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Attached is the daily news report for April 22 24.

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## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

#### UTAH – TOP STORIES – APRIL 22-24, 2017

1. **Report: Zion, Bryce combined to bring \$445 million to southwest Utah**

*The Spectrum, April 21 | David DeMille*

Tourism to southwest Utah's national parks and monuments brought more than \$1 billion to the local economy in 2016, according to report issued Thursday by the National Parks Service.

2. **Op-ed: A plan to undermine our national monuments law**

*CommercialAppeal.com, April 22 | Jennifer Rokala, Guest Columnist*

Teddy Roosevelt got it right.

One hundred eleven years ago, our 26th president signed the Antiquities Act, one of the most important and consequential laws in American history. But today, that law—and our national monuments—are under attack in Congress.

3. **BLM Utah seeks nominations to Resource Advisory Council**

*St George News, April 23 | Press Release*

SALT LAKE CITY — The Bureau of Land Management in Utah is seeking public nominations for six positions on its Utah Resource Advisory Council that will become available in 2018. The due date for applications is May 30.

4. **Trump to order review of Bears Ears, Grand Staircase**

*The Salt Lake Tribune, April 23 | Thomas Burr*

Washington — President Donald Trump this week will order a review of national monument designations — including southern Utah's Bears Ears and Grand Staircase-Escalante — as part of a wide look at a century-old law that allows presidents to set aside federal lands without congressional approval.



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#### 5. Rock on: Southern Utah grows as climbing destination

*The Spectrum, April 22 | Brian Passey*

For Malynda Madsen, rock climbing is a moving meditation.

“Your darkest stuff will come up, like fear, insecurity, self-doubt,” she says. “You have, all of a sudden, this surge of panic that you could hurt yourself. This survival instinct kicks in and you have to keep moving through it. You have to deal with it.”

#### 6. On Target: Wildlife-based recreation dwarfs the state’s famed ski industry in impact

*Utah Business, April 24 | Rachel Madison*

Chances are, if you’ve spent any amount of time in Utah, you know the state has a rich outdoor offering. That’s why it’s no surprise that Utah is well known both locally and nationally for its hunting, fishing and wildlife-watching industries. In fact, these three wildlife-based hobbies have created such an impact on Utah’s economy that they brought in nearly \$3 billion in 2011—the latest year the Utah Division of Wildlife Resources (DWR) has data for.

### E&E/NATIONAL NEWS – TOP STORIES

#### 1. Judge declares mistrial in Bundy Ranch standoff case

*The Las Vegas Review-Journal, April 24 | Jenny Wilson and David Ferrara*

A federal judge on Monday declared a mistrial in the conspiracy case against six men accused of staging an armed assault against federal authorities who tried to seize rancher Cliven Bundy’s cattle from public lands in Bunkerville.

#### 2. NATIONAL MONUMENTS: Trump to order Interior to review 50-plus sites

*E & E News, April 24 | Jennifer Yachnin*

President Trump this week will order the Interior Department to conduct a review of at least 50 national monuments to determine whether existing boundaries are "well beyond the areas in need of protection" and to recommend potential changes, a White House official told E&E News.



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#### 3. PUBLIC LANDS: Panel to weigh economic value of outdoor recreation industry

*E & E News, April 24 | Scott Streater*

A House subcommittee this week will focus on the economic importance of the outdoor recreation industry at a time when the Trump administration has called for greater production of domestic energy resources on federal lands.

#### 4. WHITE HOUSE: Trump planning new orders on energy, lands

*E & E News, April 24 | Manuel Quiñones*

The president plans to sign more executive orders related to energy policy, the White House said over the weekend.

#### 5. AGENDA: Déjà vu as Congress tries to head off shutdown

*E & E News, April 24 | George Cahlink and Geof Koss*

Congress returns this week to confront its latest funding crisis, one it will have to resolve by late this week or face an embarrassing government shutdown.

#### 6. METHANE: Court review of EPA rule would be 'exercise in futility' — DOJ

*E & E News, April 24 | Ellen M. Gilmer*

A federal court should not consider litigation over U.S. EPA's methane standards for new oil and gas operations while the agency rethinks the regulation, government lawyers say.

#### 7. METHANE: Repeal deadline looms as Congress returns

*E & E News, April 24 | Pamela King*

As lawmakers return from April recess today, they face the final countdown on their opportunity to rescind an Obama-era rule controlling natural gas flaring, venting and leaking from energy operations on public lands.



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#### 8. INTERIOR: Ex-Koch operative tapped to lead rule-cutting task force

*E & E News, April 24 | Arianna Skibell*

Interior Secretary Ryan Zinke has selected Daniel Jorjani, an adviser to various Koch brothers organizations, and veteran government official James Cason to lead a task force for cutting regulations.

#### 9. NEVADA STANDOFF: Judge declares mistrial

*E & E News, April 24 | Jennifer Yachnin*

A federal judge declared a mistrial today for four of the men involved in the 2014 armed standoff with federal agents near Cliven Bundy's Nevada ranch, after a jury declared itself "hopelessly deadlocked" over charges against the defendants, according to local media reports.

#### 10. WIND: Developer kills Obama-era project hobbled by greens' lawsuit

*E & E News, April 24 | Scott Streater*

A renewable energy developer is pulling the plug on a Nevada wind project championed by former Senate Democratic leader Harry Reid of Nevada that would have been the Silver State's largest wind farm.



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#### UTAH – FULL STORY

##### 1. **Report: Zion, Bryce combined to bring \$445 million to southwest Utah**

*The Spectrum, April 21 | David DeMille*

Tourism to southwest Utah's national parks and monuments brought more than \$1 billion to the local economy in 2016, according to report issued Thursday by the National Parks Service.

A combined 7.6 million visitors spent an estimated \$506 million while visiting Zion National Park, Bryce Canyon National Park, Cedar Breaks National Monument and Pipe Springs National Monument, supporting nearly 7,300 jobs across southwestern Utah, according to the annual peer-reviewed economic analysis, titled 2016 National Park Spending Effects.

Another 6 million visitors spent an estimated \$648 million at nearby Grand Canyon National Park, with another 1.1 million spending some \$77 million at Capitol Reef National Park.

Parks nationwide saw an all-time high of 331 million visitors for the year, which the analysis suggests pumped \$34.9 billion into the national economy. In "gateway" communities near park entrances, visitor spending supported about 318,000 jobs, largely in hotels, retail stores, and transportation and recreation industries.

"National parks like Yellowstone, Zion, and Gettysburg connect us with nature and help tell America's story," Michael T. Reynolds, acting director of the National Park Service, said in a written statement. "They are also a vital part of our nation's economy, drawing hundreds of millions of visitors every year who fill the hotels and restaurants, hire the outfitters and rely on other local businesses that help drive a vibrant tourism and outdoor recreation industry."

Utah ranked as seeing the fifth-highest spending among all the states at its parks, which combined to bring some \$1.1 billion to the state economy. The state's "Mighty Five" parks attracted an estimated 14.4 million visitors, supporting 18,000 jobs total and nearly \$547 million in labor income.

The analysis suggests 35 percent of visitor spending went to hotels, with 20 percent going to restaurants and another 11 percent spent on gas.



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Visitation was up at parks across the country, but especially in southern Utah, where Zion saw a 17 percent increase in visitors over 2015 and set a new record for attendance. Bryce also set a new record, with visitation up 26 percent.

A strong economy, good weather and low gas prices were credited for much the increase, along with the National Park Service's Find Your Park marketing campaign, which aimed to draw more visitors to celebrate the 100th anniversary of its creation.

Utah's state-funded Mighty 5 campaign ran ads nationally and internationally, and local tourism offices have pushed their own promotions.

Since 2010, Zion has gone from 2.67 million visitors to 4.30 million. Bryce Canyon has gone from 1.29 million to 2.37 million. Capitol Reef has jumped from 662,661 in 2010 to 1.06 million last year. Over the same timeframe, the Grand Canyon is up 36 percent.

Economic impact has grown in concert. In three years, Zion's visitor spending jumped 40 percent, from \$172 million in 2013 to \$245 million last year. Bryce has increased 70 percent, from \$118 million to \$201 million.

All the growth has put increased pressure on park service personnel and facilities, with managers still operating off budgets that were trimmed during the Great Recession.

Zion Superintendent Jeff Bradybaugh has described problems keeping up with demands for parking, trail maintenance and basics like trash pickup, and officials are working on a new visitor use management plan that could include caps on how many visitors are allowed into the park at any one time.

Capacity issues are not new for the park, Bradybaugh pointed out, noting that in 2000 the park implemented its shuttle bus system to help protect the main canyons and reduce parking and traffic congestion.

"However, park visitation continues to grow and peak periods are expanding," he said. "With increasingly concentrated use and overwhelmed facilities, we are concerned with health and safety issues; diminishing quality of visitor experiences; and associated impacts to soils, vegetation, water, wildlife habitat, soundscapes, and cultural resources."

At Bryce Canyon, several projects are planned for the next year to perform routine repairs and maintenance, but none to expand existing infrastructure, said Kathleen Gonder, chief of interpretation and public information officer for the park.



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Some 60 percent of the park’s visitors are international, she said, noting that park officials everywhere are wondering whether the growth trend will continue.

“There has been a lot of talk about whether these huge jumps will sustain themselves and continue on or whether it was just a temporary thing,” she said.

#### **Local impact**

Area national parks, monuments and recreational areas brought millions in tourism dollars to Southern Utah and surrounding areas in 2016.

- Bryce Canyon National Park: \$201 million.
- Capitol Reef: \$77 million.
- Cedar Breaks National Monument: \$57.9 million.
- Grand Canyon National Park: \$648.2 million.
- Pipe Spring National Monument: \$2.7 million.
- Zion National Park: \$244.5 million.

Source: National Park Service.

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#### **2. Op-ed: A plan to undermine our national monuments law**

*CommercialAppeal.com, April 22 | Jennifer Rokala, Guest Columnist*

Teddy Roosevelt got it right.

One hundred eleven years ago, our 26th president signed the Antiquities Act, one of the most important and consequential laws in American history. But today, that law—and our national monuments—are under attack in Congress.

The Antiquities Act gives presidents the authority to set aside national public land and historic sites for special protection and recognition—a power that has been used by eight Republican and



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eight Democratic presidents to protect natural treasures like the Grand Canyon and Natchez Trace Scenic Trail, along with historic landmarks stretching from Pearl Harbor to the Statue of Liberty.

The power to protect and manage public land belongs, according to the Constitution, to Congress. But throughout history, Congress has gone through long periods when it was unable or unwilling to accomplish anything of substance. That's why the 59th Congress had the foresight to give a portion of that authority to the president: when Congress cannot do its job, the president must step up to protect America's most special places.

When Teddy Roosevelt protected the Grand Canyon with the stroke of a pen in 1908, it was panned by some. The Williams Sun newspaper had called plans to protect the Canyon "a fiendish a diabolical scheme," adding that "the fate of Arizona depends exclusively on the development of her mineral resources."

But President Roosevelt showed leadership when Congress did not, and recognized that the Grand Canyon was more valuable than the uranium and other minerals that sat below the surface.

A century later, a similar story is playing out in Utah, where efforts to protect the Bears Ears region recently came to a conclusion after 80 years of conservation efforts. Bears Ears has long been recognized as one of America's most spectacular archaeological treasures, with an estimated 100,000 sites that tell the stories of the region's early tribal residents and pioneer settlers.

Utah's congressional delegation supported a bill known as the Public Lands Initiative, which would have protected the area. When it became clear that legislative efforts were again stalled, a coalition of five Native American tribes asked President Obama to protect Bears Ears as a national monument.

Today's Congress, of course, is consumed by gridlock, even though both chambers are controlled by a single party. When the Public Lands Initiative failed to make it to a vote on the House floor, much less the Senate, President Obama followed in Teddy Roosevelt's footsteps and protected Bears Ears using the Antiquities Act. He created a national monument that closely followed the boundaries proposed by Utah leaders in their bill—more than 90 percent overlap.

Despite this, those same politicians who had previously said they want to protect Bears Ears now cry foul, claiming President Obama somehow "abused" the Antiquities Act when he created the



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monument. Utah Sen. Orrin Hatch and Rep. Rob Bishop are vowing to “reform” the Act, even though their own inability to pass legislation is precisely the reason the Antiquities Act exists.

Our last two presidents both used the Antiquities Act to protect American lands and waters while Congress failed to act; from Papahānaumokuākea Marine National Monument, protected by President Bush in 2006, to Birmingham Civil Rights National Monument, protected by President Obama in the final weeks of his presidency.

America’s national monuments tell the story of our nation. They’re stories of exploration, courage, and sacrifice. They protect our land and heritage so that future generations will be able to look out over the Grand Canyon and witness the same landscape that inspired Teddy Roosevelt to protect it a century ago.

Today’s threats to our national monuments law are both short-sighted and unwise. The Antiquities Act remains as vital as it was when Teddy Roosevelt signed it in 1906. We would be foolish to set it aside.

*Jennifer Rokala is the executive director of the Center for Western Priorities, a public lands and energy advocacy group in Denver, Colorado.*

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### 3. **BLM Utah seeks nominations to Resource Advisory Council**

*St George News, April 23 | Press Release*

SALT LAKE CITY — The Bureau of Land Management in Utah is seeking public nominations for six positions on its Utah Resource Advisory Council that will become available in 2018. The due date for applications is May 30.

The BLM’s Resource Advisory Council, composed of citizens chosen for their expertise in natural resource issues, help the Bureau carry out its multiple-use mission and stewardship of public lands.

“The BLM Resource Advisory Councils are an important forum for the community conversation that is a key component of public land management,” BLM Utah State Director Ed Roberson said. “By ensuring that RAC representation reflects a variety of perspectives, RAC members provide a



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valuable service to the Bureau by delving into issues and proposing solutions on a wide variety of land and resource use issues.”

Advisory council positions that will become available in 2018 are in the following categories:

Category One (two positions) – Public land ranchers, representatives of organizations associated with energy and mineral development, the timber industry, transportation or rights-of-way, off-highway vehicle use and commercial recreation.

Category Two (one position) – Representatives of nationally or regionally recognized environmental organizations, archaeological and historical organizations, dispersed recreation activities and wild horse and burro organizations.

Category Three (three positions) – Representatives of state, county, or local elected office; representatives and employees of a state agency responsible for the management of natural resources; representatives of Indian Tribes with or adjacent to the area for which the RAC is organized; representatives and employees of academic institutions who are involved in the natural sciences; and the public-at-large.

Individuals may nominate themselves or others to serve on an advisory council.

Nominees, who must be residents of the state where the advisory council has jurisdiction, will be reviewed on the basis of their training, education and knowledge of the council’s geographical area.

Nominees should also demonstrate a commitment to consensus building and collaborative decision-making. All nominations must be accompanied by letters of reference, a completed advisory council application and any other information that speaks to the nominee’s qualifications.

A fillable application form is available online at: [Utah RAC Application](#).

Nominations should be emailed or postmarked by May 30 to:

Lola Bird, Bureau of Land Management, Utah State Office  
440 West 200 South, Suite 500  
Salt Lake City, Utah 84101

For more information, please contact Lola Bird at [lbird@blm.gov](mailto:lbird@blm.gov) or 801-539-4033.



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The BLM consults with the Governor's Office before forwarding its recommendations to the Secretary of the Interior for a final decision.

Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 1-800-877-8339 to leave a message or question with the above individual. The relay service is available 24 hours a day, seven days a week. Replies are provided during normal business hours.

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#### 4. **Trump to order review of Bears Ears, Grand Staircase**

*The Salt Lake Tribune, April 23 | Thomas Burr*

Washington — President Donald Trump this week will order a review of national monument designations — including southern Utah's Bears Ears and Grand Staircase-Escalante — as part of a wide look at a century-old law that allows presidents to set aside federal lands without congressional approval.

On Wednesday, Trump will sign an executive order to demand that the Interior Department secretary examine all national monument designations in the past 21 years to discern whether their size and scope are within the law's intent, a move that tracks clearly with concerns of members of Utah's federal delegation about the use of the unilateral presidential power in designating monuments.

A senior White House official, who was not authorized to speak publicly, told The Salt Lake Tribune on Sunday that the review will stretch back a couple of decades — including President Bill Clinton's 1996 naming of the Grand Staircase-Escalante National Monument — but mainly was prompted by President Barack Obama's last-minute naming of Bears Ears National Monument in December.

The order is not expected to change the designations immediately but has a short time frame for the Interior Department to report back on the designating of monuments back to Jan. 1, 1996. Clinton had named the nearly 1.9 million-acre Grand Staircase in September 1996.



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Many of Utah's top federal and state officials have called for a rescission — or at least a resizing — of the Grand Staircase and Bears Ears monuments.

While no president has attempted to withdraw a monument named by a predecessor, there have been those who have scaled back those designations.

For his part, Sen. Orrin Hatch, R-Utah, has pressed Trump for action on the Bears Ears declaration and visited the area last week.

"For years, I have fought every step of the way to ensure that our lands are managed by the Utahns [who] know them best and cherish them deeply," Hatch said in a statement Sunday night. "That's why I'm committed to rolling back the egregious abuse of the Antiquities Act to serve far-left special interests. As part of this commitment, I have leveraged all of my influence — from private meetings in the Oval Office in the president's first week in office to my latest trip to Bears Ears this week — to ensure that this issue is a priority on the president's agenda."

Environmental groups quickly raised concerns that Trump was acting without looking at the reasons that Obama used the 1906 Antiquities Act to preserve the 1.35 million acres of Bears Ears as well as the now 20-year-old Grand Staircase.

"Utah's national monuments are our first line of defense against the very real specter of climate change, providing resiliency to not only the species within them, but also to nearby communities," said Jen Ujifusa, legislative director of the Southern Utah Wilderness Alliance. "President Trump and the Utah delegation should focus their energies on solving America's challenges, rather than unraveling the solutions that are already working."

Josh Ewing, executive director of the Friends of Cedar Mesa, which along with an American Indian tribal coalition had pushed for the monument declaration, said he welcomes the review because, if done correctly, it will show the need for protection of the area.

"I would look forward to a serious review of Bears Ears by the secretary and by the Interior [Department]," Ewing said. "I think the conclusion they would come to, if they really look at the international significance of this place, is they would come to the same conclusion that [former Interior] Secretary [Sally] Jewell did after spending five days on the ground and a huge public meeting — which is that this place deserves to be protected and the only practical way to protect it is the Antiquities Act. So I would welcome a review as long as it is a serious one where they spend time on the ground and look at the resources and look at the data."



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Utah's federal and state leaders had been pushing a legislative solution to shield the Bears Ears and other areas. But the measure, which some complained was too friendly to mining and development interests, failed to pass in the waning days of the past congressional session after tribal and environmental groups complained that their concerns were ignored.

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#### 5. **Rock on: Southern Utah grows as climbing destination**

*The Spectrum, April 22 | Brian Passey*

For Malynda Madsen, rock climbing is a moving meditation.

“Your darkest stuff will come up, like fear, insecurity, self-doubt,” she says. “You have, all of a sudden, this surge of panic that you could hurt yourself. This survival instinct kicks in and you have to keep moving through it. You have to deal with it.”

Madsen says this method of working through problems on the wall translates to her personal life, whether it's a stressful job interview or a confrontation at work.

As she climbs the Chuckwalla Wall in St. George on a sunny spring morning, Madsen says she is in the middle of writing a 10-page paper for college. She feels as if she's met a lot of failure during the writing process. It just wasn't working out.

So she decided to get out on the rock. She wanted to do something that scared her but also gave her the confidence to confront a challenge.

It's similar for Todd Perkins when he's on the rock. Rather than worrying about pressures in his personal life, he instead finds himself confronting fears, solving problems and pushing himself physically.

“Everything else goes away,” he says. “You're just focused on what you're doing and what you have to do to get to the top.”



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When he achieves that focus, nothing else gets in the way. It feels natural. His movements flow. The fears and doubts recede. And it culminates with a sense of accomplishment — the meeting of a goal.

That doesn't mean he always accomplishes that goal. Sometimes he doesn't make it to the top.

Failure is part of rock climbing too, says Perkins, who operates Southern Utah Guiding. Yet he likes how it teaches climbers to deal with that failure and to keep trying.

"There are some routes we may try to climb for years and years and we'll finally do it that one time without falling," he says. "It's a pretty awesome feeling of success."

Rob Myers is the director of Southern Utah University's Outdoor Center in Cedar City. He views climbing as a lifestyle. Like playing music or cooking, climbing can either be a hobby or a profession. One thing that's common among climbers is that they tend to be "genuinely happy people," Myers says.

He first discovered climbing as a college student in 2003. He was hooked after only a couple of climbs. It's now his favorite activity.

"For me, it's a rejuvenation, a soul-touching moment," he says. "It touches my core."

### **Climbing in Southern Utah**

Whether recreation or sport, passion or profession, climbing has certainly grown in Southern Utah during recent decades.

Back in 1992, Todd Goss was driving around the country, looking for places to climb. While traveling through St. George, he saw a sign advertising climbing equipment for sale, so he pulled off the interstate. And he never left.

At the time, Goss estimates the area probably had fewer than 20 people who called themselves climbers. Now there are hundreds.



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“There are certainly more climbers here than there were before,” says Goss, who is now a local climbing guide through his business, Paragon Adventures.

The Chuckwalla Wall was one of the first sport-climbing areas established in the area back in the early 1990s. It was named for an actual chuckwalla that would come out and sun itself while watching those early climbers ascend the rock.

Because Chuckwalla is so easy to access, just off Bluff Street in St. George, it’s almost become like an outdoor climbing gym for local climbers, Madsen says.

Prior to the establishment of Chuckwalla, there were other established routes. Zion National Park and Snow Canyon State Park both had climbing routes as well as the Virgin River Gorge.

“Now there are thousands of routes,” says Perkins, who has established about 200 routes in Southern Utah through the years. “It’s become known as an international destination.”

Perkins was recently climbing in Turkey, where he met a climber from Germany. The German was planning a climbing trip to the United States and Moe’s Valley, located southwest of St. George, was one of his planned stops.

Part of what makes Southern Utah such an attractive destination is its diversity of rock type — from the sandstone of Snow Canyon and the limestone of Utah Hill to the granite of the Pine Valley Mountains and the welded tuff at Brian Head. Perkins says each type offers unique characteristics.

Adding to the lure of Southern Utah is its geographic diversity, including elevations that range from 2,350 feet in Washington County to 11,312 feet in Iron County.

“That’s the beauty of our area,” Myers says. “We climb year-round.”

Although Myers travels to the St. George area to climb during the winter, he frequents routes near Cedar City during the warmer months, including Pocket Rocks, Sprocket Rocks and Sweathills Wash, all located west of Cedar City. His favorite spot is The Overlook, by Brian Head.



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While the Iron County climbing locations don't see the same amount of climbers as the Washington County hotspots, he estimates there are a few hundred climbers around Cedar City. It's also beginning to attract climbers from out of town.

"The word is that Southern Utah has some great climbing," he says. "You can climb year-round. Plus there is a variety of rock to climb on. Not many areas can boast that diversity."

#### **Creating a route**

While Goss and Perkins have established many of the local routes, Goss gives credit to those who came before him, including climbers from northern Utah who would drive down just to bolt a few routes before traveling back home.

"It's been a community effort," Goss says.

When establishing a route, it's important to first determine who owns the land. Myers notes that it's important to ask for permission before doing anything, like creating a route in a previously untouched area. It's essential that climbers don't damage any relationships with land management agencies.

Once permission is granted to establish a route, Goss says they examine the cliff face, looking for possible routes. Then they hike to the top, install an anchor above the potential route, and repel down the cliff to remove loose rock that could fall and injure climbers.

While repelling, they also determine where the line will go and install bolts and anchors along the way. They eventually do a deeper clean, using a brush to remove dirt from holes and pockets.

Finally, they have to figure out whether the route can be climbed or not, Goss says. If they can climb it from the bottom to the top without falling or hanging on the rope, then it can officially become a route. This is called a "first ascent."

If you're the first one to climb a particular route, you also get the honor of naming it. And once the route is established and named, it is eventually discovered by the greater climbing community.



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Yet Goss says most local climbers will never witness the development of a route.

“We are probably the most spoiled climbing community in the world,” he says. “Most climbers don’t realize the amount of time and work and gas and money and labor and development that goes into these kind of things.”

That’s why climbing coalitions are important. Goss is the founder of one of those coalitions, Southern Utah Climbers Coalition, or SUCC. Perkins is the founder of another, Southern Utah Climbers Alliance, or SUCA.

Membership fees for both groups help with the maintenance of existing routes. While it’s still expensive to maintain the routes, it’s not the same kind of cost in materials and effort as a first ascent.

The local climbing groups are also focused on conservation. Perkins says they participate in trail maintenance and volunteer for clean-up events as they work with land management agencies to help ensure the sites remain open to climbing.

“Conservation is a big deal,” Madsen adds. “People really want to preserve this.”

#### **Getting started**

Madsen, who formerly worked as a climbing guide for Green Valley Spa, started climbing in the mid-1990s as a recreational activity.

“Dates would take me out — try to impress me,” she remembers. “In hindsight, they didn’t know what they were doing.”

Perkins got his start as a kid, shimmying up hallways at home and climbing his family’s rock fireplace. It was during his first year of college that a friend first took him climbing outdoors. He was immediately hooked.

“I went out and spent all my student loan money on climbing gear,” Perkins remembers. “I ended up eating potatoes and noodles for a couple of months. But it was worth it.”



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After that initial attraction, Perkins says he began to appreciate the “mental puzzle” of figuring out how to move across the rock face. He is also intrigued by the social aspect and how climbers learn to trust each other.

“You see a lot of people just show up at the cliff and try to find somebody to climb with,” he says. “You’re basically putting your life in a stranger’s hands at that point. So it takes a lot of bravery but it also takes a lot of cooperation and trust.”

Goss discovered climbing while living in Maine and teaching survival skills for the U.S. Navy. He was particularly inspired by the instructor of his climbing class. So he got out of the Navy, took a hiatus from work and eventually landed in St. George, where he fulfilled his dream of becoming a climbing instructor.

For those interested in starting, Goss says the first step is simply to try it. Go with a friend or take an introductory course from a local guiding company.

“Climbing’s not necessarily for everyone,” Goss warns. “Frequently it’s painful.”

If you decide to get serious about it, then it’s time for a comprehensive instruction course. Goss says many climbers don’t follow this route, which can be problematic.

If you simply learn from a friend who learned from a friend, you may not learn all the principles, techniques and standards. This means it could be a longer learning process and possibly more dangerous.

“Climbing, if you do everything right, it’s very hard to get hurt or killed,” Goss says. “But if you make one mistake, you’re dead.”

#### **The future of climbing**

While climbing has certainly grown in popularity since the early 1990s, Goss says some cultural aspects of Southern Utah have limited that growth, including the lack of nightlife for young climbers. If St. George was Boulder, Colorado, there would be many more climbers, he says.



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However, that's not necessarily a bad thing. Goss says he's glad he doesn't usually have to wait in line to climb a route.

But Southern Utah is still getting recognition outside of the area, including articles in Climbing magazine. Goss expects the interest in climbing here will continue to grow at a reasonable pace.

As climbing grows in popularity it also means more wear and tear on the hardware. Anchors and bolts on some of the early routes established throughout Southern Utah have aged and some have required replacement in recent years.

"We've done a lot of hardware replacement lately," Perkins says. "The hardware gets kind of used and abused."

Perkins urges climbers not to trust hardware unless they are familiar with the route. If faulty hardware is discovered, they should notify one of the local climbing associations. Both SUCC and SUCA have helped fund this hardware replacement, in part through grants they have received. However, it can be expensive and both organizations welcome donations for additional costs.

In Iron County, Myers says SUU has helped maintain the rock climbing sites it utilizes for classes and clinics.

Not only is climbing growing as a recreation and sport here locally, it will gain even greater international prominence in 2020 when it officially becomes an Olympic sport.

It was among five new sports approved last year by the International Olympic Committee. According to Climbing magazine, there will be three disciplines in the Olympic climbing category: sport, bouldering and speed.

Goss says popular climbing destinations seem to ebb and flow. Time will tell how the sport changes Southern Utah.

Yet time can be a relative matter when you're on the cliff, Goss says. It seems to pass at a different rate as everything else fades away.



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“You’re doing something beautiful in a beautiful place,” he says. “That’s the essence of it. When done right, it feels as if you’re connecting these beautiful set of moves together into a vertical ballet.”

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#### 6. **On Target: Wildlife-based recreation dwarfs the state’s famed ski industry in impact**

*Utah Business, April 24 | Rachel Madison*

Chances are, if you’ve spent any amount of time in Utah, you know the state has a rich outdoor offering. That’s why it’s no surprise that Utah is well known both locally and nationally for its hunting, fishing and wildlife-watching industries. In fact, these three wildlife-based hobbies have created such an impact on Utah’s economy that they brought in nearly \$3 billion in 2011—the latest year the Utah Division of Wildlife Resources (DWR) has data for.

And the amount of people who participate in these industries is staggering. More than a million people participated annually in hunting, fishing or wildlife watching in Utah in 2011, and in doing so, they supported nearly 29,000 jobs and created nearly \$933 million in salaries and wages.

Greg Sheehan, director of the Utah DWR, says every five years, the U.S. Fish and Wildlife Service and the U.S. Census Bureau publish a report on the economic benefits of hunting, fishing and wildlife watching nationally. The most recent data was published in 2013, with the data in that report showing economic impacts through 2011.

With that data, another study is conducted by Florida-based Southwick Associates for the Utah DWR to specifically quantify economic benefits of hunting, fishing and wildlife watching just in Utah. The next national report with this data, and the subsequent report on Utah, will be published in 2018 and include data through 2016.

#### **Hunting**

In 2011, there were 212,000 adults who bought hunting licenses in Utah, according to the Southwick study. These participants spent a total of over three million days hunting in 2011, and about 77 percent of these hunters pursued big game, with deer and elk being the most frequently



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hunted. About 33 percent of hunters pursued small game, with pheasant being the most frequently hunted.

Sheehan explains that in Utah, some hunting can be done just by purchasing a license, primarily for small game such as ducks and rabbits. With other hunts, hunters must apply to a drawing to obtain a special permit, or tag, to hunt for big game, such as moose and elk. "Some years you get the opportunity to hunt the big game you want, and other times you have to wait many years to get drawn for what you want," he says.

Sheehan used the year 2002—when the Winter Olympics were held in Salt Lake City—as a marker to show how much hunting popularity has grown in Utah.

"In 2002, we had 180,610 people apply in drawings for big game hunting," he says. "In 2016, we had 433,979 people apply. We've had a 240 percent increase of people wanting to participate in our hunting. In 2016, the number of people [who drew tags] was 311,400. These aren't small numbers. There are hundreds of thousands of citizens that appreciate this resource we've made available."

Why has hunting grown so much in popularity? Sheehan directly relates that to the quality of wildlife in Utah. Because the DWR has a belief in allowing populations and herds to achieve a more mature status, that allows hunters to have a better experience. In addition, Sheehan says the DWR is also working to bolster some of its other programs, like completing large-scale rooster pheasant releases in the fall so hunters can pheasant hunt with a general hunting license.

On the hunting side alone, according to the Southwick study, about 11,500 jobs were supported in Utah in 2011. And in addition to that, Utah is home to an ever-growing group of companies that focus mainly on hunting, such as Hoyt Archery, Barnes Bullet Company, Easton Archery, Browning Arms and Vista Outdoor, which owns companies such as Camp Chef and Camelbak and just opened its headquarters in Farmington Station in mid-2016.

Sheehan adds that even national chain retail stores that cater to hunters, such as Cabela's, have specifically chosen Utah because of its growing hunting industry. "Cabela's does their homework before they move into an area," he says. "There are only 70-something Cabela's across the nation and two of them are in Utah just 30 minutes apart."



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Major trade shows have also become a staple in contributing to Utah's hunting economy, with events like the Western Hunting & Conservation Expo held annually, attracting more than 60,000 visitors each year, Sheehan says.

#### **Fishing**

In 2016, a total of 690,000 people participated in fishing in Utah, which grew significantly from the 464,000 who fished in 2011, according to the Southwick study. That growth is related in part to the fisheries developed across the state, as well as hatcheries that also help contribute to Utah jobs.

"We've developed more than 50 urban and community fisheries in recent years," Sheehan says. "We want everybody to be within 15 minutes of a fishing opportunity. We also have 12 hatcheries that help contribute to jobs primarily in rural Utah, and we stock about 8 million fish a year across the state."

According to the Southwick study, about 7,700 jobs were in Utah's fishing industry in 2011. Since then, businesses related to fishing have continued to pop up across the state, including fishing guide businesses, fishing tackle shops and fly fishing operations. For example, Jason Zicha, owner of Midway-based Fall River Fly Rods Co., started his fishing rod manufacturing company in Eastern Idaho in 2009, but moved the company to Utah in 2012 because of the popularity in the state.

"In the Western U.S., Salt Lake is our number one customer base," Zicha says. "The fishing industry in Utah is doing really well. Every year we see at least two or three new companies come on the fishing scene. The majority are small, boutique manufacturers looking for a national audience, but choosing Utah as their home base. And fisherman wise, the numbers have always been great. We're continually able to attract a lot of people to the state that didn't know Utah had great fisheries just by getting the word out [through marketing and advertising]."

#### **Wildlife watching**

In 2011, according to the Southwick study, there were 402,000 recreationists who watched wildlife more than one mile from their homes. Of those recreationists, 224,000 were state residents and 178,000 were nonresidents. Altogether, these recreationists spent 5.2 million days watching wildlife in Utah. The primary activity they participated in was observing wildlife, while the secondary activity was photographing wildlife. Of the 430,000 recreationists who



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participated in wildlife watching within one mile of their home, their primary activity was feeding birds.

“Utah has over 400 species of birds that at some point in the year are here,” Sheehan says. “Bird watching in the state is big. It brings people in from all over the country.”

Jobs in Utah related to the wildlife watching industry came in at 9,800 in 2011, according to the Southwick study. “Utah does have a robust group of businesses related to wildlife watching, although not as large as the amount of hunting and fishing businesses,” Sheehan adds.

#### **Economic impacts**

Wildlife-based recreation in Utah continues to generate millions of dollars in expenditures each year. In 2011, according to the Southwick study, hunting, fishing and wildlife watching generated \$1.72 billion in expenditures for equipment and services consumed. Most of these—\$1.2 billion—were made by residents, while nonresidents contributed \$509 million.

In addition, expenditures made by wildlife-based recreationists generated rounds of additional spending throughout Utah’s economy. The total economic effect from 2011 wildlife-based recreation in Utah was estimated to be \$2.9 billion. Of that, hunting accounted for \$1 billion of these impacts, fishing accounted for \$865 million, and wildlife watching accounted for \$1 billion, according to the study.

State and local tax revenues generated from 2011 wildlife-based recreation in Utah were estimated to be \$182.9 million. Anglers accounted for \$53.9 million, while hunters and wildlife watchers generated \$69.8 million and \$59.2 million of the total, respectively, according to the study.

The Utah DWR’s 2016 budget was \$85 million. A total of 8.5 percent of that comes from general tax dollars, which means the remainder of budget—nearly \$80 million—is self-generated through hunting and fishing license sales.

“The ski industry is talked about a lot, but the total economic benefit of hunting and fishing in our 2006 Southwick report nearly doubled that of the ski industry in Utah,” Sheehan says. “This industry is the silent cousin of the ski industry, and it continues to get bigger and better and is a driver in Utah’s economy.”



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Sheehan adds that the industry isn't just an economic driver—it's also a part of the quality of life Utah provides. "All those high-tech companies that move here want the outdoor experiences we provide," he says.

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#### E&E/NATIONAL NEWS – FULL STORY

##### 1. **Jury notes snag on conspiracy counts in Nevada standoff case**

*The Las Vegas Review-Journal, April 24 | Jenny Wilson and David Ferrara*

A federal judge on Monday declared a mistrial in the conspiracy case against six men accused of staging an armed assault against federal authorities who tried to seize rancher Cliven Bundy's cattle from public lands in Bunkerville.

The mistrial was declared hours after the jury convicted two men of multiple counts, but announced that they were "hopelessly deadlocked" on the remaining charges and defendants. U.S. District Judge Gloria Navarro, in a last-ditch effort to encourage them to reach a unanimous decision, sent them back to deliberations.

But by midday, the jurors said they still were at an impasse, and a mistrial was declared. Navarro set a new trial date of June 26, which was initially supposed to be the start date for the second Bunkerville standoff trial against Bundy and some of his sons.

The six men in the first trial were accused of providing the firepower in a mass conspiracy to block authorities from seizing rancher Cliven Bundy's cattle from public land. Among other counts, the jury was deadlocked on the conspiracy charge, which represented the core issue of the trial.

Gregory Bursleson, an active member of Arizona militia groups who used to be a paid FBI informant, and Todd Engel, an Idaho resident, both were convicted of obstruction of justice and interstate travel in aid of extortion. Bursleson also was found guilty of assault on a federal officer, threatening a federal law enforcement officer, interference with interstate commerce by extortion, and multiple firearms charges.



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Bundy's decadeslong battle against the Bureau of Land Management over grazing fees reached a flashpoint three years ago when authorities started rounding up his cattle. Hundreds of protesters, numbers of them armed, descended on the cattle impoundment site to protest what they viewed as federal overreach.

The first six men on trial faced charges of conspiracy, threats, extortion and related counts. Prosecutors say they used force to bully federal agents into abandoning roughly 400 cows that were in the lawful possession of the U.S. government.

Defense attorneys argued that their clients were peaceful protesters exercising their First and Second Amendment rights against a militant law enforcement presence.

The jury has been deliberating since April 13. The trial opened Feb. 6.

Bundy and 10 other people are incarcerated pending trial on similar charges. Prosecutors divided the defendants into three groups for trial. The first group, charged as "gunmen," have been described by the government as the least culpable of the alleged co-conspirators.

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## 2. NATIONAL MONUMENTS: Trump to order Interior to review 50-plus sites

*E & E News, April 24 | Jennifer Yachnin*

President Trump this week will order the Interior Department to conduct a review of at least 50 national monuments to determine whether existing boundaries are "well beyond the areas in need of protection" and to recommend potential changes, a White House official told E&E News.

The official, who spoke on the basis of anonymity, said the executive action will address the Antiquities Act of 1906, which permits presidents to declare federal lands as monuments in order to protect their historical or scientific value and may restrict activities on those lands.

"Past administrations have overused this power and designated large swaths of land well beyond the areas in need of protection," the official said. "The Antiquities Act executive order directs the Department of the Interior to review prior monument designations and suggest legislative changes or modifications to the monument proclamations."



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Another source familiar with the anticipated executive order, who spoke on the condition of anonymity, told E&E News that the review would focus on the "necessity, scope [and] size of designations."

While presidents have designated monuments since the creation of the Antiquities Act in 1906, the order will not include every action since that time, the source said.

The Salt Lake Tribune reported last night that the president on Wednesday will direct Interior Secretary Ryan Zinke to review only monuments created since 1996.

The White House action comes on the heels of a monthslong effort led by House Natural Resources Chairman Rob Bishop (R-Utah) and Utah Gov. Gary Herbert (R) to rescind the Bears Ears National Monument, designated by President Obama during his final weeks in office, as well as to review the boundaries of the Grand Staircase-Escalante Monument, created by President Clinton in 1996.

House Natural Resources spokeswoman Molly Block praised the White House for its planned review of national monuments.

"We're happy to see an administration finally taking action to resolve the many abuses of the Antiquities Act," Block told E&E News via email

Herbert's office did not respond to a request for comment on the planned order, but the governor's public schedule shows he will be in Washington on Wednesday.

Bishop, a vocal critic of Obama's frequent use of the Antiquities Act — the Democratic president issued protections for more lands and waters than any other president — has asserted that Trump could use the law to eliminate a monument's status.

But it remains to be seen whether Trump would attempt to do so. While past presidents have reduced the size of existing monuments, no commander in chief has ever attempted to undo the actions of his predecessors.

Conservationists assert that if Trump were to strike down, or even diminish, a monument, it would likely prompt a legal challenge. But conservative legal scholars assert that Trump could in fact use the Antiquities Act in the way Bishop has suggested (E&E News PM, March 29).



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Still, Utah Sen. Orrin Hatch (R) praised the White House's planned action while reasserting his own vow to roll back "the egregious abuse of the Antiquities Act."

"As part of this commitment, I have leveraged all of my influence — from private meetings in the Oval Office in the President's first week in office to my latest trip to Bears Ears this week — to ensure that this issue is a priority on the President's agenda," Hatch said in a statement. "I am grateful that the President has demonstrated his commitment to work with me on this vitally important issue and deliver real results for the Utahns most affected by these massive federal land grabs."

While Congress itself can act to eliminate a monument, it has done so fewer than a dozen times since the law's creation, more often opting to convert areas to national parks.

Center for Biological Diversity Public Lands Director Randi Spivak rebutted Hatch's criticism of the national monuments in his state, noting that the federal lands in question were given to the government when Utah joined the union.

"This is not a land grab. They're already owned by the American people," she said, and later added of the White House's expected executive order: "This is like President Trump is declaring war on America's public lands. This is nothing more than satiating the greed of industry and blatantly dismissing Native Americans, Utahans and all of America's wishes."

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### **3. PUBLIC LANDS: Panel to weigh economic value of outdoor recreation industry**

*E & E News, April 24 | Scott Streater*

A House subcommittee this week will focus on the economic importance of the outdoor recreation industry at a time when the Trump administration has called for greater production of domestic energy resources on federal lands.

One issue that's certain to be a focus of debate at Thursday's House Energy and Commerce Subcommittee on Digital Commerce and Consumer Protection hearing will be the full implementation of legislation approved by Congress last year that calls for a first-ever study to measure the significance of outdoor recreation to the U.S. economy.



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The Outdoor Recreation Jobs and Economic Impact Act of 2016, signed by former President Obama in December, directed the Department of Commerce's Bureau of Economic Analysis to coordinate with the Interior and Agriculture departments to conduct the study. But it has not yet begun because the legislation did not include funding for it.

A coalition of Western chambers of commerce and local government leaders last month sent a series of letters to Senate Majority Leader Mitch McConnell (R-Ky.) and House Speaker Paul Ryan (R-Wis.), among others, urging that the study be a top priority — even though the Trump administration has proposed slashing the federal budget (E&E News PM, March 6).

The economic study, proponents say, would once and for all establish that the nation's public lands are economic drivers and significant contributors to the nation's overall economy.

"Outdoor recreation has become a significant catalyst for economic growth in so many communities across our country," Subcommittee Chairman Bob Latta (R-Ohio) said in a statement. "Whether Americans are hiking, fishing, or picnicking, they are spending billions each year on outdoor activities."

And that's why this week's hearing — titled "Outdoor Recreation: Vast Impact of the Great Outdoors" — is important, Latta said.

He said the hearing will allow the subcommittee's members "to learn more about this industry's economic opportunities and how the federal government is helping, or hindering, its ability to flourish."

The management and use of public lands has increasingly become a subject of intense debate in recent months, particularly as the Trump administration has geared up to promote more domestic energy production on public lands, and some GOP congressional leaders have expressed support for selling federal lands.

The Bureau of Land Management has developed a priority works list that calls on the agency to focus on speeding up permitting for coal mining and oil and gas leasing (Greenwire, April 10).



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Some GOP congressional leaders have proposed transferring federal lands to states and have pushed President Trump to scale back or overturn recent presidential national monument designations.

The Outdoor Industry Association in February announced it would seek a new location out of Utah for the lucrative, biannual Outdoor Retailer show after unsuccessfully lobbying Gov. Gary Herbert (R) to publicly rescind his push to abolish the Bears Ears National Monument (Greenwire, Feb. 17).

The hearing comes during a busy week in Washington for the outdoor recreation industry.

The Outdoor Industry Association is holding a news briefing tomorrow at the National Press Club, where it is expected to release a report detailing the contributions of the \$650 billion outdoor recreation industry to the national economy in 2017.

Interior Secretary Ryan Zinke is scheduled to attend the OIA event, as well as Sen. Martin Heinrich (D-N.M.).

And on the same day as Thursday's hearing, a newly formed bipartisan House outdoor recreation caucus will hold its first news briefing. Reps. Jared Polis (D-Colo.) and Mike Simpson (R-Idaho) will lead the caucus (Greenwire, April 20).

**Schedule:** The hearing is Thursday, April 27, at 10 a.m. in 2123 Rayburn.

**Witnesses:** TBA.

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#### 4. **WHITE HOUSE: Trump planning new orders on energy, lands**

*E & E News, April 24 | Manuel Quiñones*

The president plans to sign more executive orders related to energy policy, the White House said over the weekend.



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The administration did not provide details about the orders but said they would build on previous presidential actions related to pipelines, power production and reducing the burden on producers.

One of the orders is expected to target the Antiquities Act, which allows the commander in chief to designate national monuments (E&E News PM, April 4). Another is expected to address offshore energy development.

One former transition source expects "lots of rhetoric surrounded by vagueness" in the executive orders. Interior, the source said, will likely focus on limiting the reach of the Antiquities Act and expanding offshore drilling access for energy companies.

The White House said that — along with other actions this week, which will coincide with the administration's first 100 days — the president will have signed a total of 32 executive orders.

Separately, Transportation Secretary Elaine Chao will be visiting Ohio's Transportation Research Center today. The White House expects the swearing in of Agriculture Secretary Sonny Perdue tomorrow after the Senate confirms him today.

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#### 5. **AGENDA: Déjà vu as Congress tries to head off shutdown**

*E & E News, April 24 | George Cahlink and Geof Koss*

Congress returns this week to confront its latest funding crisis, one it will have to resolve by late this week or face an embarrassing government shutdown.

"The spending bill to fund the government through Sept. 30 obviously is one that cannot be done by one party alone," said Senate Majority Leader Mitch McConnell (R-Ky.) at the start of recess. He added that he was "optimistic" bipartisan agreement would emerge.

Both parties say Appropriations staff made progress over the last two weeks toward a final spending package for fiscal 2017, and Senate Minority Leader Chuck Schumer (D-N.Y.) told reporters over the break that negotiations were largely positive, although he warned the White House to stay out of the talks.



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"If the president doesn't interfere and insist on poison pill amendments to be shoved down the throat of the Congress, we can come up with an agreement," Schumer said Tuesday.

However, White House Office of Management and Budget Director Mick Mulvaney ignored Schumer's advice, pointedly noting that any spending deal that emerges will need President Trump's signature to take effect.

Mulvaney has said that funding for Trump's border wall with Mexico and more immigration agents are top administration priorities.

"We know there are a lot of people on the Hill, especially in the Democratic Party, who don't like the wall, but they lost the election," he told the Associated Press. "And the president should, I think, at least have the opportunity to fund one of his highest priorities in the first funding bill under his administration."

On Friday, White House press secretary Sean Spicer was less resolute about the wall. "I don't know that I'd say it's a sticking point; it's a priority," he said about spending talks. Asked about the possibility of a shutdown, Spicer expressed a "strong" belief there would not be one.

Mulvaney on "Fox News Sunday" said: "We'll negotiate with the Democrats. The negotiations are not finished yet. We think we have given them a reasonable set of choices that they want in exchange for what we want."

On ABC News' "This Week," Attorney General Jeff Sessions said, "I can't imagine the Democrats would shut down the government" over making a "down payment" on the border wall. But then he said, "I'm not engaged in the budget negotiations."

Schumer has said lawmakers should debate immigration issues, including funds for the border wall, when discussing fiscal 2018 spending. But Mulvaney has talked about giving Democrats some of their wishes, like continuing certain subsidies under the Affordable Care Act. Trump has threatened to end the payments in a bid to force the minority to negotiate on changes to the law.

Still, Schumer spokesman Matt House blamed the White House for disrupting the spending negotiations. "Everything had been moving smoothly until the administration moved in with a heavy hand," House said in a statement.



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Echoing previous Democratic statements, he said last week, "Not only are Democrats opposed to the wall, there is significant Republican opposition as well."

Another obstacle to a funding deal is the ongoing push by Sen. Joe Manchin (D-W.Va.) and other coal state lawmakers to include a fix to imperiled United Mine Workers of America health and pension benefits in whatever deal emerges.

#### **Short CR expected**

The brinkmanship on various issues increases the likelihood that a short-term continuing resolution, perhaps lasting a week or two, will be needed to give lawmakers more time to reach a long-term accord.

It's a familiar situation for lawmakers who have operated on a regular cycle of CRs in recent years as they have struggled to finalize year-end appropriations packages.

This year is particularly challenging. Congress punted on finishing 11 of 12 fiscal 2017 spending bills knowing it would have to deal with a new administration's agenda — including a host of nominees — and make headway on fiscal 2018 work.

Congress is now hoping for a deal that would fund as many of the remaining 11 bills as possible. But the measure to fund the Interior Department and U.S. EPA remains, as usual, particularly thorny, along with bills for labor, health and education.

Holding up the environment spending bill is GOP insistence on cutting EPA funding for the rest of this fiscal year, a move Democrats continue to resist. They are also against shots at climate policies.

Last month, the White House proposed \$18 billion in fiscal 2017 cuts, including \$1.75 billion from the Energy and Water Development bill and \$714 million from the Interior-EPA one.

Senate Democratic sign-off on spending is crucial because the deal will need 60 votes to overcome the threat of a filibuster. Republicans control only 52 seats in the chamber.



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House Democrats, too, are warning they won't provide votes for a bill with contentious riders, which could be an issue if hard-line conservatives in the Freedom Caucus aren't on board with GOP leaders.

"The Republicans have the votes in the House and the Senate and the White House to keep government open," House Minority Leader Nancy Pelosi said over the weekend. "The burden to keep it open is on the Republicans."

In recent years, many members of the roughly three-dozen-member Freedom Caucus have rejected all spending bills to protest funding levels, which has forced party leaders to seek Democratic support.

"With a government shutdown looming, Republicans will need their own votes to pass their bad bill, or they can work with Democrats to advance a bipartisan appropriations bill without harmful riders," said Rep. Betty McCollum (D-Minn.), ranking member on the House Interior and the Environment Appropriations Subcommittee.

Lawmakers from both parties say there is no appetite to let spending lapse. And if talks for finishing fiscal 2017 bills fail, the default plan is to take care of the Pentagon and rely on a continuing resolution for everything else.

#### **'Obamacare' repeal or tax reform?**

Complicating the agenda even further are mixed messages from the White House and Congress about legislative priorities. Republicans on Capitol Hill and the White House had expressed interest in taking up tax reform after talks on overhauling "Obamacare" failed.

But now there is a move by the White House and some House Republicans to give health care reform legislation another try, perhaps as soon as this week.

Should health care reform somehow manage to become law, it would ease budget pressures on the tax code overhaul by lowering the federal revenue baseline by roughly \$1 trillion from lawmakers canceling taxes associated with the Affordable Care Act. That would be a boon for the GOP's stated tax reform goal of lowering overall rates (Greenwire, March 27).



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But Treasury Secretary Steven Mnuchin told an Institute of International Finance conference in Washington last week that the administration is aiming to finish tax reform before the end of the year, regardless of what happens with health care.

On Friday, Spicer, amid skepticism about the House actually passing health care reform this week, tamped down expectations. "It is not our official position to get this thing done" this week, he said.

And after administration and congressional leaders said tax reform would likely wait till later this year, Trump told said Friday the White House would release an outline this week, including a "massive" tax cut.

Significant hurdles lie ahead, not least of which is the border adjustment tax proposal at the heart of the House GOP reform blueprint. The BAT aims to raise an estimated \$1 trillion over 10 years by taxing imports at 20 percent while exempting exports.

Industries reliant on imports, including many refiners and large retailers, fear the proposal would simply hike prices for many products sold domestically. As a result, Senate Republicans have shown little interest in the proposal.

BAT proponents counter that an expected rise in the value of the dollar will offset any added costs from the plan. But skeptics have questioned whether that scenario would in fact occur. Still, Mnuchin has not taken the BAT completely off the table.

Four economic advisers to the Trump campaign added a wrinkle to the debate last week with a joint New York Times op-ed, in which they argued the administration should simply push to lower business tax rates and punt broader reform until 2018.

The advisers, Steve Forbes, Larry Kudlow, Arthur Laffer and Stephen Moore, suggest lowering corporate rates from 35 percent to 15 percent and allowing the immediate and full deduction of capital investments. They also call for dumping the BAT, which they liken to a "poison pill for the tax plan."

The op-ed also calls for repatriating up to \$2 trillion in foreign profits parked overseas, with the revenues used in part to pay for an infrastructure package.



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Repatriation is a pay-for that Senate Democrats have backed in the past, with bipartisan support, and could provide a boost for Trump's call for a \$1 trillion infrastructure package.

But another obstacle to tax reform is the president's refusal to release his tax returns, which Schumer last week said would make it "much harder" to get to an agreement.

"For the very simple reason that when there's a provision in the bill, people are going to say, 'Oh, this is for President Trump and his business, not for the benefit of the American people,'" Schumer told reporters.

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#### 6. **METHANE: Court review of EPA rule would be 'exercise in futility' — DOJ**

*E & E News, April 24 | Ellen M. Gilmer*

A federal court should not consider litigation over U.S. EPA's methane standards for new oil and gas operations while the agency rethinks the regulation, government lawyers say.

In a [filing](#) to the U.S. Court of Appeals for the District of Columbia Circuit, Justice Department lawyers on Friday argued that moving forward in court would disrupt EPA's reconsideration process for the New Source Performance Standards and waste everyone's time.

"At the very least, such a rulemaking proceeding could substantially narrow or change the issues the Court may eventually need to decide," DOJ lawyers wrote. "Under those circumstances, it would be a poor use of the Court's and the parties' resources to brief and argue the merits of these challenges, especially since the United States' position on some issues may change as the result of a reconsideration proceeding."

Environmental and state intervenors that support the effort to slash methane emissions from new oil and gas operations have urged the court to allow the litigation to continue. They say the case involves broad legal issues that must be resolved regardless of whether the rule ultimately changes (Energywire, April 18).



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EPA Administrator Scott Pruitt announced Wednesday that the agency will begin a formal reconsideration process to address certain concerns raised by industry petitioners about the new standards.

DOJ lawyers say the reconsideration process shows that the rule is likely to be "meaningfully revised in the near term." Judicial review of the Obama-era standards would be "an exercise in futility," given the likelihood of a revised rule, they told the court.

Similar debates are happening in litigation over several other Obama-era regulations the Trump administration is reviewing, including the Clean Power Plan and rules for hydraulic fracturing on public lands.

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#### 7. **METHANE: Repeal deadline looms as Congress returns**

*E & E News, April 24 | Pamela King*

As lawmakers return from April recess today, they face the final countdown on their opportunity to rescind an Obama-era rule controlling natural gas flaring, venting and leaking from energy operations on public lands.

Industry groups say they are still actively advocating repeal of the Bureau of Land Management's Methane and Waste Prevention Rule under the Congressional Review Act, even as the Interior Department begins a separate process to review and potentially walk back the regulation (Energywire, March 30).

The clock on the CRA resolution, which remains stalled in the Senate, is widely thought to run out the week of May 8.

"Revisiting the BLM rule at the agency level, instead of through the congressional review process, would require months of staff work and would likely face vigorous legal challenges from political activist groups, which could delay this rule's repeal for up to two years," said Neal Kirby, spokesman for the Independent Petroleum Association of America.

IPAA has been conducting outreach to Senate offices on what it sees as the drawbacks of the BLM rule, such as the potential for shutting in marginal wells (Energywire, Feb. 21). The rule



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was a "top issue" last month during IPAA member companies' meetings on Capitol Hill, Kirby said.

Western Energy Alliance President Kathleen Sgamma said she is optimistic the Senate will take up the CRA vote this week.

"We're hoping leadership will take it up, but it's now or never," she said. "There's not that much time left on the CRA, and they might as well bring it up to a vote."

Though Senate leadership has not lost the desire to bring the CRA resolution to a vote, the challenge will be ensuring that Republicans have the support of a simple majority in the upper chamber, said Robert Dillon, spokesman for the American Council for Capital Formation.

Republicans hold a slight majority in the Senate, which has helped this Congress pass [13 CRA resolutions](#). But a handful of GOP lawmakers have expressed doubt that the CRA is the right tool to address the BLM methane rule due to the statute's provision preventing an agency from introducing a rule that is "substantially the same" as a disapproved rule (Climatewire, March 7).

Recently, CRA proponents have focused on persuading Sen. Rob Portman (R-Ohio) to vote in favor of repealing the regulation, Dillon said.

"I don't see any loss of enthusiasm from Congress or the administration," he said. "It's just about whipping the vote."

Joshua Mantell, deputy director of the Wilderness Society's Energy & Climate Program, said he's not convinced Republicans can scrape together the votes they need to pass the CRA.

"If it does go to a vote, the lines are pretty clearly drawn," he said. "This is a vote either to help the oil and gas lobby and special interests or to support taxpayers and stop the waste of public resources."

With Interior moving forward with a review of the rule, it's unclear why GOP lawmakers would continue their push to scrap the rule themselves, Mantell said.

"If an administration of your party is committed to a review, then I would think they would trust the administration to do what is best," he said. "Such an extreme measure of tying this



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administration's and future administrations from making any kind of rulemaking on this issue in the future is problematic and extreme."

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#### 8. **INTERIOR: Ex-Koch operative tapped to lead rule-cutting task force**

*E & E News, April 24 | Arianna Skibell*

Interior Secretary Ryan Zinke has selected Daniel Jorjani, an adviser to various Koch brothers organizations, and veteran government official James Cason to lead a task force for cutting regulations.

Jorjani, a conservative attorney and holdover from the Trump landing team at Interior, will serve as the policy officer, while Cason, current associate deputy secretary, will take the reform officer post, according to an Interior spokeswoman.

A former general counsel to Freedom Partners, Jorjani was one of the highest-paid employees at both the Charles Koch Institute and the Charles Koch Foundation, according to a 2011 IRS filing obtained by the Center for Media and Democracy.

Cason is a George W. Bush-era official who served as Interior associate deputy secretary from 2001 to 2009. He also served stints at Interior under Republican Presidents Reagan and George H.W. Bush.

He has previously received pushback from environmental groups and Democrats. In 1989, President George H.W. Bush sought to elevate Cason to assistant secretary of Agriculture for natural resources and environment, but his nomination was withdrawn in the face of objections from the Senate and environmental groups (Greenwire, Jan. 23).

The panel follows President Trump's February [executive order](#) on regulations, which requires agencies to set up deregulatory bodies with members who include a designated policy officer and separate regulatory reform officer. Today is the deadline for federal agencies to form their respective task forces.

Four other Interior staff members will serve on the task force: Amy Holley, principal deputy assistant secretary of policy management and budget; Katharine MacGregor, deputy assistant



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secretary for land and minerals management and former senior staffer of the House Natural Resources Subcommittee on Energy and Mineral Resources; Scott Cameron, a landing team holdover who served as deputy assistant Interior secretary for performance, accountability and human resources during the Bush administration; and Virginia Johnson, who is serving as acting secretary for fish and wildlife and parks, according to an internal email E&E News obtained earlier this year. But her background is not known (Greenwire, March 30).

The task force, as laid out in Trump's order, is charged with identifying regulations that should be repealed, replaced or modified. The panel is part of Trump's broader deregulatory agenda and is intended to expand on a previous [executive order](#), which requires agencies to identify two rules for repeal before issuing a new one.

U.S. EPA Administrator Scott Pruitt announced his agency's task force earlier this month. Clean Power Plan foe Samantha Dravis is leading the charge (Greenwire, April 4).

Despite today's deadline, Secretary of Energy Rick Perry and his staff did not confirm by press time whether his agency has established a task force or chosen its members.

The Department of Agriculture also could not be reached for comment by press time.

Pruitt set a May 15 deadline for a number of EPA divisions to recommend rules to toss out or alter, including the offices of Air and Radiation, Land and Emergency Management, Chemical Safety and Pollution Prevention, Water, Environmental Information, Congressional and Intergovernmental Relations, and Small and Disadvantaged Business Utilization.

Pruitt noted that Trump's order requires task force officials to gather input from "entities significantly affected" by EPA rules, directing offices to consult with state, local and tribal governments; small businesses; and other stakeholders before making recommendations.

EPA officials today conducted two teleconferences on the order: The Office of Air and Radiation held a call for members of the public to recommend air and radiation rules to rescind, and the Office of International and Tribal Affairs hosted a call with tribal representatives.

On both calls, many voiced opposition to repealing any rules intended to protect the environment and human health.



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The EPA Office of Small and Disadvantaged Business Utilization is planning to hold a [public meeting](#) on the order tomorrow at EPA headquarters in Washington.

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#### 9. **NEVADA STANDOFF: Judge declares mistrial**

*E & E News, April 24 | Jennifer Yachnin*

A federal judge declared a mistrial today for four of the men involved in the 2014 armed standoff with federal agents near Cliven Bundy's Nevada ranch, after a jury declared itself "hopelessly deadlocked" over charges against the defendants, according to local media reports.

The jury convicted two other defendants in the case.

U.S. District Judge Gloria Navarro initially ordered jurors to continue deliberating in the case, after the jury issued its verdict on just two of the six defendants following six days of deliberations, the Las Vegas Review-Journal reported.

But just a few hours later she declared a mistrial for those four defendants — Richard Lovelien, Scott Drexler, Eric Parker and Steven Stewart — and scheduled a new trial for June 26.

The Las Vegas Review-Journal reported that Bundy and his sons, Ammon and Ryan Bundy, would have their June 26 trial date rescheduled.

The jurors found former FBI informant Gregory Burleson guilty of obstruction of justice and interstate travel in aid of extortion, as well as assault on a federal officer, threatening a federal officer and firearms counts, the newspaper reported.

Idaho resident Todd Engel was also convicted of obstruction of justice and interstate travel in aid of extortion.

But jurors remained undecided on a number of counts, including charges of conspiracy against all six defendants.

An acquittal on the conspiracy charge could echo the results from an Oregon trial involving Ammon and Ryan Bundy late last year.



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In that trial, jurors found the seven leaders of the occupation of the Malheur National Wildlife Refuge not guilty on charges of conspiring to impede federal officers during the armed standoff, in an unexpected loss for government prosecutors (Greenwire, Feb. 7).

The Nevada trial marks the first in a series of cases in which 17 standoff participants will be tried for their involvement in the armed standoff at Bundy's ranch in Bunkerville, Nev. Each of the defendants faces identical conspiracy and weapons charges but the trials are divided by levels of culpability.

The six defendants awaiting the jury's ruling today were identified as participants but not organizers of the standoff.

Cliven Bundy and his sons are scheduled to be tried in the second trial, which federal prosecutors have requested to begin on or after June 5 (Greenwire, April 10).

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#### 10. **WIND: Developer kills Obama-era project hobbled by greens' lawsuit**

*E & E News, April 24 | Scott Streater*

A renewable energy developer is pulling the plug on a Nevada wind project championed by former Senate Democratic leader Harry Reid of Nevada that would have been the Silver State's largest wind farm.

Charlottesville, Va.-based Apex Clean Energy is walking away from the 200-megawatt Searchlight Wind Energy Project after environmental groups and some neighbors of the wind farm site filed a lawsuit challenging the venture that was approved in March 2013 by then-Interior Secretary Ken Salazar.

The Bureau of Land Management confirmed that Apex had removed towers that measured wind speeds at the southern Nevada site. And Apex said in an emailed statement to E&E News that the company is "no longer actively pursuing the project."

"As we work on building one of the strongest portfolios of renewable projects in the nation, we continue to prioritize projects with the right balance of strong market interest, competitive wind resource, and local desire for economic development," the company said. "While we believe the environmental concerns brought up in the BLM process could have been reasonably resolved,



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our assessment of these other fundamental qualities has encouraged us to focus on pursuing other opportunities."

The decision is a startling fall for a project that Reid, who grew up in nearby Searchlight, Nev., publicly endorsed. And which Salazar, in signing a record of decision (ROD) approving it in 2013, hailed as a major advancement in the Obama administration's efforts to promote the development of clean energy from renewable sources.

Proposed for more than 9,300 acres of federal land about 60 miles southeast of Las Vegas, the Searchlight Wind project was to have generated enough electricity to power about 70,000 homes.

The project was among 60 large-scale wind, solar and geothermal power projects approved by the Obama administration since 2009. If all had been built, they would have the capacity to produce 15,500 MW, or enough to power more than 5 million homes.

But Interior's approval of the project was challenged almost immediately.

Two groups — Basin and Range Watch and Friends of Searchlight Desert and Mountains — and three people who live near the project site in April 2013 filed a lawsuit in the U.S. District Court for the District of Nevada against BLM, the Fish and Wildlife Service, and Salazar (Greenwire, April 17, 2013).

They claimed the federal agencies failed to properly analyze the full impacts of the project on wildlife and residents. The 87 proposed wind turbines, as tall as 428 feet, would be visible from the Lake Mead National Recreation Area to the east, as well as Searchlight, where the plaintiffs say the light and noise from the turbines likely would hurt property values and quality of life.

The lawsuit resulted in U.S. District Judge Miranda Du issuing a scathing seven-page order that concluded BLM did not properly evaluate potential impacts to golden eagles and the Mojave Desert tortoise. She tossed out BLM's final environmental impact statement (EIS) of the project (Greenwire, Nov. 4, 2015).

Du, an Obama appointee, also invalidated the biological opinion prepared by FWS and the ROD signed by Salazar, writing that "analytical gaps exist throughout the wildlife analyses" underlying all three documents.



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Du's order likely would have required BLM to conduct a full supplement to the final environmental study that would have taken months to complete; FWS would need to issue a new biological opinion that addresses "the density of desert tortoises," as well as "the adverse effects on desert tortoise habitat due to noise" during construction and operation of the wind farm, according to Du's order.

The Interior Department did not appeal Du's order, but Apex Clean Energy filed an appeal with the 9th U.S. Circuit Court of Appeals in San Francisco.

The appeals court upheld Du's order, concluding she merely remanded approval of the project back to BLM to address a host of deficiencies, and did not constitute a final decision that can be appealed (E&E News PM, Nov. 1, 2016).

In essence, the appeals court said BLM could still make the necessary changes to the final EIS and move the project forward, thereby granting Apex the relief it sought.

#### **Greens hail project's demise**

Kirsten Cannon, a BLM spokeswoman in Las Vegas, said in an email that the company's towers have been removed from the project site and the agency plans to inspect where the towers once stood to ensure "the land where they were is reclaimed."

BLM will then work "with the applicant to close the [right-of-way] grant" awarded to the developers after Salazar signed the ROD. "We ask for a letter from the grant holder to relinquish the grant," she said.

BLM will then close the case file and refund any money left in the monitoring cost recovery account, Cannon's email said.

Cannon said BLM did not move to supplement the final EIS, pending Apex's appeal to the 9th Circuit.

"They lost that appeal and have removed met towers from the granted area," Cannon wrote in the email. "There will not be an action by BLM to amend the [final] EIS and [biological opinion] due to the applicant's actions that indicate a relinquishment of the project."



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Supplementing the final EIS and preparing another biological opinion offered no guarantees the project would move forward, based on the problems that Du outlined in her order.

BLM's supplement needed to address the agency's "conclusions about risks to bald eagles, protocols for golden eagle surveys, and risks to and mitigation measures for bat species," Du wrote. The plaintiffs claimed BLM significantly undercounted the number of golden eagle nests within 10 miles of the project site.

Kevin Emmerich, co-founder of the Basin and Range Watch group, which is one of the plaintiffs in the lawsuit, said the project site, surrounded by the Piute-Eldorado Valley Area of Critical Environmental Concern for Mojave Desert tortoise, is no place for an industrial-scale wind farm like Searchlight Wind.

"We applaud the Bureau of Land Management for finally putting an end to this ill-sited wind project," Emmerich said in a statement.

"It is time for the BLM to manage this special location to protect the viewshed, wildlife, property values and cultural resources in a way that will bring tourist dollars to the region," he added. "This is no place for industrial scale energy."

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