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Attached is the daily news report for July 4 - 5.

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## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

#### UTAH – TOP STORIES – JULY 4 - 5, 2017

##### 1. Uncertain future of Utah's riverbed access frustrates Morgan landowners

*The Standard-Examiner, July 3 | Leia Larsen*

A mile and a half of the Weber River flows through Randy Sessions' property in Morgan County.

His land is idyllic, pastoral. It has sweeping views of verdant Wasatch Mountains. Cows munch in fields of green grass with sprays of wildflowers. Cottonwood trees and corrals line river banks. Coyotes and waterfowl occasionally pass through to take advantage of the wide-open space.

##### 2. Protest Filed Over Oil, Gas Leasing That Endangers Utah Sage Grouse

*The Center for Biological Diversity, July 3 | Press Release*

FILLMORE, Utah— Conservation groups today filed a formal protest against the Bureau of Land Management's plan to auction off more than 23 square miles of public land in central Utah for fracking and drilling, which will harm the imperiled Sheeprocks population of greater sage grouse.

##### 3. Op-ed: Protect national monuments — before it's too late

*The (St George) Spectrum, July 3 | Lisa Rutherford*

Last December, then-President Obama named Bears Ears National Monument.

For many it was cause for joy; for others dismay and anger. On April 26, President Trump ordered a review of all national monuments dating to 1996. Bears Ears and Grand Staircase-Escalante National Monument seemed to be the focus of Trump's executive order, but the order has cast a wide net which encompasses 27 monuments nationwide.

##### 4. Presidents have reduced national monuments 18 times before Bears Ears controversy

*The Washington Times, July 4 | Ben Wolfgang*

The Trump administration's "unprecedented" effort to break up and shrink a national monument has been done at least 18 times before, with presidents of both parties exercising power to significantly reduce the size of U.S. landmarks established by their predecessors.



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#### 5. BLM wants to streamline its review, planning procedures

*KSL News, July 4 | Amy Joi O'Donoghue*

SALT LAKE CITY — With the repeal of a hotly contested land planning rule that leaders in Utah and other states railed against, the Bureau of Land Management is now seeking to revamp its planning and environmental review procedures to make them timelier and less costly.

#### 6. Little support in City of Blanding for Bears Ears

*The San Juan Record, July 4 | Kara Laws*

Bears Ears National Monument took center stage again at the June 27 meeting of the Blanding City Council. Blanding residents once again filled the conference room to defend their opinions about the controversial monument after taking to social media to spread the word that Mayor Calvin Balch had added a Bears Ears discussion to the city council agenda.

#### 7. BLM considers offering Utah's Recapture Canyon — rich in American Indian artifacts — for oil and gas leasing

*The Salt Lake Tribune, July 5 | Brian Maffly*

Recapture Canyon is so rich in fragile Native American prehistory that it is closed to motorized use, yet the Bureau of Land Management is now proposing to lease the canyon east of Blanding for oil and gas development, along with other culturally important spots in Utah's San Juan County.

#### 8. BLM: Greens protest planned Utah lease sale in sage grouse habitat

*The Salt Lake Tribune, July 5 | Scott Streater*

Environmental groups are challenging a planned oil and natural gas lease sale this fall in central Utah, claiming it would drive a struggling population of greater sage grouse toward extinction.

#### 9. PUBLIC LANDS: BLM to permanently ban rope swinging from iconic Utah arches

*E & E News, July 5 | Scott Streater*

The Bureau of Land Management is permanently banning roped activities at two popular rock arches outside Moab, Utah, in an effort to better protect natural resources and public safety.



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#### 10. Couldn't drag him away: Local man trains wild mustangs

*The Tremonton Leader, July 5 | Jeff DeMoss*

Roger Burnhope moves deftly around the ring, swishing a plastic bag attached to the end of a long crop around the feet of Ty.

#### E&E/NATIONAL NEWS – TOP STORIES

#### 1. INTERIOR: BLM starts bid to revamp land-use planning, NEPA reviews

*E & E News, July 5 | Scott Streater*

The Bureau of Land Management wants public input on its forthcoming revisions to land-use planning procedures and environmental reviews as part of an effort to replace an Obama-era rule Congress killed in the spring.

#### 2. NATIONAL PARKS: Zinke vows to 'downsize' middle management

*E & E News, July 5 | Brittany Patterson*

SHARPSBURG, Md. — Interior Secretary Ryan Zinke today reiterated that he intends to shift National Park Service management positions away from Washington and onto the "front line."

#### 3. EPA: Methane ruling doesn't signal future court losses for Pruitt

*E & E News, July 5 | Niina Heikkinen*

Environmental groups welcomed a ruling from a federal appeals court this week overturning part of U.S. EPA's attempts to halt federal controls on methane emissions from the oil and gas industry.

#### 4. LAW: Enviro sue to stop Wyo. leases

*E & E News, July 5 | Pamela King*

Environmental groups are calling on the courts to void sets of oil and gas leases issued in Wyoming and prohibit the Bureau of Land Management from making further leasing decisions before taking a hard look at climate impacts from drilling.



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5. **METHANE: Climate, poverty woes fuel BLM rule debate in N.M. gas patch**

*E & E News, July 5 | Pamela King*

GOVERNADOR, N.M. — Desert sand crunches beneath Don Schreiber's boots as he approaches a gas well on his sprawling ranch in the heart of the San Juan Basin.



## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

#### UTAH – FULL STORY

##### 1. Uncertain future of Utah's riverbed access frustrates Morgan landowners

*The Standard-Examiner, July 3 | Leia Larsen*

A mile and a half of the Weber River flows through Randy Sessions' property in Morgan County.

His land is idyllic, pastoral. It has sweeping views of verdant Wasatch Mountains. Cows munch in fields of green grass with sprays of wildflowers. Cottonwood trees and corrals line river banks. Coyotes and waterfowl occasionally pass through to take advantage of the wide-open space.

From a knoll near Randy Session's house, he pointed to a shallow section of river where the water splits around a small island.

"This is where it all started. This is where the Conatsers were," he said. "Our son was on the road here and saw them and said, 'You need to get back in your boat and leave.'"

That was in June 2000, when Sessions' son was 18. Keven and Jodi Conatser, who were floating the river to fish, obliged. As they moved downstream to a neighboring property, however, they clashed with another landowner. This time, the Conatsers refused to go.

The brawl cascaded into an eight-year legal battle, which roped in multiple landowners including Sessions, and ultimately opened the Weber Riverbed to public access.

Almost immediately after the Utah Supreme Court ruled in the Conatsers' favor, the trespassing and contention began.

"I was hauling hay up and down the road, and there were guys here like the second day after the ruling," Sessions said. "I stopped the tractor and said, 'You've got to stay (below) the high water mark — where's the high water mark?' There were three of them, and they all stopped and looked around and shrugged. I said, 'It's kind of ambiguous, isn't it?'"

Sessions has confronted dozens of people walking through his property to access the river in the years since. The trespassing, he says, "is pretty regular," and it's almost exclusively anglers.



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Some carry guns. Some have dogs that chase his livestock. One even chopped down a large tree growing next the river. It took out a fence when it fell.

"No trespassing" signs abound, but Sessions is constantly finding cars and trucks parked on his land near the river.

"The anglers, I can guarantee you they believe in private property (rights), too," Sessions said. "Do you know why? When I find their vehicles parked on our property, they're always locked."

#### **A legal push and pull**

Frustrations from landowners like Sessions reached the ears of state lawmakers. In 2010, they changed state statute and limited access of public waters to floating.

The Utah Stream Access Coalition is fighting the constitutionality of the law. On the Weber River specifically, they're arguing settlers used the river for travel and commerce before statehood, which would make the riverbed public land.

The Utah Supreme Court is currently mulling their case.

Although a favorable ruling would mean a big win for advocates of recreation and public access, private landowners in Morgan County feel a sense of foreboding.

"Morgan County is 96 percent private; it's the most privately owned county in the state of Utah," said Ned Mecham, who serves on the Morgan County Council.

He also owns property on the river, which has been in his family since the 1850s.

"Most people who want to fish the Weber River. My suggestion is why don't they buy some property so they can fish there?" Mecham said. "I don't think it's a private property owner's responsibility to provide access for people."

To be fair, the Utah Stream Access Coalition doesn't think private lands should be open for accessing public rivers, either.



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They agree those using the river must get to the water from a legitimate access point, like an easement, right-of-way or a walk-in point where a landowner grants permission.

What they're arguing, however, is that once in the water, the public has a right to wade up and down the bed and possibly walk along the riverbanks, as long as they stay below the high water mark.

"Trespass laws need to be strictly enforced. That's the remedy. We would not only not oppose it, we would applaud it," said Craig Coburn, an attorney for the coalition. "Tubers are a problem. That's usually who it is. Not kayakers, not anglers."

#### **Trash and trespass**

There's no question tubers are a growing problem in Morgan County. Austin Turner and his in-laws own property just below Taggart, the typical take-out point for tubers.

"If you can imagine it, we've found it in the river — from flip flops to clothes to floaty toys, to probably tens of thousands of beer cans, to broken coolers," he said.

All the garbage constantly clogs up his irrigation diversion.

"I don't have problems with people tubing, but they jump in uneducated. They swing by a store, spend 20 bucks, get a floaty toy for a swimming pool, a case of beer and a styrofoam cooler and think they're going to float down the river," he said.

But Turner said his biggest frustration isn't the tubers. It's anglers.

"They park on the interstate, walk across our land to get to the river ... If they make it to the riverbank, they're like 'I'm on public property,'" he said. "If they're standing in the river, they think they're safe. If they can slide into home plate and be touching water, it's 'You can't do anything to me.'"

Turner said he sees several anglers trespassing through his property each day during the spring and summer. Some days, it's nearly a dozen. They've left trash behind, too. They've also left cattle gates open so livestock wander out onto railroad tracks.





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Turner's tried setting up trail cameras to capture trespassers, but he says they keep getting stolen.

"(For) people who live in the city with a quarter acre lot or smaller, any big, wide-open spaces are public ground — parks, things like that," he said. "For someone (visiting) from the city to think, 'That's private property; I shouldn't go on it' — it doesn't cross their minds."

If people enjoying the river stayed in the river and cleaned up after themselves, Turner said he'd be open to the idea of public access to the stream beds.

The problem is, the ideal clashes with reality. And who can be there to patrol for trespassers all day, every day?

"The reality of it is, you have a certain portion of population that does not stay in the stream bed," Turner said. "They basically run amok."

A public records request to Morgan County found around 180 private properties intersect the Weber River.

"Some might own a whole bunch, some might have an acre," Sessions said. "But the thing is, how many people are along the Wasatch Front? Well, millions. So what chance do private property owners have?"

#### **Connecting both sides?**

The Utah Division of Wildlife Resources also has a program where they negotiate walk-in access with private landowners. The property owners, in turn, receive compensation funded by licensing fees. A handful of these sites are located on the Weber River in Morgan County.

"There's a solution right now. Landowners can lease the ground and give fisherman access if they so choose," Sessions said. "They want it all. They're not willing to have just a little bit. They want it all."

Dawna Little Zukirmi wants to build a bridge between landowners and the public recreating on the river. She owns Destination Sports, a Morgan-based guiding service and outfitter that regularly runs rafting, fishing and tubing trips on the Weber River.



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“I see all aspects of what’s going on between Echo and Morgan,” she said. “I totally understand property owners’ concerns — they’re valid concerns. I’m the kind of person that likes to look for a root cause and address those issues.”

All the trash and trespassing doesn’t benefit her and her business, either. She runs regular cleanups along the river in the spring and fall.

But the access conflict is creating all sorts of barriers for the river, Zukirmi said, like improving habitat for fish or building a kayak park that could provide economic benefits to the county.

Landowners have become resistant to any kind of change, she said, for fear that it will slowly erode their property rights.

“I think that change is really hard for people, especially in small towns,” said Zukirmi, who’s a lifelong resident of Morgan. “But if we sit around and do nothing, it’s going to get worse.”

She proposes setting up a fee area for common access points on the river, at least on the weekends when use is high. Those funds could help pay for educational signs and patrols to enforce the rules, she said.

“We’re not talking about restricted access,” she said. “Paying \$5 or \$10 to use something to recreate, that’s pretty standard.”

She also thinks a favorable ruling for the Utah Stream Access Coalition could have a positive impact on the county, including for reluctant landowners.

“If they get their way, that will lay the groundwork for establishing some legitimate rules, helping to educate people, putting up signs saying, ‘This is where you can get in, and this where you can get out, and between here you can’t,’” Zukirmi said.

“But right now, there’s 5,000 people a day between Henefer and Taggart on hot sunny days. Every year there’s more and more.”

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#### 2. Protest Filed Over Oil, Gas Leasing That Endangers Utah Sage Grouse

*The Center for Biological Diversity, July 3 | Press Release*

FILLMORE, Utah— Conservation groups today filed a formal protest against the Bureau of Land Management’s plan to auction off more than 23 square miles of public land in central Utah for fracking and drilling, which will harm the imperiled Sheeprocks population of greater sage grouse.

According to the BLM, the Sheeprocks sage-grouse population declined by nearly 40 percent in just four years, and decreased in eight out of the past 10 years.

“It’s time for the BLM to walk its talk and take Sheeprocks sage-grouse habitat off the auction block,” said Kelly Fuller, energy campaign coordinator for Western Watersheds Project. “Science shows that oil and gas drilling results in fewer sage grouse.”

The proposed oil and gas leasing on federal public lands includes priority sage-grouse habitat vital to the birds’ survival. In April six [conservation groups warned the BLM](#) not to lease this critically important habitat, but the agency ignored conservationists and still plans to offer the habitat for lease.

“The BLM is blowing off conservation science and federal law to allow short-term profits for oil companies,” said Michael Saul, a senior attorney with the Center for Biological Diversity. “Auctioning off this vital habitat for drilling and fracking may wipe out this population of Utah sage grouse and signal the beginning of the end for this imperiled bird.”

The sale comes after the BLM [vowed in February](#) to increase protection for the grouse and their habitat in the Sheeprock Mountain area of Juab, Tooele and Utah counties. The BLM’s February promise was not optional: Utah’s federal sage-grouse plan, with its mandatory protections under federal law, requires the BLM to take new action to ensure sage-grouse survival after such a dramatic population drop.

In 2011 the BLM assembled a blue-ribbon panel of sage-grouse experts, called the National Technical Team, to make recommendations on land-management strategies that would allow sage grouse to survive. These experts recommended closing priority sage-grouse habitats entirely to oil and gas leasing. In the end federal sage-grouse plans committed to prioritizing oil and gas leasing and drilling outside important habitat for the birds.

The greater sage grouse has been the subject of an enormous conservation effort to prevent the species from coming so close to extinction that it requires protection under the Endangered Species Act.

“The greater sage grouse has been the subject of an enormous conservation effort to prevent the species from coming so close to extinction that it requires protection under the Endangered Species Act,” said



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Steve Holmer, vice president of policy for American Bird Conservancy. “Backward steps such as this drilling project in priority habitat, and the Department of the Interior’s review of the grouse conservation plans raise grave doubts for the survival of this species.”

Government efforts to increase the Sheeprocks population have become increasingly desperate. They include capturing sage grouse in other areas and trucking them to Sheeprocks; killing red foxes and other wildlife that prey on sage grouse; and tearing out thousands of acres of pinyon pines and juniper trees. In 2016 alone nearly \$1 million was directed toward Sheeprocks sage-grouse conservation.

Fracking and drilling of the nearly 15,000 acres included in the Utah BLM’s September 2017 lease sale will also harm mule deer and elk who rely on those public lands for the habitat they must have to survive the winter. Studies have shown that mule deer avoid oil and gas development, causing them to abandon important habitats. The Sublette mule deer herd near Pinedale, Wyo., declined 30 percent where oil and gas had been developed and only 10 percent where oil and gas development did not take place.

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### 3. **Op-ed: Protect national monuments — before it's too late**

*The (St George) Spectrum, July 3 | Lisa Rutherford*

Last December, then-President Obama named Bears Ears National Monument.

For many it was cause for joy; for others dismay and anger. On April 26, President Trump ordered a review of all national monuments dating to 1996. Bears Ears and Grand Staircase-Escalante National Monument seemed to be the focus of Trump’s executive order, but the order has cast a wide net which encompasses 27 monuments nationwide.

Seven “considerations” detailed in the order will apply to all monuments under review. Just 120 days are allotted for the review; this rushed process will not give the national monuments the fair shake they deserve. July 10 is the deadline for commenting on the review of these national treasures at <https://www.regulations.gov/comment?D=DOI-2017-0002-0001>.

Some in Utah's rural counties near Bears Ears and Grand Staircase are gnashing teeth over monument designations, but many in these rural communities have benefited and stand to benefit. Kanab business leaders have been outspoken about the good that has resulted from the Grand Staircase. Even with the stealth designation compared to the open process that preceded the Bears Ears designation, Grand Staircase has provided benefits.



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Bears Ears encompasses almost 1.5 million acres. Some feel that's too much. However, as I reviewed the proclamation that created the monument, I was struck by the magnitude and diversity of the area's features. It's clear that a small area will not suffice to provide needed protections. Concerns by many seem unfounded.

Private parcels in national monuments remain private, state lands can be traded for land outside, and mineral leases in place at the time of the designation are grandfathered —not at risk.

Some leaders feel and have written that government closest to the people governs best. Yet we see evidence that is not always true. Certainly Flint, Michigan,, comes to mind, as do other areas where decisions made by local and state leaders have had negative consequences. Sometimes decisions made far away are actually made with less harmful local political influence.

One thing that bears mentioning is the benefit that Utah's School and Institutional Trust Lands Administration (SITLA) receives from Grand Staircase and will from Bears Ears, too. Catchy "land grab" rhetoric is used to fight these designations, but the facts are important.

When Grand Staircase was established, state lands were traded out so they would not be trapped. Carbon-rich properties were secured outside the monument in exchange for inholdings. Utah received \$1.5 million a month for more than a decade and \$50 million cash to consummate the exchange. SITLA administers the Land Exchange Distribution Account (LEDA), from which \$69.7 million have gone to 27 counties — money acquired as a result of the designation. SITLA believes this responsibility will grow as collaboration with the federal government continues.

Is the same deal being worked for Bears Ears' 157,000 SITLA acres? If leaders want to do what's right for Utah's children, evidence shows they can.

As for the other national monuments under review, I hope that citizens will comment about the importance of protecting them, too. Nevada's new national monument, Gold Butte, is a spectacular area deserving of protection as are all others.

Once these special places are gone, they are gone forever.

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#### 4. **Presidents have reduced national monuments 18 times before Bears Ears controversy**

*The Washington Times, July 4 | Ben Wolfgang*

The Trump administration's "unprecedented" effort to break up and shrink a national monument has been done at least 18 times before, with presidents of both parties exercising power to significantly reduce the size of U.S. landmarks established by their predecessors.

Environmentalists and congressional Democrats are framing the current battle — the Interior Department's proposal to resize Bears Ears National Monument in Utah — as a first-of-its-kind expansion of executive power, a move that stretches to the breaking point the century-old Antiquities Act, which gives presidents authority to create monuments.

The resizing of Bears Ears is just one piece of the administration's broader review of nearly two dozen national monuments.

The Sierra Club, one of the nation's most powerful environmental groups, issued a fundraising email last week calling the Bears Ears proposal a "legally unprecedented action."

Congressional Democrats voiced similar objections. Sen. Jeff Merkley of Oregon called the entire monument review "legally dubious," and Sen. Ron Wyden, also of Oregon, said the president's executive order calling for the review "flies in the face of a century-old bipartisan tradition."

The reality, however, is much different. If anything, there is a tradition of presidents making major changes to monuments. In 1915, President Wilson cut the size of Washington's Mount Olympus National Monument by more than 300,000 acres.

"It can be done, and past presidents have done it. It demonstrated the truth of what I've said all along: Just as no Congress can bind a future Congress, no president can bind the nation in perpetuity. It doesn't make any sense," said William Perry Pendley, president of the Mountain States Legal Foundation, a nonprofit group that battled the federal government in court over President Clinton's creation of the massive Grand Staircase-Escalante National Monument in Utah.

That monument is also under review by the Trump administration.

"I don't think it would take the courts long at all to dispose of any challenge to the presidential authority to do this," Mr. Pendley said.



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The Antiquities Act — which says monuments should be limited to the smallest area compatible with the site or object being protected — does not explicitly give presidents power to downsize monuments or eliminate them altogether.

But for more than a century, presidents have cut monuments, and their efforts haven't been thwarted by Congress or the courts.

It has been done at least 18 times since the Antiquities Act was signed into law in 1906, according to information from the National Park Service and the House Natural Resources Committee.

Most were relatively small. Franklin D. Roosevelt cut Arizona's Wupatki National Monument by 52 acres, and Dwight D. Eisenhower cut Alaska's Glacier Bay by 4,193 acres. William Howard Taft, John F. Kennedy, Calvin Coolidge and Harry S. Truman also reduced sizes of monuments.

Eisenhower and Roosevelt were the most active, cutting six and four monuments, respectively.

Washington's Mount Olympus, now a part of Olympic National Park, has been the most frequent target. In 1909, President Theodore Roosevelt granted monument status covering more than 610,000 acres.

But its size was quickly reduced. Taft in 1912 eliminated 160 acres. Wilson dramatically cut the monument by about 50 percent in 1915. Coolidge reduced the monument by 640 acres, according to National Park Service data.

Despite the history, environmental groups say, the Trump administration's monument review is under a vastly different landscape.

Indeed, no recent monument designations have been targeted for reductions. Kennedy was the last to downsize a monument, cutting Utah's Natural Bridges by 320 acres. That monument was established in 1909.

In addition, conservation organizations say, two laws — the 1976 Federal Land Policy and Management Act and updates to the National Park Service Organic Act in 1970 — seem to give Congress wide latitude when it comes to adjusting monuments.



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Some argue that the monument reductions made in the early part of last century were necessary because the government lacked the technological expertise to determine exactly what areas should be protected — challenges that no longer exist.

“A majority of the past adjustments were to correct for mistakes of what was or wasn’t preserved in the original monument boundaries. When presidents designated monuments in the early part of the century, they often did so with limited knowledge of where objects of scientific or historic interest were,” said Virginia Cramer, a spokeswoman for the Sierra Club’s “Our Wild America” campaign.

“Given the robust public process and improved mapping and scientific information, no monument designated in the past 80 years has been reduced by a later president,” she said.

On the other side of the debate, supporters of monument reductions say recent presidents have greatly abused their authority under the Antiquities Act. President Obama, for example, designated far more land and water as national monuments than any other president.

While monument designations were intended to protect specific historic sites, the Obama administration used the label to cordon off huge stretches of land and sea, blocking energy development and other activities.

In the case of Bears Ears, there is a massive swath of land in the middle of the monument that critics say should not be classified as a monument.

“The goal is to protect the historic and prehistoric structures, no doubt. It’s a little premature to throw out acreage, but if you look at Bears Ears as a whole, there’s a lot more drop-dead-gorgeous land than there is historic landmarks, prehistoric structures and other objects,” Interior Secretary Ryan Zinke said last month when announcing the Bears Ears reduction plan.

Mr. Zinke said there are two specific areas he believes should remain as national monuments: the area containing the actual Bears Ears geological formation, and an area farther north that contains a “high density of archaeological sites.”

The land in the middle could lose its monument status or revert to federally protected wilderness area, which would mean it still has some protections but isn’t entirely shut off to energy exploration and other activities.





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Despite the 100-year history of monument reductions, legal analysts say, the issue still isn't settled because no real challenges have been made to presidential cuts. Environmental groups are sure to file lawsuits if and when the Trump administration finalizes its Bears Ears plan.

Previous reductions do not "establish any legal precedent as to whether or not somebody today could challenge it," Mr. Pendley said.

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#### 5. **BLM wants to streamline its review, planning procedures**

*KSL News, July 4 | Amy Joi O'Donoghue*

SALT LAKE CITY — With the repeal of a hotly contested land planning rule that leaders in Utah and other states railed against, the Bureau of Land Management is now seeking to revamp its planning and environmental review procedures to make them timelier and less costly.

"The decisions made in land use plans and environmental reviews are fundamental to how public lands and resources are used for the benefit of all Americans," said Interior Secretary Ryan Zinke.

"The Trump administration and the Department of the Interior are committed to working with state and local governments, communities, Indian tribes, and other stakeholders as true partners to determine the best ways to accomplish this, now and into the future," he said.

The effort comes in the wake of the Trump's approval of a House joint resolution to repeal the so-called BLM Planning 2.0 rule.

That rule represented a significant overhaul on how the federal land management frames its resource management plans, including invoking landscape level approaches that cross political boundaries and granting discretion to the agency's Washington, D.C., headquarters to make decisions.

Critics that included Utah Gov. Gary Herbert and Rep. Rob Bishop, R-Utah, asserted the rule elevated the role of nongovernmental organizations above state and local elected officials.

With that rule's demise, Interior officials are now looking to modify its land planning procedures.

Acting BLM Director Michael Need said the agency is already working with state and local elected officials and groups, including the Western Governors' Association and the National Association of Counties, to gather input.



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“We are doing this because Secretary Zinke and President Trump both strongly believe that public engagement, especially at the local level, is a critical component of federal land management,” Nedd said. “We need and want input from our state and local partners as well as from the general public in this effort.”

Anyone may submit ideas and provide input during a 21-day period beginning Monday and ending July 24 online.

The BLM will incorporate the information compiled into a report to Zinke that is due later this year.

The do-over is already stoking criticism from environmental groups — with one organization asserting the effort is duplicative.

"From master leasing plans to sage grouse collaboration, the BLM has plenty of tools at its disposal to facilitate both development and recreation on national public lands, " said Chris Saeger, executive director of the Western Values Project.

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#### **6. Little support in City of Blanding for Bears Ears**

*The San Juan Record, July 4 | Kara Laws*

Bears Ears National Monument took center stage again at the June 27 meeting of the Blanding City Council. Blanding residents once again filled the conference room to defend their opinions about the controversial monument after taking to social media to spread the word that Mayor Calvin Balch had added a Bears Ears discussion to the city council agenda.

The Bears Ears National Monument is currently under review. The preliminary recommendation from Secretary of the Interior Ryan Zinke is to shrink the monument boundaries.

However, Zinke encouraged President Donald Trump to wait to take any action until the final recommendation is complete from the review of 26 national monuments. The residents of San Juan County, tribal leaders, Bureau of Land Management, Forest Service, and others involved in the monument are simply waiting.



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Mayor Balch suggested that he is ready to take a more pro-active approach, suggesting that the Blanding City Council begin to work with the Blanding Area Travel Council and the Blanding Visitors Center to embrace the monument.

Balch suggested that the council help put together brochures and informational packets about the area and promote it.

“Right now, it is a monument,” said Balch and encouraged council and residents to “jump on the bandwagon and accept the monument.”

The majority of the residents in attendance did not agree with the statement, suggesting that the Mayor was jumping the gun.

San Juan County Commissioner Phil Lyman urged the council to consider the decisions they are making. Lyman said, “These people are not our friends; these people pushing for the monument are not our friends. They do not have good things in mind for Blanding.”

Lyman said he recognizes that the monument is a reality, but added “we have another national monument”. Lyman encouraged the council to be careful with their decisions.

Merri Shumway echoed Commissioner Lyman’s statement and asked council to hold off on anything with regards to Bears Ears until a decision is made by President Trump.

Shumway asked city residents in the room to stand if they agree, stating that the council doesn’t know why you come to a city council meeting unless you tell them. The room was packed, and all but approximately five city residents rose to their feet.

As Mayor Balch encouraged the council to take action, deal with the reality of the monument, and embrace the tourism, Councilmen Taylor Harrison and Joe B. Lyman defended the current council stance on the monument and insisted that no action should be taken until a decision is made by the federal government.

Councilman Lyman reminded the Mayor that the council is not opposed to tourism, stating that the City of Blanding promoted the area long before Bears Ears National Monument was created, throughout the debate, and continues to promote the area.

“We never did stop inviting people to the area,” said Lyman. “Our position should be that we support broader based economy...and tourism can be a part of that.”



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Eva Workman, a Native American resident of Blanding, thanked the members of the council who seemed to have a “true grasp” on what the people involved in the BENM opposition have been doing and who they really are.

“We are good people, and we have kind hearts,” said Workman. “The fact that we oppose the monument doesn’t change the fact that we are welcoming people and we are kind to the people who are here.”

Workman also expressed concern about what the community will lose by embracing the national monument, asking, “[It’s a] slippery slope when you are willing to pull the rug out from families and people and livelihoods in order to make money.

“We are intelligent, not angry, but intelligent people who understand the Constitution, who understand the laws, and who understand that embracing two months of tourism a year is not going to fix a community who needs the other ten months a year for our students, for those who work at the mill, for our schools, and for all of the other aspects that make a strong, healthy community.

“How much money are we willing to rake in as pull the rug out from under our own neighbors?”

The council chose to take no action at this time in regards to the Bears Ears National Monument.

The BENM conflict has caused tension in San Juan County for some time now. Either way, the discussions about Bears Ears continue to be emotionally charged ones.

Toniece Lewis, who works with Ute Tribe, and sits in the meetings with the leaders from the five tribes who support the monument, spoke to the council.

“I see the goodness on both sides,” said Lewis, who added that she feels she is caught in the middle of a war. Lewis said she too believes that Mayor Balch’s recommendation is pre-mature, she mostly feels that there is a compromise somewhere.

Lewis added that what the tribal coalition wants and what the local residents of San Juan County want are much more similar than many may think. She urged people to be kind to one another, to talk, and to consider both sides.

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#### **7. BLM considers offering Utah's Recapture Canyon — rich in American Indian artifacts — for oil and gas leasing**

*The Salt Lake Tribune, July 5 | Brian Maffly*

Recapture Canyon is so rich in fragile Native American prehistory that it is closed to motorized use, yet the Bureau of Land Management is now proposing to lease the canyon east of Blanding for oil and gas development, along with other culturally important spots in Utah's San Juan County.

The land agency has initiated an environmental assessment of leasing 45 parcels covering 57,074 acres recently "nominated" by energy companies interested in tapping these areas for hydrocarbons. Under the Obama administration, the BLM would have "deferred" a leasing decision on most of these parcels, but President Donald Trump's strategy of American "energy dominance" requires federal land managers to ease impediments to drilling.

Historic preservationists are concerned that the proposed leases could usher in drilling near numerous known sites occupied by Ancestral Puebloans, who left a rich record of their lives in area canyons and mesas.

"This is the second example [recently] of how the Trump administration's push for oil and gas development is running roughshod over Utah's federal public lands," said Steve Bloch, legal director for the Southern Utah Wilderness Alliance. "First, Utah BLM announced its intent to sell oil and gas leases in Utah's amazing San Rafael Swell and right next to Dinosaur National Monument and now this."

Most of land proposed for leasing is east of the new Bears Ears National Monument. Under the BLM's 2008 resource management plan, this area is open to oil and gas leasing without many special stipulations protecting cultural resources. But that doesn't mean the agency will automatically allow drilling, officials said.

"The BLM is aware there are sensitive resources here and will be carefully reviewing each parcel, consulting with tribes and cultural resource experts, and reaching out to the public as part of our environmental review process and responsibilities under the National Historic Preservation Act," said Robin Naeve, fluid minerals chief for the BLM's Utah state office.

The environmental review launched last week will determine whether these nominated parcels are appropriate for leasing.

"As part of public scoping, people are invited to come forward with knowledge or concerns about these parcels, so they can be addressed. A robust analysis is key to making well-reasoned decisions about whether it is appropriate to lease these parcels," BLM spokeswoman Lisa Bryant added.



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The public has until July 27 to file comments that would be used to guide the environmental review.

This year's Canyon Country lease sale could be a replay of the 2015 sale, when the BLM proposed offering numerous parcels in the same archaeologically rich areas only to withdraw 36 of them after a public outcry. At the time, the agency said the "geographic area is known to possess [a] considerable degree of unique cultural resources."

Some parcels now proposed for sale cover the same areas around Montezuma Creek and Alkali Ridge, which feature the highest concentrations of archaeological sites in the nation. One covers Montezuma Canyon at the site of Three Kiva Pueblo, an accessible Anasazi ruin the BLM has restored and developed for public enjoyment.

Another proposed lease covers the site of a "great house," a massive sandstone masonry structure of great importance to a civilization centered around New Mexico's Chaco Canyon.

Josh Ewing, director of Friends of Cedar Mesa, believes this is the northernmost great house associated with Chacoan culture.

"This one would rival the largest buildings in San Juan County today," Ewing said. "It would have been the sort of thing people would have travel to from far away."

Locals are familiar with Recapture Canyon, long a sore point for ATV enthusiasts who would like to ride there. Three parcels eyed for leasing span this canyon, which became a flashpoint in the West's public land conflicts when protesters drove through three years ago.

San Juan County has unsuccessfully petitioned the BLM for years to grant a right-of-way along the perennial creek below Recapture Dam, which courses between scenic sandstone walls where cliff dwellings are still evident. The agency closed the canyon to motorized use in 2007 after discovering unauthorized trail construction had damaged numerous archaeological sites.

Impatient with what locals saw as BLM dithering, San Juan County Commissioner Phil Lyman organized the illegal ride to protest federal land management policies that complicate access and use of public lands, which comprise 92 percent of Utah's largest county. Lyman eventually was convicted of a misdemeanor and spent 10 days behind bars.

The proposed leases cover southern portions of the canyon, from Browns Canyon south to Perkins Road, which harbors Recapture's most vulnerable archaeological sites. The ATV protest ride passed through the northern portion and exited at Browns Canyon.



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According to Bryant, 19 parcels are inside the stalled San Juan master leasing area, a region proposed for a special planning district that would ensure energy development doesn't overwhelm other resources.

Under Obama, the requests for leasing would have been put off until that plan was complete. Ewing believes it would be best for both industry and conservation if BLM stuck to that policy.

"Otherwise they will have protests and lawsuits every time they do something," he said. "You will be more energy dominant if your energy development system is not tied up in the courts."

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#### 8. **BLM: Greens protest planned Utah lease sale in sage grouse habitat**

*The Salt Lake Tribune, July 5 | Scott Streater*

Environmental groups are challenging a planned oil and natural gas lease sale this fall in central Utah, claiming it would drive a struggling population of greater sage grouse toward extinction.

The formal [protest](#), sent this week to the Bureau of Land Management's Utah state office by a coalition of groups, targets the Sept. 14 lease sale involving nine parcels covering 14,943 acres.

Specifically, the Western Watersheds Project, Center for Biological Diversity and American Bird Conservancy are concerned about an isolated group of sage grouse — dubbed the Sheeprocks population — that BLM announced in February was suffering a "serious decline" in population (E&E News PM, Feb. 6).

The Wilderness Society and the National Audubon Society filed an earlier protest regarding four of the nine parcels, BLM said.

The deadline to file protests was Monday.

The grouse in Juab, Tooele and Utah counties have declined by 40 percent in the last four years, BLM said in February. That set off "monitoring triggers" mandating adaptive management measures called for in the sweeping federal sage grouse conservation plans finalized in 2015.

But Interior Secretary Ryan Zinke last month announced the department will review the grouse plans to determine in part whether they are hindering energy production on public lands (Greenwire, June 7). The plans, covering nearly 70 million acres of grouse habitat in 10 Western states, convinced the Fish and Wildlife Service not to list the bird for protection under the Endangered Species Act.



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BLM, which said in February that it would prioritize habitat restoration efforts in the Sheeprocks area, is planning to move forward with the lease sale, but no final decisions have been made.

Ryan Sutherland, a BLM spokesman in Utah, said the leases are being analyzed under the conditions set forth in the federal grouse plans, as well as the mandates of the National Environmental Policy Act (NEPA).

"It should be noted that the final Notice of Competitive Lease Sale has not been made, and that this is just the leasing stage," Sutherland said in an email to E&E News. "Additional NEPA will have to be conducted before any potential surface-disturbing activities can begin."

The grouse at issue are in the Sheeprock Mountain Sage-grouse Management Area, which was designated a "priority habitat management area" in the federal sage grouse plans.

"It's time for the BLM to walk its talk and take Sheeprocks sage-grouse habitat off the auction block," Kelly Fuller, energy campaign coordinator for Western Watersheds Project, said in a statement. "Science shows that oil and gas drilling results in fewer sage grouse."

A group of conservation groups in May warned in a letter to BLM's Fillmore Field Office not to lease parcels in the area out of concern for the grouse.

"The BLM is blowing off conservation science and federal law to allow short-term profits for oil companies," Michael Saul, a senior attorney with the Center for Biological Diversity, said in a statement.

Saul said drilling the grouse habitat "may wipe out this population of Utah sage grouse and signal the beginning of the end for this imperiled bird."

Counts last year of male birds at sage grouse breeding grounds in the area reported 19 males — a significant drop from counts of 122 males a decade ago.

BLM said in February that actions to protect and restore the Sheeprocks population would include making the area "a focal point for fire suppression." BLM also committed to work to minimize impacts contributing to the decline, including off-highway vehicles and other development, as well as pinyon-juniper encroachment into the sagebrush steppe the bird depends upon for survival.

BLM is also working with the state, academic researchers and other federal agencies to restore this population of grouse. Roughly half of the habitat occupied by grouse in Utah — about 5.4 million acres — is on federal land.





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In the protest, the groups say an environmental assessment of the parcels contains numerous "flaws," including failure to "ensure" the Sheeprocks population does not become extinct. Also, the protest contends that offering the parcels in priority grouse habitat "is inconsistent" with the federal conservation plans now under review.

"The greater sage grouse has been the subject of an enormous conservation effort to prevent the species from coming so close to extinction that it requires protection under the Endangered Species Act," Steve Holmer, vice president of policy for the American Bird Conservancy, said in a statement.

"Backward steps such as this drilling project in priority habitat," he added, "and the Department of the Interior's review of the grouse conservation plans raise grave doubts for the survival of this species."

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#### **9. PUBLIC LANDS: BLM to permanently ban rope swinging from iconic Utah arches**

*E & E News, July 5 | Scott Streater*

The Bureau of Land Management is permanently banning roped activities at two popular rock arches outside Moab, Utah, in an effort to better protect natural resources and public safety.

BLM will formally publish a final supplementary rule in tomorrow's Federal Register, and the rule will go into effect 30 days later, according to an advance [notice](#) in today's Register.

The rule is aimed at protecting resources and visitors at Corona Arch and Gemini Bridges — two of the most popular locations in BLM's Moab Field Office, with tens of thousands of visitors each year. Corona Arch is a partly freestanding arch with a massive 110-foot-by-110-foot opening, while Gemini Bridges is two large arches standing side by side.

BLM in 2015 announced a two-year ban on all roped activity at the sites after it "received many complaints" about thrill-seekers ruining the visitor experience at the sites by swinging and rappelling from the arches.

"The BLM finds merit in these complaints," the agency said in the advance notice in today's Federal Register.

"People setting up and using swings and rappels from the arches endanger both themselves and those viewing them from below," the notice says. "In addition, the rock arches may be damaged by ropes 'sawing' on the rock spans."



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The final rule follows a proposed supplementary rule BLM issued last fall banning certain roped activity (E&E News PM, Oct. 28, 2016).

The agency received 30 comment letters on the proposed rule during a 90-day public comment period last year; six comments opposed the rule.

"No changes to the final rule were made as a result of the comments received," according to today's advance notice.

BLM declined to comment on the final rule until it is formally published tomorrow.

The agency says in the advance notice that public support "for the final supplementary rule banning roped activities near Corona Arch and Gemini Bridges focused upon allowing hikers to enjoy the arches unfettered by swinging activities."

"Commenters in favor of the rule noted the temporary restriction had allowed them to once again enjoy these hikes; they favored making the temporary restriction permanent," it adds. "Commenters in favor also noted the vast majority of users of the arches (approximately 99.8 percent) visit the arches for their serenity and beauty."

The final supplementary rule bans "the use of ropes, cables, climbing aids, webbing, anchors, and similar devices" anywhere "in the vicinity of Corona Arch or Gemini Bridges," the notice says. Specifically, "zip-lining, high-lining, slacklining, traditional rock climbing, sport rock climbing, rappelling, and swinging" will be banned.

Violators of the ban could be subjected to fines and sent to jail for up to a year.

#### **Growing public danger**

BLM was forced to implement the temporary two-year ban in 2015 due to the growing popularity of swinging and rappelling on Corona Arch and Gemini Bridges (Greenwire, Jan. 7, 2015).

The popularity of such activities began to peak following the posting nearly five years ago of a YouTube video titled "World's Largest Rope Swing" by extreme sport videographer Devin Graham, which has garnered more than 27 million views.

It brought thrill-seekers into the Moab area to compete for access with the other annual outdoor visitors, including hikers, horseback riders, mountain bikers and off-highway vehicle users.



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BLM believes the daredevils are a small minority of the estimated 40,000 people who visit Corona Arch and 50,000 people who visit Gemini Bridges each year. But BLM says they have an outsized impact.

It proposed the ban in August 2014 amid rising complaints from hikers, sightseers and photographers, and at least one horrific death (Greenwire, Aug. 26, 2014).

In March 2012, a 22-year-old man from Utah died after measuring too much rope and swinging from the 140-foot Corona Arch. He slammed into the sandstone earth in front of roughly 70 people including children, BLM said.

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#### 10. **Couldn't drag him away: Local man trains wild mustangs**

*The Tremonton Leader, July 5 | Jeff DeMoss*

Roger Burnhope moves deftly around the ring, swishing a plastic bag attached to the end of a long crop around the feet of Ty.

Ty balks slightly at the intrusion on his personal space, dodging and dancing about, but not panicking.

“He’s making a lot of progress,” Burnhope says. “He’s a lot more calm about it than when I got him two months ago.”

Ty is one of thousands of wild horses rounded up each year by the federal government throughout the open range across the United States, part of a population that is growing fast and increasingly coming into conflict with cattle ranchers and development in general across the West.

Burnhope represents one of the more innovative and cost-effective solutions to this problem. For the past three years, he has been training wild mustangs on his property in Bothwell, preparing the animals for domesticated lives on ranches.

The Bureau of Land Management offers wild horses and burros that it removes from the range for adoption into private care. As a participant in the agency’s Trainer Incentive Program, Burnhope acts as a “middle man” between the BLM and the people who adopt the animals, training and equipping them with the basic preparations needed for them to adapt to domestic life.

His job is to get the horses “gentled,” which basically means they are willing to be fitted with a halter and led by a rope, allow their feet to be picked up (to be fitted with shoes), and are OK with being loaded into a trailer to be taken to their new homes.



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“We aim to show they’re good, usable horses,” he said. “When I pick them up, they’ve never been touched. But when I’m done with them, they can do what any other horse can do.”

A lifelong horseman who has been training them for 30 years, Burnhope’s interest in the TIP program was sparked by the Extreme Mustang Makeover, a contest held at several locations each year in which trainers are given 100 days to tame wild horses and show how far they’ve come in front of fans, judges and potential adopters.

“I saw an ad about (Extreme Mustang Makeover), and thought ‘maybe I’ll give this a try,’” he said. “I applied, and just fell in love with these mustangs.”

While he didn’t take the top prize at the most recent event in Reno, Nevada, Burnhope said he walked away feeling like a winner because the horse he trained was successfully adopted and is off to live on a ranch in California.

“We all help each other out,” he said of the trainers. “The main goal is to get the animals adopted.”

The Makeover contest is put on by the Mustang Heritage Foundation, a nonprofit group dedicated to facilitating successful adoptions for mustangs and burros rounded up on public lands across America. Those interested in adopting animals, becoming trainers or getting involved otherwise are encourage to visit the foundation’s website at [www.mustangheritagefoundation.org](http://www.mustangheritagefoundation.org).

Since 1971 , the BLM has adopted out more than 235,000 wild horses

and burros nationwide, and no group has played a bigger role in that than the Mustang Heritage Foundation. More than 7,500 mustangs have been adopted through the foundation’s events and programs since 2007. Potential adopters can attend an offsite adoption event, visit a BLM adoption facility, or participate in internet adoption events held periodically.

Burnhope gets a stipend from the BLM for the horses he trains, but he’s not getting rich off of it. Since he pays to feed the animals and the BLM stipend is fixed, the amount of money he makes from a given animal depends on how long it takes for it to become gentled.

“If I can turn them around quickly, I do OK,” he said. “If not, I don’t make much on them. Each one is different, and some take longer than others.”

He does it for the love of the animals, not the money, although he’s says the adoption program is a much more cost-effective solution for taxpayers than having the animals stay in government-run pens like the large Utah facility in Delta.



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“The cost to the taxpayers is outrageous,” he said. “This program definitely helps with reducing those costs.”

The adoption program is in constant need of expansion as the animals’ native range shrinks and their population continues to grow. The BLM’s roundup practices are controversial for many, but Burnhope said the effort is both necessary and urgent.

“Right now there are 65,000 horses on a range that can only sustain 27,000,” Burnhope said. “They either have to be rounded up or they’ll eat the ground down to nothing, and then they’ll starve.”

The Mustang Heritage Foundation gets federal money for a given number of horses each year based on how many animals it applies for, and demand continues to grow. There were 920 adoptions through the foundation in the fiscal year that ended last September, and funding for the 1,300 animals approved for the current year, which began last October, had already run out by the end of April, Burnhope said.

“We need donations to keep it going,” he said. “The demand just gets bigger and bigger.”

Burnhope’s plans going forward are to open a “storefront” that will allow him to take on more animals for training on his property. While trainers are typically allowed no more than four horses at a time, those who establish a storefront by upgrading their facilities to meet the requirements can take between 10 and 24 horses at a time directly from BLM holding facilities.

Once Burnhope has the storefront established, which he plans to do later this year, people will be able to come and adopt from him directly without jumping through the BLM hoops, since he will have already taken those steps. He will be authorized to vet each potential adopter to make sure every animal is going to a good home.

While it can be hard to say goodbye to the horses he has grown to know and love, Burnhope takes comfort knowing they are off to better lives than the fates they might have met living out their days pent up in a dusty government facility.

“I know at the end they’re gonna be going to somebody else, so I try not to get too attached,” he said, “but it’s hard not to, as good as they are. You build a bond with them.”

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#### E&E/NATIONAL NEWS – FULL STORY

##### 1. **BLM starts bid to revamp land-use planning, NEPA reviews**

*E & E News, July 5 | Scott Streater*

The Bureau of Land Management wants public input on its forthcoming revisions to land-use planning procedures and environmental reviews as part of an effort to replace an Obama-era rule Congress killed in the spring.

The request for comments comes a little more than three months after Interior Secretary Ryan Zinke, in an internal [memorandum](#) obtained by E&E News, directed BLM to "identify and implement" revisions to land-use planning and reviews required by the National Environmental Policy Act (E&E News PM, April 18).

In the memo to BLM acting Director Mike Nedd, Zinke directed the agency to begin the process for a possible new rulemaking that would "identify where redundancies and inefficient processes exist and should be eliminated, while ensuring that we fulfill our legal and resource stewardship responsibilities."

This week's request for comments is one of the first steps to replace the Planning 2.0 rule — repealed by Congress in March — that revised for the first time in three decades BLM's land-use planning process for managing the agency's 245 million acres.

President Trump signed into law the congressional resolution killing Planning 2.0 (E&E News PM, March 27).

Zinke wrote in his March memo that he had "heard many concerns" about Planning 2.0, as well as BLM's "planning and environmental analysis processes. These concerns must be addressed."

In a statement Monday announcing the 21-day public comment period running through July 24, Zinke said the "decisions made in land use plans and environmental reviews are fundamental to how public lands and resources are used for the benefit of all Americans."

The statement echoes GOP critics in Congress who said the Obama-era regulation left state and local input out of important land management decisions.



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"The Trump administration and the Department of the Interior are committed to working with state and local governments, communities, Indian tribes, and other stakeholders as true partners to determine the best ways to accomplish this, now and into the future," Zinke said in the statement.

Zinke in his March memo directed BLM to "take a hard look at all aspects of the planning process" and to submit a report to him by the end of September that provides "recommendations for any regulatory or legislative actions necessary to meet" a list of seven goals he outlined in the memo.

The goals include finding "better ways" to partner federal land-use planning efforts with "state planning efforts," seeking "opportunities to avoid delays caused by appeals and litigation" and developing a process to "right size" environmental review documents, "instead of defaulting to preparing an Environmental Impact Statement in circumstances when such a document is not absolutely needed," according to the memo.

Nedd said in the Monday press release that BLM is already working with state and local elected officials, including the Western Governors' Association and the National Association of Counties, to gather input on the next steps to revise land-use planning processes.

"We are doing this because Secretary Zinke and President Trump both strongly believe that public engagement, especially at the local level, is a critical component of federal land management," Nedd said in a statement. "We need and want input from our state and local partners as well as from the general public in this effort."

#### **Environmental concerns**

But conservation groups ripped BLM's regulatory review.

Green groups and other supporters had long argued that Planning 2.0 provided more opportunities for public comment and outlined a reasonable path forward for improving public lands management.

Greg Zimmerman, deputy director of the Denver-based Center for Western Priorities, said conducting the latest review in the name of increasing local input in the planning process is laughable.



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"Here's just another example of Secretary Zinke paying lip service to local input, while the Interior Department under his leadership has done more to erode community participation in public lands planning than any in recent memory," Zimmerman said.

Chris Saeger, executive director for Western Values Project, questioned why BLM began the public comment period Monday, the day before the Fourth of July.

"These leading questions reveal this exercise to be as much of a sham as the supposed review of national monuments" Zinke is currently conducting, Saeger said.

He added, "Secretary Zinke's latest dog and pony show is clearly intended to provide cover for more favors to the oil and gas industry that has bankrolled his and President Trump's political careers."

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## 2. NATIONAL PARKS: Zinke vows to 'downsize' middle management

*E & E News, July 5 | Brittany Patterson*

SHARPSBURG, Md. — Interior Secretary Ryan Zinke today reiterated that he intends to shift National Park Service management positions away from Washington and onto the "front line."

"I have about 70,000 wonderful employees, and as a former Navy SEAL commander, what I've seen is our parks on the front line are too short," Zinke told reporters after an event held at Antietam National Battlefield.

"And we need to shore up the front line. Let's make sure we give them the right authority, the right equipment and the right resources at the front line where it should be," he added.

"Downsize the middle and headquarters management, but push the resources and give them the authority like this park to make sure we preserve America's best."

His speech at Antietam focused in large part on protecting national parks. He visited the Civil War site to announce that President Trump's first-quarter salary after taxes of \$78,333.32 plus more than \$160,000 in matching dollars would be donated to the battlefield for maintenance projects (Greenwire, July 5). Located in western Maryland, the battlefield marks the single bloodiest day in American history.





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In addition, Interior today announced \$7.2 million in grants paid out of the Land and Water Conservation Fund for historic battlefield preservation across the American South and East.

"Behind us and around us is an example, and you go through our country, there are magnificent examples of how to do it right," said Zinke. "The battlefield Antietams, our Gettysburg, our Vicksburg are all examples of what you can do when you're a great nation and work together in public-private partnerships."

This payout of LWCF grants included for the first time money for the preservation of a battlefield used in the War of 1812. Zinke said the agency hopes to continue to partner with groups like the National Park Foundation to best leverage federal dollars.

"Overall, we're probably \$220 million behind in some of our preservation of our battlefields alone," he said. "Let's make sure we return the landscape to the degree when the two sides met."

Trump's salary and matching donations will pay for two maintenance backlog projects at Antietam. The exterior of the Newcomer House will be refurbished, and 5,000 feet of dilapidated wood fencing along the Hagerstown Turnpike will be replaced.

"We're very excited about this because this will put a dent in our deferred maintenance," said Antietam Superintendent Susan Trail.

Zinke also said boosting revenues is key to sending more resources to parks and battlefields. He has assembled a committee to review royalty revenues across the department.

The secretary reflected on the importance of America's 417 national parks, battlefields and other historic sites for their educational and economic value to local communities.

"I'm an advocate of recognizing history as it is," he said. "Don't rewrite history, understand it for what it is and teach our kids the importance of looking at our magnificent history as a country and why we are what we are."

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### 3. EPA: Methane ruling doesn't signal future court losses for Pruitt

*E & E News, July 5 | Niina Heikkinen*

Environmental groups welcomed a ruling from a federal appeals court this week overturning part of U.S. EPA's attempts to halt federal controls on methane emissions from the oil and gas industry.

The decision, they said, shows that the U.S. Court of Appeals of the District of Columbia Circuit is being "vigilant" about the agency following the law. Yet some questioned how much the case would predict the success of future legal challenges to Administrator Scott Pruitt's plans to roll back Obama-era environmental regulations.

Last month, EPA had placed a 90-day stay on the implementation of parts of a rule finalized under the Obama administration aimed at cutting methane emissions from new and modified sources in the oil and gas industry. On Monday, the D.C. Circuit tossed out EPA's delay, calling it "capricious" (Greenwire, June 3).

"This was a big ruling," said Adam Kron, senior attorney at the Environmental Integrity Project, one of the environmental groups that filed an emergency motion challenging the rule's delay. "The court decided to just throw out EPA's action. We asked the court to put a pause on EPA's stay or to summarily, as a matter of course, throw it out."

Kron suggested a large part of why the court rejected EPA's argument was because the agency claimed that it had inherent authority to issue a brief stay of the rule, even if the Clean Air Act did not give EPA that authority. Previously, the agency unsuccessfully argued that the rule should be stayed because the oil and gas industry did not have an adequate opportunity to comment on portions of the final rule.

The D.C. Circuit tends to give deference to federal agencies, so Pruitt had a lot of basis to expect the court would give EPA the benefit of the doubt in this case, Kron said.

The 2-1 decision by the panel of judges was the first of a number cases on environmental rollbacks attempted by the Trump administration, said David Doniger, senior attorney for Natural Resource Defense Council's climate and clean air program

"It's a good sign that the courts will be vigilant in enforcing the Administrative Procedure Act and the rule of law as Pruitt and Trump attempt to roll back these protections," he said.

"To me all this means this piety about following the rule of law is nonsense," Doniger added.



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While the ruling is heartening to those fighting against the Trump administration's regulatory rollbacks, this particular case doesn't significantly weaken Pruitt's ability to unwind other regulations. But it could be relevant to a narrower set of issues, like EPA's stay of a separate rule controlling methane emissions from landfills and another stay of a rule protecting against chemical accidents.

"Nothing here takes away Pruitt's authority to change the rules, provided the new rule is consistent with the law and the factual record to back it up and there were good reasons for the change," Doniger said. "We have always expected the courts to scrutinize the roll back rulemaking quite carefully."

What the court's decision does say is that if EPA invokes a 90 day stay, that stay is immediately reviewable by the court to see if it's legally justified or not, said Ethan Shenkman, partner at Arnold & Porter Kaye Scholer. Shenkman was previously deputy general counsel at EPA under President Obama.

"Any time there is a 2-1 decision there is always a possibility that a different panel could have come up with a different result. These are not necessarily easy questions of administrative law, they are pretty nuanced," he said.

Ann Weeks, senior counsel at the Clean Air Task Force, called the ruling "pretty case specific."

The decision that EPA did not meet statutory requirements did not necessarily have much bearing on how future court challenges to EPA's recent actions might turn out, she said.

"We're encouraged about this development and we hope the courts looking at this are as careful and as thoughtful about what the law says and what the administration is doing," Weeks said.

The legal battles over the methane rule for new and modified sources is not over yet. Last month, EPA also proposed staying the methane rule for an additional two years, as the agency reconsiders it.

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#### 4. **LAW: Enviros sue to stop Wyo. leases**

*E & E News, July 5 | Pamela King*

Environmental groups are calling on the courts to void sets of oil and gas leases issued in Wyoming and prohibit the Bureau of Land Management from making further leasing decisions before taking a hard look at climate impacts from drilling.

WildEarth Guardians and Physicians for Social Responsibility are challenging the issuance of 473 parcels distributed through 11 lease sales held between May 2015 and August 2016.



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"While these leasing decisions were made, and this case was filed, during the previous Presidential administration, we now find ourselves in a contrary political environment where the current administration has demonstrated open hostility to the fundamental principles and science of climate change," the groups wrote in their Friday motion for summary judgment.

"And while the current administration has taken measures through executive orders and political announcements to erode top-down federal policy regarding climate change, critically, these measures have not in any way altered the federal government's obligation under [the National Environmental Policy Act] to analyze the bottom-up environmental consequences of its decisions — including the true magnitude and scale of [greenhouse gas] pollution emanating from BLM-managed oil and gas resources."

The move to block the Wyoming leases is part of a broader legal strategy by green groups to force the Trump administration to more closely consider the climate impacts of oil and gas development on public lands (Energywire, June 13). Environmentalists are also targeting leases President Obama's BLM issued in Colorado and Utah.

Industry groups have called the legal challenges frivolous and warned they could derail major investments with the potential to generate income for federal, state and local governments.

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#### 5. **METHANE: Climate, poverty woes fuel BLM rule debate in N.M. gas patch**

*E & E News, July 5 | Pamela King*

GOVERNADOR, N.M. — Desert sand crunches beneath Don Schreiber's boots as he approaches a gas well on his sprawling ranch in the heart of the San Juan Basin.

The equipment is painted yellow and green to blend in with the scrub. But there's no hiding the odor of rotting eggs that wafts across the arid terrain

"Smell that?" Schreiber asks

Methane itself has no scent, but the gas is often emitted alongside chemical compounds like benzene and xylene that can be detected in the air by their pungent aromas. That persistent fragrance on his Devil's Spring Ranch lit a fire under Schreiber to get involved in the Obama administration's efforts to craft a rule to limit emissions of the potent greenhouse gas from energy production on federal lands.

After nearly three years of public input, the Interior Department published a final version of the regulation in November. Two months later, President Trump took office and announced a strategy to do away with



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many of the rules his predecessor had introduced during his last six months in office — simply by securing the support of a simple majority in both chambers of the Republican-controlled Congress.

Sporting his signature ten-gallon hat, Schreiber was a regular Capitol Hill fixture during lawmakers' battle to kill the rule under the Congressional Review Act (CRA) earlier this year. When Senate Republicans failed to garner enough votes to open debate on a resolution disapproving the regulation, Schreiber came home to congratulatory placards handwritten by his wife, Jane.

"Thank you, from all who breathe," says one sign that still hangs on a cabinet in the couple's kitchen.

It's now the afternoon of June 14. Schreiber has spent most of his morning on the phone after learning that the Bureau of Land Management has indefinitely suspended provisions of the rule he fought so long to get on the books (Greenwire, June 14)

With Interior now set to completely scrap and rewrite the BLM methane rule, Schreiber is preparing to resurrect his campaign to stop methane emissions that he says are harming his ranch and other public landscapes. But the path forward is unclear, he says.

"We get the three-year methane fight settled, and then the Trump administration knocks that out," Schreiber says. "We go back and fight — like death fight — for six months, beat the CRA, and today they suspend the rule. So I have no idea what the response is."

That northwest New Mexico is home to some of the methane rule's most prominent supporters — and opponents — is somewhat puzzling. The area is underlain by a formation rich in gas, not oil, which means one of the regulation's signature requirements — restrictions on the flaring of gas byproducts from liquids-producing wells — is largely inapplicable to operations in the San Juan Basin.

But it's what's above the Four Corners region that has captured the passion of the rule's proponents. A methane "hot spot," which scientists last year [attributed](#) — at least in part — to natural gas infrastructure in the basin, looms above the intersection of the Utah, Colorado, Arizona and New Mexico borders.

The drill sites on Schreiber's ranch represent just a small fraction of the 18,000 wells that fall under the jurisdiction of BLM's Farmington Field Office (FFO). The district contains more than 8,000 pump jacks and more than 9,000 wellhead compressors with potentially leaky seals, according to field office data. Virtually all the wells contain separators that could have faulty dump valves and pneumatic controllers that vent when the devices are activated.

A large chunk of that vast energy network has lain dormant in recent years. Pummeled by low natural gas prices, production in the basin has been falling steadily since 2008.



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The region puts out 601 billion cubic feet of gas per year, down 40 percent from 1 trillion cubic feet annually in 2006. At one point, northwest New Mexico's rig count dropped to zero.

"A lot of people around here had to move to find employment," said Victoria Barr, district manager for the FFO. "There were a lot of houses on the market. Housing prices became depressed. Several businesses closed in town."

That is now changing.

"Now we have six rigs operating, so things are starting to pick up again," Barr said.

#### **Economic impact**

In rural Farmington, the potential costs of implementing the original BLM methane rule caught the attention of those looking to dig the state out of its financial hole.

With one-third of the state's budget tied to an industry suffering from a supply glut and low commodity prices, New Mexico Gov. Susana Martinez (R) last month called a special legislative session to shore up funds. Unemployment has spiked to 6.6 percent, the second highest rate in the nation, behind Alaska, according to the Bureau of Labor Statistics.

Farmington's unemployment has at times surged to over 10 percent, BLS data show. During the gas boom, the city's joblessness rate dropped as low as 3 percent. The town's strong ties to energy are apparent — oil field services giants Halliburton Co., Weatherford International PLC and Baker Hughes Inc. all maintain Farmington storefronts.

At the end of the month, ConocoPhillips Co., the basin's largest operator and one of the region's top employers, will complete a \$3 billion sale of its assets in the region to Hilcorp Energy Co. It's not clear how many jobs will be shed in the process, but speculation runs rampant through the region.

"Because New Mexico is so dependent on oil and gas, the industry's health is of paramount interest to us," said Carla Sonntag, president and founder of the New Mexico Business Coalition, which she runs from her Albuquerque home in the company of her husband, Larry; her dog, Molly; and a growing support staff.



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During the CRA battle, Sonntag was a leading voice on the costs companies would bear if they were required to comply with the Obama administration's methane rule. She often quoted an estimate of up to \$50,000 per wellhead to meet the rule's requirements.

That would shut in many of New Mexico's marginal wells, Sonntag said. Provisions designed to exempt wells for which implementation would not be economically feasible did little to quell her concerns (Energywire, March 13).

"When a government forces solutions on a business, they're rarely the right solutions," she said. "When government sets standards and allows business or operators to find a way to meet them, that's when the ingenuity kicks in."

The economics of the methane rule are a complicated calculus. Disputes on the regulation's value stem from disagreements over what is known as the "social cost of methane," or the harm of failing to regulate a powerful contributor to climate change.

President Obama's BLM cited a 2010 Government Accountability Office estimate that taxpayers lose up to \$23 million annually from natural gas waste. Industry says that loss is more like \$3.68 million, after taking into account currently low prices.

BLM calculated an implementation cost of \$279 million per year, which it said could be an overestimate. Industry tabulated a \$1.26 billion price tag for the rule.

But BLM under the previous administration touted an annual net benefit of at least \$46 million, after taking into account at least \$209 million per year in benefits from curbing methane leakage into the atmosphere.

Including climate benefits in its tally took BLM beyond the scope of its powers, industry asserted.

Sonntag has questioned New Mexico's gas producers' true impact on the methane hot spot. She points to evidence that the Fruitland coalbed outcrop has been offgassing for the last century.

"Known gas seeps include the Carbon Junction area where the Animas River crosses the Fruitland Formation," a 1999 BLM [report](#) says. "At this location, methane and hydrogen sulfide seeps were commonly recognized as early as the 1930s."



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Since the 1920s, local residents have reported a "rotten egg" smell, which earned a section of the San Juan Basin's western rim the nickname "stink hill," according to the report.

Sonntag, who was born and bred in New Mexico, said she would back a methane rule written under the new administration's oversight. She is optimistic that Trump's energy-focused Interior will take into consideration the financial realities in her home state.

"New Mexico is just at the bottom of the barrel for everything," she said. "The poverty level here is very difficult for the families, and if we don't do something to preserve the integrity of the industry to produce in our state, I'm not sure how we're going to fund what it needs to fund."

#### **Regulatory environment**

From the perspective of FFO staff, companies in the San Juan Basin appeared ready to comply with the methane rule as it previously stood.

During a hearing to prepare for implementation of the rule, companies asked for due dates and clarification of the rule's requirements, said Donna Hummel, communications chief for BLM's New Mexico state office.

"It just seemed people appreciated that opportunity to hear each other and their questions, but also to have somebody saying, 'This is how we see this working,'" she said.

Before the Trump administration announced changes to the rule, the FFO was taking a flexible approach to implementation — so long as companies were fulfilling the spirit of the regulation, said Dave Mankiewicz, assistant manager of minerals for the field office.

"Companies know this rule is coming down, so they contact us to ask what they can do and what their time frame is," he said. "They ask what kind of equipment BLM will approve for leak detection and repair."

For example, Mankiewicz said, the office approved methane detection equipment ConocoPhillips purchased for about one-fifth the cost of \$100,000 infrared viewing equipment industry has said the rule would require





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"A rule is a rule, and obviously companies will comply with whatever components are in full force and effect," Hummel said. "But there's also a lot of progress being made in spite of pauses."

The most notable progress has come from ConocoPhillips, which has been identified as the largest methane emitter in the nation. In 2014, the company slashed its leakage by 23 percent from 2013, U.S. EPA data showed (Energywire, Jan. 7, 2016). It achieved that reduction by identifying more than 2,000 "high-bleed" pneumatic devices on its New Mexico wells and replacing nearly all of them.

"It's pretty widely accepted that they made some big strides there," said Schreiber, whose ranch is populated by ConocoPhillips wells. "And they changed operations in the field."

A webpage devoted to ConocoPhillips' methane work attributes the company's status as the top emitter to its position as one of the country's largest producers of natural gas, which is mainly composed of methane.

But a Center for American Progress [report](#) — linked to on ConocoPhillips' website — notes that although the company had the highest methane emissions from onshore oil and gas production in 2014, it was only the sixth-largest gas producer that year.

"That said, the company's 2014 performance is a significant improvement from 2013," CAP wrote. "Between 2013 and 2014, ConocoPhillips reduced its methane emissions from the onshore oil and gas production sector by 40 percent."

What becomes of that progress after ConocoPhillips sells its San Juan Basin wells to Hilcorp remains to be seen.

"My impression of Hilcorp is they are environmentally sensitive, but we don't know yet," Mankiewicz said.

Hilcorp said it is reviewing best practices for operations in the basin once its takeover is complete.

The company expects to "continue to operate the assets in a manner that is respectful of our neighbors and the environment," a Hilcorp spokesman wrote in an email.



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#### Open Space Pilot Project

Despite ConocoPhillips' progress on methane, Schreiber isn't ready to sing the company's praises.

"Conoco's still the biggest polluter," he says. "I think of it in terms of going outside and seeing a garden hose pouring water into the street. If you turn off the hose, you made a huge step in reducing your water waste, but your whole house is still leaking in different places — under the floor, the bathtub — or when you turn on the water, you get the wrong kind. ConocoPhillips has not gotten their overalls on and climbed under the house with a wrench and fixed the other stuff.

"They did the easy thing. They turned that garden hose off."

The Schreibers' fight on methane is rooted in a partnership they struck nearly a decade ago with ConocoPhillips and BLM to reduce the surface impacts of drilling on their ranch.

Through the Open Space Pilot Project (OSPP), Don and Jane got ConocoPhillips to "twin" some of its wells, or place more than one well on a pad. In doing so, the company reduces the number of roads that cut through the Schreibers' property and avoids unnecessary fragmentation to the habitat of wildlife that roams the land.

At one well site on the ranch, Don Schreiber points to a spiral of tire tracks — remnants of the truck traffic that appears intermittently to check up on production.

"These tracks pond water so that the water is then stuck or impounded on this location and unavailable for the natural landscape to use," he says. "You keep doing this, and then you're keeping water for 60 years, in some cases, from the natural landscape where it would have allowed the grass to grow.

"Improving the rangeland is really our job. Politics then sort of inserts itself."

But with staff turnover at ConocoPhillips and BLM, it's unclear where the OSPP stands. Schreiber says he currently has no contact with the company or with regulators.

The company said in correspondence with E&E News that it has not participated in the OSPP in several years.



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When ConocoPhillips transfers the wells on Devil's Spring Ranch to Hilcorp, Schreiber may need to broker a new deal to protect his land. It's uncertain whether BLM should play some role in that negotiation.

"Since I've been here, we really haven't worked on it," said Barr, who arrived at the FFO a little over two years ago.

A 2003 resource management plan for the Farmington area contains some of the same standards for development as the OSPP, such as twinning wells, she said. A division of the FFO also takes care of some of the pilot project's requirements, said natural resource specialist Jeff Tafoya.

"All the reclamation efforts, the water harvesting, the proper road construction — that's basically what our surface shop does every day for every project," he said.

For Schreiber, dwindling partnership and communication with BLM have only heightened his concerns that industry is gaining freer rein in the San Juan Basin.

"I will conjecture that BLM is loath to formally recognize OSPP out of fear that other landowners would seek those standards, bringing industry disfavor," he says.

Surveying his land, Schreiber tallies his defeats.

"While we get credited for a lot of success, most of what we got is failure on our part to get things changed," he says. "That tank needs to be raised. Those well locations need to be properly graded so as not to trap water. Roads need to be built to get people in safely.

"All those things we tried to get accomplished and failed. I think we have a lot more failures to our credit than we do successes."

Staying silent on methane won't be among those failures, Schreiber pledges.

He returns to Washington next week.

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