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Attached is the daily news report for March 9 13.

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DAILY NEWS REPORT - UTAH

UTAH – TOP STORIES – MARCH 9-13, 2017

1. Rob Bishop: Republicans seek 'paradigm shift' in federal land management

USA Today, March 9 | Bartholomew D Sullivan

WASHINGTON — Four days after Donald Trump took office, Utah Republican Rep. Jason Chaffetz introduced legislation to dispose of 3.3 million acres of federal land in 10 Western states. Nine days later, after public protests and irate phone calls from sportsmen and others, he withdrew the bill.

2. Park service, local governments decry oil and gas leasing near Zion

The Salt Lake Tribune, March 9 | Brian Maffly

Oil and gas leasing in Washington County could threaten water supplies and impair the values that make Zion National Park one of the crown jewels of the national park system, according to thousands of comments flooding the Bureau of Land Management.

3. Broad opposition to potential drilling near doorstep of Zion National Park

The Wilderness Society, March 9 | Press Release

The BLM's analysis failed to take into account key impacts.

With today's close of an official comment period, conservationists, park advocates, local governments and citizens near and far are firm in their opposition to a plan from the St. George field office of the Bureau of Land Management (BLM) to offer three oil and gas leases, two of which are less than two miles from Zion National Park in southwestern Utah. The comment period provided for public input on a proposed September lease sale of land parcels next to the rural residential gateway community of Virgin and dissected by the North Creek drainage – a perennial stream that flows into the Virgin River.

4. Lawmakers strike in fight against pollution, Bears Ears and public lands

The Deseret News, March 9 | Amy Joi O'Donoghue

SALT LAKE CITY — Utah Lawmakers broke into the state's piggy bank to come up with some significant money to fight air pollution, including giving tax breaks to refineries to produce cleaner fuel, divvying out money for air quality monitors, finding ways to pay for a hydrogen fuel plant and establishing a new air quality policy board.



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5. **Bears Ears National Monument, sacred to native tribes, faces a challenge to its status**

Religion News Service, March 10 | Lauren Markoe

WASHINGTON (RNS) At the end of his second term, then-President Obama gratified a coalition of Western Native Americans by creating Bears Ears National Monument in southeastern Utah, 1.35 million acres of high desert punctuated by dramatic rock formations.

6. **Prepping to gain control of thousands of acres of public land, Utah lawmakers create 'Department of Land Management'**

The Salt Lake Tribune, March 10 | Brian Maffly

Public land ranchers won't have to worry about their grazing fees skyrocketing or their allotments being sold to developers — if and when Utah gains title to millions of public acres from the U.S. government.

7. **With Mormon temple poised to open, Cedar City urged to tidy up the town**

The Salt Lake Tribune, March 10 | Bob Mims

Formal dedication of a new Mormon temple in Cedar City is still nine months away, but civic leaders already are calling for the southern Utah town to clean up its act.

8. **The passion of Penstemaniacs on Wild About Utah**

Utah Public Radio, March 10 | Shauna Leavitt

Penstemaniacs, the name affectionately given to members of the American Penstemon Society, will be gathering from all parts of the world to meet in Vernal, Utah, this June.

9. **Author, activist encourages action against policies that hurt our lands**

Albuquerque Journal, March 10 | Jackie Jadrnak / Journal North Reporter

SANTA FE, N.M. — Author and activist Terry Tempest Williams, “enthralled by doom” since the last presidential election, has been contemplating the degree and extent of action people should take when, as she believes is true now, “our public lands are under siege.”



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10. BLM-Utah proposes 20 parcels for oil and gas lease sales, protest period opens

The St George News, March 11 | Ric Wayman

ST. GEORGE — The Bureau of Land Management-Utah State Office has posted a proposed list of 20 parcels, administered through the Richfield Field Office, for an upcoming quarterly competitive oil and gas sale lease, to be conducted via the internet. The auction is tentatively scheduled for June 12.

11. Op-ed: Oil and gas leases at Zion doorstep put a jewel at risk

The Salt Lake Tribune, March 11 | Maggie Wilson

Zion National Park is a treasure — one of the top parks in the country with unique awe-inspiring views and world-class recreation activities. Since 1992, I have been proud to work as a professional guide and public land steward for multiple tour companies including my own, Magpie Cycling, in the Zion area, helping outdoor recreationists enjoy the park.

12. Parks4Kids in Canyonlands: Turning Young Utahns Into Career-Ready Outdoorists

Outdoor Industry Association, March 11 | Kristen Pope

Pulling on life jackets, 16 teenagers nervously surveyed the rumbling mass of water that coursed relentlessly through the red rock canyon near Moab, Utah. The sun was already hot, and it would soon be a scorching 100 degrees.

13. Over 40,000 comments received on Zion National Park oil, gas leasing proposal

The St George News, March 13 | Julie Applegate

ST. GEORGE – Zion National Park is weighing in on a proposal to lease land located near the park for oil and gas development. More than 40,000 comments have been submitted to the Bureau of Land Management on an initial environmental assessment.



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E&E/NATIONAL NEWS – TOP STORIES

1. **Op-Ed: If America's public lands were a business, the GOP would be bungling the balance sheet**

The Los Angeles Times, March 9 | Yvon Chouinard

American politicians have always been obsessed with running government “like a business.” They promise to make bureaucracies leaner and let the free market fix all our problems.

2. **Sheriff detective's business is well site crimes**

The Farmington Daily Times, March 9 | Leigh Black Irvin

FARMINGTON — Isolated oil and gas well sites can be enticing to criminals looking to loot valuable equipment, metal and product.

3. **Two convicted and two acquitted of conspiracy in Oregon occupation trial**

The Oregonian/OregonLive, March 10 | Maxine Bernstein

A federal jury Friday delivered a split verdict in the second Oregon standoff trial, finding two defendants guilty of conspiracy in the takeover of the Malheur National Wildlife Refuge but acquitting two others of the same charge.

4. **PUBLIC LANDS: BLM receives 40K comments on proposed leases near Zion NP**

E & E News, March 9 | Scott Streater

Conservation groups, local government and business leaders have flooded the Bureau of Land Management with more than 40,000 public comments mostly against a proposal to offer parcels for oil and gas leasing near Zion National Park.

5. **The Malheur Refuge trials are over, but the movement that led to them isn't**

High Country News, March 11 | Leah Sottile

For 41 bone-cold days in the winter of 2016, a group of armed men and women occupied the Malheur National Wildlife Refuge in southeastern Oregon.



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6. Two Views: A bright future for the environment

South Coast Today, March 13 | Megan Hansen and Landon Stevens

Whatever the size or scope of the Environmental Protection Agency following President Trump's proposed agency reforms, there are reasons to be hopeful about the future of the environment in the United States.

7. PUBLIC LANDS: Bipartisan bill would fully fund, permanently authorize LWCF

The Washington Post, March 12 | Damian Paletta

President Trump's budget proposal this week would shake the federal government to its core if enacted, culling back numerous programs and expediting a historic contraction of the federal workforce.

8. INTERIOR: Zinke cancels Mont. visits for Cabinet meeting

E & E News, March 13 | Corbin Hiar

Ryan Zinke's first visit to his home state of Montana as Interior secretary was cut short by President Trump.

9. DOE: Coal groups urge Trump to fund fossil-energy research

E & E News, March 13 | Christa Marshall

Coal advocates are pressing President Trump to "level the playing field" for fossil energy research amid rumors of Department of Energy budget cuts.

10. METHANE: Hearing shut-in well concerns, BLM rule backers ask why

E & E News, March 13 | Pamela King

For those in favor of keeping the Bureau of Land Management's rule to curb natural gas releases on public lands, claims that the regulation would shut in marginal wells are puzzling.



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11. **PUBLIC LANDS: Panel to examine ways to fight invasive species**

E & E News, March 13 | Corbin Hiar

The Senate Environment and Public Works Committee this week will discuss how to combat the scourge of invasive species.

12. **LAW: Right-leaning panel may decide fracking rule's fate**

E & E News, March 13 | Ellen M. Gilmer

A panel of mostly conservative-leaning judges is poised to consider the legality of the Obama administration's landmark rule for hydraulic fracturing on public and tribal lands.

13. **WHITE HOUSE: Trump orders agencies to assess their relevance**

E & E News, March 13 | Robin Bravender

President Trump wants agencies across government to prove their worth.

14. **FEDERAL AGENCIES: Committee to look at transparency proposals**

E & E News, March 13 | Kevin Bogardus

Lawmakers this week will examine measures that could shed more light on the inner workings of the federal government.

15. **EPA: Pruitt: Congress should decide if agency can regulate CO2**

E & E News, March 13 | Niina Heikkinen

Scott Pruitt wants Congress — not his own agency — to decide whether U.S. EPA has the power to regulate greenhouse gases.



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UTAH – FULL STORY

1. **Rob Bishop: Republicans seek 'paradigm shift' in federal land management**

USA Today, March 9 | Bartholomew D Sullivan

WASHINGTON — Four days after Donald Trump took office, Utah Republican Rep. Jason Chaffetz introduced legislation to dispose of 3.3 million acres of federal land in 10 Western states. Nine days later, after public protests and irate phone calls from sportsmen and others, he withdrew the bill.

Last week, Natural Resources Chairman Rob Bishop, another Utah Republican, wrote to colleagues, saying “it’s time for a paradigm shift in our nation’s approach to federal land management” and called for \$50 million to be set aside to facilitate conveyances of federal land to state, local and tribal governments.

Both proposals illustrate the radical shift in public land policy that has been a goal of Republicans for several years.

The 2016 Republican Party Platform pointed to 640 million acres of land owned or controlled by the federal government. “It is absurd to think that all that acreage must remain under the absentee ownership or management of official Washington,” the policy statement reads. “Congress shall immediately pass universal legislation providing for a timely and orderly mechanism requiring the federal government to convey certain federally controlled public lands to states.”

Overall public land policy — which includes resource extraction, wildfire policy, efforts to restore the timber industry and record-breaking declarations of national monument acreage by President Barack Obama — has been in flux for some time. But with one-party government in Washington, Republicans think the time is right to make significant changes.

The shift comes at a time when armed vigilantes — who took over an Oregon federal bird sanctuary for five weeks last year in a protest against federal management of public lands — threatening violence, were acquitted by a jury of their peers. Three of the defendants were sons of Cliven Bundy, who staged a similar armed standoff in 2014 in Nevada after refusing to pay the fees for grazing his cattle on federal lands.

On the first day of the new Congress, on a largely party-line vote, Republicans passed a rule that made it easier to transfer federal lands by treating such conveyances as cost free to the federal



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government even if they reduce federal revenue from mining, oil and gas drilling, grazing rights and other sources. Its author was Bishop, who said the rule change “democratizes our process by eliminating bureaucratic red tape.”

Without the rules change, members of Congress could have blocked land transfers by requiring proponents to show how the lost revenue would be covered by budget cuts or increased revenue from other sources under the pay-as-you-go rules in effect since 2010.

For millions of Americans and for groups like the Sierra Club, The Wilderness Society and Missoula, Mont.-based Backcountry Hunters and Anglers, the aggressive campaign to divest what they consider to be the national heritage for possible commercial development won’t happen without a fight.

And they may have an ally in the new Interior Department Secretary Ryan Zinke, the former Montana congressman who stepped down as a delegate to the GOP’s national convention in July after the platform language cited earlier was adopted.

However Zinke voted for the House rules changes that included the no-cost land transfers language.

So far, the movement to return federal lands to the states has been met with defiance by opponents.

Matt Keller, senior director of conservation with The Wilderness Society, said Bishop’s 13-page memo to the Budget Committee laying out a variety of policies he hopes it will adopt was buried in the budget process “hoping nobody would notice.”

“Make no mistake,” he said. “America is wide awake to these assaults and will not let a bully like Chairman Bishop use hard-earned taxpayer dollars to ensure oil, gas and mining industries can lay waste to the forests, parks and refuges that belong to us all.”

Back Country Hunters and Anglers CEO Land Tawney said his group planned to “rally the masses: hunters, anglers, kayakers, bikers, mountain bikers, campers. And we’ll do that through state rallies at the legislative level all across the West.”

The Sierra Club’s “Our Wild America” campaign says public lands should be held “as a ‘public trust’ for and by all Americans,” and helped organize a protest at the Montana state capital in



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Helena. The Sierra Club calls for further expansions of national monuments and protection of more wilderness areas.

Countering that vision, Bishop's memo to the Budget Committee says his committee will work with the Trump administration "to identify previously declared monuments that are suitable to be rescinded or diminished in size." He calls for the Bureau of Land Management to create a searchable database "of all lands that have been identified for disposal." Bishop said his committee "does not support acquiring additional lands until basic responsibilities are met on the 80 million acres managed by" the National Park Service or adding to the 193 million acres managed by the U.S. Forest Service.

Bishop notes that the park service's deferred maintenance backlog, now nearly \$12 billion, suggests misplaced "management priorities," rather than inadequate funding.

Then-Interior secretary Sally Jewell issued an order in January 2016 ending new coal leases on federal land until an environmental impact statement was completed which would look at coal's impact on climate change and "the social cost of carbon." Bishop has called for the Trump administration to revoke the moratorium on new leases and narrow the scope of the impact statement.

Congress appropriated a one-time cash infusion of \$622 million to help the Forest Service meet wildfire costs last year, a strategy Obama's director of Management and Budget, Shaun Donovan, called "a Band-Aid approach." The problem of "fire borrowing" that takes money from other Forest Service accounts to fight catastrophic wild fires has been debated for years. Bishop would make it federal policy to treat wildfires like any other natural disaster and let the service have access to the Federal Emergency Management Agency Disaster Relief Fund, avoiding fund transfers when its fire suppression budget is exceeded.

Eight days before leaving office, Obama added 48,000 acres to the Cascades-Siskiyou National Monument in Jackson and Klamath counties in Oregon and Siskiyou County in California to the delight of some environmentalists but angering others.

The expansion plan had drawn opposition in a region where federal land use issues led to the armed standoff in southeast Oregon's Malheur National Wildlife Refuge last year.

Siskiyou County Board of Supervisors chairman Michael N. Kobseff said the county was officially opposed to the expansion just as it had been to the original designation by Bill Clinton 16 years before because of its effect on wildfire-fighting and property rights.



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"It creates a more volatile environment with the government on your back doorstep," Kobseff added. "It's not a win for liberty."

Rep. Doug LaMalfa, R-Calif., who represents the area, said the expansion was a misuse of the Antiquities Act, the 1906 law signed by President Theodore Roosevelt that he used to protect the Grand Canyon, among other national treasures. LaMalfa said he would work to have the Cascades monument expansion rescinded.

Just weeks before he left office, Obama also created the 1.3 million-acre Bears Ears National Monument, long sought by a coalition of Native American tribes, in Bishop's home state of Utah. Bishop has been a critic of the Antiquities Act, which allows presidents to unilaterally designate protected land without input from Congress or local governments. Bishop had opposed Bears Ears. He is working on legislation that would require local consent before a monument could be established.

Bears Ears is in Chaffetz's district and he has asked Trump to rescind the designation. Along with his plan for selling off excess land, now withdrawn, Chaffetz also introduced a bill to get federal Forest Service and Bureau of Land Management rangers off federal lands and let local law enforcement patrol them. Its rationale is to minimize conflicts between federal agents and local residents like what happened at Malheur, he has said.

The bill Chaffetz withdrew would have authorized the sale at fair market value of BLM land identified in 1997 as excess and disposable. That includes 21,400 acres in Maricopa County, Ariz., worth an estimated \$12.6 million in 1997; 560 acres in Larimer County, Colo, estimated at \$224,000; and one acre of private timberland in Marion County, Oregon, worth \$1,000.

It also includes 55,889 acres with an estimated 1997 value of \$5.3 million in Chaffetz's district.

Land Tawney of the Backcountry Hunters says he still believes a democratic society is driven to act "by the people who show up," and he's convinced that large numbers don't support the proposed land give-aways.

"The response from hunters and angler's to Rep. Chaffetz's bill to dispose of 3 million acres of public lands was swift and unapologetic," he said by email this week. "In unprecedented fashion, he withdrew his bill within days of its introduction. Rep. Bishop should heed the call of American sportsmen and abandon his misguided legislation or he'll likewise experience the ire of public lands users, including those from his home district in Utah."



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2. **Park service, local governments decry oil and gas leasing near Zion**

The Salt Lake Tribune, March 9 | Brian Maffly

Oil and gas leasing in Washington County could threaten water supplies and impair the values that make Zion National Park one of the crown jewels of the national park system, according to thousands of comments flooding the Bureau of Land Management.

Opponents are urging the agency to reconsider its proposal to auction leases on the Kolob Terrace road just west of the park.

Its sister agency the National Park Service is asking the BLM to defer a leasing decision so the two can work with local authorities to address mineral management on the lands surrounding the park.

"Development of oil and gas operations may not be the most appropriate or best use of public lands at the gateway to Zion National Park," wrote Zion superintendent Jeff Bradybaugh in a March 7 memo to the BLM. The BLM's draft environmental assessment fails to gauge the impacts drilling and energy production would have on local economy or water, he noted.

That assessment "needs to examine the relative importance of recreation and tourism on the local economy and analyze the potential petroleum development impacts to community character, the quality of the visitor experience and the environment upon which tourism is based," Bradybaugh wrote.

Since 1999, when the BLM last updated its management plan for the St. George field office, park visitation has climbed 72 percent to 4.3 million, driving \$270 million in economic activity.

An extended comment period closes Thursday on BLM's draft assessment on three leases covering 4,730 acres. Some 40,000 have been submitted and the BLM has so far spent \$28,000 on studying proposed leases in Washington County, where no federal land has been under lease in nearly a decade despite a history of drilling in the region dating back a century.

The three parcels, along with nine others that BLM declined to offer, were "nominated" for leasing by St. George businessman Jeff Reber, who said his company Utah Exploration and Drilling LLC is not interested developing the land for its oil and gas, but for water.



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In an interview, Reber claimed to hold water rights around southern Utah with a partner, Castle Resources, a Texas firm that has acquired oil and gas leases on state trust parcels near the Virgin River.

However, a review of a water-rights database maintained by the Utah State Engineer's Office indicates neither company holds rights to any water in Utah. Reber does hold rights to a few acre-feet in Iron County.

Concern for water supplies has motivated the Washington County and the town of Springdale to oppose the BLM leasing proposal.

One of the leases on North Creek is immediately above a diversion on the Virgin River that provides 80 percent of the Washington County Water Conservancy District's drinking water, according to executive director Ron Thompson. The district has similar concerns for another lease farther west in the Ash Creek drainage. One parcel covers several new drinking water wells.

"If drilling is allowed, it has to protect those water resources before anything is authorized," Thompson said. "We have to have adequate assurances that it won't affect the water supply."

The Washington County Commission and the town council of Springdale have both passed resolutions opposing leases near Zion; Toquerville was expected to consider a similar measure Thursday evening.

Springdale's resolution calls on BLM to identify other areas in Washington County better suited for drilling and to exercise caution to minimize impacts. North Creek is not a good choice, the resolution says, since 170,000 Zion visitors use the Kolob road to access backcountry trailheads serving the park's northern highlands.

"Allowing oil and gas development along the scenic highways enjoyed by residents and visitor [sic] alike may detract from the scenic nature of the area and negatively impact the visitor experience," the Springdale resolution states.

The BLM's 99-page draft environmental assessment does not analyze impacts to water and other natural resources under the logic that leasing in and of itself does not disturb the ground.



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"However there is a possibility that exploration and development could occur in the future," its study says. Possible impacts on water resources should be analyzed in a separate environmental study "at the time of the proposed development," the BLM's assessment says.

Environmental groups challenged this position as an artful dodge, arguing these leases would enable development where currently there is none, other than a legacy of dry holes. And the Park Service memo concurred that the BLM should analyze industrial impacts prior to leasing, lest the agency lock itself into a certain course.

"Our experience," Bradybaugh wrote, "is that additional mitigations can be difficult to apply once a lease is issued."

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3. **Broad opposition to potential drilling near doorstep of Zion National Park**

The Wilderness Society, March 9 | Press Release

The BLM's analysis failed to take into account key impacts.

With today's close of an official comment period, conservationists, park advocates, local governments and citizens near and far are firm in their opposition to a plan from the St. George field office of the Bureau of Land Management (BLM) to offer three oil and gas leases, two of which are less than two miles from Zion National Park in southwestern Utah. The comment period provided for public input on a proposed September lease sale of land parcels next to the rural residential gateway community of Virgin and dissected by the North Creek drainage – a perennial stream that flows into the Virgin River.

"There are plenty of places where energy development could be appropriate in Utah, but the doorsteps of a prized national park and the banks of important waterways are not those places," said Nada Culver, senior director for agency policy at The Wilderness Society. "We have made it clear to the BLM that we will work to keep places that are Too Wild to Drill off the leasing block. There is a chance for the BLM to get this right and guide development to more appropriate places."

The comments submitted to the BLM, on behalf of The Wilderness Society, Southern Utah Wilderness Alliance, Sierra Club and the National Resources Defense Council, as well as those submitted by National Parks Conservation Association, made these recommendations:



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- The agency should defer all oil and gas leases from the St. George Field Office (SGFO) from the September 2017 sale until an amendment to the 1999 SGFO Resource Management Plan is completed, or at minimum, until a thorough analysis of impacts is included to support a decision. This is a common-sense approach that offers the best protection for Zion National Park, the connected landscape and southwestern Utah's economy.
- With 57% of the land bordering Zion National Park managed by the BLM, it is critical that the BLM work closely with the National Park Service as the agency makes management decisions on land in close proximity to the park, and take a hard and comprehensive look at potential impacts to the park's dark night skies, natural quiet, air quality, climate, scenic views, terrain, soils, vegetation and wildlife.
- The agency should consider an alternative plan that better addresses concerns for cultural resources and the wildlife that inhabit the region.

Concerns with the current plan include the fact that the nearly 20-year-old resource management plan, which allows these lands to be leased, is not consistent with more recent collaborative planning efforts to identify areas for appropriate energy development near sensitive landscapes, particularly national parks. The BLM's environmental assessment, which analyzes harm to other resources and if and how leasing should proceed, cannot make up for the out of date plan and is also ignoring important considerations. Further concerns include:

- The BLM's analysis fails to address the importance of travel and tourism for the economic sustainability of the park's gateway communities and analyze reasonably foreseeable impacts from oil and gas development on the quality of the recreation experience for visitors to Zion National Park. With a record 4.3 million visitors in 2016, Zion National Park is the most visited park in Utah and the sixth most visited park in the national park system, generating nearly \$270 million dollars in economic output and over 2,700 jobs in the area.
- The BLM's leasing analysis fails to consider an appropriate range of alternatives including an alternative that would eliminate impacts to wilderness caliber lands.
- The BLM's leasing decision does not analyze and disclose the climate change impacts of its decision to make these lands available for leasing, including the social cost to local communities from increased greenhouse gas emissions.

"The BLM is once again proposing to lease first and think later," said Landon Newell, staff attorney for the Southern Utah Wilderness Alliance. "The BLM is relying on a grossly outdated resource management plan that fails to account for the sight and sound of oil and gas development on Zion National Park, as well as impacts to watersheds, climate change and



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wilderness caliber lands. It should defer leasing these parcels until it takes these values into account.”

The proposed lease parcels also overlap lands identified by the BLM as possessing wilderness characteristics (including outstanding opportunities for solitude and recreation) and were proposed for Wilderness designation in America’s Red Rock Wilderness Act, H.R. 2430, S. 1375 (114th Congress). More than four million visitors make the trek to Zion National Park annually and the local economy and tourism industry rely on collaboration with the National Park Service to protect – not threaten – the world class resources visitors come to enjoy.

“The BLM’s Environmental Assessment missed the mark by failing to fully analyze impacts of oil and gas exploration and development on Zion’s air quality, dark night skies, natural quiet, water resources and overall visitor experience,” said Cory MacNulty, Utah Senior Program Manager for National Parks Conservation Association. “We agree with Zion National Park who, in its comments to the BLM, requested that these leases be deferred.”

Background

The two oil and gas lease parcels near Zion National Park, as well as a third parcel located adjacent to the Black Ridge Wilderness Area, are proposed for sale at BLM’s September 2017 competitive oil and gas lease sale (environmental assessment available [here](#)).

There are currently no producing wells in this region of Utah and the BLM is under no requirement to offer these parcels for lease. In addition, the oil and gas industry has roughly 2 million acres of BLM-managed lands in Utah already under lease that they have not developed. Despite the extensive leased lands, in 2016 the drilling of new oil and gas wells in Utah reached a 30-year low. There is clearly no need to offer these three leases for sale and put Zion National Park and the surrounding region at risk from mineral development.

The plan has also been strongly opposed by Washington County officials as well as the Town of Springdale, who passed resolutions and submitted their own letters to the agency.

Photographs taken from the lease parcels are available [here](#).

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4. **Lawmakers strike in fight against pollution, Bears Ears and public lands**

The Deseret News, March 9 | Amy Joi O'Donoghue

SALT LAKE CITY — Utah Lawmakers broke into the state's piggy bank to come up with some significant money to fight air pollution, including giving tax breaks to refineries to produce cleaner fuel, divvying out money for air quality monitors, finding ways to pay for a hydrogen fuel plant and establishing a new air quality policy board.

"As far as clean air, I think this is one of the most significant (sessions) we've had," Senate President Wayne Niederhauser, R-Sandy, said Thursday — the final day of the session.

Senate Majority Leader Wayne Okerlund, R-Monroe, said lawmakers know they need to double down on the pollution fight.

"We're responding to public pressure but also our recognition that we have this growing population, and we ought to do everything we can to clean up the air," he said.

Perhaps most significantly, the Legislature signed off on a measure by Senate Majority Whip Stuart Adams, R-Layton, to reduce the sales tax burden for refineries that begin producing the cleaner-burning Tier 3 fuel.

Proponents say accelerating the Wasatch Front's conversion to the cleaner fuel is the single most effective way to reduce air pollution, equating to taking four out of five cars off the road.

SB197 would reduce the sales tax burden on refineries by \$1.2 million in fiscal year 2018 and \$3 million the following year.

Lawmakers also agreed to spend \$2.5 million to help the Utah Transit Authority build a clean-fuels tech center to enable a full fleet conversion to compressed natural gas or electric battery vehicles, and funded another \$200,000 to continue research in the oil and gas fields of the Uinta Basin.

The Utah Division of Air Quality will get \$1.3 million in one-time money to replace aging monitors and another \$150,000 of ongoing money for monitors that will help it meet a federal requirement to begin tracking pollution in Iron County.



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The Legislature, however, failed to reinstate the tax credits for electric vehicles that expired at the end of 2016 and moved to phase out tax credits for solar rooftop panels over the next five years.

The \$2,000 tax credit for rooftop panels stays in place through 2017 and is reduced in \$400 increments. Proponents of the measure said the skyrocketing adoption of solar is making education dollars take a hit and if left unchecked would have a dramatic impact, ballooning to \$60 million in a few short years.

Corralling money for pollution was an effort that lasted late into the session and took negotiating, unlike the out-of-the-gate decisive stand the Legislature made on the Bears Ears and Grand Staircase-Escalante national monuments.

Both the House and the Senate passed resolutions against the monuments just a few weeks into the session, and the governor's signature promptly followed.

The anti-monument sentiment prompted Outdoor Retailer to announce it would not stage its lucrative trade shows in Salt Lake City beyond the contracted date of 2018 and would not entertain bids from the city in the future.

Utah lawmakers left the \$1 million socked away in the budget for the show untouched in hopes there is a change of heart.

Gov. Gary Herbert said his office is continuing talks with members of the outdoor recreation community, adding that many are unhappy with the show changing venues.

"I think there is an opportunity. I hope there is an opportunity," Herbert said. "We ought to be looking for the win-win. If not, we will end up with a lose-lose. We will lose the show, and (they) will lose the best location for the show that there is in America."

The Legislature also signed off on a new state transient room tax that will generate \$4.5 million to \$5 million a year to pay for outdoor recreation infrastructure projects such as building trails or putting in bridges. The program run by the Office of Outdoor Recreation also disperses grants for youth programs.

Okerlund said the hotel tax made sense because 80 percent of people staying in Utah hotels are enjoying the state's outdoor recreation amenities.



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Other spending priorities during this session included a \$700,000 appropriation for a water conservation rebate program, \$1 million for hunting and angling access on school trust lands, and \$2 million for a watershed restoration initiative to develop water on remote rangelands for wildlife and livestock.

The state also agreed to spend \$100,000 to continue its efforts of mapping the extensive network of canals.

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5. Bears Ears National Monument, sacred to native tribes, faces a challenge to its status

Religion News Service, March 10 | Lauren Markoe

WASHINGTON (RNS) At the end of his second term, then-President Obama gratified a coalition of Western Native Americans by creating Bears Ears National Monument in southeastern Utah, 1.35 million acres of high desert punctuated by dramatic rock formations.

Now a tribal coalition, which considers many sites within Bears Ears sacred, fears the Trump administration will take the unprecedented step of stripping a national monument of its designation, and leave their ancestral lands vulnerable.

“Our religion is very much tied to the land,” said Carleton Bowekaty, a Zuni tribe councilman and co-chair of Bears Ears Inter-Tribal Coalition. The group’s lobbying made the monument the first ever to be created at the behest of sovereign tribes.

“For many of my people our day starts with prayer, and it’s not just prayer for themselves or their family; it’s for the entire world and therefore for the Earth. ... If we don’t have a healthy land we won’t have a healthy people.”

In their fight to retain the monument — named for a particularly striking pair of buttes — the tribes enjoy the support of environmentalists, and religious environmentalists in particular.

Shantha Ready Alonso, executive director of Washington, D.C.-based Creation Justice Ministries, said Native Americans shouldn’t have to fight so hard for protections of their religious places.



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“As Christians, we never question ‘what if somebody might come and drill a hole in one of our cathedrals or claim domain over it or rip it down?’ We are confident that people would respect the history, the culture and the sacredness of a space like that,” she said.

“But these tribes, they’ve had to explain and prove time and time again that they’re worthy of protection. ... We need to stand with them.”

In recent weeks, hundreds of Mormons — invoking their own history at Bears Ears, their past persecutions and their responsibility to protect Native American religious rights — signed a petition asking congressional leaders and Interior Secretary Ryan Zinke to preserve Bears Ears as a monument.

“Our LDS faith guides us to respect the beliefs and religious practices of other cultures, especially those closest to us,” reads the petition, signed mostly by Mormons from Utah, where the Church of Jesus Christ of Latter-day Saints is headquartered.

But many Utah politicians counter that Bears Ears’ sacred sites can be protected without its national monument status. They call Obama’s designation in late December a “land grab” that robbed Utahans of control over a large swath of a state already rich in national parks and monuments.

Even as they work to overturn Obama’s action, they are mindful of the Native Americans’ religious claims to the land. Days after President Trump’s inauguration, the entire Utah congressional delegation issued a joint statement on Bears Ears that called for an executive action to rescind monument status. It began with an invocation of tribal rights.

“To them, Bears Ears is more than a recreation destination, it is sacred ground rich in cultural and historical significance,” the statement reads. “With its abundant natural resources — including wood to warm homes in the winter — many Native Americans depend on this land not only for spiritual nourishment, but also for their very survival.”

The Republican-dominated Utah state Legislature followed up with a resolution signed by Gov. Gary Herbert on Feb. 4, urging Trump to rescind Bears Ears.

Like their federal counterparts, Statehouse Republicans also take pains to acknowledge the tribes’ religious connections to Bears Ears.

“Nobody is saying that sacred burial grounds should be disturbed or you should put a McDonald’s drive-thru through them. That’s not the point,” said Utah state Sen. Todd Weiler, a



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Republican who represents counties near Salt Lake City. “The point is those other million-plus acres that aren’t sacred areas.”

And Weiler noted — as do many opponents of the monument — that some Native Americans also consider its creation federal overreach.

No one should expect unanimity among native people, said Natasha Hale, a Navajo who works at the Grand Canyon Trust conservation group and advocates for the Bears Ears Inter-Tribal Coalition. “But the overwhelming majority support the monument,” she said.

The five tribes in the Inter-Tribal Coalition — the Hopi, Navajo, Uintah and Ouray Ute, Ute Mountain Ute, and Zuni — don’t want to give up what monument status affords them.

Each of the five has a seat at the table on the commission that advises the federal managers of Bears Ears National Monument. The tribes had worked with Utah officials on a Public Lands Initiative that would have protected Bears Ears. But that state-centered endeavor never came to fruition, and offered them less of a role in the management of Bears Ears than monument status allows.

So they pushed for the monument and won.

“If you look historically at the interaction between Utah politicians and tribes, it’s not a great history,” said Hale. “I don’t think that they like that the tribes have had a political win over them.”

Environmentalists outside the tribes considered it a big win too: Monument status means more robust environmental protection of Bears Ears than the safeguards provided in the Utah Public Lands Initiative, which many conservationists considered woefully inadequate.

Utah Republicans such as U.S. Rep. Jason Chaffetz say the heart of the problem with Bears Ears lies with the Antiquities Act, a 111-year-old statute that allows the president to designate national parks and monuments, which can also be designated by Congress in a slower and more uncertain process.

No president should have such power to override local interests, its critics argue.

But the more pressing question for those on both sides of the Bears Ears debate is: Does a president have the power to undo a former president’s actions under the act? Can Trump reverse Obama?



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Some legal scholars point out that the Antiquities Act provides no such revocation mechanism, and hold that it would take a congressional vote to overturn a monument designation. Given national parks and monuments' general popularity with the public, garnering such support could prove difficult.

But even if Trump has the power to reverse Bears Ears with the stroke of a pen, it's not clear that he would.

Chaffetz told Utah reporters after meeting with Trump last month that Bears Ears was the first topic he raised. He said Trump was "sympathetic" but in "receiving mode" and offered no commitments on the subject.

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6. Prepping to gain control of thousands of acres of public land, Utah lawmakers create 'Department of Land Management'

The Salt Lake Tribune, March 10 | Brian Maffly

Public land ranchers won't have to worry about their grazing fees skyrocketing or their allotments being sold to developers — if and when Utah gains title to millions of public acres from the U.S. government.

Passed Thursday in the closing hours of the Utah Legislature, [HB407](#) would tinker with a statute enacted last year setting up a framework for managing public lands now under the control of the Bureau of Land Management, U.S. Forest Service and the Fish and Wildlife Service.

"It makes it so that public lands are managed in a way that they are more accessible to the public [and] stresses the importance of multiple use, specifically for grazing, hunting, fishing and trapping," Sen. Margaret Dayton, R-Orem, told colleagues Thursday.

Most critically, the bill would put a priority on exchanges for state trust sections over selling the lands.

"Utah is a public lands state and always will be a public lands state. It's important we get this in statute," sponsor Rep. Mike Noel, R-Kanab, said while pitching the bill in the House last month.

The provision aims to deflect "erroneous" criticism that Utah officials intend to privatize public lands if they gain control of them.



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Sales of land over 100 acres, Noel said, would require approval from two-thirds of state lawmakers, following extensive hearings. Any money raised would be placed in an account devoted to buying other public lands "valuable for hunting, for range and for other recreational opportunities," he said.

Land-transfer critics, however, believe Utah would have little choice but to limit public access and to sell unprofitable lands to finance the massive cost of administering all the deserts, forests, archaeological sites, mountains, canyons, mesas, river corridors, rangelands and other areas within the 31-million-acre inventory the state seeks.

An economic analysis completed by three Utah universities indicates oil and gas royalties and other public lands revenues, at least those not already consumed by county budgets, would not be sufficient to meet those obligations.

Instead of a division within the Department of Natural Resources to administer these lands, HB407 would establish a stand-alone Department of Land Management once 250,000 acres comes under state ownership or "management responsibility."

"There are so many existing rights out there, rights of way, oil and gas leases, livestock grazing, pipelines, communications sites. All those are under existing federal regulations and would have to be incorporated into any change in land status. That would be a major can of worms," Noel said. "We feel it needs to be departmental status."

The bill also would establish a system for setting grazing fees that considers rental charges for pasturing cattle on private land, beef prices and cost of production.

The legislation would peg the minimum grazing fee to the current federal rate of \$1.35 per "animal-unit month" and bar fee adjustments of more than 25 percent from the previous year.

In its original form, [HB407](#) would have created a nominating committee, with one representative from each of Utah's 29 counties, to select candidates for the job of running the new land agency.

The provision would have ensured rural counties would control who gets the job, but at the urging of Gov. Gary Herbert, Dayton removed it at the last minute. Picking a director will now be left up to the governor subject to Senate confirmation as is typical of cabinet-level positions.

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7. **With Mormon temple poised to open, Cedar City urged to tidy up the town**

The Salt Lake Tribune, March 10 | Bob Mims

Formal dedication of a new Mormon temple in Cedar City is still nine months away, but civic leaders already are calling for the southern Utah town to clean up its act.

In a letter released on social media and read to fellow council members Wednesday night, Cedar City Councilman Fred Rowley urged a communitywide effort to "make Cedar sparkle" in preparation for dedication ceremonies scheduled Dec. 10.

"Regardless of one's religious convictions, I believe that these events will have a profound positive impact on our community due to the publicity and financial infusion we will receive," he said. "Thousands of people from Utah and surrounding states will be coming to Cedar City to take a tour [of the temple]."

Along with their faith, visitors will be bringing money to spend in Cedar City's restaurants, motels and other businesses. Before the dedication, a public open house is set for Oct. 27 through Nov. 18.

Once dedicated, access to the temple will be restricted to faithful Mormons.

Rowley's letter was a comprehensive and inclusive appeal to community pride. First, he sought to enlist city government in repainting signs, light posts and other public fixtures along Main Street; to install temple-direction signs; and "to spruce up all city-owned properties."

The councilman also asked Iron County, the Utah Department of Transportation, schools, Southern Utah University, the Bureau of Land Management and U.S. Forest Service to pitch in by "cleaning up their properties and assisting others to clean up theirs."

Rowley's appeal included businesses and restaurants, urging them to repair their sidewalks, freshen their signs, and stay on top of groundskeeping tasks.

In addition to suggesting that civic, church and youth groups adopt community-beautification projects in the months ahead, the councilman said homeowners should clean up their yards, remove hulks of old cars and perhaps repaint fading exterior walls of their residences.

The new temple will serve members of The Church of Jesus Christ of Latter-day Saints in Iron, Beaver and Garfield counties in southwestern Utah and the Ely and Panaca areas of eastern Nevada. Currently, the nearest temple for those Mormons is in St. George.



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The Cedar City edifice will be the 17th LDS temple in Utah. The site for sacred Mormon rites is located on 21 acres on Leigh Hill, which rises 5,800 feet above sea level on the west side of the city just off Interstate 15.

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8. **The passion of Penstemaniacs on Wild About Utah**

Utah Public Radio, March 10 | Shauna Leavitt

Penstemaniacs, the name affectionately given to members of the American Penstemon Society, will be gathering from all parts of the world to meet in Vernal, Utah, this June.

While here, they'll be searching the Uinta Mountains for penstemons native to that area.

If you've ever hiked in the rugged, dry areas of Utah and come upon a vibrant flower with hues of red, purple, or blue, and wondered how such a beautiful plant could survive in such a desolate place - you may have found one of Utah's native penstemons.

Over 100 full species or sub-species of the plant are native to the beehive state. They thrive in hot conditions and require very little water.

According to Robert Fitts, Botany Researcher for Utah Division of Wildlife Resources, "Penstemons have adapted to very harsh places. Where other plants [couldn't] grow they have grown."

The common name for penstemon is beardtongue, due to the staminode that grows out of the center of the flower and looks like a hairy tongue.

In the spring, hikers can see beardtongue growing on mountain ledges, budding on desert floors, and rising from oil shale formations. Even people stuck in the city can see these native flowers blossom along urban roads since Utah Division of Transportation includes penstemon seeds in the mixtures used to restore vegetation along new and reconstructed roads.

Dr. Noel Holmgren, Senior Curator Emeritus at the New York Botanical Garden explains, "Although penstemon distribution [stretches from] southern Alaska to northern Guatemala; Utah is the Center of Diversity for penstemon. There are more species of penstemon in Utah than any other state in the Union."

To identify penstemon or beardtongue, ask these three questions while examining the plant: First, does the plant have opposite leaves growing out of the stem; second, is the flower a



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tubular shape, and finally, inside the flower are there four filaments surrounding one furry filament? If the answer is yes to all three of these questions, you have found and identified a penstemon.

With the increasing popularity of water-wise landscapes, many native penstemons can now be purchased in flower shops. You can have a little bit of native Utah growing right in your own back yard.

Firecracker and Wasatch are two popular penstemon choices. Both thrive in dry landscapes and require no fertilizer. Fertilizer actually shortens the life of penstemons.

The Firecracker blooms in mid spring and is cold hardy, it has a bright red tubular flower which hangs slightly downward – both these characteristics attract hummingbirds which can add entertainment to any backyard.

"If you've ever seen a hummingbird war where two or more hummingbirds fight over a plant it's fascinating sight."

The Wasatch Beardtongue has rich colored flowers with hues of purple, blue and lavender that bloom upward. It's a favorite for the bumblebee. If you come close to these flowering plants you can hear the low humming of the bees hard at work.

Some native penstemons are quite rare and found in very limited areas. Two of these are the Graham and White River penstemons, found only in the oil shale outcrops of the Uintah Mountains.

To help preserve these rare flowering plants, Utah's Department of Natural Resources, through the Division of Wildlife Resources, partnered with USU to use modeling as an aid to determine where the rare flowers grow.

By using survey data from the Utah Heritage Program, which tells where the rare plants have been found, the data is entered into the model and fine tuned so it can more accurately tell the researchers other locations where the rare plants may be.

Mindy Wheeler, the Rare Plant Conservation Coordinator from UDWR explains, "It's as if we become detectives." We gather the clues for the model, then go out into the areas where the model tells us the plants may be found.

Often when I come upon a rare penstemon, I'm so relieved and happy that I drop to my knees and with my hands in the dirt examine it closely.



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“Every piece of data we gather goes back into the model to refine it.”

Dr. Tom Edwards, Research Scientist with the U.S. Geological Survey, professor in the Department of Wildland Resources, and Principal investigator on the project, said - once we have the models and understand where the rare plants are, it allows management agencies to work with their stakeholders (who include tribal nations, energy groups and ranchers) to decrease the impacts they have on these rare plants.

Wheeler adds, “It’s been helpful to find...rare penstemons which are a conservation priority because it either helps with conservation actions or in a best case scenario finds enough plants so they no longer need as much protection.”

Utah residents who would like to add penstamon to their yards, can go to the Utah Native Plant Society’s website, to find the closest supplier in their area.

Edwards adds, "Penstemons bloom at different times of the year so if you plan carefully you can have vibrant rotating color in your gardens all summer long."

To become a Penstemaniac simply go to The American Penstemon Society website and join.

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9. **Author, activist encourages action against policies that hurt our lands**

Albuquerque Journal, March 10 | Jackie Jadrnak / Journal North Reporter

SANTA FE, N.M. — Author and activist Terry Tempest Williams, “enthralled by doom” since the last presidential election, has been contemplating the degree and extent of action people should take when, as she believes is true now, “our public lands are under siege.”

After all, as she told a sold-out crowd at the Lensic Performing Arts Center on Wednesday night, she knows the cost that can be paid for, not just speaking, but taking action against a system you oppose.

In February of last year, Williams and her husband joined a protest at a Bureau of Land Management auction of oil and gas drilling leases on public lands, setting themselves up as an “energy company” and eventually buying 10-year leases on two parcels of land, totalling 1,120 acres of land north of Arches National Park in Utah.

The “drilling” they planned on the site, she said, was for the spiritual energy and learning that could be received from contemplation of the natural beauty of the sites.



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Less than two weeks later, administrators at the University of Utah, where she founded the Environmental Humanities program and taught a class for a dozen years as an Annie Clark Tanner Fellow, presented her a contract renewal that would have required a phased-out early retirement. She negotiated a possible agreement, but then was told she no longer could take students on field trips out in the land she loved. That was a deal-breaker, and Williams walked away from that position.

Many have implied the two incidents were related, although Williams' letter of resignation notes that administrators have denied that the BLM lease purchases had anything to do with their contract negotiations with her.

Online news stories from Salt Lake City newspapers and the radio program Democracy Now have said that Williams' students and former students were involved in the BLM auction protest and served as board members of the board of directors of her company, Tempest Exploration.

Author of many books, including "Refuge" and "The Open Space of Democracy," Williams said in her Lannan Foundation-sponsored conversation with author Colum McCann at the Lensic that she used to ponder often when she was younger whether she was an artist or an activist.

But she doesn't think about that much any more, she said.

"I just knew what I loved," she said. "I think about how to be engaged with life, how to be of use."

That usefulness for her has been to speak about the importance of the land, about considering all species of life when making decisions about our futures. And she gave a shout-out to a couple of New Mexico lawmakers, saying she had a long conversation last week with U.S. Sen. Tom Udall, whom she had "never heard so eloquent" about the importance of citizens speaking out.

"What they most fear is our voice," she said of the current presidential administration and those who would reduce protections of public lands. She added that Udall has reported a 10-fold increase in telephone calls from the public coming to his office since the past election.

And she also said she has been a long-time friend of New Mexico state Rep. Nathan Small, D-Las Cruces, since he "jumped out from behind a bush" to speak to her when she was visiting The College of Wooster in Ohio years ago.

Her escorts at the college had warned her about an "obsessive and disturbing" man who might seek her out, but he immediately identified himself as a kindred spirit, she said, when he quoted Edward Abbey: "Sentiment without action is the ruin of the soul."



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So she watched him in action on the House floor earlier this week as part of her visit.

And Santa Fe's own Lannan Foundation "saved my life," she said. Asked by McCann to elaborate, Williams said back in 1993, she and husband Brooke were at a point where they had maybe \$1,000 to their names and she was frantically figuring she had to get a regular job.

Then she somewhat reluctantly returned a phone call from some entity she feared might be involved in telemarketing, and almost hung up when they put her on speaker phone. But when she was told the Lannan Foundation was giving her a \$50,000 grant, she was sobbing for joy, Williams said.

She also gave credit to a painting by Michael Namingha, showing a turquoise triangle intersecting an aerial photo of the Grand Canyon as lifting her from a paralysis of being unable to write, of being a "writer without words."

Action in what you believe can be beautiful and slow, she noted, as water carving out a canyon.

So how far should people go in taking action against policies they oppose?

Williams didn't give a direct answer, implying such answers must lie in each individual's heart.

"Let us be brave enough to feel it (the enthrallment of doom) deeply," she said, "then act."

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10. BLM-Utah proposes 20 parcels for oil and gas lease sales, protest period opens

The St George News, March 11 | Ric Wayman

ST. GEORGE — The Bureau of Land Management-Utah State Office has posted a proposed list of 20 parcels, administered through the Richfield Field Office, for an upcoming quarterly competitive oil and gas sale lease, to be conducted via the internet. The auction is tentatively scheduled for June 12.

A map showing the 20 parcels for sale, collectively encompassing approximately 23,733 acres in Garfield, Piute, Sevier and Sanpete counties, can be viewed in the map inset to this report.

Additional information about the parcels is included on the National Environmental Policy Act project page of the BLM's National NEPA Register for the June 2017 proposed sales online.



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Included are maps, the environmental assessment and unsigned Finding of No Significant Impact.

About the internet auction

The sale will be conducted utilizing the EnergyNet internet-based auction system. Additional details about the internet auction process are included in the Notice of Competitive Lease Sale documentation online.

Submitting protests

This proposal opens a 30 day protest period. Protests must be received before 4:30 p.m. on April 10.

Protests should be as specific as possible. Those which contain only opinions or preferences will not receive a formal response, but may be considered in the BLM decision-making process. Reference the "June 2017 Oil and Gas Lease Sale" when submitting protests.

Written protests may be mailed to:

Bureau of Land Management
440 West 200 South, Suite 500
Salt Lake City, UT 84101
Attn: Sheri Wysong

Alternatively, written protests may be faxed to the attention of Sheri Wysong at fax number 801-539-4237.

For information on how to file a timely protest, the BLM's notice refers to its June 2017 Notice of Competitive Lease Sale, which can be accessed online. Hard copies of the sale notice may also be obtained in person from the BLM-Utah State Office Public Room at the address listed above.

Before including an address, phone number, email address or other personal identifying information in any protests or comments, be aware that the entire submission — including personal identifying information — may be made publicly available at any time. Requests to withhold personal identifying information from public review can be submitted but the BLM can't guarantee that it will be able to do so.

For further information regarding the sale, contact Sheri Wysong at telephone 801-539-4067.

Persons who use a telecommunications device for the deaf may call the Federal Information Relay Service at telephone 800-877-8339 to leave a message or question for Wysong. The FIRS is available 24 hours a day, seven days a week. Replies are provided during normal business hours.



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11. **Op-ed: Oil and gas leases at Zion doorstep put a jewel at risk**

The Salt Lake Tribune, March 11 | Maggie Wilson

Zion National Park is a treasure — one of the top parks in the country with unique awe-inspiring views and world-class recreation activities. Since 1992, I have been proud to work as a professional guide and public land steward for multiple tour companies including my own, Magpie Cycling, in the Zion area, helping outdoor recreationists enjoy the park.

Businesses like mine that bring visitors to Zion and the adjacent public lands make up the fastest-growing tourist economy in the state of Utah. Local jobs in leisure and hospitality sectors near Zion have actually increased by nearly 30 percent in just the past few years. And visitors to the park and nearby trails bring in millions of dollars in revenue for our local economy each year.

But all of that is at risk. Zion National Park and our local jobs and small businesses are being threatened by a short-sighted and poorly planned lease proposal from the Bureau of Land Management. The BLM is offering oil and gas leases on the doorstep of Zion National Park — in an area less than a mile outside the park.

The BLM is responsible for managing the multiple uses of our public lands, which means striking a delicate balance between development and conservation. It's not always easy to serve the interests of local stakeholders, which include oil and gas companies, recreationists and outdoor recreation business owners. But when the lands local businesses like mine rely on are under threat, we need to make sure these places are safeguarded, not destroyed.

The BLM can and must protect Zion National Park by canceling this misguided proposal. It poses a grave threat to our communities' critical revenue. In 2015 alone, the park generated \$274.6 million in economic output and supported almost 3,000 jobs.

Many of our local officials and small businesses are concerned about the oil and gas lease sale and oppose it because they know what this means for our community. If these lease sales are finalized, our local tourism economy will face terrible repercussions, and one of our national treasures will be put in great danger. That's why we've seen tens of thousands of nearby residents make their voices heard and submit comments to BLM asking them to stop the lease sale.

Zion National Park has been protected for nearly 100 years, and it's a place I hold close to my heart. Millions of people visit the park each year, which makes it a centerpiece of Utah's outdoor recreation economy and a significant contributor to job creation in the state.



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The BLM cannot ignore how devastating the poorly planned lease proposal will be for visitors, businesses and communities across the state.

That's why I'm asking — alongside nearly 40,000 other Americans — the BLM to protect our public lands and cancel the oil and gas lease sale looming on the doorstep of one of our most beloved public places in Utah.

Maggie Wilson is the owner of Magpie Cycling.

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12. Parks4Kids in Canyonlands: Turning Young Utahns Into Career-Ready Outdoorists

Outdoor Industry Association, March 11 | Kristen Pope

Pulling on life jackets, 16 teenagers nervously surveyed the rumbling mass of water that coursed relentlessly through the red rock canyon near Moab, Utah. The sun was already hot, and it would soon be a scorching 100 degrees.

In a few minutes the teens—many of whom had never spent time on whitewater or among the desert canyons of their home state—would board rafts and set off down the Colorado River. That night they would sleep in tents on its banks, also a first for many who had never been camping. Hailing from several different high schools in Salt Lake City and Logan, Utah, as well as Preston, Idaho, the students were up for the challenges ahead. They were all here thanks to Latinos In Action (LIA), a 501(c)(3) serving high school students in several states and empowering Latino youth to be college and career ready through culture, service, leadership, and excellence in education.

For this trip, LIA had partnered with the Bureau of Land Management-Utah, U.S. Forest Service, O.A.R.S. river guides, the Outdoor Foundation, and other partners to put on this trip for the teens with the express mission of exposing them to the career opportunities in the outdoors. In the spring of 2016, Jeanette Shackelford, youth programs lead in BLM-Utah's Moab Field Office, submitted the project for funding support through OIA and Outdoor Foundation's Parks4Kids program. Three individual donors stepped up, and Outdoor Foundation completed the funding request. Just like that—and thanks to funding through the other partner organizations—the teens were off.

Navigating Class I and Class II rapids was intimidating at first, but the teens soon learned to relish the thrill of whitewater and embrace the refreshing splashes. On this trip, they would also



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explore paleontology, see real dinosaur tracks, and learn about careers in conservation and outdoor recreation.

Coming from urban communities, most of the students weren't used to living outdoors. The first night, guides helped the group navigate the unfamiliar maze of poles and rain flies to set up their tents, and they shared camp cooking techniques and other useful outdoor skills.

By the second night, the teens were ready to show off their new outdoorist proficiencies, assembling their own tents and cooking the camp meal that evening—no simple feat for kids used to cooking with modern amenities like running water and electricity.

"It was really exciting to watch group cohesion build," says Jennifer Jones, assistant field manager for recreation in BLM-Utah's Moab field office. "It was fun to watch them building new friendships, meeting people, sharing stories, making up games. It was really fun to experience the excitement through their eyes."

Jones notes that on the second day, when the kids stopped for lunch, she could "see how kids had completely transformed in literally 24 hours," shedding the first-day nerves and enjoying their time on the river, playing in the water, teasing each other like old friends, and working together.

They gathered around the campfire at night, talking with representatives from the BLM and the U.S. Forest Service, outdoor professionals, and even their own river guides to learn about ways to make a living while preserving, protecting, and helping people enjoy the outdoors. The adults shared their experiences and the paths they have taken to get them to their current careers in the outdoor realm.

"It opens the door of possibilities to them," Jones says. "It's exposing the youth to not only outdoor environmental career opportunities but discussing the reality that it's okay to experiment with many different things at this point in life, to hopefully have the opportunity to find what makes them tick, what makes them happy, and have an opportunity to feel good about what they do."

Beyond career opportunities, the program helped students realize that outdoor adventures are possible and something they can enjoy.

"A lot of these kids feel disenfranchised and don't have access—whether its transportation or [exposure]—to the outdoors," says Shackelford. "The concept that 'this is my big backyard' and 'how I can take care of it' is pretty eye opening for kids."

This stewardship component is an important element of the LIA program.



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“Especially with the outdoors, we are all stewards of our community, and service is one of the main pillars of the LIA program,” says Isabel Rojas, director of systems and operations for LIA. “I think for populations that are considered vulnerable or at risk, doing activities in the mountains such as skiing and rafting seem a little bit [inaccessible]. They don’t know how to navigate it, or it’s something perceived as expensive or something they don’t do. But giving them that exposure, they can say they’ve done it once—‘I’ve rafted the Colorado’—and that supports doing it again.”

“I learned that maybe I could come back some other time and camp with my family so they could come camping, too,” says Virginia Hernandez, a senior at Logan High School, who participated in the program. “They’ve never camped either. It was just me. That would be pretty fun if my whole family could come...hopefully, next summer.”

Learn more about [Parks4Kids](#) and donate to a project close to your home or heart.

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13. Over 40,000 comments received on Zion National Park oil, gas leasing proposal

The St George News, March 13 | Julie Applegate

ST. GEORGE – Zion National Park is weighing in on a proposal to lease land located near the park for oil and gas development. More than 40,000 comments have been submitted to the Bureau of Land Management on an initial environmental assessment.

Zion Park superintendent Jeff Bradybaugh is asking the BLM to defer a decision on two parcels pending further discussion of how to protect resources, visitor experience and community values on BLM lands surrounding the park.

Three parcels totaling 4,730 acres have been nominated for oil and gas leases in the county, two of which are within 1.5 miles of the border of Zion National Park and span Kolob Terrace Road, a popular access road to the central portions of the park.

The possibility of oil and gas development near the park and at the site of a future reservoir near Anderson Junction is raising concern among residents, environmental advocates and the Washington County Commission.

In a letter to BLM St. George Field Office Manager Brian Tritle dated March 7, Bradybaugh expressed concerns about the potential impacts of oil and gas operations.



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Park officials are concerned about impacts to scenery and visitors' experience along Kolob Terrace Road along with air quality, soundscapes and dark skies within the park.

"The drive up the Kolob Terrace Road is one of the most spectacular in Utah," Bradybaugh said in the letter.

"We are concerned that access roads, drilling pads, drill rigs and production facilities would detract from this scenic view, visitor auto touring and backcountry experience," he said.

Water quality and the safety of the protected Virgin spinedace in nearby North Creek, a tributary of the Virgin River are also of concern to park officials.

Before any leases are granted in the area, Bradybaugh wants discussion of whether the 1999 resource management plan for Washington County is still appropriate in 2017, especially relating to which areas are open for oil and gas leasing.

When the plan was developed 18 years ago, Washington County population was just over 90,000, and Zion Park had 2.4 million annual visitors. By 2015, there were 155,000 people in the county and park visitation had risen to 4.3 million, Bradybaugh said.

Nonlocal visitors to Zion are estimated to bring more than \$270 million and 2,700 jobs to the local economy, Bradybaugh said.

The increase in visitation and use has increased the value of the open space – oil and gas operations may no longer be the best use of public lands along the gateway to Zion National Park.

In addition, hydraulic fracking was relatively uncommon in 1999 when the resource plan was completed; fracking is not adequately addressed in the BLM's environmental assessment, Bradybaugh said.

"To clarify, we are requesting that these parcels be deferred from leasing consideration in order to work in cooperation with BLM, local communities and state and county governments to address the most appropriated management of mineral resources and applicable requirements in order to protect visitor experience and important resources and community values on BLM SGFO (St. George Field Office) lands surrounding Zion National Park," Bradybaugh said.

The comment period for the draft environmental assessment was extended from the original Feb. 10 deadline to March 9. The BLM received more than 40,000 comments on the matter, BLM Color Country District spokesman Christian Venhuizen said.



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“We appreciate the interest shown and the discussion it generated,” Venhuizen said.

The BLM is beginning the comment review process, which will help staff complete the environmental assessment and determine if the parcels will be offered at the lease sale.

All 40,000 comments will be read to identify relevant issues or new technical or scientific information, Venhuizen said.

“The BLM remains resolute to manage responsible oil and gas development on Utah’s public lands,” Venhuizen said.

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E&E/NATIONAL NEWS – FULL STORY

1. **Op-Ed: If America’s public lands were a business, the GOP would be bungling the balance sheet**

The Los Angeles Times, March 9 | Yvon Chouinard

American politicians have always been obsessed with running government “like a business.” They promise to make bureaucracies leaner and let the free market fix all our problems.

Well, if America’s public lands were a business, shareholders would be shocked by the gross negligence of some of their top executives.

Every American citizen owns stock in 640 million acres of federal public lands. We hire public servants to manage our precious assets for maximum return. For decades, we’ve taken these sizable holdings for granted, assuming they’re in good hands.

But we’ve let the fossil fuel industry into the boardroom. We’re allowing gas and mining companies to boss around our elected officials.

Rather than harness the power of public lands for maximum benefit, some politicians on the right — including Utah Gov. Gary Herbert, Maine Gov. Paul LePage and Sen. Lisa Murkowski (R-Alaska) — are trying to repeal laws that safeguard ecologically vulnerable landscapes. They’re working to roll back protections on some of our most special wild places, including Bears Ears National Monument in Utah, the Arctic National Wildlife Refuge and the Katahdin Woods and Waters National Monument in my home state of Maine. And they are pushing to transfer ownership of federal lands to states.



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They cloak all this in an argument for states' rights, but that's baloney. What right do the states have to assert control over land owned by every American citizen? Selling public lands has been item No. 1 on Big Oil's agenda for a long time. It's a theft of valuable property owned by all of us.

Public lands already get used for drilling and mining and grazing and other kinds of development, which makes good sense. But some places are simply too exceptional to put at risk. That's why both political parties have long placed trust in our federal agencies to make appropriate decisions about the best use for our lands. It's not a perfect system, but it works pretty well.

These agencies, such as the Bureau of Land Management and the National Park Service, take into account the input of citizens, along with scientific and economic data, to provide a wide range of benefits from public lands.

It's outrageous that politicians would take away this oversight. But just as bad, these supposedly business-minded politicians can't read a simple balance sheet.

America's public lands perform best when protected for recreation. In fact, the business of outdoor recreation, which relies heavily on public lands, supports more jobs (6.1 million) than oil, natural gas and mining combined. Americans spend more on outdoor recreation annually (\$646 billion) than on electronics, pharmaceuticals or automobiles.

Some argue that oil and gas jobs would multiply if more lands were opened for development, but in reality, those jobs are being replaced by robots. Because of automation, between a third and a half of the workers who lost their jobs after prices fell a few years ago still can't find work, even as prices and production surge again. Those jobs have largely moved on to new industries, such as renewable energy. (Would you believe it?)

You can't outsource the jobs of workers operating a roadside motel near a national park or automate the job of a local river guide in one of rural America's many wilderness gateway towns. Public lands power a sustainable, homegrown economy. From 2008 to 2011, during the height of the recession, the outdoor industry grew 5% every year.

Areas in the West with protected lands consistently enjoy better rates of employment and income growth compared to those with no protected lands, a recent study shows. In the 22 years since the Grand Staircase-Escalante in Utah was declared a national monument, jobs grew by 38% in two neighboring counties.



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Some lawmakers are acting far outside the interests of the public land owners they were elected to serve. In the corporate world, we'd show them the door immediately. Of course, that's not how our government actually works.

Some 91% of Westerners agree that national parks, forests, wildlife refuges and other federal lands are essential to their state's economic prosperity, but Americans who support protecting public lands are badly splintered. Hunters and anglers love and value our public lands, but the "hook and bullet" crowd scares off environmentalists and some businesspeople.

Environmentalists love and value our public lands, but hardcore activists scare off most businesspeople and some hunters and anglers. Businesspeople love and value our public lands, but lots of folks get skeptical when corporations are involved in advocacy.

We need to work together to protect our public lands. We all value access to wild places where our air, water and wildlife are safe from pollution and development. We all benefit from the enormous economy generated by the conservation of our lands. And we all hate getting ripped off by hucksters posing as smart businesspeople, threatening not just our economy but our American heritage as well.

Let's drop the discord, start acting like owners and demand that our elected representatives start delivering the value we deserve.

Yvon Chouinard is the founder of Patagonia.

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2. Sheriff detective's business is well site crimes

The Farmington Daily Times, March 9 | Leigh Black Irvin

FARMINGTON — Isolated oil and gas well sites can be enticing to criminals looking to loot valuable equipment, metal and product.

Although San Juan County Sheriff's Office patrol deputies are usually the first to come across well site crime scenes, responsibility for investigating these cases usually falls on the desk of Detective Mike Sindelar with the Sheriff's Office Rural Crimes Unit.

"The Rural Crimes Initiative started in 2006 because the industry had been suffering losses for decades," he said. "The Bureau of Land Management and those in the (oil and gas) industry came together to determine what program they could create that would address the problems."



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Sindelar said the Rural Crimes Initiative borrowed its framework from a Wise County, Texas, program called "Wise Eyes," which encourages cooperation among agencies and the public to help detect, report and solve such crimes.

In the Rural Crimes Unit's first year of operation, Sindelar said, more than 500 oilfield crime cases were documented.

"As we began working cases, though, we started noticing that the same 25 to 30 people in the county were responsible for 95 percent of the crimes," he said. "Most of them had either worked in the oilfield or were still employed in the oilfield. As we began arresting these individuals, we saw the cases start to come down."

For the past five years, Sindelar said, the Sheriff's Office has averaged about 175 cases of well site crimes per year, a decrease he mostly attributes to getting the repeat offenders out of circulation.

The most common crime on well sites, Sindelar said, is larceny, or theft.

"We get vandalism as well, which I can't understand because there's no profit in that," he said. "The vandalism is usually from kids partying out near a well site."

Sindelar meets regularly with other officials and law enforcement officers including those from the BLM — as well as employees from private industry — to exchange information and compare crime trends.

To patrol well sites and conduct investigations, which are often located on rough or muddy roads, the Rural Crimes Unit utilizes a small fleet of off-road vehicles that were donated by oil and gas industry partners. The vehicles are also used to patrol other remote areas such as the north side of Navajo Lake, which has seen a dramatic decrease in crime since the patrols started, said Sindelar.

"It's a huge contribution," he said. "No government money went into the fleet, and the private companies continue to fund upgrades and maintenance for the vehicles. We also use them to assist other agencies with cases like body recoveries."

Sindelar said that up until about 10 years ago, most of the well site thefts involved stealing the well's flow meter, which were used to track the oil or gas well's production.



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"They would sell them to salvage yards, but now the well sites are fully automated and the well data is sent directly to a central collection site," he said.

Currently, Sindelar said, the most common well site theft involves the well's batteries, followed by thefts of solar panels and drip condensate of product stolen off of trucks and tanks. Equipment that is stored in laydown yards can also be an attractive target for thieves.

Oil and gas companies are also doing their part to stay ahead of the thefts, Sindelar said, by placing video surveillance on the sites and marking equipment to make it difficult for thieves to re-sell it.

Sindelar said the amount of return that thieves get from the thefts — if they are successful at unloading it — is marginal.

"What they're getting versus what they're risking is just not that much, and the damage that they do can be a huge financial hit for small oil and gas companies," he said.

Depending on the value of materials stolen, well site theft can be elevated to the level of a felony. There has been some success getting stricter laws passed for crimes such as these, Sindelar said.

"Last year, they added lead to the list of regulated materials because of all of the battery theft," he said. "There are no more lead smelters, so all lead in the country is either from recycling or it has to be imported, so any lead that turns up (at salvage yards) has to be reported. There was also a law passed prohibiting the purchase of altered copper wire. For the most part, salvage yards have been a real asset as far as calling in and reporting (suspected stolen material)," he said.

Like most crimes in the county, drug use and abuse is usually behind well site crimes, said Sindelar.

"Ninety-nine cents of every dollar stolen goes to buy methamphetamine," he said. "That's the really sad part. It's not going to buy food, and it's not going to pay for Junior to go through college. It's all driven by drugs, so I also talk a lot with Region II (Narcotics Task Force)."

Oil and gas companies are also doing their part to stay ahead of crime trends and make well site theft less attractive for criminals, said Sindelar.

"Companies are taking an active interest in this because it impacts them, too," he said. "They contract with the battery manufacturers and stamp them with a notice, and they also use hidden



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holographs and particular colors associated with the company to make the equipment easily identifiable to salvage operators."

Sindelar said that because the 25,000-plus oil and gas wells in the county are spread out over thousands of miles, it's difficult for patrol officers to keep a handle on each well site. For this reason, his office depends greatly on other eyes and ears within the community.

"I do safety meetings to tell people what to look for so they'll know when to notify us. I also teach deputies how to process an oil and gas field crime scene since they're usually the first to come across a crime," he said, adding that useful information is also available on the Sheriff's Office Facebook page.

"Reporting is so important," he said. "The biggest thing is getting more eyes and ears out here so we'll have a higher ability to catch someone."

Sindelar knows that if and when the oil and gas industry picks up — as many are hoping will happen — so will his business.

"The amount of crime is directly proportional to the level of activity in the oil field," he said. "But we'd be happy if (the oil and gas industry) came back, for the sake of the community."

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3. **Two convicted and two acquitted of conspiracy in Oregon occupation trial**

The Oregonian/OregonLive, March 10 | Maxine Bernstein

A federal jury Friday delivered a split verdict in the second Oregon standoff trial, finding two defendants guilty of conspiracy in the takeover of the Malheur National Wildlife Refuge but acquitting two others of the same charge.

The jury found Jason Patrick, described by prosecutors as one of the organizers of the armed occupation, and Darryl Thorn, who worked on security details, guilty of conspiring to prevent federal workers from doing their jobs at the refuge through intimidation, threat or force. The other two men on trial, Duane Ehmer and Jake Ryan, were found not guilty.

The jury, though, found both Ehmer and Ryan guilty of willfully damaging the refuge, or depredation of government property, by using a refuge excavator to dig two deep trenches early on the morning of Jan. 27, 2016.



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The jury also found Thorn guilty of possessing a firearm in a federal facility, but acquitted Patrick and Ryan of the same charge.

The seven women and five men deliberated for 2 1/2 days before returning their verdicts in U.S. District Court in Portland.

Their decision follows the October acquittals of Ammon Bundy and six co-defendants on the same conspiracy and weapons charges following a five-week trial in the 41-day refuge occupation last winter. Bundy, his older brother Ryan Bundy were considered among the leaders of the occupation.

Patrick, who said it's turkey hunting season where he lives in Georgia, made turkey calls in the courtroom before the judge or jury entered, prompting a deputy U.S. marshal to tell him to cut it out. "So, who's getting Tased?" blurted out Matthew Schindler, a defense lawyer from the first trial who sat in the back of the courtroom to hear the verdict, referencing the bizarre ending to last fall's trial when Ammon Bundy's lawyer was taken into custody and stunned with a Taser.

U.S. District Judge Anna J. Brown ordered defendants, their lawyers and spectators not to react when the verdicts came in - "not audibly, not in behavior, no reaction," or they'd be removed from the courtroom.

The prosecution sharpened its case this time, zeroing in on how the actions of the men on trial revealed their intent to intimidate federal workers and explaining that jurors didn't need to see a formal written or verbal agreement to find a conspiracy.

But the irony that the government snared some of the more minor players vs. the occupation instigators wasn't lost on legal observers.

"Just about everybody would agree if you look at this from the perspective of overall justice, it's kind of hard to square an acquittal in the first case and convictions in this second case," said Kevin Sali, a Portland-area criminal defense lawyer not tied to the case.

"There is baked into our justice system a lot of imperfection and unpredictability. It's an unfortunate but accepted fact that it doesn't always produce results that are correct or just or fair."

Trials are "inherently unpredictable," Sali said.



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In front of the federal courthouse, Ehmer said he was disappointed that "now I'm a felon," but was looking forward to returning to Irrigon in eastern Oregon in the interim before sentencing.

"I'm headed home to go ride my pony for a couple months and then I'm going to take my mom fishing. That's about it," he said. Ehmer was a common sight at the refuge, riding his horse "Hellboy" and hoisting the American flag there.

Billy J. Williams, U.S. attorney for Oregon, and Loren Cannon, special agent in charge of the FBI in Oregon, both praised the verdicts.

The defendants' "efforts to sow discord here in Oregon among residents, business owners, community leaders, and law enforcement personnel have failed," Williams said in a statement. "Our communities and state are stronger because of our joint effort to bring these individuals to justice and we as Oregonians can now begin to move past these unfortunate events."

Cannon said: "The U.S. Constitution gives all of us freedoms, but it also comes with the responsibility to respect the laws of this nation. We don't live in a perfect world, but we do live in a great country. I encourage those who want to make it even better to act in peaceful and lawful ways to inspire lasting, positive change."

Keiran Suckling, executive director of the Center for Biological Diversity, said in a statement that the verdicts "bring a measure of justice to the dangerous thugs who used violence, threats and guns to seize public lands that belong to the birthright of all Americans."

The outcome followed a 10-day trial before U.S. District Judge Anna J. Brown.

Prosecutors described the case as a simple one: The defendants took over someone else's workplace and made it their own. Their posting of armed guards at the refuge gates and watchtower, the creation of security squads and the visible presence of guns on the property intimidated U.S. Fish & Wildlife Service or U.S. Bureau of Land Management employees from doing their jobs.

"It's a place of work. It is not a campsite. It's not a rental property," Assistant U.S. Attorney Ethan Knight told jurors in his closing argument.

Defense lawyers countered that prosecutors failed to present any evidence that revealed an intent by the four defendants on trial to stop federal employees from coming to work. Instead, the four men went to the refuge, they said, to protest the unjust prosecution and resentencing of Harney



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County ranchers Dwight Hammond Jr. and Steven Hammond. The father-and-son ranchers returned to federal prison on Jan. 4, 2016, to serve out five-year mandatory minimum sentences for setting fire to public land.

The defense team also argued that refuge manager Chad Karges ordered his employees not to go to work, but they remained paid throughout the course of the occupation.

In this second trial, prosecutors took pains to get out in front of questions that the defense in the first trial successfully raised about their use of FBI informants, the FBI's "wait-and-see" engagement approach with the occupiers and the free comings-and-goings of Bundy and his followers during most of the seizure.

For the first time, the government called fellow occupier Blaine Cooper, who last summer pleaded guilty to conspiracy in the case, to testify against his co-defendants. Cooper said Ammon Bundy first presented his idea to take over the refuge in the dining room of a Burns home on Dec. 29, 2015, and said one of the defendants in this case, Jason Patrick, was among those present.

The government also played for jurors part of a Jan. 9, 2016, Oregon Public Broadcasting interview with Ryan Bundy as he explained why he and supporters took over the refuge: "From this facility right here is where the charges came from to destroy the Hammonds, to throw the Hammonds in prison. It has taken more than a hundred ranchers out to make this place. It is destroying the lives and liberties and properties, property rights anyway, for those around. It's being facilitated from this office. So by being here, it puts a stop to that."

And prosecutors highlighted a Jan. 21, 2016 statement by Ammon Bundy to an FBI agent, in which he referred specifically to keeping out federal agencies: During that call, Bundy said he and supporters could not leave the refuge. If they did, Bundy continued, "Those people who are doing this will go right back into the refuge, the BLM, U.S. Fish & Wildlife Service and put the chains right back onto the people."

Unlike the first trial, prosecutors also recalled two refuge employees to the stand during a brief rebuttal, questioning them about the fears they had just before and during the takeover. The judge earlier indicated that the government could have done that during the first trial, but didn't.

Ammon Bundy, awaiting federal prosecution in Nevada in the 2014 standoff near his father's ranch there, was transferred to Portland to testify for the defendants in this trial. Unlike the three days on the witness stand last fall, Bundy spent several hours testifying on one day in this trial.



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While he acknowledged sharing his idea of taking over the refuge with others at the Dec. 29, 2015, meeting, he said the group didn't agree on a plan or work out any details.

Another defense witness, Pacific Patriots Network founding member B.J. Soper of Springfield, echoed Bundy's testimony that those at the meeting came up with no concrete plan.

Patrick, 43, of Bonaire, Georgia; Ehmer, 46, of Irrigon, Oregon; Thorn, 32, of Marysville, Washington; and Ryan, 28, of Plains, Montana also face misdemeanor charges, including trespassing. U.S. District Judge Anna J. Brown is expected to issue her verdicts in writing later.

In all, 26 people involved in the occupation were indicted on the felony conspiracy charge. A federal jury on Oct. 27 acquitted Ammon Bundy, Ryan Bundy, Shawna Cox and four others. Eleven others have pleaded guilty to the charge, though several asked to withdraw their pleas. The government dropped charges against another defendant, independent broadcaster Pete Santilli.

Thorn, who was offered a deal by the government seeking his plea to a misdemeanor trespass charge and a sentence of probation with all other charges dismissed, backed out of the deal just before the trial began.

As he awaited a verdict in this case, he said he felt he needed to stand in the courtroom with his co-defendants, citing the words of occupation spokesman Robert "LaVoy" Finicum, who before his death had said "it matters how you stand."

State police fatally shot Finicum after he sped away from a police stop on Jan. 26, 2016, and then emerged from his truck after crashing into a snowbank. Police said they shot him after he reached at least twice into his jacket, where he had a loaded 9mm handgun.

Thorn said he has faith in God, and will learn either way the verdict falls.

Before the verdict, Ehmer called his family to give them updates. "Just waiting ... to find out if I'm going to prison," he said, during a phone call from the courthouse late Wednesday afternoon. "I don't believe they proved their case at all," he said.

When he got off the phone, Ehmer told The Oregonian/OregonLive, "I'm worried. You can't help but worry."



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With the potential of facing a felony conviction and prison time, Ehmer said, "I spent 10 years in the army. I think that's enough time for anybody."

Prosecutors later Friday said they made some strategic changes in the second trial in presenting evidence, including drawing testimony from refuge employees about their fears during the occupation.

"In our system, juries can reach different conclusions," said Assistant U.S. Attorney Ethan Knight. "That's why we were focused on the defendants, the facts and the law."

Asked why they decided not to drop the conspiracy charges against the last four defendants after the acquittals of the Bundys, Williams said, "The evidence didn't change in terms of who was arrested following the occupation. And so we believe in the wrongfulness of that conduct, and that the matter needed to be brought before the jury and that includes the remaining four defendants."

Williams said people can peacefully protest land management issues.

"We cannot have people taking over government offices and facilities at the end of a gun and expect no consequence," he said. "The rule of law matters. Taking up arms because you do not like how things are done can never be accepted as a lawful way to protest."

Sentencing isn't expected until at least mid-May.

Knight said the government will consider the severity of the conduct and the impact it had on the community, federal employees and the Burns Paiute Tribe.

Jake Ryan's defense lawyer Jesse Merrithew said he believes there must have been "some disagreements" among jurors because of the time they deliberated.

"I think it is likely a compromise verdict," Merrithew said. "I think Jason Patrick hit it right on the head. If they had the option of convicting them of tampering with a government vehicle or trespass, they wouldn't have been convicted of conspiracy."

Merrithew said he was disappointed the jury convicted Ryan and Ehmer of depredation of government property, a felony that could bring up to six years in prison.



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They built the trenches because they thought the FBI planned to raid the refuge, Merrithew said. "They were simply terrified, trying to do what they had to do to survive," he said.

With Patrick and Thorn's convictions on conspiracy charges in the wake of last fall's acquittals of the occupation leaders, Merrithew said, "I don't think that comports with anybody's sense of justice."

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4. **PUBLIC LANDS: BLM receives 40K comments on proposed leases near Zion NP**

E & E News, March 9 | Scott Streater

Conservation groups, local government and business leaders have flooded the Bureau of Land Management with more than 40,000 public comments mostly against a proposal to offer parcels for oil and gas leasing near Zion National Park.

BLM is still evaluating whether to offer the industry-nominated parcels — covering a total of 2,800 acres about 1 mile north and east of Zion in southwest Utah — at a planned Sept. 14 lease sale.

The public comments BLM has received to date deal with a [draft environmental assessment](#) (EA) the agency released in January analyzing the two parcels, and a third parcel 5 miles from the park, covering a total of 4,730 acres just north and northeast of St. George, Utah (Greenwire, Jan. 16).

The public comment period on the draft EA ends today.

"A complete analysis of comments will take quite some time with over 40,000 of them," Ryan Sutherland, a BLM spokesman in Salt Lake City, said in an email.

But many of the comments appear to be form letters against the lease proposal, such as this [letter](#) from Boston-based Environmental Action.

Other formal comments have come from the National Parks Conservation Association, the Southern Utah Wilderness Alliance and Conserve Southwest Utah. Another came from a Virgin, Utah, resident who "submitted a compilation of comments including input and/or signatures of 365 county residents," Sutherland said.



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He said he was not aware of any formal comments submitted by the oil and gas industry but added "there are numerous supportive comments — some even from retired oil and gas industry workers."

The National Park Service also submitted comments to BLM expressing concerns about the proposal.

BLM had originally planned to offer the two parcels at a June lease sale but decided to pull the parcels until a September lease sale, in part to allow NPS more time to conduct analysis on possible impacts to Zion — Utah's most-visited national park (Greenwire, Feb. 13).

John Marciano, a Zion National Park spokesman, said the park's formal comments to BLM express concerns about the impacts of drilling to viewsheds, sensitive wildlife habitat, road congestion and "overall visitor experience" at the nearly 146,000-acre national park that hosts more than 4 million visitors annually.

Also included in the 40,000 comments is a [letter](#) sent today to BLM from a coalition of two-dozen local businesses concerned about the impact drilling near the national park would have on tourism.

"As business people who operate in Washington County, we are proud of our magnificent public lands and benefit directly when they are managed with care and thoughtful consideration for how land use decisions affect local businesses like ours, which rely heavily on tourism and outdoor recreation," they wrote.

"We were surprised to read in the Draft EA how much the BLM has emphasized the economic benefits of oil and gas drilling over tourism and recreation," they wrote, noting there are no active drilling wells in the county.

"Meanwhile, tourism, so much of which is driven by outdoor recreation on our public lands, has become one of Washington County's biggest job creators. We request that you conduct a more comprehensive evaluation of socioeconomic costs and benefits, particularly in regard to tourism and outdoor recreation, before moving forward with the lease sale," they added.

The two parcels near Zion are in areas designated as "open to leasing with special stipulations," according to the draft EA.



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BLM says the EA process is evaluating whether lease stipulations that would be added to protect the landscapes and sensitive wildlife in the area are sufficient to allow for possible drilling activity.

Even if BLM finalizes the EA advancing the lease proposal, the agency must still file a formal "notice of competitive lease sale" at least 90 days before the actual lease sale date. That notice then kicks off a 30-day public protest period.

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5. **The Malheur Refuge trials are over, but the movement that led to them isn't**

High Country News, March 11 | Leah Sottile

For 41 bone-cold days in the winter of 2016, a group of armed men and women occupied the Malheur National Wildlife Refuge in southeastern Oregon.

The significance of that event depends on whom you ask. To the government prosecutors — who spent the last year in federal courtrooms bringing charges against 26 people arrested there — it was a conspiracy. To most of the public, it was an armed takeover of a bird refuge. On social media, it was a standoff.

To the people on trial, it was a dramatic act of protest. A constitutional right, they'd say. (Supporters and defendants often carried pocket-sized copies of the U.S. Constitution with them at the refuge and in the courtroom). It was the reaction of people who felt unheard by their elected officials. It was a calling, a message whispered to them by God, a cause that compelled them to drive across mountain ranges and state lines in the dead of winter.

On Friday, four defendants, bit players in the year-long drama, received a mix of guilty verdicts for their roles in the occupation, wrapping up one of the strangest moments in public-lands protests in recent memory.

From the moment men carrying semiautomatic weapons left the first boot prints in the snow at Malheur, on Jan. 2, 2016, until Friday, the occupation unfurled like a modern-day, tech-driven Western. It was more Westworld than Louis L'Amour: horses and saddles, live feeds and smartphones.

In some ways, the drama only started as the occupation ended.



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As several occupation leaders were cuffed in late January, the occupation's only working rancher, 54-year-old Robert "LaVoy" Finicum was shot and killed as he yelled "shoot me!" at police and reached for a 9 mm Ruger in his jacket. A drone caught the shooting from above, a cameraphone from the ground.

In court, the drama continued: the defendants, who are white, said they were acting in the spirit of Martin Luther King, Jr. Ryan Bundy tried to escape jail by tying bedsheets together. Ammon Bundy refused to get dressed for court. He offered to read the Constitution to the federal judge presiding over his trial to explain why he believed the feds can't own land.

And then, in late October, Ryan and Ammon, the occupation's key players, sons of notorious Nevada rancher Cliven Bundy, were acquitted of all charges. So were five others. It was a shocking verdict — one that surprised even the defense.

But on Friday, a new jury looked less favorably on the four remaining defendants — delivering a mix of verdicts. Darryl Thorn, who carried a gun at the occupation and made out with his girlfriend in the refuge's watchtower, was found guilty on both conspiracy and gun charges.

Jason Patrick — an activist who often appeared at Ammon Bundy's side during daily press conferences at the refuge — was found guilty on conspiracy charges. The remaining two — an Oregon welder named Duane Ehmer who was widely photographed riding a horse named Hellboy around the refuge, and Jake Ryan, a homeschooled Montanan — were found guilty of willfully damaging government property. They'd raked the claw of an excavator across soil that some argued was filled with Native artifacts.

If October's acquittals came as a shock, today's guilty verdicts came, too, with a degree of confusion and questions of fairness. How does a jury find Ammon Bundy — who rallied people to the refuge, conducted TV interviews and was touted as the leader of the occupation — not guilty of conspiracy, but convict the grunt who made out with his girlfriend while he was on guard duty?

Matthew Schindler, the attorney for Kenneth Medenbach who was acquitted last fall, attended court Friday. "I was surprised when everyone was acquitted last fall," he told TV cameras. Is today's verdict fair? "Life ain't fair. That's just reality. ... Is it fair to Darryl Thorn that he's convicted, and Ammon Bundy is not? I don't know."

Jason Patrick, who will be sentenced in May, wasn't surprised by the verdict. But he says his fight isn't over: "The silver lining of the guilty verdict is it continues in court," he said. "The chance to address things that should be righted is still there."



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He sees the government's charges against him as a way of silencing him. "Now I'm a convicted felon because I told the government they were wrong — loudly enough the whole world heard it."

In the courthouse Friday afternoon, U.S. Attorney Billy Williams appeared in front of TV cameras and microphones with prosecutors Geoffrey Barrow and Ethan Knight at his side. Hands folded as if they were in church, the men calmly emphasized that though the people on trial were different, the evidence stayed the same.

"The defendants were not on trial for their beliefs, but for their conduct," Williams said. "We cannot have people taking over government offices and facilities at the end of a gun and expect no consequence," he said. "The rule of law matters."

"I'm elated that justice has finally been served," Kieran Suckling, executive director of the Center for Biological Diversity, said. "An armed assault on public lands is an armed assault on American values."

"I'm still concerned, though, that the far-right lawmakers who supported and empowered the Bundys are still trying to give away or sell off our public lands to the highest bidder," he said. "Stealing America's birthright with political tricks is no more acceptable than stealing it with guns."

"These felony convictions are a victory for Americans who use and enjoy public lands," Steve Pedery, conservation director at Oregon Wild, said. "But something tells me it won't stop Rob Bishop and other politicians from trying to enact the Bundy agenda in Congress."

In October, some feared the acquittals would embolden other to seize more federal facilities. But today, it seemed that guilty verdicts only further motivated the takeover's sympathizers. To them, the October verdicts created heroes. Today, they made martyrs.

Outside the courthouse Friday, acquitted defendant Neil Wampler smoked a cigarette and indulged questions from reporters. "We can feel sad and shed a tear today," he told me, his eyes turning glassy as he spoke. "But our resolve in this fight has not been dampened. Other people in history, for example Gandhi, have decided the ideas and principles ... are worth going to jail for.

They're worth dying for."

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6. **Two Views: A bright future for the environment**

South Coast Today, March 13 | Megan Hansen and Landon Stevens

Whatever the size or scope of the Environmental Protection Agency following President Trump's proposed agency reforms, there are reasons to be hopeful about the future of the environment in the United States.

Many environmentalists are quick to point to the landmark Clean Air Act of 1970 as the beginning of environmental improvement in America. Studies, however, have shown that innovation and market forces led to improvements as much as 40 years before the act went into effect.

These same forces of environmental improvement are still in effect today, leading to innovative energy alternatives, localized voluntary environmental protections, and state-led cooperative conservation efforts.

For the past decade, much of the EPA's efforts have focused on reducing carbon-dioxide emissions from energy production to fight climate change. Most people don't realize, however, that U.S. emissions of carbon dioxide due to energy production actually fell by 12 percent from 2005 to 2015. According to the U.S. Energy Information Administration, most of that decline was due to the "decreased use of coal and the increased use of natural gas for electricity generation."

The shift from coal to natural gas has been driven more by market forces like innovation and competition than by EPA regulations. A study by professors at Case Western Reserve University found that the availability of cheap shale gas has been the primary force in reducing U.S. coal production. The study found that "while we can't say that the EPA rules have no impact ... the data say the EPA rules have not been the driving force." President Trump's energy plan calls for unlocking oil and gas production on federal lands, which would likely lead to further increases in natural gas production.

All of this is good news for the environment, since natural gas produces about half as much carbon dioxide as coal, per unit of energy generated. As the shale revolution continues to expand U.S. production of natural gas through hydraulic fracturing and horizontal drilling, U.S. emissions are likely to continue to decrease.

There is also reason to be hopeful that environmental issues like conservation will not be abandoned during the Trump administration. In fact, reducing the regulatory burdens that stem



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from top-down EPA enforcement would free up more resources that individuals and organizations could use to help protect landscapes and animals they care about.

A recent Strata Policy report highlighted several stories of voluntary conservation of endangered species and their habitat. One of those case studies examines the American Prairie Reserve, a nonprofit in northern Montana whose mission is "to create the largest nature reserve in the continental United States," by conserving a grassland ecosystem 1.5 times the size of Yellowstone National Park. Today the reserve encompasses more than 350,000 acres and provides habitat to endangered and threatened species like the black-footed ferret, the piping plover and the swift fox.

The Trump administration EPA has also said it will make it a priority to promote federalism and partner with individual states. EPA Administrator Scott Pruitt has said, "I believe the people in Oklahoma, in Texas, Indiana, Ohio, New York, and California and all the states across the country ... care about the air they breathe and they care about the water they drink and we are going to be partners with those individuals, not adversaries."

Rather than abandon environmental protection, states have shown they are willing and able to tackle environmental issues like conservation without federal oversight. In 2015, the U.S. Fish and Wildlife Service decided the greater sage grouse did not warrant federal protection because the bird was already protected by collaborative efforts between federal, state and private actors. Several western states have developed their own sage grouse management plans to help encourage cooperative conservation.

Utah's Greater Sage-Grouse Management Plan has led to the conservation of 1.2 million acres of habitat since 2006 and produced year-over-year population growth of up to 40 percent since 2011. States have more local knowledge about how to best address local environmental problems. Giving states more freedom and flexibility to address environmental issues is good for the environment.

The future of the environment in America is bright, even considering sweeping changes within the EPA. Proposed cuts would likely reduce federal regulatory oversight — but top-down enforcement is not our only tool for improving the environment. The environment will continue to get cleaner as long as we encourage innovation, maintain freely functioning markets, allow voluntary conservation efforts to thrive, and empower states to develop local solutions.

Megan Hansen and Landon Stevens are the directors of policy at Strata, a public policy research center based in Logan, Utah. They wrote this for InsideSources.com.



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7. Trump budget expected to seek historic contraction of federal workforce

The Washington Post, March 12 | Damian Paletta

President Trump's budget proposal this week would shake the federal government to its core if enacted, culling back numerous programs and expediting a historic contraction of the federal workforce.

This would be the first time the government has executed cuts of this magnitude — and all at once — since the drawdown following World War II, economists and budget analysts said.

The spending budget Trump is set to release Thursday will offer the clearest snapshot of his vision for the size and role of government. Aides say that the president sees a new Washington emerging from the budget process, one that prioritizes the military and homeland security while slashing many other areas, including housing, foreign assistance, environmental programs, public broadcasting and research. Simply put, government would be smaller and less involved in regulating life in America, with private companies and states playing a much bigger role.

The cuts Trump plans to propose this week are also expected to lead to layoffs among federal workers, changes that would be felt sharply in the Washington area. According to an economic analysis by Mark Zandi, chief economist for Moody's Analytics, the reductions outlined so far by Trump's advisers would reduce employment in the region by 1.8 percent and personal income by 3.5 percent, and lower home prices by 1.9 percent.

"These are not the kind of cuts that you can accommodate by tightening the belt one notch, by shaving a little bit off of a program, or by downsizing a few staff here or there," said Robert Reischauer, a former director of the Congressional Budget Office. "These are cuts that would require a wholesale triage of a vast array of federal activities."

Still, budget experts said it was unclear what the precise impact on many agencies might be because the departments could choose to implement reductions in a variety of ways.

Administration officials have also stressed that discussions are ongoing between budget officials and agencies, and that the size of the budget cuts remains fluid. Moreover, the cuts cannot take effect unless they are authorized by Congress, which could prove difficult. Lawmakers routinely rebuffed budget requests from President Barack Obama, leading instead to protracted negotiations between both sides.



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Already, Democrats have vowed to fight Trump's proposals, and some Republicans have also expressed unease at the size of the reductions.

The White House declined to comment publicly, but administration officials have signaled for weeks that large cuts will be part of the budget.

"Unfortunately, we have no alternative but to reinvest in our military and make ourselves a military power once again," National Economic Council Director Gary Cohn said on "Fox News Sunday."

"If you're doing that in an area where you have to balance the budget and you cannot create a further deficit, you have to make cuts. It's no different than every other family in America that has to make the tough decisions when they need to spend money somewhere, they have to cut it from somewhere else."

The federal government is projected to spend \$4.091 trillion next year, with roughly two-thirds of that going mostly toward Social Security, Medicare, Medicaid, poverty assistance and interest payments on the government debt. This spending is expected to be left untouched in the budget proposal next week.

What Trump will propose changing is the rest of the budget, known as discretionary spending, which is authorized each year by Congress. Slightly more than half of this remaining money goes to the military, and the rest is spread across agencies that operate things like education, diplomacy, housing, transportation and law enforcement.

Among Trump's expected proposals are an increase in military spending of \$54 billion, more money to start building a wall along the border between the United States and Mexico, and the creation of new initiatives that expand access to charter schools and other educational programs.

To offset that new money, Trump will propose steep cuts across numerous other agencies. Although final numbers remain in flux, his advisers have considered cutting the Department of Housing and Urban Development's budget by \$6 billion, or 14 percent, according to a preliminary budget document obtained by The Washington Post. That is a change that Trulia chief economist Ralph McLaughlin said could "put nearly 8 million Americans in both inner-city and suburban communities at risk of losing their public housing and nearly 4 million at risk of losing their rental subsidy."

Preliminary budget documents have also shown that Trump advisers have also looked at cutting the Environmental Protection Agency's staff by about 20 percent and tightening the Commerce



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Department's budget by about 18 percent, which would impact climate change research and weather satellite programs, among other things.

Trump and his advisers have said that they believe the federal workforce is too big, and that the federal government spends — and wastes — too much money. They have said that Washington — the federal workers and contractors, among others — has benefited from government largesse while many other Americans have suffered. Federal spending, they have argued, crowds the private sector and piles regulations and bureaucracy onto companies.

Trump's chief strategist, Stephen K. Bannon, has said Trump will lead a "deconstruction of the administrative state." On Friday, White House press secretary Sean Spicer said Obama loyalists had "burrowed into government." Last month, Trump said the government would have to "do more with less."

Trump's proposal comes at a time when the federal budget is facing massive structural shifts in society and the economy. Aging baby boomers are swelling the number of Americans collecting Social Security and Medicare benefits, and the costs of these programs will continue to grow faster for more than a decade, budget experts said. In addition, the expected rise in borrowing rates and the growing national debt are expected to push interest payments on the debt from \$270 billion this year to \$768 billion in 2027, outpacing any growth in tax revenue.

The spending cuts Trump will propose Thursday will not impact any of these spending trajectories, though many conservatives have urged him to tackle these parts of the budget more comprehensively.

"It is his vision for the administration of the government," said Doug Holtz-Eakin, another former CBO director. "But the big government that everyone decries," he said, is in other programs that Trump is not proposing yet to cut.

Meanwhile, the aging federal workforce is moving more people toward retirement and into federal pension programs.

There are roughly 2.8 million federal employees, according to data from the Federal Reserve Bank of St. Louis, a number roughly flat over the past 20 years but lower than any point from 1974 to 1997. And roughly 34 percent of the federal employees who are not in the military will qualify for full retirement benefits in 2020.

Trump's proposal is a continuation of a messy Washington fight about the size and scope of the federal budget, which has led to some changes in recent years but nothing as stark as what he will propose this week.



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Federal spending grew and then contracted during the Obama administration. A combination of the recession, the American Recovery and Reinvestment Act of 2009 and other initiatives pushed federal spending to \$3.5 trillion in 2010 and \$3.6 trillion in 2011. Those annual spending levels, combined with a weak economic recovery, amounted to 23.5 percent of U.S. gross domestic product, the largest percentage since 1946.

But then the stimulus funds ended, the Obama administration and Congress agreed to install new budget caps and other spending waned. In 2017, spending as a share of GDP is expected to be 20.7 percent, more in line with historical trends.

But those budget caps are at the crux of Trump's looming fight with Democrats. Many have insisted that they will only agree to increases in defense spending if other parts of the budget are increased as well.

Sen. Tim Kaine (D-Va.), who said that his state would be hit particularly hard by Trump's proposed cuts, said that his party plans to remain locked in opposition to the disproportionate changes Trump will advance.

"The notion of bulking up defense but slashing everything else, that's not going to find any votes on the Democratic side," Kaine said in an interview.

Neither Trump nor any of his top advisers have assembled a White House budget before, posing a challenge for his team in how it sells it and for lawmakers from both parties as they decide whether to negotiate or block his proposed changes.

But former White House officials from both parties agree that the changes Trump proposes, if enacted, would dramatically change how the federal government functions and its role in American society.

Matthew Slaughter, dean of the Tuck School of Business at Dartmouth College and a member of the Council of Economic Advisers under President George W. Bush, said many of the cuts the Trump administration will propose would impact what he sees as investments in the United States' future, such as health research, transportation projects and training programs.

"Imagine his plan got enacted," Slaughter said. "It wouldn't trigger some crisis, but what's subtle is relative to what America could be in the next several years in terms of making more substantial investments in infrastructure, science research, and public investments that we have historically made."



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Mick Mulvaney, head of the Office of Management and Budget, said on Hugh Hewitt's radio program last week that it was important for the administration to change how Washington thinks.

"We don't solve problems by simply throwing money at them," he said.

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8. **INTERIOR: Zinke cancels Mont. visits for Cabinet meeting**

E & E News, March 13 | Corbin Hiar

Ryan Zinke's first visit to his home state of Montana as Interior secretary was cut short by President Trump.

The president called a Cabinet meeting for this afternoon, when Zinke was set to address the Montana Legislature. The White House event forced the state's first Cabinet secretary to back out of his speech to the legislative body where he once served, according to a Montana Republican strategist.

The 3 p.m. Cabinet meeting also led Zinke to cancel Tuesday visits to the Bureau of Land Management's Lewistown, Mont., field office and to BLM's regional headquarters for Montana and the Dakotas in Billings, Mont. His original travel plans were announced last Thursday (Greenwire, March 9).

But an updated travel advisory sent out late the following day said only that he had to leave the state early "due to schedule changes."

The White House meeting comes ahead of an expected executive order that will set in motion the repeal of the Clean Power Plan, a U.S. EPA rule that limits greenhouse gas emissions from existing power plants. The order could also affect other rules from EPA or the Interior Department that affect energy production (E&E Daily, March 13).

Before Zinke left the Big Sky State, he offered a few clues on his plan to reorganize the Interior, which he first announced in a speech to employees (Greenwire, March 3).

"We can take a hit at headquarters and middle management, but not on the front line," Zinke said Friday afternoon during a visit with Glacier National Park rangers, according to the Missoulian.

The secretary also said he wanted to change the character of Interior's law enforcement personnel, the paper noted.



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"I don't want to see the image of Smokey Bear with a flak jacket," he said, referring to the Agriculture Department icon. "When people see one of our assets, they should look at land management, great people, professional staff, a clean truck and the happy ranger."

During the same speech, Zinke indicated that his full reorganization plan would come out in six to eight months, the Flathead Beacon reported.

The president's schedule shows that Trump plans to unveil a "comprehensive plan for reorganizing the executive branch" in an executive order after today's Cabinet meeting.

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9. **DOE: Coal groups urge Trump to fund fossil-energy research**

E & E News, March 13 | Christa Marshall

Coal advocates are pressing President Trump to "level the playing field" for fossil energy research amid rumors of Department of Energy budget cuts.

As a candidate, Trump expressed support for "clean coal technology," but it's unclear how much he backs spending on technologies to remove carbon dioxide from fossil fuel power generators.

"In light of recent calls for dramatic cuts to the federal budget, we want to stress that every dollar allocated to fossil energy research is an investment in the long-term future of America's coal and fossil fuel industry," states the letter, which was signed by leaders from the AFL-CIO Industrial Union Council; Arch Coal Inc.; the Carbon Utilization Research Council; ClearPath Action; Cloud Peak Energy Inc.; Peabody Energy Corp.; the SMART Transportation Division; the United Mine Workers of America; and the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers.

The [letter](#) recommends more public-private partnerships, such as those between DOE and industry that fostered development of hydraulic fracturing decades ago. Similar collaboration with industry led to the launch this year of the first retrofitted coal plant at scale with carbon capture technology at NRG Energy Inc.'s Petra Nova project in Texas, the groups said.

With more research and development investment, carbon capture technology could be cost-competitive, much like wind and solar in recent years, they said.



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Currently, DOE's Office of Fossil Energy, which supports carbon capture and other technologies aiming to make fossil fuel generation more efficient, is funded at around \$630 million. DOE's Office of Energy Efficiency and Renewable Energy is funded at more than double that — \$2.1 billion — although its broader portfolio includes the National Renewable Energy Laboratory, mandatory efficiency standards, sustainable transportation, and weatherization and building programs.

Many DOE programs are expected to get pinched as the administration searches for offsets to plans to add \$54 billion in discretionary Department of Defense spending for fiscal 2018.

Separately, many advocates are pushing for expanded federal tax credits for carbon storage, and increased funding for CO2 pipelines in any infrastructure package, as mechanisms to boost carbon capture and storage deployment (E&E Daily, Dec. 6, 2016).

In a Washington Times op-ed yesterday, Wyoming Gov. Matt Mead (R) and ClearPath Foundation CEO Jay Faison also called for more research on CCS.

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10. **METHANE: Hearing shut-in well concerns, BLM rule backers ask why**

E & E News, March 13 | Pamela King

For those in favor of keeping the Bureau of Land Management's rule to curb natural gas releases on public lands, claims that the regulation would shut in marginal wells are puzzling.

Republican lawmakers, invoking powers granted under the Congressional Review Act, have proposed a measure to repeal BLM's Methane and Waste Prevention Rule, introduced last year by President Obama's Interior Department. The CRA resolution passed the House by a 221-191 vote, but uncertainty around the outcome of a Senate vote has delayed action in the upper chamber (Energywire, March 8).

Energy industry groups and local business associations have said the BLM rule could stifle output from small independent producers (Energywire, Feb. 21). The New Mexico Business Coalition (NMBC) has estimated that the rule could shutter as many as 21,000 natural gas wells in the state's northwest corner. Bringing each well into compliance could cost as much as \$50,000, according to NMBC President Carla Sonntag.

But the intent of BLM's rule was that the agency would honor legitimate requests for cost-based exemptions, said Alexandra Teitz, former counselor to BLM Director Neil Kornze. To apply for



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an exemption, an operator would simply submit information showing that compliance would be too cost-prohibitive, she said.

"The claim that the waste rule would cause widespread well shut-ins is refuted by the rule's own language. Every major requirement to reduce flaring, venting or leaks includes an exemption for any operator who shows that the cost would cause the operator to shut in a lease," Teitz said.

"BLM included these exemptions to ensure that the rule would boost production, not harm it — but the exemptions are being conveniently ignored by those predicting shut-ins."

She indicated at least six exemptions outlined in BLM's final rule, all of which call for operators to be excused from compliance where they would be forced to "cease production and abandon significant recoverable oil reserves under the lease" (see sidebar).

But the rule's exemptions carry little meaning for industry, said Western Energy Alliance President Kathleen Sgamma. The regulation opens the door to BLM second-guessing companies' economics, she said.

Sgamma questioned whether firms would have to wait a year or two before their exemptions are approved. Until an exemption is granted, the operator would have to comply, she said.

"You might as well have shut in the well anyway," she said. "That carries serious implications. That's a lot of uncertainty."

Eric Waeckerlin, an attorney who has represented the Western Energy Alliance against the rule, said BLM failed to define "significant recoverable oil reserves," leaving interpretations of that threshold up to the states and the bureau's field offices.

"They haven't defined a key term in the regulation," Waeckerlin said. "Without that definition, it's hard to understand as an operator what's going to qualify for an exemption and what's not."

In its [notice of proposed rulemaking](#), BLM said the previous standard — abandonment of recoverable oil reserves — set in its Notice to Lessees 4A for approving venting or flaring of natural gas led to rubber-stamp approvals of exemptions.

"In particular, in some instances in the past, even small net costs have been viewed as meeting the test under NTL-4A, as any net cost might theoretically cause an operator to abandon a well earlier than it otherwise would have," BLM wrote. "In light of the BLM's statutory obligation to reduce waste of natural gas from venting, flaring, and leaks, however, the BLM believes that an operator must demonstrate more than a negligible economic impact in order to qualify for an exemption from the flaring limit."



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While the methane rule was designed to set a more stringent threshold, it assigns no numerical value to its "significant recoverable oil reserves" standard.

Even taking into account a definition of that standard, the BLM rule excludes future wells and low-producing "stripper wells," which the bureau has said represent 85 percent of federal wells in production, said Mark Barron, a partner at the law firm BakerHostetler.

"In the end, the 'exemptions' that supporters of the rule laud apply to no more than 15 percent of the producing wells on existing leases and none of any wells driven on future leases," he said. "Using BLM's own math and the agency's explanations in the preamble, it's hard to argue that the 'exemptions' are anything more than symbolic."

Industry's cost arguments failed to compel a judge in the U.S. District Court for the District of Wyoming to grant a preliminary injunction on the BLM rule earlier this year (Energywire, Jan. 17). Judge Scott Skavdahl, an Obama appointee, found that the rule's implementation would not inhibit oil and gas production to the extent that it would irreparably affect state economic interests.

"[T]he Rule provides for several economic exemptions where an operator shows, and BLM concurs, that compliance with the Rule's requirements 'would impose such costs as to cause the operator to cease production and abandon significant recoverable oil reserves under the lease,'" Skavdahl wrote in his [decision](#).

He did, however, raise concerns about BLM's application of the "social cost of methane" metric in a rule designed to regulate resource conservation — a major point of contention between those who wish to trash the methane rule under the CRA and those who wish to keep it.

Skavdahl ultimately concluded that Interior was entitled to Chevron deference, which grants agencies the power to reasonably interpret ambiguous statutes.

Variances

BLM also allows for variances in cases where its methane rule overlaps with U.S. EPA, state or tribal requirements.

"With respect to State, local, or tribal rules, the final rule allows a State or tribe to request a variance from a particular BLM regulation," the rule says. "If the variance is granted, the BLM has the authority to enforce the specific provisions of the State, local, or tribal rule for which the variance was granted, in lieu of the comparable provisions of the BLM rule."



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In a Nov. 28, 2016, memorandum supporting the motion for preliminary injunction against the methane rule, lawyers for the states of Wyoming and Montana wrote that BLM had failed to address industry concerns about regulatory overlap. The attorneys questioned the language around BLM's role in cases where variances are granted.

"The Bureau's variance process included in its Venting and Flaring Rule would not mitigate these harms. If anything, it would exacerbate them," they wrote. "The variance process would not allow states to maintain sovereignty. Rather, it is a mechanism through which the Bureau improperly seeks to grant itself authority to enforce state regulations."

But BLM is unable to withdraw from its inspection and enforcement responsibilities, Teitz said.

"In essence, in granting a variance, the BLM is agreeing to substitute state requirements for BLM requirements for operators in a state," she said. "However, the BLM does not, and probably could not legally, abdicate its responsibilities under the Mineral Leasing Act and other laws to oversee production of federal and Indian minerals, prevent waste, and collect royalties, which it carries out through inspection and enforcement activities."

"Under a variance, the BLM would still be responsible for overseeing production of federal minerals, but the BLM would enforce the state standards rather than the BLM standards."

In his order denying the motion for preliminary injunction, Skavdahl noted the possibility of regulatory overlap.

"The Rule further empowers the BLM to enforce the state or tribal rules if the variance is granted, creating the potential for inconsistent or conflicting enforcement," he wrote.

Industry has expressed concern that the paperwork requirements for variance and exemption applications and for new planning requirements would be too onerous.

"It is particularly troubling because many of the rule's administrative and reporting components duplicate reporting requirements that already exist under state law," Barron said. "So what we are left with are compliance costs for paperwork that does not result in any incremental increase in environmental protection."

Where states and companies are eligible for variances and exemptions, the paperwork requirements don't appear to be overly burdensome, said Warren King, an energy specialist at the Wilderness Society and a former regulator within the Colorado Department of Public Health and Environment's Air Pollution Control Division.



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"There's a lot of information BLM asks for, but in my experience, that wouldn't be anything an operator wouldn't already have on hand," King said.

State cases

Because Colorado has its own methane regulations, the state is expected to be broadly excused from BLM's requirements.

But there are a few gaps between Colorado's Regulation 7 and the BLM rule that leave room for uncertainty, said American Petroleum Institute spokesman Michael Tadeo.

One key difference is the frequency of equipment leak checks. BLM requires semi-annual inspections, but Colorado has created a tiered system that lessens the burden on small producers, Tadeo said. Because Colorado's requirement is less stringent, there's some confusion as to whether the state's regulations could be considered less protective than the federal rule.

If BLM's rule superceded the state, that would constitute "another example of a 'one size fits all' solution to a problem that demanded more nuance," Tadeo wrote in an email.

Will Toor, a member of the Colorado Air Quality Control Commission, said he expected the state's oil and gas companies could enjoy a more equal competitive environment under the BLM rule.

"There's something to be said for having similar rules implemented beyond the state's borders," he said, noting that he was not speaking on the commission's behalf.

BLM's regulation, if it is allowed to stand, could add new protections for Colorado's tribal lands and place restrictions on flaring where there currently are none, said Dan Grossman, national director of state oil and gas programs for the Environmental Defense Fund.

In North Dakota, where state regulations reduced flaring from 30 percent to 10 percent of gas extracted from the Bakken Shale, the state is likely to receive a variance on federal flaring limitations, Grossman said.

"This rule was designed this way with the variance process so that states would have elbow room in the way they regulated oil and gas," he said.

By definition, passing a CRA resolution to eliminate the methane rule altogether removes BLM from the discussion, since the statute says a regulation may not be reissued in "substantially the same form" as a disapproved rule.



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The Western Energy Alliance has proposed a narrower regulation on natural gas capture, but because the CRA had only been invoked once prior to this year, determining whether a follow-up rule is substantially similar is uncharted territory (Energywire, Feb. 1).

If the federal government is blocked from addressing the issues that fall under the BLM rule, there would likely be a renewed call for states to tackle waste issues. But an act of Congress to allow BLM to go back and address leaking, venting and royalty issues seems unlikely, Grossman said.

"We would certainly want to be a part of those conversations, but we simply can't if the resolution passes," he said.

Exemptions at issue

BLM's final Methane and Waste Prevention Rule contains at least six exemptions to provisions that might cause an operator to incur costs so high as to require shutting in a well. All exemptions are subject to BLM's approval:

1. Section 3179.8(a): Alternative gas capture (flaring) requirement — BLM may approve a gas capture percentage lower than its final rule allows if an operator demonstrates that the federal limit would be cost-prohibitive. BLM's goal increases incrementally from 85 percent in 2018 to 98 percent in 2026, modeling North Dakota's flexible capture target.
2. Section 3179.102(c): Well completion and related operations — After a well has been hydraulically fractured or refractured, gas that surfaces must be captured and sold; directed to a flare pit or flare stack; used in operations on the lease; or injected. An operator may be exempted if such action would be too costly.
3. Section 3179.201(b)(4): Equipment requirements for pneumatic controllers — An operator must replace a pneumatic controller with a bleed rate of 6 standard cubic feet per hour or less, unless the company can demonstrate that such action would require them to shut in the well.
4. Section 3179.202(f): Requirements for pneumatic diaphragm pumps — A requirement to replace a pump or reroute exhaust gas may be waived if an operator can show that it is economically infeasible.
5. Section 3179.203(c)(3): Storage vessels — If a storage vessel has the potential for volatile organic compound emissions equal to or greater than 6 tons per year, it must be replaced, unless the operator can show that the switch would be prohibitively expensive.



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6. Section 3179.303(c): Leak detection inspection requirements — BLM may approve an alternative leak detection program for an operator that can demonstrate that compliance with the federal requirement would shut in production.

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11. **PUBLIC LANDS: Panel to examine ways to fight invasive species**

E & E News, March 13 | Corbin Hiar

The Senate Environment and Public Works Committee this week will discuss how to combat the scourge of invasive species.

"The purpose of this hearing is to hear from federal and state officials and related stakeholders to explore innovative solutions to control invasive species and promote wildlife conservation/management," a committee aide said in an email.

The witnesses invited to testify include the acting director of the Fish and Wildlife Service; state wildlife experts; and the head of the World Wildlife Fund, a conservation group.

"There are several examples of new technologies and innovative ideas that people are using both to control invasive species population growth and prevent illegal poaching," the aide added. "The committee will have the opportunity to hear from witnesses on what new ideas are working in the field."

The issue hits close to home for Chairman John Barrasso (R-Wyo.), who is planning to welcome the Cowboy State's chief game warden to the hearing.

Wyoming is struggling to deal with the threat posed by cheatgrass.

The invasive plant pushes out native grasses, destroys sage grouse habitat and increases the risk of catastrophic wildfire.

Earlier this month, Barrasso introduced the "Federal Land Invasive Species Control, Prevention and Management Act," [S. 509](#).

The legislation would require the Interior and Agriculture secretaries to develop invasive reduction plans and set spending parameters for the departments. It's co-sponsored by Republican Sens. Lisa Murkowski of Alaska, James Risch of Idaho and Mike Enzi of Wyoming (E&E Daily, March 6).



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It is one of several bills introduced on both sides of the Capitol in recent weeks that aim to tackle the danger of invasives.

Schedule: The hearing is Wednesday, March 15, at 10 a.m. in 406 Dirksen.

Witnesses: Jim Kurth, acting director of the Fish and Wildlife Service; Jamie Reaser, executive director the Interior Department's National Invasive Species Council Secretariat; David Ullrich, chairman of the Great Lakes Fishery Commission; Brian Nesvik, chief game warden at the Wyoming Game and Fish Department; and Carter Roberts, president and CEO of the World Wildlife Fund.

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12. **LAW: Right-leaning panel may decide fracking rule's fate**

E & E News, March 13 | Ellen M. Gilmer

A panel of mostly conservative-leaning judges is poised to consider the legality of the Obama administration's landmark rule for hydraulic fracturing on public and tribal lands.

The 10th U.S. Circuit Court of Appeals on Friday revealed the three judges presiding over a high-stakes legal battle that centers on whether the federal government has authority to regulate fracking at all.

The panel comprises two George W. Bush appointees, Judges Jerome Holmes and Harris Hartz, and one Clinton appointee, Judge Mary Beck Briscoe.

At issue in the lawsuit is whether the Bureau of Land Management overstepped its authority in issuing a rule that sets new requirements for well construction, wastewater management and chemical disclosure for fracking on public and tribal lands. A federal district court struck down the rule last summer, and the 10th Circuit is now considering an appeal from the federal government and environmentalists.

It's unclear whether the Trump administration plans to continue defending the fracking rule. Justice Department lawyers are scheduled to notify the court this week of any changes in their legal position, which would likely delay proceedings in the case (Energywire, March 10).

If the appeal goes forward as planned, Holmes, Hartz and Briscoe will hear oral arguments March 22. The judges' records on natural resources issues are mixed.



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Briscoe has handled a number of significant public lands cases, including a decision in 2012 to uphold several felony convictions of Tim DeChristopher, an activist who falsely bid on federal oil and gas leases in an attempt to stymie development. In 2008, she denied a request from environmentalists seeking to block the construction of a natural gas pipeline through national forests in Colorado.

Among Holmes' notable public lands cases is a 2011 decision that rejected arguments from mining companies and off-highway vehicle users opposed to the Interior Department's roadless rule. He authored a unanimous opinion upholding the rule, finding that it did not violate the Wilderness Act or National Environmental Policy Act.

Holmes also backed Interior in several cases dealing with public lands development plans that faced opposition from environmental groups.

Likewise, Hartz has sided with the government in many environmental cases, including a 2011 challenge to a Forest Service-approved plan for coalbed methane development in Colorado and a 2008 challenge to timber projects in a Utah forest. Last year, however, he handed environmentalists a small procedural victory in a case dealing with jurisdiction over roads that cross public lands in Utah.

Hartz and Holmes were frequent donors to Republican politicians before they joined the 10th Circuit.

All three judges appear to have a relatively strong history of deferring to Interior's expertise in public lands matters — an issue that may play a role in the fracking rule litigation. A key question in the case is whether the court should accept the agency's interpretation of federal laws that address jurisdiction over oil and gas development.

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13. **WHITE HOUSE: Trump orders agencies to assess their relevance**

E & E News, March 13 | Robin Bravender

President Trump wants agencies across government to prove their worth.

Trump is scheduled to sign an executive order this afternoon to require a "thorough examination of every executive department and agency," White House spokesman Sean Spicer told reporters



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today. The president will sign the order, titled "Comprehensive Plan for Reorganizing the Executive Branch," at 4:30 p.m. in the Oval Office, according to his schedule.

The order directs agencies to "identify where money is being wasted and how services can be improved and whether or not programs are truly serving the American people," Spicer said. He called the order "the beginning of a long-overdue reorganization of the federal government and another significant step towards the president's often-stated goal of making it more efficient, effective and accountable to the American people."

Trump's plans to root out ineffective or irrelevant programs and offices come as the administration is proposing significant budget cuts to domestic spending — including cash for energy and environmental agencies. The White House is expected to send its broad budget proposal for fiscal 2018 to Congress on Thursday.

Many programs at agencies including U.S. EPA and the Energy and Interior departments are expected to be on the chopping block in that budget request, and the new White House review effort could identify additional areas for cuts within those agencies.

Asked today whether the White House had specific goals for reducing the size of government or saving a certain amount of money, Spicer said, "There's no set number that we're driving down to as we review government."

He added, "You go through each one of these and you evaluate them on the merit of what they do or don't do or whether or not they become bloated or duplicative or frankly just outdated or in need of technological advances. ... Sometimes you just walk into an agency and you realize that agency's mission is no longer relevant or that it's duplicative in three other agencies, or that there are too many people performing a function that no longer exists for a variety of reasons."

Office of Management and Budget Director Mick Mulvaney "was given the mandate to go out and get all of these different agencies and departments to review themselves and to provide feedback for him as to where we could go," Spicer said.

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14. **FEDERAL AGENCIES: Committee to look at transparency proposals**

E & E News, March 13 | Kevin Bogardus

Lawmakers this week will examine measures that could shed more light on the inner workings of the federal government.

On Wednesday, the House Oversight and Government Reform Committee will hold a hearing to discuss "legislative proposals" to foster "transparency," according to its website.

The meeting coincides with Sunshine Week, which celebrates open government. Transparency has been a priority for the committee under Chairman Jason Chaffetz (R-Utah).

Last Congress, the panel helped move through legislation to strengthen the Freedom of Information Act. Last June, President Obama signed the bill into law.

It included provisions for agencies to apply a presumption of openness to FOIA requests and stop using FOIA's "deliberative process" exemption for documents created 25 or more years ago (Greenwire, July 1, 2016).

Chaffetz and Rep. Elijah Cummings (D-Md.), the committee's ranking member, have said they plan to work on similar legislation this Congress.

In letters sent to dozens of agencies last week, the lawmakers said they would pursue "additional efforts" to update FOIA, as well as the Federal Records Act (Greenwire, March 9).

Schedule: The hearing is Wednesday, March 15, at 10 a.m. in 2154 Rayburn.

Witnesses: TBA.

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15. **EPA: Pruitt: Congress should decide if agency can regulate CO2**

E & E News, March 13 | Niina Heikkinen

Scott Pruitt wants Congress — not his own agency — to decide whether U.S. EPA has the power to regulate greenhouse gases.



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Last week, the new EPA administrator caused an uproar when he told CNBC's "Squawk Box" that he did not believe carbon dioxide was a main contributor to climate change. What has gotten less attention was his suggestion that Congress should have a say in whether EPA should regulate carbon dioxide and other greenhouse gases in the first place.

"Nowhere in the equation has Congress spoken," Pruitt noted. "The legislative branch has not addressed this issue at all. It's a very fundamental question to say, 'Are the tools in the toolbox available to the EPA to address this issue of CO₂, as the court had recognized in 2007, with it being a pollutant?'"

Writing new legislation could be the fastest and easiest way for the Trump administration to roll back federal regulations addressing climate change, said Deborah Sivas, an environmental law professor at Stanford University.

"The chances of getting this Congress to roll back the Clean Air Act are pretty good, I think," she said.

So far, much of the attention has been focused on how the Trump administration might roll back environmental regulations, the workhorses that carry out the legal actions laid out by legislation. But rewriting regulations isn't easy. It requires a whole rulemaking process, complete with a public comment period to put it in place.

These new regulations would also be more vulnerable to legal challenges if the administration fails to show evidence that greenhouse gases are not air pollutants. The Supreme Court upheld that EPA should regulate these pollutants in *Massachusetts v. EPA*, Sivas noted.

But taking a legislative approach gets around all this. Congress could instead simply change the definition of an air pollutant to exclude carbon dioxide and other greenhouse gases, which would have trickle-down effects on a range of federal regulations from the Clean Power Plan to fuel economy standards.

"Almost 50 years of improvements under our existing set of environmental laws could evaporate pretty quickly. You can just change a definition with a sentence or two and [CO₂] is not covered," she said.

'Congress should deal with it once and for all'



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While such legislation has been attempted in the past — Sen. Jim Inhofe (R-Okla.) put his support behind the Energy Tax Prevention Act in 2011 — there has been always been some check in either Congress or the White House to keep it from passing.

This Congress and administration could be the exception, according to Sivas.

"The crazy part is they have a Republican majority that is farther right and this crazy White House — who knows what they will do — but they have been pretty clear that they will go against climate change. I think that's the thing that is worrying people a lot," Sivas said.

The House has already put forward a new piece of legislation, the "Stopping EPA Overreach Act," amending the Clean Air Act to exclude methane and carbon dioxide, among other gases, from the definition of "air pollutant" (E&E News PM, March 10).

Steve Milloy, a longtime foe of EPA who served on the agency's transition team, said it would be a good idea for Congress to weigh in on whether EPA should regulate greenhouse gases.

"I think a lot of people will think Trump is running EPA now, we won't have any more climate regulations, so we don't need to do anything. But as long as EPA has that authority, they can come back and do it, so Congress should deal with it once and for all," he said.

But Milloy isn't sure whether changing the rules for greenhouse gases will be an immediate priority, or even whether Republicans could garner the votes to pass the changes.

"Can Congress do it? Well, they have so many other things to do, I don't know," Milloy said.

"I don't even know if it's on their calendar, I don't think enough people have thought enough about it," he added.

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