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Attached is the daily news report for July 12.

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DAILY NEWS REPORT - UTAH

UTAH – TOP STORIES – JULY 12, 2017

1. **All evacuations lifted as Brian Head fire remains 80 percent contained**

Gephardt Daily, July 12 | Gephardt Daily Staff

BRIAN HEAD, Utah, July 12, 2017 (Gephardt Daily) — All evacuations on the Brian Head fire have been lifted as the blaze remains 80 percent contained Wednesday.

E&E/NATIONAL NEWS – TOP STORIES

1. **U.S. Interior Department receives over 2 million comments on monument review**

Reuters, July 11 | Valerie Volcovici

WASHINGTON (Reuters) - The issue of whether to preserve, shrink or revoke the protected status of two dozen U.S. national monuments drew more than 2 million public comments ahead of a report to be issued by Interior Secretary Ryan Zinke to President Donald Trump next month.

2. **Public Overwhelmingly Supports Keeping Monuments Intact**

Courthouse News Service, July 11 | Matthew Renda

(CN) – The public comment period for President Donald Trump’s review of 27 national monuments and marine sanctuaries ended Monday, and environmental organizations say the public overwhelmingly opposes any reductions or eliminations of the protected areas.

3. **ELECTRICITY: Coal got knocked out in Calif. Now, gas is on the ropes**

E & E News, July 12 | Debra Kahn

A wave of regulatory reconsiderations of natural gas-fired power plants in California has renewables advocates cheering.



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4. SAGE GROUSE: States meet with Zinke panel on changes to federal plans

E & E News, July 12 | Scott Streater

Members of a panel established by Interior Secretary Ryan Zinke to review the Obama administration's sweeping greater sage grouse conservation plans are meeting this week in Denver with Western state leaders to gather feedback about the plans and how they should be revised, sources said.

5. INTERIOR: Former lobbyist and Hill staffer nabs prime post

E & E News, July 12 | Michael Doyle

The Trump administration has named former lobbyist and congressional staffer Todd Willens to serve as an assistant deputy secretary in the Interior Department.

6. NATIONAL MONUMENTS: Think tank wrote Utah Bears Ears bill; Republican bashed Zinke

E & E News, July 12 | Jennifer Yachnin

New documents obtained by a Montana-based government watchdog show that a conservative think tank is the primary author of a Utah legislative resolution earlier this year calling for the elimination of the Bears Ears National Monument.

7. FEDERAL AGENCIES: Chaos or conspiracy? Key posts vacant as nominations lag

E & E News, July 12 | Hannah Northey

President Trump blasted Democrats on Twitter this week for blocking his nominees, but he's about six weeks off the pace set by his predecessors for picking people to fill more than 1,200 jobs that need Senate confirmation.

8. INTERIOR: Idle permit total tops 'record high' amid streamlining push

E & E News, July 12 | Pamela King

As the Bureau of Land Management's backlog of outstanding applications to drill on public lands shrinks, the number of tracts that have been approved for development but have gone unused is on the rise.



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UTAH – FULL STORY

1. **All evacuations lifted as Brian Head fire remains 80 percent contained**

Gephardt Daily, July 12 | Gephardt Daily Staff

BRIAN HEAD, Utah, July 12, 2017 (Gephardt Daily) All evacuations on the Brian Head fire have been lifted as the blaze remains 80 percent contained Wednesday.

The fire has grown to 71,669 acres after it sparked to life June 17, an update from Utah Fire Info on Twitter said.

The post said evacuation orders have been lifted from Bear Valley, Horse Valley, Little Valley, Clear Creek, Little Creek Ranch, Red Creek and Second Left Hand Canyon.

There are still 725 personnel on the incident including 19 crews. Also in use are three helicopters, and 26 engines.

“Weather was active over a portion of the fire today, with forecasted thunderstorms materializing in the afternoon,” an update posted Tuesday evening said. “The north and west side of the fire saw rain and hail, but precipitation was minimal on the east and south side.

“Active fire behavior continues on the north end of the fire and crews are working diligently to fortify containment lines. Helicopter water drops assisted the firefighters on the ground throughout the day. Residents will continue to see smoke from the north end as well as from pockets of interior fuels that continue to burn throughout the fire perimeter. Despite today’s weather, air could safely continue flying on the fire. An aerial mapping mission was conducted to get an accurate footprint of the fire perimeter and current fire behavior.”

Firefighters continue to repair and rehabilitate areas of the fire where suppression activities impacted the resources.

“We would like to remind the public to be cautious when entering the fire area due to fire personnel working along the roadway,” the post goes on. “Five Mile and Three Mile Roads are closed due to fire activity.”

The Dixie National Forest has an area closure on lands north of Highway 143.



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The Brian Head Fire started around midday June 17, and grew quickly through dense timber on lands administered by Brian Head Town and Iron County, in cooperation with the Utah Division of Forestry, Fire, and State Lands. It has since burned onto lands managed by Dixie National Forest and Color Country District Bureau of Land Management.

Cedar Breaks National Monument remains open, with access via Highway 14.

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E&E/NATIONAL NEWS – FULL STORY

1. U.S. Interior Department receives over 2 million comments on monument review

Reuters, July 11 | Valerie Volcovici

WASHINGTON (Reuters) - The issue of whether to preserve, shrink or revoke the protected status of two dozen U.S. national monuments drew more than 2 million public comments ahead of a report to be issued by Interior Secretary Ryan Zinke to President Donald Trump next month.

In April, Trump ordered the Interior Department to review 27 national monuments created since 1996, with an eye to rescinding or shrinking the size of some of them to increase development opportunities.

Zinke said on Tuesday that more than 1.2 million comments were received on the Regulations.gov website and thousands more were received via traditional mail. Environmental groups have said more than 2.5 million comments were submitted in total by Monday's deadline.

Over the last few weeks, Zinke visited national monuments under review in Utah, Maine and other places to meet with different stakeholders.

"After hearing some feedback, I'd like to remind and reassure folks that even if a monument is modified, the land will remain under federal ownership," Zinke said in a statement, adding that he remains opposed to the sale or transfer of public lands.

"Nothing in this review changes that policy," he said.



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Last month, Zinke made a preliminary recommendation to Trump to reduce the size of the 1.35 million acre (5,463 square km) Bears Ears monument in Utah, the country's newest monument, over the objections of a coalition of Native American tribes who say the area is sacred tribal land.

His report said that the Antiquities Act, used by past presidents to declare monuments, should cover the "smallest area compatible" with protecting important sites.

Democratic senators representing western states on Tuesday urged Zinke to leave the monuments in tact, saying that they should not be downsized or rescinded for energy or other economic development.

Nevada Democratic Senator Catherine Cortez Masto said national monuments in her state - including two under review Gold Butte, and Basin and Range - contribute to a "booming" outdoor recreation industry that supports 150,000 jobs and generates close to \$15 billion in economic activity.

"We have to fight to protect against any privatization," she said in a joint press conference with other Democratic senators.

Democratic Hawaii Senator Brian Schatz, whose state is home to the Papahānaumokuākea marine monument, which is under review, said should Zinke recommend changes to any monument, he will face legal battles.

"The Antiquities Act is a very strong and clear statute. We will win on that basis," he said.

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2. Public Overwhelmingly Supports Keeping Monuments Intact

Courthouse News Service, July 11 | Matthew Renda

(CN) – The public comment period for President Donald Trump's review of 27 national monuments and marine sanctuaries ended Monday, and environmental organizations say the public overwhelmingly opposes any reductions or eliminations of the protected areas.



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As the Department of Interior moves to the final phase of its review that encompasses more than 11.2 million acres of land – mostly in the American West – and 217 million acres of ocean on both sides of the continent, the League of Conservation Voters said 2.7 million Americans submitted comments in support of public lands during the 60-day comment period.

“It’s no wonder communities across the country mobilized to submit over 2.7 million comments so quickly when people overwhelmingly disapprove of the Trump administration’s extreme anti-environmental policies,” the league’s president Gene Karpinski said.

In states like Nevada, New Mexico, Colorado and Arizona, 80 percent of the comments submitted to the Interior Department support keeping monuments intact, the league said in a statement Tuesday.

The department took action to review the monuments after Trump signed an executive order in April giving Interior Secretary Ryan Zinke the authority to review several monuments to determine whether the designations by various presidents under the Antiquities Act were done with an appropriate level of input from all parties.

In several rural parts of the American West, federal ownership of land – extensive in states like Nevada, Utah, Arizona and California – is perceived as intrusive, with land-management practices seen as restrictive.

“Too often under previous administrations, decisions were made in the Washington, D.C., bubble, far removed from the local residents who actually work the land and have to live with the consequences of D.C.’s actions,” Zinke said Tuesday. “This monument review is the exact opposite.”

But the opposition to the review and the prospect of reducing some of the protected land has induced the anger of environmental organizations and lawmakers who represent some of the states where monuments are under review.

U.S. senators from New Mexico, Colorado, Washington state, Nevada and Hawaii released statements denouncing the Trump administration’s nascent approach to public-lands management.

“Erasing America’s national monuments from the map would devastate our thriving outdoor recreation economy, which generates 68,000 jobs and \$6.1 billion of annual economic activity in New Mexico alone,” said New Mexico Sen. Martin Heinrich. “And it could easily lead us down a slippery slope toward the selloff of our public lands to the highest bidder and massive giveaways of public resources to special interests.”



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The senators all said public support for the monuments needs to be considered, but also the economic benefits of tourism associated with the monuments – many of which facilitate a wide array of tourist and recreational activities.

“The Trump administration’s process to roll back our national monuments is not rooted in Western values, where we sit down, compare priorities, and find common ground,” Colorado Sen. Michael Bennet said. “Throughout the comment period, Coloradans and people across the country agreed, sending a unified message: Leave our national monuments alone.”

Bennet said the Outdoor Retailer Show – one of the largest trade shows for manufacturers of outdoor equipment like bicycles, climbing equipment, tents and other camping gear, kayaks and clothing – moved from Utah to Colorado because the latter displayed the appropriate commitment to public lands.

In fact, much of the impetus to explore reducing or even rescinding national monuments designated over the past two decades by both Republican and Democratic presidents has come from Utah’s congressional delegation.

Utah Congressman Rob Bishop, the chairman of the House Natural Resources Committee, asked Trump’s presidential transition team to explore undoing national monuments designated by former President Barack Obama.

“Any monument designation that lacks local support, is excessive, or violates the terms of the Antiquities Act will be scrutinized and is easier to abolish,” Bishop said soon after Trump defeated Hillary Clinton in the presidential election.

Bishop and other Utah lawmakers, including Gov. Gary Herbert, were incensed when Obama set aside 1.9 million acres in southeastern Utah currently known as the Bears Ears National Monument.

The name refers to a land formation sacred to at least five Native American tribes in the area, many of which point to the large number of artifacts in the area as a primary reason for protection.

But Utah legislators said the designation was done without and in some cases contrary to the input of the state residents, and said the designation was yet another federal land grab that prevents the state from managing the land to benefit both the environment and the local economy.

Critics of Bishop, Herbert and others say this argument is a cynical ploy meant to distract from the fact that those lawmakers want to pave the way for natural-resource extraction industries, like mining and oil and natural gas, to plunder the land for profit.



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Lawmakers have downplayed the potential for development on the lands, but a recent exploration of Bureau of Land Management documents show energy companies have repeatedly pushed the agency for leases of 100,000 acres within the monument.

The Center for Biological Diversity conducted an analysis that found vast hydrocarbon deposits under the eastern fringe of the park that have enticed the industry since 2013.

Zinke has already recommended shrinking the 1.9 million-acre monument, and environmentalists believe he has done so with the intention of opening up the land to drilling.

“Zinke’s public-review process was a complete sham from start to finish,” said Randi Spivak, the center’s public lands program director.

“He’s doing the bidding of corporate polluters.”

Regardless of Zinke’s recommendation, some have cast doubt on whether Trump is within his legal authority to reduce or eliminate the national monuments.

A July 7 letter signed by 121 lawyers with expertise in environmental, natural resources and land use said Trump’s review “reflect(s) profound misunderstandings of both the nature of national monuments and the president’s legal authority under the Antiquities Act.”

The lawyers say Congress is the plenary authority over public lands and the president cannot act unilaterally unless Congress delegates land-use decisions to the office – as is the case with the Antiquities Act.

“The Bears Ears interim report implies that the president has the power to abolish or diminish a national monument after it has been established by a public proclamation that properly invokes authority under the Antiquities Act,” the attorneys wrote. “This is mistaken.”

Zinke’s review of the national monuments ends Aug. 24.

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3. **ELECTRICITY: Coal got knocked out in Calif. Now, gas is on the ropes**

E & E News, July 12 | Debra Kahn

A wave of regulatory reconsiderations of natural gas-fired power plants in California has renewables advocates cheering.



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The state's grid operator is expected to release a study next month on whether the Puente Power Project, a gas-fired plant planned for the Southern California coast 60 miles west of Los Angeles, might be supplanted by solar panels, energy storage or demand response.

The California Public Utilities Commission approved Southern California Edison's contract with NRG Energy Inc. to build the 262-megawatt plant in June 2016 as a replacement for a larger plant on the same site. The Puente plant fit into the state's goal to boost renewables to 50 percent; as a fast-ramping facility, it could smooth out intermittent wind and solar power, which has a tendency to produce choppy resources.

Now, as politicians are considering moving to 100 percent "zero-carbon" resources by 2045 — as a bill being considered this week in the state Legislature would do — regulators are tapping the brakes on Puente and a number of other gas-fired plants planned for the Southern California region.

Since the state has no coal-fired plants and is already planning on shutting down its remaining nuclear plant, natural gas is the next resource in line to be phased out in favor of renewables.

"In general, it's going to be renewables in, gas out, so you've got that sort of long, slow good-night of lots of gas," said Jim Caldwell, a senior technical consultant with the Center for Energy Efficiency and Renewable Technologies, a Sacramento think tank that has been advocating for regulators to reconsider their grid policies to better account for renewables and climate change. "We think Puente is right at the tip of that spear. ... The gas industry and the gas generation industry is facing a big problem, and they know it."

The California Independent System Operator's study, due out Aug. 16, will go to the California Energy Commission, which will make the final decision on whether to permit Puente.

The study will analyze how much capacity is needed in the Moorpark area of Ventura County, where roughly 2,000 MW is due to retire by 2020. Scenarios will include replacing Puente with varying amounts of demand response, energy efficiency, solar power and storage.

NRG officials said they welcomed the study but defended the plant. "We feel it's the right project in the right place at the right time," said NRG spokesman David Knox. The plant's 20-year power purchase agreement with Edison "aligns well with the transition California is looking at to go to greater and greater renewables," he said.



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In a statement, Edison said it "supports all of the projects that it competitively awarded in 2014 and which have since been approved by the CPUC. The Puente project was competitively selected, in addition to energy efficiency and distributed generation projects."

The head of a trade group representing independent generators in California faulted CAISO's process of announcing the study after the CPUC had already approved the contract. "We have a procurement process that's worked very well in California," said Jan Smutny-Jones, CEO of the Independent Energy Producers Association. "At the eleventh hour, coming up with issues — really, what's going on is the people who are advocating for something different are representing people who want to do demand response, rather than the power plant."

Another factor contributing to the wave of reconsiderations is that many gas-fired plants in California are facing imminent deadlines to stop using "once-through" cooling systems that harm marine life. Those deadlines offer regulators a chance to consider alternatives to repowering or replacement.

The Los Angeles Department of Water and Power announced last month that it would put all plans to repower its once-through cooled units on hold and perform a study of alternatives, to be completed by early next year. The study will cover 10 gas-fired units at three plants that were scheduled for replacement from 2021 to 2029. Alternatives could include repowering them at a reduced level; improving transmission lines only; or replacing them with distributed energy resources, including energy efficiency, solar power, energy storage, demand response and electric vehicle charging.

CAISO has already started considering a future with less gas than planned. In March, it issued a study examining a 50 percent renewable portfolio standard plus the early retirement of up to 9,658 MW of gas-fired power statewide, and found several potential local reliability issues that could be solved by demand response or transmission upgrades. Issues with not having enough quick-ramping capacity, particularly in the early evening after sunset, emerged between 4,000 and 6,000 MW of retirement.

Caldwell said he thought California could achieve concentrations of up to 75 percent renewables using today's technology and resources. "I believe fundamental market redesign will be required to go past 75 percent, and we have not started the process of figuring out how to transition there," he said.

Smutny-Jones conceded that California has created a limited role for gas. "To the extent you'll see any gas plants being built in California, they will be built for localized need, not system need," he said. "There may be pockets where you do need something that will actually generate electrons. If batteries and demand response show up, the plant won't run very much. It's an insurance policy to keep the lights on in that area."

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4. **SAGE GROUSE: States meet with Zinke panel on changes to federal plans**

E & E News, July 12 | Scott Streater

Members of a panel established by Interior Secretary Ryan Zinke to review the Obama administration's sweeping greater sage grouse conservation plans are meeting this week in Denver with Western state leaders to gather feedback about the plans and how they should be revised, sources said.

The meetings today and tomorrow are closed to the public and are intended for the members of the review panel that Zinke ordered last month to get input from the states.

The meetings are being conducted by the federal-state sage grouse task force led by Wyoming Gov. Matt Mead (R) and Colorado Gov. John Hickenlooper (D) that helped the Obama administration finalize the federal plans in September 2015. The federal plans amended 98 Bureau of Land Management and Forest Service land-use plans to include sage grouse conservation measures covering nearly 70 million acres in 10 Western states.

The plans helped convince the Fish and Wildlife Service not to list the greater sage grouse for protection under the Endangered Species Act but have been criticized by some states and other stakeholders as too rigid and restrictive.

Staff members from most of the 10 states covered by the plans are attending the meetings this week with members of the federal sage grouse review panel, sources said.

That includes John Swartout, a Republican who is a senior adviser to Hickenlooper and a member of the federal-state sage grouse task force.

GOP Western governors have mostly cheered Zinke's Secretarial Order 3353, mandating an internal review of Obama-era regulations aimed at conserving the mottled-brown bird (Greenwire, June 8).

States have argued that the federal plans infringe on or hamper separate, state-developed sage grouse conservation plans.

The Interior Department is "not going to ask the states to redo their plans but certainly give them the option to incorporate more variables if we deem that appropriate," Zinke said last month in announcing the review of the federal sage grouse plans (Greenwire, June 7).

It's not clear what specific changes the states will recommend. But state officials have said they want to see changes that allow more "flexibility" in how the plans are implemented (Greenwire, Feb. 23).



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In Utah, which has filed a federal lawsuit challenging the federal plans, state officials have said they want more time for its grouse management strategy to work before the federal plans are fully implemented.

In Wyoming, which is home to nearly half the remaining sage grouse, state officials have said the federal blueprint includes some significant differences from the state plan, including the type of mitigation requirements when disturbances do take place inside state-designated sage grouse core areas.

For projects in portions of Wyoming where there's a checkerboard pattern of federal and state ownership, mitigation requirements can be different on parcels sitting side by side, and officials want to see that changed.

And in Colorado, Swartout and others have said they want to see changes allowing oil and gas development in some cases closer to sage grouse breeding grounds, called leks, than what is allowed in the federal plans.

Swartout could not be reached for comment on this story in time for publication.

But he told E&E News in February that the federal strategy the state worked out with BLM Colorado officials included a tiered-system approach to leasing near leks, where development is allowed as long as certain conditions were met for projects 3 miles from a lek, with different criteria for projects 2 miles away and 1 mile away.

But when the draft plans were sent to BLM headquarters in Washington, Swartout said, the tiered system was removed.

"We look forward to having a dialogue with the new people," he said, referring to Zinke.

The federal sage grouse review panel is, among other things, exploring whether the plans hamper energy development on federal lands.

The members of the review panel, which is made up mostly of representatives with BLM, the Fish and Wildlife Service and the U.S. Geological Survey, will identify plan provisions that may need to be adjusted or rescinded based on potential energy extraction and other development on public lands.

The federal grouse review panel must submit recommendations to Zinke by Aug. 6.

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5. **INTERIOR: Former lobbyist and Hill staffer nabs prime post**

E & E News, July 12 | Michael Doyle

The Trump administration has named former lobbyist and congressional staffer Todd Willens to serve as an assistant deputy secretary in the Interior Department.

"Todd Willens is an exceptionally qualified natural resources professional," Interior spokeswoman Heather Swift said today. "His Western roots and decades of experience working with sportsmen, tribal and local governments, and the congressional delegations will be an incredible asset to the department and the American people moving forward."

Willens' new appointment, which he noted in his LinkedIn profile and was first reported by the Miami Herald, marks a return to the department in which he served during the George W. Bush administration.

Willens will be working closely with the department's deputy secretary, David Bernhardt, who is still awaiting Senate confirmation.

For the last seven years, Willens has served as chief of staff for Rep. Steve Pearce (R-N.M.). Before joining Pearce's staff in 2010, the Northern California native and UCLA graduate worked for several lobbying firms, including Washington Strategies LLC and Vitello Consulting.

His lobbying firms' clients ranged from the Philadelphia College of Osteopathic Medicine and Zoological Association of America to the North Central Montana Regional Water Authority, in Interior Secretary Ryan Zinke's home state, according to filings with the Secretary of the Senate's office.

Willens also volunteered to serve on the joint congressional committee organizing President Trump's Jan. 20 inauguration, for which he was "assigned to a specific seating area to assist elected officials, dignitaries, performers, and other guests," according to his LinkedIn profile.

Previously, Willens served as legislative director for former Rep. Richard Pombo, a California Republican and staunch critic of the Endangered Species Act. Pombo also tapped Willens for the post of senior policy director of the House Natural Resources Committee, during the time Pombo was leading committee efforts to revise the ESA in the late 1990s.



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Democratic Sen. Bill Nelson of Florida criticized Willens' appointment, telling the Herald that Willens showed a "disregard for the importance of the Everglades" when he previously worked as a deputy assistant Interior secretary from 2006 to 2008.

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6. NATIONAL MONUMENTS: Think tank wrote Utah Bears Ears bill; Republican bashed Zinke

E & E News, July 12 | Jennifer Yachnin

New documents obtained by a Montana-based government watchdog show that a conservative think tank is the primary author of a Utah legislative resolution earlier this year calling for the elimination of the Bears Ears National Monument.

The Western Values Project provided emails to E&E News obtained under state open records laws that show the Sutherland Institute wrote the resolution approved by state lawmakers in January that urged President Trump to rescind the 1.35-million-acre monument (Greenwire, Feb. 1).

Both Utah state Rep. Ken Ivory (R) and the Sutherland Institute acknowledged that the resolution was produced by the think tank but said the practice is commonplace in the Beehive State.

"That's not unusual," Ivory said. "We get help from a variety of groups and organizations on legislation frequently. That's how legislation is crafted and created."

Ivory added that the Sutherland Institute drafted the [resolution](#) based on prior conversations and then submitted the document to state legislative staff.

"There were a lot of other groups that had input: Farm Bureau, Association of Counties," Ivory said. "Particularly on issues that affect 1.35 million acres, that lock of 109,000 acres of school trust lands, that seize 14,000 acres of private land, there were a number of people very interested that we reached out to and that would have had input in the process."

According to the documents provide by the Western Values Project, Ivory directed state aides tasked with writing legislation to contact Sutherland Policy Analyst Matt Anderson "for language" on the resolution.

"I'm drafting your resolution regarding Bears Ears, except I still haven't received the draft language from Matt Anderson," Utah State Legislature Policy Analyst Megan Bolin wrote to Ivory in late-January. "I



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contacted Matt on the 12th and he said he was working on the language and would get it to me soon. I'll try to contact Matt again, and I can come meet you as well, if needed. Let me know."

The Sutherland Institute, which is headed by Boyd Matheson, former chief of staff to Utah Sen. Mike Lee (R), noted that Utah lawmakers "regularly reach out" to the group for its expertise.

"Experts at organizations advocating for economic policies, environmental policies, tax policies or civil rights policies are asked each year to submit language to be considered by legislative attorneys as they draft legislation, on any number of bills covering any number of topics," Stan Rasmussen, vice president of policy and operations at Sutherland, said in a statement provided to E&E News. "It is fairly common practice not only in Utah, but in many other states in which legislators have full-time jobs outside of their legislative duties."

Last month, the Sutherland Institute organized a letter signed by 28 organizations, including the American Energy Alliance and the American Lands Council, that praised Trump's review of national monuments, including the Bears Ears site.

The letter also criticized the Antiquities Act of 1906, which allows presidents to designate public lands as monuments to protect areas of cultural, historic or scientific interest, as an "executive bludgeon" (Greenwire, June 7).

Zinke a 'very bad pick'

In the meantime, Ivory, an outspoken proponent of turning over federal lands to their respective states, remained neutral over Interior Secretary Ryan Zinke's ongoing review of dozens of national monuments for potential reductions or even elimination.

"A review is certainly appropriate," Ivory said, but later added: "The deeper question is, what is the limit of federal authority in land-use withdrawal designations within a state? ... To that point, it doesn't go nearly far enough."

In a December email exchange with Utah Farm Bureau Vice President of National Government Affairs Randy Parker, Ivory offered a harsher take on Zinke generally, criticizing the then-Montana lawmaker's nomination to the Trump administration.

"He is against local control of lands and waffles persistently. Very bad pick!" Ivory wrote.

Asked for his current opinion of the Interior secretary, Ivory offered a more measured take.



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"Some of the things he's doing are good, but the real question is fundamentally jurisdictional: Where should the decisions on Utah lands be made?" Ivory said. "Until we get to those fundamental issues, those principal issues, that's really at the heart of the issues for the care of the environment for preserving access and for a healthier economy."

Western Values Project Executive Director Chris Saeger said the emails obtained from his organization's open records request show leading figures in Utah's Legislature critical of the Trump administration.

"We're still going through this, but the general impression we got is these are a group of politicians who are asking an administration they don't think very highly of to do favors just because it's convenient," Saeger said. "It calls into question the sincerity of their motives."

He pointed to messages from state Sen. Wayne Niederhauser (R), who co-sponsored the Bears Ears resolution, criticizing Trump for his use of executive orders.

"The issue of Bears Ears National Monument, and the public lands debate generally, is related to the larger problem of Federalism," Niederhauser wrote to a constituent in mid-February. "Although the Antiquities Act might be legal, is it wise? I do not believe that one single person, even the President, should have the power to unilaterally make such a decision. It should be made in Congress, where it was constitutionally delegated by the Founding Fathers."

He added: "On that note, I do not agree with the actions taken by President Trump by executive order in the same way that I didn't support them from President Obama. I am opposed to executive orders of any kind."

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7. FEDERAL AGENCIES: Chaos or conspiracy? Key posts vacant as nominations lag

E & E News, July 12 | Hannah Northey

President Trump blasted Democrats on Twitter this week for blocking his nominees, but he's about six weeks off the pace set by his predecessors for picking people to fill more than 1,200 jobs that need Senate confirmation.

"The Trump administration is way behind. They're way off the path of other administrations," said Terry Sullivan, a political scientist at the University of North Carolina, Chapel Hill, and executive director of the



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nonpartisan White House Transition Project. "The Trump administration is below the performance of every president since Reagan in terms of not just getting people confirmed, but in terms of nominating people."

To be sure, the Senate is taking longer to confirm Trump nominees. The Partnership for Public Service says the Senate took an average of 44 days to confirm Trump's picks, breaking the previous record, 37 days for President Obama's nominees.

But Max Stier, the nonpartisan partnership's president and CEO, said the big problem is the White House, not the Senate. Nominees, he said, are relatively scarce.

Of the 564 positions tracked by The Washington Post and the partnership, 374 have no nominees. At the departments of Energy and the Interior and U.S. EPA, only the agency heads have been confirmed, leaving scores of offices in the hands of acting officials.

The vacancies have lawmakers and White House officials pointing fingers at each other.

Republicans and the White House accused Senate Democrats this week of using procedural tactics requiring cloture votes and boycotting confirmation hearings to stall Trump's agenda.

Marc Short, the White House legislative director, said Monday that Democrats were sitting on 32 nominees waiting for a floor vote, calling it the "slowest confirmation process in American history." He complained the upper chamber has approved only 50 Trump nominees, compared with 202 officials at the same point in the Obama administration.

Democrats shot back that Republicans hold the majority in the upper chamber and can move the president's picks through committee to the floor for a vote. Senate Minority Leader Chuck Schumer (D-N.Y.) yesterday even challenged his Republican counterparts to bring nominees up for a vote this week, saying "they will get approved."

"This president has nominated fewer nominees than anyone else, and ... many more were brought here to the Senate without the necessary documentation, the paperwork, the ethics reports, the FBI reports," he said.

Said Stier, "The reality is there's blame to go around, but the large bulk of the issue has been the slowness of his nominations. You're not seeing a markedly different amount of time for the Senate to address these; what you are seeing is a much slower pace of nominations by the president."



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Even key Senate Republicans have complained about delays in getting paperwork needed to complete a nomination and get a committee hearing and vote.

Senate Energy and Natural Resources Chairwoman Lisa Murkowski (R-Alaska) has several times lamented a lag in getting nominees' information from the White House for nominees for posts at DOE and the Federal Energy Regulatory Commission. It's unclear, she said in early May, why the White House has taken so long to move on nominees.

"All I know is names go into a dark hole and it just seems to take forever," she said (E&E Daily, May 3).

'They're behind on everything'

Vacancies across the government could create operational and not just political headaches for the Trump administration if more nominations aren't made and vetted, Stier warned.

The Federal Vacancies Reform Act bars acting officials from serving in a Senate-confirmed position for more than 240 days without having a nominee before the upper chamber, he said.

Stier said the law is aimed at preventing an administration from doing an "end-run around the confirmation process" by installing desired people in acting roles. If Trump fails to announce additional agency picks by September, the responsibilities for vacant offices would fall on Cabinet secretaries, he said.

"It'll further slow things down," Stier said. "These are huge organizations, and those jobs are already on the verge of being undoable."

Having critical offices overseen by acting officials is already putting a kink in operations and threatens to slow Trump's wide-ranging plans to whittle down EPA and DOE.

But despite talk in Washington about Trump slow-walking nominations being part of a strategy to pare down the government and starve some agencies, UNC's Sullivan said he sees no evidence of that.



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"They are not ahead on the agencies they care about and behind on the agencies they don't care about," he said. "They're behind on everything. It's not a reflection of a strategy."

What's behind the administration's sluggish start? Sullivan pointed to a "perfect storm": a chaotic transition after Trump's surprise election win, a slow start on lining up nominees, relatively inexperienced staffers, an inefficient process for vetting job candidates and a laser focus among Trump officials on loyalty to the president.

He pointed to John DeStefano, Trump's official headhunter and director of presidential personnel, who jumped to the White House fresh from his job providing political data to conservative groups and congressional stints.

DeStefano served as political director to former House Speaker John Boehner (R-Ohio) and was deputy executive director of the National Republican Congressional Committee.

"It's the first time he's done anything like this," Sullivan said. "He came from the House, a staffer trying to do a good job, but he's not familiar with it. And they didn't start early enough focusing on this."

'Problematic' hires?

And then things slow down when nominees hit the Senate, which has a crowded legislative calendar.

Sullivan said the longer an administration waits to nominate candidates, the longer it will take for those picks to get approved in the upper chamber.

Senate Majority Leader Mitch McConnell (R-Ky.) said yesterday the Senate would shrink its August recess to turn to "the backlog of critical nominations that have been mindlessly stalled by Democrats" after lawmakers complete work on the enormously complicated health care legislation and a defense spending bill.

As the Senate grinds on, Trump's political hires who are at work in the agencies have been getting some unwelcome attention.



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DOE, for example, has faced pushback on and off Capitol Hill and even fired a Trump political appointee after inflammatory tweets and op-eds surfaced (E&E News PM, July 7).

Stier said many political hires across the government were hastily pulled from Trump's so-called agency beachhead and landing teams.

"They were thrown together very quickly at the last minute, and I don't think there was deep vetting," he said. "As a result, I think you're finding there are a number of people who are problematic."

But Tom Pyle, president of the American Energy Alliance, who oversaw Trump's transition for DOE, said the process was not overly rushed and members of the landing team were thoroughly vetted. Pyle said a fair number of people who served on the Trump campaign expressed interest in serving the president when he assumed office and, like other administrations, came aboard but either found it wasn't a good fit or lost interest.

"It's very typical, not abnormal," Pyle said.

Dozens of open jobs

DOE vacancies

General counsel (David Jonas, not yet confirmed)

Chief financial officer (no nominee)

Undersecretary for energy (Mark Wesley Menezes, not yet confirmed)

Undersecretary for management and performance (no nominee)

Undersecretary for nuclear security/administrator for nuclear security (no nominee)

Assistant secretary for congressional and intergovernmental affairs (no nominee)

Inspector general (no nominee)

Undersecretary for science (Paul Dabbar, not yet confirmed)

Assistant secretary for electricity delivery and energy reliability (no nominee)

Assistant secretary for energy efficiency and renewable energy (no nominee)

Assistant secretary for environmental management (no nominee)

Assistant secretary for fossil energy (no nominee)

Assistant secretary for nuclear energy (no nominee)

Assistant secretary for international affairs (no nominee)



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Administrator, U.S. Energy Information Administration (no nominee)
 Director, energy advanced research projects department (no nominee)
 Director, Office of Economic Impact and Diversity (no nominee)
 Director, Office of Science (no nominee)
 Deputy administrator for defense programs, National Nuclear Security Administration (no nominee)
 Deputy administrator for defense nuclear nonproliferation (no nominee)
 Principal deputy administrator, National Nuclear Security Administration (no nominee)

EPA vacancies

Deputy administrator (no nominee)
 General counsel (no nominee)
 Chief financial officer (no nominee)
 Assistant administrator for water (no nominee)
 Assistant administrator for administration and resources management (no nominee)
 Assistant administrator for air and radiation (no nominee)
 Assistant administrator for chemical safety and pollution prevention (no nominee)
 Assistant administrator for enforcement and compliance assurance (Susan Bodine, not yet confirmed)
 Assistant administrator for environmental information (no nominee)
 Assistant administrator for international and tribal affairs (no nominee)
 Assistant administrator for research and development (no nominee)
 Assistant administrator for solid waste and emergency response (no nominee)

Interior vacancies

Deputy secretary (David Bernhardt, not yet confirmed)
 Solicitor (no nominee)
 Assistant secretary for policy, management and budget (Susan Combs, not yet confirmed)
 Inspector general (no nominee)
 Assistant secretary of Indian affairs (no nominee)
 Assistant secretary for insular areas (Doug Domenech, not yet confirmed)
 Assistant secretary for fish, wildlife and parks (no nominee)
 Assistant secretary for land and minerals management (no nominee)
 Assistant secretary for water and science (no nominee)
 Director, Bureau of Land Management (no nominee)



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Commissioner, Bureau of Reclamation (Brenda Burman, not yet confirmed)
 Director, National Park Service (no nominee)
 Director, Office of Surface Mining Reclamation and Enforcement (no nominee)
 Director, Fish and Wildlife Service (no nominee)
 Director, U.S. Geological Survey (no nominee)
 Special trustee for American Indians (no nominee)

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8. **INTERIOR: Idle permit total tops 'record high' amid streamlining push**

E & E News, July 12 | Pamela King

As the Bureau of Land Management's backlog of outstanding applications to drill on public lands shrinks, the number of tracts that have been approved for development but have gone unused is on the rise.

Under the new administration, Interior Department officials have highlighted the pileup of pending applications for permit to drill (APDs) as a top priority (Energywire, May 17). Last week, Secretary Ryan Zinke signed an order instructing his agency to start identifying solutions to address the logjam — which stood at 2,955 unprocessed applications as of April 30 (Energywire, July 7).

Democrats on Capitol Hill have said those tallies pale in comparison to the number of permits BLM has approved but that remain idle — 7,532 as of fiscal 2015, according to the latest available data from the bureau.

In a June 29 appearance before the House Natural Resources Subcommittee on Energy and Mineral Resources, a senior Interior official upped that count.

"It's correct that we have 7,950 APDs approved but not yet drilled this year," said Katharine MacGregor, Interior's deputy assistant secretary for land and minerals management, in an exchange with Rep. Alan Lowenthal (D-Calif.), the subcommittee's ranking member.

The California congressman and his colleagues are still awaiting a formal fulfillment of their data request.

"Will you please ask [Secretary Zinke] to call me or [committee ranking member Raúl Grijalva (D-Ariz.)] with the 2016 data?" Lowenthal asked MacGregor. "Or you could call me with that data. Or you could text it."



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MacGregor's count surpasses what President Obama's BLM last year deemed "a record high" number of unused permits.

The latest APD backlog includes 830 fewer pending applications than in fiscal 2015, when 3,785 APDs had yet to be processed, according to BLM. The backlog is a fluid number that fluctuates as the bureau receives new applications while it completes old ones, and as companies deprioritize certain projects for which they have already submitted APD packages.

Over roughly the same time period, the number of idle permits increased by 418.

Obtaining those data has been a critical element in Democrats' efforts to demonstrate that there is no pressing need to address the accumulation of APDs.

"It is not clear that there is a significant backlog of unprocessed APDs; in fact, the BLM's own data indicate that there is a glut of drilling permits that the oil and gas industry cannot act on fast enough," Grijalva wrote in an April 12 letter to Mike Nedd, BLM's acting director.

The surplus of unused permits could grow under the Trump administration's oversight, said Nada Culver, senior counsel and director of the Wilderness Society's BLM Action Center.

"This imbalance is going to continue and possibly set new records if we put more people on APD processing and don't put more scrutiny on who's requesting a permit and how they intend to use it," she said.

Until industry has more certainty as to how the federal government will regulate its operations on public lands, companies will continue to claim permits they may not be ready to use, said Kathleen Sgamma, president of the Western Energy Alliance.

"It's the perennial problem," she said. "Companies have no certainty on how long their permit is going to take. They need to request and have in hand more permits than they would if they just needed a state permit."

If an oil firm asked for 10 permits, drilled a couple of wells and then determined the land was not economic, the company is "not going to just turn in those permits because they paid \$9,500" for each one, Sgamma said.

The operator might hold on to the permits and wait for oil and gas prices to rebound, she said.

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