and as was noted during the announcement of the monuments review, he recognized that tribes are an important voice in this review process."

Before Tuesday's news conference, Swift added, the department had been in touch with the Bears Ears Tribal Commission, which was formed as part of the Bears Ears designation and includes representatives of the Navajo, Hopi, Ute Mountain Ute, Ute Indian of the Uintah Ouray and Zuni tribes.

"The informal invitations have already been sent and we are in the process of sending formal invitations," Swift said. "Local communities will finally have a voice in the monument process and the secretary looks forward to meeting with them and other important stakeholders next week."

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Utah visit — Zinke is expected to fly into Utah on Sunday and spend time in Salt Lake City, visit Bears Ears and Grand Staircase and meet with local, state and congressional officials.

Utah's statewide elected leaders and its six members of Congress — all Republicans — had lockstep opposed President Barack Obama naming a Bears Ears National Monument and are pushing for Trump to toss out the designation. No president in the history of the 111-year-old Antiquities Act has rescinded a monument declared by his predecessor, and there has never been a court test of whether a president has that power.

Beyond the five tribal nations that support the Bears Ears monument, some 30 other tribes across the nation signed a letter of support.

But Darren Parry, vice chairman of the Northwestern Band of the Shoshone Nation, argued in the San Juan Record this week that the Bears Ears designation is not in the best interests of the Shoshone people or Utahns.

"I am currently working with other tribal leaders to help educate them to the real issues that are involved," Parry wrote. "This is not a good deal for tribes. They need to understand this. The great American lie is that all tribes are for the Bears Ears National Monument. They are not!"

Trump ordered the review of all national monument designations back to Jan. 1, 1996 — specifically chosen to include Grand Staircase — and Zinke has until June 10 to report back recommendations on Bears Ears and four months to suggest possible changes to other monuments.

Obama named the Bears Ears region, which was already federal land overseen by the Bureau of Land Management and the Forest Service, a monument in late December.

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4. Trump's Plan To Dismantle National Monuments Comes With Steep Cultural And Ecological Costs

The Huffington Post, May 3 | Michelle Bryan & Monte Mills, The University of Montana, and Sandra B. Zellmer, University of Nebraska-Lincoln

In the few days since President Trump issued his Executive Order on National Monuments, many legal scholars have questioned the legality of his actions under the Antiquities Act.



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Indeed, if the president attempts to revoke or downsize a monument designation, such actions would be on shaky, if any, legal ground.

But beyond President Trump's dubious reading of the Antiquities Act, his threats also implicate a suite of other cultural and ecological laws implemented within our national monuments.

By opening a Department of Interior review of all large-scale monuments designated since 1996, Trump places at risk two decades' worth of financial and human investment in areas such as endangered species protection, ecosystem health, recognition of tribal interests and historical protection.

Why size matters

Trump's order suggests that larger-scale monuments such as Bears Ears National Monument in Utah, or the Missouri River Breaks National Monument in Montana, run afoul of the Antiquities Act because of their size. Nothing is farther from the truth. The act gives presidents discretion to protect landmarks and "objects of historic or scientific interest" located within federal lands. Designations are not limited to a particular acreage, but rather to "the smallest area compatible with proper care and management of the objects to be protected."

Thus, the size and geographic range of the protected resources dictate the scale of the designation. We would not be properly managing the Grand Canyon by preserving a foot-wide cross-section of its topography in a museum.

The U.S. Supreme Court upheld the validity of larger-scale monuments when it affirmed President Teddy Roosevelt's 1908 designation of the Grand Canyon as "the greatest eroded canyon in the United States" in *Cameron v. U.S.* in 1920. Cameron, an Arizona prospector-politician, had filed thousands of baseless mining claims within the canyon and on its rim, including the scenic Bright Angel Trail, where he erected a gate and exacted an entrance fee. He challenged Roosevelt's sweeping designation and lost, spectacularly, because the Grand Canyon's grandeur was precisely what made it worthy of protection.

By downsizing or dismantling a monument, Trump would be intentionally unprotecting the larger-scale resources our nation has been managing as national treasures. The loss in value would be considerable, and compounded doubly by the lost cultural and ecological progress we have made under related laws.



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Cultural costs of downsizing

The Antiquities Act has long been used to protect important archaeological resources. Some of the earliest designations, like El Morro and Chaco Canyon in New Mexico, protected prehistoric rock art and ruins as part of the nation's scientific record. This protection has been particularly critical in the Southwest, where looting and pot hunting remain a significant threat. Similar interests drove the creation of several monuments subject to Trump's order, including Grand Staircase-Escalante National Monument, Canyon of the Ancients National Monument and Bears Ears National Monument. Thus, any changes to those monuments mean less protection for – and less opportunity to learn from – these archaeological wonders.

But we have learned that our past and our natural world are not merely matters for scientific inquiry to be explained by professors through lectures and field studies. Instead, scientists, archaeologists and federal land managers recognize the need to understand and foster continuing cultural connection between indigenous people and the areas where they and their ancestors have lived, worshipped, hunted and gathered since time immemorial. Many of these places are on federal lands.

While other recent designations recognized the present-day use of monument areas by tribes and their members, Bears Ears National Monument was the first to specifically protect both historic and prehistoric cultural resources and the ongoing cultural value of the area to present-day tribes. Unlike prior monuments, Bears Ears came at the initiative of tribal people, led by a unique inter-tribal coalition that brought together many area residents and garnered support from over 30 tribes nationwide. This coalition also sought collaborative tribal-federal management as a way to meaningfully invigorate cultural protection. As a result, President Obama also established the Bears Ears Commission, an advisory group of elected tribal members with whom federal managers must meaningfully engage in managing the monument.

This national investment in cultural collaboration brings great value – a value utterly ignored by Trump's order. In fact, under that order, Bears Ears faces an expedited (45-day) review because, as Secretary Ryan Zinke noted in a recent press conference, it is "the most current one." Though the order includes opportunity for tribal input, the Bears Ears inter-tribal coalition has yet to hear from Secretary Zinke, notwithstanding numerous requests to meet.

Ecological costs of downsizing



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Because they preclude development, national monuments are also critically important for ecological protection. In fact, they often serve the objectives of other federal requirements, such as the Endangered Species Act.

For example, Devils Hole National Monument provides the only known habitat for the endangered Devils Hole Pupfish (*Cyprinodon diabolis*). This has meant that groundwater exploitation from nearby development is restricted to protect Pupfish habitat. Similarly, the Grand Staircase-Escalante National Monument is home to an array of imperiled wildlife, including the endangered desert tortoise and the endangered California condor, along with many other native species like desert bighorn sheep and peregrine falcons.

Within the protective reach of a national monument, we are also likely to find important stretches of land officially designated by federal agencies as protected land, such as scenic wilderness, wilderness study areas, the Bureau of Land Management's areas of critical environmental concern (ACEC) or the Forest Service's research natural areas (RNAs). Each monument's care is thus interwoven with the management of these other ecologically designated areas, something plainly apparent to the communities and agency officials long working with these lands.

Zinke's backyard

These costs may hit close to home for Zinke since the Missouri River Breaks National Monument, located in his home state of Montana, is on the chopping block. President Clinton designated this 375,000-acre monument in 2001 to protect its biological, geological and historical wealth from the pressures of grazing and oil and gas extraction. Clinton noted that "[t]he area has remained largely unchanged in the nearly 200 years since Meriwether Lewis and William Clark traveled through it on their epic journey."

The monument contains a National Wild and Scenic River corridor and segments of the Lewis and Clark and Nez Perce National Historic Trails, as well as the Cow Creek Island ACEC. It is the "fertile crescent" for hundreds of iconic game species and provides essential winter range for sage grouse (carefully managed to avoid listing under the ESA) and spawning habitat for the endangered pallid sturgeon. Archaeological and historical sites also abound, including teepee rings, historic trails and lookout sites of Meriwether Lewis.

The size of the Missouri River Breaks monument is thus scaled to protect an area in which lie valuable objects and geographic features, and a historic – even monumental – journey took place.



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And every investment we make in the monument yields a twofold return as it supports our nation's cultural and ecological obligations under related federal laws.

At the end of the day, while Trump's order trumpets the possibility that monument downsizing will usher in economic growth, it makes no mention of the extraordinary economic, scientific and cultural investments we have made in those monuments over the years. Unless these losses are considered in the calculus, our nation has not truly engaged in a meaningful assessment of the costs of second-guessing our past presidents.

Michelle Bryan, Professor of Law, The University of Montana; Monte Mills, Assistant Professor of Law & Co-Director, Margery Hunter Brown Indian Law Clinic, The University of Montana, and Sandra B. Zellmer, Professor of Law, University of Nebraska-Lincoln

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5. **Op-ed: More than just a place to play**

Moab Sun News, May 4 | Guest Columnist Dan Hohl

I grew up kayaking and hiking at Pinecrest Lake in the Stanislaus National Forest in the Sierra Nevada. The 2013 Rim Fire cut my summer trip to Pinecrest short when ash choked the air. But the most alarming menace to America's public lands is not a natural force like a wild fire but our human desire to dissect and destroy a landscape for profit.

Climbers, skiers, hikers, river-runners and all outdoor sportsmen and women have immense untapped potential in the battles for public lands and environmental protection. Every outdoor enthusiast feels a personal connection to a favorite place and supports local environmental movements. But the real power of this community can expand beyond grassroots campaigns that seek to protect a crag or clean up a river.

Outdoor recreation industry leader Peter Metcalf's recent challenge to Utah's anti-public land officials shows real political clout. The call by Metcalf to remove the Outdoor Retailer biannual trade shows from Utah would cost the state millions of dollars in lost revenue. The individual actions of Utah's recreationists carry this same weight. The state officials' threat to public lands in Utah will undoubtedly encourage resident outdoor recreationists to consider new homes in communities that value the environment just as much as they do. Out-of-state recreationists who



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once considered Utah for a home will likely look to alternative states that do not put pressure on wild places.

The Bears Ears National Monument is the perfect battleground for environmentally conscious recreationists to flex their collective political muscle. In the months preceding the monument's proclamation, nonprofits such as the Sierra Club and the Access Fund gathered member support for the monument's creation. Now, as Utah officials campaign to undo the designation, recreationists will have another chance to unite and take part in political action. Rock climbers from the Pacific Northwest and hikers from the Southeast recognize that the loss of protection of one piece of public land sets up the potential for further loss. At Bears Ears, the undoing of a national monument would be a disastrous precedent for all of America's wild lands. In a way, protecting Bears Ears protects our local open spaces.

Outdoor recreationists must continue to fight for the places they love. But today's political climate demands cooperation for progress and policy can threaten lives as well as lands. Pollution, threats to water supplies, and food insecurity are issues as reprehensible as loss of public and protected land. Recreationists must rally behind these causes with the same vigor they give to public lands protection. Expanding the scope of environmental issues for outdoor enthusiasts will lend the community's considerable strength to righteous causes. More importantly, this will establish trust and cooperation with the populations that provide essential support for the creation of monuments like Bears Ears. Outdoor recreationists, ranchers and community members all require healthy environments. Campaigning for a multitude of environmental causes will unite these groups.

Not every person can participate in every worthy environmental cause. Not every outdoor enthusiast can become a full-time activist. But each person who uses the outdoors for happiness can give back time or money to at least one environmental cause. As recreationists, the nonhuman world sustains us and we must do our best to sustain it in return.

Woody Guthrie said it best, "This land is your land, this land is my land." It is time we start treating land in this way.

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6. Tailings cleanup could get boost in Trump budget

Moab Sun News, May 4 | Rudy Herndon

If President Donald Trump's budget office sticks with its current spending priorities for the coming fiscal year, the agency that manages the Moab Uranium Mill Tailings Remedial Action (UMTRA) Project could get an unexpected boost in funding.

But until that agency – the U.S. Department of Energy's Office of Environmental Management – finalizes its own budget priorities, it's unclear how much of that funding would trickle down to the tailings project itself.

The president's “skinny budget,” or wish list of spending priorities for the next federal fiscal year that runs from Oct. 1, 2017, through Sept. 30, 2018, includes \$6.5 billion for the U.S. Department of Energy's Office of Environmental Management. That's up from just under \$6.12 billion that the office previously requested for the current fiscal year under former President Barack Obama.

The cleanup of the former Atlas Mill site along the banks of the Colorado River just north of Moab is a legacy of Cold War-era demands for uranium during the nuclear arms race with the former Soviet Union, and the dawn of the nuclear energy industry. Crews are currently more than halfway through the process of moving an estimated 16 million tons of uranium mill tailings via rail from the UMTRA site to a long-term disposal cell near Crescent Junction about 30 miles north of Moab.

The pace of that cleanup took a hit during Obama's final year in office: Just weeks after a top DOE official visited the site and reiterated her agency's commitment to future funding for the project, her office announced a 10 percent cut in the project's \$38 million budget. In April 2016, lead contractor Portage, Inc., laid off 31 of the project's 113 employees, and the project cut the number of its weekly tailings shipments in half, from four to two trainloads to the Crescent Junction disposal cell, following uncertainties about future funding levels.

For those who are searching for a bright spot moving forward, Acting Moab UMTRA Federal Project Director John Sattler suggested that they might find it in Trump's “skinny budget.”

“If you look at the number for the Department of Energy, and specifically, for the Office of Environmental Management, it was actually a little bit higher than the 2017 budget request,”



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Sattler told the Moab Tailings Project Steering Committee on Thursday, April 27. "So if you're a glass-half-full type of person, you may take that as possible."

Sattler's remarks came in response to a statement from steering committee member Joette Langianese, who said she thinks it's "probably" safe to say that all federal agencies face some funding cuts in the coming fiscal year.

"I guess for us, that's a big concern: We want to make sure that this project doesn't get hit," Langianese said.

Grand County Council vice chair Mary McGann estimated that the project needs about \$44 million annually to reach a completion date of 2024, yet she noted that funding levels for the current fiscal year are set at about \$34 million.

In Moab Mayor Dave Sakrison's eyes, all that local stakeholders can do is suggest to DOE officials "in a nice way" that the project needs to be funded adequately.

By the time it's completed, the project's final price tag could reach about \$1 billion, and Sakrison asked audience members to imagine how much those costs could increase if the project runs years beyond a previously projected cleanup date of 2019.

"This thing is so close to being done ... To drag this thing out to 2035 – it's insane," Sakrison said.

Langianese questioned earlier how Sattler and his office can assure local stakeholders that the agency will guarantee enough funding to the Moab project.

"I guess the concern for me is the fact that Congress appropriates a certain amount of money for the Department of Energy, and then it gets into the Department of Energy and the money gets spread out to all these other projects," she said.

Sattler said his office doesn't specifically request funding, but instead provides budget data to the DOE's offices in Cincinnati and Washington, D.C., based on various cleanup scenarios, such as the number of tailings shipments per week. Ultimately, he said, those two offices work with the White House's Office of Management and Budget to put a budget request together.



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But representatives from the U.S. House and Senate have it in their power to allocate money to specific sites, he said: "Congress can, if they choose, say they want X number of dollars for a particular project or a particular program."

If the project is able to resume more shipments per week, Sattler said he would like to see a sustained increase over the long term – a schedule that congressional representatives who control federal purse strings would likely determine.

"That's not just a DOE situation," he said. "That's congressional funding activity, because we're not funded for a particular time."

Grand County UMTRA Liaison Lee Shenton noted that the Office of Environmental Management's priorities haven't always lined up with those of the Moab UMTRA Project's local boosters.

According to Shenton, when then-DOE cleanup chief David Huizenga visited Moab in 2012, he said the office was going to start focusing more of its resources on projects that represent a greater risk to the public, such as the Hanford Site in Washington state.

"It's hard to argue with that," Shenton said. "However, on our side, we've got 20-some million people downstream that use water out of the (Colorado River) and feel threatened. It's a tough situation, especially when all of the agencies, except for the Department of Defense, are facing budget cuts."

Langianese said she believes that the frustration she and others feel stems from the inability to date to showcase the cleanup work at the Moab UMTRA Project.

"Here was an opportunity for this project to show what a great project it was, and how successful it was, and how the community rallied around it and we got it done," she said. "... So it gets really frustrating to see money allocated to projects that you guys (in the DOE) screwed up ... There were some mistakes made up there."

McGann shared Langianese's sense of exasperation.

"We could be done – that's the frustrating (thing)," she said. "We could see the end of it, and then all that money could go to those projects that are going to last years and years and years."



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Hiring freeze lifted; workforce reductions not expected

At least one key uncertainty about the project's future has been resolved since the president's inauguration: Sattler announced that the federal hiring freeze that Trump imposed at the start of his administration has been lifted.

Just over one year to the day after the 31 Moab UMTRA employees were laid off, Sattler said he is not aware of any plans for further workforce reductions at the Moab or Crescent Junction sites.

"I certainly haven't heard anything along those lines, for either the contractor or the federal (department)," he said.

However, the project's team is down by two key people: former Moab UMTRA Federal Project Director Don Metzler and Justin Peach, the project's deputy director, who briefly served as acting director before Sattler assumed that role.

"Those positions haven't gone away – they're just vacant right now," Sattler said.

According to Sattler, Metzler retired after a career of nearly three decades with the department, while Peach recently announced that he is leaving the agency to work for the U.S. Navy.

"There's a lot of stability in this project, and we're hoping the fact that we have some history with the project that we will continue to maintain that stability," Sattler said. "So it's not a complete shakeup; not a complete changing of the guard, so to speak."

Sattler will remain acting project director as the DOE searches for a "permanent" replacement – a complicated process that could take months to complete due to what he called "bureaucratic paperwork" and cumbersome hiring rules.

"Unfortunately, that process just takes some time to work through," he said.

"If you're going to press me on it ... I'll tell you that I really don't know the number," he added. "But my expectation is, we're talking (about) a matter of months – not years."

In the meantime, he said, the office may be looking at the possibility of bringing in employees from other DOE sites to offer some additional support.



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As of mid-April, the project was continuing to ship tailings from the Moab site to the Crescent Junction disposal cell at the reduced rate of two trainloads per week.

Meanwhile, in Crescent Junction, a portion of the disposal cell's third phase was excavated last spring, and the excavation of a second portion of that phase began in late March. Crews are currently more than three-quarters of the way through that excavation work, and Sattler said they should be finished some time within the next week or two.

“They're actually a little bit ahead of schedule, too,” he said.

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7. BLM offers tour of Axtell off-range wild horse corals, official says horse adoptions on rise

The Sanpete Messenger, May 4 | Robert Stevens

AXTELL—After a nearly 83-percent drop in the number of wild-horse adoptions, the Bureau of Land Management’s horse adoption program is beginning to pick up again in Utah, says the BLM’s top man overseeing the program.

And that’s a good thing, considering the drastic 175-percent overpopulation of wild horses on BLM land, said Gus Warr, BLM Wild Horse and Burro Adoption Program manager, when he spoke during a public tour of the Despain Ranch on April 19.

The Despain Ranch is one of two in Sanpete that care for wild horses rounded up on BLM land. Warr spoke there and fielded questions from the public and wild-horse enthusiasts, who had been invited to tour the privately-owned, BLM-contracted facility.

“This is a great addition to the community here,” Warr said. “It does a great service to the BLM to have this facility available.”

The Axtell off-range corals are owned by the Despain family and contracted by the BLM to hold wild horses and burros gathered from the open range, such as those gathered during the recent Sulphur Herd Management Area gather. The facility holds horses gathered from all across the nation says Warr.



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The other Sanpete facility that contracts with the BLM to hold wild horses—Tate Farms just north of Fountain Green—has a different purpose.

“Horses that go to Fountain Green are going to live their lives there forever,” Warr said. “They are not going to be adopted. It’s kind of like a sanctuary or a retirement home for horses.”

Despain Ranch, he said, “is for short-term corralling mostly, and we hope that the horses are only here a limited amount of time and then go off to adoptions.

Such adoptions had seen quite a decline in the several years. At the same time, there was a “huge” issue with overpopulation on the range and it was drastically affecting the living conditions of the wild horses that currently survive there.

“When we gathered horses this winter there were so many in such poor condition from the overpopulation problems that many could barely be driven a mile before they would just shut down,” Warr said. “Horses were literally dying during the gather because the overpopulation had caused a lack of forage and poor body condition. It’s not everywhere, but there are really some key areas where we have a very big problem.”

Warr says the current estimated population survey for Utah wild horses was 5500 and the range can only support 2000.

When questioned by a tour attendee why the state couldn’t handle a larger population, Warr told them that he regularly gets asked that question.

Warr answered, “When I get asked that, I have to say ‘you weren’t out there like I was, seeing horses die on the range during winter from these issues that stem from overpopulation.’”

Moritz asked Warr what his thoughts were on the current wild horse and burro adoption levels. Warr says they had gone from 18,000 a year, 15 years ago, to 3,000 a year in current times, but the adoption rates were beginning to rise again.

“They are going up,” Warr said. “Thanks in part to efforts by organizations such as the Mustang Heritage Foundation. We are projecting the adoption rate could be as high as 4,000 this year.”

The Mustang Heritage Foundation sponsors the Extreme Mustang Makeover, in which trainers have 100 days to tame a wild mustang to compete in events across 10 U.S. cities.



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Attending the tour was Gabriele Moritz, of Red Feather Lakes, Colorado, a member of the Northern Colorado Mustang Riders (not affiliated with the Mustang Heritage Foundation) and the Colorado Wild Horse and Burro Partners. Moritz said she has seven mustangs, once of which she trained and competed in the 2011 Extreme Mustang Makeover.

Moritz posed a question to Warr, asking him why the BLM didn't use drones to survey wild horses on the range, rather than larger and more disruptive manned helicopters.

Warr said the BLM was experimenting with drones and had seen some success in California, but because non-military drones are limited in range and battery capacity, they are not well-suited to the task.

"They just can't go the distance right now," Warr said, "but we'll get there."

Warr also said drones are not large or loud enough to cause the horses to move around, but such motion allows the BLM to perform more accurate surveying and head counts.

Moritz asked Warr what was the longest a horse had been kept in the Axtell corrals. Warr replied that, although they try to move them on to adoption as quickly as possible, there are some horses in the Axtell corrals that have been here since the BLM contract began with the Despain Ranch in July 2015.

"Do you think the new political changes in the country will affect the BLM horse program," Moritz asked Warr? Warr answered that he had not seen any impact yet, but he couldn't speculate on what was in the future.

"I'm not expecting a major change," Warr said. "I am not really sure where it would begin, but it would be great if we could get more funding, more resources and more adoptions happening."

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8. **Trump order puts Utah monuments in crosshairs**

The Moab Times-Independent, May 4 | Molly Marcello

Local and state tensions regarding Utah's Bears Ears and Grand Staircase Escalante national monuments gained national attention after President Donald Trump's April 26 "Antiquities Act Executive Order" placed both designations under review.



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U.S. Department of Interior officials implied that both monument designations could be resized or rescinded after the review, and that is welcome news to the monuments' opponents but sounded alarm bells among proponents. Those different reactions underscore the deep divisions that often exist within the same Utah communities regarding public lands issues.

"The previous administration used a 100-year-old law known as the Antiquities Act to put millions of acres of land and water under strict federal control ... eliminating the ability of the people who actually live in those states to decide how best to use that land," Trump said during the April 26 signing ceremony. "Today we are putting the states back in charge. It's a big thing."

Secretary of the Interior Ryan Zinke now has 45 days to review all national monuments created since 1996 that are larger than 100,000 acres. Those timeline and size parameters place Utah's Grand Staircase and Bears Ears National Monuments, and their surrounding communities, at the center of the debate.

San Juan County Commissioner Phil Lyman is among those heartened by the announcement that Bears Ears, which encompasses 1.3 million acres in his jurisdiction, will come under federal review.

Lyman was in Washington D.C. for a meeting with Zinke when he spoke with The Times-Independent. He said he hoped Zinke would listen to San Juan County Commissioners who oppose the monument.

"We want to get the facts into the hands of the Secretary," Lyman said. "This monument is more symbolic than it is factual. The arguments for it take on a real emotional tone. I hope that the Secretary is planning on making a decision based on facts rather than symbolism and emotion, and the narrative pushed so hard by advocacy groups."

That narrative, Lyman said, suggests San Juan County residents cannot manage their neighboring public lands, and run rampant, looting and damaging cultural and archeological sites.

"That's an emotional argument," Lyman said. "[Advocacy groups] don't leave out any opportunity to disparage locals in San Juan County."

Josh Ewing is executive director of Friends of Cedar Mesa, a Bluff-based nonprofit working on service projects and archeological site monitoring of the Bears Ears area, activities he calls "on the ground stewardship."



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Friends of Cedar Mesa and other groups focused on Bears Ears have long advocated for the protection of the cultural, historical, and archeological features in the region. According to White House documents, the region was first recommended for monument designation in 1936.

Ewing said it's unfortunate that the narrative over Bears Ears is shaped around a "locals versus outsiders" framework.

"The county commissioners are using the bully pulpit to make it seem like there's not local support, but that's not the case," Ewing said. "There's not a lot of local support in Blanding and Monticello ... but as to the rest of the population, Bluff and around the Navajo reservation are strongly supportive of the monument."

Lyman and Ewing agree that local voices should carry the most weight when it comes to monument designations in their backyard. But Ewing believes federal officials are not hearing the diversity in those voices.

"We're the people that live here. It's our backyard, where we go hunting, where we get away. Our livelihoods in some cases are tied to the land," Ewing said. "Local people should be given more deference, but you shouldn't pick which local people get to be heard. It shouldn't just be white people in Monticello."

At present however, the influential state voices — including Utah's congressional delegation along with Gov. Gary Herbert — not only support a review of both monuments but also adamantly take issue with the Antiquities Act.

Herbert, who attended the signing of Trump's executive order, said both Grand Staircase Escalante and Bears Ears National Monuments are "key examples" of the misuse of the Antiquities Act.

"... I am confident that the upcoming review will lead to positive outcomes for Utah and for those who call the beautiful Bears Ears area home," Herbert said.

Those "positive outcomes" at the conclusion of a 45-day review process may be a foregone conclusion, according to Bill Hedden, executive director of the Grand Canyon Trust.



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"Bears Ears and Grand Staircase each took years of study," Hedden said. "You realize that the potential for rational analysis [in 45 days] isn't great. It raises the fear that this is a pre-determined charade."

If that's the case, Hedden and others, including Scott Groene, executive director of the Southern Utah Wilderness Alliance (SUWA), expect legal challenges ahead.

"We're going to set the record straight that the monuments, both Bears Ears and Grand Staircase are good things for Utah, with enormous public support, and that Bears Ears rectifies a history of racism towards the tribes," Groene said. "If that fails, then we will challenge any decisions in court."

Lyman said he and others in San Juan County do not want continued "interference and friction" on their neighboring public lands.

He said the county came together last year, drafting a plan for the Bears Ears area during Rep. Rob Bishop's Public Lands Initiative (PLI) process. After meetings with a variety of stakeholders, the county recommended a 500,000-acre National Conservation Area (NCA) in the Bears Ears region. That plan was later scrapped by the PLI team in favor of an 857,603-acre NCA.

"We've been very engaged," Lyman said. "We got all this input, we made a proposal as part of the PLI that would have put over 500,000 acres in an NCA which was landmarked for San Juan County. It was thrown back in our faces."

When asked what local residents opposed to the monument envision for the region, Lyman re-formed the question to reflect larger objectives.

"The [Bears Ears National Monument] is roughly one-third of San Juan County, so the question really is 'what do we want for San Juan County?' We just want to live here, raise our kids here, have jobs, and nice schools," Lyman said. "We want beautiful places to go in solitude and peace. That's what San Juan County wants."

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E&E/NATIONAL NEWS – FULL STORY

1. Inside The Debate Over Repealing Curbs On Methane Leaks

Utah Public Radio, May 3 | Nate Rott

A deadline is fast approaching for Republican lawmakers who want to undo an Obama-era regulation that aims to limit the emissions of methane — a powerful greenhouse gas — from energy production sites on public lands.

The oil and gas industry is lobbying lawmakers to permanently repeal the rule, as it has other recent environmental regulations, using the Congressional Review Act — a legislative tool that not only undoes a regulation, but prevents the federal government from ever implementing a similar rule.

There's a catch, though: Lawmakers only have a set amount of time to use the act. And the deadline to repeal the Bureau of Land Management's methane rule is widely believed to be next week.

New Mexico rancher Don Schreiber is counting down the days.

Schreiber is an insurance salesman-turned-rancher, but these days he spends most of his time as an advocate for the BLM methane rule, trying to convince lawmakers of its importance. He and his wife live in the San Juan Basin, a resource-rich depression in the plains of northern New Mexico and southern Colorado that's at the heart of the methane debate. There are more than 23,000 active oil and gas wells in the San Juan Basin. Schreiber's ranch is surrounded by 122 of them.

"We're never out of sight of a well," Schreiber says, outside of his home. "We can often hear a well. And sadly, we can often smell a well."

The smell, he says, is like the paint section of a hardware store — gases that are venting or leaking off of well sites near his house. He calls it the smell of "wasted money."

The Interior Department says that between 2009 and 2015, enough natural gas was lost on public lands to supply about 6.2 million households with energy for a year. In money terms, the Government Accountability Office says as much as \$23 million of potential royalty revenue is lost annually.



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Some of that is excess or dirty natural gas, hydrocarbons that oil and gas companies can't sell or don't have the means to transport. The issue of slow pipeline permitting comes up a lot when talking to oil and gas producers in New Mexico. They say they'd like to transport the natural gas, but can't because the infrastructure isn't there.

Natural gas that can't be sold or transported is vented or burnt off in a process called flaring; other natural gas leaks from the pipes, storage tanks and other infrastructure that dot the landscape.

The Obama administration sought to address the emissions with the BLM's methane rule. It requires oil and gas companies on federal or tribal lands to look for leaks and fix them. It limits allowable venting and flaring and directs producers to capture the natural gas. And it requires that oil and gas producers gradually update well sites with modern technology.

The administration's reasons were twofold: For one, the rule would reduce waste of a natural resource being pulled from public lands.

The second: Methane, the chief component of natural gas, is a potent greenhouse gas. It can warm the atmosphere at nearly 30 times the rate of carbon dioxide. And scientists say the amount of it in Earth's atmosphere is increasing.

When she announced the rule in late 2016, then-Interior Secretary Sally Jewell said that federal efforts to limit methane emissions, "is good government, plain and simple."

The oil and gas industry felt differently. Western Energy Alliance has called the rule an executive overreach and redundant, because some states already had methane rules in effect. The American Petroleum Institute has made a repeal of the rule a top priority.

Tom Mullins, the president of the Independent Petroleum Association of New Mexico and the owner of a small Farmington-based oil and gas company, says the rule is unnecessary and unfairly targets operators like himself, who rely primarily on public lands.

Nearly 70 percent of the active wells in the San Juan Basin are on public lands, according to the Bureau of Land Management's Farmington District Office. In states like Texas and North Dakota, Mullins says, much of the oil and gas production happens on private lands, where the BLM rule would have no effect.



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Mullins also believes that the rule is unnecessary because, he says, oil and gas producers already have an economic incentive to capture and sell "every molecule of methane we can. That's how we make our money."

Waste makes no more sense from a producer's side than it does a regulator's, Mullins says. That's why they fix leaks when they find them, he says, and replace older equipment with newer, more efficient pieces when it's time — not before. The new equipment, Mullins says, is expensive.

The Interior Department estimated that it would cost industry \$279 million, at most, to implement the BLM methane rule. But with the price of oil hovering at about \$50 a barrel, Mullins says, the math just doesn't add up.

He points to a pair of valve controllers in the training room of the San Juan School of Energy, a facility where new oil and gas workers can get hands-on experience with the equipment they'll see in the field. One of the valve controllers is older — the type you'd see on many of the wells in the San Juan Basin. The other is newer and would bleed less methane in the field.

"If it made economic sense for me to swap this out with the new one versus the old, I would do it because it would pay for itself, right? That would be the logical answer," he says. "But I'm telling you that it doesn't make economic sense for that to be done on these older wells."

Mullins is one of the many oil and gas producers lobbying Congress to repeal the BLM methane rule. He believes that regulation is best left to the states.

That doesn't sit well with some of his neighbors, though.

"Colorado already has a strong rule," says Gwen Lachelt, a commissioner of nearby La Plata County, Colo. "And we have a methane cloud the size of Delaware over our region."

Lachelt is referring to satellite image released in 2014 that shows a bright red methane hot spot over the Four Corners region, where Arizona, Colorado, New Mexico and Utah intersect. The photo is often brought up in the methane debate in the area. Supporters of the BLM methane rule use it as proof that the gas needs to be regulated. Detractors of the rule question the photo's accuracy or attribute high methane levels to natural seepage.

Either way, Lachelt says, the photo is a black eye on the region and she believes that methane emissions need to be dealt with. In her view, federal regulation is the most effective way to do it



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because Colorado's rule can only go so far. It doesn't apply to the Southern Ute Tribe, where many of southern Colorado's oil and gas wells are located. And it doesn't apply to New Mexico, where Gov. Susana Martinez has been urging federal lawmakers to undo the BLM methane rule.

"In the oil and gas industry, we call that pissing in the pool," says Wayne Warmack, another Coloradoan who worked in the oil and gas industry for 27 years. "For them to piss in the pool over there in New Mexico and make us swim in it here is not a good situation and does not make for good neighbors."

Warmack says he understands why the oil and gas industry is hesitant to support regulation. They've been burned before, finding out that a problem was bigger than expected. But, he says, requiring industry to capture methane makes sense.

Warmack is making his case to the public and his senator, Republican Cory Gardner. Gardner is one of a handful of senators who are still undecided on whether to vote for a repeal of the BLM methane rule using the Congressional Review Act, stalling the repeal process. The Trump administration is preparing a backup plan, directing the Interior Department to review the rule, but that process is expected to take years.

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2. Groups prod Senate to undo Obama's fracking rule as deadline nears

The Washington Examiner, May 3 | John Siciliano

A group of more than 10 conservative and free-market groups launched an eleventh-hour push in the Senate Wednesday to pressure lawmakers to pass a bill repealing an Obama-era climate change rule before next week's deadline.

The House passed a resolution months ago to repeal an Interior Department methane emission rule for the oil and natural gas industry. But the bill has languished since then in the Senate, with no likely plan for moving it to President Trump's desk.

The rules are part of former President Barack Obama's climate change agenda, but based on the Obama Environmental Protection Agency's own studies, it is completely unneeded, the groups argue.



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"The rule is entirely unnecessary," read a joint letter sent by the groups to senators Wednesday.

"The EPA found that methane emissions fell by 13 percent from 2011-2014. The EPA also found that methane emissions from hydraulic fracturing fell 81 percent between 2012 and 2014. This drop in methane emissions occurred even as U.S. oil and gas production has significantly increased due to the shale revolution."

The letter included the American Energy Alliance, Competitive Enterprise Institute, Americans for Tax Reform, Americans for Prosperity, American Commitment, FreedomWorks, American Council for Capital Formation, Taxpayers Protection Alliance, Coalition Opposed to Additional Spending and Taxes (COAST), Frontiers of Freedom, and Institute for Liberty.

The letter was sent to all senators, urging them to pile pressure on the GOP leadership to pass the bill before the May 11 deadline.

"The American people expect you to promote pro-growth policies that support affordable energy, jobs and economic freedom," the letter stated. "The ... methane rule is not one of those policies. ... We ask the majority leader to bring this resolution to the floor and urge all senators to vote yes."

The Congress has a limited amount of time to pass resolutions of disapproval to repeal a regulation under the Congressional Review Act.

Congress has moved similar CRA resolutions to the president's desk since January, using its authority to reverse regulations on fracking and the coal industries.

The holdup in the Senate may be due to some lawmakers believing that repealing the regulation would make it impossible to enact similar rules to reduce methane in the future, according to the letter.

"Some senators have voiced concerns that CRA method precludes future regulations. This concern is misplaced," the groups wrote. "The rule, as written, is meant to regulate methane emissions for air quality. However, [the Interior Department] only has the authority to regulate waste —the EPA regulates air quality and already has a methane regulation in place," it said.

"Regardless of your position on the regulation, it is clear that the [Interior Department's Bureau of Land Management] is far afield from its jurisdiction," the letter added.



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Nevertheless, Republican senators who support ethanol fuels also may be to blame for some of the delay, according to recent reports.

A group of senators led by John Thune, R-S.D., and Charles Grassley, R-Iowa, want to trade a vote on a bill to eliminate a restriction on selling higher blends of gasoline and ethanol in the summer for a vote on the methane resolution, the Hill reported.

Thune said they tried to get it included in the government spending bill, to no avail. Not they are looking for new avenues, which has them eyeing the resolution of disapproval.

"We tried to get it included in the [spending bill], unsuccessfully. So we're looking now for other vehicles and seeing ... how methane fits into that picture," Thune said Wednesday.

Other lawmakers don't believe the resolution on methane is the right venue for the ethanol change. Thune and Grassley want to end a restriction on 15-percent ethanol blends by eliminating a fuel volatility rule that restricts its use during the summer driving season.

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3. **EPA chief: US needs coal to protect electric grid**

The Hill, May 3 | Timothy Cama

The head of the Environmental Protection Agency (EPA) argued Wednesday that using coal for electricity is necessary for the reliability of the electric grid.

Speaking on Fox Business's "Varney & Co.," Scott Pruitt warned of the problems of relying too heavily on natural gas, which has increased in use over the last decade as coal has fallen.

Pruitt argued in part that cybersecurity concerns should inspire the country to maintain coal as a significant fuel source.

"Utility companies across this country need fuel diversity. You need solid hydrocarbons on-site that you can store, so when peak demand rises, you've got solid hydrocarbons to draw on," Pruitt told host Charles Payne.

"What would happen if we had an attack on our infrastructure when you've diverted to natural gas almost exclusively and you don't have coal there as a safeguard to preserve the grid?" he asked.



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“I mean, it’s a smart strategy for this country to invest in technology and innovation, burn coal, burn natural gas, use renewables, make sure we advance nuclear. But it truly needs to be a part of the fuel diversity with utilities across the country.”

Earlier in his appearance, Pruitt boasted about the United States reducing its greenhouse gas emissions without regulations like the Clean Power Plan. Natural gas replacing coal over the last decade is the primary reason for that reduction.

“We’re leading the world already with our CO2 footprint,” he said. “What’s interesting about the reduction of our CO2 footprint is that it’s been accomplished without any government mandate.”

Pruitt and President Trump have worked on numerous fronts in recent months to push policies that help coal, mainly through working to repeal regulations that harmed the industry.

Trump has repeatedly promised, through his policies, to bring back the coal industry.

“You know what this says?” Trump said to a coal miner in March before signing an executive order to start repealing Obama’s climate regulations. “You’re going back to work.”

Separately, Energy Secretary Rick Perry has commissioned a study to examine whether renewable energy sources such as wind and solar power threaten grid reliability at the expense of coal and nuclear.

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4. HYDRAULIC FRACTURING: BLM freezes central Calif. leasing in deal with enviros

E & E News, May 4 | Ellen M. Gilmer

The Trump administration will pause oil and gas leasing on thousands of acres of public lands in California while it takes a closer look at the impacts of hydraulic fracturing.



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The leasing freeze is part of a settlement finalized yesterday with environmental groups that sued the Interior Department and the Bureau of Land Management over development plans around Bakersfield.

The groups brought their challenge in 2015, arguing that a resource management plan and related environmental impact statement (EIS) prepared under the Obama administration failed to consider the effects of fracking on more than 1 million acres in California's central region.

The U.S. District Court for the Central District of California agreed, ruling last year that the agency had violated the National Environmental Policy Act and needed to conduct additional review (Energywire, Sept. 7, 2016).

Yesterday's settlement lays out plans for that review. While BLM maintains that it has not violated NEPA, the agency will not hold any lease sales while it completes a supplemental EIS that focuses on fracking. It also agreed to give the public 30 days' notice before approving any drilling permits for the area, which includes the state's central coast, Central Valley, San Joaquin Valley and southern Sierra Nevada.

"This settlement is an important victory in protecting what we hold dear in California — clean water, clean air, our diverse wildlife," Earthjustice attorney Stacey Geis said in an email. "The federal agency here was ready to just rubber-stamp fracking leases crossing huge swaths of our public lands without conducting the necessary environmental review. The law does not allow you to do that."

BLM did not respond to a request for comment in time for publication.

In last year's opinion, Judge Michael Fitzgerald, an Obama appointee, ruled that BLM had an obligation to consider the impacts of a technique expected to play a leading role in development of the area.

"The Bureau was not only aware of the projected growth in the use of fracking but also estimated that 25% of new wells in the Decision Area are expected to be fracked the future. ... Yet aside from these three isolated and passing references to fracking in the [resource management plan], the 1,073-page document makes no mention of fracking at all, let alone a meaningful discussion to



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inform decision-makers and the public of the attendant environmental concerns unique to fracking," the opinion said.

Environmental groups are hoping for similar results in several other cases, including a challenge to oil and gas development in New Mexico's Chaco Canyon area.

Another federal court in California ruled in 2013 that BLM had failed to consider fracking's impacts during the oil and gas leasing stage.

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5. **NUCLEAR: Key Democrat appropriator promotes federal aid for industry**

E & E News, May 4 | Emily Holden, Sam Mintz and Hannah Northey

The beleaguered nuclear industry is seeking financial support from Congress, looking for opportunities to expand the availability of existing tax credits and potentially entertaining the possibility of short-term assistance.

Rep. Marcy Kaptur (D-Ohio), the ranking member on the House Appropriations subcommittee on energy, said during a spending hearing yesterday that lawmakers should consider bridge financing.

"The industry hasn't really asked for that. Currently they're hostage at the state level," she said. "I'm sorry to say I just don't think our states are up to the task of meeting the national challenge."

Nuclear power generators around the country are facing increased competition from natural gas. In New York and Illinois, they have sought and received incentives to stay online. Lawmakers in Kaptur's home state of Ohio are considering a similar strategy. Federal regulators met with hundreds of experts earlier this week to explore possible solutions (Climatewire, May 2).

"Essentially, the local companies, the generation companies, are going to the state public utility commissions and asking for rate increases. And they're substantial," Kaptur said after the hearing. "I'm thinking, the federal government has the ability to long-term finance." Kaptur added that if states subsidize nuclear power, rates could rise, affecting her region's industries that depend on affordable electricity.



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Maria Korsnick, the president and CEO of the Nuclear Energy Institute, told E&E News after testifying before the subcommittee that her group has been in talks with Kaptur. Korsnick lamented that some states haven't broached the issue.

"I'm very interested in solutions that could be placed broader," Korsnick said. "We haven't looked in detail at the numbers, but I would tell you we get bipartisan support for nuclear, so it would seem to me that we could end up with bipartisan support. That would be something we'd explore."

Aid for new plants also in the works

Bridge financing for a particular fuel source could be seen as a bailout and could rile conservative Republicans. Companies heavily invested in natural gas, coal or renewable power could fight the concept, as could the subset of environmental advocates who oppose nuclear generation. The political fight over a financing package for the nuclear industry could be huge.

Korsnick acknowledged that any federal financial assistance could be seen as a subsidy.

"It would depend. If it was a bridging strategy, which is really how she has framed it out, it wouldn't be seen in the same light as some other things that have been looked at as long-term subsidies," she said.

Subcommittee Chairman Mike Simpson (R-Idaho) said he wasn't familiar with Kaptur's proposal and missed her comments during the hearing.

"I think the production tax credit is important, that that gets renewed, and a few other things. And the research that we fund in our bill and stuff is very important for the nuclear industry. And the [Nuclear Regulatory Commission], we're trying to get licensing so it's not so long term," Simpson said. "We obviously support the nuclear industry, just like we do fossil energy, just like we do renewable energy, and that ought to continue."

It's unclear whether Kaptur's idea for bridge financing would apply only to existing plants facing retirement or also to those that are under construction.

A nuclear industry source said there's also a push to help new plants by tacking language onto legislation moving through Congress.



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The measure would extend the deadline by which plants must be built to take advantage of existing tax credits. Currently, plants must be completed by 2020 to qualify.

"We're looking for any horse that's leaving the stable," said the source, adding the language could be a stand-alone bill or added to a tax reform or infrastructure package. The challenge, the source said, is getting floor time.

Changing the deadline would offer support for four plants under construction in Georgia and South Carolina and could benefit a small modular reactor that NuScale Power is pursuing that could be completed by 2025, the source said.

The measure was left out of the recent short-term spending bill that covers the government through September, a move that disappointed every member of the South Carolina delegation, according to the newspaper The Post and Courier.

Another chance for tax credits in Sept.

Sen. Heidi Heitkamp (D-N.D.) had also been working on a deal that reportedly would have expanded an existing tax credit for carbon capture and sequestration while also extending the investment tax credit for "orphaned" technologies that were left out of a 2015 agreement.

That deal would have included the tweaked nuclear production tax credit.

Heitkamp said this week that "we came that close" to seeing those measures included in the omnibus.

"I think we're going to have a broader discussion with all the groups," she said Tuesday. "Just like we had the coalition around opening up the exports for oil, this won't happen — it will be harder to do stand-alone. So we're going to try to figure out how to get everybody on the same page."

"Hopefully we'll see it in September," Heitkamp said, signaling another attempt to utilize the appropriations process as leverage.



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However, a GOP aide noted that legislating tax policy on spending bills is generally frowned upon. Further complicating matters is the push to overhaul the tax code, which aims to limit tax breaks in order to lower overall rates.

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6. **WILD HORSES: BLM transfer provision in omnibus outrages advocates**

E & E News, May 4 | Scott Streater

The omnibus spending package the Senate approved today contains a provision that would make it easier for the Bureau of Land Management to adopt out or transfer wild horses and burros, reducing the growing number of animals under the agency's care.

But the provision has angered animal rights advocates, who say it contains too many loopholes to protect thousands of wild horses and burros from being slaughtered.

At issue is a section in the omnibus package to fund the federal government through September — originally requested by the Obama administration last year — that would allow the Interior secretary to "transfer excess wild horses or burros" BLM has removed from federal rangelands "to other Federal, State, and local government agencies for use as work animals."

The provision would authorize the secretary to "make any such transfer immediately upon request" of a government agency, such as the U.S. Border Patrol. The provision includes language stating that the animals cannot be killed or sold or transferred to any entity that would slaughter them "for processing into commercial products."

But it allows transferred horses and burros to be euthanized "upon the recommendation of a licensed veterinarian, in cases of severe injury, illness, or advanced age."

It's that language that has wild horse advocates outraged.

Ginger Kathrens, executive director of the Colorado-based Cloud Foundation, said BLM "has a history of misinforming the public" about issues related to wild horses.



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"Couple this with the vague 'illness' and 'advanced age' language" in the omnibus provision, "and the potential exists for the killing of thousands of horses," said Kathrens, a member of the BLM National Wild Horse and Burro Advisory Board.

Suzanne Roy, executive director of the American Wild Horse Campaign, agrees, saying the group is "outraged" by the provision.

Roy said the provisions against slaughtering horses for commercial purposes are "well-intended but have loopholes that open a back door big enough to drive a slaughter truck through."

She added, "There is no enforcement mechanism, no requirement for transparency, and no penalty for violating the prohibitions on slaughter and killing."

In addition, she said, language allowing animals of an "advanced age" to be euthanized is too vague and needs to be defined clearly in the provision.

"We call on Interior Secretary Ryan Zinke to put in place the mechanisms for transparency, accountability, traceability and enforcement to ensure that the will of Congress and the American people to protect wild horses and burros from mass killing and slaughter is upheld," she said.

BLM support

The provision in the latest omnibus bill was requested last year as part of President Obama's fiscal 2017 budget proposal (Greenwire, Feb. 10, 2016). But until now, it was never included in any approved spending package.

BLM officials say it will go a long way toward relieving the financial burden on the agency to care for the more than 46,000 wild horses and burros it has removed from federal rangelands and placed in off-range corrals and pastures.

BLM warned last year that if it cannot adopt out or transfer to other government agencies a significant number of the wild horses and burros in holding, it will cost the agency more than \$1 billion to feed and care for the horses during their lifetime (Greenwire, May 12, 2016).



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BLM last year estimated that, in addition to those in holding, there are another 67,000 animals on federal rangelands — approaching three times the 26,715 horses and burros that BLM says federal rangelands can sustain.

BLM is required by the Wild Free-Roaming Horses and Burros Act of 1971 to remove the excess animals in order to protect native wildlife and other rangeland resources.

Neil Kornze, BLM's former director, told a House Appropriations subcommittee last year that the agency was "overwhelmed" by the growing number of wild horses and burros on public lands across the West (E&E Daily, March 4, 2016).

Zinke has vowed to address the issue during his tenure.

Reducing the number of wild horses and burros to "appropriate management levels" is included in a BLM "priority work" list designed to guide the agency during the Trump administration.

"It's a really sensitive issue because there's a lot of America that looks at a horse as a pet, and there's a lot of Westerners that look at a horse as livestock. But we should all look at a horse as a managed asset. Because overgrazing a horse is no different than cattle out there or anything else," Zinke said in March during a meeting with members of the Public Lands Council, which includes ranchers.

"We are going to take action on the horses," he said. "I got it."

The omnibus provision is a good step, said Jason Lutterman, a spokesman for BLM's Wild Horse and Burro Program.

Currently, Lutterman said, if BLM wanted to transfer horses to the Border Patrol, for example, each individual agent would have to personally adopt the horse, which remains BLM property for one year until a veterinarian confirms the horse is receiving proper care.

"That's something that's not very streamlined or efficient for our purposes," he said.

Lutterman said the provision's safeguards will prevent horses from being slaughtered.



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"The real point of this is to find homes and work for these animals so they are not adding to the cost we have of caring for them," he said.

But Roy said she was surprised to see it in the omnibus unveiled this week.

The Senate today passed the \$1.1 trillion bipartisan spending package; the House voted to approve it yesterday. If President Trump signs it into law, it will make the first time in more than a decade that Congress has used a spending package to amend the Wild Free-Roaming Horses and Burros Act, Roy said.

As such, she argued, it undermines the 1971 law.

"Our problem is that this provision uses a spending bill to amend a unanimously passed act of Congress to protect wild horse and burros as part of our national heritage," she said.

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7. APPROPRIATIONS: Senate passes omnibus with strong bipartisan backing

E & E News, May 4 | George Cahlink

The Senate today sent a huge fiscal 2017 omnibus spending bill to the president, who is expected to sign it into law and avert a government shutdown at midnight tomorrow night when current funding expires.

The Senate cleared the bill with bipartisan support, 79-18, with no Democrats opposing the legislation. It came on the heels of similar bipartisan backing in the House yesterday. The White House has signaled President Trump will sign the bill, despite some criticism of it earlier this week.

Among the bill's conservative opponents today were Sens. Mike Lee of Utah, Steve Daines of Montana, Jeff Flake of Arizona and Jim Inhofe of Oklahoma.



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They have been frustrated with the size of the \$1.017 trillion, 1,665-page package that includes the 11 remaining spending bills for the current fiscal year. It provides funding for U.S. EPA and the Energy, Interior and Commerce departments.

In the package, lawmakers ignored calls by the White House for steep cuts to EPA, renewable energy programs and climate change research.

EPA saw its funding cut by only about 1 percent to around \$8 billion, while renewable and climate programs received small increases or flat funding.

The bill does not contain any direct spending for building a proposed wall along the U.S.-Mexico border but does provided dollars for enhanced security technologies and upgrades to existing infrastructure.

Democrats worked to strip the package of most riders, although included were provisions to allow forest biomass to be considered carbon-neutral and to give states some flexibility on certain ozone standards.

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