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Attached is the daily news report for April 25.

Ryan Sutherland
Bureau of Land Management Utah
Public Affairs Specialist
rrsutherland@blm.gov
801 539 4089



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DAILY NEWS REPORT - UTAH

UTAH – TOP STORIES – APRIL 25, 2017

1. Trump to order review of Bears Ears, Grand-Staircase, other national monuments

St George News, April 24 | Associated Press

WASHINGTON (AP) — President Donald Trump will sign an executive order Wednesday instructing the Interior Department to review national monument designations made over the past two decades.

2. Op-ed: It's time to undo the federal land grab of Bears Ears

Washington Post, April 25 | Utah Senator Orrin G. Hatch

In a remote corner of southern Utah, twin buttes tower over a rugged landscape of rolling foothills and jagged red rock. The two mesas, known as the Bears Ears, represent the latest battlefield in an escalating war over public lands — the results of which will have widespread implications for all Americans.

3. Poll: Utahns want Trump to change or undo Bears Ears

UtahPolicy.com, April 25 | Bryan Schott, Managing Editor

As President Donald Trump readies an executive order to review the Bears Ears and Grand Staircase-Escalante National Monuments, a new poll shows Utahns favor reducing or rescinding at least one of those monuments.

E&E/NATIONAL NEWS – TOP STORIES

1. Environmental groups allege Interior Department violated law

Legal News Line, April 24 | Mike Torres

GREAT FALLS, Mont. (Legal Newsline) — Environmental groups are suing the U.S. Interior Department, alleging violation of federal law.



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2. Boating industry, outdoors groups meet with administration officials

BoatingIndustry.com, April 25 | Staff Writer

The Outdoor Recreation Industry Roundtable met with senior officials from the U.S. Department of the Interior and U.S. Forest Service Monday, for the first of what's expected to be a series of official meetings to address boating and outdoor recreation expansion and improvements.

3. Amid public land battle, outdoor industry boasts \$887 billion impact

USA Today, April 25 | Mary Bowerman

Outdoor recreation accounts for \$887 billion in consumer spending each year and supports 7.6 million American jobs, according to a new report.

4. Why Monuments Matter

NRDC.com, April 25 | Sharon Buccino

On Wednesday, President Trump will unveil his latest effort to undermine our bedrock environmental protections. Trump will reportedly sign an executive order requiring Interior Secretary Zinke to carry out a review of every national monument created in the past 21 years – both onshore and off.

5. Zinke Vows to Make Interior 'the Happy Department'

The Morning Consult, April 25 | Jack Fitzpatrick

Interior Secretary Ryan Zinke said he hopes to improve employee morale and foster a more welcoming image for federal lands, suggesting it's probably not necessary to arm officials who work on remote tortoise refuges.

6. Outdoor recreation industry, seeing role to protect public lands, boasts \$887 billion impact

The Denver Post, April 25 | Jason Blevins

A new report shows Americans spend \$887 billion a year on outdoor recreation, fueling an industry that is testing its newfound political clout in an emerging battle over public lands.



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7. In Utah's Red Cliffs, desert beauty moves at a tortoise's pace

The Salt Lake Tribune, April 25 | Erin Alberty

St. George — Not far from the throngs of tourists in Zion National Park, fins and spires of orange sandstone rise quietly from the sandy bottoms near the Virgin River. Redbuds frame a waterfall pouring into a slickrock basin, and rare desert tortoises emerge from the sand to eat meals of wildflowers that will help them survive the torrid summer to come.

8. EPA: Shutdown plan would send thousands home without pay

E & E News, April 25 | Kevin Bogardus

U.S. EPA is preparing to send thousands of its employees home without pay in the event of a federal government shutdown in the coming days.

9. INTERIOR: Zinke stands against land transfers ahead of Trump order

E & E News, April 25 | Corbin Hiar

Interior Secretary Ryan Zinke reiterated his support for public lands this morning, the day before President Trump is expected to order the department to reconsider protections for millions of acres set aside by his White House predecessors.

10. PUBLIC LANDS: Agency retirees warn of shutdown's harm

E & E News, April 25 | Emily Yehle

Former park rangers and public lands employees are warning President Trump and Congress about the impact a government shutdown could have on parks, refuges, fish hatcheries and forests.



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11. PUBLIC LANDS: Americans spend more on outdoor fun than gas, Rx — report

E & E News, April 25 | Kellie Lunney

Outdoor recreation is big business for the American economy, creating more jobs than construction and computer technology and generating \$117 billion more in annual consumer spending than pharmaceuticals and fuel, according to a new report.

12. NATIONAL PARKS: Grand Canyon used drones for 1st time in major search

E & E News, April 25 | Astrid Galvan, AP/Albany Times Union

The National Park Service is using drones extensively for the first time in its search for two missing hikers at Grand Canyon National Park.

13. INTERIOR: Agencies to review 2 less-controversial drilling rules

E & E News, April 25 | Corbin Hiar

The Trump administration is reconsidering a pair of relatively uncontroversial Interior Department oil and gas rules the Obama administration put into effect during its final days in office.

14. INTERIOR: Agency withholding docs on rumored top pick — lawsuit

E & E News, April 25 | Scott Streater

A government watchdog group today filed a federal lawsuit against the Interior Department, accusing it of withholding documents related to the agency's former top lawyer, who is rumored to be the primary candidate for Interior's deputy secretary position.

15. REGULATIONS: Trump acts fast to strike rules — but what's the long-term impact?

E & E News, April 25 | Arianna Skibell

Almost 100 days in office and President Trump has taken a number of steps to make good on his promise to roll back regulations that conservatives say are choking the American economy.



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16. APPROPRIATIONS: Lawmakers seek deal on border security to avert shutdown

E & E News, April 25 | George Cahlink

The massive fiscal 2017 spending deal currently in the works hinges on whether the White House will accept increased border security funding without billions of dollars for building a wall along the U.S.-Mexico border.

17. POLITICS: Trump's Proposed Order Could Jeopardize 21 Years Of National Monuments

The Huffington Post, April 25 | Hilary Hanson

President Donald Trump is planning to sign an executive order on Wednesday ordering a review of national monument designations going back 21 years, according to multiple media reports.



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UTAH – FULL STORY

1. Trump to order review of Bears Ears, Grand-Staircase, other national monuments

St George News, April 24 | Associated Press

WASHINGTON (AP) — President Donald Trump will sign an executive order Wednesday instructing the Interior Department to review national monument designations made over the past two decades.

Sen. Orrin Hatch, R-Utah, said he was grateful that Trump was moving to roll back what Hatch called “massive federal land grabs” by presidents dating to Bill Clinton. Hatch and other Utah Republicans have long lamented Clinton’s 1996 designation of the Grand Staircase-Escalante National Monument in southern Utah.

“For years, I have fought every step of the way to ensure that our lands are managed by the Utahans that know them best and cherish them deeply,” Hatch said in a statement. “That’s why I’m committed to rolling back the egregious abuse of the Antiquities Act to serve far-left special interests,” including Bears Ears and Grand Staircase-Escalante.

The Antiquities Act of 1906 authorizes the president to declare federal lands of historic or scientific value to be “national monuments” and restrict how the lands can be used.

President Barack Obama infuriated Utah Republicans when he created the Bears Ears National Monument in December.

While the 1.3 million acres of land is sacred to Native Americans and home to tens of thousands of archaeological sites, including ancient cliff dwellings, and found support among some Native Americans, other Native Americans in San Juan County where the monument is located opposed the monument.

Obama used his power under the Antiquities Act to permanently preserve more land and water using national monument designations than any other president. The land is generally off limits to timber harvesting, mining and pipelines, and commercial development.

Republicans also objected when Obama created the Katahdin Woods and Waters National Monument in Maine last summer on 87,500 acres of donated forestland. The expanse includes part of the Penobscot River and stunning views of Mount Katahdin, Maine’s tallest mountain.



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Republicans have asked Trump to reverse the two designations, saying they add an unnecessary layer of federal control and could stymie commercial development.

Trump's staff has been reviewing the decisions to determine economic impacts, whether the law was followed and whether there was appropriate consultation with local officials.

Environmental groups blasted Trump's action.

"Utah's national monuments are our first line of defense against the very real specter of climate change, providing resiliency to not only the species within them, but also to nearby communities," said Jen Ujifusa, legislative director of the Southern Utah Wilderness Alliance.

"President Trump and the Utah delegation should focus their energies on solving America's challenges, rather than unraveling the solutions that are already working."

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2. **Op-ed: It's time to undo the federal land grab of Bears Ears**

Washington Post, April 25 | Utah Senator Orrin G. Hatch

In a remote corner of southern Utah, twin buttes tower over a rugged landscape of rolling foothills and jagged red rock. The two mesas, known as the Bears Ears, represent the latest battlefield in an escalating war over public lands — the results of which will have widespread implications for all Americans.

If you've never heard of Bears Ears, you will; if you don't care, you should.

The Bears Ears are sacred to local Native American tribes, and the surrounding area is home to thousands of archaeological sites that detail the history of the land's ancient inhabitants. That these cultural sites deserve protection is beyond dispute. But how they should be protected is a matter of significant disagreement.

Recognizing the intrinsic value of the archaeological and environmental features surrounding Bears Ears, I joined other members of Utah's congressional delegation in working with locals, Native American tribes and government leaders to develop a plan to preserve this land for future



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generations. Together, we held countless meetings with hundreds of stakeholders over a three-year period to determine the best path forward.

In good faith, we coordinated with President Barack Obama on our plans. But in the twilight hours of his presidency, he betrayed us, foregoing our grass-roots effort in favor of a top-down monument designation — unprecedented in size and scope.

When Obama declared the Bears Ears National Monument, he ignored the years of work that Utah's congressional delegation spent fighting to pass legislation to protect the region through a fair and open process. He ignored the state legislature and the governor. He ignored the stakeholders and local residents who were striving together to find a workable solution. He ignored the best interests of Utah and cast aside the will of the people — all in favor of a unilateral approach meant to satisfy the demands of far-left interest groups.

With the stroke of a pen, Obama locked away an astonishing 1.35 million acres, a geographic area larger than the total acreage of all five of Utah's national parks combined. He did so citing his prerogative under the Antiquities Act — a century-old law intended to give presidents only limited authority to designate special landmarks. Instead of exercising restraint under the act, Obama — and indeed, many of his predecessors — wielded this law as a blunt instrument for executive overreach.

Understanding the history of the Antiquities Act is key to understanding what happened at Bears Ears. The Antiquities Act was a well-intentioned response to a serious problem: the looting and destruction of cultural and archaeological sites. When applied as intended, the law has been indispensable in preserving our nation's rich cultural heritage. But the law has been abused by past presidents to advance a radical political agenda — all at the expense of the separation of powers.

By leveraging his authority under the Antiquities Act, Obama seized millions of acres of public land through his Bears Ears monument designation, violating both the spirit, and arguably, the letter of the law. Such actions represent the height of executive hubris.

It was never supposed to be this way. When Congress passed the Antiquities Act more than 100 years ago, the bill's lead sponsor — Rep. John Lacey of Iowa — called "evil" the very notion that the president would use the law to designate more than a few square miles of land. Lacey would certainly be appalled if he saw how his bill has been exploited today. With his abuse of authority



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under the Antiquities Act, Obama perpetuated a dangerous precedent that undermines Congress's constitutional obligation to manage lands within the federal domain. Unless we act now to reset this precedent, the consequences for future generations could be dire.

In the months to come, the American people should ask themselves: Do we want a president who is deferential to the people's duly elected representatives in the management of public lands? Or do we want a self-appointed landlord who flouts Congress and the Constitution in the service of an extreme partisan agenda?

Although it may come as a surprise to his detractors, President Trump understands better than anyone the lasting damage wrought by past presidents under the Antiquities Act — and he stands ready to undo the harm brought about by their overreach. Indeed, in all my years of public service, I have never seen a president so committed to reining in the federal government and so eager to address the problems caused by these overbearing monument designations. When I raised the Bears Ears issue with the president in the Oval Office, he assured me that he stands ready to work with us to fix this disaster.

Working with the new administration, I believe we can set a new precedent regarding the management of federal lands — a precedent that restores the original meaning of the Antiquities Act, returns power to the people and rebuilds trust between the states and the federal government. In this endeavor, I look forward to working with state leaders and the Trump administration.

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3. **Poll: Utahns want Trump to change or undo Bears Ears**

UtahPolicy.com, April 25 | Bryan Schott, Managing Editor

As President Donald Trump readies an executive order to review the Bears Ears and Grand Staircase-Escalante National Monuments, a new poll shows Utahns favor reducing or rescinding at least one of those monuments.

The UtahPolicy.com survey from Dan Jones & Associates finds a slim majority of Utahns (52%) support either reducing the size of Bears Ears or doing away with the monument entirely. That number includes 32% who say President Trump should "definitely" take action on Bears Ears. 41% think President Trump should leave the monument alone. 8% say they don't know.



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On the other hand, a slight majority of Utahns (53%) say President Trump should leave the Grand Staircase-Escalante National Monument as is. 41% want Trump to either reduce the size or undo Grand Staircase. 6% say they don't know.

Bears Ears was created by President Barack Obama on December 28, 2016, less than one month before he left office at the end of his second term. The 1.35 million acre monument has been the subject of considerable controversy for quite some time. Reps. Rob Bishop and Jason Chaffetz tried to head off the designation with their Public Lands Initiative, but that failed to get through Congress before President Obama made the designation.

The Grand Staircase-Escalante monument was created in September of 1996 by President Bill Clinton. Utah officials were notified of the monument's creation just 24 hours in advance.

The Utah Legislature rushed to pass two resolutions at the start of the 2017 session calling on President Trump to rescind the Bears Ears monument and reduce the size of Grand Staircase. Sen. Orrin Hatch also says he's lobbied President Trump to take action on Bears Ears. Gov. Gary Herbert also says he's invited Interior Secretary Ryan Zinke and President Trump to visit the Bears Ears monument.

The resolutions on Bears Ears and Grand Staircase led the lucrative Outdoor Retailers show to abandon Salt Lake City and look elsewhere for a home.

Support for undoing the Bears Ears monument has grown since Obama created the monument. A UtahPolicy.com poll published right after Bears Ears was created found 40% of Utahns said President Trump should rescind the monument while 46% said he should leave the monument alone.

Utahns have been steadfastly opposed to the creation of the monument. Previous UtahPolicy.com surveys showed support for Bears Ears at 33% or below.

No surprise, answers to the survey break sharply along partisan lines:

- 73% of Republicans think President Trump or Congress should change or undo Bears Ears, while 91% of Democrats want the monument left alone. 47% of Republicans say Trump should "definitely" take action on Bears Ears while 83% of Democrats say "definitely not."
- 57% of unaffiliated voters say Trump should leave Bears Ears as is.



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Opposition to Grand Staircase-Escalante is lower than Bears Ears, probably because the monument has been in existence for two decades.

- 59% of Republicans say President Trump or Congress should reduce the size of Grand Staircase. 31% want the monument left as is.
- A whopping 95% of Democrats say Grand Staircase should be left alone.
- 72% of unaffiliated voters want Grand Staircase to remain as is.

The survey was conducted March 22-29, 2017 by Dan Jones & Associates. 844 Utahns were questioned (both landlines and cell phones) with a margin of error +/- 3.37%.

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1. **Environmental groups allege Interior Department violated law**

Legal News Line, April 24 | Mike Torres

GREAT FALLS, Mont. (Legal Newsline) — Environmental groups are suing the U.S. Interior Department, alleging violation of federal law.

Citizens for Clean Energy, Ecocheyenne, Montana Environmental Information Center, Center for Biological Diversity, Defenders of Wildlife, the Sierra Club and Wildearth Guardians and The Northern Cheyenne Tribe filed a complaint March 29 in U.S. District Court for the District of Montana against U.S. Department of the Interior; the U.S. secretary of the interior; and U.S. Bureau of Land Management, alleging they illegally issued a decision to repeal a moratorium that impacts the environment.

According to the complaint, the plaintiffs challenge the decision of Interior Department wherein it would damage the environment of Native American lands in Montana. The plaintiffs allege the defendants repealed a moratorium on coal leasing, which opened the door to new coal leasing and potential consequences to the environment without first performing an environmental review of the land in Montana.



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The plaintiffs seek to declare the defendants violated the NEPA, declare the defendants violated the APA, declare the defendant violated their trust duty to the Northern Cheyenne Tribe, set aside and vacate the defendant's decision to end the coal leasing moratorium, enjoin further federal coal leasing, attorney fees and court costs, plus all relief the court deems just.

They are represented by attorneys Michael Saul of Center for Biological Diversity in Denver, Anchun Jean Su of the Center for Biological Diversity in Oakland and by Joshua Osborne-Klein and Wyatt F. Golding of Ziontz Chestnut in Seattle.

U.S. District Court for the District of Montana Case number 4:17-cv-00030-BMM

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2. Boating industry, outdoors groups meet with administration officials

BoatingIndustry.com, April 25 | Staff Writer

The Outdoor Recreation Industry Roundtable met with senior officials from the U.S. Department of the Interior and U.S. Forest Service Monday, for the first of what's expected to be a series of official meetings to address boating and outdoor recreation expansion and improvements.

The ORIR includes several groups in the boating industry, including BoatUS, MRAA and NMMA.

Outdoor recreation is big business, generating \$646 billion in direct spending and supporting more than 6 million jobs across all 50 states. ORIR members, key recreation company CEOs and senior administration officials discussed how improved infrastructure and increased opportunities for innovation and public-private partnerships will give more people the chance to enjoy healthy, active fun on their public lands and waters, while helping outdoor recreation continue to grow as a powerful and positive force in America.

“The recreational boating industry, and outdoor recreation as a whole, must have improved physical infrastructure and access, and also systems and services in place that will contribute to our nation’s boaters and recreationists having a positive experience, one worth repeating,” said NMMA’s VP of Federal & Legal Affairs Nicole Vasilaros. “Our discussions today were a positive step forward in rebalancing the needs of conservation and visitor access to public lands and waterways, and we look forward to continuing work with the Department of Interior and



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administration on finding solutions that benefit the U.S. economy, our communities and outdoor recreation.”

The meeting was hosted by ORIR at Skyland Resort – operated by National Park concessioner Delaware.

“No team wins by itself, and when you get right down to it, public-private partnerships are where success is going to happen.” said Jim Houser, Delaware North President for Sportservice, Parks & Resorts and Patina Restaurant Group.

DOI Senior White House Advisor Doug Domenech outlined key goals and challenges, and emphasized the need to expand access on public lands and waters, saying, “the Roosevelt Arch says ‘For the benefit and enjoyment of the people,’ and bringing people back to the equation is clearly an important issue.”

Meeting participants identified access as a crucial area where the private sector can help federal partners improve visitor experiences in the great outdoors. They discussed the negative impact of access restrictions and the value of adopting practices to help enhance access to public lands and waters, including a “yes first” mentality, the streamlining of permitting processes, and closer management partnerships with state fish and wildlife agencies and the recreation industry.

Participants also discussed the importance of providing visitors with world-class experiences in these world-class places, and the role private industry can play in upgrading facilities, increasing connectivity, implementing electronic passes, modernizing campsites, and more.

Industry members offered their ideas on reducing the multi-billion-dollar maintenance backlog plaguing the public lands. Suggestions included longer concessions contracts, extended service hours and seasons, restructured fee retention, reduced barriers to private investment, more efficient fee collection and a reassessment of backlog needs.

“Our gathering at Shenandoah produced the most robust national level discussion of partnerships and visitor experiences I’ve ever witnessed,” said Derrick Crandall, president of the American Recreation Coalition. “But most importantly, the meeting ended with an excitement about moving forward, moving from dealing with challenges to working as partners for a bright future for outdoor fun built around public and private partners excited by our respective assets and talents. The fun part is that there was unanimity in spirit among our participants.”



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The recreation industry representatives emphasized their commitment to helping DOI overcome its current challenges. Providing support for DOI funding in the FY2018 budget, encouraging a Recreation Title in upcoming infrastructure legislation and prioritizing the REC Act were just some of the ideas offered during the discussion. They also discussed how public-private partnerships can help promote awareness and support for America's outdoors by capitalizing on industry efforts like Go RVing, Discover Boating and TakeMeFishing to spread the word about great opportunities on public lands and waters. ORIR members noted that their trade shows -- the eight largest recreation trade shows in the country -- would provide a perfect opportunity to enhance communications between DOI and the nation's recreation community.

"There is extraordinary opportunity," said Frank Hugelmeyer, Recreation Vehicle Industry Association president and an ORIR member. "Never before has an industry coalition with all outdoor recreation sectors come together with a unified voice to offer its assistance in improving visitor experiences on America's public land and waters. Our great outdoors are a unifying force in an era of political divisions, and the outdoor recreation industry stands ready to join forces with Secretary Zinke and the Department of the Interior in providing healthy, active outdoor fun on America's great outdoors."

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3. **Amid public land battle, outdoor industry boasts \$887 billion impact**

USA Today, April 25 | Mary Bowerman

Outdoor recreation accounts for \$887 billion in consumer spending each year and supports 7.6 million American jobs, according to a new report.

The Outdoor Recreation Economy report, released by the Outdoor Industry Association (OIA) highlights the massive economic impact of outdoor recreation which includes hunting, fishing, hiking, and wildlife viewing, in the United States. National parks, wildlife refuges, national monuments and other public lands and waters account for \$35 billion in economic output and 396,000 jobs in the U.S., according to the report.

"Public lands and waters are the outdoor industry's basic infrastructure, and without the the industry cannot survive," the report says.



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Amy Roberts, OIA executive director, said the report makes it clear outdoor recreation economy is a “powerful economic force” in the country.

“Public lands and waters are the foundation of this powerful economic force,” she said. “By investing in and protecting America’s public lands and waters, we invest in our future and the continued well-being of America. Together, we can thrive outside.”

The report comes amid debate over public lands in the United States and calls to release some public lands to states for management. The president could sign an executive order Wednesday calling on the Interior Department secretary to examine whether national monument designations made over the past two decades are in line with the Antiquities Act, which allows presidents to designate areas of land as national monuments, the Salt Lake Tribune and Washington Post reported.

The battle over public lands has most notably played out in Utah, home to the Bears Ears National Monument. In December, former President Obama designated 1.35 million acres in the Four Corners region as the Bears Ears National Monument. The designation was seen as a major victory for Native American tribes, conservationists and outdoor enthusiasts, though seen as a blow to many state Republicans and rural groups that worried it will deter energy development and should be managed on a state level.

Utah lawmakers calls for the president to rescind the Bears Ears national monument designation has resulted in some economic turmoil in the state. The OIA’s twice-yearly Outdoor Retailer was held in Utah since 1996 and brought the state \$45 million in annual direct spending, but the organizers began looking for another host city after it became clear Utah lawmakers were not going to back down on calls to rescind the national monument designation.

OIA plans to release a more in depth report with a breakdown on outdoor recreation's economic impact in all 50 states and 435 U.S. congressional districts, so lawmakers will be able to point to hard numbers in the future.

"The congressional district level data will really help specifically house members understand what is the current impact of outdoor recreation in our district, number of jobs supported in our district," Roberts said in a phone interview.



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Roberts adds the report proves that the "industry continues to grow year-over-year" and "offers sustainable economic impact."

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4. **Why Monuments Matter**

NRDC.com, April 25 | Sharon Buccino

On Wednesday, President Trump will unveil his latest effort to undermine our bedrock environmental protections. Trump will reportedly sign an executive order requiring Interior Secretary Zinke to carry out a review of every national monument created in the past 21 years – both onshore and off.

Spoiler alert: the review is likely to find that many monuments should be eliminated or shrunk dramatically.

Local input has already happened.

Congressional republicans and anti-public lands advocates loudly proclaim that monuments are created unilaterally, without local input. In fact, plenty of evidence demonstrates otherwise. Take Bears Ears National Monument in Utah, for example. Former Interior Secretary Sally Jewell communicated as early as 2013 with Utah's members of Congress about the Bears Ears area and stayed in regular contact with them until monument designation. Secretary Jewell spent three days last July listening to hundreds of local voices, as she was evaluating the need for monument designation.

Americans want their public lands and waters protected.

No President has attempted a sweeping review like this before – for good reason.

Most Americans don't want to see monuments' protections removed. The public overwhelmingly supports national parks and national monuments. Trump's threat to the 54 monuments created or expanded in the past 21 years is wildly out of step with public opinion.

The truth is that Trump's executive order is just the latest attempt in a losing effort to privatize American public lands and waters. In the past few years, we have seen legislation to sell-off public lands, reduce law enforcement on public lands, and divest millions of acres of public lands to states that can't afford to manage them. Many of these bills – none of which have gone anywhere in congress – were sponsored or supported by Utah's congressional delegation, who have been the loudest voices lobbying Trump to act, in large part



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due to their displeasure over the [Bears Ears National Monument](#), which President Obama created after years of negotiations and public outreach.

Monuments enrich local communities as well as the rest of us.

Any honest, fact-based review of national monuments will reveal them for what they are: testaments to our nation's heritage that [enrich](#) local communities and protect our most imperiled cultural and natural resources. But this won't be that kind of review. Signed at the behest of anti-public lands members of Congress – the Utah delegation in particular – Trump's order will undoubtedly set into motion a slow-moving assault on existing national monuments and one of our most important and beloved conservation tools: the Antiquities Act.

Over a century ago, Congress created the Antiquities Act to deputize presidents to protect America's cultural, historical, and natural heritage for future generations—a power that has been used by eight Republican and eight Democratic presidents to safeguard iconic areas including the Statue of Liberty, Muir Woods, Death Valley and the Grand Canyon, which was a national monument before it gained national park status.

Our national monuments make America great.

Let's keep it that way. Let's put our time and resources into managing our monuments well, rather than debating whether they should exist.

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5. Zinke Vows to Make Interior 'the Happy Department'

The Morning Consult, April 25 | Jack Fitzpatrick

Interior Secretary Ryan Zinke said he hopes to improve employee morale and foster a more welcoming image for federal lands, suggesting it's probably not necessary to arm officials who work on remote tortoise refuges.

Speaking at an an Outdoor Industry Association event Tuesday, Zinke said the department's employees sometimes appear "too heavy-handed" in the name of law enforcement on public lands. He also cited cases of sexual harassment in the National Park Service as a reason for low employee morale.



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“You can take it from me, zero tolerance. Zero,” Zinke said. “I will give no quarter for sexual harassment.”

The Department of the Interior Inspector General has released reports in the last two years detailing instances of sexual harassment of employees at the National Park Service’s Grand Canyon River District, Yellowstone National Park, De Soto National Memorial in Florida, Chattahoochee River National Recreation Area in Georgia, and Canaveral National Seashore in Florida.

The department has also consolidated too much authority in Washington, D.C. and has a problem with micromanagement and lack of resources for employees who work on public lands, Zinke said. He reiterated a promise he first made in March to reorganize the department.

Zinke noted “there’s a breach of trust” between land management officials and the public.

He said that while visiting a wildlife refuge in the Virgin Islands last month, a U.S. Fish and Wildlife Service employee was armed and wearing a flak jacket, despite being “on a refuge in the middle of nowhere for tortoises.” Interior employees in the field need to project a more cooperative image, Zinke said.

“I don’t want Smokey Bear armed. I want to be the happy department,” he said.

Zinke did not offer any specifics on possible executive actions, expected on Wednesday and Friday, calling for reviews of national monument designations under the Antiquities Act of 1906 and access to offshore oil and gas exploration, according to a Reuters report. The White House did not respond on Tuesday to a request for comment on the executive actions. Zinke sidestepped a question on the offshore drilling executive order after the event, saying the department is “going to review everything. We’re going to look at everything we should.”

Despite staying quiet on the anticipated Antiquities Act order, Zinke repeated a promise to oppose transferring federal lands to states or private entities.

“Nobody loves public lands more than me,” he said at the event. “You can love it as much, but you can’t love it more than me. And part of the reason why I got the job is I’m adamantly opposed to the sale or transfer of public lands. And so is my boss.”



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6. Outdoor recreation industry, seeing role to protect public lands, boasts \$887 billion impact

The Denver Post, April 25 | Jason Blevins

A new report shows Americans spend \$887 billion a year on outdoor recreation, fueling an industry that is testing its newfound political clout in an emerging battle over public lands.

The third-ever impact report by the Boulder-based Outdoor Industry Association being released Tuesday affirms the industry's ascent to economic powerhouse, a climb that mirrors its recent efforts to evolve into a political force. That nascent political emergence, bolstered by a nearly trillion-dollar economic impact, arrives as the outdoor industry faces a shifting political landscape involving the public lands that anchor recreation.

With the news that the outdoor economy — defined by bike, snow, trail and water sports as well as camping, fishing, hunting, motorcycling, off-roading and wildlife viewing — supports more than 7.6 million jobs and pays \$124.5 billion in federal, state and local taxes, the outdoor industry right now is circling its wagons in Washington D.C., hoping to champion the role of outdoor play in not just the health of Americans but the country's economy.

The report arrives a day before President Donald Trump is expected to order a review of all national monument designations over the last two decades, asking the Interior Department to examine whether the scope of the monument designations follows the intent of the Antiquities Act, which allows presidents to create such protections.

“There is a sense of urgency around keeping public lands public and making sure members of Congress preserve what is one of America's greatest heritages,” said Amy Roberts, the Outdoor Industry Association's executive director on the day before her group's 25th annual Capitol Summit, which sees 130 outdoor industry leaders lobbying lawmakers to support recreation's use of Forest Service, Bureau of Land Management and National Park land. “We definitely see public lands as the infrastructure of the industry the same way the highway system services transportation.”



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The summit typically attracts about 75 recreation leaders. The surge in attendance this year, Roberts said, is directly tied to concerns about public lands and calls for the federal government to relinquish swaths of federally controlled lands to states.

The most recent example of the outdoor industry flexing its economically bolstered political clout is in Utah, where the Outdoor Industry Association's venerable Outdoor Retailer trade shows recently divorced its longtime home in Salt Lake City, citing the state's public lands positions.

Trump's review signals support for Utah leaders fighting to rescind or resize national monuments created by Presidents Bill Clinton and Barack Obama in southern Utah's Bear Ears and Grand Staircase-Escalante areas.

"The day has arrived when people outside of our industry have that level of understanding about recreation's contributions to the economy and this is the day that our political presence will be fully actualized," said Luis Benitez, the director of the Colorado Recreation Industry Office.

"These numbers showing up when they are and recognizing just how big it is and acknowledging the fact that a significant portion of those numbers are driven by the utilization and access to our public lands, you have a pretty different kind of dialogue pretty instantaneously."

Last month saw the formation of the first-ever outdoor recreation caucuses in both the U.S. House and Senate. The bipartisan efforts — led by Sens. Jim Risch (R-ID) and Martin Heinrich (D-NM) and Reps. Mike Simpson (R-ID) and Boulder Democrat Jared Polis — aim to preserve public lands and waters as the cornerstone of the outdoor recreation industry while supporting the growth of the industry's manufacturers, retailers and outfitters.

The association's report shows outdoor recreation spending more than doubling since 2007, when the first-ever recreation economy report counted \$243 billion spent on recreational trips and \$46 billion on outdoor products.

"We have shown that our economy continues to grow," said Roberts. "So what we will be talking to members of Congress about is the importance of preserving public lands and waters and also increasing recreation infrastructure across the country and that that's a good investment that's going to have good economic returns for communities both in terms of jobs created but also taxes paid."



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Roberts on Thursday will join industry chief executives speaking at the House Committee on Energy and Commerce's Subcommittee on Digital Commerce and Consumer Protection to discuss the economic report.

"This is an opportunity to amplify our message that we probably didn't have 10 years ago," she said. "I think the members are interested in what Congress can do on the business side to help our industry grow."

In the Intermountain West states of Montana, Idaho, Wyoming, Nevada, Utah, Colorado, Arizona and New Mexico, consumers spend \$104.5 billion a year on outdoor recreation and support 925,000 jobs, generating \$7.7 billion in federal taxes and \$7.2 billion in state and local taxes.

Outdoor recreation on the country's Forest Service land — which includes 47 percent, or 11.3 million acres of Colorado's wild lands — contributes more than \$13 billion to the national economy. The OIA report shows that Western rural counties with the highest percentage of federal land boast the nation's fastest growing population, employment and personal income growth per capita.

"There's been so much focus on rural communities that maybe were previously dependent on logging or extraction and the communities that have been proactive on changing their economies to be focused on outdoor recreation have done really well and they are finding recreation is a sustainable and dependable economy that will continue for many years," Roberts said.

It took the association about 18 months to compile the report. The sample size, with survey responses from consumers in every congressional district in the country, is 70 percent larger than the 2012 report.

This summer the association will release state numbers and in early next year the group will release data from each congressional district, showing how many jobs and how much tax revenue outdoor recreation creates in each corner of the country.

"I think going forward that data is actually going to be the most useful for members of Congress because they will be able to see the exact impact in their district," Roberts said. "There are quite a few member of Congress asking us when this report will come out and there will be a lot of comparing. Everyone sees this as a positive economy and they want to be a leader in growing it."



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7. In Utah's Red Cliffs, desert beauty moves at a tortoise's pace

The Salt Lake Tribune, April 25 | Erin Alberty

St. George — Not far from the throngs of tourists in Zion National Park, fins and spires of orange sandstone rise quietly from the sandy bottoms near the Virgin River. Redbuds frame a waterfall pouring into a slickrock basin, and rare desert tortoises emerge from the sand to eat meals of wildflowers that will help them survive the torrid summer to come.

This is Red Cliffs Desert Reserve, where April is the kindest month.

The 62,000-acre reserve north of St. George protects Utah's sliver of the Mojave Desert. It provides habitat for plants and animals that are rare to Utah and usually live farther south — especially for reptiles such as the chuckwalla, gila monster and desert tortoise.

It's also staggeringly beautiful and less crowded than nearby Zion.

But where elevation drops south of the Pine Valley Mountains, summer comes early and ferociously. To see Red Cliffs at its finest, visit soon.

As of early April, wildflowers were coming into bloom in the Sandstone Mountain area south of Leeds, and many unopened buds remained. On a rare day of constant, gentle rain, water rushed through Quail Creek, northwest of Harrisburg, and the smell of sage wafted over the nearby Red Reef trail.

Spring also is when the reserve's famed Mojave desert tortoises are most active. The tortoises, listed by the federal government as "threatened," spend most of their lives underground, in burrows. But in spring, they forage for plants and stock up on water their bodies can store during the coming dry days of summer.

A number of tortoises recently were transplanted from a housing development to near the reserve's Babylon trailhead south of Leeds, said Dave Kiel, recreation planner for the U.S. Bureau of Land Management. Biologists feared the move would end badly for the tortoises, as the Babylon area was rated low-quality habitat.



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"In reality, they're thriving," Kiel said. "It was amazing."

A Washington County sheriff's deputy who checked my permit at the reserve's Sand Cove camping area agreed with Kiel that the Babylon area was the best spot to look for tortoises and said he saw them frequently. I was visiting early in their foraging season and didn't see one. Kiel recommended looking for mounds of disturbed, soft soil next to rock walls. The tortoises are roughly the size of a football and are most active when temperatures are below 90 degrees.

Don't approach or handle tortoises, reserve employees warn. Stress may cause the tortoise to pee, which could leave it at risk of dehydration in a land where every drop of water counts.

If you can't find a tortoise, spring is a great time to enjoy other wildlife, like birds, lizards and rabbits. For flora, look for globemallows, marigolds and cactus blooms.

And enjoy the opportunity to explore the trails, canyons and rock formations while it's not ungodly hot. The Quail Creek waterfall near the Red Cliffs campground, now gushing, typically dries up in early summer; the sand at Sand Cove may soon be too hot for hiking.

The brevity of spring's beauties makes them all the more exciting.

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8. **EPA: Shutdown plan would send thousands home without pay**

E & E News, April 25 | Kevin Bogardus

U.S. EPA is preparing to send thousands of its employees home without pay in the event of a federal government shutdown in the coming days.

On Friday, the government will run out of money unless Congress and President Trump reach a new spending deal. If funding does run out, agencies like EPA will have to dramatically reduce operations.

Under EPA's [contingency plan](#), updated this month, 3.52 percent, or 536 of its 15,219 total on-board employees, would be required to show up for work.



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"If Congress is unable to complete work on a funding bill and the current [continuing resolution] expires, EPA and many other agencies would need to proceed to shut down operations," said acting Deputy Administrator Mike Flynn in an agencywide email today obtained by E&E News.

"Thank you for your patience as we go through this time. We will keep you informed as more information becomes available," Flynn said.

Under the shutdown plan, the few employees required to work would perform "excepted activities." Those are services that provide for homeland or national security, as well as being necessary to respond to emergencies to protect human life and property.

Excepted workers at EPA help monitor toxic waste sites under the Superfund program and emergency response functions for chemical, biological and radioactive accidents and attacks. Leaders may call on the Water Security Division's emergency response team in case of an incident.

EPA would also consult with the Justice Department to see what legal help it would need for enforcement cases during a shutdown.

When it comes to the agency's 29 labs across the country, if a shutdown happens, personnel would be needed to keep those running so test animals and plants aren't lost.

Most EPA shutdown-related activities can be completed within four hours, the contingency plan says. EPA would suspend travel, hiring and contracts, and stop payments for rent or communications services. In addition, payroll checks would not be processed and computer systems would be scaled back.

In September 2015, during a previous shutdown scare, EPA released a shutdown plan that would have required 740 of its then-14,887 employees to come to work (Greenwire, Sept. 28, 2015).

The last time the federal government shut down was in October 2013. Lawmakers authorized back wages for those employees that were furloughed. The Obama White House estimated the payroll cost of furloughed employees' salaries was \$2 billion.

Yesterday, Virginia Reps. Don Beyer (D) and Rob Wittman (R) introduced the "[Federal Employee Retroactive Pay Fairness Act](#)." The bill would guarantee back pay for workers in case of a shutdown.



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9. **INTERIOR: Zinke stands against land transfers ahead of Trump order**

E & E News, April 25 | Corbin Hiar

Interior Secretary Ryan Zinke reiterated his support for public lands this morning, the day before President Trump is expected to order the department to reconsider protections for millions of acres set aside by his White House predecessors.

"I'm adamantly opposed to the sale or transfer of public lands," Zinke said to boisterous cheers and applause from members of the Outdoor Industry Association.

"And so's my boss," he added when the noise died down. The comment prompted nervous laughter from the crowd, which had gathered at the National Press Club to celebrate the public rollout of OIA's third comprehensive assessment of the \$887 billion outdoor recreation economy.

The rest of the secretary's 12-minute speech touched on his concerns about armed Interior officers and plans to reorganize the department.

But Zinke never specifically addressed the executive order, which is expected to call for a review of at least 50 national monuments established by presidents under the Antiquities Act to determine whether their existing boundaries protect too much land or water. Any monuments that the administration may seek to scale back or eliminate would remain in federal control but could be opened to energy development, commercial fishing or other uses that can conflict with outdoor recreation (Greenwire, April 24).

Soon after he left, conversation in the room turned to the order.

"I would be remiss if I did not acknowledge the reports that you've all heard that tomorrow the administration might issue an executive order concerning the Antiquities Act and national monuments looking backwards," said Eric Artz, REI's chief operating officer.

"We obviously don't know what is in the order at this stage. But whatever the order may be, we believe strongly that the value of national monuments and public lands must consider the huge economic impact of the outdoors and the health of our local communities," he said, prompting another round of applause.



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After the speakers left the stage, apparel makers, retailers and sportsmen discussed among themselves the potential impact and scope of the order. They included Rep. Mike Simpson (R-Idaho), the co-chairman of the newly formed Outdoor Recreation Caucus (Greenwire, April 20).

Trump could undo dozens of monuments, "but that's not going to happen," Simpson told E&E News. "What you find with most national monuments is, once they've been put into place — even those where there was a lot of controversy when you first put it into place — as time goes on, people start to like them. Kind of like the Grand Canyon."

The House Appropriations Committee member said the forthcoming order seemed to be a response to the outcry over President Obama's designation of Bears Ears National Monument in Utah despite the unified opposition of the state's congressional delegation (Greenwire, Dec. 28, 2016).

"Let's see what they do there," Simpson said before noting that "if the Utah delegation wants to, they could pass a bill" undoing the monument.

Simpson added, "I don't have any problem with the Antiquities Act."

Zinke on law enforcement, reorganization

The secretary spent most of his speech focused on issues of concern to him, such as improving the department's relationship with local communities by taking a less confrontational approach.

"I think we're too heavy-handed in the face of law enforcement," he said. Zinke then told about a startling encounter he and a group of Duke University students had with a flak-jacketed Fish and Wildlife Service ranger in the U.S. Virgin Islands when they tried to take a group photo on a beach used by tortoises.

"That's the face of Fish and Wildlife on a refuge in the middle of nowhere for tortoises, and when you go out West, that's the same face," he said. "I don't want to see Smokey the Bear armed. I want to be the happy department."

Zinke's comments come the day after federal prosecutors failed to secure convictions for four of the men involved in a 2014 armed standoff with Bureau of Land Management officials over more than \$1 million in unpaid grazing fees (E&E News PM, April 24).



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The secretary also elaborated on his plans to reorganize the department, with a focus on reducing overcapacity at parks and increasing communication between land management agencies.

With Yosemite, Glacier and Yellowstone national parks "at capacity ... how do we maintain the culture [and] the experience of our parks?" he asked. "There's only one way to do it. Look at the public lands around the parks and make sure that the watersheds make sense, make sure the wildlife corridors connect, make sure the trail systems work, make sure the sewer systems are connected. So our reorganization is going to look at ecosystems."

That broader management approach will also require tearing down management silos, he said.

"Everyone reports to different regions" now, he said. "We're looking at doing it jointly for an ecosystem [where] everyone reports to a joint management area, so that we can talk to each other."

Zinke explained that in such a system, every land manager in Alaska, for instance, would report to the same joint management command, which could then look across the ecosystem with an eye to the future.

"This is a grand reorganization," he said. "The challenges are clear. There's no doubt that next year we're going to have more recreation out there. No doubt. But we want to make sure we preserve the experience for all Americans so 100 years from now your kids' kids can look back and say, 'You know what, we did it right.'"

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10. **PUBLIC LANDS: Agency retirees warn of shutdown's harm**

E & E News, April 25 | Emily Yehle

Former park rangers and public lands employees are warning President Trump and Congress about the impact a government shutdown could have on parks, refuges, fish hatcheries and forests.

Lawmakers need to pass a spending bill by this weekend, when current funding lapses, to avoid a shutdown of much of the federal government. But they have yet to hammer out a final deal, thanks to uncertainty over whether Trump will sign a bill that doesn't include funding for a border wall (E&E Daily, April 25).



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In a [letter](#) today, four groups of former employees emphasized that past shutdowns "have cost billions of dollars to local communities" who depend on the visitors who use nearby public lands.

"While we certainly want the budget to be resolved to avert a shutdown, we ask that it be done without negatively impacting our public lands, natural resources, communities and public servants," they wrote. "We also ask that a budget agreement be clean of environmentally damaging policy riders that would negatively impact our public lands and natural resources, and actually increase future management costs."

The Coalition to Protect America's National Parks, Public Lands Foundation, Association of U.S. Fish and Wildlife Service Retirees, and National Association of Forest Service Retirees signed the letter. Together, they represent 5,400 former employees of the National Park Service, Bureau of Land Management, Fish and Wildlife Service, and Forest Service.

National parks loomed large the last time the government shut down, in 2013. NPS closed all its parks, monuments and historic sites during the 16-day shutdown, though Republicans on Capitol Hill argued that was unnecessary. Some states ended up paying to keep parks open.

This time around, NPS and other agencies are working with staff hampered by a hiring freeze instituted earlier this year. The White House has since lifted the freeze, but Interior is keeping it in effect for some positions (Greenwire, April 21).

In their letter today, the four groups offered to "work together to ensure that the public is provided continued access to these special places."

"Past government shut downs have clearly impacted the conservation and management of the historical, cultural, and natural resources protected on these lands, and the neighboring communities," they wrote. "The already reduced numbers of employees working to properly manage these areas are personally and professionally impacted, as are their families."

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11. **PUBLIC LANDS: Americans spend more on outdoor fun than gas, Rx — report**

E & E News, April 25 | Kellie Lunney

Outdoor recreation is big business for the American economy, creating more jobs than construction and computer technology and generating \$117 billion more in annual consumer spending than pharmaceuticals and fuel, according to a new report.

Consumers spend \$887 billion every year on a range of outdoor activities including camping, hunting, fishing and water sports — more than the \$770 billion they spend annually on gasoline and prescription drugs, according to an [analysis](#) unveiled today by the Outdoor Industry Association.

By comparison, consumers spend \$946 billion on hospital care every year.

OIA Executive Director Amy Roberts said the report makes clear that outdoor recreation is a "powerful economic force" and that public lands and waters are the "foundation" of that force.

"National parks, national wildlife refuges, national monuments and other public lands and waters account for \$45 billion in economic output and about 396,000 jobs nationwide," the report said. "These public areas provide significant economic benefits, particularly for nearby rural communities."

In addition to spending more money on activities like skateboarding, water-skiing and cycling than movie tickets or video games, Americans benefit from the overall 7.6 million jobs and \$125 billion in federal, state and local tax revenue that outdoor recreation generates, the report found. In comparison, construction accounts for 6.4 million jobs, while computer technology is responsible for 6.7 million jobs.

"From park rangers to hydrogeologists and from fly fishing guides to retail sales associates, outdoor recreation provides jobs across the skill spectrum. It employs people who want to work in the field, in the lab, on the road, in the office and everywhere in between," the OIA report said. "As a multi-dimensional economic sector, outdoor recreation fuels employment in other sectors, such as manufacturing, finance, retail, transportation, food service, tourism, travel and more."



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The 2017 analysis, OIA's third and most comprehensive to date on how outdoor recreation contributes to the overall economy, broke down the fiscal impact on the country by region. The South Atlantic, which includes Virginia, the Carolinas and Florida, contributed the most in annual consumer spending (\$179.1 billion) and jobs (1.6 million), followed by the Pacific West (\$149.6 billion and 1.2 million jobs).

The data could be a factor in policy discussions on infrastructure investment and reform as well as debates over public land use. "Given the anticipated news from the administration about monument designations this week, this is a timely discussion," REI CEO Jerry Stritzke said in a statement.

President Trump is expected to announce an executive order tomorrow that directs the Interior Department to conduct a review of at least 50 national monuments to determine whether existing boundaries should be changed (Greenwire, April 24).

On Thursday, bipartisan congressional outdoor recreation caucuses will hold their first briefing of the 115th session. The House caucus, led by Reps. Jared Polis (D-Colo.) and Mike Simpson (R-Idaho), is new; the Senate group, co-chaired by Sens. Martin Heinrich (D-N.M.) and Jim Risch (R-Idaho), has been around for the last several years. The caucus aims to encourage active lifestyles but also educate Americans about the economic benefits of the industry, wildfire funding and public outdoor recreation infrastructure.

At a National Press Club event highlighting the study, Roberts said that in the coming months OIA also plans to release state- and congressional-district-level data on the outdoor economy.

Washington has been taking greater note of the industry's economic contributions over the past few years. The 2016 Outdoor Recreation Jobs and Economic Impact Act requires the federal government each year to measure the outdoor recreation economy and the industry's contribution to the country's national gross domestic product.

The law "will for the first time count our members as a discrete part of the nation's GDP, and maybe we won't have to do this report in the future," Roberts said at the Press Club.

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12. **NATIONAL PARKS: Grand Canyon used drones for 1st time in major search**

E & E News, April 25 | Astrid Galvan, AP/Albany Times Union

The National Park Service is using drones extensively for the first time in its search for two missing hikers at Grand Canyon National Park.

The Grand Canyon is the only national park with its own fleet of unmanned aircraft for locating people who have gotten lost or stranded, with five drones and four operators.

The search for LouAnn Merrell and her step-grandson, Jackson Standefer, who vanished last weekend while crossing a creek, has come up empty so far (Greenwire, April 18). But it sheds light on a technology that can probe spots that cannot be reached on foot, while sparing the dangers of searchers using a helicopter.

"Our historic model was to take the helicopter to look and see," said Grand Canyon Chief Ranger Matt Vandzura. Drones can give "that same close look but without putting any people at risk. It has dramatically increased our ability to keep our people safe," he said.

The machines are about 18 inches across and 10 inches high, with a battery life of about 20 minutes.

The search for Merrell and Standefer is continuing and has additionally employed roughly 20 people on foot, an inflatable motor boat and a helicopter.

James Doyle, a spokesman for the NPS Intermountain region, said that other national parks will likely seek their own drone fleets.

"It's a wonderful tool for the unfortunate situation we just found ourselves in at Grand Canyon," he said (Astrid Galvan, AP/Albany Times Union, April 25). — SM

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13. INTERIOR: Agencies to review 2 less-controversial drilling rules

E & E News, April 25 | Corbin Hiar

The Trump administration is reconsidering a pair of relatively uncontroversial Interior Department oil and gas rules the Obama administration put into effect during its final days in office.

The regulations — each years in the making — mainly increased oversight of new oil and gas drilling in national wildlife refuges and of existing operations in national parks. After they were proposed, both received far more comments in favor than in opposition, and neither was the subject of a congressional oversight hearing.

But the Fish and Wildlife Service and National Park Service rules were specifically targeted last month in President Trump's [executive order](#) on energy, along with two hotly debated Bureau of Land Management regulations on hydraulically fractured wells and methane waste emissions. The Trump administration is already moving to rescind BLM's fracking rule, and a House-passed resolution to overturn the methane regulation is only a few votes short of clearing the Senate.

By contrast, the FWS and NPS rules were opposed mainly by the oil and gas industry, which generally objects to efforts to increase regulations on drilling. And although a pair of oil-friendly House lawmakers introduced resolutions that would roll back the regulations, those have failed to attract much support in either chamber.

Nevertheless, in response to the Trump's decree, an [order](#) from Interior Secretary Ryan Zinke gave the directors of FWS and NPS until last week to review the rules and inform the deputy secretary whether they promote energy independence and economic growth. Then by May 9, Zinke's No. 2 is supposed to provide him with a plan detailing how to comply with the energy executive order (E&E News PM, March 29).

The Democratic leaders of the GOP-controlled House Natural Resources Committee last week raised concerns in a [letter](#) to Zinke about "the wide-ranging and vague directives in both orders."

Ranking member Raúl Grijalva (D-Ariz.) and the top Democrats on all five of the Natural Resources subcommittees warned that the orders "have the potential to completely upend the way the Department of the Interior manages energy development on public lands, leading to a



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situation where the desires of fossil fuel developers to use our public lands to mine for coal or drill for oil and gas could dictate Departmental policy."

They requested by Thursday the reports that the FWS and NPS directors provided to the deputy secretary as well as other interim documents called for in the secretarial order. A Democratic spokesman said that, as of this morning, the committee hadn't received any response to the letter.

But a source familiar with the FWS report said it argued that the refuge rule is "in full compliance" with the orders. There is nothing in the rule that could be "construed as being an impediment to energy development and to business."

What the deputy secretary and Zinke do with that information remains to be seen.

Refuge rule

FWS refuge managers have been concerned about the threat that oil and gas operations pose to natural resources since at least 1984, according to the General Accounting Office, a watchdog agency now known as the Government Accountability Office. Drilling can destroy the habitat and contaminate the groundwater that refuges were formed to protect for migratory birds, endangered species and other wildlife (Greenwire, June 12, 2015).

The draft rule FWS put forward sought to reduce those threats while also minimizing its impact on energy companies. It required companies that want to modify their wells or drill new ones to obtain permits from FWS and set new standards for all operations covering everything from waste management to unused infrastructure.

The rule was developed in coordination with NPS so that oil and gas operators would encounter similar standards in both refuges and parks. Unlike the Park Service, however, FWS didn't require operating permits for existing wells because it concluded that new drilling produces the greatest incremental impacts.

Otherwise, the FWS rule could have resulted "in significant administrative and operational costs ... on both the service and the operator," Fish and Wildlife said at the time. "These costs could be disproportional to the environmental benefits gained" (Greenwire, Dec. 10, 2015).

The proposal prompted over 119,000 comments, most of which were form responses in favor of the regulation.



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Nevertheless, the oil and gas industry opposed the draft rule, which was finalized the day after Trump's election victory with few substantive changes (Greenwire, Nov. 10, 2016).

In jointly filed [comments](#) nine months earlier, the American Petroleum Institute and Independent Petroleum Association of America claimed that the "stringent regulations ... are duplicative of, and inconsistent with, other federal and state laws."

Those arguments were echoed by Rep. Kevin Cramer (R-N.D.), who introduced a resolution mainly supported by fellow Congressional Western Caucus members that would roll back the refuge rule. [H.J. Res. 45](#) is necessary, the caucus argued in an [information sheet](#), because "the new regulations are duplicative and inconsistent with existing regulations that protect the environment."

But that resolution, introduced Jan. 30 with five Republican co-sponsors, has so far failed to gather additional support in the Senate or House. And lawmakers in the upper chamber only have until mid-May to reverse Obama-era rules under the Congressional Review Act (Greenwire, March 31).

Meanwhile, FWS officials have reported few complaints about the oil and gas rule from operators on the ground, where there are already more than 5,000 wells in over 100 refuges.

"The practical effect would be if we get new development," said Mary Maddux, a regional oil and gas specialist based out of Hagerman National Wildlife Refuge in northeastern Texas. "Then a permit and bonding is required. Those operators with existing operations are grandfathered in."

The lack of new development isn't due to the regulation, she added.

"It's mostly because of the price of oil," Maddux said. "Since the slump of last year, the price hasn't come up enough" to make additional drilling worthwhile.

Conservationists believe that, on the merits, the refuge rule should survive the scrutiny of the Trump administration and Congress.

The rule "doesn't unduly burden energy development, and it is necessary to protect and comply with laws passed by Congress to conserve refuge lands and resources," said Mark Salvo, the vice president of landscape conservation at Defenders of Wildlife.



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Parks rule

The NPS oil and gas regulation was issued to close a loophole that allowed 60 percent of operators to produce fuels inside the park system with limited agency oversight.

Under the prior standards, the Park Service couldn't regulate wells on the edges of parks or ones that predated its 1978 oil and gas rule. The agency was also limited in how much it could require producers to set aside in bonds to pay for the cleanup of spills.

As a result, pump jack engines in Tennessee's Big South Fork National River and Recreation Area "have caused notable noise at visitor overlooks that are 2 to 3 miles away," NPS said in the proposed rule. "Simple mitigation such as a corrugated steel fence would abate this impact, however, due to the well's grandfathered status; the NPS is unable to require this mitigation and forced to accept this unnecessary impact."

Furthermore, the park system had a bonding gap of over \$12 million, NPS concluded in a cost-benefit analysis that accompanied the draft rule (Greenwire, Oct. 26, 2015).

While the proposal was broadly supported by the public, the fossil fuel industry objected to it for some of the same reasons it fought the FWS proposal.

"The imposition of additional regulations on non-federal oil and gas development within the National Park System is unnecessary, and will only result in duplicative layers of regulatory oversight," the American Petroleum Institute, Independent Petroleum Association of America and two other trade groups said in a [comment letter](#). "Overly burdensome restrictions on the rights of leaseholders to access or otherwise develop mineral rights could also constitute an unconstitutional taking of private property rights."

But the NPS rule was finalized and has since been targeted in the House by the Western caucus.

A resolution from caucus Chairman Paul Gosar (R-Ariz.) seeks to overturn it because "these wells are already subject to existing environmental regulations" and further regulation of them "could result in unconstitutional takings," the group said in an [information sheet](#). But [H.J. Res. 46](#) hasn't moved or picked up any additional co-sponsors since it was unveiled Jan. 30 with the support of six Republicans.



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Although the congressional challenge to the update to NPS oil and gas regulations appears stalled, national park advocates are alarmed that the Trump administration is reconsidering it. There are currently fewer than 540 operations in a dozen parks, but 30 additional parks could see drilling if the price of oil increases.

"These commonsense rules do not prohibit development but simply ensure that national parks continue to receive the highest possible level of protection," Nicholas Lund, the National Parks Conservation Association's senior manager for landscape conservation, said in a statement. "We hope Interior Secretary Ryan Zinke, who is now tasked with reviewing the [NPS] rules, recognizes how important they are to the health of our national parks and their visitors and leaves these important measures in place."

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14. **INTERIOR: Agency withholding docs on rumored top pick — lawsuit**

E & E News, April 25 | Scott Streater

A government watchdog group today filed a federal lawsuit against the Interior Department, accusing it of withholding documents related to the agency's former top lawyer, who is rumored to be the primary candidate for Interior's deputy secretary position.

The Whitefish, Mont.-based Western Values Project says Interior has failed to provide it with documents requested under the Freedom of Information Act pertaining to David Bernhardt's time as Interior's solicitor during the George W. Bush administration, according to the 10-page [complaint](#) filed in the U.S. District Court for the District of Columbia.

Specifically, the Western Values Project wants the court to order Interior to "immediately and fully comply with plaintiff's requests under the FOIA" and release documents related to Bernhardt's communications with various congressional leaders and Interior officials, as well as representatives of the regulated community, during his tenure at Interior.

Bernhardt, who is chairman of the natural resources department at the law firm Brownstein Hyatt Farber Schreck, is widely considered by insiders as the front-runner to become deputy secretary (Greenwire, Jan. 30).



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Bernhardt was briefly in charge of Trump's Interior transition team after the election, and he served in several top jobs at Interior, working under former secretaries Gale Norton and Dirk Kempthorne. Bernhardt was solicitor from 2006 until 2009 and deputy solicitor from 2005 until 2006.

Chris Saeger, the Western Values Project's executive director, told E&E News that the group is looking for any documents related to Bernhardt's possible role in several "scandals" at the agency during his Bush-era tenure, including one involving disgraced Washington lobbyist Jack Abramoff, although the specific search is not stated in the legal complaint filed today.

Bernhardt has never been associated with that scandal, but other top Interior officials were involved, including former Interior Deputy Secretary J. Steven Griles, who was sentenced in 2007 to 10 months in prison for lying to Congress during the Abramoff investigation (E&E Daily, June 27, 2007).

The group also requested that the Bureau of Safety and Environmental Enforcement provide any documents written by or sent to Bernhardt "either in his role as a department employee or as a private citizen," regarding leaking oil wells in the Gulf of Mexico owned by Taylor Energy Co. The leaks were discovered in the wake of the 2010 Deepwater Horizon disaster.

It's not clear how Interior will respond. The agency has a long-standing policy of not commenting on matters related to pending or ongoing litigation.

The Western Values Project shared an advance copy of the lawsuit with E&E News on condition that the complaint not be published prior to its filing this morning.

"The public has a right to know David Bernhardt's role in the scandals that plagued the Bush-era Department of Interior," Saeger said in a statement. "We will aggressively pursue this litigation until that information has been released to the public. There shouldn't be any secrets about Mr. Bernhardt if he stands a chance of becoming one of the most powerful figures at Interior."

Detailed requests

The Western Values Project submitted three FOIA requests March 10 and a fourth request March 17.



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The March 17 request, sent to the Interior secretary's office, asks for "access to and copies of all correspondence" from Jan. 1, 2004, through Dec. 31, 2009, between Bernhardt and a long list of congressional leaders, including former House Majority Leader Tom DeLay (R-Texas), and Abramoff.

"As of the date of the filing of this complaint, plaintiff has received no communications from defendant concerning this request," according to the complaint.

The group also filed two FOIA requests March 10 related to documents pertaining to the Taylor Energy offshore oil leaks.

The requests were sent to BSEE and Interior's Office of the Solicitor. The request to the solicitor asks for "all records, correspondence, reports, and other documents" concerning the spill "that involved Bernhardt or the Solicitor's Office during this time-period."

BSEE sent a response to the Western Values Project on March 22 stating that both requests would be processed by the solicitor's office, according to the legal complaint.

The fourth FOIA request, sent to the Interior secretary's office March 10, asks for "all correspondence, internal hiring materials, salary and benefits information, memos authored, complaints, and any performance reviews or reprimands involving Bernhardt" from Jan. 1, 2004, through Dec. 31, 2009.

The request includes "notes on hiring or promotion from within or external to DOI, and any other information regarding Bernhardt's job performance." It also seeks "complaints regarding Bernhardt received from within DOI or from members of the public."

In all but the March 17 request, Interior did respond within the 20-working-day deadline set by FOIA, according to the complaint.

The group asks the court to declare that Interior violated FOIA "by failing to conduct an adequate search for records responsive to plaintiff's FOIA requests." It wants the court to order Interior "to immediately conduct and document an adequate search for responsive records" and "release all records" that have been requested.

Separately from today's lawsuit, the Western Values Project has already raised questions about Bernhardt and his involvement with the Trump transition team.



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The group questioned Bernhardt's possible involvement in the Bureau of Land Management's decision last month to issue a memorandum that appears to pave the way for a controversial project that would pump water out of California's Mojave Desert to households in Southern California (Greenwire, April 6).

BLM in an October 2015 decision rejected the water pipeline project (Greenwire, Oct. 6, 2015).

The lobbying arm of Brownstein Hyatt Farber Schreck has worked to advance the project. The firm, according to press reports, stands to gain millions of dollars if the project is approved.

"Bernhardt is the definition of a swamp creature with serious conflicts of interest that should disqualify him as a nominee if Trump stands by his 'drain the swamp' rhetoric," Saeger said.

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15. **REGULATIONS: Trump acts fast to strike rules — but what's the long-term impact?**

E & E News, April 25 | Arianna Skibell

Almost 100 days in office and President Trump has taken a number of steps to make good on his promise to roll back regulations that conservatives say are choking the American economy.

Trump has issued a number of executive orders prompting federal agencies to limit regulatory actions and focus more on deregulation. And he's deployed the formerly rare Congressional Review Act to overturn a dozen Obama-era rules, many of which were intended to protect the environment and make energy production cleaner.

Though Trump's deregulatory agenda is clear, the question is whether the measures will have a lasting impact, experts say.

"Hard to tell what these [deregulatory efforts] will amount to," H.W. Brands, a historian at the University of Texas, Austin, wrote in an email.

Still, deregulating the energy sector is one area where Trump has been very "consistent" and "clear-eyed," according to Meg Jacobs, energy policy expert at Princeton University's Woodrow Wilson School.



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"Trump came into office with a clear agenda on energy and environment," she said. "Rather than defining 100 days by legislative success, he's hoping to have success in deregulating in the areas of energy and environment."

Appointing U.S. EPA Administrator Scott Pruitt and Secretary of State Rex Tillerson sent a message early on, Jacobs said.

"He hopes to undo a lot of the regulatory rules under President Obama, like scaling back the Clean Power Plan; and if not to do away with it, then to gut it from the inside," she said.

The trouble with executive orders, Jacobs pointed out, is they can easily be reversed by subsequent administrations.

James Goodwin, senior policy analyst with the Center for Progressive Reform, said the first 100 days has seemed to him more like an extension of Trump's campaign trail rhetoric.

"Attacking regulations, attacking safeguards, attacking agencies, attacking the process by which safeguards are enforced and implemented," he said. "Underlying all that campaign rhetoric is the challenge they're facing in coming to grips with translating that rhetoric into action and quickly finding these issues are not as simple as a tweet or stump speech."

He added: "The first 100 days have been a slow coming to grips with a big dose of reality in trying to translate their ideas about the regulatory system into actionable policy, and it's going to be a rude awakening over the several months."

Still, agency operations and judicial review of related actions will likely have dramatic consequences, according to William Buzbee, environmental law professor at Georgetown University.

For example, Trump's executive order requiring agencies to toss at least two rules for every new one could spur a number of lawsuits.

"All regulations have to surmount cost-benefit analysis and found to not be arbitrary and capricious," Buzbee said. "The courts may be very skeptical of such regulatory reversals."



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The process to repeal rules can take years, as it requires a full notice and comment process. Agency heads are required to put forth strong evidence that a rule should be repealed, which means making a compelling argument rooted in science and facts, he said.

"Agencies are going to find themselves in a very tough position because they don't want to go to court and be rejected, and on the other hand the president has asked these political appointees to take actions that are vulnerable to challenge," Buzbee said.

"This will set in motion big heated regulatory battles."

Trump has been criticized for not passing any major legislation in his first 100 days. But the White House is stressing the passage of Congressional Review Act resolutions as a major legislative accomplishment (Greenwire, April 5).

White House press secretary Sean Spicer last week reiterated the point.

"As I've mentioned here, we're now at a dozen Congressional Review Act pieces of legislation that have been signed that have had, I think, a very positive impact and will have a very positive impact on job creation," he said at a daily briefing with reporters.

"When you — and I've noted before to you that only one had ever been signed in history before — that's a pretty significant achievement for this president."

'Keep things in perspective'

Jerry Ellig, a senior research fellow with the Mercatus Center at George Mason University, praised Trump's use of the CRA and his regulatory executive orders but questioned the extent of their impact.

"On the other hand, these aren't the things that really fundamentally change the way the regulatory system works, that would require changes to the Administrative Procedure Act," he said.

"The people who love these developments and the people who hate them should both keep things in perspective."

Ellig said he judges a presidential action as significant or important if it affects the entire regulatory system rather than a few regulations and whether the action will last.



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"The administration has the opportunity for a much greater accomplishment if senators can agree on some type of a compromise on regulatory reform," he said.

While changes to the regulatory process are a top priority for many Republican lawmakers like Sens. James Lankford of Oklahoma and Rob Portman of Ohio, fewer Democrats focus on the issue — though moderate Sens. Heidi Heitkamp (D-N.D.) and Claire McCaskill (D-Mo.) are working to find a compromise (Greenwire, Feb. 21).

Ellig said the president who likely did the most to change the regulatory system in his first 100 days was Ronald Reagan.

"He required agencies to conduct regulatory impact analysis, analyze problems they're trying to solve, and look at the costs and benefits of alternatives," he said. "And that approach has been durable as evidenced by the fact that it was largely kept in place by Clinton."

Ellig called Trump's two-for-one order a "heck of a surprise." He said if it withstands the test of time, it would be "quite an accomplishment."

Patrick Maney, a professor of history at Boston College, said Trump has used executive orders to attempt to change the regulatory process more than many previous presidents. But he suggested Trump's executive orders pale in comparison to many of his predecessors'.

"Jefferson's Louisiana Purchase, Lincoln's Emancipation Proclamation, Truman's desegregation of armed forces, Roosevelt's 1942 Japanese internment camps — these were all done through executive orders," he said.

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16. **APPROPRIATIONS: Lawmakers seek deal on border security to avert shutdown**

E & E News, April 25 | George Cahlink

The massive fiscal 2017 spending deal currently in the works hinges on whether the White House will accept increased border security funding without billions of dollars for building a wall along the U.S.-Mexico border.



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President Trump said at a meeting last night with conservative media that he is now open to delaying border wall funding until later in the year rather than risking a standoff this week with Congress, the White House confirmed after initial reports of his comments surfaced.

House Minority Leader Nancy Pelosi (D-Calif.) quickly seized on Trump's remarks as "welcome news" and a sign that lawmakers may be able to reach a deal to avert a shutdown later this week.

Lawmakers need to provide new funding for the government by this weekend, when current funding lapses, or much of the government will be forced to shut down.

Several Republican Senate appropriators said they believe a broad omnibus spending package to fund most of government is near completion. But, they said, bipartisan negotiations with the Trump administration are hung up on whether to attach \$1.4 billion to begin construction of the border fence.

Sen. John Boozman (R-Ark.), chairman of the Senate Homeland Security Appropriations Subcommittee, said there are many areas along the border where geography prevents a fence from being built and where technology could be used instead to secure the border. He said one option might be to fund the technology in the fiscal 2017 package, saving fights over the border wall for next year.

"I'd like to get them the funding they need to start securing the border. The question is: Is it a failure if you do the one in front of the other?" said Boozman, noting the wall is a top priority for the White House.

Lawmakers are seeking a compromise as Senate Democrats have promised to filibuster any bill that contains funding for a wall. With the GOP controlling only 52 Senate seats, it would likely lack the 60 voters needed to overcome solid Democratic opposition in the Senate.

Senate Minority Leader Chuck Schumer (D-N.Y.) reiterated that point on the floor yesterday, calling a border wall "a pointless waste of taxpayer money" that might spark a government shutdown. He cited comments Interior Secretary Ryan Zinke made to E&E News earlier this year that building a physical wall along the entire border would be "complicated."

"There are much better ways to protect our borders — with drones, fences and other more cost-effective measures," said Schumer, hinting at a potential compromise on border technology spending.



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Aside from wall construction dollars, President Trump has asked for \$1.6 billion for other border-security-related efforts. The White House yesterday stopped short of a veto threat if only those dollars, not border wall money, were part of the final package.

Meanwhile, Congress may wind up having to pass a one- or two-week stopgap measure to fund government if it cannot finalize an omnibus deal by Friday, when current dollars run out.

Sen. Roy Blunt (R-Mo.), a senior appropriator, said leaders would likely need to decide by today if they can move an omnibus this week or will have to move another continuing resolution to avert a shutdown.

With the House not due back until later today from a two-week recess, the prospects favor a short-term CR to buy time to wrap up final talks, several aides suggested.

Sen. Richard Shelby (R-Ala.), another senior appropriator, said a CR is always a "probability" and stressed he's heard no talk about letting government shut down. "That's insane," he said of closing agencies for even a short time.

Several Democrats also said they aim to avoid a shutdown but suggested the onus lies with the White House and whether it will back off demands for a border wall.

Meanwhile, exactly which of the 11 remaining spending bills will make the omnibus is not clear, although appropriators expect most agencies to get fresh funding for the last six months of fiscal 2017.

"We are in very good shape on my subcommittee, and many of the other subcommittees have completed their work as well," said Sen. Susan Collins (R-Maine), chairwoman of the Senate Transportation and Housing and Urban Development Appropriations Subcommittee.

Sen. Dianne Feinstein (D-Calif.), the ranking member on the Energy and Water Appropriations Subcommittee, said she's "confident" a bipartisan deal has been reached on her panel's bill but said she did not know when it would "pop up" given ongoing talks.

It's not clear if a fiscal 2017 Interior and environment spending bill, which funds U.S. EPA, the Interior Department and various land agencies, will be in the deal. Negotiators have been hung up over a push by House Republicans for lower EPA spending and rollbacks of Obama-era environmental protection rules.



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Any bills that do not make the package would have funding level with current spending through Sept. 30, the end of fiscal 2017.

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17. POLITICS: Trump's Proposed Order Could Jeopardize 21 Years Of National Monuments

The Huffington Post, April 25 | Hilary Hanson

President Donald Trump is planning to sign an executive order on Wednesday ordering a review of national monument designations going back 21 years, according to multiple media reports.

The order directs the U.S. Department of the Interior to look at designations dating back to Jan 1, 1996, which means more than 50 national monuments named by three presidents could be up for review. A White House official told The Washington Post on Monday that Trump wants to make sure his predecessors have not abused the federal law allowing such designations.

National monuments are historic sites or geographic areas — like Bears Ears National Monument in Utah or Katahdin Woods and Waters National Monument in Maine — that have been granted special federal protections. While only Congress can designate new national parks or wilderness areas, the president can unilaterally declare a national monument under the Antiquities Act of 1906.

President Barack Obama's designation of Bears Ears last December spurred Trump's decision to review more than two decades of national monuments, according to The Salt Lake Tribune. Protecting the 1.35 million-acre site as a monument incited controversy in Utah, with opposition from ranchers and some lawmakers.

Conservation groups have condemned the impending executive order as an attack on U.S. public lands.

"Eliminating or shrinking the 55 national monuments designated during the last 21 years would short-circuit the will of local residents, hunters, anglers, business owners and recreationists who campaigned, in some cases for decades, for these monument designations," the National Wildlife Federation said in a statement.



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Losing protected areas could reduce the habitats for numerous wildlife species, the federation said, and would be a devastating blow to the outdoor recreation industry.

“The most troubling fallout would be the beginning of the dismantling of our nation’s outdoor heritage, built over more than a century,” the group said.

The national monuments order is set to be the first of two executive orders on energy and the environment that Trump will sign this week. On Friday, he’s expected to sign an order aimed at reviewing rules related to offshore drilling and the designation of areas where offshore oil and gas exploration are permitted, Reuters reports. A summary of the order, obtained by Reuters, suggests that Trump’s predecessors were “overly restrictive” on offshore drilling.

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