

To: BLM_UT_All[blm_ut_all@blm.gov]
From: Sutherland, Ryan
Sent: 2017-03-21T18:24:43-04:00
Importance: Normal
Subject: Daily News Report - March 21
Received: 2017-03-21T18:25:09-04:00
Daily News Report March 21.docx

Attached is the daily news report for March 21.

Ryan Sutherland
Bureau of Land Management Utah
Public Affairs Specialist
rrsutherland@blm.gov
801 539 4089



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

UTAH – TOP STORIES – MARCH 21, 2017

1. Native Americans prepare to battle Trump over Utah national monument

McClatchy DC, March 20 | Stuart Leavenworth

BEARS EARS NATIONAL MONUMENT, UTAH--When word came down on Dec. 28 that President Barack Obama had created a 1.35 million-acre national monument called Bears Ears, Jonah Yellowman celebrated. So did leaders of his Navajo people and other tribes that rarely have much to cheer about, such as the Hopi, Ute and Zuni.

2. Road to Understanding: Education, public lands major issues discussed at town hall

KSL News, March 20 | Devon Dewey

FILLMORE — State officials, county leaders, educators, business owners were among a group who got together Monday night to talk about concerns impacting communities all around Utah.

3. Minorities Underrepresented in Natural Resource Sciences

Utah Public Radio, March 20 | Daniel Kinka

Demographic trends suggest that minorities may soon make-up a majority of the U.S. population. In 2014, white children made up less than 50% of the population in public schools. However these demographic trends are not represented in some academic fields, which remain overwhelmingly white.

4. Planning is key for spring-break travel to southern Utah

The Salt Lake Tribune, March 20 | Tom Wharton

Few places in the West receive quite as much visitation as the lands around Moab during spring break.

So visitors who are planning a trip to Moab or, for that matter, any southern Utah destination before Easter weekend (April 14-16) would do well to listen to BLM public-information officer Lisa Bryant's advice:



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

E&E/NATIONAL NEWS – TOP STORIES

1. Repeal of Environmental Regulations Will Impact Latinx Health

Colorlines, March 20 | Yessenia Funes

The national executive director of the League of United Latin American Citizens is emphasizing how the current administration's decisions on climate and the environment will impact Latinx people's health.

2. Trail Runners Join the Fight for Public Lands

Outside Online, March 20 | Martin Fritz Huber

Last week the Trump administration presented a budget proposal for 2018 that featured significant cutbacks to a number of government agencies. Among a host of other reductions, one proposed cut would give the Environmental Protection Agency its smallest operating budget since its inception in 1970. Against this backdrop of shifting national priorities, a new grassroots initiative called Run Wild is hoping to engage the trail-running community in the fight to protect public lands.

3. SCIENCE: Interior research centers failed to share climate data — IG

E & E News, March 21 | Jennifer Yachnin

Federal research centers studying climate change failed to properly share their data findings with each other as well as with their state, local and private-sector counterparts, according to a new report from the Interior Department's Office of Inspector General.

4. PUBLIC LANDS: N.M. sold almost 30% of state trust acres — report

E & E News, March 21 | Jennifer Yachnin

New Mexico has sold nearly 30 percent of the land it received from the federal government before becoming a state, an analysis by the Wilderness Society has found.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

5. **INTERIOR: Senate Dems dismayed by 'indiscriminate' budget cuts**

E & E News, March 21 | Kellie Lunney

A group of Senate Democrats sent President Trump a letter today urging him to walk back his proposed "indiscriminate" 12 percent cut to the Interior Department's fiscal 2018 budget.

6. **INTERIOR: Department hits back at critics on mining transparency**

E & E News, March 21 | Dylan Brown

The Interior Department yesterday pushed back against claims that the United States would no longer try to meet voluntary international standards for drilling and mining transparency.

7. **FEDERAL AGENCIES: Supreme Court rebukes Obama over acting officials**

E & E News, March 21 | Amanda Reilly

The Supreme Court ruled today that — in most cases — the president cannot appoint a person who has been nominated for a Senate-confirmed post to serve on a temporary basis in the same role.

8. **DAKOTA ACCESS: Pipeline threatened with 'physical attacks'**

E & E News, March 21 | Ellen M. Gilmer

The Dakota Access pipeline has faced "coordinated physical attacks" and is not yet handling oil, recent court filings revealed.

9. **FEDERAL AGENCIES: Trump admin delays energy efficiency, climate rules**

E & E News, March 21 | Christa Marshall and Camille von Kaenel

The Trump administration is further delaying some energy efficiency and climate rules issued at the end of the Obama administration.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

10. **FEDERAL WORKFORCE: Trump will push for 1.9% pay raise**

E & E News, March 21 | Lisa Rein, Washington Post

The Trump administration, after announcing plans to slash spending across much of the government, will recommend a 1.9 percent raise for federal workers to take effect in January, according to a budget document and a senior budget official.

11. **SUPREME COURT: Agencies get 'great deference' on fact-finding — Gorsuch**

E & E News, March 21 | Amanda Reilly

Judge Neil Gorsuch this morning partly clarified his stance on the Chevron doctrine, a legal precedent of deferring to federal agencies when Congress is silent or ambiguous on an issue.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

UTAH – FULL STORY

1. Native Americans prepare to battle Trump over Utah national monument

McClatchy DC, March 20 | Stuart Leavenworth

BEARS EARS NATIONAL MONUMENT, UTAH--When word came down on Dec. 28 that President Barack Obama had created a 1.35 million-acre national monument called Bears Ears, Jonah Yellowman celebrated. So did leaders of his Navajo people and other tribes that rarely have much to cheer about, such as the Hopi, Ute and Zuni.

Yet the festivities did not last long. Angered at Obama, Utah Gov. Gary Herbert and other Republicans quickly lobbied President Donald Trump to rescind or scale back the monument. For Yellowman, such a reversal would represent a historic betrayal. He and other activists have spent years trying to protect Bears Ears and its cliff dwellings and other antiquities.

“People are target shooting at our rock carvings,” said Yellowman, a Navajo elder. “They are cutting out our pictographs, our stories, and taking them away and selling them.”

Across the West and beyond, Native Americans are resisting the administration on multiple fronts. In North Dakota, two tribes have filed lawsuits against Trump’s approval of the 1,172-mile-long Dakota Access pipeline, which skirts the Standing Rock reservation. Tribes are fighting oil and gas projects in Texas, Oklahoma and other states.

While Native Americans have long organized to counter perceived threats, Trump’s election has made it “more visceral,” said David Rich Lewis, a historian at Utah State University who specializes in tribal environmental issues.

Trump has a history of clashing with tribes over casinos and other developments. He also has vowed to open up more federal lands to energy development, including those in and around Indian Country. More recently, he has embraced as a hero former President Andrew Jackson, a leading advocate of “Indian removal” in the American West.

In Utah, Bears Ears is named for a pair of 8,700-foot-high buttes that rise from the Colorado Plateau. Spanning 2,100 square miles – an area larger than Delaware – the new national monument stretches from Canyonlands National Park in the north to the Navajo Nation in the south.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

It's a remote and rugged landscape – “a milieu of the accessible and observable together with the inaccessible and hidden,” as Obama said in a proclamation protecting the land. Hidden among these forests and red-rock canyons are thousands of documented archaeological sites, the remnants of early settlers in the area – the Ancient Pueblos, or Anasazi.

Several of these sites are visibly damaged. At the Wolf Panel, a wall of rock carvings on Comb Ridge, gun-toting visitors have used the panel for target practice. Pottery has been stolen from cliff dwellings. Elsewhere, the wood frames of old hogans – the traditional dwellings of nomadic Navajo – have been knocked down or hauled away for firewood.

“I don't know why someone would do something like that,” Yellowman said during a recent visit to the remnants of old hogans. “Either they are being told to do it, or they don't care.”

For tribal leaders, Obama's designation offered conservation protections and provided a political boost. Obama's proclamation, for the first time, grants authority to the tribes to co-manage a large national monument. “The tribes have never before gotten together to work on something like this,” said Alfred Lomahquahu Jr., a vice chairman of the Hopi Tribe who calls the arrangement unprecedented.

Under the Antiquities Act, presidents hold the authority to establish national monuments to help preserve natural, cultural or scientific sites. Theodore Roosevelt signed the act into law in 1906 and was quickly the first president to use it – creating the Devils Tower National Monument in Wyoming and the 800,000-acre Grand Canyon national monument, which later became a national park.

Altogether, Obama established 29 national monuments during his two terms, a rebuff to a recalcitrant Congress. After the U.S. House of Representatives declined to act on public lands legislation to protect Bears Ears, Obama created the monument during his last weeks in office.

Acting on a petition by Indian tribes and their environmental supporters, Obama reduced the proposed size of the Bears Ears designation from 1.9 million acres to 1.35 million. But that didn't mollify critics such as U.S. Mike Lee, R-Utah, who immediately called it an “arrogant act by a lame-duck president.” Gov. Herbert said he was deeply disappointed.

“It is the problem of someone unilaterally making a decision without taking into account the positions and concerns of local people,” said Herbert in a recent interview with McClatchy.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

For decades, Utah politicians have chafed over what they see as federal dominance of their home affairs. Federal lands make up two-thirds of Utah, which is home to five national parks, eight national monuments and 31 wilderness areas.

Some are still seething over President Bill Clinton's creation of the 1.9 million-acre Grand Staircase-Escalante National Monument in 1996. Critics say that, while drawing tourism dollars to the southeast part of Utah, such expansive designations deprive the state of potential revenue from mining and energy development, generally prohibited in national monuments.

Under Obama's directive, Bears Ears would be off limits to new mining and oil and gas drilling, but ranchers could continue to lease land for livestock grazing. One of those ranchers is Sandy Johnson, whose family has raised cattle since 1920 in and around Fry Canyon, an isolated stretch of the new monument.

With a weathered face and hands calloused by decades of rope handling, Johnson and his family graze roughly 330 cattle on an allotment of 350,000 acres. Each year is a crap shoot, with the weather and rainfall dictating what kind of grass will be available for feed. Every spring, he and his son Preston mount their horses and drive the cattle from the lower country to the high pastures west of Bears Ears. In the fall, they move them down the mountain and sell the calves for their yearly income.

Federal officials have told Johnson that, with the new monument, his family will be able to continue ranching as they have for decades. He doubts those promises will stand the test of time.

"They can say all they want, but once that land is put in a monument, they are going to restrict it down," he said, sitting at his kitchen table at the family's home in Fry Canyon. "Soon it will be off limits for me, the four-wheelers, the miners, everybody."

Like many opponents of Obama's action, Johnson and his wife, Gail, blame the new monument on "outside environmentalists" that have used Native Americans as "front groups." As Trump supporters, the Johnsons hope the new president will roll back the monument designation.

The ranching couple also dismiss claims that Bears Ears is a sacred site for local tribes. "The last two years they've had a gathering up there, and that is the only time we've seen them up there," said Sandy Johnson.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

“That is a myth,” responded Lomahquahu. He and others say monument opponents are engaged in a strategy to delegitimize Native American interests, part of a pattern that dates to frontier days.

“The tribes have been going up to Bears Ears before the Mormons arrived 150 years ago,” Lomahquahu said while attending a recent conservation gathering in Bluff, Utah. Native Americans still hold ceremonies in the Bears Ears area, he added, “but we don’t show those to outsiders.”

The Ute Mountain Ute Tribe is one with close ties to Bears Ears. The tribe, once spread across eastern Utah and western Colorado, left behind rock carvings and artifacts before federal troops forcibly moved the tribe to reservations, including one in southwestern Colorado.

Along with the Navajo, the Ute have a special reverence for bears, often referring to them as “grandfather.” In the local folklore, Bears Ears was the place where the bruins first came out of hibernation each year.

“Right after the spring is the most beautiful time to go up there, with all the flowers blooming,” said Mary Jane Yazzie, a Ute elder. She has a view of Bears Ears from her modest home in White Mesa, east of the monument, and still visits the high country for ceremonies and relaxation.

According to Lomahquahu and others, the origins of the monument campaign came in 2010, when former Sen. Rob Bennett, D-Utah, announced an initiative to settle local public-lands disputes. Bennett asked the tribes to offer input, but before he could turn his proposal into legislation, he lost his re-election bid and was replaced by Lee, a Republican.

By 2014, advocates say, they had given up on congressional efforts to protect Bears Ears as part of a wider deal on Utah public lands. Two conservation groups, Friends of Cedar Mesa and Utah Dine Bikeyah, then urged tribal leaders to come together as a coalition to seek monument status. “What they realized is that the tribes themselves have the ability to speak directly to the federal government,” said Lomahquahu, referring to tribal law.

Yazzie, the Ute elder, chuckled when asked whether she had been “bought off” by environmental groups, as opponents claim. “Where is the money?” she laughed, gesturing toward her dilapidated home and dusty yard.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Yazzie said she had decided to join the campaign – as well as Dine Bikeyah’s board – for several reasons, not just conservation concerns. She hoped that by being at the table, she could help elevate the voices of her people on a range of local issues. “All Native Americans have ties with each other and ties to the land,” she said, adding that she feels a kinship with tribes fighting the Dakota Access pipeline and other energy projects.

The Bears Ears designation without doubt has widened divisions in San Juan County – a rural county with a history of racial tension. As of the 2010 census, more than 50 percent of the population was Native American, but all local commissions were controlled by whites. In 2016, a federal district court struck down the county’s practice of mapping all Navajo voters into a single district, calling it “racial gerrymandering.”

According to Yazzie, a retired schoolteacher, Native American children continue to face bigotry in public schools.

Not all the county’s Native Americans support the monument, just as not all non-natives oppose it. But the battle lines are at least partially racial. In 2014, San Juan County Commissioner Phil Lyman defied federal warnings and led a rally of all-terrain vehicles into Recapture Wash, which had been closed to vehicular traffic to protect Native American artifacts. Lyman was accompanied by armed militiamen, adding to fears that local public-lands disputes could eventually turn violent.

Lyman spent 10 days in jail for defying federal authorities, but he remains on the county commission and is active in lobbying against Bears Ears. At a recent meeting, he expressed hope that U.S. Rep. Jason Chaffetz, a Republican who represents the area, could help roll back the monument designation.

“It’s amazing that we have the chairman of the House oversight committee,” said Lyman. “He’s our congressman and he’s a real advocate.”

Lomahquahu said he and other tribal leaders were bracing for a legal fight, and were networking with their allies. National environmental groups such as the Wilderness Society and Conservation Lands Foundation are lending assistance. In January, actor Leonardo DiCaprio joined with other philanthropies to pledge \$1.5 million for the monument, which is likely to receive few if any federal funds to manage it.

“There are a whole slew of people behind us,” said Lomahquahu. “That is going to make it very difficult for Trump or anyone else.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

[BACK](#)

2. Road to Understanding: Education, public lands major issues discussed at town hall

KSL News, March 20 | Devon Dewey

FILLMORE — State officials, county leaders, educators, business owners were among a group who got together Monday night to talk about concerns impacting communities all around Utah.

The town hall meeting took place at the original Territorial Statehouse in Fillmore and lasted about an hour and a half. People who attended the meeting raised concerns about clean air, better salaries for teachers, public lands, growth and economic hardships.

“Getting us all to think together about the others in the state, and how we’re all one as we solve these problems is a great beginning,” said Robert Grow, CEO of Envision Utah.

According to the University of Utah Education Policy Center, 56 percent of new teachers who started in 2008 left the classroom by 2015.

“It’s a crisis that our class sizes are growing and our kids are being taught by teachers who don’t have the rich experience, when we think back to the teachers we were taught by,” said Sara Doutre, a mother attending the meeting.

“The three P’s are pay, parents, and politics. We need to address those three issues and maybe we can resolve some of these challenges that we are hearing about presently,” said Mark Huntsman, a member of the Utah State School Board.

Rural Utah also has its share of issues that need addressing. Many counties in eastern Utah show negative job growth as prices for oil and gas drop.

“When you look at more rural areas, a couple of things pop up that are kind of interesting. Of course, jobs are there, but you also see things like public lands and issues that are related to energy that people in more urban areas don’t think quite as much about,” said Shawn Teigen, research director of the Utah Foundation.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Many county commissioners expressed concerns about needing to add diversification in their counties. They want to add more jobs and more people to help their economies grow, but they have a difficult time attracting both business and people to their counties.

A lot of students will leave after graduating high school because they don't have any opportunities for work. This creates ongoing problems for the county as they lose the future generation.

"We have great ethics in our children. They are educated well but we have to export them," said Beaver County Commissioner Mark Whitney. "What we'd like to do is challenge the Governor's Office of Economic Development to bring some of these high sector jobs to rural Utah, because we don't want to export our children."

In other parts of Utah, growth creates a problem with infrastructure, traffic congestion, and enough water for new people moving in.

"One of our challenges is infrastructure, especially water. Some surveys show that we'll have 60,000 people by 2050, and we have about 13,000 now, and that water has to come from somewhere," said Brent Boswell, the economic development director for Juab County.

Lehi and St. George have similar issues with growth. Discussion about finding new water sources and providing enough water for people moving in was a key issue for many communities along the Wasatch Front and in southern Utah.

A few people also talked about how to handle the "Silicon Slopes" once the prison moves to Salt Lake City. Utah County Commissioner Nathan Ivie said that the county will work to protect farmers and agriculture in Utah County, even as high-tech jobs boom in the county.

Better air for Utah was also a hot topic for many people in attendance.

"Now there's nothing more fundamental to the quality of life than our air quality. It's our health, it's our economy, it's the beauty of the area," said Alan Matheson, Department of Environmental Air Quality director. "The bad news is that we are still not quite to compliance yet. The good news is we are making good progress."

KSL News will continue the conversation for the many issues that were brought up by visiting many of these communities across Utah to talk with individuals about their concerns.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

[BACK](#)

3. Minorities Underrepresented in Natural Resource Sciences

Utah Public Radio, March 20 | Daniel Kinka

Demographic trends suggest that minorities may soon make-up a majority of the U.S. population. In 2014, white children made up less than 50% of the population in public schools. However these demographic trends are not represented in some academic fields, which remain overwhelmingly white.

If I asked you to imagine a forester, a wildlife biologist, or some other natural resources scientist, what comes to mind?

“Oh yeah, I used to grow up and we would go out and hike, fish, hunt -- do something outdoors - swimming in water holes, you know, and catching too many bluegill... we fished and did that kind of thing, and I was like ‘Oh, I didn’t realize there was a profession in it...’ And, you know, your audience can’t see me. I’m an African American.”

Dr. Ken Wilson’s experiences growing up outside and engaging with the natural environment are shared by a great number of people in the natural resource sciences. The color of his skin is not. For instance, at Utah State University and Colorado State University, both schools with fairly prominent natural resources departments, only about half a percent of enrolled undergraduates in those departments identify as African American, compared to 1-2% of the overall undergraduate population. That same disparity is evident in most minority populations.

“The majority doesn’t understand what we do, and now you go ask a underrepresented student -- an Asian, an African American, a Hispanic, a Hawaiian Islander - are you going to go into this field? And they’re like, “well no, this isn’t even a field that’s discussed,” said Wilson.

As the head of the Fish, Wildlife and Conservation Biology department at Colorado State University, Wilson tries to recruit underrepresented minorities into his field. That includes actions such as looking to nearby communities with more diverse populations than Fort Collins, CO or Logan, UT, so that minority students experiencing culture shock at very white universities can return home on the weekends. But overall, Wilson believes that grade school kids, regardless of their race need more exposure to natural resources.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

"We still have to somehow find the resources or time to go to K through 12 and build the pipeline, and that means the majority population to the underrepresented, because not enough in the population understand what we do. Period."

[BACK](#)

4. Planning is key for spring-break travel to southern Utah

The Salt Lake Tribune, March 20 | Tom Wharton

Few places in the West receive quite as much visitation as the lands around Moab during spring break.

So visitors who are planning a trip to Moab or, for that matter, any southern Utah destination before Easter weekend (April 14-16) would do well to listen to BLM public-information officer Lisa Bryant's advice:

"We absolutely love it when people come to visit," said the Moab-based official, "but plan your trip."

The sad thing for last-minute spring-break campers or those who hope to visit hot spots such as Moab, St. George, Springdale or Torrey is that if you haven't got a camping or lodging reservation by now, you might be out of luck.

The Arches National Park Campground is closed for construction, and sites at Capitol Reef, Zion and Canyonlands will fill or be reserved quickly. Hardy campers might find spots at Bryce Canyon, but the high elevation there makes for some long, cold nights.

Expect southern Utah state parks such as Dead Horse Point, Snow Canyon, Goblin Valley, Green River, Kodachrome Basin, Escalante, Quail Lake and Sand Hollow to also be reserved, though cancellations can and do occur.

There are options, however, for those who are not averse to crowds, many involving Bureau of Land Management sites.

At Little Sahara Sand Dunes Recreation Area, for example, officials expect close to 30,000 visitors on Easter weekend. BLM recreation planner Jay Cram said his agency has never turned visitors away from Little Sahara. "We see a lot of people go into dispersed areas that have no facilities or other amenities," he said.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

He reminded Little Sahara visitors using OHVs that they need a safety flag and that kids up to age 18 are required to wear helmets. Kids 16 and younger need to pass a state OHV class to be legal to ride.

In the Moab area, Bryant said the many BLM sites around the bustling town usually fill on weekends, though some sites farther out of the city limits can be available. She said those who start looking early on Wednesday or Thursday can usually find a spot (only group areas take reservations in the Moab area).

She said the Windwhistle and Hatch Point campgrounds between Moab and Monticello sometimes have room.

"There is no dispersed camping allowed on public lands in a 15- to 20-mile radius from Moab," she said, adding that maps are available at the Moab Information Center showing where dispersed camping is allowed.

And for those who still want to visit Moab between now and Easter, the Moab Information Center is a good place to get up-to-the-date lodging and camping information.

According to Visit Moab's Robert Riberia, the Moab Information Center maintains a list of properties with space available, including motels, hotels and condos where cancellations have occurred that might open up a spot or two.

"Reservations are strongly suggested," he said. "When we get a big event such as the Moab Half Marathon or the Jeep Safari, it fills everything in town."

It also does not hurt to check with properties in Green River or Monticello on busy southeastern Utah weekends.

One other thing of note to spring travelers who want to visit Arches National Park: Construction on roads has begun there, and visitors can expect delays. The park will be closed from 7 p.m. to 7 a.m. Sunday through Thursday for much of the year.

Things are also very busy in the St. George area.

Maree Shogren of Visit St. George said hotels and motels have been filling up nearly every weekend. Hotel properties call the St. George Visitor Center when they have rooms available, so calling ahead or checking that group's website is a good idea. (See box for travel information and reservation websites.)



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Expect Zion National Park and adjacent Springdale to be packed with visitors and the shuttle system to be busy throughout the spring.

Utah State Parks information officer Eugene Swalberg said most of the parks south of Interstate 70 started filling on Presidents Day weekend and will be busy until the end of October.

The San Rafael Swell south of Price is also a major spring-break destination, especially for dispersed camping, but the tradition of what locals call "Eastering" is strong there, with big crowds expected.

Closer to the Wasatch Front, skiing is still available at most resorts through Easter weekend, and golf courses are beginning to open.

Visiting bird refuges along the Great Salt Lake, spending a day at Antelope Island or heading north to Golden Spike Historic Site or Crystal Hot Springs can also make for an enjoyable day trip.

And don't discount some of the West Desert scenic roads in the Wendover area, either.

Whatever you do, though, you will most likely need to plan ahead. A growing state coupled with out-of-state and European visitors who have discovered Utah means that, short of backpacking, finding solitude in the spring is increasingly difficult.

[BACK](#)

E&E/NATIONAL NEWS – FULL STORY

1. **Repeal of Environmental Regulations Will Impact Latinx Health**

Colorlines, March 20 | Yessenia Funes

The national executive director of the League of United Latin American Citizens is emphasizing how the current administration's decisions on climate and the environment will impact Latinx people's health.

In a March 17 column he wrote for The Hill, Brent Wilkes sheds light on resolution H.J.Res.36, which is making its way through Congress and would repeal the Bureau of Land Management's Methane and Waste Prevention Rule. The bureau updated this rule in November 2016 (after 30



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

years of no updates) to better regulate natural gas operators and reduce the amount of natural gas wasted through leaks and flaring.

However, industry critics agree with Colorado Petroleum Council Executive Director Tracee Bentley, who wrote in a February statement posted to the American Petroleum Institute website that it “adds significant costs and reduces local revenues without corresponding environmental or consumer benefits.” On the flip side, nonpartisan watchdog group Environmental Integrity Project stated on its website that the rule would increase company profits and protect the health of nearby communities that have to deal with the methane that results from those leaks.

Many of these communities are Latinx, Wilkes stated in The Hill.

He goes on:

Oil and gas operations create a lot of methane pollution. Methane is the primary component of natural gas and a powerful climate change pollutant. When companies deliberately vent or flare methane from leaky equipment and infrastructure, they are doing irreparable damage to our environment.

Moreover, when methane emissions occur, they are often accompanied by the release of cancer-causing toxins like benzene and ozone-forming pollutants. Ozone pollution is a major contributor to the 153,000 childhood asthma attacks that happen each year in Latin[x] communities and worsens pulmonary diseases like emphysema.

Not unexpectedly, Latinx voters in the West support the methane rule: In a January 2017 survey that looked at seven states—Arizona, Colorado, Montana, New Mexico, Nevada, Utah and Wyoming—76 percent of the 476 Latinx voters Colorado College polled said they are in favor of it.

In response to this, Wilkes writes:

That’s why we are disappointed to see messaging opposing the [Bureau of Land Management] natural gas waste rule. As the oldest and largest Latino civil rights organization in the country, we know this is not the view of the larger Latino community and those that claim this as the consensus view need to reassess their position.

Rep. Rob Bishop (R-Utah) introduced the resolution to repeal the rule on January 30, 2017, and it’s making its way to President Donald Trump after the House passed it in February. If Trump



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

ultimately signs this, which would happen if the Senate passes it in a vote which is currently unscheduled, Latinxs in the West will experience ongoing pollution, Wilkes argues.

Read Wilkes' complete commentary [here](#).

[BACK](#)

2. Trail Runners Join the Fight for Public Lands

Outside Online, March 20 | Martin Fritz Huber

Last week the Trump administration presented a budget proposal for 2018 that featured significant cutbacks to a number of government agencies. Among a host of other reductions, one proposed cut would give the Environmental Protection Agency its smallest operating budget since its inception in 1970. Against this backdrop of shifting national priorities, a new grassroots initiative called Run Wild is hoping to engage the trail-running community in the fight to protect public lands.

Run Wild's website went live earlier this month, and the founders are still figuring out what the specifics of the fledgling project's activism will look like. At present, the emphasis is on getting the word out, growing its network, and advocating for increased appreciation of the roughly 640 million acres of national heritage that all Americans collectively own. The organization, which has ten cofounders, has partnered with the Wilderness Society, a nonprofit that has been on the front lines of the conservation movement since 1935. The collaboration with the Wilderness Society gives Run Wild access to a network of experts keeping a vigilant eye on legislation related to public lands.

"I think for a lot of trail runners, the connection between protected land and their sport is rather obvious, and there is an innate appreciation for that land," says Emily Peterson, a Run Wild cofounder, environmental philanthropy consultant, and Salomon brand ambassador who lives in the Bay Area.

The idea for Run Wild came about in January, when the now-infamous House Bill 621, a proposed piece of legislation that would have sold off 3.3 million acres of federal land, was introduced. But Utah representative Jason Chaffetz rescinded his own bill just a week after proposing it, and the withdrawal was partially attributed to an outraged response from hunters, fishermen, and other outdoor enthusiasts who saw it as a potential threat to their recreational habitat. The reversal was touted as a win for the outdoor community, and as evidence that—for those who have an active interest in protecting public lands—it pays to make your voice heard.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Run Wild wants to help trail runners join the chorus.

“These are issues that a couple of years ago we would never have thought that we’d have to fight for. At this point in history, it’s almost as if nothing is safe,” says Dylan Bowman, a North Face-sponsored ultrarunner who’s also a founding member of Run Wild.

A potential model for the group might be the system used by [the Outdoor Alliance](#), the nonprofit that unifies the voices of several outdoor-recreation advocacy groups, including the American Alpine Club, American Whitewater, and the International Mountain Biking Association. The alliance offers a [legislative tracking tool](#)—essentially a newsletter-style service for concerned citizens that e-mails action alerts (both preemptive and reactive), which typically include a prompt to contact one’s congressional representative. [One such alert](#) went out immediately after last week’s budget proposal, which, along with the 31 percent cut to the EPA, also proposed a 12 percent cut in funding to the Department of the Interior (which oversees the National Park Service), and a 21 percent cut to the Department of Agriculture.

By maintaining consistent contact with the D.C.-based Wilderness Society, Run Wild is hoping to facilitate nimble, quick-response activism at the local level. For example, H.R. 621, which would have affected swaths of public land from Oregon to Nebraska, [prompted protests across the West](#), including rallies in front of Montana and New Mexico statehouses. Down the line, Run Wild might be able to contribute to similar forms of active resistance.

“Having the support system of a group of people who are committed to a mission gives you strength in the face of uncertainty and gives you the infrastructure and organization to confront challenges as they arise,” Bowman says of the partnership.

Though Run Wild is selling T-shirts with proceeds going to the Wilderness Society, its founders are wary of the limited effectiveness of do-gooder “clicktivism” and also want to provide some means for more tangible engagement right away. On Earth Day (April 22), the organization is planning a Run-In Day, where runners across the country will be encouraged to go out to a favorite trail, take a picture, and ideally provide some educational background about how that land became protected.

The founders of Run Wild also want to be clear that this is not a self-centered lobbying effort predicated on the interests one specific recreational group. “We do want to emphasize that this isn’t really about the protection of trails for pet trail-running projects, adventures, and races. It’s really advocating for all outdoor use and access,” says Peterson.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Aligning themselves with the broader outdoor coalition that came out to oppose H.R. 621 is a wise move. Rather than a bunch of skinned-kneed nature lovers taking on extractive industry juggernauts by singing “Kumbaya” around the proverbial campfire, trail runners belong to an increasingly potent lobbying force—one that contributes an estimated \$640 billion to the national GDP.

“Attaching financial figures is political currency,” says Peterson. “Even though it may not be our first priority to attach a financial figure [to the trails we run on], I think it gives you a foothold in the dialogue.”

[BACK](#)

3. **SCIENCE: Interior research centers failed to share climate data — IG**

E & E News, March 21 | Jennifer Yachnin

Federal research centers studying climate change failed to properly share their data findings with each other as well as with their state, local and private-sector counterparts, according to a new report from the Interior Department's Office of Inspector General.

The review also found that Interior's Climate Science Centers (CSCs) and Landscape Conservation Cooperatives (LCCs) did not coordinate to prevent issuing duplicative research grants.

The IG reviewed operations at the National Climate Change and Wildlife Science Center and two of its regional offices, the Southwest CSC and the Southeast CSC, as well as four LCC offices: Appalachian LCC, South Atlantic LCC, Desert LCC and Western Alaska LCC.

The review found that officials at those locations, which are managed by the U.S. Geological Survey and the Fish and Wildlife Service, respectively, had "inadequate policies for coordination of research" and that researchers had failed to upload information to the Climate.data.gov website.

"DOI received less than 3 percent of nearly \$2.7 billion in the Federal budget for fiscal year 2014 for programs that integrate Federal research and solutions for climate and global change," Deputy Inspector General Mary Kendall wrote in the report. "With such a small portion of the research dollars available for grants, DOI bureaus must be good stewards of these funds."



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

The report noted that investigators did conduct a "review of scientific research" and focused only on the processes used to coordinate research.

The IG recommended that both agencies develop controls and written policies to "reduce the risk of duplication of research through grant awards" and use a centralized database, such as the USGS ScienceBase, to catalogue projects and then share information via [Climate.data.gov](https://climate.data.gov).

Both USGS and FWS responded to the report by stating they plan to add a question to their grant applications asking applicants to inform them if a proposal has been submitted elsewhere for funding. Both agencies also said they have begun to send data to the [Climate.data.gov](https://climate.data.gov) website.

[Click here](#) for the full report.

[BACK](#)

4. **PUBLIC LANDS: N.M. sold almost 30% of state trust acres — report**

E & E News, March 21 | Jennifer Yachnin

New Mexico has sold nearly 30 percent of the land it received from the federal government before becoming a state, an analysis by the Wilderness Society has found.

The report looked at original state trust lands — 13.4 million acres transferred from the federal government to the then-territory more than 100 years ago. The Land of Enchantment has sold off 4 million acres of state trust lands since it joined the union in 1912, the group found.

Wilderness Society New Mexico State Director Michael Casaus said the analysis should serve as a warning to residents, arguing that state officials could similarly dispose of federal lands if that acreage were turned over to state control.

"I think what this report highlights is that New Mexico has a long history of disposing of its state trust lands, and if these extreme public land opponents get their wish, what the public is going to see are locked gates and "no trespassing" signs [on] our national forests and other public lands that New Mexicans care so much about," Casaus told E&E News.

He pointed to a dozen pieces of legislation that have been introduced in the New Mexico Legislature since 2013 that called for assuming control of federal lands including forests, refuges and parks. The Republican National Committee also called for disposing of federal lands in its 2016 campaign platform (E&E Daily, July 12, 2016).



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

"It's basically a forewarning that if our public lands were under state control, they could be sold off anytime to private interests and corporations for profit," Casaus said.

According to the Wilderness Society's findings — which Casaus said required sifting through microfiche and other archival information in the state land office to obtain — some prior sales have resulted in environmental disasters in the state.

The report highlights the sale of 4,000 acres of land near Questa, N.M., a portion of which was used as a mine tailings facility. That land, now owned by Chevron Corp., was declared a Superfund site by U.S. EPA in 2011 and is now the focus of a \$143 million cleanup effort announced last year (Greenwire, Aug. 10, 2016).

Other sales included the disposal of 14,710 acres near Artesia to Yates Petroleum Corp. in 1993 and 7,181 acres near Hurley to the Chino Copper Co. in 1910.

But unlike federal lands, the New Mexico State Land Office notes, the state trust lands are not public lands. Rather, the property is held in a trust to benefit New Mexico schools and universities as well as other institutions.

The state generates funds from both the remaining 9 million acres of state trust lands as well as 13 million acres of mineral rights in its subsurface estate. In fiscal 2016, New Mexico reported raising nearly \$497 million from the lands, largely from oil and gas royalties.

Casaus disputes arguments that sales of the land serve the intended purpose of the state land trusts by generating funds for the state's schools, universities, hospitals and other facilities.

"By selling off a particular parcel of state land, the beneficiary only receives that one-time benefit and loses all future revenue potential for that piece of property," he said.

[Click here](#) for the full report.

[BACK](#)

5. **INTERIOR: Senate Dems dismayed by 'indiscriminate' budget cuts**

E & E News, March 21 | Kellie Lunney

A group of Senate Democrats sent President Trump a letter today urging him to walk back his proposed "indiscriminate" 12 percent cut to the Interior Department's fiscal 2018 budget.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

The White House's \$11.6 billion fiscal 2018 request for Interior — a \$1.5 billion decrease from fiscal 2017 — undermines the administration's effort to push through a massive infrastructure package, according to the lawmakers.

"Taken together, your Administration's one-two punch of budget-slashing and regulation-trashing may satisfy some radically conservative factions but undermines the types of infrastructure investments we had hoped to support," states the letter, [organized](#) by Senate Energy and Natural Resources ranking member Maria Cantwell (D-Wash). She was joined by 10 other Democrats, along with Sen. Bernie Sanders (I-Vt.).

The senators listed areas vulnerable to cuts in the administration's Interior proposal, including funding decreases for land acquisition, the elimination of the discretionary Abandoned Mine Land grants, and fewer resources to combat multibillion-dollar maintenance backlogs at department agencies, including the National Park Service.

"Instead of pursuing these cuts to important programs, we urge you to work with us to make investments that directly fund infrastructure or provide a platform for infrastructure investments by the private sector, such as outdoor amenities," the lawmakers wrote. The administration's Interior budget proposal seeking more money for energy development and its efforts to roll back certain department regulations are at odds with those that Secretary Ryan Zinke has stated, Democrats also argued in the [letter](#).

"Secretary Zinke, responding to a question about cleaning up the mineral programs in response to criticism from the Government Accountability Office and the Office of the Inspector General, said he was 'very sensitive' to 'making sure that our taxpayers get value,'" the Democrats wrote. "That sensitivity appears dulled in this budget blueprint."

After the budget proposal was released Thursday, Zinke said he could "say for certain" that the request allows the department to meet "our core mission and also prioritizes the safety and security of the American people."

But earlier this month, Zinke told Interior employees he was "not happy" about the White House's passback, which called for a 10 percent cut. "But we're going to fight about it, and I think I'm going to win at the end of the day," he said (Greenwire, March 20).

While short on specific numbers for most proposed Interior funding levels, the "America First" budget vows to "streamline permitting processes and provide industry with access to the energy resources America needs, while ensuring taxpayers receive a fair return from the development of these public resources."



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

The letter from Democratic lawmakers argued that Congress has tried to expedite the department's permitting decisions through legislation such as the 2015 Fixing America's Surface Transportation Act and the 2014 Bureau of Land Management Permit Processing Improvement Act.

Trump's budget blueprint would reduce land acquisition funding by more than \$120 million, seeking to use its budget to maintain existing parks, refuges and public lands (Greenwire, March 16).

At the same time, however, the White House plan said it would leverage "taxpayer investment with public and private resources through wildlife conservation, historic preservation, and recreation grants."

The Democratic senators' letter suggested that they will use the proposed Interior budget cuts to possibly withhold cooperation on whatever major infrastructure package emerges on Capitol Hill in the coming months.

In addition to Cantwell and Sanders, the letter was signed by Democratic Sens. Catherine Cortez Masto of Nevada, Dianne Feinstein of California, Al Franken of Minnesota, Martin Heinrich of New Mexico, Mazie Hirono of Hawaii, Ed Markey of Massachusetts, Jeff Merkley of Oregon, Debbie Stabenow of Michigan, Sheldon Whitehouse of Rhode Island and Ron Wyden of Oregon.

[BACK](#)

6. **INTERIOR: Department hits back at critics on mining transparency**

E & E News, March 21 | Dylan Brown

The Interior Department yesterday pushed back against claims that the United States would no longer try to meet voluntary international standards for drilling and mining transparency.

Concerned civil society groups announced yesterday that Interior notified them and industry members of a federal advisory panel that the United States was backing away from the Extractive Industries Transparency Initiative (E&E News PM, March 20).

The EITI is a set of standards — a collaboration among advocacy groups; governments; and oil, gas and coal companies — that require the disclosure of payments to governments for extraction rights.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

But Interior spokeswoman Heather Swift said that "no decision has been made on applying for validation under the EITI standard."

The EITI has given the United States until April 2018 to begin the validation process.

"The Department remains committed to the principles and goals of EITI including transparency and good governance of the extractive sectors and are institutionalizing and mainstreaming EITI goals into how the Department manages its revenues," Swift said in an email.

Senate Foreign Relations Committee ranking member Ben Cardin (D-Md.) and former Sen. Dick Lugar (R-Ind.) had also condemned the Trump administration on the issue yesterday.

The EITI mirrors a Securities and Exchange Commission rule based on a Dodd-Frank financial reform provision named after the two senators that Trump and Congress recently repealed (Greenwire, Feb. 3).

Oxfam America, an anti-poverty group on the U.S. EITI advisory panel, said in a statement: "While the government has not formally withdrawn from the initiative, we don't see how remaining a credible member of the initiative under these conditions would be possible."

Civil society groups, including human rights advocates Global Witness, the United Steelworkers, environmental group Earthworks and others, said they were told validation was not being actively pursued by Interior and all future advisory commission meetings had been canceled — something Oxfam's Isabel Munilla said Interior needs the input of the commission to do.

Interior also sent what groups considered a "good-bye" letter thanking them for participating on the advisory committee and hailing its achievements.

"They cannot commit to the goals and cancel the meetings. Because without the meetings, there is no chance to meet the validation deadline," said Munilla.

The United States has supported the EITI since its formation in 2003 to limit extraction industries' role in fostering corruption and conflict in poor nations.

Fifty-one countries, including the United States, have implemented or are implementing the standard.

"The United States has led the global initiative in providing revenue-related data and information from the extraction of oil, natural gas, coal and other minerals on federal land in an interactive,



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

open-source data portal and regularly engaging with other implementing countries to share our best practices," Swift said.

[BACK](#)

7. **FEDERAL AGENCIES: Supreme Court rebukes Obama over acting officials**

E & E News, March 21 | Amanda Reilly

The Supreme Court ruled today that — in most cases — the president cannot appoint a person who has been nominated for a Senate-confirmed post to serve on a temporary basis in the same role.

In a 6-2 opinion, the court found the 1998 Federal Vacancies Reform Act bars the acting service of nominated officials except when a person is nominated by the president for reappointment to another term in the same office.

"Subject to one narrow exception, it prohibits anyone who has been nominated to fill a vacant [Senate-confirmed] office from performing the duties of that office in an acting capacity," the court ruled.

Chief Justice John Roberts wrote the [opinion](#) for the court. Two justices on the court's liberal wing, Justices Ruth Bader Ginsburg and Sonia Sotomayor, dissented.

Justice Clarence Thomas both joined the majority opinion and wrote a concurring opinion focusing on constitutional issues.

At issue was the Supreme Court's review of the U.S. Court of Appeals for the District of Columbia Circuit's 2015 decision that Lafe Solomon, the former acting general counsel of the National Labor Relations Board, had served in violation of the vacancies law after he was nominated for the job in 2011.

The D.C. Circuit ruled that an unfair labor practice complaint issued by NLRB after Solomon's nomination hadn't been authorized, but the court emphasized that its ruling was narrow and wouldn't "retroactively undermine a host of NLRB decisions."

The Supreme Court agreed that Solomon served illegally and the unfair labor practice complaint wasn't authorized.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

In question was the scope of a complex provision in the vacancies law barring people from filling positions on an acting basis when they've been nominated to the post permanently.

"We conclude that the prohibition ... applies to anyone performing acting service under the FVRA," Roberts wrote.

The decision is a blow for the Obama administration, which had argued that the lower-court ruling went against the practice that's been in place through 100 presidential nominations and two decades of Senate confirmations.

The issue was in focus during the Obama administration as the Senate held up nominations for various positions in federal agencies.

Among those who could be found to have served illegally under the Supreme Court's ruling: Stan Meiburg, who served as U.S. EPA's acting No. 2 official during the Obama administration after being nominated to serve in the role. Meiburg never received a vote.

Roberts rejected the Obama administration's argument that Congress never objected to the government's practice of appointing acting officials over the last two decades.

"Congress's failure to speak up does not fairly imply that it has acquiesced in the Board's interpretation," Roberts wrote.

In a dissent joined by Ginsburg, Sotomayor said she agrees the prohibition applied to first assistants to a vacant office who serve as acting officials automatically — but she disagreed that it applied to other appointees.

"The Court gives the provision a broader reach than the text can bear with no support from the history of, or practice under, the FVRA," she wrote.

[BACK](#)

8. **DAKOTA ACCESS: Pipeline threatened with 'physical attacks'**

E & E News, March 21 | Ellen M. Gilmer

The Dakota Access pipeline has faced "coordinated physical attacks" and is not yet handling oil, recent court filings revealed.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

In a status report submitted last night to the U.S. District Court for the District of Columbia, lawyers for Dakota Access referenced "recent coordinated physical attacks along the pipeline that pose threats to life, physical safety, and the environment."

Most of the document was redacted, and no further details were available.

Company lawyers previously estimated that the pipeline could be ready for oil as soon as yesterday. According to last night's report, oil is not yet flowing but may be soon.

"These coordinated attacks will not stop line-fill operations," the filing said. "With that in mind, the company now believes that oil may flow sometime this week."

Crowdfunding litigation

Meanwhile, an American Indian tribe is seeking assistance in its legal battle against the pipeline.

The Cheyenne River Sioux Tribe yesterday kicked off a crowdfunding campaign to "offset the costs of hiring attorneys and expert witnesses in the case." The tribe has been challenging the project in court since last summer, represented by the law firm Fredericks Peebles & Morgan.

The fundraising campaign is through CrowdJustice, the same platform used to raise funds for legal battles against the Trump administration's recent travel bans.

Former U.S. EPA spokeswoman Liz Purchia, who recently launched the public affairs firm Riff City Strategies, is publicizing the effort.

Cheyenne River recently suffered a blow at the U.S. Court of Appeals for the District of Columbia Circuit, which rejected the tribe's request for an emergency injunction blocking pipeline activity on religious freedom grounds. While an appeal moves forward in that court, broader environmental claims are proceeding at the district court.

[BACK](#)

9. FEDERAL AGENCIES: Trump admin delays energy efficiency, climate rules

E & E News, March 21 | Christa Marshall and Camille von Kaenel

The Trump administration is further delaying some energy efficiency and climate rules issued at the end of the Obama administration.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Five Energy Department rules and procedures on energy efficiency and a Transportation Department rule on highway planning will be pushed back for months, according to notices in the Federal Register.

The rules were first stalled on Jan. 20 by a blanket Trump order freezing all last-minute Obama rules for two months. The freeze is scheduled to end today, but agencies say they need to give senior officials still trickling in additional time for review. The extended delays range from two to six months.

One efficiency rule on ceiling fans will be stalled until September. Test procedures for walk-in coolers and freezers, compressors, and central air conditioners and heat pumps will be delayed until the summer. DOE also moved to push back a construction standard for federal buildings.

The Federal Highway Administration is deferring one of the last climate-related rules of the Obama administration, which would require local and state transportation planners to measure and account for the greenhouse gas emissions of highway projects receiving federal funding (Greenwire, Jan. 10).

Lauren Urbanek, a senior energy policy advocate at the Natural Resources Defense Council, called the changes "unacceptable."

"It's very clearly established in case law that it's not OK to delay the effective date of a rule without proper notice and comment, and that hasn't been done here," Urbanek said.

Andrew deLaski, executive director of the Appliance Standards Awareness Project, said the delays signal the administration may try to roll back federal efficiency standards. He also found them puzzling because they only alter the "effective dates" of rules and not other key dates governing enforcement of them, such as their compliance dates.

The changes for walk-in coolers, compressors and central air conditioners push back the effective dates of test procedures that are used for labeling and for manufacturers to certify compliance with DOE. The lags could create confusion and increase regulatory costs, said deLaski.

The effective date of a final efficiency rule for ceiling fans has been delayed from today to September. But federal law dictates that a separate compliance date, currently set for 2020, remains intact for ceiling fans, deLaski said.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

The effective date determines when a standard goes into the Code of Federal Regulations, while the compliance date is when manufacturers must import or produce only products meeting a specified efficiency level.

The walk-in cooler/freezer delay might change how companies plan to comply, said Stephen Yurek, president and CEO of the Air Conditioning, Heating and Refrigeration Institute.

"While AHRI supports the process used by the Department of Energy to update rules on the test procedure for walk-in coolers/freezers and residential central air conditioners, today's announcement of a delay in the effective date creates an unusual situation for our member companies, in that the effective date and the compliance date will essentially be the same. It is possible that, given this, some of our members might avail themselves of the [federal] provision that allows individual companies to seek a six-month extension for compliance," Yurek said.

DOE did not respond to a request for comment.

Climate

The highway rule, which was originally intended to come into effect on Feb. 17, is now scheduled to go live on May 20. A spokesman for the agency said the decision was made to give new appointees more time to review it.

Top Republicans argue that Congress did not give the highway agency the authority to regulate greenhouse gas emissions. A broad industry coalition including the Alliance of Automobile Manufacturers, the American Road & Transportation Builders Association and the U.S. Chamber of Commerce last month urged Transportation Secretary Elaine Chao to strike the greenhouse gas metric from the package of highway performance measures and reissue a final rule.

But environmentalists have framed the measure as a long-term strategy to lower vehicle emissions by encouraging public transportation and dense housing.

As for other agencies, U.S. EPA announced last week that it would delay five rules (Greenwire, March 17). House Democrats yesterday in a letter said the postponements flout the Administrative Procedure Act (E&E Daily, March 21).

[BACK](#)



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

10. **FEDERAL WORKFORCE: Trump will push for 1.9% pay raise**

E & E News, March 21 | Lisa Rein, Washington Post

The Trump administration, after announcing plans to slash spending across much of the government, will recommend a 1.9 percent raise for federal workers to take effect in January, according to a budget document and a senior budget official.

The official, who was not authorized to comment publicly, said agencies have been told by the White House to build a 1.9 percent pay raise for civilian employees into their spending plans for the fiscal year that starts Oct. 1.

The proposed budget the administration released last week, boosting military spending by \$54 billion and cutting non-military programs by roughly the same sum, made no mention of a raise. It was designed, though, as a “blueprint” and did not address many issues typically contained in budgets. The administration is scheduled to release a more detailed plan in May.

A preliminary blueprint for the Commerce Department instructs the agency to “factor in a 1.9 percent pay raise for civilian employees, to go into effect on the first pay period of January, 2018.” Since such raises are government-wide, the increase would apply for all employees.

News of the intended raise was met with criticism from federal employee unions, which called it paltry given the hits the workforce has taken to pay and benefits in recent years.

“While it’s good that the White House recognizes the need to raise wages for federal employees, [a 1.9 percent pay raise] is far below what’s called for under the law,” J. David Cox Sr., national president of the American Federation of Government Employees, the largest union, said in a statement.

“Federal employees earn less today than they did at the start of the decade when adjusted for inflation, and they deserve a more meaningful increase to make up for the more than \$182 billion in cuts to their pay and benefits that have occurred since 2010,” Cox said.

The news also surprised some fiscally conservative budget watchers, given the president’s pledge to shrink the size and scope of the government and Budget Director Mick Mulvaney’s prediction last week that layoffs are inevitable.

“It is surprising,” said Chris Edwards, director of tax policy studies at the libertarian Cato Institute. He noted, though, that the raise would also apply to employees working in the Defense



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

and Homeland Security Departments, whose functions the administration is seeking to boost — and who make up about half the 2.1 million civilian workers.

John Czwartacki, a spokesman for the Office of Management and Budget, said he had no information to provide on a raise “at this time.”

Any increase is subject to approval by Congress, a process that could continue until the fall. Several Senate and House Democrats have introduced legislation backed by the unions advocating a 3.2 percent raise starting in January.

It’s common practice for presidents to use a Labor Department measure of wage growth called the Employment Cost Index as a starting proposal for a raise for federal workers; an exception would be a national emergency or economic change such as a downturn. Under federal pay law, “the base increase in 2018 would be 1.9 percent,” according to the Federal Salary Council, which oversees that law.

“For his first year, a raise was expected,” said Rachel Greszler, a research fellow in economics and budget affairs at the Heritage Foundation, of the president’s plan. The conservative think tank is recommending to the administration an overhaul of the entire compensation system for federal employees.

“We look forward to more significant changes in a year,” Greszler said.

National Treasury Employees Union President Tony Reardon said in a statement that the Employment Cost Index shows growth in private industry wages of 10.4 percent on average over the last five years, compared to an overall increase of 5.4 percent for federal workers in the same period.

“Federal employees are facing the same financial challenges as any middle-class worker and their salaries need to keep up with rising costs of health care, tuition and mortgages,” he said.

A 1.9 percent increase would be about in line with what federal workers have received in recent years. After three years of frozen pay rates from 2011 to 2013, federal workers received raises of 1, 1, 1.3 and 2.1 percent from 2014 through 2017. The latter two figures are averages, since part of each raise was paid out in differing amounts, varying by locality.

In each case, Congress allowed the raise to take effect through silence. Under the federal pay law, if lawmakers take no action on the White House’s proposal by the end of a year, the increase takes effect by default for the succeeding year and it is up to the White House to decide whether to split the raise into across the board and locality components.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

While the raises technically apply only to white-collar employees under the pay scale, for many years their increases have acted as the cap for raises for blue-collar employees, who are paid under a separate locality-based system.

Career executives and others at senior levels don't get the general raise but are eligible for performance-based raises, up to a pay cap. A general raise boosts that cap, along with a separate cap affecting some employees high up the scale.

[BACK](#)

11. **SUPREME COURT: Agencies get 'great deference' on fact-finding — Gorsuch**

E & E News, March 21 | Amanda Reilly

Judge Neil Gorsuch this morning partly clarified his stance on the Chevron doctrine, a legal precedent of deferring to federal agencies when Congress is silent or ambiguous on an issue.

The Supreme Court nominee said agencies still receive "great deference" from the courts on fact-finding, but not when they attempt to overturn a judicial precedent without an act of Congress.

"Scientists, biologists, chemists — the experts get great deference from the courts," he said. "The only question is who decides what the law is."

President Trump nominated Gorsuch to fill the Supreme Court seat left vacant by the February 2016 death of Justice Antonin Scalia.

Gorsuch's confirmation hearing in the Senate Judiciary Committee began yesterday with opening statements by members. Questioning began this morning and is expected to continue into the evening.

Sen. Dianne Feinstein (D-Calif.) briefly brought up Chevron at the end of a testy exchange with the nominee over the Second Amendment and his actions on detainees' rights and torture as a Justice Department official in the George W. Bush administration.

Feinstein said she was concerned that Gorsuch's views on the doctrine would not allow Congress to leave decisions involving federal rules — including where to set corporate fuel economy standards — in the agencies' hands.

The concerns stem from a scathing critique of Chevron that Gorsuch wrote in an concurring opinion in a August 2016 case involving an undocumented immigrant.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Gorsuch said today that his critique came in the context of a case that involved two conflicting immigration statutes. The Board of Immigration Appeals, he said, decided its interpretation of which statute was controlling was wrong, citing Chevron. That left an undocumented immigrant in limbo, he said.

"That reminded me of, you know, when Charlie Brown's going in to kick the ball, and Lucy picks it up at the last second," Gorsuch said.

At issue in the case, he said, was "when an executive bureaucracy can overturn a judicial precedent without an act of Congress."

Senate Democrats will likely continue to press Gorsuch on Chevron throughout the hearing, which is expected to wrap up by late Thursday.

This morning's questioning also included several questions about separation of powers and the importance of judicial precedent.

Gorsuch pledged to be an independent justice and said he would have "no difficulty" ruling against a policy of either political party.

A good judge, he said, "doesn't give a whit about politics."

The nominee also defended his record on the Denver-based 10th U.S. Circuit Court of Appeals, where he has been a judge since 2006.

Progressive groups and Democrats have criticized Gorsuch for what they call a record of ruling in favor of big corporations. Throughout today, Democratic members of the committee plan on focusing their questions for Gorsuch around that theme (E&E Daily, March 21).

"Those of us, I think, on both sides care very much about workers' rights, but the record is such that one questions whether the court is capable in its present composition to give a worker a fair shot," Feinstein said. "I'm just looking for something that would indicate you would give a worker a fair shot."

Gorsuch said that the cases cited by Democrats from his record — which includes a case in which he sided with a company over the firing of a truck driver for abandoning his truck in hazardous, freezing conditions — don't represent "the body of my work."

"If you want cases where I've ruled for the little guy as well as the big guy, there are plenty of those," Gorsuch said.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

He cited an opinion in which he upheld Colorado's renewable energy standard in a challenge brought by a conservative organization and one in which he upheld a U.S. EPA regulation on mineral processing waste.

"I'm a fair judge," he said.

Several times, Gorsuch deflected questions about his perspectives on past Supreme Court rulings, including on campaign financing and the Second Amendment.

That would be "tipping my hand and suggesting to litigants I've already made up my mind about future cases," he said.

[BACK](#)