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Attached is the daily news report for May 25.

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



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

#### UTAH – TOP STORIES – MAY 25, 2017

##### 1. Outdoor Retailer parent buys SIA Snow Show, will combine for huge Denver trade event

*The Salt Lake Tribune, May 25 | Luke Ramseth*

The owner of the Outdoor Retailer trade show, a huge attraction in Salt Lake City before it declared its exit because of public-lands disagreements with Utah officials, announced Wednesday that it will create a massive winter sports trade event in Denver.

##### 2. Moab UMTRA tailings cleanup project to receive \$37.9 million in funding for FY 2017

*The Moab Times Independent, May 25 | Molly Marcello*

The Moab Uranium Mill Tailings Remedial Action Project (UMTRA) will receive \$3.1 million more in funding than officials previously expected, bringing the project's budget total from \$34.8 million to \$37.9 million for fiscal year 2017. Although they acknowledge that the additional money will boost the project, Moab Tailings Project Steering Committee members say more funding — including better security in that funding — is needed to get the cleanup completed before the 2030s.

##### 3. Op-ed: Trump shouldn't make a deal at Bears Ears

*The St George Spectrum, May 25 | Paul Van Dam*

President Trump is considering a plan to eliminate or significantly shrink the newly created Bears Ears National Monument.

##### 4. Interior Dept.'s comment period for Bears Ears Monument ends May 26

*The Moab Times-Independent, May 25 | Rose Egelhoff*

On May 11, at the end of U.S. Secretary of the Interior Ryan Zinke's four-day listening tour of Bears Ears and Grand Staircase-Escalante, the Interior Department released a request for public comment on the Bears Ears and Grand Staircase national monuments in Utah as well as 26 other monuments created between 1996 and 2016.



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#### E&E/NATIONAL NEWS – TOP STORIES

1. **Editorial Trump's latest Interior Department pick is bursting with conflicts of interest and alternative facts**

*The Los Angeles Times, May 25 | The Times Editorial Board*

So many of President Trump's Cabinet appointments have been so alarming that nominations to posts further down in the pecking order might seem a bit anticlimactic. What's the use of getting worked up over subordinate positions? There has got to be a point at which consternation over the president's choices yields to exhaustion.

2. **Wild horses could be sold for slaughter in Trump budget plan**

*PBS News, May 25 | Scott Sonner, AP*

PALOMINO VALLEY, Nev. — President Donald Trump's budget proposal calls for saving \$10 million next year by selling wild horses captured throughout the U.S. West without the requirement that buyers guarantee the animals won't be resold for slaughter.

3. **Agency Heading National-Monuments Audit Pushed for Records**

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WASHINGTON (CN) – A conservation group studying the last administration's designation of five national monuments claims in a federal complaint that its records demand has been gathering dust at the Interior Department.

4. **NATURAL RESOURCES: Bishop aims to ensure federal, local land-use consultation**

*E & E News, May 25 | Kellie Lunney*

The head of the House Natural Resources Committee is contemplating legislation that aims to ensure Uncle Sam adequately includes localities in decisionmaking for implementation of federal land management laws.



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5. **INTERIOR: Records, watchdogs raise questions on Zinke's ethics deal**

*E & E News, May 25 | Corbin Hiar*

When Montana Republican Rep. Ryan Zinke was nominated to lead the Interior Department, he signed an ethics agreement promising to resign "upon confirmation" from leadership posts in three organizations with financial ties to him and his family.

6. **NATIONAL MONUMENTS: Changes to key law would threaten all public lands — paper**

*E & E News, May 25 | Jennifer Yachnin*

Potential changes to the Antiquities Act of 1906 would threaten future protection of all federal lands, according to a white paper released today by the nonprofit group the Mountain Pact.

7. **SAGE GROUSE: BLM budget details reveal cuts to conservation positions**

*E & E News, May 25 | Scott Streater*

The Bureau of Land Management's fiscal 2018 budget proposes to reassign potentially dozens of agency staff working on greater sage grouse and sagebrush conservation and restoration efforts into other agency programs.



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#### UTAH – FULL STORY

##### 1. **Outdoor Retailer parent buys SIA Snow Show, will combine for huge Denver trade event**

*The Salt Lake Tribune, May 25 | Luke Ramseth*

The owner of the Outdoor Retailer trade show, a huge attraction in Salt Lake City before it declared its exit because of public-lands disagreements with Utah officials, announced Wednesday that it will create a massive winter sports trade event in Denver.

The move appears to signal an earlier-than-anticipated departure from Utah for Outdoor Retailer.

Emerald Expositions LLC and SnowSports Industries America (SIA), a nonprofit member-owned trade association, are merging, according to the Wednesday announcement, and will host Outdoor Retailer + Snow Show — said to be the largest winter sports industry event in North America — in January. The winter show will be sponsored by SIA and the Outdoor Industry Association, which is a partner of Outdoor Retailer.

The announcement did not specify a price for the deal, though several news reports said it was worth \$16.7 million, citing a recent letter that outlines the deal and was sent to SIA's members. A spokeswoman for Emerald Expositions, which owns Outdoor Retailer, did not respond to a request for additional details Wednesday night.

It's not known what the deal means for the Outdoor Retailer summer show — including whether it increases the likelihood that that event also will be hosted in Denver in coming years. The SIA Snow Show was slated to stay in Denver through 2030.

But one thing is clear: Future Outdoor Retailer shows — winter or summer — are unlikely to return to Salt Lake City. This summer's show is scheduled to be in Utah, and Outdoor Retailer is under contract to stay in Salt Lake City through 2018. But the Outdoor Retailer website states that the show is "considering all our options after Summer Market 2017" — implying that the winter and summer 2018 shows may be moved elsewhere.

Earlier this year, outdoor industry leaders voiced their displeasure with Utah politicians who were pushing to rescind the Bears Ears and Grand Staircase-Escalante national monument designations.



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In February, Outdoor Retailer said it was ending its 20-year run in Salt Lake City as a consequence for opposition to the monuments, taking with it a yearly influx of 40,000 visitors and \$45 million.

Gov. Gary Herbert declined to rescind his opposition to the monuments, though he made a last-ditch appeal to industry executives to stay. His spokesman previously said Outdoor Retailer's decision to pull out was "offensive" and perpetuates a false notion that Utah is out to damage its public lands. Other state lawmakers, including House Speaker Greg Hughes, have said they don't regret pushing for legislation calling for the monuments to be rescinded.

Officials said the acquisition was finalized after a unanimous vote from the SIA board of directors and an "overwhelming approval" by the organization's "premium members."

"By merging these two January shows, we will bring the outdoor and snow sports industries together under one roof, creating an optimal and authentic forum for exhibitors and retailers alike," Marisa Nicholson, the Outdoor Retailer show director, said in a news release.

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#### **2. Moab UMTRA tailings cleanup project to receive \$37.9 million in funding for FY 2017**

*The Moab Times Independent, May 25 | Molly Marcello*

The Moab Uranium Mill Tailings Remedial Action Project (UMTRA) will receive \$3.1 million more in funding than officials previously expected, bringing the project's budget total from \$34.8 million to \$37.9 million for fiscal year 2017. Although they acknowledge that the additional money will boost the project, Moab Tailings Project Steering Committee members say more funding — including better security in that funding — is needed to get the cleanup completed before the 2030s.

Department of Energy (DOE) officials — who oversee the project — said the \$37.9 million in funding received from the Consolidated Appropriations Act on May 5, will allow Moab UMTRA to work on issues at the disposal site and with current equipment.

"Including the additional funding, the fiscal year 2017 allocation is enabling the Department to ship 450,000 tons of tailings while continuing progress to replace equipment and expand



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capacity at the Crescent Junction disposal facility,” DOE officials said in an email to The Times-Independent.

For the last seven years, crews at the Moab UMTRA Project have worked to clean up uranium tailings and debris from the former Atlas Minerals Corp. site along the Colorado River.

The project hit a milestone in 2016, having relocated half of the 16 tons of contaminated material from the Cold War-era site to a permanent disposal site near Crescent Junction, approximately 30 miles from Moab. However, cuts in federal funding caused reductions in staff and slowed the pace of the cleanup, pushing its probable end date from 2019 to the early 2030s, according to Grand County Technical Inspector Lee Shenton.

Moab Area Travel Council Executive Director Elaine Gizler said that Moab UMTRA has faced significant “challenges” over the past several years.

“Unfortunately that site should have been supported with the funding it needed to carry the project to completion,” Gizler said. “... It’s at the gateway to our community from Arches [National Park]. That location is paramount to whatever is going to happen for our community going forward.”

And the Utah Legislature seems to agree. After a lobbying effort launched by the steering committee, the Utah Legislature passed a resolution during its 2017 session urging the DOE to restore “adequate funding” in order to complete the cleanup work at the Moab UMTRA site by 2025.

In March, U.S. Rep. Jason Chaffetz (R-Utah) wrote a letter to DOE Secretary Rick Perry asking the department to “realign its spending by prioritizing projects in the field over headquarters operations in Washington, D.C.”

Grand County Council member Mary McGann, who also is chairwoman for the Moab Tailings Project Steering Committee, expressed “excitement and relief” that the Moab UMTRA project received more funding than expected this year. But McGann said the site needs consistent funding at a higher level in order for the cleanup to be completed within a reasonable amount of time.

McGann, along with fellow steering committee member Joette Langianese, will travel to Washington D.C. in June to meet with DOE officials. McGann said they will lobby the DOE to



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fund the Moab UMTRA project at \$42 million annually, “so we can get the project done by 2024.”

“If they spend up to \$42 million a year, we could have some stability in the project and it could be done,” McGann said. “[Moab] is pristine, we should have that area pristine as well. And, financially it makes more sense to get this project done in a timely fashion because the other [DOE] projects are going to be years and years [to complete].”

In April, Moab Mayor Dave Sakrison told DOE representatives it would be “insane” for the federal agency to continue dragging out the project on a limited budget, adding that such a schedule would ultimately cost taxpayers more money.

“This thing is so close to being done. If we’re going to drag this thing out to 2035, you can imagine what the cost is going to be,” Sakrison said. “Why not showcase this as a DOE accomplishment? Let’s get it done. You get the gold star, you all get raises. To drag this out to 2035 is insane. It just doesn’t make any sense.”

When McGann and Langanese meet with DOE leaders in June, they hope to convince them to go after that “gold star” and provide the funding needed to reach an earlier completion date.

“Our project is so small as far as the money that the DOE spends in their overall budget. We’re in the millions of dollars; many of the larger ones are in the billions of dollars,” McGann said. “They can take a little bit of money from the bigger ones and we could be done in a timely fashion. And they would have a gold star because they have a project that is completed.”

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### 3. **Op-ed: Trump shouldn’t make a deal at Bears Ears**

*The St George Spectrum, May 25 | Paul Van Dam*

President Trump is considering a plan to eliminate or significantly shrink the newly created Bears Ears National Monument.

If he does, President Trump — who prides himself as a dealmaker — would be undermining America’s national heritage for little more than short-sighted politics.





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The Bears Ears region, which has among the highest densities of Native American archaeological and cultural sites in the United States, was first proposed for protection in the 1930s. After decades of efforts, the region was finally protected by President Obama with the support of a majority of Utahns and five sovereign tribal nations with strong historical, spiritual and cultural ties to these public lands.

Like the Grand Canyon, Arches, and Acadia national parks, Bears Ears National Monument was protected with a law called the Antiquities Act, which gives presidents the ability to protect American public lands from development.

Eliminating Bears Ears would be an unprecedented decision that would trigger serious legal challenges and cement President Trump's legacy as the most anti-conservation president in American history. It would set a dangerous precedent, enabling this and future presidents to alter or eliminate America's protected public lands on a whim or at the behest of partisan political delegations or special interests like oil, gas, coal or uranium mining companies. It might endanger all national monuments in the U.S.

In one of the first speeches he made after the election, Trump promised to honor President Teddy Roosevelt's legacy — the father of America's national parks and forests — by conserving America's "beautiful natural resources for the next generation."

Utah, undeniably, is home to some of these spectacular public lands, with Bears Ears National Monument near the top of the list.

Trump may consider eliminating Bears Ears at the behest of his allies in the extraction industry, some of the president's most ardent supporters. The monument has high potential for oil, gas, and uranium development; Trump has already voiced strong interest in propping up drilling and mining companies.

The second potential transaction might be with his core constituents who hunger to undermine Obama's legacy — a salve for their dislike of the former president. Trump has made no qualms about performing public retributions against his enemies, so his anti-conservation agenda could be driven by a desire to undermine the successes of Obama.

Finally, Trump could be transacting with Utah's own congressional delegation. The state's two senators and four representatives are unapologetic opponents of Bears Ears. Trump might decide



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it is in his interest to eliminate the monument at their request — even in the face of controversy and lawsuits — in exchange for the Utah delegation’s ongoing support of the president’s agenda.

Unlike many deep-red states across the country, Trump has never been terribly popular in Utah. If Utah politicians decided it was in their interest to abandon the president — or ramp up oversight of the White House — it could deeply wound his agenda.

While we may never know Trump’s true motivations, there’s no legitimate reason for him to try to erase Bears Ears from the map. Eliminating the monument would not be in the best interest of the American people, Native American tribes or his own presidential legacy.

*Paul Van Dam is the former Salt Lake County District Attorney and served as Utah Attorney General from 1989-93. He is retired and lives in Ivins.*

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#### 4. Interior Dept.’s comment period for Bears Ears Monument ends May 26

*The Moab Times-Independent, May 25 | Rose Egelhoff*

On May 11, at the end of U.S. Secretary of the Interior Ryan Zinke’s four-day listening tour of Bears Ears and Grand Staircase-Escalante, the Interior Department released a request for public comment on the Bears Ears and Grand Staircase national monuments in Utah as well as 26 other monuments created between 1996 and 2016.

The Department of the Interior will accept public comments on the designation of Bears Ears National Monument until Friday, May 26. Comments on Grand Staircase-Escalante, Gold Butte in Nevada, Canyon of the Ancients in Colorado and other monuments will be accepted for 60 days, until July 10.

The review is aimed at determining the appropriateness of the designations under the Antiquities Act. A May 10 Interior Department press release states that Zinke will consider the requirements and objectives of the Antiquities Act, including the requirement that monuments not exceed “the smallest area compatible with the proper care and management of the objects to be protected,” whether monuments have been appropriately classified as “historic landmarks, historic and prehistoric structures, [or] other objects of historic or scientific interest,” the availability of federal funds to properly manage designated areas and other factors.



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“A public comment period is not required for monument designations under the Antiquities Act,” the news release states. “However, Secretary Zinke and President Trump both strongly believe that local input is a critical component of federal land management.”

While some national and local environmental and recreation groups have organized in support of the monument, Janet Wilcox, an organizer with the San Juan County Stewards, said her group has been focused on trying to get the monument rescinded since former President Barack Obama designated it last December.

“We still think 1.3 million acres is way, way too much,” she said, adding that Bears Ears is an example of federal “overreach.”

Wilcox and others are concerned about access to wood collection, which many local residents use to heat their homes through the winter, negative impacts of increased tourism and doubts about the federal government’s ability to effectively protect the area as a monument, she said.

Wilcox added that tourism industry jobs are not necessarily desirable.

“If people have to have two or three tourist-related jobs to have one good salary, it’s not really helping with a stable kinds of jobs like a professional nurse or a teacher,” Wilcox said. “Even a rancher has a better, stable income.”

Wilcox said she and other members of the San Juan Stewards have been asking people to write letters in opposition to the monument during the public comment period, but are concerned that environmental groups will have more funding and power to organize supporters of the monument.

Jason Keith, co-founder of the Moab-based climbing advocacy group Friends of Indian Creek and senior policy advisor for the Access Fund, another climbing advocacy organization, met with the officials at Zinke’s office in Washington, D.C. to ask what the department is looking to learn from the public comment period.

“They just want to know that there was appropriate outreach by the Department of Interior to local stakeholders and the public,” said Keith. “They want feedback on how this monument and the other monuments that they’re reviewing fit the requirements of the Antiquities Act.”



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During that meeting, Keith asked Zinke's staff to extend the 15-day comment period for Bears Ears to allow more public input.

"We really urged them ... to extend it and they said no," said Keith. "Hopefully [the outcome] is not predetermined."

Keith said years of outreach and public discussion occurred before the monument was designated and that the designation under the Antiquities Act is appropriate.

"It's the first monument in the country that actually acknowledges rock climbing as a valuable use of the area, so that is significant as well. But obviously, the ... historic and scientific objects as required in the Antiquities Act ... are the primary reasons for the designation."

Keith said that it is standard for public comments to be categorized and made available to the citizens, and that any administrative actions are based on those comments.

"If they get form letters, they're going to treat them the same. The best comment is a unique communication from an individual addressing the specific things outlined in the review notice," Keith said. "The review is about whether the process of creating the monument was appropriate and done correctly, that is the outreach. It's been characterized as a midnight rule at the last second that nobody knew about and that's just not accurate."

Among Native American-led groups, the Utah Diné Bikéyah and the Bears Ears Inter-Tribal Coalition, which includes the Hopi, Navajo, Ute Indian Tribe, Ute Mountain Ute, and Zuni Tribal Nations, support the monument, while the Blue Mountain Diné has opposed the monument.

"We've been told that one way or another, something will change on Bears Ears," the Blue Mountain Diné stated on their website. "If things do have to change, we prefer local input and non-tribal control, by way of a National Conservation Area."

The Bears Ears Inter-Tribal Coalition called the federal review of national monuments created by the executive order "a thinly veiled attack [on] the designation of Bears Ears National Monument."



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Comments on the validity of the specific national monument designations can be submitted online at: [regulations.gov](https://www.regulations.gov) by searching "DOI-2017-0002." Comments on Bears Ears will be accepted until May 26. Comments on all other monuments will be accepted until July 10.

Comments can also be mailed to: Monument Review, MS-1530, U.S. Department of the Interior, 1849 C Street NW, Washington, D.C. 20240.

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#### E&E/NATIONAL NEWS – FULL STORY

##### **1. Editorial Trump's latest Interior Department pick is bursting with conflicts of interest and alternative facts**

*The Los Angeles Times, May 25 | The Times Editorial Board*

So many of President Trump's Cabinet appointments have been so alarming that nominations to posts further down in the pecking order might seem a bit anticlimactic. What's the use of getting worked up over subordinate positions? There has got to be a point at which consternation over the president's choices yields to exhaustion.

And then comes a nominee like David Bernhardt, Trump's pick for deputy secretary of the Interior.

Bernhardt is a bad choice, a fact that should have become abundantly clear during last week's Senate committee hearings. An attorney for partisans in California's water battles, he comes laden with conflicts of interest.

Bernhardt repeatedly sued the Department of the Interior on behalf of the Westlands Water District, the politically powerful San Joaquin Valley irrigation agency that has fought federal protections for California salmon and other endangered species. He also had a major role in drafting legislation to undermine those protections. His firm is a top lobbyist for Cadiz Inc., which wants to pump Mojave Desert groundwater and send it by aqueduct to Southern California cities.

If he is confirmed, he will be in a position to align the department behind the interests of his former clients — or to recuse himself in accordance with Trump administration ethics guidelines. But if Bernhardt is to be recused from decision-making on the very programs in which he has the most expertise, why appoint him to the post in the first place?



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Bernhardt wrote in a letter to the department that if confirmed, he would recuse himself himself for one year from matters related to former clients — “unless I am first authorized to participate.” The problem is, we may never know when that happens.

Like his predecessors, Trump may grant waivers that allow former lobbyists and industry officials to oversee implementation of regulations that they once lobbied for or against. Trump may be the first president, however, to try to prevent public disclosure of such waivers.

Thankfully, the Office of Government Ethics has, so far, rejected Trump’s request that it stop asking for copies of all waivers. But Bernhardt’s conflicts and the administration’s quest to keep waivers under wraps make a toxic combination.

Add to that the crucial role that scientific expertise plays in management of the Sacramento-San Joaquin River Delta, where biologists’ opinions about the volume of water needed to sustain endangered fish help determine how the state and federal government divvy up water among competing interests. It is bad enough that Bernhardt helped draft legislation that could potentially weaken the clout of those opinions. During his confirmation hearings, Bernhardt hinted that, regardless of the scientific findings, he would follow the “particular perspective” of the Trump administration.

Adherence to alternative-fact scenarios is the last thing we need in an agency mandated to make policy decisions based on scientific evidence. Bernhardt is the wrong choice for the job, and the Senate should reject his nomination.

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## 2. **Wild horses could be sold for slaughter in Trump budget plan**

*PBS News, May 25 | Scott Sonner, AP*

PALOMINO VALLEY, Nev. — President Donald Trump’s budget proposal calls for saving \$10 million next year by selling wild horses captured throughout the U.S. West without the requirement that buyers guarantee the animals won’t be resold for slaughter.



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Wild-horse advocates say the change would gut nearly a half-century of protection for an icon of the American West and could send thousands of free-roaming mustangs to foreign slaughterhouses for processing as food.

They say the Trump administration is kowtowing to livestock interests who don't want the region's estimated 59,000 mustangs competing for precious forage across more than 40,000 square miles (103,600 square kilometers) of rangeland in 10 states managed by the U.S. Bureau of Land Management.

The budget proposal marks the latest skirmish in the decades-old controversy pitting ranchers and rural communities against groups that want to protect the horses from Colorado to California.

"This is simply a way to placate a very well-funded and vocal livestock lobby," Laura Leigh, president of the nonprofit protection group Wild Horse Education, said about the plan.

The National Cattlemen's Beef Association and other interests have been urging the BLM for years to allow sales of wild horses for slaughter to free up room in overcrowded government corrals for the capture of more animals.

Doug Busselman, executive vice president of the Nevada Farm Bureau, blamed the stalemate on the "emotional and anti-management interests who have built their business models on preventing rational and responsible actions while enhancing their fundraising through misinformation."

Presidents George W. Bush, Bill Clinton and Barack Obama also grappled with the spiraling costs of managing the nearly 60,000 horses on the range and 45,000 others in U.S. holding pens and contracted private pastures.

Over the past eight years, the BLM's wild-horse budget has more than doubled — from \$36.2 million in 2008 to \$80.4 million in 2017.

Trump's proposal anticipates the \$10 million savings would come through a reduction in the cost of containing and feeding the animals. The savings also would include cutbacks involving roundups and contraception programs.



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The 1971 Wild Free-Roaming Horse and Burro Act allows older, unadoptable animals to be sold. But for years, Congress has approved budget language specifically outlawing the sale of any wild horses for slaughter.

Horse slaughterhouses are prohibited in the U.S. but legal in many other countries, including Canada, Mexico and parts of Europe where horse meat is considered a delicacy.

A year ago, then-BLM Director Neil Kornze said the horses represented a \$1 billion budget problem for his agency because it costs \$50 million to round up and house every 10,000 horses over their lifetime.

Still, he said the agency had no intention of reversing the long-standing policy.

The Trump administration wants a change, saying through the BLM that the “program is unsustainable and a new approach is needed, particularly when overall federal funding is so constrained.”

It says the budget would allow the agency to manage the wild-horse program in a more cost-effective manner, “including the ability to conduct sales without limitation.”

The BLM rounded up more than 7,000 horses in 2012, but only about 3,000 in each of the past two years due primarily to budget constraints.

As of March, the BLM estimated that more than half the horses roaming the range — 34,780 — were in Nevada. An additional 13,191 burros were on the range — about half in Arizona.

The BLM asserts that U.S. rangeland can sustain fewer than 27,000 horses and burros.

“The original intent of the act was to make sure those animals had a healthy presence on the range, but also that they be kept at a number that is sustainable,” said Ethan Lane, executive director of the National Cattlemen’s public lands council. “You have horses starving to death ... and irreversible damage to Western rangelands.”

The American Society for the Prevention of Cruelty to Animals said Trump’s budget proposal was shocking.





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“Wild horses can and should be humanely managed on-range using simple fertility control, yet the BLM would rather make these innocent animals pay for draconian budget cuts with their very lives,” ASPCA President Matt Bershadker said.

Suzanne Roy, executive director of the American Wild Horse Campaign, said the plan could put the horses on the brink of extinction.

“America can’t be great if these national symbols of freedom are destroyed,” she said.

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### 3. **Agency Heading National-Monuments Audit Pushed for Records**

*Courthouse News Service, May 25 | Brandi Buchman*

WASHINGTON (CN) – A conservation group studying the last administration’s designation of five national monuments claims in a [federal complaint](#) that its records demand has been gathering dust at the Interior Department.

Western Values Project filed its request under the Freedom of Information Act back in January. Claiming to still be waiting on a response that the Interior Department was required by statute to issue within 20 days, the group sought court intervention in Washington.

As laid out in the May 24 complaint, the group is seeking “scientific studies, scientific data, agency management plans, maps, photos, references, testimony, public comments, Congressional input, legal analysis or other such information used to develop the monument designations since January 1, 2014.”

President Barack Obama established five national monuments in that window: Bears Ears in Utah, Gold Butte in Nevada, Browns Canyon in Colorado, Katahdin Woods and Waters in Maine, and the Cascade-Siskiyou unfurling across Oregon and Washington.

Western Values says the Interior Department has been silent on the request, despite acknowledging receipt of it on Jan. 24.

The million-plus acre Bears Ears was one of several national monuments toured earlier this month by Secretary of the Interior Ryan Zinke, whom the Senate confirmed in March.



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Zinke's trip was spurred by President Donald Trump's April signing of an executive order that authorizes Zinke to review protections of tens of millions of acres of lands under the federal Antiquities Act. Trump's order also gave Zinke broad powers to decide if previous administrations abused their own power in making designations.

Unlike his predecessor Sally Jewell's well publicized tour of Bears Ears in July, Zinke's tour of Bears Ears this month went off quietly. He traveled with his own crew of staff for his first round of evaluations, sometimes on horseback, mostly by helicopter. He conducted few interviews afterward.

Zinke praised the site's splendor during his trip but indicated his concern over whether a monument designation was the right vehicle to preserve legacy spots like the Utah monument.

The Deseret News reported in May that, when Zinke was pressed for information on the new administration's plans for Bears Ears, and how it might impact ancient Native American sites in the area, Zinke's wagged his finger at Cassandra Begay, a Native Indian rights advocate. "Be nice," he told her. "Don't be rude."

While the interior secretary and the Trump administration have been largely mum on the inner workings of the monument-review process thus far, Sen. Mike Lee, R.-Utah, told constituents at a May 17 town hall meeting that he was confident the administration would overturn the Bears Ears protection or "significantly" downsize its acreage.

Western Values Project executive director Chris Saeger slammed the agency's handling of his group's request.

"Secretary Zinke and the Trump administration have done everything they can to shut the public out of their sham review, but we're not going to let them get away with withholding basic information that they are required by law to disclose," Saeger said.

A nonprofit founded in 2013, the pro-environment Western Values Project is seen as the ideological counterbalance to the oil-and-gas-funded political action committee Western Energy Alliance.

The group is represented in the May 24 lawsuit by D.C. attorney Scott Hodes.

A representative for the Interior Department has not returned a request for comment.



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#### **4. NATURAL RESOURCES: Bishop aims to ensure federal, local land-use consultation**

*E & E News, May 25 | Kellie Lunney*

The head of the House Natural Resources Committee is contemplating legislation that aims to ensure Uncle Sam adequately includes localities in decisionmaking for implementation of federal land management laws.

Legislation that "clarifies consultation" between the federal government and local communities on land use is necessary, said Rep. Rob Bishop (R-Utah), because "we've found over and over again that this consultation is not taking place."

Bishop, whose remarks came during and after an Oversight and Investigations Subcommittee hearing yesterday, said he still needs to think about what shape the legislation would take before introducing it.

Yesterday's hearing focused on three long-standing laws affecting the management of federal and tribal lands, as well as designated wilderness areas: the 1976 Federal Land Policy and Management Act; the 1934 Indian Reorganization Act (also known as the Wheeler-Howard Act); and the 1964 Wilderness Act.

"Interior has allowed land management decisions to be influenced by D.C. bureaucrats and out-of-touch litigation brought by environmental advocacy groups," said subcommittee Chairman Raúl Labrador (R-Idaho). "This subcommittee heard these concerns time and time again during the previous administration, and it is my hope that the federal land management agencies will now refocus their implementation of the laws as they were intended."

Three out of the four witnesses at the hearing told lawmakers that they believed federal agencies had not been implementing those laws according to congressional intent in their Western communities — at least as it related to land-use planning, permitting and the Interior Department's authority in acquiring lands in trust for Indian tribes.



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For instance, Interior's "gradual expansion" of its fee-to-trust authority under Section 5 of the IRA "has undermined intergovernmental relationships," said Diane Dillon, a supervisor in Napa County, Calif.

The Indian Reorganization Act, enacted during the Great Depression, decreased the federal government's control over Indian affairs and sought to give tribes greater authority to govern themselves. Section 5 of that law governs land acquisition by the government on behalf of tribes, known as the fee-to-trust process. But in some communities, the process has created significant controversy and litigation over land among tribes, counties and local governments, Dillon said.

Dillon added, "The fact that Congress wanted to protect tribal land" doesn't mean that the legislative branch "intended for the trust authority to be used as indiscriminately and extensively" as it's been used.

The county supervisor said that the economic circumstances for many tribes has changed since the law was enacted more than 83 years ago. Since then, "many tribes have developed robust economies from natural resources development and other economic projects," including gaming.

There were no witnesses from the federal government scheduled to testify at the hearing.

Other witnesses also complained of a federal government that dismissed local communities' public land-use concerns.

"Our experience has been that the BLM [Bureau of Land Management] planners hold very few public meetings where information is given, but not exchanged," said Celeste Maloy, deputy county attorney in Washington County, Utah. "We are briefed but not invited to participate. Although we are supposed to be 'cooperating agencies,' local governments can comment after the alternatives are developed."

She also blasted BLM resource management plans that still require wilderness study areas in her county, even though a 2009 law supposedly put that issue to rest in exchange for a quarter of a million acres of declared wilderness in Washington County, where Interior manages half the land.

"Our local BLM office insisted that they were following their manuals," said Maloy. "I did some research and was even more surprised to find that BLM's wilderness manual says that when Congress releases land from a wilderness study, the BLM will 'take into serious consideration the



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congressional action," she said. "When Congress speaks, the agencies should act accordingly ... not just take it into serious consideration."

Special land designations on federal land, like wilderness designations, "only create more burdens for federal agencies and typically serve to erode true multiple use in favor of a 'hands off' approach," which can hurt a community's economy, argued David Cook, an Arizona state representative and rancher who testified on behalf of the Public Lands Council, National Cattlemen's Beef Association and Arizona Cattle Growers Association. Cook said he has been waiting for a grazing permit renewal under FLPMA for more than 15 years.

"I can assure you that the hold-up on our renewal is not due to lack of time or resources," Cook said. "Other permits have moved through the process, and while USFS [U.S. Forest Service] still has made time to monitor where I have placed my salt blocks for the cattle and issue notices of violation for feeding hay inside a corral, they cannot find the time to complete necessary work to renew my permit."

#### **Shoutout for methane rule**

Kendra Pinto, from the Counselor Chapter of the Navajo Nation in New Mexico, praised federal regulations like the BLM methane rule that limits oil and gas flaring on public and tribal lands as protecting the environment, residents' health and the taxpayer.

"Without a rule to curb methane emissions on public lands, we allow the industry to burn our money — and our health — away," she said. Pinto talked about respiratory problems and other adverse impacts to residents stemming from a 2016 explosion and subsequent fire at a fracking site in Nageezi, N.M. There's "fear that it will happen again, because before, it was a 'what if' scenario. Now, it's 'when, again,'" Pinto said.

Noting the public support surrounding BLM's methane rule, subcommittee ranking member Donald McEachin (D-Va.) said Interior Secretary Ryan Zinke and Republican lawmakers needed to do a better job of listening to the concerns of residents, the public health community and environmental groups when it comes to methane and fracking.

"Ms. Pinto has brought [to] us textbook environmental injustice," said McEachin. "She and her community deserve better. As a co-founder of the United [for] Climate and Environmental Justice Task Force here in Congress, I plan to fight until they get it."



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#### 5. **INTERIOR: Records, watchdogs raise questions on Zinke's ethics deal**

*E & E News, May 25 | Corbin Hiar*

When Montana Republican Rep. Ryan Zinke was nominated to lead the Interior Department, he signed an ethics agreement promising to resign "upon confirmation" from leadership posts in three organizations with financial ties to him and his family.

But as of Friday — more than 2 ½ months after he was sworn in as Interior secretary — Zinke still held top positions in those groups, according to the Montana secretary of state's office, which maintains records on companies and charities registered in the state.

Montana records also show the secretary's wife, Lolita Zinke, continues to be listed as a managing member of [Continental Divide International LLC \(CDI\)](#), one of the three organizations with which Zinke has vowed to cut ties. That's potentially problematic, watchdogs say, because in the [agreement](#) with the U.S. Office of Government Ethics that he signed Jan. 10, the then-congressman said he understood "that the interests of" his spouse would be legally attributed to him.

"There are a lot of people currently concerned about enforcement — not only within the agencies but also in the White House — and this is a perfect case of it's one thing to have an ethics agreement, but it's another thing to abide by its terms and conditions," said Scott Amey, the general counsel of the nonprofit Project on Government Oversight.

"If Secretary Zinke hasn't resigned his positions in the companies that he used to work for, he's in violation of his ethics agreement," he added. "We need to remedy this blatant breach."

In addition to CDI, Zinke promised the ethics office that he "will resign from my position with" [Double Tap LLC](#) and the [Great Northern Veterans Peace Park Foundation Inc.](#) as soon as the Senate approved his nomination to lead Interior.

CDI, which has collected tens of thousands of dollars in consulting fees from a political group Zinke created, and Double Tap were founded as hospitality industry ventures.



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But both are now "family held residential rental property LLCs," Zinke said in a [statement](#) to the Senate Energy and Natural Resources Committee, which vetted his nomination.

The mission of the foundation, meanwhile, "is to maintain a children's sledding park and community open space" in Zinke's hometown, Whitefish, Mont., he told the committee.

The Interior Department argues that the secretary has, in fact, complied with the ethics deal.

Claims that Zinke is in violation of his ethics agreement "are patently false," press secretary Heather Swift said in a statement.

"The Secretary worked with the career veteran ethics officials at the Department every step of the way," she said. "He currently has no management role in any of the organizations identified."

Shortly after being confirmed by the Senate on March 1, "Secretary Zinke resigned as a managing member from the family's two small businesses and a nonprofit organization, which he founded to build the Veterans Peace Park," she said.

Swift provided [three brief letters](#) addressed "To Whom It May Concern" in which Zinke said he had resigned from the respective groups "effective immediately."

"The documents were mailed to the attorney of the boards, who confirmed receipt, fulfilling the Secretary's requirement," she said.

Those resignation letters, however, never made it to the Montana secretary of state's office.

"The problem that exists here is, there seems to be a pattern of activities where this secretary has been less than transparent," said Meredith McGehee, the chief of policy, programs and strategy at Issue One, an ethics advocacy group. "It doesn't seem like he has bent over backwards to ensure that the i's are dotted and the t's are crossed."

McGehee argued that the ethics questions surrounding Zinke and other members of the Trump administration are due to a lack of leadership at the top.

"In past administrations, Republican and Democratic alike, this is where the White House counsel — particularly for these Cabinet-level officials — would step in and say, 'Hey, guys, get your act together,'" she said. "That's what has been sorely missing in this administration."



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She pointed to a compliance form that the ethics office unveiled earlier this month for Senate-confirmed officials.

"There seems to be a growing concern that compliance is not happening within the normal expected time frame within the administration," she said.

Zinke will have to complete the form by June 5, the beginning of his fourth month in office. It includes the following statement: "I completed all of the resignations indicated in my ethics agreement before I assumed the duties of my current government position."

But the letters signed by the secretary and provided to E&E News are dated March 6, five days after he was sworn into office (E&E Daily, March 2).

#### **Double Tap, CDI**

Montana state records also raise questions about money Zinke earned in 2016 from Double Tap, a company he initially formed to start a brewery, the Flathead Beacon reported.

Zinke told the ethics office in a financial disclosure report that Double Tap, established in June 2011, was worth more than \$100,000 and provided him with an income of between \$5,000 and \$15,000 last year.

But in 2013, it had been shut down by Montana's secretary of state after failing to submit the necessary annual report and fees.

"Since the Annual Report was not successfully filed, Montana law requires the Secretary of State to dissolve your business," the notice said. "Dissolution proceedings against the Corporation or Limited Liability Company have been completed. The Corporation or Limited Liability Company has involuntarily given up its right to transact business in the State of Montana."

State and federal records, on the other hand, show that CDI has been the focus of ethical complaints in the past.

Zinke established CDI, the company in which Lolita Zinke is a managing member, under the initial name Continental Divide Inns LLC in March 2005, a few years before he retired from the Navy. The principal place of business listed for the company was a property Zinke owned in Whitefish.





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The following year, CDI was involuntarily dissolved by the state of Montana after its members failed to file legally required annual reports and fees. In January 2007, a year before Zinke would be honorably discharged from military service, he and his wife submitted reports for 2006 and 2007, after which the company was reinstated.

In 2008, Zinke won a seat in the Montana Senate. A few months before going to Helena for the legislative session the next year, Zinke officially changed the name of CDI to Continental Divide International LLC.

Halfway through his first term in the state Senate, Zinke ran unsuccessfully for lieutenant governor in 2012. That same year, he also launched Special Operations For America (SOFA), a military-focused super political action committee, a type of independent group that is allowed by the Federal Election Commission to raise and spend unlimited sums of money to advocate for or against political candidates.

Less than a month after Zinke announced he was stepping down from his volunteer position as chairman of SOFA, he entered the race for Montana's lone congressional seat on Oct. 21, 2013.

SOFA supported Zinke's bid for Congress, prompting concerns from watchdog groups about the potential illegal coordination between his campaign and the supposedly independent super PAC, which was registered to another property Zinke owns via Double Tap in Whitefish. In March 2014, the Campaign Legal Center and Democracy 21 filed a complaint with the FEC, asking it to investigate the ties between the super PAC and Zinke's campaign. A spokesman for the center said the agency never responded to the groups' request.

SOFA spent \$175,000 in support of Zinke during the 2014 election cycle, FEC data show. At the same time, the super PAC told the election commission that it paid CDI over \$11,600 for "consulting" and travel reimbursements.

Altogether, the company that Zinke now describes as a "rental property" business made almost \$45,000 from SOFA from July 2012 until 14 months later, when he announced on Facebook that he was leaving the super PAC.

Zinke's adult daughter, Jennifer Detlefsen, was also directly paid \$2,500 by SOFA for "digital consulting" and "social media," FEC records indicate. Along with Zinke's two sons, she is a managing member of CDI, as well.



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"It's a bunch of self-dealing transactions," said McGehee of Issue One. "It would probably be impermissible in a reasonable world. But this is an unreasonable world."

She added, "Part of the problem here is, what is legal is pretty much the scandal. If you put it to a smell test, the smell test stinks."

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#### **6. NATIONAL MONUMENTS: Changes to key law would threaten all public lands — paper**

*E & E News, May 25 | Jennifer Yachnin*

Potential changes to the Antiquities Act of 1906 would threaten future protection of all federal lands, according to a white paper released today by the nonprofit group the Mountain Pact.

The California-based organization released its publication as members visit Washington, D.C., to press Western lawmakers and Interior Department officials on their agenda.

"National public lands are an integral part of the fabric of Western communities and driver of local economies," said Mountain Pact Executive Director Diana Madson. "Through tools such as the Antiquities Act, the federal government can act to protect and enhance the American public land system. An attack on the Antiquities Act is an attack on all American public lands and the communities and economies that rely on them."

The six-page [assessment](#) relies on data provided by Montana-based Headwaters Economics and the Outdoor Industry Association to argue for the economic benefits of conservation, as well as a recent Colorado College Conservation in the West Poll that showed broad support for maintaining monument designations.

"The Antiquities Act plays an important role in the protection of public lands, which if compromised threatens the continued protection and future investments in all public lands," the white paper says.

It focuses in large part on President Trump's executive order mandating an Interior Department review of dozens of national monuments created since 1996 that include more than 100,000 acres.



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Interior Secretary Ryan Zinke visited two of the sites that observers believe are the most likely to see potential changes — and have been the focus of criticism from Utah Republican lawmakers — earlier this month, stopping at both the Bears Ears National Monument in southeastern Utah and the Grand Staircase-Escalante National Monument in southwestern Utah.

"The recent call to revoke monuments designated under the Antiquities Act is an attack on the protection of and investment in public lands, one that prioritizes natural resource extraction economies over recreation," the white paper says. "This poses a direct threat to western mountain communities that rely on outdoor recreation to drive their local economies. It would be an unprecedented attempt to revoke a national monument designation — and any attempt to do so would likely be invalidated by the courts."

Although Congress has revoked the status of a handful of monuments since the Antiquities Act was enacted in 1906, lawmakers have proved generally reluctant to undo such protections.

No president has ever sought to overturn a monument designation issued by one of his predecessors. Conservationists and legal experts generally believe the Trump administration would face legal challenges if the president attempts to amend or revoke the status of any existing monuments.

"The recent calls to revoke monuments designated under the Antiquities Act showcase an unprecedented attack on the protection of and investment in public lands that ignores decades of cooperation between cultural heritages and outdoor recreation economies," Telluride, Colo., Councilmember Todd Brown said in a statement released by TMP. "This poses a direct threat to communities like mine that are reliant on heritage tourism and the outdoor recreation economy."

But 25 Republican senators recently urged Trump to "keep all remedies on the table" in the Antiquities Act review, arguing that the law has been abused and overused (Greenwire, May 24).

#### **New poll**

The Utah Diné Bikéyah, a Navajo environmental group that supports the Bears Ears monument, released a survey this week showing broad support for the designation.

A poll of 500 registered Utah voters conducted by Public Opinion Strategies found a majority — 64 percent — said the Bears Ears site should remain at its current 1.35-million-acre size. An additional 30 percent opposed the monument's current boundaries.



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The poll, conducted earlier this month, had a 4.4-point margin of error. Respondents were given information about the Bears Ears monument that compared it to a national park.

"The public can go there to camp, fish, hike, hunt, view wildlife, or ride ATVs. It would not allow new mining or oil and gas development, but existing claims and leases and grazing rights are not affected," according to a script of the questions. Respondents were then asked whether the monument had had a positive or negative impact on the state.

Fifty-three percent said the monument was a "good thing," while 26 percent said it had a negative impact and 18 percent said they did not know enough about the site to respond.

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#### 7. **SAGE GROUSE: BLM budget details reveal cuts to conservation positions**

*E & E News, May 25 | Scott Streater*

The Bureau of Land Management's fiscal 2018 budget proposes to reassign potentially dozens of agency staff working on greater sage grouse and sagebrush conservation and restoration efforts into other agency programs.

The so-called [budget justification](#) for BLM's proposed \$1.1 billion budget — released today, more than two days after President Trump unveiled his fiscal 2018 budget request — proposes cutting \$11.5 million from the "Sagebrush Conservation Implementation Strategy."

Part of that cut will mean eliminating 59 full-time-equivalent positions from BLM's Wildlife Management program, which is responsible for implementing the federal greater sage grouse conservation plans finalized in September 2015. Full-time-equivalent positions do not equate to actual employees, and sometimes denote unfilled positions.

An agency source said BLM will "work assiduously" to reassign any current employees affected by the cuts to open positions in other programs. In addition, reductions will be achieved through retirements and leaving some positions on the books unfilled.

"The BLM is committed to caring for our thousands of dedicated team members across the United States," Matthew Allen, a BLM spokesman, said in emailed statement to E&E News. "The President's budget allows the BLM to focus on priority areas and also affords the BLM



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latitude in meeting long-term staffing needs through tools like attrition and retirement incentives."

There are plenty of new positions to fill. The budget justification document calls for an additional \$16 million and 82 new full-time-equivalent employees for "oil and gas management," and an additional \$8 million and 48 full-time equivalents for coal management.

Sources also cautioned that the fiscal 2018 budget request is only a proposal, and that nothing in it is finalized until Congress votes to approve a budget.

But the document is clear that BLM wants to scale back implementation of the federal grouse plans that took years to finalize and involved states, the oil and gas industry, and numerous other stakeholders.

The plans amended 98 BLM and Forest Service land-use plans to incorporate grouse conservation measures covering nearly 70 million acres of federal lands in 10 Western states. They were instrumental in convincing the Fish and Wildlife Service not to list the greater sage grouse for protection under the Endangered Species Act.

The budget justification document states that \$40.5 million will be directed toward grouse protection activities, such as implementing the Obama-era grouse plans. Congress appropriated \$68.9 million for grouse conservation in the fiscal 2017 omnibus spending package approved earlier this month.

But most of the focus will now be directed to "monitoring of priority habitat areas," as well as addressing long-standing concerns and criticisms of the final plans from states and other stakeholders.

BLM grouse conservation efforts will also work on "maintaining data sets and geospatial information to meet the commitments made in the land use plans, providing information to State partners and the public and increasing transparency," the document states.

BLM will also focus on "ensuring strategic implementation of restoration actions, travel and transportation planning, partnership development, and training focused in the highest priority areas."



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In addition, "BLM will continue to work ... with states and other partners where shared funding and activities can result in cost-savings," the document says.

The moves concern some conservation leaders.

"Cutting more than one-fifth of the budget and more than 50 employees from the sagebrush conservation strategy stands in stark contrast to the many vital actions that the BLM then acknowledges it has committed to take to implement greater sage grouse conservation," said Nada Culver, senior counsel and director of the Wilderness Society's BLM Action Center.

A number of conservation leaders yesterday told E&E News that cuts to implementation of the greater sage grouse plans outlined in a "budget highlights" document would harm the grouse.

"The agency's own 'highlights' further concede they will be delaying needed actions as a result of these budget cuts," Culver added. "This budget is an underhanded way to welch on the agency's fundamental commitments and could put the greater sage grouse and the hundreds of other species that rely on this habitat at risk."

Grouse population declines have already been measured in Utah and Wyoming, "and a Trump administration plan to expand oil and gas drilling on federal lands indicate that the problem of grouse declines and sagebrush habitat loss are far from over," said Steve Holmer, vice president of policy at the American Bird Conservancy.

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