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Attached is the daily news report for June 28.

Ryan Sutherland  
Bureau of Land Management Utah  
Public Affairs Specialist  
[rrsutherland@blm.gov](mailto:rrsutherland@blm.gov)  
801 539 4089



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

#### UTAH – TOP STORIES – JUNE 28, 2017

##### 1. Park City drafts strong statement supporting federal lands

*The Park Record, June 27 | Jay Hamburger*

Park City leaders on Thursday are scheduled to consider a strong statement in support of federal lands remaining under the control of Washington, a stand that would be made in a community with little federal acreage within its borders but, according to City Hall, an important stake in the issue nonetheless.

##### 2. Mule Deer Foundation applauds Senators Hatch and Heinrich

*Ammoland News, June 28 | Joe Evans*

SALT LAKE CITY, Utah -(Ammoland.com)- Senator Orrin Hatch and Senator Martin Heinrich introduced the Sage-Grouse and Mule Deer Habitat Conservation and Restoration Act, legislation that will help expedite important habitat restoration projects across the West.

##### 3. Utah lawsuits to test president's power to shrink monuments

*PBS Newshour, June 27 | Michelle Price, AP*

SALT LAKE CITY — Native American tribes and environmental groups preparing for a legal battle to stop President Donald Trump from dismantling Utah's new national monument face a tougher challenge than anticipated.

##### 4. Utah, federal and local officials look to quell uptick in human-caused fires

*The Standard-Examiner, June 28 | Leia Larsen*

Fires have burned up thousands of forest, grasslands and other wild lands in Utah, but they're mostly human-caused — and preventable.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

#### 5. Bureau of Land Management Buys Land Near Utah National Trail

*U.S. News, June 28 | The Associated Press*

ST. GEORGE, Utah (AP) — The Bureau of Land Management has acquired 231 acres (935,000 square meters) from a private property owner near the Gooseberry Mesa National Recreation Trail.

#### 6. S. Utah's Brian Head Fire tops 54,000 acres as crews' focus shifts to northern flank

*The Salt Lake Tribune, June 28 | Bob Mims*

Gusty winds fanned flames through new swaths of parched, beetle-killed timber early Wednesday morning as southern Utah's Brian Head Fire topped 54,000 acres.

### E&E/NATIONAL NEWS – TOP STORIES

#### 1. LaVoy Finicum shooting: FBI agent indicted for alleged false statements

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An FBI agent has been indicted on federal accusations that he lied about firing at Robert "LaVoy" Finicum last year as police arrested the leaders of the Malheur National Wildlife Refuge occupation.

#### 2. Ryan Zinke calls for fewer barriers to development on public land

*The Denver Post, June 28 | Mead Gruver, AP*

Removing bureaucratic obstacles to development on federal land can create jobs and offer hope to nearby communities, Interior Secretary Ryan Zinke said Tuesday in hinting at long-term changes in store for federal agencies including the Interior Department.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

#### 3. **DEFENSE: No 'contentious' resources riders planned for NDAA — Bishop**

*E & E News, June 28 | Kellie Lunney and Sam Mintz*

Policy riders related to natural resources issues, including sage grouse management, have a history of finding a way into the annual must-pass defense authorization bill.

#### 4. **POLITICS: Voters want Trump to protect land, keep monuments — poll**

*E & E News, June 28 | Scott Streater*

Sportsmen and women say the Trump administration needs to protect public lands, maintain the "number and size" of national monuments, and support efforts to save the greater sage grouse, according to a wide-ranging poll released today that was conducted by a GOP polling firm.

#### 5. **METHANE: Judge postpones briefs in legal fight over BLM rule**

*E & E News, June 28 | Pamela King*

Citing uncertainty around the fate of a slowly disappearing regulation governing methane emissions from oil and gas operations on public land, a federal judge yesterday extended briefing deadlines in litigation launched last year to kill the rule.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

#### UTAH – FULL STORY

##### 1. **Park City drafts strong statement supporting federal lands**

*The Park Record, June 27 | Jay Hamburger*

Park City leaders on Thursday are scheduled to consider a strong statement in support of federal lands remaining under the control of Washington, a stand that would be made in a community with little federal acreage within its borders but, according to City Hall, an important stake in the issue nonetheless.

Mayor Jack Thomas and the Park City Council are poised to vote on a resolution that outlines the value of federal lands to the city's economy, the recreational offerings and the overall quality of life. A City Hall resolution like the one that will be considered on Thursday carries no legislative weight. Park City Councilors over the years have passed resolutions covering a variety of topics, some of them ceremonial in nature and others addressing top-tier issues like the one on Thursday regarding federal lands.

There are just small pieces of Washington-controlled land inside the Park City limits, and the resolution addresses the broad issue of the future of federal acreage rather than any individual parcel in the city. There is vast federal acreage in Summit County, particularly under the control of the U.S. Forest Service, in places like the Uinta-Wasatch-Cache National Forest. Park City has long seen the national forest, easily accessible from the city, as a tourism draw. The proposed resolution notes the importance of public lands to the outdoor recreation industry, indicating Park City leaders support "continued federal ownership and management of invaluable public lands in Summit County, Utah, as well as in the United States generally."

"Park City's attraction to businesses, employers, employees and tourists are a significant component of the local economy which is dependent on the high quality of life arising out of the expansive wild landscapes and outdoor recreational opportunities available," the resolution says.

It says a loss of the lands or a loss of public access to the acreage "would have damaging consequences for Park City's economy and harm the health and welfare of residents and visitors."



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

There has been ongoing worry among supporters of federal control of land that Washington could someday sell or otherwise transfer public acreage to states or business interests that could then restrict access or pursue industrial activities seen as harmful to the land.

Some of the other points broached in the resolution include:

- the preservation of the federal land is critical to the plans to combat climate change outlined by City Hall and the County Courthouse. Forests in the federal land "function as carbon storage critical to climate health," the resolution says.
- that a transfer of the land out of the control of Washington would impact the local efforts to acquire acreage in conservation deals. A transfer "would undermine the value of the communities ongoing investment in its open space programs," it says.
- the preservation of federal control provides possibilities for collaboration between agencies at different levels of government and the public. That can result in effective management, it says.

"Park City citizens, and Americans throughout the country use federal public lands across the United States, and value them as a distinctly prideful part of our national heritage and a legacy for future generations, no matter in which state we live," the resolution also says.

The proposed text of the resolution, meanwhile, would put City Hall into the dispute about controversial presidential declarations of national monuments. The resolution says Park City supports the "continued designation" of national monuments, including Bears Ears National Monument and Grand Staircase-Escalante National Monument.

"The lands within the Bears Ears National Monument are shared ancestral lands of more than one dozen tribes and are sacred to Native Americans throughout the Southwest," the resolution says, describing that changes in the designation to the national monument should involve talks with tribal leaders and officials in the county where the land is located.

The Park City resolution would follow shortly after the Summit County Council adopted a resolution centered on federal land that covers some of the same issues.

The City Council meeting is scheduled to start at 6 p.m. at the Marsac Building. A public hearing is scheduled prior to the vote on the resolution.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

[BACK](#)

#### 2. Mule Deer Foundation applauds Senators Hatch and Heinrich

*Ammoland News, June 28 | Joe Evans*

SALT LAKE CITY, Utah -(Ammoland.com)- Senator Orrin Hatch and Senator Martin Heinrich introduced the Sage-Grouse and Mule Deer Habitat Conservation and Restoration Act, legislation that will help expedite important habitat restoration projects across the West.

These types of habitat stewardship projects, which the Mule Deer Foundation (MDF) has coordinated or actively participated in, have benefited deer and elk populations while also improving opportunities for hunters.

MDF worked closely with the Senate co-sponsors to craft the bill and strongly supports the legislation.

“This bill will allow conservation partners to move quickly on landscape habitat restoration projects that are proving to have a tremendous impact for mule deer, sage-grouse and other species dependent on sagebrush rangelands. This is good for wildlife conservation as well as western big game hunters,” noted MDF President/CEO Miles Moretti. “The Mule Deer Foundation greatly appreciates Senator Hatch and Senator Heinrich for working together to craft this important legislation and we look forward to working with them to move the bill through the Senate.”

The Sage-Grouse and Mule Deer Habitat Conservation and Restoration Act, S. 1417, directs the Bureau of Land Management to develop a categorical exclusion, in compliance with the National Environmental Policy Act, for vegetation management projects on federal public lands that protect, restore, or improve greater sage-grouse or mule deer habitat.

Projects must meet the objectives of Secretarial Order 3336 on rangeland fire prevention, management, and restoration, and they must also conform to applicable land use plans. The goal of the legislation is to expedite projects such as conifer removal, native vegetation restoration after natural disturbance, and management of invasive species.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

These types of projects have been highly effective in restoring habitat that mule deer and other wildlife species depend on. Projects must have a 20-year monitoring and maintenance plan to ensure that the restoration work continues to be effective.

“MDF has been actively involved in many habitat stewardship projects in recent years that have shown dramatic improvements for mule deer and other wildlife. By removing encroaching junipers or replanting native grasses, shrubs, and forbs we can make a difference on restoring our native western rangelands, which is beneficial for hunters and other public land users,” Moretti continued. “Enactment of this bill will mean we can move more quickly after natural disasters or in other habitat restoration efforts providing even greater benefits for these important landscapes. We hope that the U.S. House of Representatives quickly follows with companion legislation and we will work closely with all sponsors to get this legislation passed as soon as possible.”

[BACK](#)

### 3. **Utah lawsuits to test president’s power to shrink monuments**

*PBS Newshour, June 27 | Michelle Price, AP*

SALT LAKE CITY — Native American tribes and environmental groups preparing for a legal battle to stop President Donald Trump from dismantling Utah’s new national monument face a tougher challenge than anticipated.

Republican officials in the state who oppose Bears Ears National Monument asked Trump to rescind the designation. But U.S. Interior Secretary Ryan Zinke recommended the monument be downsized instead, noting past presidents have tinkered with the boundaries of lands protected under federal law.

Legal experts disagree on whether the 1906 Antiquities Act allows a president to reduce a monument, and it’s something that has never been challenged in court.

Environmentalists and Indian tribes were ready to pounce at the notion Zinke would recommend Bears Ears be abolished, armed with their belief that no president may undo the work of another by rescinding a monument, and the fact that no president has tried.

But past presidents have trimmed national monuments and redrawn their boundaries — 18 times, according to the National Park Service.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

Bears Ears, established by President Barack Obama in December, is about the size of Delaware, covering roughly 2,000 square miles (5,300 square kilometers). It protects more than 100,000 archaeological sites on what's considered sacred tribal land in southeastern Utah.

A largely GOP group of Utah officials wants the monument repealed and see it as an overly broad, unnecessary layer of federal control that closes off the area to energy development and other access.

Republican state Rep. Mike Noel said shrinking a monument is politically and legally much easier to defend than attempting to undo one.

"There's been enough history of downsizing, even fairly large areas, significantly large areas," Noel said.

Many times, past presidents reduced monuments only slightly, like when Franklin Roosevelt removed about 52 acres from Arizona's Wupatki National Monument in 1941 to make way for a dam. But occasionally the changes were drastic, like President Woodrow Wilson's move in 1915 to cut Mount Olympus National Monument roughly in half to open more land for logging.

Environmental groups and others gearing up for a fight note that no president has tried to downsize a monument since the 1976 Federal Land Policy and Management Act, which they say restricts a president's ability to do so. The groups also contend past presidents never faced court challenges for shrinking monuments.

"Whatever this administration does will certainly not go unchallenged," said Kristen Boyles, an attorney with the environmental group Earthjustice.

Legal experts disagree on whether the environmental groups are right, but the court battle that's expected if Trump tries to cut down Bears Ears could significantly alter what's generally been a lasting protection from presidents.

The 1906 Antiquities Act that gives presidents the power to declare monuments does not explicitly say whether a president can nullify a monument proclamation or shrink its boundaries.

Donald J. Kochan, a professor of natural resources, property and administrative law at Chapman University in Orange, California, said the president's broad power to create a monument comes



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

with an inherent ability to change a monument or undo it, just as presidents regularly undo other policies or regulations from past administrations.

Mark Squillace, professor of natural resources law at the University of Colorado-Boulder, disagreed. He said Congress controls public lands and it's significant that in passing the Antiquities Act, lawmakers spelled out only that the president can create a monument.

Congress took care in other laws passed around that time, more than a century ago, to explicitly give the president powers to both act and undo acts, Squillace noted.

He said the 1976 land policy law and congressional records of the law's drafting also make it clear that Congress didn't want to give presidents the authority to shrink or undo monuments.

The question about whether the president has the power to shrink a monument "is one of these big, lingering issues that's been out there for a long time," Squillace said. "I think there's a very strong case against the president's authority to do this."

Lawsuits are expected from the Navajo Nation, groups like the Wilderness Society and Earthjustice, and even outdoor gear company Patagonia once Trump takes action on Bears Ears. That's not likely to happen until at least August, when Zinke finishes the president's request that he review 26 other monuments.

Noel said he's working on legislation that will commit the state of Utah to intervening in the lawsuit to help defend the Trump administration's action.

Representatives for Gov. Gary Herbert and Utah Attorney General Sean Reyes, both Republicans, declined to say whether they'd join a lawsuit. Messages seeking comment from the Interior Department were not returned.

[BACK](#)

#### 4. **Utah, federal and local officials look to quell uptick in human-caused fires**

*The Standard-Examiner, June 28 | Leia Larsen*

Fires have burned up thousands of forest, grasslands and other wild lands in Utah, but they're mostly human-caused — and preventable.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

This week, federal and state agencies enlisted a National Fire Prevention and Education Team to help quell the recent spat of human-sparked fires. The team includes experts from the U.S. Bureau of Land Management, U.S. Forest Service, and Utah Division of Forestry, Fire and State Lands.

Information they've gathered so far finds people are responsible for 91 percent of the state's wild land fires in 2017, which have burned 73,000 acres.

Last year, human activities only accounted for 60 percent of wildfires.

"Fire prevention teams have been around for a while, they get brought in when there's an unusual situation, like this year," said Chris Asbjorn, spokesman for the National Fire Prevention and Education Team. "We've figured some of the more predominate causes this year and we're working on strategies to get the message out."

Some of the sources of Utah's high level of human-sourced fires seem obvious — things like debris burning and fireworks that get out of hand. Other sources, however, might seem less evident.

Target shooting, for example, is a big cause of fires, Asbjorn said. So are vehicles, whether it's a truck dragging a chain down the highway or an ATV riding over dry grass.

Richard Cooper, captain over wildland fire for the Weber Fire District, said he's seen a mix of causes for human-sourced fires.

"It's just the right combination of everything that causes fire. It could be bullet striking object," he said. "Typically human-caused fires ... are created by just about anything and everything under the sun."

The Weber Fire District spent part of June working with the Weber Wildlife Federation Gun Range in Liberty. It's been the source of several wildfires in recent years.

"Just last week, we cut a fire break up at the range," said Jake Robinson, one of the range directors. "The fire marshal suggested we get a bulldozer up there and make the firebreak twice as wide."



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

The range hasn't been the source of any fires this season, although it was the source of fires last August and in 2013.

"If they shoot military ammunition, it's made out of steel and if it hits a rock up there, it creates a spark," Robinson said. "So we encourage everyone to use sporting ammunition rather than military ammunition, but I can't control everyone's ammunition they take up there."

Causing wildland fires can certainly be costly. Last week, the Utah County Commission reached a \$300,000 settlement with a man accused of causing a fire that burned 8 square miles. The man had been shooting explosive targets near Saratoga Springs.

The Great Basin Coordination Center reports 281 reported fires have consumed 72,991 acres in Utah so far this season.

The largest, at Brian Head, has burned almost 50,000 acres. It was likely caused by someone using a weed torch. Firefighting costs have reached nearly \$10 million.

"It's summertime, we're coming into our fire season. Just be cautious when you're out recreating," Cooper said. "It doesn't matter if you're riding an ATV, a motorcycle, out shooting guns or using fireworks. Be careful of what you're doing and pay attention to your surroundings."

Last year's Pole Patch fire, which burned 91 acres near Pleasant View, was caused by an ATV, he added.

"An exhaust pipe is hot enough to cause fires," he said. "Last year we handled over 90 reported wildland fires in the county, every one was either human- or mechanical-caused — vehicles, brakes, catalytic converters, chains, trains, you name it."

In Northern Utah, Cooper said, the most common causes of human-sourced fires are debris burning, unattended campfires and poorly attended fireworks.

Those activities can cost you, too, even if flames don't spread. Fire and safety crews can issue tickets for unpermitted burning that range from \$50 to \$500 and six months in jail.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

Fireworks and open burning were banned earlier this month in unincorporated parts of Weber County east of U.S. 89, Harrison Boulevard and Mountain Road due to dry conditions. Cooper said the ban could soon be expanded.

"I don't know what they may encompass, but I've been informed they may be increasing restrictions on or before July 1," he said.

Emergency officials also have tips for people heading to campgrounds to celebrate holidays or enjoy the summer.

"If allowed to have a campfire, in an area that's not in (fire) restriction, a good rule of thumb is 'If it's too hot to touch, it's too hot to leave,'" said Asbjorn with the National Fire Prevention and Education Team.

The best practice is to douse fires in water, stir, then check to see if the fire site is still warm.

"Those coal beds can be pretty deep," Asbjorn said. "Check it by holding your hand close to the surface, if you can feel heat, repeat those steps. A lot of people think that just because there's no smoke, it's out, but that's not always the case."

[BACK](#)

#### 5. **Bureau of Land Management Buys Land Near Utah National Trail**

*U.S. News, June 28 | The Associated Press*

ST. GEORGE, Utah (AP) — The Bureau of Land Management has acquired 231 acres (935,000 square meters) from a private property owner near the Gooseberry Mesa National Recreation Trail.

The bureau's St. George field office manager Brian Tritle says the land was purchased from Quarter Circle 2 Ranch for \$600,000. It runs along a popular mountain biking area located a few miles southwest of Zion National Park.

The bureau hopes to enhance the outdoor recreation experience for visitors and provide economic growth for the tourism-based economy in Washington County.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

The property already had been used for public access with a road traversing it. But the purchase enables the bureau to add to the trail network connected with the Gooseberry Mesa National Recreation Trail and upgrade the road serving the White Trailhead.

[BACK](#)

#### **6. S. Utah's Brian Head Fire tops 54,000 acres as crews' focus shifts to northern flank**

*The Salt Lake Tribune, June 28 | Bob Mims*

Gusty winds fanned flames through new swaths of parched, beetle-killed timber early Wednesday morning as southern Utah's Brian Head Fire topped 54,000 acres.

At dawn an army of more than 1,600 firefighters, aided by a fleet of water- and fire retardant-bearing helicopters and air tankers, began shifting their attention to the still out-of-control blaze's northern front.

Fire Information Officer Andrew Jackson said that as of Wednesday morning, the blaze had blackened 54,202 acres — up more than 3,000 acres from Tuesday night's estimate. It was deemed 10 percent contained, and crews still had July 15 as their target for completely hemming in the fire.

"A lot of that growth was expected, due to the nature of the fuels [along the northern flank]. And we had a little growth on the southern end, too, but that was mostly from intentional 'burnouts' we did to keep the fire from spreading uncontrolled," Jackson said.

Even as shovel- and chainsaw-wielding crews and bulldozers moved into the rugged, remote smoke-enshrouded hills near Iron County's Red Creek Reservoir, about 8 miles east of Paragonah, other crews continued to painstaking work of strengthening and extending fire breaks and lines on the eastern and southern edges of the blaze.

In those latter cases, rough terrain — including fields of prehistoric lava featuring dangerous rocky snags — were slowing progress. Overnight, sparks ignited small spot fires beyond the lines, crossing Highway 143 in several locations; crews rushed to douse those new hot spots.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

An obstacle course of dead standing and fallen trees, along with heavy and dense timber, resisted firefighters in the Dark Hollow area. Crews there were setting back fires to deprive the blaze of fuel, rather than attacking the flames there directly.

While some homeowners had been allowed to make brief visits to retrieve needed items from homes they fled earlier, the bulk of 1,500 evacuees from the ski resort town of Brian Head and the communities of Upper Bear Valley, Panguitch Lake, Horse Valley, Beaver Dam, Castle Valley, Blue Springs, Rainbow Meadows, Mammoth Creek, Dry Lakes and Second Left Hand Canyon remained under evacuation orders Wednesday.

"Everyone who has been evacuated over the past few days remains evacuated," Jackson said, citing both the fluid nature of firefighting efforts and continuing work to clear area roads of debris and restore electrical services.

The Red Cross continued to offer shelter and other aid to evacuees from stations set up in Parowan and Panguitch.

Wednesday marked the third straight day that most of the state was under a "Red Flag" wildfire danger warning due to continued dry, windy and hot conditions. Temperatures ranged from the low-90s in northern and central Utah to triple digits along the southern border.

However, firefighters hoped to benefit from a cooling trend on Thursday and Friday. Along Brian Head's fire lines temperatures will retreat from near 90 into the upper-70s and low-80s.

Also, gusts that have topped 40 mph in the area so far this week will ease to light breezes as the week winds down.

A community meeting about the fire is scheduled for 7 p.m. Wednesday at Panguitch High School, 390 East 100 South.

Meantime, crews reported having established a perimeter around the Stream Fire, which had burned 8,146 acres of high desert grasslands along the Utah-Idaho border, southwest of Snowville. The fire was 80 percent contained and crews on were hoping for 100 percent containment later Wednesday. No structures were lost and no injuries were reported.

"[We are] watching the fire closely and mopping up, hoping to put out any hot spots that may kick up sparks in the wind," said Fire Information Officer Mitch Zundel.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

[BACK](#)

#### E&E/NATIONAL NEWS – FULL STORY

##### 1. **LaVoy Finicum shooting: FBI agent indicted for alleged false statements**

*The Oregonian/OregonLive, June 28 | Maxine Bernstein*

An FBI agent has been indicted on federal accusations that he lied about firing at Robert "LaVoy" Finicum last year as police arrested the leaders of the Malheur National Wildlife Refuge occupation.

The agent will face allegations of making a false statement with intent to obstruct justice, according to sources familiar with the case.

The indictment stems from a more than yearlong investigation by the inspector general of the U.S. Department of Justice. The agent will be identified when he's summoned to appear in U.S. District Court in Portland at 1:30 p.m. Wednesday.

Investigators said a member of the FBI's elite Hostage Rescue Team fired at Finicum as his 2015 Dodge pickup truck crashed into a snow bank at a roadblock on U.S. 395. Finicum had just sped away from a surprise traffic stop on the rural highway as the occupation leaders traveled off the refuge to a community meeting Jan. 26, 2016.

The agent's bullets didn't hit Finicum, 54, an Arizona rancher who was the spokesman for the armed takeover of the federal sanctuary near Burns in Harney County. Moments later, state police troopers shot Finicum three times after he emerged from his white truck and reached for his inner jacket pocket, where police said he had a loaded 9mm handgun. One bullet pierced his heart, an autopsy found.

Assistant U.S. Attorney Charles Gorder Jr. revealed in court papers last June that a grand jury was reviewing the FBI actions. Gorder was explaining the government's desire to keep its memorandum about the inspector general's investigation out of the hands of defense lawyers representing other occupation leaders on federal conspiracy charges.

The FBI and state police had moved in on Ammon Bundy and other key figures as they were driving in two vehicles from the refuge to a meeting in John Day. Finicum initially stopped but



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

then raced off from police, and less than a minute later swerved into the snow to avoid the roadblock set up by FBI and state police.

As Finicum left his truck, an FBI agent shot twice at Finicum, though none of the hostage team members admitted to discharging their firearms, the Deschutes County sheriff alleged. The county sheriff's office was tasked with investigating the Finicum shooting.

The Oregon investigators concluded that one agent fired at Finicum's truck, hitting it in the roof and missing on the second shot. A state trooper later described to investigators seeing two rifle casings in the area where the FBI agents were posted. But detectives called to investigate didn't find the casings, police reports indicated.

Federal law prohibits "knowingly and willfully" making any false, fictitious or fraudulent statement or representation or concealing information.

Less than two months after the shooting, the FBI acknowledged that a federal agent was under investigation for firing shots and four other members of his FBI team were under investigation for covering up the gunshots. The status of the investigation into the four other FBI team member is unclear.

At a news conference in March 2016, Portland's-then FBI Special Agent in Charge Greg Bretzing told reporters, "The question of who fired these shots has not been resolved."

It's unclear if the indicted agent is on leave or has been dismissed from his job. The hostage team is part of the FBI's Critical Incident Response Group, based out of Quantico, Virginia.

Oregon's U.S. Attorney Billy J. Williams has scheduled a news conference later Wednesday afternoon at the federal courthouse. His spokesman Kevin Sonoff declined any comment, and Portland's FBI spokeswoman Jennifer Adams said she was unaware of the matter.

The indictment follows two federal trials against refuge occupiers accused of conspiring to impede U.S. Fish & Wildlife Service and U.S. Bureau of Land Management employees from doing their work at the refuge through intimidation, threat or force.

Ammon Bundy, older brother Ryan Bundy and five other defendants were acquitted last fall of conspiracy and weapons charges. A second trial of four other occupiers resulted in split verdicts



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

earlier this year, with defendants Jason Patrick and Darryl Thorn convicted of conspiracy and others convicted of damaging government property and misdemeanor charges, including trespass.

Finicum's widow, Jeanette Finicum, has said she plans to sue Oregon State Police and the FBI for civil rights violations in her husband's death. The suit will allege that state police and the FBI used excessive force in the confrontation that could have ended peacefully and that improper police procedures and lack of communication between state police and FBI agents at the scene contributed to his death, her lawyer said.

[BACK](#)

#### 2. **Ryan Zinke calls for fewer barriers to development on public land**

*The Denver Post, June 28 | Mead Gruver, AP*

Removing bureaucratic obstacles to development on federal land can create jobs and offer hope to nearby communities, Interior Secretary Ryan Zinke said Tuesday in hinting at long-term changes in store for federal agencies including the Interior Department.

Promising reorganization “on a scale of 100 years” but without offering specifics, Zinke said the Interior Department and other land management agencies need to better cooperate. Right now, agencies that evaluate the same project often end up providing conflicting opinions, he said at the Western Governors’ Association annual meeting in his hometown of Whitefish, Montana.

“Jobs matter. There’s a social cost of not having jobs. And we love environmental regulations fair and equitable, but it takes wealth to make sure that we can maintain those regulations and improve,” Zinke said.

The Interior Department has begun reviewing its practice of requiring developers to offset the harm of their projects by paying for conservation elsewhere, he said.

“Some people would call it extortion. I call it un-American,” Zinke said of that policy.

Zinke called for more offshore drilling, which he said can provide more than enough revenue to take care of an \$11.5 billion maintenance backlog in national parks.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

“There’s a consequence when you put 94 percent of our offshore off limits. There’s a consequence of not harvesting trees. There’s a consequence of not using some of our public lands for creation of wealth and jobs,” he said.

Large swaths of the West, including Alaska, belong to the federal government and are managed by agencies including the Forest Service and Bureau of Land Management.

Zinke’s remarks resonate with many of the association’s 20 governors, 12 of whom are Republican.

“A lot of our public lands, you can use our public lands. Make sure that we do it right, make sure that a reclamation plan is in place. Make sure that communities living around those public lands have a chance, and a shot, at the American dream,” Zinke said.

Zinke also spoke of making certain that U.S. energy production is sufficient to offset energy imports and reduce the risk of international conflict.

Environmentalists weren’t buying it.

“Secretary Zinke’s call for energy dominance is a rhetorical ploy to justify turning over as much of our publicly owned assets to special interests in the oil, gas and coal industries as possible,” Nada Culver with The Wilderness Society said in a release.

[BACK](#)

### 3. **DEFENSE: No 'contentious' resources riders planned for NDAA — Bishop**

*E & E News, June 28 | Kellie Lunney and Sam Mintz*

Policy riders related to natural resources issues, including sage grouse management, have a history of finding a way into the annual must-pass defense authorization bill.

But House Natural Resources Chairman Rob Bishop (R-Utah) told E&E News that there wouldn't be anything related to sage grouse in the fiscal 2018 National Defense Authorization Act, which the House Armed Services Committee will debate and try to pass today.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

Asked if anything else controversial related to natural resources could end up in the defense bill, Bishop said, "As far as contentious issues, I don't think you'll see them."

Bishop, also a member of the Armed Services Committee, has introduced measures to past NDAA's that would have prohibited the Fish and Wildlife Service from listing the bird as threatened or endangered under the Endangered Species Act, arguing that having a protected species on military bases could hamper training.

Those past policy riders have caused frustration among some other lawmakers and have been dropped from the bills (E&E Daily, Nov. 18, 2016).

With the change in administration and Interior Secretary Ryan Zinke's recent secretarial order to review federal- and state-level plans to protect the greater sage grouse, the playing field has changed.

Garett Reppenhagen, Rocky Mountain director for the Vet Voice Foundation, said late last week he hadn't heard about any attempts to include "bad riders" related to natural resources issues in the fiscal 2018 NDAA.

The nonprofit group mobilizes veterans to become engaged in the civic process, and Reppenhagen focuses on public lands and conservation issues. He was in Washington, D.C., a few weeks ago to lobby Armed Services members and staff to keep measures like the sage grouse rider out of the NDAA.

The Armed Services staff "don't hear a lot about conservation issues, and many of them had no idea what a sage grouse was," said Reppenhagen, an Iraq War Army vet. "[That] only highlights the point that it's not a defense issue and shouldn't be involved in the NDAA."

Natural Resources Committee ranking member Raúl Grijalva (D-Ariz.) said yesterday he hadn't heard anything about possible natural resources measures being included in the NDAA, but he was worried nonetheless.

When told that Bishop said nothing "contentious" would end up in the massive bill, Grijalva smiled. "It's in the eye of the beholder," he said.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

One piece of the bill that is related to natural resources would allow the military to indefinitely extend its authorization to use certain lands owned by Interior for training and testing; currently the Defense Department has to periodically submit an environmental impact statement and regain authorization for those lands.

A committee aide said that Interior was on board with the move and that installations would still have to do regular natural resource management plans.

"It's getting rid of an extra layer that wasn't necessarily providing any protections, it was just more paperwork and money," the aide said.

If the military wants to change how it is using the lands, it would still have to submit an EIS and regain the authorization.

The committee's bill also includes several provisions related to energy, including one that would create an office within the DOD that would be responsible for evaluating whether energy projects near military bases threaten operations or readiness.

The proposed Military Aviation, Range and Installation Assurance Program Office would serve as a "clearinghouse" to coordinate the Pentagon's review of projects that may have "adverse impacts" on readiness and risk national security.

The legislation defines "energy projects" as being any project that "provides for the generation or transmission of electrical energy."

Wind turbines near airfields can interfere with radar systems, and House Republicans have tried to move legislation on that issue before, although wind energy backers say the military's existing process for dealing with potential conflicts works fine (E&E Daily, Jan. 12).

The bill also instructs Secretary of Energy Rick Perry to support construction of the Mixed Oxide Fuel Fabrication Facility in South Carolina, a project that House appropriators want to fund but Perry and the administration have called for eliminating.

Democrats are planning to introduce an amendment during the markup today that connects climate change to national security (E&E Daily, June 22).



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

[BACK](#)

#### 4. **POLITICS: Voters want Trump to protect land, keep monuments — poll**

*E & E News, June 28 | Scott Streater*

Sportsmen and women say the Trump administration needs to protect public lands, maintain the "number and size" of national monuments, and support efforts to save the greater sage grouse, according to a wide-ranging poll released today that was conducted by a GOP polling firm.

The poll of 1,000 registered voters across the country surveyed last month found 87 percent of respondents agreed — 59 percent strongly — that "funding to safeguard land, water, and wildlife should not be cut," despite budget proposals from the Trump administration that would do just that.

And the [poll](#) found that, despite efforts by the administration and Congress to the contrary, 83 percent of respondents support continuing "to keep the number and size of existing national monuments created by presidents over the past 30 years that have protected lands available for hunting and fishing."

Overall, 92 percent said they agree that public lands "like our national parks, forests, and wildlife areas positively contribute to the economy," according to the poll sponsored by the Theodore Roosevelt Conservation Partnership, which counts Donald Trump Jr. among its active members.

"What we found is that whether Republican, Democrat, independent, hunters and anglers strongly support conservation policies across the board," TRCP President and CEO Whit Fosburgh said today during a conference call with reporters.

Fosburgh said TRCP commissioned the poll because so many significant public lands issues are being debated, from budget cuts for conservation programs to the fate of national monuments and federal greater sage grouse regulations.

"Our sense was that it didn't matter if you were a Trump voter or a Clinton voter, they didn't want to see major environmental rollbacks, but we couldn't quantify that," Fosburgh said. "We wanted to make sure we have numbers to go and take to Capitol Hill and take to the



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

administration to bolster our arguments that these programs are wildly popular among sportsmen and should not be rolled back."

The poll — conducted by Public Opinion Strategies, a Republican polling company — is likely to carry weight with the Trump administration, which has actively courted sporting and hunting groups like TRCP and Trout Unlimited. Interior Secretary Ryan Zinke has made improving recreational access for hunters and anglers to federal lands a top priority.

But it comes as President Trump has proposed significant cuts to Interior in his fiscal 2018 budget request, with Zinke recently stating he envisions cutting as many as 4,000 full-time-equivalent positions. The president's budget proposal also calls for cuts to programs like the Land and Water Conservation Fund.

And Interior is reviewing 27 national monuments under an executive order issued by Trump in April to determine whether any should be downsized or eliminated (E&E News PM, June 12).

In addition, Zinke has called for an in-depth review of federal greater sage grouse conservation plans covering nearly 70 million acres of grouse habitat in 10 Western states. Zinke says the review is needed to determine whether the conservation plans are hindering energy production on public lands (Greenwire, June 7).

The poll found that 82 percent of respondents support the Bureau of Land Management's ongoing "efforts to protect sage grouse habitat."

The same goes for an Obama administration regulation that broadens the definition of what wetlands and waterways get automatic protection under the Clean Water Act, with 83 percent of respondents indicating support.

U.S. EPA Administrator Scott Pruitt yesterday signed a proposed rule that would repeal the regulation (E&E News PM, June 27).

Lori Weigel, the Public Opinion Strategies pollster, said the overall results of the poll are significant because hunters and anglers tend to be politically conservative.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

Yet, Weigel said, "the responses were very, very consistent," regardless of political affiliation, that sportsmen and women want elected leaders to protect public lands, water quality and wildlife habitat.

"We went through a range of public policy issues. Without exception, we were seeing the overwhelming majority tell us that they were in support of those various policies," she said. "At a time of a great deal of polarization, we just simply are not seeing that take hold with hunters and anglers."

The poll did not just focus on the White House. More than half the respondents said Congress should "do more to help conserve land, water and wildlife habitat."

"That was consistent whether they were Trump voters or Clinton voters; again and again, we saw bipartisan agreement," Weigel said.

Among other major findings:

- 83 percent of respondents, and 78 percent of those who are Trump voters, said it's "very important" to them that "polluters are held accountable and that protections are in place to prevent polluted spills into waterways or emissions into air."
- 73 percent of Trump voters said "protecting and conserving public lands for future generations" is very important, with 67 percent saying they want the administration to ensure continued "access for recreational activities such as hunting, fish and hiking" on public lands.
- 70 percent of total respondents, and 64 percent of Trump voters, said "protecting and conserving wildlife habitat and migration corridors" is very important.
- 54 percent of total respondents said they want "hunting, fishing and outdoor recreation uses of public lands" prioritized by the administration "over industrial development."

The poll was conducted online and via telephone interviews May 1-8.

It has a 3.5-point margin of error. Though the poll methodology does not identify the location of the respondents surveyed, it notes that "quotas" were set "to ensure interviews were distributed proportionally throughout the nation. The sample is demographically representative of hunters and anglers."



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

Weigel said during the conference call that 37 percent of those polled lived in Southern states, 27 percent in the Midwest, 17 percent in the Northeast and 18 percent in the West.

[BACK](#)

#### 5. **METHANE: Judge postpones briefs in legal fight over BLM rule**

*E & E News, June 28 | Pamela King*

Citing uncertainty around the fate of a slowly disappearing regulation governing methane emissions from oil and gas operations on public land, a federal judge yesterday extended briefing deadlines in litigation launched last year to kill the rule.

The U.S. District Court for the District of Wyoming granted a request by the states of Wyoming and Montana to delay briefing dates until the fall (Energywire, Jan. 17). The original schedule would have required opening briefs by next week, according to Holland & Hart LLP attorney Eric Waeckerlin, a lawyer for two industry groups supporting an expedited schedule.

"To move forward on the present schedule would be inefficient and a waste of both the judiciary's and the parties' resources in light of the shifting sands surrounding the Rule and certain of its provisions, making it impossible to set a foundation upon which the Court can base its review under the Administrative Procedures Act," Judge Scott Skavdahl wrote in his decision yesterday.

Justice Department attorneys revealed in a legal filing last week that they would soon propose to scrap provisions of the Bureau of Land Management's Methane and Waste Prevention Rule that had taken effect earlier this year (Energywire, June 22). The week before, BLM announced a plan to do away with elements of the rule that go into effect next year (Greenwire, June 14).

BLM has said that it plans to rewrite the regulation, which lawmakers failed to undo with the controversial Congressional Review Act (Energywire, June 21).

Waeckerlin said last week that his clients — the Western Energy Alliance and Independent Petroleum Association of America — favored a faster briefing schedule due to the murky outlook on the rollback of the current rule.

[BACK](#)



# **BUREAU OF LAND MANAGEMENT**

## **DAILY NEWS REPORT - UTAH**