

**To:** (b) (6)  
**Cc:** cdr06@ios.doi.gov[cdr06@ios.doi.gov]  
**From:** Caroline Boulton  
**Sent:** 2017-05-06T17:01:21-04:00  
**Importance:** Normal  
**Subject:** Briefing Book: May 7  
**Received:** 2017-05-06T17:01:25-04:00  
[ATT00001.txt](#)  
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Trying to send this from my phone so let me know if it doesn't come through properly!

Caroline



U.S. Department of the Interior

Washington, D.C. 20240

## DAILY ELECTRONIC BRIEFING SUMMARY FOR SECRETARY ZINKE Sunday, May 7, 2017

**FROM:** Christine Bauserman, 202-706-9330

### OVERVIEW:

Today you are flying out of Great Falls, Montana and going to Salt Lake City, Utah. Your first stop is the Utah State Capitol where you have four meetings. You begin by meeting Utah Governor Herbert and U.S. Senators Orrin Hatch and Mike Lee. Next you will meet with representatives of the State Historic Preservation Office and the Dept of Heritage, then legislative leadership and the Attorney General. Your last meeting is with the Utah School and Institutional Trust Lands Admin (STILA).

You then drive to the BLM Utah State Office for a meeting with the Bears Ears Inter-Tribal coalition. You end the day back at the Capitol for an 'Outdoor Recreation Dinner' with a long list of recreational representatives, legislative leaders and their staff.

Today you have Talking Points and eight briefings:

12:00 - 12:00		Talking Points
01:00 - 02:00	pm	Meeting with State Historic Preservation Office & Utah Department of Heritage. <ol style="list-style-type: none"> <li>1. Briefing from BLM</li> <li>2. Briefing from NPS</li> </ol>
02:00 - 02:30	pm	Meeting with Legislative Leadership & Utah Attorney General Sean Reyes. <ol style="list-style-type: none"> <li>1. Briefing from BLM</li> <li>2. Briefing from NPS</li> </ol>
02:45 - 03:15	pm	Meeting with Utah School and Institutional Trust Lands Administration (SITLA).
03:30 - 04:30	pm	Meeting with Bears Ears Inter Tribal Coalition.
06:00 - 09:00	pm	Dinner with Utah Office of Outdoor Recreation Representatives. <ol style="list-style-type: none"> <li>1. Briefing from BLM</li> <li>2. Briefing from NPS</li> </ol>

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**SUBJECT:** Talking Points for the Secretary

**TIME:** All Day

**FROM:** Laura Rigas, Communications Director, DOI

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**TOPLINE**

- God gave me two ears and one mouth so I'm here to do a lot of listening and learning and hopefully talking just enough to ask the right questions.
- I'm here, directed by the President, to learn about the monuments, the historic and ecological significance, and make a determination.
- Nothing is predetermined. I come to this process with fresh eyes.
- Nobody loves public lands more than me. You can love them as much, but not more.

**Talking Points**

- This Administration and Congress have heard from states and local leaders that, in some cases, the designations of monuments may have resulted in lost jobs, reduced wages, and residents moving away. In the case of significant land planning, we feel that public input should be considered.
- That's why the President has asked for a review of large the monuments designated in the last 20 years, to see what changes and improvements can be made, and to give states and local communities a meaningful voice in this process.
- This policy is consistent with President Trump's promise to rural Americans to give them a voice and make sure their voices are heard.
- The President believes, like I do and many of my neighbors in Western States, that the Federal government can be a good neighbor, can protect areas of cultural and ecological importance, and that we can use federal lands for economic development – just as Teddy Roosevelt envisioned.
- The Antiquities Act of 1906 grants the President the authority to declare "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest" on federal lands.
- Concerned about potential federal overreach, Antiquities Act authors specified the scope of the authority was to designate the "smallest area compatible with proper care and management of the objects to be protected."
- What the Executive Order does:
- This Executive Order restores trust between local communities and Washington and roots out abuses of power by previous administrations.
- This Executive Order puts America and the Department of the Interior back on track to manage our federal lands in accordance to traditional "multiple-use" philosophy by directing the Secretary



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of the Department of the Interior to make recommendations to the President on whether a monument should be rescinded, resized in order to better manage our federal lands.

And - This Executive Order gives rural communities across America a voice and restores land use planning by directing the Secretary of the Interior to consult and coordinate with the Governors of States affected by monument designations or other relevant officials of affected State, Tribal, and local governments.

**What it does NOT do:**

- This Executive Order does NOT strip any monument of a designation.
- Does not sell or transfer federal lands
- This Executive Order does NOT loosen any environmental or conservation regulations on any land or marine areas.



U.S. Department of the Interior

Washington, D.C. 20240

**SUBJECT:** Briefing from BLM - State Historic Preservation Office & Utah Department of Heritage.

**TIME:** 01:00 - 02:00 pm

**FROM:** Edwin Roberson, State Director – Bureau of Land Management (BLM), Utah  
POC: Mike Richardson, BLM-Utah Communications Director, (801)539-4020

### **I. STATEMENT OF PURPOSE**

To discuss cultural and historic objects within the Bears Ears & Grand Staircase-Escalante N.M..

### **II. BACKGROUND**

The state historic preservation office (SHPO) is a state governmental function created under Section 101 of the National Historic Preservation Act - 1966. The Utah State Historic Preservation Office (Utah SHPO) serves as the primary repository for archaeological information in the state of Utah.

Almost all archaeological records from archaeological surveys and excavations for the past 50 years are physically housed or available through GIS at the Utah SHPO. The Utah SHPO's archaeological records serve as the starting point or foundation for any archaeological survey or excavation on federal, state, or private lands. For more than 15 years, BLM-Utah has collaborated with the Utah SHPO to be the primary GIS repository for all archaeological survey and site GIS data.

BLM-Utah and SHPO have partnered on multiple programmatic agreements to streamline the Section 106 process. Including but not limited to a programmatic agreement for projects under 50 acres in size and the ongoing the Travel Management Programmatic Agreement to designate travel routes on public lands. BLM-Utah and Utah SHPO are currently discussing a programmatic agreement to facilitate oil and gas development.

### **III. DISCUSSION**

According to the Utah SHPO, as of February 6, 2017, there are 8,480 recorded archaeological sites and four archaeological districts within Bears Ears National Monument. More than 70% of these sites are prehistoric (pre-dating the 1800s). These prehistoric sites include pottery and stone tool (lithic) scatters, the remains of cooking features (hearths), storage features such as adobe granaries and sub-surface stone-lined granaries, prehistoric roads, petroglyphs, pictographs and cliff dwellings. Historic sites include historic debris scatters, roads, fences, uranium and vanadium mines from World War II and the Cold War.

At the Grand Staircase-Escalante National Monument (GSENM) there are 3,985 recorded archaeological sites (data gathered on March 6, 2017). Similar site types exist for the GSENM as in Bears Ears National Monument, except there are much fewer granaries, cliff dwellings and historic mining sites.

- **Discussion with the SHPO should touch on the fact that archaeological sites are not evenly distributed across the monuments; site types and concentrations vary in each monument; and monuments have not been completely surveyed for archaeological resources. For example, only 9.2% of the Bears Ears National Monument has been surveyed for archaeological sites.**



Utah Department of the Interior

Washington, D.C. 20240

**SUBJECT:** Briefing from NPS - State Historic Preservation Office & Utah Department of Heritage.

**TIME:** 01:00 - 02:00 pm

**FROM:** Maureen Foster, Acting Assistant Secretary FWP

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## **I. STATEMENT OF PURPOSE**

To discuss cultural and historic objects within the Bears Ears & Grand Staircase-Escalante N.M..

## **II. DISCUSSION**

The National Park Service (NPS) is part of the federal preservation partnership program. The Utah State Historic Preservation Office (SHPO), NPS, and Certified Local Governments (CLG) actively work together to preserve and protect cultural resources at the National, State, and local level. The partnership program is set up by the National Historic Preservation Act of 1966, and 50 years later the partnerships it has established are still going strong and working in tandem.

NPS has worked with the SHPO on several projects and have had a long-standing positive working relationship. While NPS has worked with the SHPO on multiple projects throughout the years, two recent projects have been the Underrepresented Community Grants and the Certified Local Government program.

In 2014, the State received an Underrepresented Community Grant to complete a Asian and Pacific Islander Survey and Nomination of Historical Resources. \$42,050 was awarded for archaeological survey of the Iosepa Polynesian Archaeological District and railroad sites associated with Chinese labor and the construction of the Transcontinental Railroad. The survey has been completed and a National Register nomination is being prepared as a model for future listings of these sites.

The State of Utah has 93 Certified Local Governments (CLGs), the second largest program in the country, Utah's CLGs have made a local commitment to historic preservation and become part of the Federal Preservation Partnership with the NPS and the State Historic Preservation Office, Utah Division of State History. Springfield, UT, a CLG since the start of the program in 1985, recently monies passed through from the Historic Preservation Fund to rehabilitate the windows at the Springville Museum of Art. Constructed in 1936 and listed in the National Register of Historic Places, the project aided in the long-term preservation provided an improved environment for the artwork displayed in the galleries.



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**SUBJECT:** Briefing from BLM - Legislative Leadership & Utah Attorney General Sean Reyes.

**TIME:** 02:00 - 02:30 pm

**FROM:** Edwin Roberson, State Director – Bureau of Land Management (BLM), Utah  
POC: Mike Richardson, BLM-Utah Communications Director, (801)539-4020

## I. STATEMENT OF PURPOSE

Meeting to discuss Bears Ears and Grand Staircase National Monuments, and other relevant issues.

## II. BACKGROUND

The Utah Attorney General's (AG's) Office is led by Attorney General Sean Reyes. Mr. Reyes typically does not engage in public land issues. The lead for the AG's Office for public land issues is Assistant Attorney General Tony Rampton, who is the Public Lands Section Chief; his second-in-command is Kathy Davis. They work primarily with the Utah Public Lands Policy Coordinating Office (PLPCO), which was created in 2005 by state law to develop and coordinate the State's public land policy. The Director of PLPCO is Kathleen Clarke. The AG's Office historically has been aligned with the positions of the Governor and PLPCO.

## III. DISCUSSION

With respect to the Bears Ears and Grand Staircase Escalante National Monuments, the AG's Office is likely to take the legal position that the President has authority to revoke previous proclamations in whole or part, and likely will endorse the recent legal analysis of the issue by John Yoo and Todd Gaziano.

The AG's Office is also likely to provide information regarding two pieces of litigation the State is pursuing against Interior--R.S. 2477 and wilderness policy (*Uintah County v. Zinke*). If Interior counsel is not present, the AG's Office may not engage in substantive discussion of cases because of ethical considerations. R.S. 2477 is an 1866 statute that offered rights-of-way to the public for highway purposes. Although R.S. 2477 was repealed in 1976, FLPMA preserved any R.S. 2477 rights-of-way in existence. Between 2005 and 2012, the State and Utah counties filed 29 lawsuits under the Quiet Title Act seeking recognition of over 12,000 R.S. 2477 claims on BLM and NPS lands; all but two cases are still pending.

Also pending is the State's six-year-old lawsuit challenging the previous administration's policy to identify and manage public lands to preserve wilderness characteristics outside of Wilderness Study Areas (WSAs). The State's position is that Interior does not have this authority outside of the section 603 context. The AG's Office likely will attempt to explain the long-history of Utah's struggle with Interior on R.S. 2477 and wilderness policy, express frustration at the United States' previous aggressive defense of these cases, and seek Interior's support to explore means to resolve these issues without litigation. The AG's Office may also raise issues regarding the proposed settlement in the Utah Resource Management Plan (RMP) litigation, which Utah opposes; BLM's wild horse removal efforts, which Utah believes are inadequate; and the sage grouse amendments to BLM's RMPs.

## IV. ATTACHMENTS

NOTE: The following attachments are available in the briefing book:

1. March 2017 Paper: Presidential Authority to Revoke or Reduce Monument Designations
2. Attorney General Sean Reyes Biography



U.S. Department of the Interior

Washington, D.C. 20240

**SUBJECT:** Briefing from NPS - Legislative Leadership & Utah Attorney General Sean Reyes.

**TIME:** 02:00 - 02:30 pm

**FROM:** Maureen Foster, Acting Assistant Secretary FWP

## I. STATEMENT OF PURPOSE

Meeting to discuss Bears Ears and Grand Staircase National Monuments, and other relevant issues.

## II. DISCUSSION

NPS Shutdown Refund Issue:

There is an outstanding request for the repayment of \$999,400 to Utah for the donation made during the 2013 shutdown. The Department received two letters in December 2016, both addressed to former Secretary Jewell, requesting repayment of the outstanding balance. A response has been drafted to AG Reyes and is close to completion.

In the donation agreement that was made between the State of Utah and the NPS, the parties agreed:

*1. If the United States Congress appropriates funds for the operation of the National Park System before the funds donated to the NPS by the State are fully obligated, then the NPS will refund to the State the unobligated balance of the State-donated funds. Moreover, if the United States Congress appropriates funds and expressly directs the NPS to reimburse the State for State-donated funds previously obligated or expended by the NPS, then the NPS will promptly take action to do so.*

The draft response to AG Reyes explains that the NPS does not have the statutory authority to return the donated funds, and that legislation providing that authority has not been enacted.

USFWS Issues:

- The Bear River Watershed Conservation Area (BRWCA) will use LWCF funds to gain a 728-acre easement from the Ferry family for \$800,000 in late 2017; the remaining \$1.2 M will be used to acquire other voluntary easements in the area.
- We are awaiting a final mandate for the 10<sup>th</sup> Circuit Court decision in the litigation regarding the ESA and Utah prairie dogs (UPD). It will not be issued until at least 5/22/17, after which our 4(d) rule would go back into effect.
- UT v. US, 12-cv-378-BSJ (D. Utah) Bear River Meander Line, filed 04/12. Utah asserts ownership of NWR lands because the true Great Salt Lake meander line was never located. DOJ seeking an extension on 5/7/17 deadline to continue negotiations with Utah.
- Bear River Club is in litigation with the USFWS over their water right claim for water from the Bear River.
- Greater Sage Grouse in UT are stable except the geographically isolated Sheeprock population in central Utah, which has declined by 40% over the last 4 years. It occurs in a BLM Priority Habitat Management Area (PHMA) and State Management Area.

## III. Background



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### Background on the NPS shutdown refund:

- Senator Jeff Flake (R-AZ) introduced S.2104 requiring the National Park Service to refund to each state the funds that were used to reopen any temporarily operate units during the government shutdown in October 2013. The bill was reported out of committee but never enacted.
- On July 23, 2014, The NPS testified before the Senate Subcommittee on National Parks, Committee on Energy and Natural Resources on S. 2104 that the NPS does not have the authority to reimburse states for the portion of funding that was expended in absence of an act of Congress and that S.2104 would provide that authority.

### Background on Other Relevant USFWS Issues:

- **LWCF and the Bear River Watershed Conservation Area (BRWCA):** Over the past 5 years, the USFWS has acquired 768 acres at Bear River Migratory Bird Refuge in Utah using \$1.599M in LWCF funding. In FY16, the Service was appropriated \$2m for the BRWCA located in Utah, WY, and ID for acquisition of voluntary easements. Congressman Bishop, Senator Hatch, and Senator Lee support BRWCA; Congressman Bishop attended the event honoring 30 acre donation by the Ferry family in Box Elder County, Utah that was received in 2016 and formally established the BRWCA. The BRWCA enjoys broad landowner-based support.
- **Utah Prairie Dogs (UPD):** On 11/5/14, based on a complaint from the People for the Ethical Treatment of Property Owners (PETPO), the District Court of Utah Central Division ruled that ESA take prohibitions for UPD are unconstitutional on private lands. The Utah Division of Wildlife Resources (UDWR) then implemented a management plan and regulations for UPD on non-federal lands, which replaced the 1998 Iron County HCP and our 4(d) rule as the primary guide to UPD management on private lands. On 3/29/17, the 10th Circuit Court of Appeals reversed and remanded the District Court ruling, concluding that ESA regulation of take of a purely intrastate species, like the UPD, is a constitutional exercise of congressional authority under the Commerce Clause. Once a final mandate is issued, the State's Plan would no longer be in place and our 4(d) rule would go back into effect. Anticipating the 07/18 expiration of the 1998 Iron County HCP, we are working with the State and Iron County to develop a General Conservation Plan (GCP) that would include mitigation for impacts or significant conservation components for Utah prairie dogs, respectively, which the State's plan currently lacks. In the long-term, we are hopeful that we can replace the GCP with a locally-driven conservation strategy for the Utah prairie dog that will allow us to delist the species.
- **UT v. US, 12-cv-378-BSJ (D. Utah) Bear River Meander Line.** In April, 2012 the State filed a quiet title action in U.S. District Court in Salt Lake City against the U. S. Department of Interior, along with the USFWS, and the Bureau of Land Management (BLM). The U. S. Department of Justice (DOJ) has proposed the parties agree to a provisional "Compromise Line" within the Refuge in lieu of a meander line in order to determine the State lands. This agreement would allow the US to obtain title to State lands within the Refuge, ensuring its ability to manage the Refuge in perpetuity, while also providing the State with fair and reasonable compensation for any lands within the Refuge that would be conveyed to the United States or the subject of a disclaimer. After agreeing to the valuation of the lands as described above, the parties would determine whether to proceed with the United States' acquisition of State lands within the Refuge via purchase or land exchange.
- **The Bear River Club Company (est. 1909), and the Bear River Migratory Bird Refuge (est. 1928)** both utilize various water rights to create and maintain waterfowl habitat, and have had a cooperative existence. However, the Bear River Club is asserting they should be able to divert water from the Bear River in months when the USFWS does not believe they historically



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diverted. Additionally, the volumes they are seeking would injure the Refuge's ability to manage habitat. The Refuge, the Department of Justice, the Solicitor's Office and the Region 6 Water Resources Division are attempting to negotiate a settlement with the Club.

- **GSG:** The State of Utah's plan for greater sage-grouse applies to all lands within 11 state-designated Sage-Grouse Management Areas (SGMAs) and covers approximately 7.5 million acres. The state's goal is to conserve 90% of its greater sage-grouse habitat and approximately 94% of the population. Many of the conservation measures in the plan are voluntary and rely on negotiated, incentive-based actions to achieve conservation on non-federal lands. An Executive Order established due to the Plan requires the Utah Division of Oil, Gas and Mining to coordinate with the Utah Division of Wildlife Resources before issuing permits for energy development. It also directs the Utah Division of Oil, Gas and Mining to implement recommendations provided by the Utah Division of Wildlife. On Federal lands, BLM and U.S. Forest Service's amended land-use management plan complement the state's Plan and are critical to the success of greater sage-grouse conservation. The amendments limit surface disturbances and address habitat threats in the most important areas for sage-grouse. The highest value habitats are designated as Priority Habitat Management Areas (PHMA) and there is a 98% overlap with the state-designated Sage-Grouse Core Areas. General Habitat Management Areas (GHMA) provide greater flexibility for federal land use activities. To address the recent declines of the Sheeprock population, BLM is working with state and local partners to implement and prioritize a suite of conservation actions, including translocations of greater sage-grouse to the area, habitat restoration, fire suppression, and minimizing impacts from right of way developments.



U.S. Department of the Interior

Washington, D.C. 20240

**SUBJECT:** Meeting with Utah School and Institutional Trust Lands Administration (SITLA).

**TIME:** 02:45 - 03:15 pm

**FROM:** Edwin Roberson, State Director – Bureau of Land Management (BLM), Utah  
POC: Mike Richardson, BLM-Utah Communications Director, (801)539-4020

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### **I. STATEMENT OF PURPOSE**

To discuss Bears Ears and Grand Staircase as well as any hot button SITLA-BLM issues.

### **II. BACKGROUND**

SITLA and BLM are working together on many current issues in Utah, including: management issues related to SITLA inholdings within national monuments and other BLM administered lands, legislative and administrative land exchanges, and selection of lands granted at statehood.

### **III. DISCUSSION**

#### **Bears Ears**

The Proclamation establishing the Bears Ears National Monument (BENM) directed the Secretary to explore entering into a Memorandum of Understanding (MOU) with the State of Utah for the exchange of approximately 109,000 acres of state inholdings within BENM for BLM lands outside the monument. Further, the Secretary was ordered to report to the President by January 19, 2017 regarding the potential for the exchange. In response, the BLM drafted an MOU for review by SITLA. SITLA has currently declined to participate in review of the MOU.

SITLA and the BLM-Utah Monticello Field Office have also been in discussions regarding several localized management issues within BENM, including the proposed Jim Joe land exchange, the Cave Towers management agreement, and a recent proposed sale of SITLA inholdings within the Bears Ears monument into private ownership.

#### **Grand Staircase**

An agreement was reached in 1998 to exchange all SITLA inholdings in Grand Staircase for BLM lands outside the monument. The agreement also included a \$50 million cash payment to the State. According to a recent report, the lands acquired from the BLM have produced nearly \$341 million for the State as of late April 2017.

#### **Other Issues**

SITLA and BLM have been in discussions to initiate a large-scale land exchange within the expanded Utah Test and Training Range as mandated by the National Defense Authorization Act of 2017.

SITLA and BLM are currently renewing an MOU regarding procedures for clearing any remaining in-lieu land entitlement selections.



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**SUBJECT:** Meeting with Bears Ears Inter-Tribal Coalition.

**TIME:** 03:30 - 04:30 pm

**FROM:** Edwin Roberson, State Director – Bureau of Land Management (BLM), Utah  
POC: Mike Richardson, BLM-Utah Communications Director, (801)539-4020

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### I. STATEMENT OF PURPOSE

Meeting with members of the Bears Ears Inter-Tribal Coalition.

### II. BACKGROUND

In July 2015, five American Indian Tribes with cultural affiliation to the Bears Ears region formed the Bears Ears Inter-Tribal Coalition. Members included the Hopi Tribe, Navajo Nation, Ute Mountain Ute Tribe, Ute Indian Tribe of the Uintah Ouray, and the Zuni Tribe.

On Oct. 15, 2015, the coalition submitted a formal proposal to President Barrack Obama requesting designation of 1.9 million acres as the Bears Ears National Monument. The coalition's proposal emphasized collaborative management between the Tribes and the Federal government.

On Dec. 28, 2016, 1.35 million acres in southern Utah were designated as the Bears Ears National Monument. The proclamation stated that the BLM and the U.S. Forest Service would engage the Tribes in development of a management plan and the subsequent management of monument lands.

The coalition has said publicly that it intends to litigate any attempt to rescind the Bears Ears National Monument designation.

### III. DISCUSSION

Members of the Bears Ears Inter-Tribal Coalition invited to attend the meeting include:

Hopi Tribe:	<u>Alfred Lomahquahu</u> , Vice Chairman
Navajo Nation:	<u>Russell Begaye</u> , President; <u>Jonathan Nez</u> , Vice President; <u>Lorenzo Bates</u> , Speaker; <u>Davis Filfred</u> , Council Delegate
Ute Indian Tribe:	<u>Shaun Chapoose</u> , Chairman
Ute Mountain Ute Tribe:	<u>Harold Cuthair</u> , Chairman
Zuni Tribe:	<u>Carleton Bowekaty</u> , Councilman

Additional Tribal members and support staff may also be present.

### IV. ATTACHMENTS

NOTE: The following attachments are available in the briefing book:

1. March 3, 2017, letter from the Bears Ears Inter-Tribal Coalition to Secretary Ryan Zinke



U.S. Department of the Interior

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**SUBJECT:** Briefing from BLM - Discussion on recreational industry representatives in Utah

**TIME:** 6:00 - 9:00 pm

**FROM:** Edwin Roberson, State Director – Bureau of Land Management (BLM), Utah  
POC: Mike Richardson, BLM-Utah Communications Director, (801)539-4020

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## I. STATEMENT OF PURPOSE

Discussion on recreation viewpoints and activities in Utah especially as they relate to BLM monuments.

## II. PARTICIPANTS

- Federal and legislative representatives
- Utah Office of Outdoor Recreation
- Gary Heward, CEO, Liberty Mountain
- Bill Harmon, Goal Zero
- Joshua Bradley, Amer Sports
- Nazz Kurth, Petzl
- Amanda Covington, Vista Outdoors
- Ashley Kornblat, Western Spirit
- Don Peay, Utah Sportsmen for Fish and Wildlife

## III. BACKGROUND

### A. Bears Ears National Monument

- Total estimated recreational visitors to the Monticello Field Office, including the Bears Ears National Monument, in Fiscal Year 2016 was 418,684 people. In Fiscal Year 2000, there were an estimated 180,233 visitors. Hiking, camping, off-highway vehicle use, viewing cultural resources, and photography were the top five recreational activities within the Monticello Field Office in Fiscal Year 2016.
- In Fiscal Year 2016, the Monticello Field Office issued 117 Special Recreation Permits to authorize a wide variety of commercial, competitive, and organized group activities to expand and enhance recreational access, including 13 permits to commercial hunting outfitter and guiding services. In Fiscal Year 2000, the field office issued 58 Special Recreation Permits, including 4 commercial hunting outfitter and guiding services.
- There are currently over 1,800 miles of designated roads and primitive roads within the Monticello Field Office that provide recreational off-highway vehicle access.

### B. Grand Staircase-Escalante National Monument

- Total estimated recreational visitors to Grand Staircase-Escalante National Monument in Fiscal Year 2016 was 926,236 people. In Fiscal Year 2000, there were an estimated 568,214 visitors. Hiking, camping, off-highway vehicle use, scenic touring/viewing, and participating in environmental education events were the top five recreational activities within the Monument in Fiscal Year 2016.
- In Fiscal Year 2016, the Grand Staircase-Escalante National Monument issued 122 Special Recreation Permits to authorize a wide variety of commercial, competitive, and organized group activities to expand and enhance recreational access. In Fiscal Year 2000, the Monument issued 37 Special Recreation Permits.
- On average, the Monument issues 16 Special Recreation Permits to commercial hunting guide



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and outfitter services each year to support big game hunting opportunities for deer, elk, pronghorn, desert bighorn sheep, mountain lion, black bear, and turkey. The BLM has partnered with the Utah Division of Wildlife Resources to re-introduce pronghorn, bighorn, wild turkey within the Monument.

- There are currently over 900 miles of designated roads and primitive roads within the Monument that provide recreational off-highway vehicle access.

#### IV. DISCUSSION

##### A. Bears Ears National Monument

- Specific visitation figures to the newly-designated National Monument are not yet available, however, there has been a significant increase in visitor demand for overnight and day-use permits throughout Cedar Mesa. BLM-Utah expects that recreational visitation to the Monument will continue to increase for some time, and has undertaken the following initiatives to promote responsible and sustainable heritage tourism opportunities:
- Within the last three years, BLM-Utah has funded the stabilization of 11 highly visited archaeological sites throughout the Monticello Field Office, primarily within the Bears Ears National Monument. These efforts will facilitate the development of new visitor amenities and the marketing of these recreational opportunities to visitors from all over the world.
- In partnership with the non-profit organization Tread Lightly!, BLM-Utah developed a public awareness campaign titled Respect and Protect, which aims to eliminate the looting and vandalism of archaeological, paleontological, and natural resources in Utah. BLM-Utah is currently developing a Memorandum of Understanding with 14 state and federal agencies, non-governmental organizations, and professional and avocational groups to collaboratively and consistently share the Respect and Protect campaign messages.

##### B. Grand Staircase-Escalante National Monument

- The Grand Staircase-Escalante National Monument is widely recognized as an international outdoor recreation destination for dispersed and undeveloped activities. There are intentionally very few developed facilities to provide visitors with back country recreational experiences.

Most recreational uses and allocations within the Monument were established in the Monument Management Plan, which was approved in 2000.



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**SUBJECT:** Briefing from NPS - Discussion with recreational industry representatives in Utah

**TIME:** 06:00 - 09:00 pm

**FROM:** Maureen Foster, Acting Assistant Secretary FWP

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### I. PURPOSE

Discussion on recreation viewpoints and activities in Utah especially as they relate to monuments.

### II. PARTICIPANTS

- Federal and legislative representatives.
- Utah Office of Outdoor Recreation.
- Gary Heward CEO, Liberty Mountain
- Bill Harmon Goal Zero
- Joshua Bradley Amer Sports
- Nazz Kurth Petzl
- Amanda Covington Vista Outdoors
- Ashley Kornblat Western Spirit
- Don Peay Utah Sportsmen for Fish and Wildlife

### III. KEY FACTS/HOT TOPICS

- The Bear River Watershed Conservation Area (BRWCA) will use LWCF funds to gain a 728-acre easement from the Ferry family for \$800,000 in late 2017; the remaining \$1.2 M will be used to acquire other voluntary easements in the area.
- We are awaiting a final mandate for the 10<sup>th</sup> Circuit Court decision in the litigation regarding the ESA and Utah prairie dogs (UPD). It will not be issued until at least 5/22/17, after which our 4(d) rule would go back into effect.
- UT v. US, 12-cv-378-BSJ (D. Utah) Bear River Meander Line, filed 04/12. Utah asserts ownership of NWR lands because the true Great Salt Lake meander line was never located. DOJ seeking an extension on 5/7/17 deadline to continue negotiations with Utah.
- Bear River Club is in litigation with the USFWS over their water right claim for water from the Bear River.
- Greater Sage Grouse in UT are stable except the geographically isolated Sheeprock population in central Utah, which has declined by 40% over the last 4 years. It occurs in a BLM Priority Habitat Management Area (PHMA) and State Management Area.
- Outdoor recreation has a substantial positive economic generator in Utah and throughout the United States. In the US economy, outdoor recreation resulted in \$887 billion in consumer spending annually and provides 7.6 million American Jobs. (Source: Outdoor Industry Association, April 24, 2017)
- Forty-seven communities in Utah have requested NPS assistance in developing their conservation and outdoor recreation visions over the last 10 years.

### VI. BACKGROUND



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- **LWCF and BRWCA:** Over the past 5 years, the USFWS has acquired 768 acres at Bear River Migratory Bird Refuge in Utah using \$1.599M in LWCF funding. In FY16, the Service was appropriated \$2m for the BRWCA located in Utah, WY, and ID for acquisition of voluntary easements. Congressman Bishop, Senator Hatch, and Senator Lee support BRWCA; Congressman Bishop attended the event honoring 30 acre donation by the Ferry family in Box Elder County, Utah that was received in 2016 and formally established the BRWCA. The BRWCA enjoys broad landowner-based support.
- **Utah Prairie Dogs (UPD):** On 11/5/14, based on a complaint from the People for the Ethical Treatment of Property Owners (PETPO), the District Court of Utah Central Division ruled that ESA take prohibitions for UPD are unconstitutional on private lands. The Utah Division of Wildlife Resources (UDWR) then implemented a management plan and regulations for UPD on non-federal lands, which replaced the 1998 Iron County HCP and our 4(d) rule as the primary guide to UPD management on private lands. On 3/29/17, the 10th Circuit Court of Appeals reversed and remanded the District Court ruling, concluding that ESA regulation of take of a purely intrastate species, like the UPD, is a constitutional exercise of congressional authority under the Commerce Clause. Once a final mandate is issued, the State's Plan would no longer be in place and our 4(d) rule would go back into effect. Anticipating the 07/18 expiration of the 1998 Iron County HCP, we are working with the State and Iron County to develop a General Conservation Plan (GCP) that would include mitigation for impacts or significant conservation components for Utah prairie dogs, respectively, which the State's plan currently lacks. In the long-term, we are hopeful that we can replace the GCP with a locally-driven conservation strategy for the Utah prairie dog that will allow us to delist the species.
- **UT v. US, 12-cv-378-BSJ (D. Utah) Bear River Meander Line.** In April, 2012 the State filed a quiet title action in U.S. District Court in Salt Lake City against the U. S. Department of Interior, along with the USFWS, and the Bureau of Land Management (BLM). The U. S. Department of Justice (DOJ) has proposed the parties agree to a provisional "Compromise Line" within the Refuge in lieu of a meander line in order to determine the State lands. This agreement would allow the US to obtain title to State lands within the Refuge, ensuring its ability to manage the Refuge in perpetuity, while also providing the State with fair and reasonable compensation for any lands within the Refuge that would be conveyed to the United States or the subject of a disclaimer. After agreeing to the valuation of the lands as described above, the parties would determine whether to proceed with the United States' acquisition of State lands within the Refuge via purchase or land exchange.
- **The Bear River Club Company (est. 1909), and the Bear River Migratory Bird Refuge (est. 1928)** both utilize various water rights to create and maintain waterfowl habitat, and have had a cooperative existence. However, the Bear River Club is asserting they should be able to divert water from the Bear River in months when the USFWS does not believe they historically diverted. Additionally, the volumes they are seeking would injure the Refuge's ability to manage habitat. The Refuge, the Department of Justice, the Solicitor's Office and the Region 6 Water Resources Division are attempting to negotiate a settlement with the Club.
- **GSG:** The State of Utah's plan for greater sage-grouse applies to all lands within 11 state-designated Sage-Grouse Management Areas (SGMAs) and covers approximately 7.5 million acres. The state's goal is to conserve 90% of its greater sage-grouse habitat and approximately 94% of the population. Many of the conservation measures in the plan are voluntary and rely on negotiated, incentive-based actions to achieve conservation on non-federal lands. An Executive



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Order established due to the Plan requires the Utah Division of Oil, Gas and Mining to coordinate with the Utah Division of Wildlife Resources before issuing permits for energy development. It also directs the Utah Division of Oil, Gas and Mining to implement recommendations provided by the Utah Division of Wildlife. On Federal lands, BLM and U.S. Forest Service's amended land-use management plan complement the state's Plan and are critical to the success of greater sage-grouse conservation. The amendments limit surface disturbances and address habitat threats in the most important areas for sage-grouse. The highest value habitats are designated as Priority Habitat Management Areas (PHMA) and there is a 98% overlap with the state-designated Sage-Grouse Core Areas. General Habitat Management Areas (GHMA) provide greater flexibility for federal land use activities. To address the recent declines of the Sheeprock population, BLM is working with state and local partners to implement and prioritize a suite of conservation actions, including translocations of greater sage-grouse to the area, habitat restoration, fire suppression, and minimizing impacts from right of way developments.

- **Utah Economy from Recreation:** The Outdoor Industry Association in 2012 estimated that outdoor recreation resulted in: 122,000 direct jobs in Utah, \$12 billion in consumer spending, \$3.6 billion in wages and salaries, and \$856 million in State and Local Tax Revenue (Source: Data from 2012 Outdoor Recreation Economy Generated)
- **National Parks in Utah (data from FY 2016):** There are 13 units of National Parks, National Historic Trails, National Monuments and National Historic Sites. *National Parks:* Arches NP, Bryce Canyon NP, Canyonlands NP, Capitol Reef NP, Zion NP. *National Historic Trails:* California NHT, Mormon Pioneer NHT, Old Spanish NHT, Pony Express NHT. *National Monuments:* Cedar Breaks NM, Dinosaur NM, Hovenweep NM, Natural Bridges NM, Rainbow Bridge NM, Timpanogos Cave NM. *National Recreation Area:* Glen Canyon NRA. *National Historic Site:* Golden Spike NHS.

In 2016, there were 13,988,000 visitors to National Park units in Utah creating a substantial economic contribution to Utah: \$1.1 billion spending by visitors to National Park units in Utah; 17.9 thousand jobs in Utah local economy including camping, fuel, groceries, hotels, recreation industries, restaurants, retail, transportation; \$546.7 million in labor income in Utah; \$1.6 billion in economic output resulting from National Parks in Utah (Source: 2016 National Park Visitor Spending Effects: Economic Contributions to Local Communities, States, and the Nation, Natural Resource Report NPS/NRSS/EQD/NRR – 2017/1421)

**NPS Rivers, Trails and Conservation Assistance Program:** NPS has worked with 54 Local and State partners on 63 outdoor recreation projects located within a half miles of approximately 967,000 residents. In response to applications from local leaders, the NPS supports several projects in UT at any given time by bringing partners and stakeholders together in a planning process that results in on the ground improvements to parks, trails, rivers, and natural areas that help to connect people to the outdoors. Assistance includes technical support for park and recreation planning and management, assistance with broad-based community engagement in the planning process, and helping to guide partners through the many steps needed to move from idea to action. Many of these project involve partnerships between DOI and other public land managers and community partners.



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### Significant NPS RTCA supported past successes:

- Jordan River - worked with partners to develop plans and secure support (\$2M+) to close a 1.2 mile gap in the trail in West Jordan, continue to support community engagement.
- Green River - supported partners in completing regional trails concept plan and helped to secure support (\$80k) for constructing mountain bike trails. The Utah Office of Outdoor Recreation through the Waypoint grant provided construction funding.
- Moab Lions Park - supported partners in planning and design of a trail and transportation hub for the gateway community, helped to secure support (\$800k+) for construction.
- Red Canyon Trail - helped partners to develop concept plan for 5 mile trail connecting to Bryce Canyon that was used to secure federal transportation funds (\$2M+) for construction.
- Brian Head Trail System - worked with partners to develop trail system and interpretation plan - including connections to Cedar Breaks NM, used to secure support (\$100k+) for trailhead improvements. The Office of Outdoor Recreation is involved with this project and provided construction funding through the Waypoint grant.
- Wasatch Front Youth Engagement - ongoing support to partners - including Timpanogos Cave National Monument to connect diverse urban audiences to public lands and the outdoors. Secured Challenge Cost Share grants (37k+) to support innovative University of Utah Urban Rangers program. BLM is currently funding the interagency Urban Ranger Program.

### Current NPS RTCA supported projects:

- Backman Elementary Riverside Community - connecting students of Backman Elementary School in Salt Lake City and their families with the Jordan River and adjoining park lands.
- Bluff River Trail - developing a 7.5 mile trail along the San Juan River and supporting restoration priorities and environmental education outreach to native american tribes through an interagency effort with the National Park Service, Bureau of Land Management, with support from the Utah Office of Outdoor Recreation, and other partners.
- Cache County Trails - developing a community supported plan for County-wide trails network.
- Panguitch Area Trailhead Kiosks - improving public information at three regional trailheads.
- Smith Preserve Archaeological Site & Trail Plan - designing low impact site improvements to allow public to experience and appreciate the site's significant petroglyphs.
- Syracuse Shoreline Trail - developing a trail along the eastern shore of the Great Salt Lake.
- Vernal City - Dino Trails Planning - planning and securing support for a regional trails system.
- Wasatch Front Urban Ranger Program - working with University of Utah, United States Forest Service, Bureau of Land Management and other partners to create the next generation of rangers, trails stewards and advocates that are in turn engaging diverse urban audiences with regional trails.

**Land and Water Conservation Fund Grants:** \$48,880,000 has been provided to Utah through the



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National Park Service managed the Land and Water Conservation Fund that provides for the acquisition and development of public outdoor recreation areas and facilities.

**Federal Lands to Parks:** 2,765 acres of surplus Federal property had been transferred to local communities in Utah for parks and outdoor recreation areas.

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