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Attached is the daily news report for June 27.

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## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

#### UTAH – TOP STORIES – JUNE 27, 2017

1. **Officials warn about wildfires caused by recreation ahead of holiday weekend**

*ABC 4 News, June 26 | Glen Beeby*

SARATOGA SPRINGS, Utah (ABC4 Utah) - As fires continue to ravage parts of the state, leaders are now stepping up their efforts to educate the public about the many causes of wildfires.

2. **Noel, other S. Utah politicians blame Brian Head Fire on 'tree-huggers,' beetles, but eco-groups say he's off-base**

*The Salt Lake Tribune, June 26 | Brian Maffly*

Southern Utah politicians on Monday blamed the Brian Head Fire's fast pace and destructiveness on environmentalists who, they said, for decades have thwarted logging of trees killed by bark beetles.

3. **Brian Head Fire explodes overnight as winds fan flames to nearly 50,000 acres**

*The Salt Lake Tribune, June 27 | Bob Mims*

Gusty winds, tinder-dry conditions and continuing hot weather combined as southern Utah's Brian Head Fire exploded to nearly 50,000 acres by early Tuesday.

4. **Zinke says tribes happy to have Bears Ears modifications; tribes disagree**

*The Grand Canyon News, June 27 | Rob Capriccioso, Indian Country Today*

BEARS EARS, Utah — U.S. Secretary of the Interior Ryan Zinke is misrepresenting tribal positions about his plan to reduce a yet unspecified portion of the Bears Ears National Monument while increasing tribal co-management of the site, according to tribal officials and their lawyers.



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#### 5. BLM acquires 231 acres at Gooseberry Mesa

*The (St George) Spectrum, June 25 | The Spectrum & Daily News*

The Bureau of Land Management has acquired 231 acres from a private property owner near the internationally renowned Gooseberry Mesa National Recreation Trail.

#### 6. The Utah Wildfire Has Grown to Become the Largest Active Fire in the U.S.

*Time Magazine, June 27 | Brady McCombs*

(SALT LAKE CITY) — The nation's largest wildfire has forced more than 1,500 people from their homes and cabins in a southern Utah mountain area home to a ski town and popular fishing lake.

#### 7. Trump's BLM plans oil and gas leasing near Dino monument and San Rafael Swell

*The Salt Lake Tribune, June 27 | Brian Maffly*

In another indication of how President Donald Trump's "America First" energy strategy is playing out in Utah, the federal government has identified parcels it intends to lease for oil and gas development at the doorstep of Dinosaur National Monument and the scenic San Rafael Swell.

### E&E/NATIONAL NEWS – TOP STORIES

#### 1. INTERIOR: Can Zinke tout an unpopular budget and win over Congress?

*E & E News, June 27 | Kellie Lunney*

All Cabinet secretaries must traverse Capitol Hill's thorny terrain during budget season. Their mission: Defend the president's priorities and simultaneously placate lawmakers from both parties upset about proposed cuts to their favorite programs.



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#### 2. INTERIOR: 3 BLM state directors removed in reorganization — sources

*E & E News, June 27 | Scott Streater*

The Bureau of Land Management is reassigning the directors of the Alaska, Colorado and New Mexico state offices to positions at other federal agencies as part of an Interior Department reorganization that sources say is only beginning.

#### 3. SAGE GROUSE: Western governors to push Zinke on his review

*E & E News, June 27 | Jennifer Yachnin*

WHITEFISH, Mont. — When a cadre of Western governors meet with Interior Secretary Ryan Zinke today, Wyoming Gov. Matt Mead (R) said the group will emphasize the decades of effort that led to the creation of current sage grouse conservation efforts — and will aim to influence the Interior Department's new review of whether those plans are hindering energy production on public lands.

#### 4. PUBLIC LANDS: BLM launches web tool to improve access to outdoor activities

*E & E News, June 27 | Kellie Lunney*

As summer vacations kick off, the Bureau of Land Management has launched a [tool](#) on its website to improve the public's access to thousands of recreation sites across the country.

#### 5. INTERIOR: Zinke touts record PILT payments as Trump proposes deep cuts

*E & E News, June 27 | Scott Streater*

Interior Secretary Ryan Zinke yesterday announced his department will distribute a record \$464 million to 1,900 counties as part of a program that pays rural areas with large tracts of federal land.



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#### 6. COAL: Greens, labor mobilize for modified reclamation bill

*E & E News, June 27 | Dylan Brown*

Environmentalists, union workers and Appalachian advocacy groups yesterday threw their weight behind a \$1 billion coal mine cleanup bill ahead of a House markup today. But they are also pushing for changes to stress economic development.

#### 7. INTERIOR: Zinke vows to restore 'breaches,' keep NPS despite reorg

*E & E News, June 27 | Jennifer Yachnin*

WHITEFISH, Mont. — Interior Secretary Ryan Zinke said today that his agency must "restore trust" in the federal government's ability to manage public lands — while slamming Obama-era policies on developers paying for harm to species and promising his overhaul of the department would be on a "100-year scale."

#### 8. EPA: Public affairs shop gets a makeover

*E & E News, June 27 | Kevin Bogardus*

U.S. EPA's public affairs office during the Trump administration's early days has already undergone a shake-up.

#### 9. SUPREME COURT: Justices decline 2 cases similar to property rights verdict

*E & E News, June 27 | Amanda Reilly*

After ruling against landowners last week in a closely watched property rights case, the Supreme Court today declined review in two other cases that presented similar legal issues.



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#### UTAH – FULL STORY

##### 1. **Officials warn about wildfires caused by recreation ahead of holiday weekend**

*ABC 4 News, June 26 | Glen Beeby*

SARATOGA SPRINGS, Utah (ABC4 Utah) - As fires continue to ravage parts of the state, leaders are now stepping up their efforts to educate the public about the many causes of wildfires.

This comes right before the holiday weekend when many are expected to be out and about.

There are several things which cause wildfires and often happen when people are recreating.

The concern over the conditions has become so bad here, Sarasota Springs the fire chief is considering an all-out ban on fireworks.

"This is our seventh fire since the end of May and every one of them has been human caused."

Chief Jess Campbell says they've already spent \$125,000 fighting wildfires in Saratoga Springs. A recent 10-acre blaze was caused by kids trying to burn an aunt with a firework, and was stopped just short of nearby homes.

"I'm about one brush fire away from banning fireworks here in Saratoga Springs because of just how delicate the situation has gotten," said Chief Campbell.

As the holiday weekend approaches fire officials are warning about the other major causes of wildfires when people are recreating.

ATVs and driving vehicles on dry grass have already been the cause of major fires in Utah.

Chief Campbell says the majority of their wildfires are caused by target shooting.

The owner of Lenny's Guns and Ammo says one of the problems is often where and what people choose to shoot.



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"A lot of mistakes people make is when they shoot on a steel target the area around it they don't think about cleaning it up. 90 percent of the problem could be solved if they just look at their area. Know their target and what's beyond," said Lenny McInelly.

McInelly says exploding targets are also a problem in these dry conditions.

The wet winter allowed more vegetation to grow this year, but the hot weather is drying it all out.

Chief Campbell notes the stress these wildfires put on local agencies.

"When we have to dedicate those resources to go and do that it limits our ability to respond to other types of calls."

Fire officials say be sure to extra careful when out and about this weekend and throughout the summer. Be sure to know all the fire restrictions going on in your area or where you plan to recreate before you go.

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#### **2. Noel, other S. Utah politicians blame Brian Head Fire on 'tree-huggers,' beetles, but eco-groups say he's off-base**

*The Salt Lake Tribune, June 26 | Brian Maffly*

Southern Utah politicians on Monday blamed the Brian Head Fire's fast pace and destructiveness on environmentalists who, they said, for decades have thwarted logging of trees killed by bark beetles.

But the targeted groups contend climate change and excluding fire from the landscape are the real reasons Utah's national forest are primed for blazes.

Without citing a source, Rep. Mike Noel angrily alleged environmentalists would rather see the Dixie National Forest burn than see a single stump.

"When we turned the Forest Service over to the bird and bunny lovers and the tree-huggers and the rock-lickers, we turned our history over," the Kanab Republican said at a news conference in Brian Head.



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"We're going to lose our watershed and we're going to lose our soils and we're going to lose our wildlife and we're going to lose our scenery — the very things you people wanted to protect," Noel added. "It's just plain stupidity."

He called out the inactive Friends of Dixie National Forest, which once fought timber harvests, as well as the Southern Utah Wilderness Alliance (SUWA) and the Grand Canyon Trust — two prominent organizations that do not litigate timber harvests.

"Noel and others are exploiting this fire to mislead the public. The truth is that climate change, drought, historic fire suppression and wind all play roles in the severity of fires. There is no single cause and no easy solution," SUWA legal director Steve Bloch said. "It's shameful that Noel would seize on the dire straits folks find themselves in to fan the flames with his rhetoric."

Staffers with the two groups say Noel's tirade amounted to slander that mischaracterizes their positions in an attempt to vilify environmentalism and divert attention from the true causes of poor forest health.

"There is no attribution. He makes up a quote and [then] attacks it," Bloch said. "We share his admiration of the firefighters. They have done tremendous work. It is unfortunate folks are losing their property. It's always unfortunate if anybody's life is at risk."

But scapegoating environmental groups serves no legitimate purpose, Bloch said.

In the 1990s, as a beetle epidemic spread across the Dixie National Forest, officials there proposed a number of salvage harvests. Many of those plans drew appeals because they tapped roadless terrain and old growth. While some were blocked, other harvests went forward.

Although logging litigation has largely disappeared in recent years, the Forest Service is not approving those projects fast enough to satisfy state officials.

Lt. Gov. Spencer Cox said there is "no question our inability to manage the forest the way it should be managed has led to more destruction."

Not since the Seeley burn, which torched 48,000 acres around Huntington Canyon in 2012, has Utah seen a fire so costly and destructive as the Brian Head blaze.



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The main reason, Noel asserted, is a buildup of fuels from a failure to log, especially expanses hit by bark beetles.

"There are 70 million board feet of timber being grown every year and you allow a harvest of 6 million board feet. That's 66 million [sic] board feet of fire. When you allow trees to die from bark beetle .... you are going to get a catastrophic fire," he fumed. "We haven't seen this in 28 years, because we haven't done stupid stuff like this in 28 years."

Noel compared two photographs — taken by Garfield County Sheriff Danny Perkins — that the lawmaker said proves the benefits of logging. One picture showed a logged area, depicted by tree stumps among unburned trees, while the other depicted an unlogged area that burned.

Scientists agree that the devastating beetle assault on Western forests has implications for wildfires. But they insist they need more research to know how much of an effect those dead trees have on such blazes.

Echoing Noel's sentiments "100 percent," Garfield County Commissioner David Tebbs referred to SUWA as the "Southern Utah Destruction Alliance," even though that group has steered clear of timber litigation for years in favor of a mission toward preserving redrock wilderness.

The Utah county with the largest portion of its land in forest preserves, Garfield is far more dependent on tourism than its timber after a decline in logging since the 1980s.

"We could be an economy that thrives on timber production. We do need a mixed approach. There would be some fire to that. There would need to be some timber extrication. We need to bring that back," Tebbs said. "It's really sad to see those resources completely destroyed because of the environmental movements that have come into our area."

Mary O'Brien of the Grand Canyon Trust contends Utah politicians are taking a simplistic view that the only way to prevent fire is to cut down trees. Forest health can be restored through thinning and prescribed burning, she argued.

"There is no questions we are in a world of hurt in the forest because people wanted the Forest Service to suppress fires so they cut everything for timber. So, yeah, past policies have made for greater fuel loads," O'Brien said. "It's just not going to solve the problem to point fingers at one cause when it's a combination of private inholdings, past policies of suppression, climate change.



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If groups appealed some forest [logging] projects, there might have been good reasons to appeal them, but it isn't that simple view that we didn't want any stumps."

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### 3. **Brian Head Fire explodes overnight as winds fan flames to nearly 50,000 acres**

*The Salt Lake Tribune, June 27 | Bob Mims*

Gusty winds, tinder-dry conditions and continuing hot weather combined as southern Utah's Brian Head Fire exploded to nearly 50,000 acres by early Tuesday.

Mapped overnight at 49,626 acres, the fire — named for the Iron County ski resort town where weed-burning sparked the inferno on June 17 — had grown by nearly 4,000 acres when 1,430 firefighters, bulldozers, and a fleet of water-bearing helicopters and fire-retardant laden air tankers counterattacked at dawn Tuesday.

No new structural losses or injuries were reported. The fire early on had destroyed 21 buildings, 13 of them residences.

"We had quite a lot of activity last night. It's calmed down some now, but we're expecting those winds to kick up again out of the southwest, so we're still on alert," said Fire Information Officer Elayn Briggs.

Approximately 1,500 people — including seven residents asked to leave the Bear Valley area overnight as a precaution — remained evacuated as of Tuesday morning.

"We're continuing to work with the sheriff's office to evaluate the needs of the evacuees and to see what we can do to get those folks back to their homes," Briggs said.

The American Red Cross continued to provide shelter and other aid to those evacuees at Panguitch High School and nearby Parowan.

Most of the fire's latest spread occurred on its northern flank, as winds up to 30 mph propelled flames into parched old growth conifer, beetle-killed timber, sagebrush and grass. Flames were racing along the crowns of tree tops sending wind-blown embers up to half a mile away.



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On Monday, Bureau of Land Management and Dixie National Forest officials said the blaze was 10 percent contained. The overnight surge dropped estimated containment on Tuesday to 9 percent, but the target date for completely hemming in the flames remained July 15.

Fire managers expected little help from nature on Tuesday. Indeed, a "Red Flag" wildfire danger warning remained in effect through Wednesday from Logan south through Ogden, Salt Lake City, Provo, Manti, Cedar City, St. George and throughout Zion National Park and the Grand Staircase-Escalante regions. The warning also extended into the Uintas of eastern Utah and southeastern Utah's Green River, Monticello and Bluff areas.

Daytime temperatures in the upper-80s were expected to continue through the midweek in Iron County, with highs elsewhere in the state ranging from northern Utah's low-90s to well over 100 degrees in southwestern Utah.

Windy weather also was forecast throughout the state, with gusts up to 30 mph along the Brian Head fire lines expected.

Firefighters worked Tuesday to stem both further growth on the northern perimeter of the blaze and to shore up and extend lines in the Panguitch and Dry lakes and Blue Springs areas.

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#### 4. **Zinke says tribes happy to have Bears Ears modifications; tribes disagree**

*The Grand Canyon News, June 27 | Rob Capriccioso, Indian Country Today*

BEARS EARS, Utah — U.S. Secretary of the Interior Ryan Zinke is misrepresenting tribal positions about his plan to reduce a yet unspecified portion of the Bears Ears National Monument while increasing tribal co-management of the site, according to tribal officials and their lawyers.

“I’ve met with the tribes, I’ve talked to tribes, and, quite frankly, I think the tribes, most importantly, desire co-management [of Bears Ears],” Zinke said in a press call hosted by the Interior June 12 after he issued an interim report with recommendations to President Donald Trump in response to Trump’s April 26 presidential executive order on the review of designations under the Antiquities Act. Trump’s order is aimed at reducing and rescinding the status of several national monuments throughout the country.



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"I think, talking to tribes, they're very happy," Zinke said of his proposal, adding that he "talked to all parties, and they're pretty happy and willing to work with us."

But this is not so, according to tribal representatives. In a June 12 press call hosted by U.S. Sen. Tom Udall (D-NM), the vice-chair of the Senate Committee on Indian Affairs, Navajo Nation Attorney General Ethel Branch

said the tribe's leaders have maintained a consistent position that they support the monument designation.

"If there is any happiness," Branch said, "it's probably that the monument remains intact as of now. I think [the 'happy' characterization] is probably just a characterization coming from Trump."

Natalie Landreth, a lawyer with the Native American Rights Fund who represents the Hopi, Zuni and Ute Mountain Ute Tribes on Bears Ears issues, said during the Udall call that the proclamation that set up Bears Ears as a national monument had already formed a structure in which five tribes, known as the Bears Ears Inter-Tribal Coalition, work together to co-manage the monument.

"It's unclear exactly what the secretary is suggesting, so until we know more details about what he's talking about, it's difficult to have a view on it," Landreth said. "Our initial reaction on behalf of the three tribes we represent is that this was really a cynical effort to distract Indian country from the devastating blow of reducing the size of the monument."

Landreth said that some of her impacted tribal clients told her as of June 12 that Zinke had not been in touch with them on this matter.

"We don't know who he's talking to and what they may have said," Landreth said.

She labeled Zinke's report as a carrot approach meant to entice tribes, while hopefully reducing their opposition, and she further believes that Trump's intention regarding Bears Ears is about "selling off public lands [to the energy sector] for profit."

Udall said it is clear to him that Zinke did not properly consult with tribes.



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“He never adequately engaged the tribes, or the public,” the senator said, noting that the region was protected as a national monument at the request of the Navajo, the Southern Ute, the Ute Mountain Ute, and the Zuni and Hopi tribes.

In his report, Zinke recommended that some portion of Bears Ears, a 1.35 million-acre area of public lands in Utah surrounding a pair of mesas long held sacred by tribes in the region, be rescinded. The monument had been designated as such in December by former president Barack Obama.

Zinke could not say specifically during his press call how much of the monument would ultimately be taken away, but members of Congress who have been monitoring this situation closely say that only Congress has the ability under U.S. policy to reduce the size of national monuments.

“There is no acreage attached to it, because we’re not at the point of drawing specific lines,” Zinke said. “It’s a little premature to throw out acreage [numbers].”

Zinke said that he and Jim Cason, the newly hired Interior associate deputy secretary, held several meetings with tribal stakeholders in coming up with the idea. The secretary also met with members of the Utah Republican congressional delegation, including Committee on Natural Resources Chairman Rob Bishop (R-UT), who were apoplectic at Obama’s decision. One of their main arguments is that the monument designation is quashing Utah’s uranium and larger energy industry.

“I have recently talked to members of the tribes and had a discussion on major points,” Zinke added during his press call. Preserving traditional use, antiquities, rituals and cultural traditions were important to him, he said, adding that he wants to preserve “dwellings, archeology sites, drawings and areas that have a strong cultural ritual background.”

Zinke said he wants to be “responsibly responsible” in the management of the selected areas for protection. In addition, Zinke is asking Congress to authorize co-management of the revised boundaries of the monument with the tribes involved.

“Talking to all the tribes, it was imperative that they do have an active management process, and the executive does not have the authority, so we’re asking Congress to go forward with a bill in coordination with the tribal council[s], the intertribal coalition, and affected parties,” he said, adding that there are other monuments that he believes are suitable for co-management. He has



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also asked Congress to review whether lands inside the current monument are more appropriate to be designated as conservation or national recreation areas.

Branch, however, said that Zinke's recommendation here "is manifestly unclear," and she cannot figure out what tribal co-management even means as expressed in Zinke's report.

"We're not sure, and I have nothing to inspire faith that that will be something that will be amenable to the tribes," she said. "It's just so unlikely that this Congress under this president will act when they were not willing to act previously.... And I don't have a lot of confidence that this president can move much legislation under his leadership."

Zinke blamed Obama when asked during his call why he thought the current Republican Congress would approve such a plan now, given that during the previous Republican Congress, a bill sponsored by Bishop focused on similar Bears Ears' issues had failed.

"Last Congress also had a commander in chief that you had to go through things with the veto," Zinke said. "And I would give it one word [on why it will succeed now]: President Trump."

He added that in a conversation he has had with Bishop, the Natural Resources chairman is "committed to co-management."

Before Obama's decision, Bishop, along with retiring Rep. Jason Chaffetz (R-UT), had tried to create management guidelines for Bears Ears through legislation known as the Public Lands Initiative. But their bill died in the House last year after tribes in the region turned against it, fearing that it would harm tribal sovereignty. If successful, the bill would have transferred 100,000 acres of the Ute Tribe of Utah's Uncompahgre Reservation to the state of Utah for fossil fuel development.

"[The tribes] are working now to help with input into the bill to make sure that's it's done," Zinke said of his current proposal, adding there is a "consensus of optimism" from stakeholders about his plan. "I have enormous respect for the tribes, and I do want to push sovereignty, respect and self-determination, and I am very sensitive to cultural traditions, rituals, that they have conducted and are continuing to conduct on Bears Ears."

Per Trump's executive order, Zinke is also supposed to deliver a larger report to the president in August with recommendations on nearly 30 other national monuments over which Trump has expressed concern.



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Many legal experts, including tribal lawyers, have said that a U.S. President does not have the power to eliminate or reduce national monuments through executive action. No president has ever rescinded a national monument designation; if Trump does, lawsuits are widely anticipated.

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#### 5. **BLM acquires 231 acres at Gooseberry Mesa**

*The (St George) Spectrum, June 25 | The Spectrum & Daily News*

The Bureau of Land Management has acquired 231 acres from a private property owner near the internationally renowned Gooseberry Mesa National Recreation Trail.

The purchase will enhance the outdoor recreation experience for Gooseberry Mesa visitors and provide economic growth for the tourism-based economy in Washington County, according to a BLM news release Tuesday.

“High quality outdoor recreation is among the driving forces for economic growth and travel to Washington County, with mountain biking, specifically Gooseberry Mesa, among the top draws,” BLM St. George Field Manager Brian Tritle said.

There are 21 guiding service companies that operate in Gooseberry Mesa, which annually attracts some 21,000 visitors, particularly for competitive mountain biking and trail running events. The land acquisition will allow future upgrades to the road to White Trailhead, according to the release.

The BLM also plans a new trail connecting Gooseberry Trailhead with both the Practice Loop and the Windmill Trail.

“This is a prime example of how we manage public lands for multiple uses and multiple benefits,” Tritle said. “The lands we’ve acquired already have dispersed campsites on them and the previous owners wanted to see these lands added to the public domain so they can continue to be enjoyed by Gooseberry Mesa visitors.”

Gooseberry Mesa is located about four miles southwest of Zion National Park and three miles northeast of the Canaan Mountain Wilderness Area.

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#### 6. The Utah Wildfire Has Grown to Become the Largest Active Fire in the U.S.

*Time Magazine, June 27 | Brady McCombs*

(SALT LAKE CITY) — The nation's largest wildfire has forced more than 1,500 people from their homes and cabins in a southern Utah mountain area home to a ski town and popular fishing lake.

Firefighters battled high winds Monday as they fought a fire that has grown to 72 square miles and burned 13 homes — larger than any other fire in the country now, state emergency managers said.

Some flames reached 100 feet high, while fire crews faced dry, windy conditions Tuesday and a "high potential" for "extreme" fire behavior, officials said late Monday.

The estimated firefighting costs now top \$7 million for a fire started June 17 near the Brian Head Resort by someone using a torch tool to burn weeds, they said. Investigators know who the culprit is, but have not yet released the person's identity or what charges will be leveled.

Crews in California, meanwhile, got a handle on a brush fire that closed a freeway. Arizona firefighters had to ground aircraft due to unauthorized drones over a fire near Flagstaff.

The Utah fire began near the ski resort town of Brian Head, generally known for weekend getaway homes for Las Vegas residents, and has spread several miles east to an area around Panguitch Lake, a popular spot for fishing.

Authorities ordered more evacuations Monday in a sparsely populated area as stronger winds and lower humidity develop that could push fire growth north after calmer weather kept its growth in check over the weekend. The fire is about 10 percent contained.

About 175 people have been briefly allowed back to their homes near Panguitch Lake since Sunday under escort, said Denise Dastrup with the Garfield County Sheriff's Office.

Randi Powell said her grandfather is hoping to get up to see his cabin on Tuesday. Powell said it's been an "emotional roller coaster" for her and her grandparents, who live part of the year at a cabin near the fire. Powell said she and her sister helped grab family heirlooms, pictures and important documents last Thursday when her grandparents had to evacuate on short notice.



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Powell is relying on social media updates from friends and others who live or have homes in the area. So far, it appears her grandparents' 5-bedroom cabin, built some 60 years ago, is still intact, she said. But that hasn't stopped them from worrying.

"There will be uncertainty until you get up there and walk through it," said Powell, 32, who lives about one hour away in Cedar City. "Until it's totally out, you won't know if you'll be ok."

At Brian Head Resort, they are hoping that hot spots near where the blaze started will calm down enough to allow officials to lift the evacuations in time for 4th of July festivities that usually bring some 15,000 people to listen to music and watch fireworks, said resort spokesman Mark Wilder.

He said if the events can happen they will likely be scaled back with fewer visitors — and with no fireworks. Wilder said they're hopeful but realistic.

"Things change day-to-day," Wilder said. "This thing has been a beast."

Meanwhile, a wildfire surging out of control on California's Central Coast has forced evacuations.

The blaze broke out late Monday afternoon and within just a few hours had grown to about 500 acres, the California Department of Forestry and Fire Protection said.

The evacuation order is for a string of homes along about five sparsely populated rural roads in and around the small town of Santa Margarita about 10 miles north of the much larger city of San Luis Obispo. It wasn't immediately clear how many people were affected.

In New Mexico, Gov. Susana Martinez ordered flags to fly at half-staff in honor of a volunteer firefighter who died from injuries suffered while battling a brush fire in eastern New Mexico last week. Nara Visa Fire Chief Gary Girard tells The Eastern New Mexico News that John Cammack was severely burned after falling from a fire engine when the winds shifted and the flames changed direction. In Arizona, firefighters had to ground aircraft after they spotted drones being flown near the fire, said Bureau of Land Management spokesman Dennis Godfrey. The Arizona Republic reports another unauthorized drone was spotted Sunday, temporarily halting aerial efforts to put out a fire northwest of Flagstaff that is 88 percent contained.

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#### **7. Trump's BLM plans oil and gas leasing near Dino monument and San Rafael Swell**

*The Salt Lake Tribune, June 27 | Brian Maffly*

In another indication of how President Donald Trump's "America First" energy strategy is playing out in Utah, the federal government has identified parcels it intends to lease for oil and gas development at the doorstep of Dinosaur National Monument and the scenic San Rafael Swell.

These Bureau of Land Management tracts and others, totaling 100,000 acres, are sparking an outcry from environmental groups that a massive auction, set for December, could lead to drilling in places Utahns value for their vistas, recreation and rock art.

"The BLM has quickly come full circle and brought us back to the 'drill now-drill everywhere' days of the early 2000s, and once again Utah is front and center on the national stage for these disastrous policies," said Landon Newell, staff attorney for the Southern Utah Wilderness Alliance.

The 79 Green River District parcels overseen by the BLM's Price and Vernal field offices are the subject of two draft environmental assessments, which the public is invited to comment on through July 24.

Three parcels abut Dinosaur, spurring concerns among National Park Service officials that its sister agency is inviting development at the monument's doorstep within sight of highly visited areas and the entrance road.

In a letter to the BLM, Dinosaur Superintendent Mark Foust asked the agency to withhold the many other leases within site of the visitors center and fossil quarry. The 211,000-acre monument sees 300,000 visitors a year, generating \$17 million in economic activity.

"Scenic vistas from high elevation points within the monument provide dramatic views and a remote and far-reaching landscape that includes montane peaks, high desert plateaus, entrenched canyons carved by the Yampa and Green rivers, and expansive skies. These vistas are fundamental to the visitor experience at the monument," Foust wrote. If the BLM does offer the leases, he recommended the agency require measures that would safeguard visitor experience,



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such as painting equipment to match the surroundings and minimizing noise, lighting and nighttime activity.

Anticipated development from these leases would affect a tiny fraction of the viewshed, below 0.01 percent of an observer's field of vision, according to Kathleen Sgamma, president of the Western Energy Alliance.

"The visual impacts are well below the level that would be detectable to a visitor to the monument," Sgamma said. "There are restrictions on each of the leases regarding noise and visual impact. The BLM has done a good job of looking at impacts and mitigating them."

Many of the 79 parcels come from a huge backlog that industry "nominated" for leasing. The Obama administration declined to offer them for a variety of reasons.

For Molen Reef, an area rich with ancient rock art west of the San Rafael Swell, this marks the third time in five years that the BLM is has proposed oil and gas leasing there.

Then-state BLM Directors Juan Palma and Jenna Whitlock declined to offer this area, citing a need to conduct cultural inventories that would identify rock art sites in need of protection should these lands be drilled. Those surveys have yet to be completed, and the BLM acknowledges only a small percentage of the leasing areas have been adequately surveyed.

The BLM recently backed away from a proposal to lease three parcels near Zion National Park, but only after Utah Gov. Gary Herbert and the Washington County Commission came out against leasing in a scenic area that has no current development.

Such pushback is not likely in the latest proposal, which impinges on two master leasing areas that had been initiated during the Obama administration. The BLM has been developing master leasing plans (MLPs) in several parts of Utah where areas open for drilling overlap lands valued for recreation, wildlife, cultural resources and proximity to parks. Only the Moab MLP was completed before Barack Obama left office.

Utah's BLM office has previously maintained a policy of "deferring" any nominated parcel inside such a planning area, postponing a leasing decision until the plan was completed. The goal behind these plans is to "balance" the needs of industry with other stakeholders, but with the transition to an administration bent on "energy dominance," the future of this planning process is in doubt.



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"Becoming energy dominant means that we are getting government out of the way so that we can share our energy wealth with developing nations," Interior Secretary Ryan Zinke wrote in a Washington Times op-ed Tuesday. "For years, Washington stood in the way of our energy dominance. That changes now."

Nada Culver, senior director of agency policy at The Wilderness Society, labeled Zinke's call 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."

"Part of this sellout includes some of our most precious shared heritage, ranging from national monuments to the Arctic," Culver said in a statement. "Americans do not support an extreme agenda to undo common sense, balanced protections and public health safeguards to reward the fossil fuel industry."

The pending Utah auction indicates the BLM intends to lease inside places where MLPs are still being developed, which critics say defeats the purpose of the plans.

Unfettered leasing could undermine the outdoor recreation industry and tighten rural communities' dependence on boom-and-bust extractive industries, according to Ashley Korenblat, a Moab cycling guide active in public lands issues.

"Well-planned resource extraction is needed to ensure that communities that are dependent on public lands are able to develop broad-based economic strategies that balance resource extraction with other land uses, especially recreation," Korenblat said. "Deferring parcels gives regions more opportunities to develop their recreation economy. It's just a smarter business strategy."

Industry sees MLPs as unnecessary bureaucracy on top of planning that has already been done.

"It was a policy put in place without any rule-making or public notice or comment," Sgamma said. "They [BLM officials] are under no obligation to hold up energy development and economic growth because of a new layer of analysis."

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#### E&E/NATIONAL NEWS – FULL STORY

##### 1. **INTERIOR: Can Zinke tout an unpopular budget and win over Congress?**

*E & E News, June 27 | Kellie Lunney*

All Cabinet secretaries must traverse Capitol Hill's thorny terrain during budget season. Their mission: Defend the president's priorities and simultaneously placate lawmakers from both parties upset about proposed cuts to their favorite programs.

It's an unenviable job under normal circumstances. But withstanding criticism from Republicans and Democrats over President Trump's fiscal 2018 budget blueprint — former House Appropriations Chairman Hal Rogers (R-Ky.) called it "draconian" earlier this year — takes a special kind of stamina and confidence.

Interior Secretary Ryan Zinke last week deflected questions from three congressional committees on the approximately 13 percent proposed budget reduction his department is facing in fiscal 2018. The seemingly unflappable former Navy SEAL and Montana congressman attempted to sell lawmakers a potpourri of reductions, including an 85 percent reduction to the Land and Water Conservation Fund, a 15 percent decrease to a popular tax program that helps communities with federal lands and the elimination of regional programs including the Great Lakes Restoration Initiative.

Zinke repeatedly told Republicans and Democrats last week that he views the administration's proposal as "a starting point."

The Montanan — who also appeared before the House and Senate natural resources panels — cheerfully told legislators he would "work with them" on their priorities, whether it was Sen. Chris Van Hollen (D-Md.) fretting over proposed cuts that would affect the Chesapeake Bay, or Louisiana Republican Sen. Bill Cassidy and Rep. Garret Graves determined to preserve an oil and gas revenue-sharing program that benefits Gulf states and assists them with coastal restoration and hurricane protection. The Trump budget would slash that program by \$272 million in fiscal 2018.



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The Interior secretary received a polite, even warm at times, reception from Democrats as well as Republicans. Rep. William Lacy Clay (D-Mo.) told Zinke he thought it was "cool" that he rode a horse to work his first day on the job during Thursday's Natural Resources hearing.

Practically speaking, though, how does Zinke champion an unwelcome budget that guts many popular programs and successfully push for more energy production, but also "work with" all lawmakers on their specific priorities?

"It's easy," Zinke told reporters in response to that question after testifying Wednesday before the Senate Interior, Environment and Related Agencies Appropriations Subcommittee.

Easy?

"This is what a balanced budget would look like. It's the first step," he said, right on message. Then he launched into another talking point about the importance of raising revenues through on- and offshore drilling to help pay for things like LWCF and crumbling infrastructure in the country's national parks. Offshore drilling revenues are the second-largest source of income for the U.S. government after taxes collected by the IRS, but the money goes into the general Treasury (Climatewire, June 26).

"The walkaway is, we are going to focus on revenue, we're going to focus on public-private partnerships," Zinke said. He acknowledged that there are a lot of priorities among members. "But, all of these members are important."

Even as Zinke tells lawmakers that the proposed budget before them is the result of "tough" decisions, he effortlessly slips into reassurance mode when they air concerns.

"I'm glad to be here today to go through this," he told the Senate Energy and Natural Resources Committee last Tuesday. "I understand there's different priorities within each of you and your states. I will always work with you to make sure we have a budget that represents that recognition."

#### **Parochial interests**

Not everyone is so optimistic.



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"These guys craft a piece of crap like this budget, and then they expect the secretaries to defend it," Sen. Jon Tester (D-Mont.) told E&E News last week.

Tester sits on the Interior, Environment and Related Agencies Appropriations Subcommittee, one of the panels Zinke came before last week. "I just don't know who is running the show over at Interior," he added. "We'll see what he [Zinke] does between now and then, but if they put out a budget this bad and expect us to fix all of it, I don't think it's going to be possible."

Even Sen. Lisa Murkowski (R-Alaska), who leads the ENR panel as well as the Interior Appropriations Subcommittee, and likes parts of the budget, conceded during last week's hearing that she doesn't expect Congress to go along with many of the administration's proposed cuts to the department, "especially those targeting popular programs."

In particular, Murkowski views the cut to the payments in lieu of taxes program as a nonstarter (E&E Daily, May 26). She also is not a fan of the 13 percent overall cut to the Bureau of Indian Affairs.

Still, she said she believes that Zinke can "absolutely" defend the president's budget and negotiate with lawmakers at the same time.

"He committed to working with us on a lot of these high-priority issues," Murkowski said after the Wednesday appropriations hearing.

Sen. Lamar Alexander (R-Tenn.), an appropriator, said he disagreed with Zinke's characterization of the budget proposal.

"This is not a balanced budget," said Alexander, adding that mandatory spending — programs like Social Security and Medicare — is the part of the \$2.7 trillion budget that is "out of control." Alexander said until that changes, funding for things like national parks, laboratories and the National Institutes of Health "will be squeezed into nothing."

The variety of parochial concerns lawmakers broached with Zinke during his appearances on Capitol Hill last week underscored the sheer breadth of the department's mission: managing public lands, water systems, national parks and monuments, energy production, wildfire prevention and mitigation, Indian affairs, even transportation.



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There was Rep. Bruce Westerman (R-Ark.) asking about cuts to LWCF; freshman Rep. Jimmy Panetta (D-Calif.) querying Zinke about the "lack of funding and resources" for Bureau of Land Management employees in his district; and an exchange with Rep. Jack Bergman (R-Mich.) over the proper management of the double-crested cormorant and the risk the species poses to the fishing industry in northern Michigan.

Keeping track of it all is daunting. Zinke told Bergman he'd get back to him on the troublesome double-crested cormorant. "I will look into it. This is the first I have heard of this particular issue," the secretary said.

#### **Charm offensive**

Zinke's confidence navigating tricky conversations with members likely will be an asset in public and private budget negotiations.

Graves, the Louisiana congressman, asked Zinke for the opportunity to meet with him and explain why the offshore revenue-sharing program created by the 2006 Gulf of Mexico Energy Security Act (GOMESA) is not just critical to the region, but "an important reinvestment in revenues" overall.

"I look forward to working with you on it," Zinke said. Then he added, "I think you would be a magnificent governor of Louisiana. No one represents the state of Louisiana better than you," prompting some knowing chuckles. Graves is a frequent critic of current Louisiana Gov. John Bel Edwards (D), who is up for re-election in 2019.

Zinke assured Graves that he understood the importance of the law: "I get the GOMESA."

House Natural Resources Chairman Rob Bishop (R-Utah) praised Zinke's performance after the Thursday hearing, saying he did "very well."

Tester had a different take on the other side of the Capitol. "Sure, you can be confident," he said of Zinke. "But you're leading the train over the cliff. It's not good. I mean, it's not good."

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#### 2. INTERIOR: 3 BLM state directors removed in reorganization — sources

*E & E News, June 27 | Scott Streater*

The Bureau of Land Management is reassigning the directors of the Alaska, Colorado and New Mexico state offices to positions at other federal agencies as part of an Interior Department reorganization that sources say is only beginning.

Alaska Director Bud Cribley, Colorado Director Ruth Welch and New Mexico Director Amy Lueders are among as many as 50 BLM career officials notified this month that they are being transferred to different agencies or other positions within BLM, multiple sources with knowledge of the moves told E&E News.

The Senior Executive Service officials were told of the transfers earlier this month and given 15 days, or until Wednesday, to either accept the transfers, retire or resign (Greenwire, June 16). Additional transfer notices will be coming as soon as this week, sources said.

BLM and Interior Department officials have declined to provide many details about the ongoing reorganization effort, or the transfers of SES employees to other federal agencies.

But reassigning three state directors represents a major administrative change for the agency. The trio at issue oversee 94 million acres of some of the most resource-rich and environmentally sensitive lands managed by the agency.

It's not clear whether anyone has been named to replace the outgoing state directors.

Heather Swift, an Interior spokeswoman, declined to confirm that the state directors are being reassigned.

"I have no information on specific personnel matters at this time," Swift said in an email.

But sources confirmed that Cribley is being transferred from the Alaska state office to an unspecified administrative position at the Fish and Wildlife Service in Washington, D.C. Cribley would have 60 days to move if he accepts the transfer, sources said.

Welch is being reassigned to an administrative position with the Bureau of Reclamation but will remain in the Denver area.



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Sources also confirmed that Lueders is being transferred to an unspecified position at the Fish and Wildlife Service in Albuquerque, N.M. The Washington Post first reported Lueders' transfer.

It's not clear whether the three state directors have agreed to the transfers. Only Cribley, who first joined BLM in 1975, has been with the agency long enough to retire with full benefits, sources said.

Interior Secretary Ryan Zinke has defended the transfers in general, telling reporters last week that he wasn't firing anyone, but rather shifting people to jobs where their skills are better suited (E&E News PM, June 21).

Senior executives are required when they enter the SES to sign a form acknowledging they are subject to involuntary reassignments.

By statute, reassignments must comply with proper notification requirements of at least 15 days for a transfer to another SES job within the same agency and the same commuting area, and 60 days for a transfer outside the geographic commuting area.

"If you accept an SES position, you should be prepared to move," Zinke said.

#### **More moves coming**

BLM acting Director Mike Nedd held a June 16 teleconference with members of the agency's Executive Leadership Team to discuss the latest SES transfers and to prepare senior leadership for "one or two more rounds" of similar moves in the coming weeks, sources said.

A BLM source said a new round of agency transfers could come as early as Thursday.

Swift, in a brief email to E&E News, wrote that Zinke "has been absolutely out front" that transfers were coming since "his first-day address to all employees" in March.

They are part of an Interior agencywide reboot Zinke outlined in general terms this month that calls for reorganizing the agency under a "joint system" that would shift federal employees from Washington to the field (E&E News PM, June 8).

He has promised more details in the coming weeks.



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"Personnel moves are being conducted to better serve the taxpayer and the Department's operations through matching Senior Executive skill sets with mission and operational requirements," Swift wrote.

The Trump administration's proposed fiscal 2018 budget for BLM calls for a nearly 13 percent cut in funding from current operating levels.

Nedd sent an agencywide email to all staff June 16 acknowledging that the budget cuts, if implemented, "could mean 1,000 fewer full-time equivalent employees across the Nation," according to a copy of the email obtained by Public Employees for Environmental Responsibility.

Nedd's email says the agency can probably handle most of the reduction through attrition and retirements but adds that BLM "may also seek authority from the Office of Personnel Management to offer early retirement and voluntary separation incentives later this year."

Nedd was not involved in the decision to transfer the state directors, a source with knowledge of the reorganization told E&E News. The source said Nedd was told of the transfers about an hour before the letters were sent June 15 to the employees targeted for transfer.

Sources said the transfer decision came down the chain of command from James Cason, Interior's associate deputy secretary.

Cason, a George W. Bush-era official who served as Interior associate deputy secretary from 2001 to 2009, is co-leading an Interior rule-cutting task force (E&E News PM, April 24).

Though details are few, the transfers have sparked questions from elected leaders. New Mexico Sen. Tom Udall (D) at a Senate Appropriations subcommittee hearing last week expressed concern to Zinke about losing Lueders.

Colorado Gov. John Hickenlooper (D), attending the Western Governors' Association annual meeting in Whitefish, Mont., told E&E News this week that he's concerned about the impacts of losing talented BLM staffers that his office has worked with on issues like greater sage grouse management.

"All I have is anecdotal information, but it sounds like people are being transferred away from their expertise and away from their traditional area of responsibility, and I do worry that we're



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going to lose some of the institutional memory, that kind of muscle memory that allows you to get good policy and not bad policy," Hickenlooper said.

Montana Gov. Steve Bullock (D), also attending the WGA meeting, echoed Hickenlooper. While Bullock said it's "laudable" to reorganize the agency to make it more effective, "we need to make sure in doing so we're not taking steps back."

#### **Political payback?**

Alaska, Colorado and New Mexico have all been involved in controversial energy development and natural resource issues in the past few years, and sources say Interior brass do not view the three state directors at issue as being compatible with the Trump administration's stated push to promote more oil and gas development and mining activity on federal lands.

The transfer of Cribley, who has been BLM's Alaska state director since November 2010, comes just weeks after Zinke toured the state and announced plans to open new sections of the National Petroleum Reserve-Alaska to oil and gas leasing (Energywire, June 1).

Sources said Cribley had a good relationship with Senate Energy and Natural Resources Chairwoman Lisa Murkowski (R-Alaska), who accompanied Zinke on part of his tour through the state last month.

But Murkowski and other members of Alaska's congressional delegation have long complained about federal land-use policies that they say have limited access to mineral resources and stifled economic development.

Welch, appointed Colorado state director in June 2014, helped broker agreements throwing out already-issued oil and gas leases in the Thompson Divide portion of the White River National Forest and atop the sensitive Roan Plateau.

Welch stood next to former Interior Secretary Sally Jewell during a ceremony in Denver announcing both agreements; the leader of an industry trade group derided the ceremony as "despicable" (E&E News PM, Nov. 17, 2016).

Lueders, appointed New Mexico state director in 2015, was viewed as instrumental in helping BLM develop sweeping federal greater sage grouse conservation plans that were key in



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convincing the Fish and Wildlife Service not to list the bird for protection under the Endangered Species Act.

Prior to her appointment as New Mexico director, she served on detail in BLM's Washington headquarters overseeing sage grouse conservation as acting assistant director for renewable resources and planning.

Zinke, a longtime critic of the federal plans, this month announced Interior will review the grouse plans to determine in part whether they are hindering energy production on public lands (Greenwire, June 7).

Lueders was also BLM Nevada director during the disastrous 2014 armed standoff with ranchers and militia groups who blocked the agency from removing hundreds of head of cattle owned by rancher Cliven Bundy that were illegally grazing on federal land.

#### **Other moves**

Other high-ranking BLM officials are also being transferred.

Among them is Salvatore Lauro, who directs the agency's Office of Law Enforcement and Security.

Lauro is scheduled to be transferred to the Fish and Wildlife Service as chief of FWS's Office of Law Enforcement.

The current FWS Office of Law Enforcement chief, Bill Woody, will essentially switch places with Lauro and is scheduled to be transferred to head up BLM's Office of Law Enforcement and Security.

In addition, Janine Velasco, BLM's assistant director of business, fiscal and information resources management, is being transferred to an unspecified administrative position at FWS in Washington.

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#### 3. **SAGE GROUSE: Western governors to push Zinke on his review**

*E & E News, June 27 | Jennifer Yachnin*

WHITEFISH, Mont. — When a cadre of Western governors meet with Interior Secretary Ryan Zinke today, Wyoming Gov. Matt Mead (R) said the group will emphasize the decades of effort that led to the creation of current sage grouse conservation efforts — and will aim to influence the Interior Department's new review of whether those plans are hindering energy production on public lands.

Zinke is scheduled to meet with members of the Western Governors' Association in a private session and give a keynote address at the group's annual meeting. During his remarks, Zinke is expected to touch on sage grouse as well as announce grants for energy projects to the nation's insular areas.

In a news conference ahead of the meeting's opening session, Mead — who has previously praised Zinke's decision to compare federal- and state-level efforts to protect the birds and potentially recommend changes to how they are managed — touted the success of efforts to avoid listing the sage grouse under the Endangered Species Act (Greenwire, June 8).

"This is a long-term effort," Mead said, pointing to collaboration from the oil and gas industry, conservationists, ranchers, farmers and others with an interest in public lands.

"Stakeholders in a number of different ways have come to a place — not led from the federal government but led from the states — where they came to an agreement, that came to a place, which got us to a 'no' listing with sage grouse. The significance of that can't be overstated," he added.

Mead, a critic of the ESA who complained that a low percentage of species are removed from the program after being listed, said he hopes Zinke will give sufficient weight to states' input.

"The states don't necessarily agree on every aspect of it — and some agree more than others — but it should be a state-driven effort, because the wildlife belongs to the states, it's best managed by the states and not the federal government," Mead added. "We're hoping for that robust discussion recognizing that nearly two decades of work has been put into this to get us to this point."



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Mead and Colorado Gov. John Hickenlooper (D) served as co-chairman of the federal-state sage grouse task force that worked to develop the existing conservation plans.

The Interior and Agriculture departments finalized their greater sage grouse plans in 2015 — covering grouse habitat across 70 million acres in 10 Western states — including amendments and revisions to 98 Bureau of Land Management and Forest Service land-use plans.

Montana Gov. Steve Bullock (D), the current WGA chairman, suggested that changes to the sage grouse efforts could create uncertainty for landscapes and habitats used by the mottled-brown bird.

"I've worked hard, shoulder to shoulder, with many of the governors here, and I want to make sure that we continue to advance that and not actually take any steps back," Bullock said. "From that perspective, we'll certainly take the secretary's word that consultation with the states is important and continuing to protect the birds is important."

#### **ESA changes**

The WGA is also set to consider updates to its [resolution](#) on ESA, which encourages Congress to treat states as co-regulators with greater input into decisions to include or remove species from listing.

The organization focused on ESA reform under Mead's chairmanship last year, adopting a policy in December that called for state consultation (Greenwire, Dec. 15, 2016).

That resolution urged Congress to include "clear recovery goals for listed species" as well as actively pursue the delisting of recovered species.

"Western Governors believe that recovery, and ultimately de-listing of a species covered by the ESA, should be the highest priority of the Act," the resolution states. "Every effort should be made to complete a recovery plan within one year of a species being listed, when doing so will not compromise the integrity of the plan."

The resolution also endorsed expanding the role of state governments under ESA by allowing Interior to delegate the development of conservation plans to individual states, as well as to provide grants for related administrative costs.



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California Gov. Jerry Brown (D), who did not attend the meeting, rejected updates to the proposal — which have not been publicly released — in a Friday letter to Mead.

"You spearheaded an inclusive thoughtful process," Brown wrote. "In contrast, the current climate in Congress is marked by chaos and partisanship. This climate will not result in good conservation policy."

#### 'Bipartisanship Happens'

Before opening the WGA's annual meeting yesterday, both Bullock and South Dakota Gov. Dennis Daugaard (R) touted their organization's efforts to unite governors from both major political parties.

"Bipartisanship does not happen by accident. It happens by design," said Bullock, who held up a bumper sticker distributed by the group that reads "Bipartisanship Happens" with the WGA logo.

He pointed to the group's work on topics including the sage grouse and ESA, as well as energy production, forest and rangeland management, and fire suppression.

"We may disagree on some issues, but we disagree respectfully and civilly, and at the end of the day, we're colleagues and we enjoy each other's company," Daugaard said. "We are deliberate about that."

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#### 4. **PUBLIC LANDS: BLM launches web tool to improve access to outdoor activities**

*E & E News, June 27 | Kellie Lunney*

As summer vacations kick off, the Bureau of Land Management has launched a [tool](#) on its website to improve the public's access to thousands of recreation sites across the country.

The agency, which manages 3,735 sites through its [outdoor recreation program](#), added nearly 1,400 new webpages from its most popular recreation areas, including information on trails, campgrounds and national monuments.



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Users can search by location, keyword or activity — everything from auto touring to winter sports.

BLM provides a basic summary of the recreation site, contact information for the agency field office, fee information where applicable, necessary permits and passes, and, of course, maps.

"Maps are kind of a big deal at the BLM," said agency spokesman Matthew Allen.

The information had been housed at Recreation.gov, and still is, according to Allen. But the agency wanted to make it easier for people to find what they were looking for — and plans to expand the tool as needed. Nearly half the visitors to BLM.gov are seeking recreation-specific information, Allen said.

The most popular recreation activities on BLM-managed lands in fiscal 2016 included camping, picnicking, off-highway travel and hunting, according to agency statistics.

BLM reported \$24.6 million in revenue in fiscal 2016 from fees, permits and passes to outdoor recreation sites.

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#### 5. **INTERIOR: Zinke touts record PILT payments as Trump proposes deep cuts**

*E & E News, June 27 | Scott Streater*

Interior Secretary Ryan Zinke yesterday announced his department will distribute a record \$464 million to 1,900 counties as part of a program that pays rural areas with large tracts of federal land.

The Interior Department said in announcing the distribution of the annual payments in lieu of taxes (PILT) program funds that the record amount, approved by Congress, underscores "the Trump administration's commitment to rural communities" and is one way the federal government "can fulfill its role of being a good neighbor to local communities." The payment plan aims to help those counties by offsetting lost property tax revenue since the federal lands cannot be taxed.



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"As a kid who grew up in northwest Montana and whose sons graduated from the same high school as I did, I know how important PILT payments are to local communities that have Federal lands," Zinke said in a statement. "These investments are one of the ways the federal government is fulfilling its role of being a good land manager and good neighbor to local communities."

But President Trump's proposed fiscal 2018 budget proposes a 15 percent cut for the program that since 1977 has distributed nearly \$8 billion to states and territories to help nearly 2,000 counties fund critical services such as firefighting, law enforcement and public schools, as well as infrastructure improvement projects.

Trump's budget blueprint requests \$397 million for PILT in fiscal 2018 — \$68 million less than the \$465 million the program received in the fiscal 2017 omnibus Congress passed last spring (E&E Daily, May 26).

The proposed cuts have raised concerns with top GOP congressional leaders, including House Natural Resources Chairman Rob Bishop (R-Utah) and Sen. Lisa Murkowski (R-Alaska), who leads the Interior, Environment and Related Agencies Appropriations Subcommittee.

Murkowski has vowed to fight the proposed cuts. Her state is slotted for \$30 million in PILT funding this year.

But Zinke traveled yesterday to make the distribution announcement in Nevada — where 85 percent of the state's lands are federally managed and where elected leaders were pleased for another year of funding.

"As a vocal and outspoken supporter of the PILT program, I applaud Secretary Ryan Zinke for investing record resources in the program and sending a message I've long echoed to rural Nevada: you are not forgotten," Sen. Dean Heller (R-Nev.), whose state will receive \$26 million in PILT funds this year, said in a statement.

Other states with large tracts of federal lands receiving sizable distributions this year are Arizona (\$36 million), California (\$48 million), Colorado (\$36 million), New Mexico (\$38 million), Utah (\$39 million) and Wyoming (\$28 million).

"I thank Secretary Zinke for recognizing the important role the program plays in our communities," Heller added.



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#### 6. **COAL: Greens, labor mobilize for modified reclamation bill**

*E & E News, June 27 | Dylan Brown*

Environmentalists, union workers and Appalachian advocacy groups yesterday threw their weight behind a \$1 billion coal mine cleanup bill ahead of a House markup today. But they are also pushing for changes to stress economic development.

After the mining industry came out against Kentucky Republican Rep. Hal Rogers' [H.R. 1731](#) last week, more than 40 national and regional groups — including the Sierra Club, Union of Concerned Scientists and Utility Workers Union of America — signed a [letter](#) urging the House Natural Resources Committee to pass it.

Rogers' "Revitalizing the Economy of Coal Communities by Leveraging Local Activities and Investing More (RECLAIM) Act" would accelerate the spending of \$1 billion from the federal Abandoned Mine Land (AML) Fund. Under current law, the government wouldn't dole out the money until years after a reclamation fee on coal production expires in 2021 (E&E Daily, June 23).

The bipartisan measure aims to help places hurt by the coal downturn get reclamation funding — and any economic development that comes with it — faster.

"Those who are laid off cannot wait until 2023 ... for a chance to work on projects that are so badly needed today," United Mine Workers of America President Cecil Roberts wrote in his own [letter](#) yesterday.

Both missives support an expected [amendment](#) during today's House Natural Resources Committee markup from Rep. Don Beyer (D-Va.) requiring that a project have an "economic nexus."



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The coalition said in its letter, "In order to achieve the highest return on that investment, the legislation must prioritize projects that would tie mine reclamation with long-term economic development. Current language does not do that."

Last week, the National Mining Association said the focus on economic development takes money away from cleaning up the most dangerous abandoned coal mines — the goal of the AML program. The industry trade group is also opposing reauthorizing the fee.

State regulatory agencies and groups backing "RECLAIM" generally support reauthorizing the fee as a means to help coal communities.

"These investments will create thousands of good jobs," Roberts wrote, "requiring skills that dislocated coal miners already possess."

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#### 7. **INTERIOR: Zinke vows to restore 'breaches,' keep NPS despite reorg**

*E & E News, June 27 | Jennifer Yachnin*

WHITEFISH, Mont. — Interior Secretary Ryan Zinke said today that his agency must "restore trust" in the federal government's ability to manage public lands — while slamming Obama-era policies on developers paying for harm to species and promising his overhaul of the department would be on a "100-year scale."

In brief remarks here at the Western Governors' Association annual meeting, Zinke lamented what he views as a dysfunctional relationship among federal land managers, residents and business.

"Particularly out West, there seems to be a breach of trust," Zinke said. "Some is the political arena that we live in today, but there's a trust between the people and our government in some places that's breached."

He then pointed to the Bureau of Land Management, which oversees 258 million surface acres and nearly 700 million acres of subsurface mineral estate.



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"It bothers me when BLM is not viewed as land managers but are viewed as more law enforcement," Zinke said. "It bothers me to go out to our holdings where citizens don't trust their government to be the stewards. And frankly, in the past, there's been some breaches."

Zinke highlighted an unspecified \$3 billion lease in Alaska that was relocated at the direction of the Fish and Wildlife Service.

He did not identify the project but was likely referring to an effort by Royal Dutch Shell PLC to drill exploration wells in Alaska's remote Chukchi Sea. The wells in that project would have violated a Fish and Wildlife marine mammal rule issued in 2013 that required well spacing of at least 15 miles (E&E News PM, June 23, 2015).

Zinke did not raise other disputes with BLM, such as the 2014 incident in which armed ranchers and militia blocked federal law enforcement officers from removing Cliven Bundy's cattle from public lands where they had been illegally grazing.

But Zinke did spend time lambasting the process of "compensatory mitigation," which dictates how land developers can pay for damage to protected species or their habitats, noting that some critics see the process as "extortion."

"I call it un-American," said Zinke, adding that he called for a review of the compensatory mitigation process in a [secretarial order](#) earlier this year. "We have to restore trust."

Zinke also briefly touched on his planned overhaul of Interior, vowing that the reorganization effort would be "on a scale of 100 years."

"We're going to address how to be more joint," he said. "We're still going to keep the Park Service and the Forest Service, because there is great value in keeping tradition."

The Forest Service is under the Agriculture Department.

#### **No changes to Mont. monument**

In a news conference after his remarks, Zinke revealed that he will not recommend any changes to the Upper Missouri River Breaks National Monument in Montana, one of dozens of such sites under review by the Trump administration.



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"My likely recommendation will be to leave the Missouri Breaks as is," Zinke said. He later added: "In the case of Missouri Breaks, I think it's settled to a degree, and I'd rather not open up a wound that has been healed."

Zinke is reviewing 27 national monuments under an executive order issued by President Trump in late April to assess all monuments created since 1996 that encompass at least 100,000 acres.

In an interim report earlier this month, Zinke advocated for unspecified reductions to Bears Ears National Monument in southeastern Utah, but he is not scheduled to submit a final report until Aug. 24.

Echoing remarks he made to congressional lawmakers last week, Zinke acknowledged that not all 27 monuments are actively under scrutiny.

"Not all the monuments are under review," he said. Last week, he told Colorado Sen. Cory Gardner (R) that the Canyons of the Ancients National Monument is not on his agency's "priority review" list (E&E News PM, June 22).

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#### 8. **EPA: Public affairs shop gets a makeover**

*E & E News, June 27 | Kevin Bogardus*

U.S. EPA's public affairs office during the Trump administration's early days has already undergone a shake-up.

Liz Bowman is now the acting associate administrator for public affairs. That is Bowman's title in an internal email sent today by EPA Chief of Staff Ryan Jackson that was obtained by E&E News.

"I believe it is important to provide you with a listing and the responsibilities of the new team that has joined EPA to fill positions in the Office of the Administrator and program offices," Jackson said in the email, which listed other EPA political appointees (see related story).



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With Bowman's elevation, J.P. Freire, who is not listed in Jackson's email, is no longer EPA's associate administrator for public affairs. Freire, formerly communications director for Sen. Orrin Hatch (R-Utah), was reassigned elsewhere in the agency, sources tell E&E News.

Freire didn't respond to messages asking for comment for this story.

Like Freire, Bowman joined EPA's public affairs office earlier this year. She came to the agency from the American Chemistry Council, where she was director of issue and advocacy communications (Greenwire, April 14).

Running EPA's public affairs office is one of the more demanding jobs in the federal government. The agency, whether during a Democratic or a Republican administration, is always under heavy scrutiny from the press as well as Capitol Hill.

As head of public affairs, Freire was part of EPA's media response for several controversial stories. He answered questions and gave statements on Administrator Scott Pruitt's canceled fundraiser for the Oklahoma Republican Party; EPA not bringing back members of its Board of Scientific Counselors; and the agency scrubbing its climate change webpage.

There has been some leadership churn at EPA recently. Top political officials left the agency during President Trump's first weeks in office, although they were part of the president's EPA "beachhead" team and came aboard before Pruitt's Senate confirmation in February.

Don Benton, a senior White House adviser at EPA, reportedly clashed with Pruitt and left the agency in April to lead the Selective Service System, the country's military draft board (Greenwire, April 14).

David Schnare, another beachhead team member, was expected to stay on at EPA in a senior job but resigned from the agency in March after he made allegations of wrongdoing (Greenwire, March 16).

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#### 9. **SUPREME COURT: Justices decline 2 cases similar to property rights verdict**

*E & E News, June 27 | Amanda Reilly*



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After ruling against landowners last week in a closely watched property rights case, the Supreme Court today declined review in two other cases that presented similar legal issues.

The court denied to take up the federal government's appeal of a lower court ruling finding it liable for \$4.2 million for "taking" a property in Florida by denying a Clean Water Act permit.

Justices also declined to take up a lawsuit alleging that land-use regulations rendered a property in the state of Washington useless.

The denials are a mixed bag for property rights advocates and come after the court ruled 5-3 Friday against the Murrs, a Wisconsin family who claimed that the county and state had taken their private waterfront property through a decades-old regulation (Greenwire, June 23).

As with *Murr v. Wisconsin*, both of the cases that the court denied today dealt with the standard for courts to decide whether a government taking of private property has occurred without just compensation.

The first case, *United States v. Lost Tree Village Corp.*, arose when the Army Corps of Engineers in 2002 denied a developer a Clean Water Act permit to convert a 4.99-acre parcel of wetlands in Florida into a residential lot with waterfront access.

Lost Tree Village argued that denial of the permit significantly diminished the value of the property. The lot would be worth \$25,000 without a fill permit, compared with \$4.8 million with the permit after development into residential property.

After being denied the permit, Lost Tree Village brought suit, arguing that the government had taken its property.

A lower court originally sided with the government, but in 2015, the U.S. Court of Appeals for the Federal Circuit reversed the ruling and found that, without the permit, the parcel had lost 99.4 percent of its value. The circuit court found that the United States was liable for \$4.2 million for taking the nearly 5-acre property, which was worth \$5,370 at the time of purchase.

In its petition for the Supreme Court to take up the case, the government argued that the \$4.2 million award was an "absurd outcome."



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Department of Justice attorneys said the appeals court erred because the developer lacked any "reasonable investment-backed expectations" for the wetlands tract. Lost Tree Village purchased the parcel in 1974 as part of a larger acquisition of 1,300 acres of coastal property, which the company had already mostly developed by the time it turned to the wetlands tract.

The court should have weighed the value of the wetlands parcel against the entire lucrative coastal property that had already been developed rather than just looking at it as an isolated tract in its takings analysis, the government's petition said.

The court's decision to deny review in the case is a win for property rights advocates, who had viewed the government's appeal as an attempt to get out of paying just compensation for taking the land.

On the other hand, the court today also declined to take up *Kinderace LLC v. City of Sammamish, Wash.*, a separate case brought by property-owner advocacy organization Pacific Legal Foundation on behalf of a Washington developer.

Elliott Severson, owner of Kinderace, purchased commercially zoned property in Sammamish. He alleged that increased land-use regulations since the purchase of the property had stripped the value from the land.

The city, though, argued that it wasn't taking private property because Severson had been able to develop neighboring parcels. The regulations at issue affected only a small portion of the total land, Sammamish said.

The scenario presented a similar situation to the Murr case, in which the county, state and federal government argued that the family's inability to develop or sell a vacant lot didn't qualify as a taking because the Murrs owned the lot next door.

Richard Lazarus, a professor at Harvard Law School who argued the Murr case on behalf of St. Croix County, today expressed surprise at the court's decision to decline Lost Tree Village, the higher-profile of the two cases.

"I think the court screwed up," he said.



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Lazarus said he expected the Supreme Court to grant the petition, vacate the ruling against the government and remand it to the lower court in light of the Murr decision.

"The court does it all the time when a case just barely touches on a case they've just decided," he said. "And this one was huge — the impact on what the court below had decided."

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