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Attached is the daily news report for Feb. 9.

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## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

#### UTAH – TOP STORIES – FEBRUARY 9, 2017

##### 1. Grand Staircase-Escalante Resolution Draws Ire Towards Outdoor Retailers Expo, Designation Process

*Utah Political Capitol, Feb. 8 | Curtis Haring*

On Wednesday Senate floor time was dominated by discussion over HCR 12 – Concurrent Resolution Urging Federal Legislation to Reduce or Modify the Boundaries of the Grand Staircase-Escalante National Monument which is designed to ask Utah’s federal delegation to reduce the size of that monument. Originating from Representative Mike Noel (Republican – Kanab) the resolution was carried by Senator Ralph Okerlund (Republican – Monroe) in the Senate.

##### 2. Utah Farm Bureau lists ‘Issues to Watch For in 2017’ legislative session

*The Pyramid, Feb. 8 | Staff Writer*

SANDY — Utah Farm Bureau has released its list of ‘Issues to Watch For in 2017’ upon returning from the national agricultural convention for the American Farm Bureau Federation and at the start of the 2017 Utah general legislative session.

##### 3. BLM implements measures to restore and maintain habitat for the Sheeprocks greater Sage-Grouse population in central Utah

*KCSG News, Feb. 8 | Press Release*

SALT LAKE CITY - The Bureau of Land Management (BLM) in coordination with state and federal partners has evaluated data related to the status of greater sage-grouse (GRSG) populations and habitat throughout Utah.

##### 4. Lawmakers send resolution asking Trump to reduce size of Grand Staircase-Escalante to Gov. Herbert

*Utah Policy, Feb. 8 | Bob Bernick*

What has been called the second slap in the face to the Outdoor Retailers conventions in Utah, the Senate passed a resolution Wednesday asking the U.S. Congress to reduce the size of the Grand Staircase-Escalante National Monument in southern Utah.



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#### 5. Rep. Chris Stewart votes to roll back BLM's Planning 2.0 Rule

*Utah Policy, Feb. 8 | Press Release*

With the support of Rep. Chris Stewart (R-Utah), the House passed a joint resolution, H.J. Res 44, which disapproves and nullifies BLM's Planning 2.0 Rule.

#### 6. BLM set to begin prescribed burn west of U.S. 6, north of Price

*Deseret News, Feb. 8 | Press Release*

MOAB — The Bureau of Land Management plans to conduct a prescribed burn of slash piles on approximately 60 acres of public lands in the Ford Ridge area west of U.S. 6 and approximately 17 miles north of Price.

#### 7. Chaffetz kills federal lands bill

*Moab Sun News, Feb. 9 | Rudy Herndon*

When hunters and anglers speak, Rep. Jason Chaffetz listens.

Faced with an outcry from sportsmen's groups, the Utah Republican announced last week that he is withdrawing a bill that could have cleared the way for the sale or transfer of 3.3 million acres of federal lands to state or private interests.

#### 8. My view: Utah delegation is contradicting the wishes and desires of a majority of Utahns

*The Deseret News, Feb. 9 | David Tunderman*

The opinion by the Utah Congressional Delegation, published Jan. 24, regarding the president's designation of the Bears Ears National Monument, contradicts the wishes and desires of the majority of Utahns and the Bears Ears Inter-Tribal Coalition who supported the monument. The opinion also misguides the monument's future and misstates an executive's rescission authority.



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#### 9. Beaver County, horse advocates sue the BLM in legal tug-of-war over Utah's wild horses

*The Salt Lake Tribune, Feb. 9 | Brian Maffly*

Wranglers for the U.S. Bureau of Land Management completed a roundup of 655 wild horses from Utah's West Desert in late January, but the agency's decision to return dozens back to the range has prompted a lawsuit from Beaver County.

#### 10. Mountain Bike History For Sale

*Pinkbike.com, Feb. 9 | Vernon Felton*

The United States Bureau of Land Management (or "BLM") is currently considering the sale of two oil and gas leases in the Dry Creek area, in and around Virgin, Utah, that include the original Red Bull Rampage event site. We first ran the story [here](#).

#### 11. R.I.P., R.S. 2477 controversy

*The Moab Sun News, Feb. 9 | Guest Columnist David Vaughn*

After seeing the Southern Utah Wilderness Alliance's (SUWA's) complaints about several Bureau of Land Management Resource Management Plan Travel Plans, I have to comment on the process for Grand County as mentioned by Lynn Jackson ("BLM announces deal to end years-long lawsuit," Jan. 19-25, 2016 Moab Sun News).

#### 12. Hiring freeze impacts parks, BLM and Forest Service

*The Moab Sun News, Feb. 9 | Sam McLaughlin*

For a week, Moab's federal land management agencies – the National Park Service, Bureau of Land Management and U.S. Forest Service, collectively responsible for almost three-quarters of the land in Grand County – faced a daunting prospect: President Donald Trump's Jan. 23 executive order suspending all federal civilian hiring made no exception for the seasonal hiring that those agencies rely on to be fully staffed during the summer.



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#### E&E/NATIONAL NEWS – TOP STORIES

1. **Oregon standoff defendants who dug trenches on refuge contend they acted in self-defense**

*The Oregonian/OregonLive, Feb. 8 | Maxine Bernstein*

There's no dispute that Oregon standoff defendants Duane Ehmer and Jake Ryan used a government excavator to dig two trenches during the occupation of the Malheur National Wildlife Refuge.

2. **PBS 'Ruby Ridge' documentary explores a Northwest standoff and the militia movement**

*The Oregonian/OregonLive, Feb. 9 | Kristi Turnquist*

The road that led to the 2016 armed occupation of Oregon's Malheur National Wildlife Refuge can be traced back to a Northern Idaho mountaintop, according to "Ruby Ridge," a new "American Experience" documentary that airs on PBS on Feb. 14.

3. **How to catch fish and influence people: Conservationists prepare for trump**

*MTV News, Feb. 9 | Jamie Fuller*

The crowd inside the Montana state capitol was chanting, "Keep public lands in public hands" — so loudly, as Kayje Booker puts it, that "it felt like the building was shaking." Booker is a public lands program manager at the Montana Wilderness Association, which helped organize the rally; she was still shocked by how many people showed up.

4. **SCIENCE: 'Ignore geology at your peril,' scientists warn on border wall**

*E & E News, Feb. 9 | Maya Wei-Haas, Smithsonian*

Last month, President Donald Trump took steps to make good on a campaign promise to turn the United States' existing border fence into a "big, beautiful" wall. On January 25, the White House issued an Executive Order announcing the creation of a "secure, contiguous, and impassable physical barrier ... to prevent illegal immigration, drug and human trafficking, and acts of terrorism." Now the U.S. Customs and Border Protection—the office tasked with enforcing border regulations—is scrambling to make that order a concrete reality.



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#### 5. DAKOTA ACCESS: Jewell says Army Corps 'reneging' on promises

*E & E News, Feb. 9 | Eilperin/Dennis/Heim, Washington Post*

Former Interior Secretary Sally Jewell said the Army Corps of Engineers was "reneging" on its commitment to tribal leaders and federal agencies by granting an easement to the Dakota Access oil pipeline project.

#### 6. POLITICS: Senate Democrats push for scientific protections

*E & E News, Feb. 9 | Scott Waldman*

Senate Democrats are moving to protect federal scientists from political interference.

Legislation introduced this week would create a scientific integrity policy to allow federal scientists to speak out about and share their work with the public.

#### 7. OIL AND GAS: USGS eyes stronger reclamation practices in Southwest

*E & E News, Feb. 9 | Pamela King*

Most Southwestern well pads are characterized by bare ground and sparse vegetation nearly a decade after abandonment, according to new findings from the Interior Department's scientific arm.

#### 8. EPA: Prospect of axing enforcement shop sparks uproar

*E & E News, Feb. 9 | Kevin Bogardus and Robin Bravender*

U.S. EPA's enforcement shop could soon be on the chopping block, a prospect that's spurred an outcry among greens and former agency officials.

#### 9. PUBLIC LANDS: Hatch wants states to be primary regulators of fracking

*E & E News, Feb. 9 | Jennifer Yachnin*

Oil- and gas-producing states would become the primary authority for regulating hydraulic fracturing — and could circumvent federal regulations — under a bill authored by Sen. Orrin Hatch (R-Utah) this week.



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#### UTAH – FULL STORY

##### 1. **Grand Staircase-Escalante Resolution Draws Ire Towards Outdoor Retailers Expo, Designation Process**

*Utah Political Capitol, Feb. 8 | Curtis Haring*

On Wednesday Senate floor time was dominated by discussion over HCR 12 – Concurrent Resolution Urging Federal Legislation to Reduce or Modify the Boundaries of the Grand Staircase-Escalante National Monument which is designed to ask Utah’s federal delegation to reduce the size of that monument. Originating from Representative Mike Noel (Republican – Kanab) the resolution was carried by Senator Ralph Okerlund (Republican – Monroe) in the Senate.

“Nearly 20 years ago, in September of 1996, by Presidential Proclamation Number 6920, without any input or support from Garfield or Kane Counties or their citizens, or their public officials, or any public participation in any process, or with the State of Utah, the president designated [the Grandstaircase-Escalante National Monument].” Okerlund said, while also explaining to the body that the five National Parks in Utah are nearly one million square miles smaller than Grand Staircase Monument and that, as such, has had a dramatic effect on the local economy by using an interesting metric. “[The monument] was created without any consultation with anyone in Utah, it didn’t take into consideration local economies, customs, culture, heritage, and as a result is that what has happened in that area is that Escalante High School...has reduced in population to 151 to, 20 years later, 2016, 67 students...that is the effect this monument has had on local populations.”

Okerlund’s hope was that the boundary adjustments would “maximize and optimize multiple-use” that balances the needs of protecting antiquities, the outdoors, the needs of grazing, and other economic interests. He hopes to achieve this by looking to reduce the area “to a minimum area necessary to protect the antiquities identified in the presidential proclamation.”

Okerlund would end his opening salvo by simply stating that “The public doesn’t support [the monument], the locals don’t support it. And they will not until they finally get to a point where we have some ability for them to participate in this process.”

Democrats, however, would question the need for the resolution. Senator Jim Dabakis (Democrat – Salt Lake City), somewhat exhaustedly, told the body that “I stand, once again, to plead with the State of Utah and our leadership to do exactly what [Okerlund] says – and that is going and



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sitting down with a sincere heart with the federal government and roll up our sleeves and give up the political advantage that says ‘our state is controlled by so many people’ and lets solve this comprehensively. Let’s take the SITLA lands, let’s take the payment in lieu of taxes, let’s get an agreement the best we can.”

SITLA, or the School Institutional Trust Lands Administration, sells state land to private bidders and generates approximately \$50 million for schools, roughly 1 percent of total state funds towards education; payment in lieu of taxes, or PILT, is a government program wherein the federal government is supposed to reimburse states for the expected tax dollars lost due to federal lands not being available for sale.

“I just feel the state has not been sincere. People talk about ‘well this will be money for the school children’ that’s not a sincere argument – if you look at the 700 page document that the state commissioned of our own schools, it came up barely breaking even, maybe a \$100 million profit to the state...but that presupposed, I might add, oil at about \$95 a barrel...the idea that there is a big bonanza out there for our school kids is just not true,” Dabakis concluded.

Meanwhile Senator Luz Escamilla wondered what the concern actually was about the monument by informing the body that “a 2011 Headwaters economic study found that the region surrounding the monument of Gand Staircase-Escalante National Monument, that’s Kane and Garfield Counties, saw increases in population, jobs, rural per capita income, and other measures following the designation of 1996. So from 1996 to 2008, the population grew by 8 percent, jobs grew by 38 percent, real personal income grew by 40 percent, and the real per capita income grew by 20 percent.” She would add that 2014 shows that this growth continued despite the recession and will call the resolution an “overgrown fear.” Somewhat dejected, she simply stated that “I know that this is a message resolution...I don’t know how this is helping the state of Utah, truly...if want to work with someone, it isn’t by throwing it in their faces, and I think we have done enough for the session when it comes to these issues.”

Finally Senator Gene Davis (Democrat – Salt Lake City) turned to the recent news regarding the Outdoor Retailers threatening to pull their biannual convention as part of the backlash that occurred due to the recently passed Bears Ears resolution – HCR 11 – Concurrent Resolution Urging the President to Rescind the Bears Ears National Monument Designation – and wondered if lawmakers are considering the full economic impact of this resolution. Okerlund countered by saying that “outdoor recreation is extremely important to the State of Utah, and we are extremely fortunate to have the convention here – we want to continue to work with that community to make sure they understand that they are welcome here. A big part of this 1.9 million acres should be is to allow the recreation that these folks are interested in and want to develop.”





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Davis wrapped up his comments by stating that his “concern is that this is an outdoor recreation area, and as I take a look at the economic development created not only at the Outdoor Retailers meeting here for the last 20 years, but it has also been very, very important for the growth in those areas in the Escalante region.”

Senator Jacob Anderegg (Republican – Lehi) used his time to recount a conversation he had with Democratic New York Senator Chuck Schumer while working on Senator Mike Lee’s staff where Schumer allegedly asked Anderegg “when are you guys going to get it? Utah is the East-Coasters playground, we are not going to give you the land back.” Anderegg would then rhetorically ask how we expect to have a rational discussion with people who view the land as theirs.

Finally, Senator David Hinkins (Republican – Orangeville) used the debate as an opportunity to attack those who enjoy the outdoors in general and the Outdoor Retailers Expo in particular by stating “As far as the retailers – I know they take a lot of credit for the hotels being filled up for that week that they are here, but, you know, the ski industry already has the hotels 80 percent full,” adding “They are going to take their convention and go somewhere else, it sounds like, if we don’t pander to them, but you know, where do they manufacture all these products they talk about? I don’t know where these manufacturing plants are here in the state...I don’t believe they are manufactured in Utah...And so the idle threat of that, to me, is non-existent. I think the jobs that we are losing that are good paying jobs, and not just catering to backpackers that don’t stay in the hotels anyway but stay in their pup tents, I just think the impact isn’t as great as it is played out to be.”

Okerlund would end the debate by saying that he would be okay with the area remained a monument, but only if people in the region were part of the process to make that designation. He would ultimately say that this is a nonpartisan issue, which would be prophetic as Senator Davis crossed the voting divide and voted in favor of the measure. The resolution would pass 25-4 and is now off to the governor for his presumed signature.

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#### 2. Utah Farm Bureau lists 'Issues to Watch For in 2017' legislative session

*The Pyramid, Feb. 8 | Staff Writer*

SANDY — Utah Farm Bureau has released its list of 'Issues to Watch For in 2017' upon returning from the national agricultural convention for the American Farm Bureau Federation and at the start of the 2017 Utah general legislative session.

Though not exhaustive in scope, the list is based off the Farm Bureaus policy book, adopted at its recent convention in November. The policy book will guide the general farm and ranch organization's public policy actions throughout the upcoming year – including the current legislative session.

"It is important to note the policies advocated and defended by the Utah Farm Bureau come from the grassroots level, from actual farmers and ranchers on the ground and in the trenches – not simply from the ideas of one leader or board," said Ron Gibson, a dairy farmer from Weber County and President of the Utah Farm Bureau Federation. "These policies are developed through debate and deliberation in response to issues felt on the farms of the smallest towns as well as in the families of the largest cities in Utah. These issues have a direct impact on our ability to produce food in Utah."

#### State Concerns

##### 1. Preserving the Greenbelt Law

The 1969 Farmland Assessment act, commonly known as Greenbelt, is a law that has done more to preserve and maintain sustainable family farms in the state of Utah. The purpose of the law was to keep property taxes at a rate that could be affordable to farmers and ranchers – particular along urban areas where there was urban encroachment and property values were increasing. Over the years, the law has been amended, with additional changes that were never adopted.

Recently, there have been discussions at amending the greenbelt law to address greenbelt land parcels that are used for more than one purpose – including purposes that may fall outside of traditional production agriculture. It Farm Bureau's policy that these dual-purpose greenbelt parcels should be assessed on the fundamental principles the Farmland Assessment Act criteria. Utah Farm Bureau will be ensuring the integrity and the intent of greenbelt law is enforced.

##### 2. Water Issues



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#### **Streambeds**

For the past 10 years, the pendulum has swung back and forth between the legislative and judicial branches on the question of public access rights to Utah's streambeds. Two points have remained constant in this debate – the public owns the water, but yet the landowner owns and pays taxes on the bed.

The 2017 sessions marks another significant year in determining who access is given to, and where. While the Utah Supreme Court will rule on this in the coming year, Utah lawmakers have opted to remain silent until a ruling is given. This streambed access issue is fundamental to private property rights, and is a priority issue for the Utah Farm Bureau.

#### **Other water issues**

It is anticipated the 2017 leg will introduce approximately a dozen different water bills, with many having direct impact on Utah's farmers and ranchers. Farm Bureau will work closely with stakeholders to ensure water rights, shareholders, water companies, and the state engineer maintain their proper checks and balances to make sure water stays in production agriculture. Other water bills Utah Farm Bureau is following deal with in-stream flows.

##### **3. Balancing wildlife**

Utah's farmers and ranchers largely depend on public lands to graze livestock, which puts us in competition with growing wildlife populations – particularly deer and elk – when it comes to forage. Farm Bureau seeks to work closely with wildlife agencies and other stakeholders to ensure that both wildlife and livestock have access and forage for sustainable populations. Farm Bureau is alarmed that land management agencies have reduced livestock grazing by 70 percent since the 1950s, while wildlife numbers have increased dramatically.

##### **4. Seeds, pesticides, fertilizers**

It's important for Utah farmers to have access to a variety of seeds to help meet the growing demand of being independent and feeding the world. With technology, we have many seeds to choose from. Farm Bureau seeks to ensure that all Utah farmers and ranchers can use quality seeds, pesticides, and fertilizers to help meet the challenge of providing more food with less resources, and provide food choices of our growing population.

#### **National Issues**

##### **Regulatory Reform**

Farm Bureau delegates recently approved policies supporting regulatory reform, including legislation to eliminate "judicial deference," which has essentially nullified the power of the courts to serve as a check



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and balance on agency abuses. The topic of regulations also included policy to oppose agency advocacy campaigns in support of their own proposed regulations.

New language was approved to require the Bureau of Land Management, U.S. Forest Service, U.S. Fish and Wildlife Service and other federal agencies to coordinate and cooperate in a meaningful way with state and local governments in making land management plans and decisions as required by Congress.

Farm Bureau encourages the Trump Administration to scrutinize the regulatory impact of the last eight years to eliminate burdensome regulations to stimulate the create jobs and stimulate the economy. Farm Bureau's concern arises from the Obama Administration adding more than 25,000 new regulations, with a cost of \$1.88 trillion to the U.S. economy. Recognizing this opportunity, Utah Farm Bureau has submitted a list of priorities to Congress identifying rules and regulations to be reviewed and potentially repealed that are hurting farmers and ranchers.

That list includes a repeal of the EPA's "Waters of the U.S." (WOTUS) rules that oversteps the agency's authority and challenges state's rights to regulate the waters within their borders. Also included on the list are abuse and misuse of the Endangered Species Act, failure to honor the obligations of the Taylor Grazing Act and the Multiple Use, Sustained Yield Act, recognition of RS 2477 Roads, passage of the Water Rights Protection Act to limit federal claims on livestock water rights on Forest and BLM administered lands and rescinding BLM's Planning 2.0 that dramatically limits input from county commissions and county resource plans.

#### **National Monuments & the Antiquities Act**

For more than a century, the President of the United States has had the power to unilaterally designate federal lands as a National Monument without the consent of Congress, local governments or affected citizens. National Monument designations, under the Antiquities Act of 1906, are meant to ensure the proper care and management of historic landmarks and other objects of historic or scientific interest. The Act also states that the monuments shall be confined to the smallest area compatible with proper care and management of the objects.

In recent decades, presidents from both parties have used the power of the Act to designate hundreds of thousands of acres, and in some cases millions of acres at a time – such as with the Grand Staircase Escalante National Monument, and the recently announced Bears Ears National Monument in Utah. This scale of designation goes far beyond the executive authority that had Congress originally intended. Such abuse restricts or even prohibits economic opportunity and removes decision making from the states and private citizens. These designations have affected water rights, grazing rights and access to state and private lands.

#### **Immigration**



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Congress needs to pass responsible immigration reform that addresses agriculture's current experienced workforce and creates a new flexible guest worker program. Instability in the agricultural workforce places our food supply at risk – increasing immigration enforcement without also reforming our worker visa program will cost America \$60 billion in agricultural production. Farm Bureau supports flexibility in the H-2A program that would allow workers to seek employment from more than one farmer.

As Utah Farm Bureau begins this new calendar year with the state legislative session and then follows-up with the many planting, nurturing and harvesting decisions of the growing season, its public policy process will lead the way in helping government and community leaders understand the needs of a successful agriculture industry and how too support it.

For further detail on priority issues, please contact the Utah Farm Bureau Federation at 801-233-3040.

#### About Utah Farm Bureau

The Utah Farm Bureau is the largest general farm and ranch organization in the state with more than 29,800 member families. Its mission is to improve economic opportunities for the state's farmers and ranchers, ensure America's food security, protect the natural resources of our state, and improve the overall quality of life in the state and nation through political action, educational and informational means. The Farm Bureau is a non-partisan, voluntary organization, and its efforts are based on grassroots policies developed by members at the local, county, state and national levels. It is affiliated with the American Farm Bureau Federation, the world's largest general farm organization, with more than 6 million family members in 50 states and Puerto Rico. For more information, go to the Utah Farm Bureau Web site at <http://www.utahfarmbureau.org> or connect with the 'Utah Farm Bureau' fan page on Facebook.com, on Twitter.com under the name @MountainFarmer or on YouTube at [www.youtube.com/utahfarmer](http://www.youtube.com/utahfarmer).

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### 3. **BLM implements measures to restore and maintain habitat for the Sheeprocks greater Sage-Grouse population in central Utah**

*KCSG News, Feb. 8 | Press Release*

SALT LAKE CITY - The Bureau of Land Management (BLM) in coordination with state and federal partners has evaluated data related to the status of greater sage-grouse (GRSG) populations and habitat throughout Utah.

The vast majority of GRSG populations throughout Utah remain at normal population and habitat levels based on criteria jointly developed by the agencies. However, one population located in Juab, Tooele, and Utah Counties, the Sheeprocks area, has experienced a nearly 40



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percent decrease in population over the last four years, with an annual decrease in eight of the last ten years.

This serious decline in the Sheeprocks GRSG population indicates the need to adaptively manage the habitat in the population area to help prevent further declines, in accordance with the conservation measures identified in BLM's GRSG land use plan amendments, finalized in 2015.

For example, the BLM will prioritize habitat restoration efforts in this area, make the area a focal point for fire suppression, and seek to minimize impacts from rights-of-way developments. The BLM will also meet with state and federal agencies and each of the counties to determine if other management changes are needed to reduce threats to this population, including consideration of the management of GRSG predators and wild horses.

The BLM and stakeholders at the county, state, and federal level, as well as universities and the public have been working together for nearly 20 years to monitor and manage GRSG in the Sheeprocks area.

In the past five years, a variety of proactive measures have been implemented by state and federal agencies 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 BLM will continue to work with these partners to collectively improve the conditions of the habitat in this population area.

Greater sage-grouse are considered indicators of sagebrush habitat health. More than 350 species depend on the sagebrush ecosystem for their survival.

For more information, please see: <https://www.blm.gov/programs/fish-and-wildlife/sagegrouse/state-sagegrouse-efforts/utah>

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#### **4. Lawmakers send resolution asking Trump to reduce size of Grand Staircase-Escalante to Gov. Herbert**

*Utah Policy, Feb. 8 | Bob Bernick*

What has been called the second slap in the face to the Outdoor Retailers conventions in Utah, the Senate passed a resolution Wednesday asking the U.S. Congress to reduce the size of the Grand Staircase-Escalante National Monument in southern Utah.



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The Legislature has already passed – over the objections of Democrats – a resolution asking President Donald Trump to rescind the Bears Ears National Monument designation.

What's different about the Staircase is that it was made a national monument 20 years ago by then-Democratic President Bill Clinton.

It has been operating as a monument since then, and some tourism-associated groups in Escalante and elsewhere don't want the Staircase's size reduced.

GOP Utah leaders hope that Trump will act soon on rescinding former President Barack Obama's Bears Ears action last December.

Rep. Jason Chaffetz, R-Utah, met with Trump this week and says they talked about the Bears Ears rescission – not necessarily the request to reduce the size of the Staircase.

Senate Majority Leader Ralph Okerlund, R-Monroe, carried Rep. Mike Noel's bill in the upper body.

He said the Staircase is 1.9 million acres, larger than all the five national parks in Utah combined – a great overreach of presidential authority.

Four of the five Senate Democrats voted against HCR12. But Senate Minority Leader Gene Davis, D-Salt Lake, voted for it. It passed, 24-4.

The Outdoor Retailers convention in the Salt Palace brings an estimated \$20 million into the local economy.

But several GOP senators downplayed the possibility that the convention would leave – even though several leaders of the industry have called on the group to leave Utah.

Sen. David Hinkins, R-Orangeville, said the Staircase may see some pack packers coming in, but they probably wouldn't even stay in local motels, but stay in their "pup tents."

Hinkins, who works in the coal-mine production industry, said that if the Staircase had not been made a national monument, an underground coal mine would have opened – impacting just 100 acres above ground – that could have provided 300 to 500 full-time jobs.



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In addition, he said, a coal-fired power plant could have been built there; it would have provided another 200 to 500 jobs.

While it is not sure that reducing the size of the Staircase could bring those jobs in 20 years later, Okerlund said a “sincere” conversation with federal officials – should Congress agree to reduce the Staircase’s size – could well make the economy in the area better, all while protecting legitimate preservation areas.

Okerlund said he hopes the Outdoor Retailers will stay in Utah.

But Sen. Jim Dabakis, D-Salt Lake, said he doesn’t feel state officials have been sincere – both in passing the Bears Ears rescission and now with reducing the Staircase.

In any case, Utah can’t afford to take over control of all this federal land in the state – it could bankrupt the state, harm school children, and lead to drilling and more drilling in attempts to gain some money from oil production.

“Let’s put aside this foolishness of the last generation” in fighting national monuments and work to make a better economy for southern Utah, he said.

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#### 5. **Rep. Chris Stewart votes to roll back BLM’s Planning 2.0 Rule**

*Utah Policy, Feb. 8 | Press Release*

With the support of Rep. Chris Stewart (R-Utah), the House passed a joint resolution, H.J. Res 44, which disapproves and nullifies BLM’s Planning 2.0 Rule.

After passing the House resolution Rep. Stewart said, "The BLM's final rule, known as Planning 2.0, is a snapshot of everything that was wrong with the previous administration. Unfortunately, this rule is so flawed, that a couple of administrative fixes will not right the ship. It has to be rescinded. The final rule ignored thousands of comments submitted from states and county commissioners and moved decision making out of the hands of local officials and into the hands of DC bureaucrats. These bureaucrats simply don’t know the land and needs of the counties like local officials do.”

President of the Utah Association of Counties and Beaver County Commissioner Mark Whitney said:





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“Having a seat at the table to inform and steer BLM planning is critical to counties. The BLM had it right for 30 years by recognizing in their regulations the unique needs of counties. Planning 2.0 diluted our voice and our needs by opening BLM planning to out-of-state interests who simply do not understand our needs. I commend the House for doing the right thing today by rescinding this rule.”

Rep. Stewart spoke on the House Floor in support of this resolution. Watch his remarks, [here](#).

#### **Background**

On December 12, 2016 the Obama Administration published another overreaching “midnight regulation” in the form of the BLM’s new Resource Management Rule, commonly referred to as BLM’s Planning 2.0 Rule.

The same day the final rule was published, six Western states and a conservation district filed suit to block the new regulation stating that Planning 2.0 “will severely impair their ability to work with the BLM on future planning and management issues.”

H.J. Res 44, a joint resolution utilizes the Congressional Review Act (CRA) to disapprove and nullify BLM’s Planning 2.0 Rule. The Congressional Review Act, a law enacted in 1996, requires a simple majority in both Houses as well as a signature by the president and uses expedited procedures that allow for nullification of an entire regulation through a joint resolution that cannot be filibustered. The CRA prevents the rule from continuing in effect and also prevents a substantially similar rule from being reissued. The parliamentarian has advised that all rules submitted during the 114th Congress on or after June 13, 2016, are eligible for review under the Congressional Review Act.

The Federal Land Policy and Management Act of 1976 established a process that requires the BLM to develop RMPs in cooperation with state, local and tribal governments. RMPs are typically updated every seven years and determine what actions can take place on BLM land. According to the nonpartisan Congressional Research Service, “247.3 million acres of public land and administers about 700 million acres of federal subsurface mineral estate throughout the nation.” Planning 2.0 changes the BLM’s resource management planning process, and introduces significant uncertainty by creating ambiguous standards and expanding agency discretion. This new rule will complicate effective resource planning while reducing opportunities for meaningful state and local governmental input.

Planning 2.0 directs the BLM to perform large “landscape scale” planning efforts that stretch across county and state lines. This new regulation allows radical special-interest groups from



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other states to have the same influence as county and local officials in the planning process. Planning 2.0 takes planning decisions away from local communities and centralizes those decisions with bureaucrats in Washington D.C. According to the American Action Forum, 4,432 new regulations have been finalized that cost a total of \$1,000,000,000,000 and result in 754,208,800 hours of paperwork compliance since 2005. 120,849,512 hours of paperwork came from regulations that were finalized in 2016 alone.

With regards to “midnight regulations,” those issued between Election Day and Inauguration Day, a potential cost of \$6,000,000,000 worth of regulations was issued by the Obama Administration on eight rules. There were several other “midnight regulations” that have yet to be analyzed and are not included in that staggering cost estimate.

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#### 6. **BLM set to begin prescribed burn west of U.S. 6, north of Price**

*Deseret News, Feb. 8 | Press Release*

MOAB — The Bureau of Land Management plans to conduct a prescribed burn of slash piles on approximately 60 acres of public lands in the Ford Ridge area west of U.S. 6 and approximately 17 miles north of Price.

Burn operations will take place in February as the area has received suitable snowfall. The burn is expected to reduce wildfire risk for adjacent communities, restore ecosystem health and enhance wildlife habitat.

Fire personnel from the Canyon Country Fire Zone will conduct the burns. Smoke may be visible to travelers along U.S. 6 or in local communities. Smoke from prescribed burns generally dissipates during the warmest part of the day but can linger over burn areas and in drainages as temperatures drop during the evening hours.

Prescribed burns will be posted on [UtahFireInfo.gov](http://UtahFireInfo.gov).

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#### 7. Chaffetz kills federal lands bill

*Moab Sun News, Feb. 9 | Rudy Herndon*

When hunters and anglers speak, Rep. Jason Chaffetz listens.

Faced with an outcry from sportsmen's groups, the Utah Republican announced last week that he is withdrawing a bill that could have cleared the way for the sale or transfer of 3.3 million acres of federal lands to state or private interests.

Moab resident Trish Hedin, a former chair and longtime member of the Rocky Mountain Elk Foundation's now-defunct local chapter, said Chaffetz likely did not want to go against something that many of his constituents support: continued access to public lands in Utah and other Western states.

Hedin, who hails from a family that made its living in the timber industry, said that hunters like herself value Utah for its public lands and diverse wildlife habitat in places like the remote Book Cliffs north of Moab.

"It's just a great place to hunt," she said. "You go over to Colorado, and you're just girdled by private lands everywhere."

For that reason, she noted, sportsmen's groups rallied against past proposals to increase development in roadless areas, such as state efforts to expand oil and gas development in the Book Cliffs.

Although numerous environmentalists and conservation groups came out against Chaffetz' House Resolution 621, Hedin suspects that sportsmen's collective voices carry greater weight with GOP representatives like the District 3 congressman.

"I hate to generalize, but I would say that sportsmen are generally more on the Republican side," she said.

If he continued to pursue the bill, Chaffetz would have contended with not only the elk foundation, but the Mule Deer Foundation, the National Wildlife Turkey Foundation, Sportsmen for Public Lands and too many other sportsmen's groups to name.

"There's a bajillion of them," Hedin said.



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Moab resident and Sierra Club member Wayne Hoskisson agreed that sportsmen were instrumental to the outcome.

“That’s an issue that affects a lot of people, and I think he was responding to pressure from hunters and anglers,” Hoskisson said.

Chaffetz, who called himself a proud gun owner and hunter who “loves” America’s public lands, conceded as much.

“The bill would have disposed of small parcels of lands (that former President Bill Clinton) identified as serving no public purpose but groups I support and care about fear it sends the wrong message,” he said in a Feb. 1 statement. “... I look forward to working with you. I hear you and HR 621 dies tomorrow.”

Hoskisson said that Chaffetz’ decision to kill HR 621 is commendable, and he believes the congressman “responded appropriately” to the people who contacted his office.

“I think, to me, it’s a good thing when politicians respond to people’s concerns,” he said. “I wish he would do it more regularly.”

HR 621 – the Disposal of Excess Federal Lands Act – would have authorized the disposal of more than 132,000 acres in Utah. More than one-tenth of that land – about 15,400 acres – is in west-central Grand County, scattered largely in parcels just east of the town of Green River.

Chaffetz unveiled the bill on Jan. 24, days after President Donald Trump took office.

In a statement, he said the “long overdue” disposal of excess federal lands would free up resources for the federal government, while providing much-needed opportunities for economic development in struggling rural communities.

It marked the fifth time in five years that Chaffetz introduced a version of the bill, which he based on a 20-year-old, Clinton Administration-era report that Congress mandated the U.S. Interior Department to prepare.

However, that report has not been updated since 1997, and based on the acreage it identified for disposal, it does not appear that Chaffetz’ bill accounted for local or regional land exchanges in subsequent years.



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Many of the same parcels were previously identified in the Utah Recreational Land Exchange Act of 2009, which authorized the transfer of some BLM lands to Utah's School and Institutional Trust Lands Administration (SITLA) for BLM lands of equal value. The BLM and SITLA finalized those exchanges in 2014, yet the Green River-area parcels and other parcels that SITLA identified that year as part of the land exchanges were included in HR 621, based on their management status in 1997.

Former BLM Moab Recreation Planner Russ von Koch, who worked on related issues during his time with the agency, said that “quite a bit” of the disposable acreage in the Green River area has already left federal hands.

“The state has acquired those through a couple of land trades,” von Koch said.

Another disposal pre-dated those land trades: Some time around the year 2007, the BLM formally disposed of a 30-acre parcel that was listed in the 1997 report, according to BLM Canyon Country District Public Affairs Specialist Lisa Bryant.

Hoskisson said it's “almost nonsensical” to him that the bill attempted to force the sale of certain lands that are mentioned in the 1997 report: Some parcels lack legal access, he said, while others are home to active oil and gas leases and livestock grazing allotments.

“I think it was a dramatic political gesture, and not really a thought-out piece of legislation,” he said.

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#### **8. My view: Utah delegation is contradicting the wishes and desires of a majority of Utahns**

*The Deseret News, Feb. 9 | David Tunderman*

The opinion by the Utah Congressional Delegation, published Jan. 24, regarding the president's designation of the Bears Ears National Monument, contradicts the wishes and desires of the majority of Utahans and the Bears Ears Inter-Tribal Coalition who supported the monument. The opinion also misguides the monument's future and misstates an executive's rescission authority.

The opinion ignores the wishes of the Bears Ears Inter-Tribal Coalition and the majority of Utah citizens who supported monument designation. The coalition petitioned the president to designate the monument because it would protect the spiritual and cultural values of the five



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tribes who live there. Further, multiple polls of Utah residents supported monument designation. Only now, in response to harsh rhetoric by hyper-partisan legislators are some Utahans questioning designation.

However, another post-designation poll of Utahans shows more support than opposition by a sizable margin. The Utah delegation is incorrect and off base to suggest lack of grass-roots support. Utahans have supported monument designation in the past and continue to do so.

The opinion also misguides because it threatens rescission and litigation instead of the far wiser course of coalescing behind the new monument. First and foremost, Utah should work with the Inter-Tribal Coalition that petitioned for the monument to help preserve the tribes' cultural heritage in these sacred lands. In addition, Utah should take advantage of educational, scientific, outdoor recreation and tourism opportunities for local residents and businesses. Utah should also help fund our schools by exchanging school trust lands within the monument for more valuable BLM lands elsewhere, as prior governors and congressional delegations have done. Instead of misguided executive action and litigation, the delegation should be supportive, using the monument to advance tribal, Utahans' and broader public interests.

The opinion misstates the law because no national monument has ever been undone through executive action. In fact, the attorney general of the United States opined the president does not have authority to abolish a national monument. That opinion stopped in its tracks President Roosevelt's consideration of possible abolition of a national monument in South Carolina.

Finally, the opinion's recitation of opposing views by a miniscule minority of tribal opponents is inaccurate. The collective voice of the five tribes who support the monument speaks far louder than a few disgruntled tribal members. In fact, the Inter-Tribal Coalition will partner in monument management, belying false claims of faraway bureaucratic direction. This arrangement will ensure protection of these spiritual grounds and the tribes' cultural and customary practices there, including wood and other plant gathering. Finally, far from ignoring Native American interests, the president followed them, after extensive courting of local opinions through multiple meetings with tribal, local and other parties, including 1,400 supporters and opponents who attended a public meeting in Bluff, Utah.

In sum, a majority of Utah residents and the Inter-Tribal Coalition fully support monument designation. The Utah congressional delegation should heed voters' majority wishes, curtail their carping and work to support our new Bear Ears National Monument.



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*David Tunderman worked in both state and federal government for 10 years, followed by 30 years in private environmental practice. He lives in Salt Lake City and enjoys outdoor activities in southern Utah, including the Bears Ears National Monument.*

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#### **9. Beaver County, horse advocates sue the BLM in legal tug-of-war over Utah's wild horses**

*The Salt Lake Tribune, Feb. 9 | Brian Maffly*

Wranglers for the U.S. Bureau of Land Management completed a roundup of 655 wild horses from Utah's West Desert in late January, but the agency's decision to return dozens back to the range has prompted a lawsuit from Beaver County.

In the suit filed Monday in U.S. District Court, the county's lawyers allege the BLM is shirking its legal duty under the Wild Free-Roaming Horses and Burros Act of 1971 to keep horse populations below certain thresholds, known as "appropriate management levels," or AMLs, and degrading the range and displacing livestock in the process.

The failure to keep horse numbers in check "has caused serious damage to public and private rangeland, created a threat to the health and safety of the public and the wild horses, and resulted in significant economic harm to Beaver County," wrote the county's lawyer, Jeffrey Bramble.

The county seeks an order to remove "all excess" horses, arguing that the BLM's plan could result in up to \$1.1 million in "opportunity costs" to the local economy. The extra horses' depletion of forage and water "infringes upon the rights of Beaver County citizens who hold grazing permits and leases to conduct livestock operations on private, state, and federal lands," the suit states.

The BLM declined to comment on the litigation, but the agency says it lacks the corral space and funding to take in the number of horses Beaver and other rural Utah counties want off the range. The government is loath to euthanize healthy horses, and there are not enough people interested in adopting wild horses, so most of the animals not returned to the range are added to the 45,000 already warehoused for life in contract corrals.

Recognizing the situation as unsustainable, the BLM is experimenting with fertility control as a fresh alternative that federal officials hope can appease all sides in an issue that pits horse advocates against ranchers. But that, too, is controversial.



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Utah's West Desert is the scene of three big roundups, known as "gathers," this winter; two are completed and the third is slated to begin Saturday after a federal judge declined to an issue an injunction sought by an animal-welfare group.

The Sulphur gather in Beaver County wrapped up Jan. 31. The BLM had planned to return 400 animals back to the range, but decided to return only 192. The eighty mares in this group were injected with fertility-control treatments, while the studs were left intact.

The agency was only able to get authorization for this gather because Sulphur horses have been posing a public-safety threat along State Route 21 and the gather plan relied heavily on fertility control, according to BLM spokeswoman Lisa Reid.

"Removing horses to [appropriate management level] is not on the top of the list of our priorities," Reid said.

During the two-week Sulphur operation, 450 of the herd's estimated 1,150 horses were left on the herd management area outside Milford. This is more than double the 165 to 250 horses the BLM says are appropriate for this area. The agency's plan to return horses defies a legal obligation to keep numbers below 250 here, the Beaver suit alleges.

Horse advocates, meanwhile, blasted the Beaver County suit as a waste of the court's time.

Similar arguments have been rejected in other jurisdictions, according to Suzanne Roy, executive director of the American Wild Horse Preservation Campaign. She said the courts have rejected ranchers' claims that horse numbers above AMLs equate with "overpopulation."

"They [the BLM] have broad discretion to deal with overpopulation — if they decide there is overpopulation — in a variety of ways," Roy said. "They are just wasting taxpayers dollars to pursue this claim that has been rejected by the 10th Circuit Court of Appeals."

Roy said she believes the AMLs are arbitrarily set, with have little grounding in science, and livestock, particularly sheep, are the bigger threat to range conditions at Sulphur, one of Utah's 19 horse management areas.

In its own environmental review, however, the BLM concluded the wild horses will deplete forage if allowed to proliferate.

As a testament to the depleted range, BLM wranglers noted the Sulphur horses were in sub-par condition as they were herded into pens last month, according to Reid. Some 26 were so weak





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they had to be euthanized, and another four put down after sustaining injuries while being directed toward holding pens or chutes. One severed its spine when it panicked and crashed into a gate.

The BLM takes steps to avoid harming the horses, but injuries do happen and such mishaps are cited by animal-welfare advocates in their own legal battles against horse removals, which they view as costly, ineffective and inhumane.

One group alleged fertility treatments are a potential threat to horse health in its failed bid to stop this month's Cedar Mountain gather in Tooele County. The BLM plans to use helicopters to gather up to 700 horses, then return up to 200 treated mares and an equal number studs.

A federal judge in Washington D.C. on Tuesday rejected the injunction request brought by Friends of Animals, which alleged the BLM hadn't sufficiently studied the impact of fertility treatments on horse populations. The group has said it will appeal.

"The real question is how [fertility control] disrupts their life," said Friends' Denver-based lawyer Michael Harris. "They are ignoring the stress it causes on social structure of the herd."

This position puts Friends at odds with most horse advocacy groups, which support birth control, according to Roy.

"The BLM Utah is moving in the right direction," said Roy, who believes Friends' legal actions could do more to harm horses than help them. "They only sue to stop birth control, which is the only humane alternative to removal and storage."

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#### 10. **Mountain Bike History For Sale**

*Pinkbike.com, Feb. 9 | Vernon Felton*

The United States Bureau of Land Management (or "BLM") is currently considering the sale of two oil and gas leases in the Dry Creek area, in and around Virgin, Utah, that include the original Red Bull Rampage event site. We first ran the story [here](#).

This opens up all sorts of thorny questions. On one hand, we all use energy. You are reading this right now courtesy of electricity...the source of which came from somewhere and had some impact on the environment. We drive cars. We heat our homes. We, in other words, demand energy.



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Would it be hypocritical to oppose energy extraction on this particular parcel simply because doing so might obliterate a place that's part of mountain bike history and near and dear to many riders? On the other hand, should we simply continue green lighting new energy leases when there are so many already in existence that are not being utilized to their fullest? And beyond that, we've seen the kind of air pollution and ground water contamination that's resulted from other leases. Should we risk that in a place that's on the doorstep to a National Park? Should we be concerned about the health of the residents of Virgin, Utah or should we simply consider that those leases might bring more jobs to the area?

Thorny questions indeed.

Several organizations have stepped into the fray to advocate against the potential leases...including one group that's arguing that this chunk of dirt played an important role in mountain bike history and is still home to trails that draw riders to test themselves. That group is the Sierra Club. Yes, that Sierra Club--the one that stopped receiving invitations for Christmas dinner from many mountain bikers way back in 1984 when the group played a role in banning mountain biking in Wilderness areas. Why is the Sierra Club getting involved? Do they really have mountain bikers' interests at heart here? What's their take on this whole issue? I spoke to Ryan Dunfee, the Sierra Club's Addup Community Manager, who also happens to be a mountain biker and the former Managing Editor at Teton Gravity Research.

**Pink Bike:** There's some confusion right now about the nature of what's potentially happening with the Rampage site. Some people are under the impression that it's part of the movement in Congress to sell of public lands for extraction, but that's not the case here, is it? This is a typical case of the BLM leasing some property to oil and gas companies. Explain, for our readers, how that works.....

**Ryan Dunfee:** This is a typical lease sale for oil and gas exploration... except for the fact that it is literally next door to the major entrance to a National Park. The leases also include lands proposed for Wilderness designation. An oil and gas developer proposed the parcels for lease. In fact, someone has nominated the parcels for a few years. They are probably looking for oil since there is not a natural gas pipeline close by. If they find only gas, they would need to build a pipeline to connect to a transport pipeline.

**Pink Bike:** Are the leases specifically for oil and gas? Do they specify particular extraction processes?



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**Ryan Dunfee:** The leases are specifically for oil and gas. The lease does not include permission for any specific form of oil and gas development, but does imply that permission will be granted for development. Once a lease is issued, it is difficult not to issue a drilling permit. Mostly they can put stipulations on the development, such as permitting drilling only at specific times of the year.

**Pink Bike:** Let's get right to the point: Why does this potential leasing of parcels around Virgin matter?

**Ryan Dunfee:** The lease is near the entrance to Zion National Park, and some of the proposed area for leasing includes the existing Flying Monkey DH trail as well as the original Red Bull Rampage venue, which played host to feats that blew the doors off what we thought was possible to do on two wheels, and raised the profile of the sport as a whole to a level not seen in years.

We're not a sport that puts a lot of a value on our history, but way more than a museum, a place like this actually lets you be a part of that incredible history. Riders from all over make the trip down to Virgin to ride the old venue themselves and see if they can hack it, and I think that's an incredible thing to be able to do, and part of what makes public lands in this country so rad.

Also, a portion of the parcels being considered for lease includes lands that are considered to be in a natural condition and to possess wilderness characteristics. There is no pipeline for moving any oil or gas from the lease site, so it will have to be trucked to a processing location. This will increase heavy truck traffic on the highway into Zion National Park, which is not exactly going to help your journey there convince you that you are entering an area of sacred, protected public lands... which all belong to you as Americans, by the way.

**Pink Bike:** If the BLM goes ahead with selling those leases, what is the likelihood that trails like Flying Monkey will be destroyed and/or access to riding closed off?

**Ryan Dunfee:** The answer depends on how much development happens in the area and whether or not there are additional leases in the future. The leases are good for 20 years, but the clock can be stopped for a large number of reasons. There are leases in place that are much older than 20 years. If oil is found the lease is good until the oil is depleted or no longer pumped.

It is possible that mountain bike trails could be re-routed to accommodate the roads that large drilling rigs and tanker trucks will need to access well pads. The roads to I-15 or south to Kanab will see a tremendous increase in tanker trucks depending on the direction the oil is trucked,



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which beyond their aesthetic impact for visiting tourists, will undoubtedly be a much bigger pain for the locals that actually live there.

And, if you've ever ridden Mag 7 in Moab, you were probably surprised and maybe a bit unsettled to start your journey into the epic desert backcountry start alongside a bunch of oil and gas platforms, so there's that to consider too.

**Pink Bike:** One of the comments that frequently appears in our forums is that we humans all use these natural resources—to heat our homes, fuel our cars, etc.—and that protesting the extraction of oil and gas on these parcels is just hypocritical. Our energy, in short, has to come from somewhere... How do you respond to that line of reasoning?

**Ryan Dunfee:** To give some perspective, there are literally, today, almost a million acres of public land in Utah that are already under lease for oil and gas development and which aren't even being drilled. As well, oil and gas exploration in the state is at a 30-year low. So my response would be: yes, oil and gas are still a sizable part of our economy and day-to-day lives, but in this specific case, when there's so much land that's already available for drilling, and yet so little of it is getting drilled, why do we need to add these specific parcels -- which are steps away from Utah's most popular National Park and an incredible venue for downhill riding -- to that pile?

I empathize with the impulse to consider a campaign like this selective hypocrisy, but none of us live lives of black and white. Does getting a plastic bag at the grocery store, or buying a new carbon trail bike, mean you can't be outwardly concerned about climate change or natural resource exploitation? Of course not.

I think the question in this case is a bit simpler: yes, currently, oil and gas has to come from somewhere -- but does it need to come from the original Rampage venue right on the edge of Zion National Park? If you don't think so, then tell the BLM. I believe you could be a full-time roughneck and get behind this campaign if you don't believe this particular area is appropriate for drilling.

**Pink Bike:** A number of our readers have also stated that they were confident that, since these are federal lands we're talking about, drilling or fracking would surely be done in a way that doesn't lead to any negative outcome—i.e., excessive air pollution or groundwater contamination. Your thoughts?



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**Ryan Dunfee:** It is hard to know for sure what problems could come from development. There has been a legal challenge to stricter controls on fracking -- and certainly the Trump administration hopes and plans to loosen the rules for all kinds of fossil fuel development -- and that means there is some uncertainty about the ability of the federal government to control fracking. Not to mention the impact of increased heavy truck traffic in the area, the potential for water pollution in a very dry area dependent on a select few sources of clean water, and the degradation in the quality of life for local residents and of the experience of visitors, who'd be forced to view gas flares and pump jacks while biking in the area or hiking around Zion.

And, on the macro scale, it's 2017: we can't just be talking about the impact of oil and gas exploitation as only a local issue. 2016 broke temperature records (again), and it's pretty obvious that climate change does not get better by pulling more oil and gas out of the ground.

**Pink Bike:** The Sierra Club has a rocky relationship with mountain bikers. I know that plenty of Sierra Club staffers ride bikes and that a significant number of riders are still members of the Club. That said, the Sierra Club has engendered a good deal of ill will with riders because of their opposition to mountain biking in federally-designated Wilderness areas within the United States. Given the bad blood, why should riders believe the Sierra Club has the interests of mountain bikers in mind on this issue?

**Ryan Dunfee:** I'm glad you brought this up. After years of working in the action sports world and then getting a job with the Sierra Club, all my bike friends were messaging me on Facebook, saying, "The Sierra Club?!? Better get them to quit hating on bikes!"

The Sierra Club is one of a few organizations that advocated for the Wilderness Act. The Wilderness Act possesses a special meaning to the Sierra Club, and I think when bikes were kicked out in the '80s, it was a different time, both in terms of what the Sierra Club stood for, who it represented, and how strong mountain bikers were as a contingent of the population, especially an organized, political one; I'm not sure IMBA had even been founded yet. However, right now, it is far easier for us to attempt to satisfy diverse users of the land in developing new wilderness legislation than to change the meaning of Wilderness.

While I am personally bummed at some of the epic riding that has been eliminated because of wilderness designation, particularly the Boulder-White Clouds area in Idaho, wilderness-designated areas are a relatively small slice of the public lands pie and often far away from where people actually live. I think the better challenge for the Sierra Club and other conservation organizations is to help preserve more land for mountain biking overall. I think, with 600 full-time staff and chapters in every state, there's a lot of variation of how mountain biking is



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approached within the Sierra Club, and I have no doubt comments will follow this piece from folks who've had frustrating interactions with the Club before.

However, I'm encouraged by how the organization is progressing as a whole with regards to biking. I was in an all-staff meeting the other day and, to show off how cool some of the recent conservation wins have been, one of the staff played a POV clip from him absolutely mobbing down some trails near Lake Tahoe that had recently been protected for recreation use on his Bronson. That's really encouraging to me, and the support I received to get this specific campaign in Virgin up and running was unilateral.

So yeah, me being the new guy in the office with my Following and knee pads does not wash away the bad blood, but I think this campaign is a very small step towards working towards progress people who dork around on expensive non-motorized toys can be psyched on.

**Pink Bike:** The BLM says they are "considering" leasing these parcels, but the general vibe on their site suggests that the agency is fairly committed to going ahead and selling these gas and oil leases. Am I mistaken in my reading of the BLM's intent? Are they truly on the fence or are these leases a foregone conclusion?

**Ryan Dunfee:** The BLM language is typical of all proposed leases. Part of the mission of the BLM is developing natural resources, and they are supposed to base their decision on multiple considerations such as other competing values such as recreation, wildlife, water, etc. This has often been characterized the most benefit for the most people. This is a difficult guide to use, since there are many benefits that are difficult to quantify. It's also worth noting that not all resources have to be developed everywhere.

They do have regulations concerning visual resources, water resources, and air quality, but these are pretty loose in what can be considered reasonable impacts to resources. Generally, when they look at development of an oil field, they measure the impacts only to the actual oil drilling and pumping pad, roads, pipelines, etc. They look at these as though the impact is confined to the immediate footprint of the pad, road, etc. This is not a good or valid way of looking at impacts, as we already discussed the impact of added heavy truck traffic to the local quality of life, the impact of oil and gas infrastructure on the experience at Zion, and, again, climate change.

**Pink Bike:** So, there is still some time (until February 10th) for readers to log in their input with the BLM—either yea or nay—on the sale. How do you recommend that readers put their best foot forward in making their opinions clear to the BLM?



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**Ryan Dunfee:** First, I'd ask riders to [add their names to our petition](#), which focuses on the impact of this proposed oil and gas lease on the broader mountain biking community. We'll be submitting that for the February 10th public comment period deadline, so jump on it! Once you've had a chance to do that, the next most important thing you could do is share that with your friends.

If you've been to the area personally, the next thing you can do is [fill out your own public comment](#) (click "Comment on Document") and describe your relationship with the area. If you've visited Zion National Park, ridden Gooseberry Mesa, Virgin, Hurricane, Flying Monkey, or the old Rampage venue, tell the BLM what that experience was like and what it meant to you. Remember that this is YOUR land -- the BLM is responsible to you when it makes decisions. Public opposition does help in stopping leases. If nothing else, public opposition provides political cover for making a decision against leasing.

**Pink Bike:** Is there anything else that readers can do to make their voices known on this issue?

**Ryan Dunfee:** It is always good to write your members of Congress -- your [representative](#) or [senators](#) - or call their offices to express your concerns about issues like these. If they weigh in with the BLM, that makes a huge difference.

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#### 11. **R.I.P., R.S. 2477 controversy**

*The Moab Sun News, Feb. 9 | Guest Columnist David Vaughn*

After seeing the Southern Utah Wilderness Alliance's (SUWA's) complaints about several Bureau of Land Management Resource Management Plan Travel Plans, I have to comment on the process for Grand County as mentioned by Lynn Jackson ("BLM announces deal to end years-long lawsuit," Jan. 19-25, 2016 Moab Sun News).

I too participated in the BLM's 2008 RMP Transportation Plan. We considered many factors, such as archaeology, environment and the purpose of each road. Several roads were taken out of important archaeological sites. We didn't propose any roads remain open into BLM Wilderness Study Areas although there were a few we had proof of use extending back to when most of the original Government Land Office (GLO) plats were created (mostly in the late 1800s and early 1900s in Grand County).



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SUWA's original complaint looked to be a computer-generated analysis of the plan with a proximity filter without taking into account that two roads could appear to be within a short distance of each other, although they were actually quite a distance apart by elevation or destination. They never explained what criteria they used for their study except that it took any existing roads out of their Redrock Wilderness Proposal whether or not they were maintained roads or served a purpose.

While the county and the BLM agreed to disagree on a few roads, we eventually came to an agreement on a plan. Because so much of our local economy depends on people being able to use our road network to work and play, this was an important step for the RMP. The plan became roads were open unless posted rather than you can travel anywhere you want. All of that was posted on the ground. We worked together to make modifications to the plan when conditions and travel patterns changed. There was one area that was open to cross country travel in the White Wash Sand Dunes in the Ruby Ranch area.

Many folks were involved with the development of the travel plan the county originally proposed to the BLM, including Rick Showalter, Jack Bickers, Hans Weibel, Ber Knight, Dave Cozzens, Ride with Respect and many others. The Blue Ribbon Coalition provided feedback. We also asked for feedback from The Nature Conservancy, and even SUWA. We allowed anyone who wanted to ride along when we documented and GPS-recorded the road network. When we finished, there were over 6,000 miles of "roads" in Grand County. Everything from I-70 to the narrowest two-track. I can't remember the exact number of miles in the travel proposal but I believe it was right around 3,000 miles.

The entire review of the RMP Travel Plan took us about two or three months if I remember correctly. We went from quad (7.5-minute topo maps) to quad and reviewed any conflicts the BLM staff had noted. Sometimes a single map could take a day or so to cover, while others took only a few minutes if there were no problems.

So many roads were in riparian areas just due to the fact that streams are often the "route of least resistance" in this area. There were other places where there was no way to pass through an area without disturbing lithic scatters, mining camps or old cowboy camps. There had to be a cut-off as to what had to be avoided. We decided that any site of importance or on the National Register had to be avoided if at all possible.

It got complicated in several areas, but we were able to come up with solutions usually that neither side was happy about, but we could live with it. It's called compromise and it seems to be





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a trait that we seem to be missing a great deal today in our government. It seems to have become a dirty word.

The survey itself was a history lesson. You just never knew what you were going to find at some of the locations. I remember finding a Led Zeppelin "Houses of the Holy" album cover in an old trailer house in the Yellowcat area. Another time it was a very small tricycle in an overhang somewhere else. Sometimes it was the bottles and cans that told you the story of what had happened in the past.

For me, the R.S. 2477 process was a history lesson and an opportunity to get to know this area in a way not many others have been lucky enough to experience. But it was something different to everyone involved, from the governor down to those of us out in the field collecting the data. That was just my memory of a special time in my career in this county we call home.

Although I never expected to see it in my lifetime, I am glad to see the resolution of the R.S. 2477 controversy happening in a peaceful and respectful manner.

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#### 12. **Hiring freeze impacts parks, BLM and Forest Service**

*The Moab Sun News, Feb. 9 | Sam McLaughlin*

For a week, Moab's federal land management agencies – the National Park Service, Bureau of Land Management and U.S. Forest Service, collectively responsible for almost three-quarters of the land in Grand County – faced a daunting prospect: President Donald Trump's Jan. 23 executive order suspending all federal civilian hiring made no exception for the seasonal hiring that those agencies rely on to be fully staffed during the summer.

Then on Tuesday, Jan. 31, the U.S. Office of Management & Budget and Office of Personnel Management released a memo laying out exemptions to the hiring freeze, including "seasonal employees and short-term temporary employees necessary to meet traditionally recurring seasonal workloads." The memo may be good news for this summer, but it offers little clarity on the president's directive to reduce the overall size of the federal workforce in years to come.

The National Park Service manages just 3.7 percent of lands in Grand County, but Arches and Canyonlands national parks together attract over two million visitors annually, driving hundreds of millions of dollars in local spending. Paul Henderson, the former assistant superintendent of the National Park Service's Southeast Utah Group – which includes Arches, Canyonlands,



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Natural Bridges National Monument and Hovenweep National Monument – said seasonal hiring is vital to these parks' operations.

"Seasonals are the absolute backbone of the Park Service, as far as that direct interface between the visitor and the resource," Henderson said. "If you see somebody out there in the field in green and gray, chances are they're a seasonal."

According to National Park Service Southeast Utah Group Superintendent Kate Cannon, the agency intends to hire 64 seasonal workers for Arches and Canyonlands this year.

"We understand that seasonals will be hireable, but we have to wait until we get clearance from OMB [Office of Budget & Management], and that will slow it down," Cannon said.

The memo exempting seasonal hires from the freeze requires agencies to inform the Office of Management & Budget in writing before hiring can begin, which will create a delay. But an even larger delay, Henderson explained, could come from the need for background checks.

Background checks for prospective federal employees are centralized, conducted by the Office of Personnel Management. At best, Henderson said, a "quick and dirty" check for criminal history might take two weeks. During peak times, when agencies are submitting numerous requests, results can take three to four months.

And if all of the national parks have been waiting to be able to submit background check requests, and do so at once?

"It'll be a nightmare," Henderson said.

With springtime visitation increasing each year, having seasonal employees trained and ready by May at the latest is crucial, he added.

"For parks like Arches and Canyonlands, this comes at an incredibly awkward time, because usually by the end of January you had everything nailed down," Henderson said.

Cannon said she believes the parks will have seasonal employees in place by the time visitation ramps up.

"We expect to be typically staffed for the summer," Cannon said.

Less certain is what will happen to the Southeast Utah Group's permanent staff. According to Cannon, the parks are lacking two permanent law enforcement rangers, multiple maintenance



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workers, an archaeological technician, a biological science technician and a budget analyst, among others. When – or whether – the National Park Service will be able to fill these vacancies is unknown.

David Nimkin, senior regional director for the National Parks Conservation Association's Southwest office, said the hiring freeze adds to the strain on the National Park Service's operations.

"On a national level, the number of employees within the National Park Service is 10 percent less today than it was in 2010," Nimkin said. Meanwhile, visits to all parks have risen steadily. At Arches and Canyonlands, yearly visitation doubled in the last decade.

"It's about visitor experience; it's about public safety," Nimkin said. "Not having the rangers and the law enforcement personnel to be able to help people ... In terms of even just cleaning toilets, it just becomes increasingly more and more difficult."

If staffing remains constant – or is cut – as visitor numbers continue to grow, Nimkin said, the National Park Service will be forced to shift more of its limited resources toward upholding the basic visitor experience, and away from engaging with local communities, conducting scientific research, or dealing with deferred maintenance issues.

"It just is not a sustainable future," he added.

The Canyon Country District of the Bureau of Land Management, which oversees 66 percent of the land in Grand County, is also confronting permanent staff vacancies and delays in its seasonal hiring. The district's responsibilities range from regulating oil and gas extraction to maintaining hiking and mountain biking trails. The district typically hires about 13 temporary seasonal employees each year, primarily in the firefighting program, according to spokesperson Lisa Bryant.

"Consistent with guidance received to date, the public may see announcements for temporary seasonal jobs; however, we won't be able to make actual job offers until we receive further direction," Bryant said.

The district also employs "career seasonals" – permanent employees who work six to 10 months each year. Approximately a third of the district's 35 career seasonal positions are currently vacant, most of these in the firefighting and recreation programs. Vacant, too, are full-time permanent positions in visitor services, archaeology, civil engineering, environmental planning, fire dispatch, and geographic information systems.



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"The BLM Canyon Country District will do our best to provide quality customer service and carry out our mission despite ongoing vacancies and the temporary hold on hiring," Canyon Country District Manager Lance Porter said.

Bryant emphasized that the Moab and Monticello field offices have already been working to spread out the district's workload by offering youth internships, in partnership with organizations like American Conservation Experience, and partnering with volunteers, who contributed nearly 10,000 hours of service to various projects in 2016. Right now, the agency is waiting for further clarification on how the hiring freeze and the order to reduce the federal workforce will be implemented long-term, she said.

Officials from the U.S. Forest Service, which oversees 2.4 percent of the county's land, declined to comment on the impact of the hiring freeze. Manti-La Sal National Forest Public Affairs Specialist Rosann Filmore provided a statement from the U.S. Department of Agriculture, the Forest Service's parent agency.

"USDA Acting Deputy Secretary, Michael Young, has exempted several critical public safety related positions from the Presidential Executive Order Hiring Freeze to ensure a safe food supply, fire-safe communities, safe and secure public lands, and rapid emergency response to natural and human-caused disasters," the statement reads. An attached list of exempted positions includes both wildland firefighters and law enforcement officers.

Prior to the hiring freeze, the Forest Service's Moab/Monticello Ranger District was advertising approximately nine seasonal positions in its trail and recreation crews and wildlife and botany programs, scheduled to begin in May and June. The district did not state whether these positions will still be offered.

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#### **E&E/NATIONAL NEWS – FULL STORY**

##### **1. Oregon standoff defendants who dug trenches on refuge contend they acted in self-defense**

*The Oregonian/OregonLive, Feb. 8 | Maxine Bernstein*

There's no dispute that Oregon standoff defendants Duane Ehmer and Jake Ryan used a government excavator to dig two trenches during the occupation of the Malheur National Wildlife Refuge.



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The argument during their trial starting next week will be whether the two "willfully" broke the law, knowing the excavator and land belonged to the federal government, and that they went ahead anyway.

Prosecutors will play videos taken by David Fry, another refuge occupier, and aerial surveillance videos showing Ehmer and Ryan taking turns using the excavator to dig the trenches on Jan. 27, the day after the arrest of takeover leaders and the police shooting of occupation spokesman Robert "LaVoy" Finicum.

Ehmer dug one trench and then Ryan took over and dug a second one, said Assistant U.S. Attorney Geoffrey Barrow. The videos are to support the charge of depredation of government property, a felony, against each man.

Ehmer, 46, of Irrigon, and Ryan, 28, of Plains, Montana, are among four remaining occupation defendants set for trial. Jury selection begins Tuesday. The others are Jason Patrick, 43, of Bonaire, Georgia, and Darryl Thorn, 32, of Marysville, Washington.

Defense lawyers will counter that the two dug the trenches for protection, suspecting that the FBI planned an attack on the people remaining at the refuge after Finicum's death.

Defense lawyer Jesse Merrithew, representing Ryan, said the men created a "physical barrier" to "any law enforcement coming in to assault them."

The initial information that filtered back to the refuge about the circumstances of Finicum's fatal shooting terrified those who remained behind at the refuge, Merrithew said. Ehmer and Ryan had a reasonable belief by the next morning "that law enforcement was out to kill them," Merrithew said.

Two state troopers shot Finicum after he fled a traffic stop and ran his truck into a snowbank at a roadblock on the way to a community meeting away from the refuge in John Day. He was fatally shot by police after he got out of the pickup and police say he reached at least twice inside his jacket, where the FBI later found a loaded handgun.

Ehmer and Ryan, who remained at the refuge, saw drones flying overhead and spotted from a high vantage point armored vehicles on the edge of the refuge, Merrithew said.

"It appeared to the people there that a military buildup was happening around them," he said.



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Assistant U.S. Attorney Ethan Knight called the defense argument absurd, and argued that defendants shouldn't be able to claim self-defense as a legal challenge to the depredation charge.

He also argued that any unsupported opinions offered by the defendants about an imminent FBI raid or attack would prejudice a jury.

If the government can't have refuge employees testify about their fears during the occupation - as U.S. District Judge Anna J. Brown has ordered - yet the court allows defendants to talk about fears of an imagined FBI attack, "that we think is fundamentally unfair," Knight argued.

"And that is an issue we believe affected analysis of evidence in the first trial," Knight added. A jury acquitted occupation leader Ammon Bundy and six others of all charges in a five-week trial last year.

Finicum's shooting occurred miles away from the Harney County refuge, the prosecutor said. People who remained at the bird sanctuary couldn't have had an objectively reasonable fear of imminent physical harm, Knight said.

But that's "why they did what they did," Merrithew responded.

Brown said defendants will have the chance to challenge the allegation that they "willfully" dug the trenches, meaning they knew their conduct was unlawful and they did it anyway.

She disagreed with Knight's argument attempting to draw comparisons to the court's denial of testimony from refuge employees about their fears.

"Here the government has chosen, chosen a charge that requires willful conduct," the judge said. "So their state of mind as to why they did what they did is relevant and admissible."

The defendants have urged Brown to include in final jury instructions the legal principle of self-defense as an acceptable challenge to the depredation of government property charge. Brown hesitated to do so until all the evidence is heard.

"Whether you get a self-defense instruction remains to be seen," she said.

The judge also told the defendants and their lawyers that she won't allow them to argue about what happened in Finicum's shooting.



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Ehmer and Ryan, if they choose to testify, can describe how they believed the shooting wasn't justified based on the reports they received at the refuge from others, but they can't say what those reports were.

Finicum's family is planning to file a wrongful death lawsuit against state police and FBI in connection with the shooting.

If Ehmer or Ryan are convicted of the depredation of government property charge, then a separate hearing will be held at a later date regarding any restitution the defendant may be asked to pay the government.

The cost of repairing two trenches and a road, dug last winter on part of the Malheur National Wildlife Refuge was slightly more than \$108,000, according to federal authorities.

In other matters, the judge intends to instruct Ammon Bundy, who will be one of the defense witnesses in the case, that he can't talk about his acquittal.

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## 2. **PBS 'Ruby Ridge' documentary explores a Northwest standoff and the militia movement**

*The Oregonian/OregonLive, Feb. 9 | Kristi Turnquist*

The road that led to the 2016 armed occupation of Oregon's Malheur National Wildlife Refuge can be traced back to a Northern Idaho mountaintop, according to "Ruby Ridge," a new "American Experience" documentary that airs on PBS on Feb. 14.

The 1992 standoff at the remote cabin took the lives of three people, and inflamed simmering anti-government resentment among groups who were already becoming active in the Pacific Northwest, director Barak Goodman's film suggests.

"Ruby Ridge" tells the story of how things went tragically wrong in a confrontation between Randy Weaver -- who was wanted for failing to appear in court on a weapons charge -- and federal agents, who knew from surveillance camera footage that the Weaver family had weapons.

Seen together with Goodman's companion "American Experience" documentary, "Oklahoma City," which aired Feb. 7, "Ruby Ridge" links the Idaho siege with the deadly 1993 standoff between the FBI and the Branch Davidian apocalyptic Christian cult. Both events played a



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significant role in convincing Timothy McVeigh that the government was his enemy, and contributed to McVeigh's decision to bomb the Alfred P. Murrah Federal Building in Oklahoma City in 1995, a domestic terrorism attack that killed 168 people.

In "Ruby Ridge," Goodman includes a detailed chronology of what led up to the 11-day standoff that became national news and, Goodman contends, formed the basis for the modern American militia movement.

Randy Weaver, a former Green Beret, and his wife, Vicki, moved from Iowa in the mid-1980s, leaving behind a farming economy that was on the ropes. The couple settled in a cabin on a Northern Idaho mountaintop they called Ruby Ridge.

Novelist Jess Walter ("Beautiful Ruins") was a reporter for the Spokane Spokesman-Review at the time of the Ruby Ridge siege. In the film, Walter says that Vicki Weaver's religious faith convinced her they were living in the Biblical "End Times."

Her mother interpreted some things in the Bible "very literally," says Sara Weaver, who is also interviewed in the film, and who was 16 when the Ruby Ridge standoff occurred.

Trying to get away from what they considered a corrupt world, the Weavers built a cabin that had no electricity, no indoor plumbing and no running water. They lived in near isolation with their children.

The Weavers' story then intersected with the white supremacist movement, as the family began paying visits to the Aryan Nations compound, near Hayden Lake, Idaho, less than 20 miles south.

In the film, Walter, who wrote about Weaver and the siege in "Ruby Ridge: The Truth & Tragedy of the Randy Weaver Family," suggests Weaver may not have shared all the Aryan Nations' racist beliefs, but he wanted to make friends in the region.

Law enforcement sources interviewed in the film are more ready to say Weaver also had white separatist leanings.

In any event, the activities of the Aryan Nations and other "white power" groups were spreading throughout the Northwest, and were being monitored by federal authorities.

One notorious example, a domestic terrorist group known as the Order, was founded in Washington state. It was influenced by an anti-Semitic, racist novel called "The Turner Diaries," about a small group of white supremacists who violently overthrow the government.





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"The Turner Diaries" was written by William Luther Pierce, a white nationalist who briefly taught physics at Oregon State University in the early 1960s.

As part of federal efforts to gather intelligence on white supremacist groups, an undercover informant for the Bureau of Alcohol, Tobacco and Firearms took note of Randy Weaver's visits to the Aryan Nations compound in Idaho. The informant approached Weaver, and told him he'd pay Weaver for some sawed-off shotguns.

By providing the weapons, Weaver had committed a federal crime. But for a variety of reasons, Weaver failed to appear in court.

And so began the chain of events that ended in bloodshed. Weaver and his family had guns and ammunition, and refused to leave the cabin. The story got national press - the documentary shows stories from newspapers including the Oregonian - as people wondered if the U.S. Marshals Service would aggressively move in on the heavily armed family barricaded in their cabin.

The months dragged on. Then, on Aug. 21, 1992, marshals approached the cabin. Sara Weaver tearfully recalls hearing gunshots, and "more gunshots."

There are "incredibly different narratives," as Walter says of what followed. But by the time an 11-day standoff between the Weavers and the FBI ended, Vicki Weaver, 14-year-old Samuel Weaver, and Deputy U.S. Marshal William Degan were dead.

"Ruby Ridge" leaves us with a sense that there was plenty of blame to go around for the tragedy that occurred. And there are strange-but-true details, as in radio host Paul Harvey making a direct appeal over the air to Weaver, asking him to surrender, and former Green Beret-turned-hero-of-the radical-right Bo Gritz, coming in as a third-party negotiator for the FBI.

The film will also resonate with Oregonians who recall widespread frustration with the law enforcement response during the 41-day standoff between Ammon Bundy and his followers at the Malheur National Wildlife Refuge.

Near the end of "Ruby Ridge," Sara Weaver says that she takes some comfort from knowing that the FBI has used the response to the Ruby Ridge standoff as training for what not to do.

In a discussion of both "Ruby Ridge" and "Oklahoma City" during the recent Television Critics Association winter press tour, Bill Morlin, who worked for the Spokane Chronicle and the Spokesman-Review, said, "Right after Ruby Ridge, some prominent Klan leaders in the United



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States traveled to North Idaho and met with some of the locals up there that didn't like what had occurred up there...that gathering is essentially viewed as the launching of what we now refer to as the modern militia movement."

When a reporter asked if the government's "restrained response to the Oregon siege will embolden other groups to similar acts," Mark Potok, a former journalist who's now a senior fellow at the Southern Poverty Law Center, said, "I think, actually, the government acted well at the Malheur National Wildlife Refuge occupation. The shame of it is that these people were acquitted and that that, I think, is truly emboldening."

Ammon Bundy, his brother Ryan Bundy and five others involved in the Oregon standoff were acquitted on federal conspiracy and weapons charges in October 2016.

Potok added, "The Bundys are all facing another trial in February, so it is very likely that they will go to prison in the end, and that, I think, will have the effect of tamping down some of what we're seeing."

For many members of self-styled militia groups, Goodman and others said, their core principles are the Constitution, the Bible and the Second Amendment.

"They're people very, very married to guns," Potok said. "It's hard to overstate the importance of guns to this movement."

*The "American Experience" documentary "Ruby Ridge" airs at 10 p.m. Tuesday, Feb. 14 on PBS/10.*

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### 3. **How to catch fish and influence people: Conservationists prepare for trump**

*MTV News, Feb. 9 | Jamie Fuller*

The crowd inside the Montana state capitol was chanting, "Keep public lands in public hands" — so loudly, as Kayje Booker puts it, that "it felt like the building was shaking." Booker is a public lands program manager at the Montana Wilderness Association, which helped organize the rally; she was still shocked by how many people showed up.

About two years ago, only about 500 people had gathered in Helena to show their support for these lands, which are owned by the federal government and run by the National Park Service, United States Forest Service, Bureau of Land Management, or other agencies — and that was on



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a holiday weekend. This year, the rally was held on a workday in January. Attendance had doubled.

The 2017 ralliers were motivated to protest partly because of a bill introduced by Utah representative Jason Chaffetz called the Disposal of Excess Federal Lands Act. If passed, it would lead to the sale of more than 3 million acres of public land in Arizona, Colorado, Idaho, Montana, Nebraska, Nevada, New Mexico, Oregon, Utah, and Wyoming. Judging from the abundance of "Smokey's Friends Need Public Lands" and "Keep America Great" signs in Helena, there were many people who thought that was an intensely bad idea. Inside the red and gold rotunda of the capitol — underneath paintings of an explorer, a Native American chief, a prospector, and a cowboy — people in flannel, trucker hats, camouflage, and Patagonia congregated to talk about how great it is to go outside. "Every one of us owns these public lands," Governor Steve Bullock yelled to the crowd. "And the beauty is, we don't need permission to go on them, do we? These lands are our heritage. These lands are our birthright."

Of course, that only holds true if federal lands aren't sold. And since transferring public lands to the states — where they'll most likely just be auctioned off anyway — is part of the national Republican platform at a time when the GOP is in charge across the country, their safety isn't certain. Then again, conservation is an issue that melds environmentalism with nostalgia for how things once were; it can still transcend ideological sorting, making the average Americans supporting it all the more powerful. If a conservative lawmaker sees a protest filled with progressives, it won't do much to put the fear of God in them concerning their future career prospects. But overwhelming bipartisan opposition, or at least the censure of friends? That's like having Zombie Teddy Roosevelt wake you up in the middle of the night riding a grizzly bear and threatening to take your job away.

In this issue — along with every other policy matter inspiring protests in 2017 — building the broadest possible coalition is essential if activists want the thing they're protecting to exist four years from now. And although the conservation movement has been ideologically diverse forever, now advocates want to also make sure it's generationally and ethnically diverse as their aims get bolder.

Three days after the rally in Montana, and more than 1,100 miles away, as hundreds more conservationists gathered in Santa Fe, New Mexico, Chaffetz withdrew the legislation that had everyone so incensed in the first place, announcing in an Instagram post that "groups I support and care about fear it sends the wrong message." Or as Jason Amaro, who runs the Backcountry Hunters and Anglers southwest chapter, says of hunters, "We're a voice that gets taken for granted by the GOP. They think we're all about the gun issue, and that's wrong. The days of



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supporting the party blindly are gone." According to the latest Conservation in the West poll, majorities of western Republicans and Democrats support keeping public lands with the feds.

"In this divisive political time," Dave Chadwick at the Montana Wildlife Federation says, "conservation is a positive issue. There's not a lot that unites people right now. Conservation is one of those issues."

This issue, however, is not new, and it has changed along with the very landscape it concerns, morphed by a growing country and an increasingly volatile climate. The Chaffetz bill was first introduced in 2011, and Western states have been holding rallies to express their worries about public lands in response to possible state and federal action for years. As of 2017, nearly half of the land in Western states is owned by the federal government. Plenty of elected officials and citizens alike have tried for decades to decrease federal control, or at least the number of regulations that apply to public land, while other officials and citizens have argued for the opposite.

The past few months have been clarifying, however. Threats to the conservation movement that once seemed far away now seem urgent and inescapable as the Trump administration quickly implements policy without thinking of the details or the fallout. The federal government has already sold off millions of acres of land in the past few decades. Where will people go if even more are eradicated in the next four years, advocates wonder? "Once they're sold," Amaro says, "they're sold. There's no going back. It's not like defunding something."

That doesn't mean that there isn't support for the effort to transfer public lands to states or sell them off, though; the opposition to federal lands' existence is as old as the movement to protect them. Public lands' detractors have received quite a bit of press in recent years — especially if they have the last name Bundy. The armed, weeks-long standoffs on a ranch in rural Nevada and a national wildlife refuge in Oregon — where Cliven Bundy and his sons received massive attention for their beefs with the Bureau of Land Management — fit the narrative of Western libertarianism and federal government wariness that has framed the fight against public lands. If you don't trust the federal government and are surrounded by land owned by it, it might be hard to get the fuzzy wuzzies from public forests.

Most of the legislation concerning public lands, often pushed by organizations like the American Lands Council, tries to capture this distrust, pushing for federal lands to be transferred to "the states" — a minor deity of the modern conservative ethos. But because cash-strapped or budget-minded states probably wouldn't have the funds to take care of said land, they'd likely be forced to make it much more expensive for the public to use or sell it themselves. After the land is sold, the public has no input in what happens to it, even if its resources are immediately extracted en



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masse or barred from use completely. As The Guardian pointed out in January, selling off tourism and timber-happy public lands will probably just turn into a money pit that "provides no demonstrable compensation to American citizens."

Garrett VeneKlasen at the New Mexico Wildlife Federation emceed the rally in Santa Fe last week and also went up to the Malheur National Wildlife refuge during the standoff last year to tell the "lunatic fringe of radical extremists" to "get the hell off my land."

"We're talking about the federal government as if it were some monster out there, when it's us," VeneKlasen told reporters. "It's we the people. When did we get to this point where we think of it like that?" He also said, "I have guns, I have an arsenal of guns, but you don't see me go waving them all around. That's crazy and it's not solving anything."

Fast-forward a year and a presidential administration. What's next? Many groups just want to keep letting the public know what's at risk. There's another old Chaffetz bill advocates are keeping their eye on, which would transfer all law-enforcement power on public lands from federal officials to local sheriffs. Giving local law enforcement more power was on the Malheur occupiers' wish list, and the change would probably make it harder to respond to standoffs in the future. The Utah representative also recently visited the White House to discuss public lands issues, and several state legislators have also been introducing legislation dealing with land transfers. But mostly, "there's a lot of waiting," says Brad Brooks, who works at the Wilderness Society's office in Idaho. "We don't know what's going to be introduced."

Which leads to the other important step: civic engagement 101. "People think that rallies are the solution to activism," VeneKlasen says. "It's step one." Convincing all the people at these rallies to call their elected officials and go to town halls to talk about conservation is on all these groups' to-do lists. In Montana, advocates are watching Ryan Zinke, their current representative and likely new secretary of the interior, making sure he follows through on his pro-public lands past, and getting ready to make sure his replacement in Congress feels the same. Getting attention further east is important too, making clear that this issue might have an outsize influence in the West, but should matter nationally. If anything, those east of the Mississippi should perhaps feel even more protective of their public lands since they're so rare.

And despite the general policy malaise felt by progressives of both the modern and Teddy Roosevelt persuasion, a few conservation advocates are even feeling a tad sunny right now. "I'm a guy who works for a wilderness group in one of the reddest states in the country," Brooks says. "I'm an eternal optimist." Amaro and VeneKlasen were excited after the rally because of how diverse and young it was — breaking away from the tradition of the typically crusty white



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conservationist in flannel. "We were brown, and we were young," VeneKlasen says. "I was a minority as an old fart." Amaro, a Hispanic first-generation American, says that Backcountry Hunters and Anglers has tried hard to reach out to new people to get involved, heading to fiestas and churches or events that might attract foodies looking for some delicious and extra-paleo fish to fry. VeneKlasen thinks that the renewed interest in public lands nationally might have been spurred by the fight at Standing Rock. The pipeline protest highlighted how young people of color will likely be some of the most important voices in this battle going forward, even as people of color still face plenty of barriers to even accessing the outdoors.

Then there are the corporate interests. In plenty of policy battles across the country, from transgender bathroom access to religious freedom bills, businesses have been some of the most powerful voices when it comes to convincing legislators to rethink stances. Outdoor recreation or clothing companies often depend upon tourism from public lands for profit. Many of them have stood with advocates. In Utah, where the newly designated Bears Ears national monument might be in peril of being demoted, Patagonia has been making a fuss.

For now, victory feels sweet, if brief. Hilary Hutcheson, co-owner of Trout TV, spoke at the rally in Montana, noting that it's easy to take these lands for granted when you spend time on them every day — but that it's equally easy to watch them slip away before your kids get to use them if you don't keep watch. "I liked the symbolism of the round space of the rotunda as a roundtable," she said later. "Everyone there has different opinions about the right way forward with most political issues, but on this issue, we're all together."

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#### 4. **SCIENCE: 'Ignore geology at your peril,' scientists warn on border wall**

*E & E News, Feb. 9 | Maya Wei-Haas, Smithsonian*

Last month, President Donald Trump took steps to make good on a campaign promise to turn the United States' existing border fence into a "big, beautiful" wall. On January 25, the White House issued an Executive Order announcing the creation of a "secure, contiguous, and impassable physical barrier ... to prevent illegal immigration, drug and human trafficking, and acts of terrorism." Now the U.S. Customs and Border Protection—the office tasked with enforcing border regulations—is scrambling to make that order a concrete reality.

Today's fence consists of roughly 650 miles of disparate segments, made out of a combination of steel posts and rails, metal sheeting, chain link, concrete vehicle barriers and wire mesh. To replace that fence with what has been described as a 20- to 50-foot concrete structure that will



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traverse 1,000 of the some 2,000 miles of the U.S.'s border with Mexico will be no easy feat. Besides dealing with a proposed Mexican lawsuit and navigating the private ownership of much of Texas' lands, there is another concern few have addressed in detail: geology.

Compared to building a marble palace or high-steepled church, erecting a wall may seem relatively straightforward. It isn't. (Just ask the Chinese, whose Great Wall took 2,000 years to build and failed to keep out invaders.) Though most wall designs are fairly simple, builders must adapt to a wide range of terrains, explains Gary Clendenin, a senior hydrogeologist at ICF. The southern U.S. border alone contains desert, wetlands, grasslands, rivers, mountains and forests—all of which create vastly different problems for builders.

"The length of this thing presents challenges that just aren't typically undertaken in a construction project," says Clendenin.

Can these hurdles be overcome? Smithsonian.com asked two scientists, a geophysicist and a hydrogeologist, which geologic factors the wall's builders should take into account first if they are to execute this ambitious project.

#### **Surveying the Situation**

The Tower of Pisa was never meant to lean. Built between 1173 and 1370, the off-kilter structure was positioned atop roughly 30 feet of fine river sediments underlain by a layer of ancient marine clay. But as builders assembled the tons of marble, the river sediments didn't compact evenly. So by 1178, when they had finished work on the third story, the tower had already acquired its characteristic tilt.

The Italian government has since spent millions of dollars to make sure this beloved landmark doesn't topple over. Such structural failures serve as a reminder that, while our ancestors did manage to successfully erect many impressive feats, "they don't necessarily stay upright," in the words of field geophysicist Mika McKinnon. To circumvent such problems today, modern builders have added a crucial step to the construction process: surveying. Though time-consuming, this step is critical to ensure that the resulting structure can remain standing on terra firma for years to come.

Before a single brick is laid, teams of scientists assemble on scene to investigate a litany of details, from bedrock depth to soil chemistry. In the case of the border wall, they would have to traverse the entire length of the proposed path, working in segments to evaluate the region,



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collect data, develop plans. (This necessity makes the process of erecting walls—especially ones spanning thousands of miles—more challenging than building, say, a 95-story skyscraper.)

“Quite frankly, that would take years to do,” says Clendenin, who specializes in linear projects like railways and roads. McKinnon agrees. One project she worked on, a three-mile stretch of pipeline, is now on year five of field surveys.

Yet Trump’s order appears to allow a mere six months for all surveying and planning efforts. Within its long list of required steps, his executive order states:

“Produce a comprehensive study of the security of the southern border, to be completed within 180 days of this order, that shall include the current state of southern border security, all geophysical and topographical aspects of the southern border, the availability of Federal and State resources necessary to achieve complete operational control of the southern border, and a strategy to obtain and maintain complete operational control of the southern border.”

When contacted by Smithsonian.com, the Customs and Border Protection agency declined to comment on the current timeline for the wall, saying in an email that “it would be speculative to address the questions that you’re asking at this point.” But according to scientists Smithsonian.com spoke to, it isn’t going up anytime soon.

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### Getting to Bedrock

The prehistoric city of Petra stands as a prime example of ancient geologic foresight. Around the 4th century BC, Petra’s inhabitants carved the basis for this once-bustling trading city directly into the rugged pink and tan sandstone cliffs between the Red Sea and the Dead sea. Though winds and rain threatened to erode the structure top down, its firm rooting in bedrock—the solid rock that lies beneath the earth’s loose layers—has kept this structure standing tall for thousands of years.

Such grounding in bedrock is a key feature when building a megastructure, says McKinnon. For something as extensive as a 1,000-mile wall that stands upwards of 20 feet tall, builders will need to anchor the whole thing beneath the surface to the underlying rock if they want it to stay upright.

The problem is, getting to bedrock can be a doozy. Great swaths of the border feature a hefty layer of loose sediments—dirt, soils, sand—laying atop the bedrock. In some regions the bedrock





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is hundreds if not thousands of feet down. “Some places the bedrock will be too deep—you’ll never be able to reach the bedrock in an affordable fashion,” says McKinnon.

“That’s okay if you want to [build] a tiny house because you just have it floating on its foundation,” she adds.

But if you’re building a megastructure, “you have a problem,” she says.

That’s not to say that building on sand is impossible. But to safely erect such structures, geophysicists today conduct extensive seismic surveys to image what lies beneath. To create these pictures, they install rows of spike-like geophones, which are 3D microphones that detect minute vibrations of the ground, converting them into an electric signal. Then they make a large noise, often by triggering an explosion or using a heavy weight to thump the ground. The geophones record the scattering and reflection of vibrations to image underground structures, and tease out problems that may lay under the surface.

McKinnon experienced one of these problems firsthand, during the construction of a hydroelectric dam that was meant to be built across a valley that spanned about a mile. The team did all the proper surveys of the region, and discovered that beneath their riverbed lay a second channel buried in dirt. “If we hadn’t found it and we tried to build our dam across, then the water would have just eroded that old channel underneath and we would have had a river under our dam,” she says.

There are two options for overcoming such problems with sediment: compact the sediment and add a deeper foundation. For a wall roughly 20 feet tall, the foundation should extend six to eight feet beneath the surface, Clendenin says. All of these steps are expensive and time-consuming. But skimp on any of them, and “you get your Leaning-Tower-of-Pisa situation,” says McKinnon.

Of course, many modern regions don’t have the economic resources to do such surveys and construction of deep foundations. The cities of Campania, Italy, are built atop loose sediments that are prone to sliding—a situation worsened by local clearcutting of the vegetation and unregulated construction that commonly lacks adequate foundations. These factors leave them vulnerable to the whims of their region’s geology: In 1998, when a mudslide rippled through the city, the houses crumpled under the weight and movement of the sludge, leaving at least 95 dead.

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#### **Dirt Drama**



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“Something there is that doesn't love a wall / That sends the frozen-ground-swell under it,” begins Robert Frost’s poem "Mending Wall." Frost may not have been a geological surveyor, but he got one thing right: When it comes to building walls, soil swelling is a major headache. That’s why, after surveyors finish assessing the kind of rock and earth they’ll be building over, they start studying the dirt.

Sediments, particularly in clay-rich materials, can take on water, swelling like a sponge in a bowl of water. The resulting cycles of swelling and shrinking during wet and dry periods can crack the very foundation of structures. And these types of soils are common in many states where the border wall will be built, including Texas and parts of New Mexico. In fact, about half of American homes are built on soils that expand significantly, and nearly half of those suffer damage yearly because of the soil, according to the American Society of Civil Engineers.

Dirt can also eat up the wall’s support system. Soils that are naturally acidic or have high chloride levels can rapidly degrade iron-rich metals, says McKinnon. These soils could “corrode any, say, nice big metal rebar that you're putting in there to stabilize your foundation,” she says. Other soils have a high amount of sulfates, a compound found in the common mineral gypsum that breaks down both metals and concrete. Sulfate-rich soils are common in what’s known as the Trans-Pecos soils along the border in the southwestern arm of Texas.

“You're going to encounter hundreds, if not thousands, of different types of soils along [such a lengthy] linear pathway,” says Clendenin. (In fact, there are over 1,300 kinds of soil in Texas alone.) And many of those soils aren’t going to be the right type to build on top of. At that point, would-be wall-builders have two options: Spend more time and money excavating the existing soils and replacing them with better dirt—or avoid the region altogether.

One thing they can’t always avoid, though, are regions at risk of earthquakes and floods. Rivers run along a sizeable portion of the U.S.-Mexico border, which can create a very real danger of flood. Building adjacent to rivers can also present unexpected legal issues: A 1970 treaty necessitates that the fence be set back from the Rio Grande river, which delineates the Texas-Mexico border. Because of this, the current fence crosscuts Texas landowner’s property and has gaps to allow landowners to pass.

Earthquakes are also relatively common in the western U.S. Depending on the build, some of these tremblors could cause cracks or breaks in the wall, says McKinnon. One example is the magnitude 7.2 quake that struck in 2010 near the California-Mexico Border, according to Austin Elliott, a postdoctoral student at the University of Oxford whose research is focused on the



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history of earthquakes. "If there had been a wall at El Centinela [a mountain in northern Mexico] it would have been offset," Elliott writes on Twitter.

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Even if all the proper surveys are completed and the boxes checked, success isn't guaranteed. "There are just so many things that have to be done before you even shovel out the first scoop of dirt," says Clendenin.

Despite all of our modern surveying tools and careful planning, the earth will still surprise you, adds McKinnon. "This part that you thought was boring and simple and easy to predict is actually totally complicated," she says. "Look at any major excavation for a subway system, any major bridge construction, any large tower complex; all of them had intense surveys beforehand, extensive design phases, and still had to modify while building."

After the announcement of Trump's Executive Order, McKinnon took to Twitter to leave a foreboding reminder of the consequences of underestimating the Earth. "Earth doesn't forgive sloppy," she wrote. She added in an interview: "Ignore geology at your peril."

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#### 5. **DAKOTA ACCESS: Jewell says Army Corps 'reneging' on promises**

*E & E News, Feb. 9 | Eilperin/Dennis/Heim, Washington Post*

Former Interior Secretary Sally Jewell said the Army Corps of Engineers was "reneging" on its commitment to tribal leaders and federal agencies by granting an easement to the Dakota Access oil pipeline project.

Jewell, who has mostly refrained from clashing with the new administration, said she felt the need to speak out because the corps is violating legal obligations.

A formal environmental impact statement that was promised in December would have given tribes an opportunity to air their concerns, Jewell said.

"So the decision to not do any of that is reneging on a commitment they made [in December], and I think it's fair to say that I'm profoundly disappointed with the corps's reversal of its decision to conduct an environmental impact statement and consider alternative routes," she said.



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"This is a clear reversal of a commitment on the part of the U.S. Army Corps of Engineers on something they gave thoughtful consideration to when they decided to do an environmental review."

Corps officials did not comment on Jewell's remarks (Juliet Eilperin, Washington Post, Feb. 8).

Standing Rock Sioux Chairman David Archambault II said he feels "slighted" by the administration's decision.

He was set to meet with the Trump administration yesterday to make a last-minute pitch to stop the pipeline but learned Tuesday afternoon during his travels that the administration was planning to move forward with the project.

"I just feel that I was slighted. I was disrespected. I think that I was set up," said Archambault.

President Trump said yesterday that he had not received any indication that people opposed the pipeline's completion.

"I did the Dakota pipeline, and nobody called up to complain," he said. "I haven't had one call from anybody" (Eilperin/Dennis/Heim, Washington Post, Feb. 8).

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#### **6. POLITICS: Senate Democrats push for scientific protections**

*E & E News, Feb. 9 | Scott Waldman*

Senate Democrats are moving to protect federal scientists from political interference.

Legislation introduced this week would create a scientific integrity policy to allow federal scientists to speak out about and share their work with the public.

Sponsored by Sen. Bill Nelson (D-Fla.), the ranking member on the Senate Commerce, Science and Transportation Committee, S. 338 is supported by 26 Democrats. A House version is also to be introduced soon, and both face an uncertain future.

The measure comes as federal researchers and scientific organizations raise concerns that the Trump administration will attack, ignore or defund their work, particularly on issues like climate change.



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"Few things are more un-American than censorship, especially when it would keep the public in the dark on vital public health and safety information, such as climate change and sea level rise," Nelson said in a statement. "Any attempt to intimidate or muzzle scientists must be stopped."

The bill would also prevent the suppression of scientific research; allow scientists to communicate their findings with the press, the public and Congress; and direct federal agencies to develop scientific integrity policies that would also include protections for whistleblowers.

Earlier this week, the House Science, Space and Technology Committee held a hearing that previewed some of the possible legislative reforms Republicans are hoping to impose on federal scientists and accused some of them of fraud.

Committee Chairman Lamar Smith (R-Texas) made it clear that he will target science that informs policy at U.S. EPA.

"With the transition to a new administration, there is now an opportunity to right the ship at the EPA and steer the agency in the right direction," he said. "The EPA should be open and accountable to the American people and use legit science."

Since November, more than 5,000 scientists have urged Trump to protect research and funding for science.

During his questioning of Wilbur Ross, Trump's pick to head the Commerce Department, Nelson requested that he pledge to protect scientific integrity. Ross said he could "see no valid reason to keep peer-reviewed research from the public," but stopped short of offering full protection for scientists. More than half of the Commerce Department's budget is devoted to the National Oceanic and Atmospheric Administration.

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#### **7. OIL AND GAS: USGS eyes stronger reclamation practices in Southwest**

*E & E News, Feb. 9 | Pamela King*

Most Southwestern well pads are characterized by bare ground and sparse vegetation nearly a decade after abandonment, according to new findings from the Interior Department's scientific arm.



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In its study of 1,800 oil and gas sites across the semi-arid Colorado Plateau, the U.S. Geological Survey found that the majority of those locations had 15 to 45 percent more bare ground exposed than surrounding undisturbed land. The agency's paper was published Tuesday in the journal *Science of the Total Environment*.

"More exposed bare ground makes areas much more susceptible to soil erosion and dust emission," USGS wrote.

Federal scientists used satellite imagery, digital soil mapping, predictive ecological modeling and field assessments to evaluate the recovery of well pads on the plateau, which spans Colorado, Arizona, New Mexico and Utah. The assessment approach — which USGS named the disturbance automated reference toolset, or DART — is designed to help resource managers make informed decisions about new well pad development.

"These results may assist land managers in deciding what areas might be best utilized for energy development while also minimizing the long-term environmental impacts," said Travis Nauman, a USGS scientist and the study's lead author.

The federal government controls 279 million acres with oil and natural gas extraction potential, according to the Bureau of Land Management, another Interior branch.

USGS found that well pads on federal and private lands recovered better than sites on state-administered properties. Future agency research could help uncover the reasons behind those differences, Nauman said.

BLM offers a "gold book" to guide oil and gas operations on federal lands, which includes goals for site reclamation.

When it comes to following those guidelines, some companies do a better job than others, Nauman said.

Recovery is partially determined by natural characteristics, the study says. Pads in grasslands, canyon complexes, blackbrush shrublands and shale badlands are less likely to bounce back than other ecotypes in the Colorado Plateau, USGS found. Warmer regions with summer precipitation experienced reduced recovery, the study says.

But vegetation and soil rehabilitation efforts at abandoned well sites can make a difference, USGS wrote. DART can be used to help land managers conduct more timely assessments of intervention needs.



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"Without DART, these regional-scale patterns in well-pad recovery amongst vegetation types, climate, and land ownership might have gone on unnoticed," the study says.

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#### 8. **EPA: Prospect of axing enforcement shop sparks uproar**

*E & E News, Feb. 9 | Kevin Bogardus and Robin Bravender*

U.S. EPA's enforcement shop could soon be on the chopping block, a prospect that's spurred an outcry among greens and former agency officials.

As the Trump team prepares to follow through on its plans to scale back the size and scope of EPA, one source familiar with the administration's thinking told E&E News that the agency will likely break up the enforcement office, leaving program offices like the air and water branches to crack down on polluters.

Another source close to the transition's thinking said that EPA enforcement originally came from the agency's program offices and the idea would be for it to return to them. The source said the potential reorganization was about managing the agency and not about stopping enforcement.

But reports that EPA's Office of Enforcement and Compliance Assurance may soon be in the crosshairs for the new administration quickly sparked a backlash. Inside EPA first reported yesterday that the administration is considering shuttering the enforcement office.

"This is a bad idea," said Nick Conger, who was a spokesman for EPA's enforcement office. He recently joined the Natural Resources Defense Council as a spokesman.

Dissolving the enforcement shop, Conger said, "would have a disastrous effect on EPA's ability to do its job. Americans depend on a strong federal enforcement presence, and that depends on having a program that's directly focused on holding polluters accountable and making sure they fix their problems."

An EPA spokesperson yesterday declined to speculate on plans for the agency, noting that EPA doesn't yet have a confirmed administrator. President Trump's pick to lead the agency, Oklahoma Attorney General Scott Pruitt (R), is still awaiting approval by the Senate. He's facing fierce opposition from many Democrats but is expected to still muster the majority of votes he needs to get the job.



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Doug Parker, a former longtime EPA career official with the agency's Criminal Investigation Division, said he's heard "whispers" of plans to try to dissolve the EPA enforcement branch and to move its duties back to program offices.

"Dismantling EPA's enforcement apparatus would be a profound step backwards in terms of the goals of holding illegal polluters accountable and ensuring a level playing field for the overwhelming majority of Americans and businesses that play by the rules," said Parker, who's now at the environmental consulting group Earth & Water.

"In my view, those advocating such a move are likely underestimating the challenge of doing that as well as the intense opposition to such a move," he said.

The Sierra Club yesterday blasted what it dubbed a "disastrous proposal" to ax the enforcement office.

Liz Perera, the Sierra Club's climate policy director, noted that Pruitt closed the Environmental Protection Unit in the Oklahoma attorney general's office after he was first elected in 2010 (Energywire, Dec. 16, 2016).

Pruitt's staff has contended the environmental unit wasn't dismantled but instead was moved under a new management structure.

"Scott Pruitt endangered the health and welfare of Oklahomans when he closed his own environmental enforcement unit there, and now it looks like he wants to do the exact same thing at the EPA, imperiling families across America," Perera said yesterday in a statement.

"Corporate polluters are not going to wake up and suddenly start policing themselves simply because Donald Trump and Scott Pruitt don't care what happens to our air and water."

Last month, EPA union leader John O'Grady raised concerns with managers that EPA hadn't been executing enforcement orders, asking officials if there was a moratorium on enforcement actions.

He heard back from Larry Starfield, EPA's acting enforcement chief, that "there is not a moratorium or hold on enforcement actions."

"Work continues on on-going enforcement matters, and we have authorized enforcement actions running the full range of the enforcement docket from small infractions to large agreements," Starfield wrote Friday in an email that was forwarded to O'Grady (E&E News PM, Jan. 30).





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#### 9. **PUBLIC LANDS: Hatch wants states to be primary regulators of fracking**

*E & E News, Feb. 9 | Jennifer Yachnin*

Oil- and gas-producing states would become the primary authority for regulating hydraulic fracturing — and could circumvent federal regulations — under a bill authored by Sen. Orrin Hatch (R-Utah) this week.

Hatch, along with Wyoming Republican Sens. John Barrasso and Mike Enzi, introduced S. 316, the "Protecting States' Rights to Promote American Energy Security Act," to amend the Mineral Leasing Act to give states primacy over energy development within their borders.

The legislation would not prohibit the federal government from issuing rules governing hydraulic fracturing but would prevent those rules from taking precedence over pre-existing state law.

"Many states, such as Utah, are doing the right thing and listening to stakeholders and communities around where hydraulic fracturing is taking place and regulating this activity responsibly," Hatch said in a statement. "The last thing we need is costly and duplicative regulation from Washington on top of what's already in place in Utah — especially when the existing framework has more than proven itself to be effective."

The senators also pointed to a pending case in the 10th U.S. Circuit Court of Appeals over whether the Bureau of Land Management has the authority to craft environmental and safety regulations related to hydraulic fracturing on public and tribal lands.

"Wyoming and other states who are already listening to the concerns of local stakeholders and communities shouldn't see their efforts superseded by some redundant Washington power grab," Enzi said in a statement. "This bill would ensure it is the states who continue to lead in these efforts to properly regulate hydraulic fracturing."

Sen. Jim Inhofe (R-Okla.), former chairman of the Senate Environment and Public Works Committee, likewise reintroduced a pair of bills this week aimed at giving individual states the sole decisionmaking authority over energy resources within their boundaries (E&E Daily, Feb. 8).

He is seeking action on both S. 335, the "Federal Land Freedom Act," and S. 334, the "Fracturing Regulations Are Effective in State Hands Act."



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Rep. Louie Gohmert (R-Texas) and House conservatives also introduced measures to give states broader authority over fracking regulations this week.

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35-44	15	10
45-54	5	5
55-64	2	2
65-74	1	1
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