

From: Sutherland, Ryan
Sent: 2017-08-23T18:15:08-04:00
Importance: Normal
Subject: Daily News Report - August 23
Received: 2017-08-23T18:15:20-04:00
[Daily News Report August 23.docx](#)

Attached is the daily news report for August 23.

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



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

UTAH – TOP STORIES – AUGUST 23, 2017

1. **'Stupid human tricks' caused hundreds of wildfires in Utah, state forester says**

The Deseret News, Aug. 23 | Dennis Romboy

SALT LAKE CITY — The state forester Tuesday blamed "stupid human tricks" for the "abysmally high" number of wildfires ignited by people this year in Utah.

2. **Brian Head Fire rehabilitation treatments begin**

St George News, Aug. 22 | Written by or for St. George News

CEDAR CITY — The Dixie National Forest has begun the initial round of rehabilitation treatment of the Brian Head Fire burned area. The initial round of treatment of aerial seeding and mulching is 5,604 acres with 1,037 acres of that total being treated by the Utah Department of Natural Resources, Division of Wildlife Resources and Utah Forestry Fire State Lands.

3. **Lawmakers hear advice on restoring Utah Lake, planning water development**

The Deseret News, Aug. 22 | Ryan Morgan

SALT LAKE CITY — The challenges of ridding Utah Lake of future algae blooms could cost "tens of billions of dollars," the Legislature's Water Development Commission was told during a meeting Tuesday.

4. **With redraw of Bears Ears, Grand Staircase looming, Utah State University study says national monuments are neither economic 'boon nor bane'**

The Salt Lake Tribune, Aug. 23 | Brian Maffly

Interior Secretary Ryan Zinke's will issue recommendations this week for large national monuments that will reverberate across Utah, where residents remain divided over the new Bears Ears and the 21-year-old Grand Staircase-Escalante national monuments.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

5. Top Interior official calls for ending bans on selling, euthanizing wild horses

The Salt Lake Tribune, Aug. 23 | Brian Maffly

A senior Interior Department official called Wednesday for lifting restrictions on sales and euthanasia for wild horses and burros to rein in run-away costs associated with managing growing herds roaming the West's public rangelands.

6. Groups gather in Salt Lake to tackle wild horse overpopulation problem

The Deseret News, Aug. 23 | Amy Joi O'Donoghue

SALT LAKE CITY — Rick Danvir with the Western Landowners Alliance told a crowd of several hundred people Wednesday that he was lucky in his early association with the wild horse of the West, working on the ground to conserve the species and boost its numbers.

7. White House Challenge On Bears Ears: Protecting A Source Of Local Pride

KUER News, Aug. 23 | Judy Fahys

Any day now, the Trump Administration is due to announce its decision on the future of twenty-one national monuments. Bears Ears in southeastern Utah is one of them.

8. The "New West's" big lie

The San Juan Record, Aug. 23 | Jim Stiles

Back in 2008, the day after Obama's landslide election, Moab progressive/ environmentalist Dave Erley sent out a mass celebratory email. In part he wrote:

"The progressive, green, candidates won all three contested County Council seats and the progressives now have a clear majority on the Council.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

9. Utah leaders expect Zinke to recommend dramatic downsizing of Bears Ears

UtahPolicy.com, Aug. 23 | Bob Bernick, Contributing Editor

U.S. Interior Sec. Ryan Zinke is set to release his suggestions on the size of national monuments established by previous presidents – and for Utahns that means will the 1.35-million-acre Bears Ears designation by Barack Obama stand?

E&E/NATIONAL NEWS – TOP STORIES

1. Once again, a jury rules in favor of Bundy supporters in their 2014 standoff with federal agents

E & E News, Aug. 22 | Melissa Etehad and David Montero

For the second time this year, the federal government tried and failed to convict four men who joined the high-profile Bundy family in its 2014 standoff with federal agents in a dispute over grazing fees for cattle.

2. Groups make last-minute push to save national monument areas

The Seattle Times, Aug. 22 | Brady McCombs

SALT LAKE CITY (AP) — Conservation and tribal groups are airing TV ads, sending letters to President Donald Trump and creating parody websites in a last-minute blitz to stop Interior Secretary Ryan Zinke from downsizing or eliminating national monument areas that cover large swaths of land and water from Maine to California.

3. After Millions In Damages, Oregon Standoff Defendants Agree To Pay Back \$78,000

Capital Press, Aug. 23 | Conrad Wilson, AP

Defendants guilty of occupying the Malheur National Wildlife Refuge have agreed to pay a total of \$78,000 in restitution, according to a motion filed in federal court Monday.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

4. NATIONAL MONUMENTS: Review unlikely to spur oil and gas rush

E & E News, Aug. 23 | Pamela King

Changing or abolishing at least six of the 21 national monuments currently under Interior Department scrutiny could create limited new opportunities for oil and gas operators.

5. NATURAL GAS: DOE argues lawsuits over export terminals should be rejected

E & E News, Aug. 23 | Amanda Reilly

The Department of Energy is aiming to quash a suite of lawsuits challenging liquefied natural gas terminals after a federal court last week upheld its approval of a Texas project.

6. SAGE GROUSE: 2nd Republican governor questions Zinke plan revisions

E & E News, Aug. 23 | Scott Streater

Nevada Gov. Brian Sandoval (R) has joined a growing chorus of government officials concerned about proposed changes to Obama-era greater sage grouse conservation plans that move away from habitat conservation and instead focus on state-by-state population goals.

7. METHANE: Proposed rule pushes BLM requirements to July 2019

E & E News, Aug. 23 | Pamela King

Federal lands regulators last week offered the Office of Management and Budget a proposal for rolling back Obama-era requirements to limit methane releases from oil and gas operations on public lands.

8. WHITE HOUSE: Presidential limits: Trump can't come through for coal

E & E News, Aug. 23 | Peter Behr and Saqib Rahim

"Tell Cohn to do whatever these two want him to do."

This secondhand account of President Trump's directions on rescuing Ohio power utility FirstEnergy Corp. and its coal supplier, Murray Energy Corp., sounded like a boss talking. As president, it didn't work.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

9. **PIPELINES: Major ruling against FERC shakes up climate law**

E & E News, Aug. 23 | Ellen M. Gilmer

Environmentalists are celebrating a big win after a federal court ordered regulators to take a closer look at a natural gas pipeline's impact on climate change.

10. **FORESTS: Can drones save Myanmar's mangroves?**

E & E News, Aug. 23 | Thin Lei Win, Reuters

BANGKOK - Fast-dwindling mangroves in Myanmar's low-lying Ayeyarwady Delta, ravaged by decades of deforestation and conversion of land for agriculture and aquaculture, could find an unlikely saviour - drones.

11. **SCIENCE: Agency defends website changes on climate**

E & E News, Aug. 23 | Scott Waldman

Climate references on the website of the National Institute of Environmental Health Sciences have been altered under the Trump administration.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

UTAH – FULL STORY

1. **'Stupid human tricks' caused hundreds of wildfires in Utah, state forester says**

The Deseret News, Aug. 23 | Dennis Romboy

SALT LAKE CITY — The state forester Tuesday blamed "stupid human tricks" for the "abysmally high" number of wildfires ignited by people this year in Utah.

There have been 397 human-caused fires on state and private land through early August, said Brian Cottam, director of the Utah Division of Forestry, Fire and State Lands. In comparison, he said, the number in neighboring Nevada totaled 30 as of two weeks ago.

"Pardon me sir, there's just more stupid human tricks that occurred this year," Cottam told the Utah Legislature's Executive Appropriations Committee.

"That number is extremely high," he said, adding that all those blazes are preventable. "They do not need to happen."

Cottam listed fireworks, target shooting in restricted areas and exploding targets among the causes of the blazes. But the No. 1 cause, he said, is vehicles sparking fires along the roadway, often from dragging chains on trailers. Ditch burning on farms in the early spring also touches off many fires, he said.

Suppression costs on state and private land reached \$18 million, Cottam said after the meeting.

More than half of Utah's firefighting costs — \$10 million — went to the massive Brian Head Fire that charred 71,673 acres, destroyed 13 homes and forced about 1,500 people to evacuate the area. Authorities say a man burning weeds in the southern Utah ski town ignited the blaze.

In all, federal, state and local agencies spent about \$40 million to fight the fire.

Cottam said the federal government would reimburse the state 75 percent or \$7.5 million for the Brian Head Fire, but it could take years to get the money. The Utah forestry division is responsible for fighting fires on state and private land.

Were it not for that fire, the state's cost this year would be about average, he said.

"One bad decision just blows things way out of proportion," Cottam said.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

In all, there have been more than 800 wildfires in the state this year, including those on federal land, he said. Most of them happened from the end of May to late July.

"Those seven weeks kind of ate our lunch and our budgets," Cottam said.

The state was scheduled to do more fuel reduction projects in the Brian Head area when the fire started. The Utah Legislature provides the state forestry division \$2 million a year for those projects.

Cottam said that amounts to a "drop in the bucket" of what the agency could use to manage state and private land to prevent fires. He said the state can't do it alone and that private businesses also need to help cover the costs.

[BACK](#)

2. **Brian Head Fire rehabilitation treatments begin**

St George News, Aug. 22 | Written by or for St. George News

CEDAR CITY — The Dixie National Forest has began the initial round of rehabilitation treatment of the Brian Head Fire burned area. The initial round of treatment of aerial seeding and mulching is 5,604 acres with 1,037 acres of that total being treated by the Utah Department of Natural Resources, Division of Wildlife Resources and Utah Forestry Fire State Lands.

Furthermore, 1,339 acres of seeding and wheat straw mulching will take place in watersheds and roadwork treatments will soon begin.

The Dixie National Forest accepted delivery of 119,000 lbs. of sterile triticale seed. The seed is part of the Burned Area Emergency Response approved treatment plan. The triticale seed is a cross between wheat and rye and germinates quickly after it is applied and receives moisture. A fixed wing seeding plane will continue to seed until approximately Friday to assist in reseeding 3,228 acres of the most susceptible areas for erosional loss.

On the same 3,228 acres, approximately 3,200 tons of wheat straw will be applied from helicopter nets to cover the soil surface. This treatment will begin Friday and continue into the middle of September with multiple helicopters applying straw mulch. This additional ground cover of straw increases the germination of the triticale seed and helps absorb rain drop impact and lessen water runoff potential.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

The logistical portion of the rehabilitation operation will take over 100 semi-tractor loads of straw to various staging sites located on the Dixie National Forest. Each staging site will fluff and prepare the straw for maximum dispersion for helicopter netting. The straw transport and helicopter support crews will increase traffic on the Three Mile Road (Forest Road 083) and the Sidney Valley Road (Forest Road 048). People in those areas are advised to use caution.

To protect essential Forest Service roads from expected high runoff from post fire rain events, roadwork treatments will begin soon, which will include increased culvert sizing and improved road drainage using a combination of contracts, county agreements and forest equipment. This is an ongoing process and will continue until late fall and then next spring and summer.

The State of Utah is treating 1,037 of the same treatments on private lands. These additional treatments have been coordinated with Utah Department of Natural Resources Division of Wildlife Resources and Utah Forestry Fire State Lands and will be awarded to contractors in late August.

The locations of the Brian Head Fire rehabilitation treatment areas are located on the map attached to this report.

[BACK](#)

3. **Lawmakers hear advice on restoring Utah Lake, planning water development**

The Deseret News, Aug. 22 | Ryan Morgan

SALT LAKE CITY — The challenges of ridding Utah Lake of future algae blooms could cost "tens of billions of dollars," the Legislature's Water Development Commission was told during a meeting Tuesday.

Lawmakers listened to concerns from environmental quality and wildlife resource authorities about eliminating invasive species from Utah Lake, fostering native species growth and mitigating nitrogen- and phosphorous-based nutrients seen as the primary cause for the harmful algal blooms that spread across the lake this summer and last.

Erica Gaddis, director of the Division of Water Quality, said the algal blooms seen on Utah Lake are a result of nitrogen- and phosphorous-based nutrient runoff. But Gaddis said systems to capture storm-water runoff could cost "tens of billions of dollars."



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

She noted that Utah Lake has nearly a half-million visitors a year when there are no algal bloom issues and said a statewide study indicated that Utahns would be willing to spend large sums of money in order to improve the water quality.

Gaddis said over the next three to four years, a steering committee would continue to perform a cost/benefit analysis before making a recommendation on how to improve the lake's water quality.

Unhealthy algae isn't the only problem plaguing the freshwater lake in Utah County.

Rory Reynolds, assistant director of the Division of Wildlife Resources, discussed efforts to remove the carp that are not native to the lake.

While achieving complete removal of an invasive fish species such as carp is an "admirable goal," it was "not very a practical one," he said.

The current best solution is to pursue population-management goals to reduce invasive species, he said. Over the past decade, the state has sponsored efforts for fishermen to remove tons of carp from the lake.

Reynolds also advised the commission, in the long term, to consider more lasting solutions such as introducing a genetically modified version of the carp that will only reproduce males, eventually causing the carp population to die off. Reynolds said some states, like Kansas, are researching the possibility of such a program, and the idea would probably be a viable option within the next 10 years.

The Water Development Commission also discussed water conservation strategies, growing population projections for southern Utah and expectations for a Lake Powell pipeline.

Ron Thompson, general manager for the Washington County Water Conservancy District, said Washington County currently uses about 85 percent of its potable water. Conservation can only go so far toward providing water for Washington County, he said, adding that "you can't conserve yourself down to zero."

Thompson said it would be important to continue planning for water development projects like the Lake Powell pipeline, which may not immediately be needed but take years to develop.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

"We're growing at 1,500 homes, plus the businesses, every year right now," Thompson said. By 2025, places in southern Utah will start overdrawing from aquifers in order to support the water needs of the growing population.

[BACK](#)

4. With redraw of Bears Ears, Grand Staircase looming, Utah State University study says national monuments are neither economic 'boon nor bane'

The Salt Lake Tribune, Aug. 23 | Brian Maffly

Interior Secretary Ryan Zinke's will issue recommendations this week for large national monuments that will reverberate across Utah, where residents remain divided over the new Bears Ears and the 21-year-old Grand Staircase-Escalante national monuments.

Zinke has signaled he will urge major reductions to the two Utah monuments, which state and county leaders say strangle local economies and undermine rural communities.

Commissioners from Garfield County, which hosts the Grand Staircase's northern half, have declared "a state of emergency," contending the monument imperiled the county's future. Yet numerous businesses are flourishing in Escalante and Boulder catering to adventuresome visitors coming to explore the region's slot canyons and mesas.

Pro-monument advocates argue landscapes protected by presidential decree under the 1906 Antiquities Act can be major economic drivers, while local leaders say they thwart economic development by curtailing extraction of publicly owned natural resources. Both sides point to the 1.9-million-acre Grand Staircase to prove their cases.

"There is no way both these things could be true. It could not be a great boon to the economy at the same time it killed the economy," said Paul Jakus, a Utah State University economics professor who has completed a study tackling the question. Co-authored with colleague Sherzod Akhundjanov, Jakus's study, which is under review by the journal *Land Economics*, concludes that landscape-scale monuments are "neither a boon nor a bane."

The USU economists compared changes in per-capita income for Garfield and Kane with changes in Utah's other counties and four bordering counties in Arizona. They found incomes rose in step with comparable counties, although they remain lower than the state as a whole.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

They applied their methodology to three other big Clinton-era monuments—Canyons of the Ancients, Carrizo Plain, Upper Missouri River Breaks and —and came up with similar results.

Monument foes say such designations promote low-wage tourism jobs at the expense of high-paying extraction jobs.

Indeed, the Grand Staircase designation precluded the development of promising coal leases on the Kaiparowits Plateau, but that lost opportunity was offset by the dozens of businesses established in the towns rimming the monument to serve visitors and migrants coming to enjoy the region's beauty, said Jakus, who heads USU's [Center for Society, Economics and the Environment](#).

The USU study also concluded the Staircase designation had minimal impact on grazing, despite ranchers' complaints that monument rules are putting them out of business. Declines in stocking levels, it found, were likely the result of the cyclical nature of the cattle industry, which happened to peak the year the monument was designated, and persistent drought, which has reduced available forage.

Jakus pursued his study in response to the 120-day monument review President Donald Trump announced April 24 at the urging of Utah's Sen. Orrin Hatch. The review targets 27 large monuments designated since 1996, most of them in the desert Southwest. Zinke, who has visited just eight of the monuments as part of his review, is to forward recommendations for adjusting, eliminating or preserving the monuments by Thursday.

The secretary has already announced he will recommend leaving five monuments intact: Arizona's Grand Canyon-Parashant; Montana's Upper Missouri River Breaks; Colorado's Canyons of the Ancients; Idaho's Craters of the Moon; and Washington's Hanford Reach.

But Zinke has said the two Utah monuments were designated without adequate consultation with local officials and are too big to be reconciled with the Antiquities Act's requirement that monuments be the "smallest area compatible with the the proper care" of the resources to be protected. However, it remains unclear whether he will recommend shrinking monuments through executive action, which many legal scholars say would be illegal, or through Congressional action.

Either way, Garfield County business owners have implored Zinke to leave the Staircase monument as it is and are preparing to resist any action against it.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

"I lie awake at night asking this question, what would it look like?" asked Boulder restaurateur Blake Spalding, who co-founded Hells Backbone Grill, now regarded as one of Utah's finest restaurants. Coupled with the nearby Boulder Mountain Lodge, the restaurant supports a payroll exceeding \$1 million and a 6.5 -acre organic farm.

"We have a wonderfully diverse community that agrees by in large that this wilderness needs to be protected," Spalding said. "For us it's not about the money. We came here out of abundance of love for the land and wish to bring those who come to visit some comfort and happiness."

By her account, the region is seeing an upswing in new hiring driven by tourism.

"Without the monument our business wouldn't exist," said the former Grand Canyon river cook. "This [Interior Department] review has a negative impact on the community. It has opened old fights and old wounds."

But Garfield's elected leaders tell a much different story, describing ranching and logging jobs disappearing, energy extraction jobs failing to materialize and monument rules making motorized travel and commercial activity overly complicated or impossible.

The 1996 designation "has had a negative impact on the prosperity, development, economy, custom, culture, heritage, educational opportunities, health, and well-being of local communities," and pushed Escalante High School enrollment down 44 percent, according to resolutions passed by the Utah Legislature and the Kane and Garfield county commissions, as they called for the Grand Staircase monument to be shrunk.

Garfield Commissioner Leland Pollock said he trusts Zinke to make the right call.

"I will support him," Pollock said, "no matter what he recommends."

[BACK](#)

5. **Top Interior official calls for ending bans on selling, euthanizing wild horses**

The Salt Lake Tribune, Aug. 23 | Brian Maffly

A senior Interior Department official called Wednesday for lifting restrictions on sales and euthanasia for wild horses and burros to rein in run-away costs associated with managing growing herds roaming the West's public rangelands.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

The 73,000 free-roaming equines on public land are now triple what these lands can support, costing taxpayers more than \$50 million a year to care for another 45,000 held in off-range corrals and pastures, according to Aurelia Skipwith, deputy assistant secretary of Interior for fish, wildlife and parks

“With no predators and lack of management abilities, herds will grow 15 to 20 percent a year. It is decimating the rangelands,” Skipwith said Wednesday told a national conference held in Salt Lake City.

She issued a plea to allow science, rule of law and “common sense” to help solve the vexing wild horse question saddling the Bureau of Land Management. The federal agency is responsible for overseeing horses and burros, non-native descendants of domesticated animals released by European explorers and pioneers.

Utah officials are hosting the invitation-only summit behind closed doors this week in downtown Salt Lake City, drawing a strong reaction from horse advocates who were not invited to attend.

“We are horrified by the [Trump] administration’s plans to gun down thousands of mustangs, who symbolize our nation’s freedom,” said Marilyn Kroplick, president of In Defense of Animals, an animal-rights group based in California. “The ‘Wild Horse and Burro Summit’ is a sham devised to promote the mass killing of icons of the West and turn scientific facts on their heads. Horses and burros deserve their legal protections and must be allowed to live wild and free.”

Her organization planned to join the American Wild Horse Campaign and other advocacy groups Wednesday at noon to protest the summit in front of the Marriott City Creek, where the meeting convened with presentations from Utah Gov. Gary Herbert, Reps. Chris Stewart and Rob Bishop and scientific panels organized by Utah State University.

Skipwith and other speakers accused these groups of caring more about fundraising than the horses themselves.

“Why not use your funds you use to fight us and come to the table,” she said. “Emotional rhetoric and lawsuits are not helping anyone, We are continuing to spin our wheels in the same place.”



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Horse advocates insist BLM must fully embrace fertility-control measures as an alternative to costly roundups, yet contraception was barely mentioned by Wednesday's summit speakers.

Immunizing horses against pregnancy seems to work in some areas depending on topography and other factors, according to wildlife biologist Rick Danvir of the Western Landowners Alliance.

"We need to look at permanent sterilization more seriously along with unrestricted sales," Danvir said at the summit.

Advocates, though, fear such sales would result in "excess" horses being exported to Mexico and other countries that allow slaughter of horses for food.

[BACK](#)

6. **Groups gather in Salt Lake to tackle wild horse overpopulation problem**

The Deseret News, Aug. 23 | Amy Joi O'Donoghue

SALT LAKE CITY — Rick Danvir with the Western Landowners Alliance told a crowd of several hundred people Wednesday that he was lucky in his early association with the wild horse of the West, working on the ground to conserve the species and boost its numbers.

That was in the aftermath of a national act in 1971 to protect the dwindling wild horse and burro populations — which now dramatically eclipse federal management levels and speak emphatically to the success of the early conservation program.

"It seems the reward to good conservation is now you have to go and figure out how to manage them," Danvir said. "Good luck."

As of March, the Bureau of Land Management logged 72,614 wild horse and burros on rangelands in Western states — above the targeted goal of 26,674.

That total does not include the spring foal crop, and with the ability to increase their numbers between 15 percent and 20 percent each year, experts estimate there are 15,000 more animals scattered on nearly 27 million acres of public lands in 11 Western states, including Utah.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Utah Gov. Gary Herbert, who opened the conference, said the problem is posing economic hardship on rural communities, to livelihoods of ranchers and farmers and fails to respect the taxpayer's dollar.

"This is not sustainable and needs a solution. It's necessary for us to come together and do some of our best thinking. Clearly what we are doing right now is inhumane to the horses and burros," he said.

But representatives from wild horse advocacy organizations say the management levels set by the federal agency are arbitrary and a result of greatly reduced rangeland available for the animals.

In Utah, for example, only 10 percent of the federal BLM land is set aside for wild horses — even though their critics try to convince the public the animals' numbers out are of control, said Ginger Kathrens, executive director of the Cloud Foundation.

"This is a smoke screen," she said.

Kathrens and other advocates gathered on a sidewalk outside the summit and pressed their point for the need of massive reform in wild horse management.

Horse herds have been reduced in Nevada, Kathrens said, because of water needed for massive solar developments, which she said tells a different story contrasting the "overpopulation" argument — a story summit participants don't want the public to hear.

But even Kathrens and summit presenter Keith Norris, with the National Horse and Burro Rangeland Management Coalition and the Wildlife Society, agreed on one thing: what is happening now can't persist.

Norris said the BLM spent \$370 million over five years to manage a wild horse population that continued to increase.

In fiscal year 2016, the agency spent \$50 million of its \$80 million budget to pay for long-term holding of unadoptable animals, which number close to 45,000.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Strapped for financial resources and managing animals that double in population every four to five years, the federal agency is mired in an untenable situation with no relief in sight. It's estimated that wild horse management will reach \$1 billion if it continues unchanged.

Norris said a 2010 appropriations bill includes a section that forbids the destruction of healthy animals or commercial processing of any kind — such as for horse meat, which is a delicacy in some foreign markets.

Wild horse advocates say the American public won't buy off on the mass slaughter of wild horses, with the optics presenting an array of unpalatable scenarios.

"The specter of killing 45,000 healthy horses by traditional veterinary methods is unimaginable," said Julie Weikel, a large animal veterinarian and member of the National Wild Horse & Burro Advisory Board.

Weikel teaches owners of domesticated livestock and horses how to euthanize their animals so she knows what methods are employed. She also serves as the wild horse advocate on the BLM's Resource Advisory Council for southeast Oregon and is a consultant for the U.S. Fish & Wildlife Resources, which lacks a federal mandate for wild horse management.

Some advocates argued that cattle are the real problem to rangeland health, but Weikel and other summit participants said that assertion is no more than a red herring.

"If tomorrow if every single (animal unit) was converted to horse use, it would not solve the problem," she said, noting that an analysis she'd undertaken shows only 2.2 percent of the mother/calf herds in the United States are on public lands.

Both she and Danvir said it isn't an argument of cattle versus horses.

"Removing cattle from public lands simply kicks the can down the road, delaying the problem of overpopulation" among wild horses and burros, Danvir said.

The issue is a political flashpoint in the West, where ranchers and wildlife advocates say the wild horse population has been allowed to run amok to the detriment of the species, wildlife and the ecosystem.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Utah lawmakers last year approved a legislation urging the federal government to allow the states to manage the animals.

Members of Congress from Western states have also introduced legislation to give states greater authority over wild horses, including Rep. Chris Stewart, R-Utah, who put a rider in an appropriations bill to authorize lethal disposal of excess animals.

About 130 groups are represented in the first-ever summit looking to address the wild horse issue. The summit was organized by Utah State University along with a steering committee featuring diverse members, including a representative from the Theodore Roosevelt Conservation Partnership.

Ed Arnett, a wildlife biologist and the partnership's senior scientist, said the overpopulation of wild horses and burros is concerning for sportsmen such as anglers, hunters and the entire outdoor recreation economy as whole.

Beyond the competition the animals bring for wildlife, too many horses on the rangeland impair ecosystems for animals struggling to thrive — including greater sage grouse.

"It is so painfully obvious given the statistics and the biology of animals," Arnett said. "The administrative options seem to be exhausted. Congress should allow the BLM to manage the population."

But the notion that wild horses are starving and suffering on the range is one contrived by those who do not favor the space they occupy on federal lands,

"Please take it from us, that if wild horses were starving in any way, we would be the first to tell you about that," said Simone Netherlands with the American Wild Horse Campaign. "We have seen thousands of horses coming off the range in beautiful condition. Please don't fall for that."

[BACK](#)



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

7. White House Challenge On Bears Ears: Protecting A Source Of Local Pride

KUER News, Aug. 23 | Judy Fahys

Any day now, the Trump Administration is due to announce its decision on the future of twenty-one national monuments. Bears Ears in southeastern Utah is one of them.

People there are fiercely proud of where they live -- and protective. And that means the Trump administration is probably going to find it challenging to find the right balance and solve the problems that already concern nearby residents.

As one of his first steps in carrying out the Trump administration's national monument review, U.S. Interior Secretary Ryan Zinke made a field visit to Utah back in May. He stopped at a working ranch and desert research center just outside inside the Bears Ears National Monument.

A rainstorm made Zinke skip a planned hike to a rock art panel. But it didn't stop him from examining soil crusts. They're fragile plant communities that basically do the crucial work of holding the desert landscape together.

Soon after, the storm broke, and Zinke held court with reporters.

"Utah has really spectacular land," he said. "I actually was not prepared at the beauty and the cultural background of what you have. So, if you're if you're from Utah, you got to be awful proud."

The state's Republican elected officials and many locals had already been asking the Trump administration to scrap the monument completely.

"I think there's a solution out there," said Zinke. "The solution is -- because everyone's on the same page of what's, what's important."

Native Americans, archaeologists and conservationists nationwide have pressed Zinke to safeguard Bears Ears by leaving the monument as it is. It's what the Interior Secretary has recommended so far for six monuments on the original list of 27.

But, even back in May, he hinted the controversy's not going away regardless of the administration's final decision.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

“No matter what,” he said, “I mean, people love to litigate.”

Heidi Redd has lived at Dugout Ranch and worked it for half a century. She’s seen more and more tourists, more rock climbers, more archaeology sightseers over the years. She’s sometimes seen the damage they’ve done to the ruins, the rock art and those vital soil crusts.

She called it “unintentional vandalism.”

“We need to settle this squabble get it over with and move on as so we can protect things that way we need to,” said Redd, who was standing next to Zinke when he mentioned the likely lawsuits. “And I know the secretary is as concerned as I am about this.”

Redd pointed out the federal government hasn’t funded or staffed these public lands properly -- ever. Zinke agreed. And now the proposed budget would cut 4,000 employees from Interior’s payroll. Still, Zinke’s visit left Redd hopeful.

“I was pleasantly surprised that that he does understand this and recognizes that this isn't something that we can study for years or put off,” she said. “We need to make the decision and make it soon.”

Since Zinke’s visit in May, he’s received comments from around 2.5 million Americans who want the national monuments to remain intact. That’s exactly opposite what San Juan County Commissioner Phil Lyman wants.

“People in San Juan County -- this is not a political issue” to them, he said, sitting in his accounting office. “It's where we live. And it's, it's who we are.”

Lyman sees the monument as more federal overreach. He’s served jail time over leading a protest on a dirt road that federal land managers had closed. Last spring, he shared his concerns with Zinke in person, even riding alongside the interior secretary on horseback during that spring visit.

“The whole idea that this is a bitter contest within the county -- that's an external narrative, and it's a false narrative,” he said.

Lyman wants Zinke to scrap the monument, so, locals – instead of Washington bureaucrats -- could decide the best way to protect the land they love.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

He said: “There's lots of opportunities to do things intelligently and responsibly and ethically and respectfully, and that's all we want to do.”

Utah Congressman Rob Bishop’s Public Lands Initiative was a local compromise that might have stopped the presidential declaration of Bears Ears. It included management strategies that locals had negotiated for years. Redd and Lyman were at the table. So was Josh Ewing, who leads the Bluff-based conservation group, Friends of Cedar Mesa.

“It's great to have this pie in the sky idea of Congress protecting the area,” he said, “and that would be by far be the best way to do it.”

But the last congressional session ended before Bishop’s legislation received a House or Senate vote.

“We always wanted that first, and we would still support Congress protecting this area,” Ewing added. “But, in this political environment, to imagine our congressional delegation putting together a bill that could get bipartisan support in Congress --that's just crazy talk. I mean, honestly.”

Providing bathrooms, building roads, securing archaeological sites – they’re just some of the items on a long to-do list for all public lands. But even these basic chores aren’t getting done at Bears Ears in part because the monument’s existence is in limbo.

“Every day we're not working on on-the-ground stewardship of this resource and we're fighting the politics,” said Ewing, “the landscape continues to be the collateral damage of the politics.”

Those protections are stalled no matter what the Trump administration decides to call Bears Ears -- a national monument or something else. And that leaves a great source of local pride at risk indefinitely.

[BACK](#)



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

8. The “New West’s” big lie

The San Juan Record, Aug. 23 | Jim Stiles

Back in 2008, the day after Obama’s landslide election, Moab progressive/ environmentalist Dave Erley sent out a mass celebratory email. In part he wrote:

“The progressive, green, candidates won all three contested County Council seats and the progressives now have a clear majority on the Council.

“How loud can I sing ‘Happy Days are here again’? This all reflects the demographic changes that have occurred in Grand County in the last four years... Fallout from the amenities economy I guess...”

And he had a personal note for me:

“Jim (Stiles), this is another aspect of the amenities economy you have been hammering on. I hope you have the courage to discuss the pros and not just the cons of the demographic shift...”

Erley signed his letter, “euphoric in the desert...”

Now in 2017, as Moab explodes from its “industrial tourism” successes and excesses, as it deals with an amenities economy marked by low wages and exorbitant housing prices, and with even more exponential growth ahead, I wonder if Mr. Erley is as “euphoric in the desert” as he was that bright November morning almost a decade ago.

Claiming to be “green” or “progressive” while also playing huckster for the industrial recreation industry is nothing new. The partnership of environmentalists and the corporate outdoor gear industry goes back almost 20 years ago.

In 1998, environmentalists from across the country gathered at an Arizona dude ranch for a “Wilderness Mentoring Conference,” to consider new strategies. One prominently displayed quote established the meeting’s tone and direction:

“Car companies and makers of sports drinks use wilderness to sell their products. We have to market wilderness as a product people want to have.”

It was a seminal moment. Subsequently, mainstream environmentalists formed lucrative alliances with the outdoor recreation industry. It was a perfect fit. Marketing the “New West” was born.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

And yet, despite the fact that Moab itself has become a poster child for how NOT to be a “New West” town, support for turning all of the rural west into more Moabs is a daily mantra for progressive environmentalists everywhere. They believe it’s the best way to “save” the West, and they have the numbers to prove it. Just ask the Outdoor Industry Alliance.

- The OIA claims that the recreation economy generates \$646 billion in consumer spending and creates 6.1 million jobs directly.
- Another Outdoor Industry Association report states that the outdoor recreation economy in Utah was responsible for \$12 billion in consumer spending and 122,000 jobs, and \$856 million in state and local revenue.
- Even the National Park Service got into the numbers act, though I never thought promoting the recreation industry was one of its mandates. Recently, I received a press release from the NPS Public Affairs office. The headline proclaimed: “Utah National Park visits create \$1.6 billion in economic benefit” and contained all sorts of economic data.

At the bottom of the email was, incongruously, a quote from Edward Abbey. It read, “May your trails be crooked, winding, lonesome, dangerous, leading to the most amazing view.”

While the recreation industry mass markets the West’s scenic wonders, it’s almost a certainty that very soon, finding any trail that is “crooked, winding, lonesome, and dangerous” will be problematic.

Despite that dreary reality, environmental groups like the Sierra Club, the Southern Utah Wilderness Alliance and the Grand Canyon Trust enthusiastically, almost fervently, endorse those economic factoids and spend more time praising the monetary components of monuments and parks (and wilderness in general), than the reasons wilderness was supposed to be important in the first place.

There’s an explanation for that unbridled enthusiasm; it’s also the New West’s Big Lie.

While the mainstream media and environmental propaganda machine grind out daily reports on the economic benefits of an industrial tourism economy, they never specifically say who benefits. That’s the deception—just WHO exactly prospers in the New West?



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

The truth is, these recently urbanized rural economies were rarely intended to benefit the citizens whose families founded small towns across the West more than a century ago. They gave their sweat and blood to make a life there and now, in the eyes of many, it is simply time for them to go.

Most proponents ooze nothing but loathing for the rural population. For them, it's not a matter of helping these rural communities. It's about replacing them.

The recent Bears Ears monument debate recently brought those feelings to the light of day. One unsympathetic New West booster wrote:

"Yes it is sad to watch your town die, but there is a reason for its death. You are living in a place that is not sustainable and you want to keep it alive for selfish reasons. Sometimes people need to make difficult sacrifices in order to help the greater population."

Another noted:

"There is a part of our population that is unwilling to work at (tourist-related) service jobs by their own choosing. Holding out for those high paying extraction jobs which come and go."

Mark Bailey, a New Westerner in Torrey, UT, the founder of a small environmental publishing company and a board member of the Wild Utah Project, was specific about his hopes for a West free of rural types. He recently wrote:

"I have a vision of Torrey becoming an example of rural renewal and progress, where the flora and fauna are left unmolested by domestic livestock, water runs free in the streams, the rocks are not mined and crushed for road base and the forests are not clear cut but the community thrives all the same..."

"There exists the infrastructure to support gatherings and targeted conventions for think tanks, conservationists, literary and arts gatherings."

But what about those people whose families have lived there for a century or more? What's the solution for them? Bailey had a fast answer:

"That is easy...Education, then knowledge work to build intellectual capital. Start sustainable businesses. In Utah Agriculture, Natural Resources and Mining combined make up only 3.8 percent of our GDP. That means 96.2 percent of us have figured out something else to do."

But obviously it's more difficult in rural America to "figure out something else..." To get "educated" and "build intellectual capital," they would have to leave the area where their



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

families have resided for decades. They'd have to sell their homes and relocate to pursue (and pay for) a better education.

In the end, wouldn't that suggest a complete transformation of its demographics?

Bailey's reply was simple: "Well, if going away to college is too much to ask, I guess they are stuck..."

The lack of compassion is worth noting though I don't doubt his sincerity.

Here's the truth. Most rural Westerners do NOT have the capital, the time, or the expertise to invest successfully in a recreation economy. And the New West could care less. In fact, that's the point. There's little interest in keeping any part of the Old West intact.

So when New West boosters praise their own economic accomplishments, few are hoping to share that success with their Old West adversaries. The transformation of the American rural west is, in fact, a hostile takeover.

Still, the New West's advocates do offer some options (pronounced crumbs) for the residents of a rural Western town:

- (1) Pursue service industry jobs in the new amenities economy, make minimum wage and struggle to survive. Hope to find an affordable place to rent.
- (2) Sell your home, move to a bigger town, and secure massive loans to get a college degree, which will qualify you for jobs in a big town somewhere, but will likely not qualify you for any job back in your old town, which has now been inundated by the amenities economy. A town in which you can no longer afford to even buy back your own home.
- (3) Don't be born in a rural Western town. Be born in a city or move to one when you're young. Make loads of money working in advertising or investment counseling or banking or venture capitalism, and then when you've amassed a pile of money you can move to a small town, become an "entrepreneur," and lecture the people whose livelihoods you want to destroy on how they should just do the same thing you did...

And who would understand all this better than the aforementioned New Westerner Bailey, a former investments advisor from Salt Lake City. Bailey cites his own history as a template for success in the New West's future.

"You are talking to a guy who left (the) asset management industry and started a book publishing corporation," Bailey wrote from his corporate HQ in Torrey. "It takes guts and imagination. Are such attributes lacking (among Old Westerners)? I think you see my point."



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Yes. I'm afraid I do.

[BACK](#)

9. **Utah leaders expect Zinke to recommend dramatic downsizing of Bears Ears**

UtahPolicy.com, Aug. 23 | Bob Bernick, Contributing Editor

U.S. Interior Sec. Ryan Zinke is set to release his suggestions on the size of national monuments established by previous presidents – and for Utahns that means will the 1.35-million-acre Bears Ears designation by Barack Obama stand?

Likely it won't.

Various sources are telling UtahPolicy that Zinke will recommend to GOP President Donald Trump that Bears Ears, established under President Barack Obama, should be significantly reduced in size.

Maybe all the way down to 160,000 acres for the monument itself.

Although Utah officials say, the Bureau of Land Management could adopt special protections for areas larger than that 160,000-acre monument – with the result being greater areas of protections and multiple uses.

If Bears Ears goes from 1.35 million acres – as Obama designated – down to 160,000 acres – the ultimate Trump-approved national monument would be just 11.8 percent as large as the former president wanted.

You can see a map of the Obama Bears Ears [here](#).

In any case, a significant reduction by the Trump administration will be a big win for Utah GOP leaders, both Republican Gov. Gary Herbert, the majority GOP Legislature, and the state's Republican congressional delegation, which has been decrying Obama's actions since December.

That is when the out-going Democratic president formally adopted the Bears Ears National Monument through the 1906 Antiquities Act.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Any action by Trump against Bear Ears will almost certainly be challenged in federal court – with the U.S. Supreme Court having the last word.

While congressional action has reduced the size of national monuments before, no president has unilaterally cut down the size of a monument created by one of his predecessors.

And while Utah officials and others believe Trump has that authority, any number of environmental and land conservation groups disagree and have threatened litigation.

It was unclear Tuesday if the 160,000-acre Zinke recommendation comes as a single area or a grouping of areas.

UtahPolicy is told that the most sensitive areas in the Bears Ears designation would be protected, like Native American petroglyphs, burial or inhabitation sites and such.

Parts of Bear Ears in southeastern Utah were included in Rep. Rob Bishop's Public Lands Initiative legislation, introduced last year.

The bill didn't go anywhere – and Obama would have vetoed it if it had passed the last Congress.

Bishop, chair of the House's Natural Resources Committee, is ready to go after PLI again this Congress.

Weeks ago Trump, with Utah federal and state leaders standing with him, signed an executive order mandating Zinke – a former Montana congressman – conduct a review of all the natural monuments created by presidents over the last 20 years.

Not only did that include Bears Ears, but also the Grand Staircase-Escalante National Monument created by former Democratic President Bill Clinton in 1996.

Some Utah officials, like state Rep. Mike Noel, R-Kanab, wanted Trump to rescind all of Bears Ears and at least some of the Staircase.

In fact, Utah GOP lawmakers rushed several resolutions through January's Legislature asking Trump and Zinke to do just that.

Now Zinke has apparently finished his formal review and will make recommendations to Trump.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Where it goes from there is unknown, with the president having various battles with his own GOP congressional leaders over a variety of issues – including repeal and replacement of Obamacare.

[BACK](#)

E&E/NATIONAL NEWS – TOP STORIES

1. Once again, a jury rules in favor of Bundy supporters in their 2014 standoff with federal agents

E & E News, Aug. 22 | Melissa Etehad and David Montero

For the second time this year, the federal government tried and failed to convict four men who joined the high-profile Bundy family in its 2014 standoff with federal agents in a dispute over grazing fees for cattle.

A Las Vegas jury acquitted two of the four men on trial, Ricky Lovelien and Steven Stewart, on all 10 charges against them.

The jury found the other two defendants, Scott Drexler and Eric Parker, not guilty on most charges, but it could not reach verdicts on four charges against Parker and two charges against Drexler. The government has not said whether it plans to retry them.

The verdicts were a remarkable setback for the government in its attempts to prosecute Cliven Bundy, his family and several of their supporters. The Bundys have become a powerful symbol of what some people on the right view as federal government overreach in controlling public lands.

In October, a jury acquitted Ammon Bundy and his followers who were embroiled in a 41-day armed standoff at the Malheur National Wildlife Refuge in Oregon.

The proceeding that ended Tuesday was retrial of a case that was originally tried in April but ended in a hung jury.

Each of the four defendants faced multiple felony charges including conspiracy to commit an offense against the United States, weapon possession, assault and threatening federal officers stemming from the 2014 standoff near the Bundy ranch in Bunkerville, Nev.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Guilty verdicts could have resulted in decades-long prison sentences. After 20 days of testimony, the jury deliberated for four days before reaching its verdicts.

A detention hearing for Parker and Drexler is scheduled for Wednesday. Both men in the meantime have been transferred to a halfway house until the hearing.

Drexler's lawyer, Todd Leventhal, said his client was happy with Tuesday's news and hopes to move back to Idaho to live with relatives.

"We weren't allowed to bring in any witnesses during the trial," Leventhal said on Tuesday. "Now we have to wait and see what the government will do and if they plan to retry my client."

The trial brought Bundy supporters to the courthouse and sometimes to Las Vegas Boulevard with flags and signs.

The issue of federal control of public lands is especially potent in the West, where states like Nevada, Utah and Wyoming have large chunks of their land owned by the federal government. Legislatures in those states have long sought to expel the federal government from those areas – including national monuments and parks – and turn them over for local control.

In 11 contiguous Western states, 46.3% of the land is owned by the federal government. That figure is nearly 85% in Nevada.

The decades-long legal dispute between Cliven Bundy and the government escalated in 2014 when federal agents came to round up his cattle after he refused to renew permits that would have allowed his cattle graze on public lands near his ranch. The government said Bundy had racked up \$1 million in grazing fees that he refused to pay to the Bureau of Land Management for at least two decades.

Dozens of men from neighboring states, many of whom were armed, descended on Bunkerville and set up military-style camps to stop the government.

Concerned with the possibility of violence, the standoff ended peacefully when officials gave in and left the cattle to graze.

The case became known as the Bundy Ranch standoff.

Bundy and his supporters are expected to go to trial this year over the 2014 confrontation.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

The first round of trials began earlier this year, but the government managed to obtain convictions only against Gregory Bursleson of Phoenix and Todd Engel of Boundary County, Idaho. Both were found guilty of obstruction of justice and interstate travel to aid extortion.

[BACK](#)

2. **Groups make last-minute push to save national monument areas**

The Seattle Times, Aug. 22 | Brady McCombs

SALT LAKE CITY (AP) — Conservation and tribal groups are airing TV ads, sending letters to President Donald Trump and creating parody websites in a last-minute blitz to stop Interior Secretary Ryan Zinke from downsizing or eliminating national monument areas that cover large swaths of land and water from Maine to California.

The deadline for Zinke to announce his recommendations is Thursday following a four-month review of 27 sites ordered by President Donald Trump.

A tribal coalition that pushed for the Bears Ears National Monument in Utah, designated by President Barack Obama in December, unveiled a new webpage Tuesday that explains the cultural importance of lands consider sacred to them. They also posted a letter sent to President Trump telling him that part of “making American great again” is honoring tribal history and rights.

“At a time when the United States feels anything but united under the shadow of Charlottesville, Virginia, please hear our voices,” wrote Willie Grayeyes, chairman of the coalition. “These sacred lands have held our song, our stories, and our prayers since time beyond memory, and these lands will continue to hold the promise of our future.”

The outdoor recreation industry has hammered home its message that peeling back protections on areas where its customers hike, bike and camp could prevent future generations from enjoying the sites.

In addition, the Wilderness Society has created a parody website featuring Trump and Zinke selling luxury real estate at the sites.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Groups that want to see the areas reduced have been less vociferous, pleading their cases on social media and working behind the scenes to lobby federal officials.

They say past presidents have misused a century-old law to create monuments that are too large and stop energy development, grazing, mining and other uses.

Stan Summers, a Utah county commissioner who chairs a group that advocates for the multi-use of public lands, said outdoor recreation companies are peddling lies and misconceptions when they say local officials want to bulldoze monument lands.

Summers said residents treasure the lands that comprise Bears Ears and the Grand Staircase-Escalante monuments in Utah, but don't want to close the areas to new oil drilling and mining that produce good jobs.

"We want to tend this area like a garden instead of a museum," he said

The review includes sweeping sites mostly in the West that are home to ancient cliff dwellings, towering sequoia trees, deep canyons or ocean habitats roamed by seals, whales and sea turtles.

Zinke has already removed six areas in Montana, Colorado, Idaho and Washington from consideration for changes. He also said Bears Ears on tribal land in Utah should be downsized.

Environmental groups said the 1906 Antiquities Act is intended to shield significant historical and archaeological sites, and that it allows presidents to create the monuments but only gives Congress the power to modify them.

They have vowed to file lawsuits if Trump attempts to rescind or reduce the monument designations.

No other president has tried to eliminate a monument, but they have trimmed and redrawn boundaries 18 times, according to the National Park Service.

REI and Patagonia have joined a group of 350 outdoor companies, including The North Face, YETI Coolers and Orvis, in signing a letter sent last week to Zinke by the Outdoor Industry Association.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

“It’s an American right to roam in our public lands,” the letter reads. “As business leaders, we simply ask that your final report remain true to the Teddy Roosevelt values we share with you — to maintain the national treasures presidents of both parties have protected.”

Patagonia recently ran a TV ad in Montana and Utah with company founder Yvon Chouinard fishing and declaring, “Our business is built on having wild places” and warning that public lands are under the greatest threat ever.

Led by U.S. Sen. Martin Heinrich, a Democrat from New Mexico, monument supporters plan a rally Thursday at an REI store in Albuquerque.

The Wilderness Society website also features a photo of ancient ruins at Bears Ears National Monument in Utah and the words, “Developer ready.” Each monument was given a fictional price tag, such as \$932 million for Organ Mountains-Desert Peaks National Monument in New Mexico.

In a description of Katahdin Woods and Waters National Monument in Maine, the website says: “This is the chance for someone to claim a little piece of that offbeat New England charm for themselves and leave hikers, birdwatchers, snowshoers and hunters on the outside, looking in!”

Proponents of downsizing the monuments say state governments are better suited to make management decisions that would ensure federal lands are used for a mix of uses.

“The only reason there is roads in some of these places is because of the mining and the oil and the gravel pits,” Summers said.

[BACK](#)

3. After Millions In Damages, Oregon Standoff Defendants Agree To Pay Back \$78,000

Capital Press, Aug. 23 | Conrad Wilson, AP

Defendants guilty of occupying the Malheur National Wildlife Refuge have agreed to pay a total of \$78,000 in restitution, according to a motion filed in federal court Monday.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

The agreement is between the U.S. Department of Justice and 13 defendants who were either found guilty or pleaded guilty to conspiracy to impede federal officers who worked at the refuge from doing their jobs — a felony.

U.S. District Court Judge Anna Brown must sign off on restitution agreement before it's official. She has wide latitude to make changes to the proposal.

The government initially asked the defendants to pay \$920,914, according Andrew Kohlmetz, standby council for defendant Jason Patrick, who is among the convicted men.

“We think it’s a reasonable settlement,” Kohlmetz said. “It’s the product of a very involved negotiations by both sides.”

The Department of Interior estimated its total costs for the occupation exceeded \$6 million, according to a July 2016 court filing. Law enforcement’s response to the occupation was about \$12 million.

The purpose of restitution is to compensate victims for their loss. It typically covers physical and property damages, but generally doesn’t cover law enforcement costs.

Under the proposal, higher profile members of the 41-day long occupation in eastern Oregon could be ordered to pay as much as \$10,000, the motion states. While less culpable members could be required to pay \$3,000.

“We looked at the totality of the circumstances and concluded that this is the best option for the U.S. government and taxpayers,” said Jason Holm, a spokesman for the U.S. Fish and Wildlife Service in Portland.

If approved, the money would likely to go to the Friends of the Malheur National Wildlife Refuge, a nonprofit that supports the mission of the refuge. That’s according to a source with knowledge of the case who spoke on the condition of anonymity.

The highest profile members of the occupation — brothers Ammon and Ryan Bundy — were acquitted of charges by a jury in October. While they’ve been cleared of wrongdoing in Oregon,



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

they remain in custody awaiting trial on charges stemming from a 2014 armed standoff between ranchers and the Bureau of Land Management in Nevada.

The funds from the Bundys' 13 co-defendants who were guilty would be due immediately, but the government may make considerations for defendants who are incapable of paying, Monday's joint motion states.

"In exchange for defendants' agreements to make such payments, the government agrees to forgo all other restitution claims," the parties wrote.

Kohlmetz said there were so many contested line items in the government's initial request it could've led to another trial.

For example, he said, the government asked for \$324,000 for deep cleaning of the refuge buildings.

"I'm sure the buildings needed that, but it struck [Jason] Patrick as a very large line item that needed further explanation," Kohlmetz said.

Kohlmetz said another factor in restitution is a defendant's ability to pay.

"All of these gentlemen with the exception of Ammon Bundy had indigent defense council appointed," he said. "Everyone else had court-appointed lawyers."

In addition to restitution, many of the defendants will serve time, possibly years, in detention centers.

So far, three of the defendants have been sentenced: Geoffrey Stanek, Eric Lee Flores and Travis Cox.

Brown sentenced them to between two and six months of home detention, plus probation.

Here's a list of the 13 defendants who could be ordered to pay restitution under the agreement:

Jon Ritzheimer — \$10,000

Jason Patrick — \$10,000



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Ryan Payne — \$10,000
Blaine Cooper — \$7,000
Joseph O'Shaughnessy — \$7,000
Corey Lequieu — \$7,000
Brian Cavalier — \$7,000
Darryl Thorn — \$5,000
Jason Blomgren — \$3,000
Travis Cox — \$3,000
Eric Flores — \$3,000
Wesley Kjar — \$3,000
Geoffrey Stanek — \$3,000

[BACK](#)

4. NATIONAL MONUMENTS: Review unlikely to spur oil and gas rush

E & E News, Aug. 23 | Pamela King

Changing or abolishing at least six of the 21 national monuments currently under Interior Department scrutiny could create limited new opportunities for oil and gas operators.

But while unlocking monument-designated lands could offer some potential for new energy activity, it's unlikely that widespread development would erupt on currently protected acres. In southeastern Utah's Bears Ears National Monument, the poster child for Interior's review, there is some potential for oil and gas extraction, but the site is located far from the resource-rich Uinta Basin in the state's northeast corner (Energywire, April 13).

In June, Interior Secretary Ryan Zinke advised reducing Bears Ears' size by an unspecified amount (E&E News PM, June 12). Recommendations on the rest of the monuments on his [list](#) are due to the White House tomorrow.

Interior has not said whether fossil fuel development potential is a factor in assessing whether past administrations abused their power under the [Antiquities Act](#). The 1906 law allows presidents to set aside federal lands as monuments.

Zinke has said of his review that there is "no predetermined outcome on any monument."



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

The industry group Western Energy Alliance said its support of the review has less to do with energy potential on existing monuments and more to do with the harm future designations could cause for its membership.

"By and large, the national monument designations have not affected the oil and natural gas industry," said Western Energy Alliance President Kathleen Sgamma. "There are a few leases in the periphery of Bears Ears far from the cultural resources, but other than that, we have largely dodged a bullet.

"Which is not to say that some future president — such as a President Elizabeth Warren or some other 'keep it in the ground' president — couldn't designate areas with oil and gas potential, and that is why we are focused on the future of the Antiquities Act," Sgamma added.

Zinke has so far removed six sites from his review, including one monument whose designation is particularly permissive of oil and gas activity within its borders. Whereas other sites allow for existing extraction to continue after monument status is granted, Canyons of the Ancients National Monument remained open to new leasing (Energywire, April 27).

In a July 21 tweet, Zinke announced that no modifications would be made to the Colorado monument.

Environmental groups say they are still puzzling over how Interior is deciding whether to exempt or examine protected sites.

"Given the reality show pageantry surrounding this unwarranted review of our national monuments, a tweet announcing that a place like Canyons of the Ancients is safe this time around offers little assurance," said Greenpeace USA spokeswoman Cassady Craighill.

Following an E&E News analysis exploring which monuments held oil and gas potential, Greenpeace conducted its own investigation and concluded that — in addition to Bears Ears, Canyons of the Ancients, Utah's Grand Staircase-Escalante and Montana's Upper Missouri River Breaks — California's Carrizo Plain and San Gabriel Mountains national monuments could also be ripe for new exploration (Energywire, April 27; Greenwire, May 10).



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Zinke has eliminated Upper Missouri River Breaks from his review (Greenwire, Aug. 3), but Carrizo Plain and San Gabriel Mountains could still see changes.

"If these national monuments are shrunk or open to development, that certainly puts them at risk of turning into oil and gas fields," Craighill said. "People and elected officials should challenge any changes to these public lands in court to protect these places today and for generations to come."

While exploration in Carrizo Plain was largely dormant for years, the monument's 2010 [resource management plan](#) notes that "recent advances in technologies (including seismic exploration, drilling, and production technologies), along with significant increases in oil and gas prices, may result in more activity in the future."

Carrizo Plain is especially vulnerable because "there was oil and gas interest there," said Athan Manuel, director of the Sierra Club's lands protection program.

The Center for Biological Diversity has also tracked industry interest in tracts contained within two Nevada monuments: Gold Butte and Basin and Range (E&E News PM, Aug. 18).

Even if all the monuments on Zinke's list remained intact, some groups have raised concerns about oil and gas leasing in very close proximity to monuments. The Western Values Project has compiled its own watch list, which includes Canyons of the Ancients, Dinosaur and Hovenweep national monuments.

"It's very clear that Secretary Zinke and this administration is willing to risk just about every national monument under review that has the potential for development at the behest of the fossil fuel industry," said Chris Saeger, executive director of the Western Values Project.

Although no companies in the Independent Petroleum Association of America's membership have specifically expressed a desire to develop inside a monument, spokesman Neal Kirby said improved management of border areas is of particular interest for the trade group.

"We believe it is possible to manage our nation's incredible natural resources and balance the Interior Department's multiple-use mission," Kirby wrote in an email. "There are areas where a national monument area stops and Bureau of Land Management land begins, so there needs to be



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

a transparent process in place for the agency to manage access to lands that are congressionally designated as multiple use."

[BACK](#)

5. **NATURAL GAS: DOE argues lawsuits over export terminals should be rejected**

E & E News, Aug. 23 | Amanda Reilly

The Department of Energy is aiming to quash a suite of lawsuits challenging liquefied natural gas terminals after a federal court last week upheld its approval of a Texas project.

DOE today filed letters in pending Sierra Club challenges to LNG export terminals, arguing that the litigation raises identical issues that the U.S. Court of Appeals for the District of Columbia Circuit last week rejected.

At issue in the lawsuits is DOE's approval of LNG export terminal projects in Corpus Christi, Texas; Cove Point, Md.; and Sabine Pass, La. The Sierra Club argues that the department failed to adequately study the environmental impacts, including greenhouse gas emissions, stemming from the terminals.

But last week, a three-judge panel of the D.C. Circuit found "nothing arbitrary" about DOE's approval of an LNG export project in Freeport, Texas. Judge Robert Wilkins, an Obama appointee, wrote that the department adequately explained why certain impacts were not reasonably foreseeable and properly found that the effect of LNG exports on global greenhouse gas emissions was too speculative (Greenwire, Aug. 15).

DOE argues that the court should abide by the decision in the Freeport case and reject the Sierra Club's challenges to the other LNG export terminals.

The department says it relied in part on the same environmental analysis and life cycle report that the court found sufficient in the Freeport case.

"In its environmental review, DOE reached essentially the same conclusions as in its Freeport order," the department said today in each of its letters filed in the lawsuits. "The present petition for review should be denied."



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Since the decision last week, the companies behind the other LNG projects — Dominion Cove Point LNG LP, Cheniere Marketing LLC, Corpus Christi Liquefaction LLC and Sabine Pass Liquefaction LLC — have also all asked the D.C. Circuit to toss out the Sierra Club's litigation.

The Sierra Club has not yet responded to the court filings. Nathan Matthews, a Sierra Club staff attorney, said the group will argue that the pending cases are different enough from the Freeport challenge and should move forward.

"The nature of the environmental reviews that the Department of Energy did for some of these remaining cases were different," he said (Energywire, Aug. 16).

[BACK](#)

6. **SAGE GROUSE: 2nd Republican governor questions Zinke plan revisions**

E & E News, Aug. 23 | Scott Streater

Nevada Gov. Brian Sandoval (R) has joined a growing chorus of government officials concerned about proposed changes to Obama-era greater sage grouse conservation plans that move away from habitat conservation and instead focus on state-by-state population goals.

Sandoval's office said in a statement to E&E News that the governor does not agree with focusing on population targets, as suggested by a review team of federal officials that was directed by Interior Secretary Ryan Zinke in June to evaluate the federal plans and suggest areas where changes are needed.

The review team [report](#), sent to Zinke on Aug. 4, suggests moving away from focusing on habitat protection and instead allowing states to develop "appropriate population objectives" for complying with the plans.

"Governor Sandoval does not agree with managing the bird by population objectives as defined by the Secretary. He continues to believe that habitat must be managed properly in order to increase numbers and conserve habitat," said the statement from Mari St. Martin, the governor's communications director.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Sandoval joins Wyoming Gov. Matt Mead (R), who earlier this month issued a statement saying he was "concerned" about moving away from the habitat conservation focus in the Obama-era plans (Greenwire, Aug. 8).

Mead, like Sandoval, thanked Zinke and the Interior Department for making "an earnest effort to collaborate with the states during the sage-grouse management review." But Mead said in his statement that Wyoming will continue to rely on its core sage grouse area strategy, developed in 2008, which focuses on habitat protection.

"While DOI identifies numerous ways to improve federal plans, I am concerned that the recommendations place more focus on population targets and captive breeding," Mead said. Identifying and protecting prime sage grouse habitat provides "certainty" to the oil and gas and coal mining industries in the Cowboy State, he said.

"Industry needs predictability, but the report does not explain fully how population targets provide that certainty," he said. "Wyoming will continue to rely on science and scientists to manage the species. I will continue to work with Secretary Zinke, state and local stakeholders on this issue."

The governors' concern about shifting away from habitat conservation is shared by the Western Association of Fish and Wildlife Agencies, which last month issued a white paper that concluded prioritizing state-by-state population goals without including "habitat management and restoration" could harm the bird and many other sagebrush-dependent species (Greenwire, July 31).

That white paper also reported that it could take two to three years to develop a suitable method to accurately count sage grouse populations, which are notoriously cyclical and can change dramatically from year to year.

Sandoval, along with Mead and Colorado Gov. John Hickenlooper (D), met with Zinke in Washington in February, and again at the Western Governors' Association annual meeting in June in Whitefish, Mont., to ask that the Interior Department work with the governors on any sage grouse plan revisions.

The review team met with representatives of Western governors and state agencies, as well as the members of a federal-state sage grouse task force, behind closed doors last month in Denver.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

"The Secretary agreed to do that and this report is another step in ensuring Nevada has been, and will continue to be engaged in the process to review the 2015 land use plan amendments," the statement from Sandoval's office said.

[BACK](#)

7. **METHANE: Proposed rule pushes BLM requirements to July 2019**

E & E News, Aug. 23 | Pamela King

Federal lands regulators last week offered the Office of Management and Budget a proposal for rolling back Obama-era requirements to limit methane releases from oil and gas operations on public lands.

In a [notice](#) received by OMB last weekend, the Bureau of Land Management announced its proposed rule to suspend certain requirements under the Methane and Waste Prevention Rule. The final rule was published in the Federal Register on Nov. 18 and went into effect Jan. 17.

After a failed attempt in May to kill the regulation under the Congressional Review Act (CRA), BLM announced it would delay compliance with deadlines that had not yet taken effect (Greenwire, June 14). In a motion filed the following week, Justice Department attorneys indicated that BLM would propose to suspend the rule's remaining provisions (Energywire, June 22).

BLM's new proposed rule appears to pause all of the final rule's provisions until July 17, 2019.

Interior Secretary Ryan Zinke has said he intends to rewrite the rule, which may have been prohibited had the CRA effort been successful (Energywire, June 21).

BLM's rollback of the methane rule is part of Interior's effort to align with President Trump's "energy independence" [executive order](#).

"The delays and suspensions are consistent with the President's March 28, 2017, Executive Order on Promoting Energy Independence and Economic Growth and its requirement that the BLM review the previous, related final rule to determine whether revisions, rescissions, or suspensions are appropriate," BLM wrote to OMB.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

One of the groups suing BLM for delaying the existing methane rule said the administration should heed the lessons of multiple unsuccessful efforts to scrap the regulation.

"Many of the provisions in the rule are already working in key Western states like Colorado and Wyoming," said Jon Goldstein, director of regulatory and legislative affairs for the Environmental Defense Fund. "It's a commonsense measure that reduces waste and helps clean up the air."

If a delay is finalized, that would also be subject to legal review, Goldstein added.

[BACK](#)

8. **WHITE HOUSE: Presidential limits: Trump can't come through for coal**

E & E News, Aug. 23 | Peter Behr and Saqib Rahim

"Tell Cohn to do whatever these two want him to do."

This secondhand account of President Trump's directions on rescuing Ohio power utility FirstEnergy Corp. and its coal supplier, Murray Energy Corp., sounded like a boss talking. As president, it didn't work.

In an Aug. 4 letter obtained by the Associated Press, Robert Murray, chairman and CEO of Murray Energy, described a conversation with the president in which Trump ordered an aide to see that Gary Cohn, director of the White House National Economic Council, gave Murray and Charles Jones, CEO of FirstEnergy "whatever" they were asking for.

As the letter spells out in detail, unchallenged by the White House or Murray's company, Murray pleaded for a federal rescue for the Ohio utility's FirstEnergy Solutions merchant coal-fired generating plants, which stood "on the verge of bankruptcy."

"Their bankruptcy will force Murray Energy Corp. into immediate bankruptcy, promptly terminating our 6,500 coal mining jobs," with devastating losses to those coal communities, Murray said. "This would be a disaster for President Trump and for our coal miners and employees" (E&E News PM, Aug. 22).

But Trump could not deliver for the men he called "my coal miners," nor for Murray, one of his most outspoken political supporters. Murray was not one of the corporate CEOs who broke with



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Trump over the president's equivocal comments on the violence in Charlottesville, Va. Instead, he was an ally who said he was "praying and pacing the floor" election night, hoping for a Trump victory (Greenwire, Feb. 17).

In his letter to Trump White House aide John McEntee III, Murray said he had heard Trump direct Energy Secretary Rick Perry three times to rescue the companies, which sought a federal moratorium on further closings of Ohio coal-fired power plants. Murray quoted Trump saying, "I want this done."

But the only lever available to Perry — an action under Section 202(C) of the Federal Power Act — is restricted to short-term actions in response to emergencies that threaten power grid reliability or power delivery, not the chronic plight of coal plants that cannot compete with turbine generators running on cheap Ohio and Pennsylvania shale gas.

The history of this Power Act provision showed it to be an emergency remedy. Perry had ordered the Grand River Dam Authority in Oklahoma to keep operating a facility in April to provide voltage support for the nearby power grid, until replacement generation was available. It was invoked in 2008 in response to grid damage along the Gulf Coast from Hurricane Ike, in 2005 after Hurricane Rita, in 2003 following a blackout in the Northeast, and in 2000 to deal with the California energy crisis.

DOE spokeswoman Shaylyn Hynes said in a statement to the Associated Press, "We look at the facts of each issue and consider the authorities we have to address them, but with respect to this particular case at this particular time, the White House and the Department of Energy are in agreement that the evidence does not warrant the use of this emergency authority."

Melissa Powers, an associate law professor at Lewis & Clark Law School, said Murray's letter was "self-defeating," considering the help he was asking for.

"A letter that begins with a reference to President Trump telling an agency official to 'do whatever these two [Murray and the FirstEnergy CEO] want him to do' is exactly NOT the letter I would want to rely on in an administrative proceeding," she said. The letter focuses on impacts on the companies, not on grid reliability imperatives, Powers said.

John Moore, director of the Natural Resources Defense Council's Sustainable FERC Project, and NRDC clean energy attorney Miles Farmer commented in a blog that DOE's regulations make clear that the emergency authority is limited to "unexpected inadequate supply of electric



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

energy," such as would be caused by "the unexpected outage of facilities" from events like "weather conditions" or "acts of God."

An emergency order would have had symbolic value at first. But what would be the benefit of ordering coal-fired power plants to keep operating when the administration cannot order utilities to buy their electricity — costing more than competitive power from gas generation?

When Trump ordered help for Murray and the coal industry, he appeared to be "following his instincts," as he said he always liked to do as a boss.

But Trump this week, speaking about Afghanistan, said he realizes that decisions are different "when you sit behind the desk in the Oval Office. In other words, when you're president of the United States."

As he sat behind that same desk, should Trump have been told that Murray's request couldn't be met? Was he improperly briefed? Was he briefed and then ignored aides, or did he make promises he knew he couldn't keep?

[BACK](#)

9. **PIPELINES: Major ruling against FERC shakes up climate law**

E & E News, Aug. 23 | Ellen M. Gilmer

Environmentalists are celebrating a big win after a federal court ordered regulators to take a closer look at a natural gas pipeline's impact on climate change.

A panel of judges yesterday sided with the Sierra Club, [ruling](#) that the Federal Energy Regulatory Commission failed to adequately consider downstream greenhouse gas emissions from the Southeast Market Pipelines Project — a network that includes the contentious Sabal Trail pipeline in Florida.

The U.S. Court of Appeals for the District of Columbia Circuit vacated FERC's approval of the project, a portion of which is already in service, and ordered the agency to take another look (Greenwire, Aug. 22). The decision may push the project out of service, but the D.C. Circuit has not yet issued a mandate.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Many environmental lawyers see the decision as a game-changer for gas pipelines and beyond.

"It's a very significant decision coming out of the D.C. Circuit because FERC and other federal agencies, especially under the Trump administration, have tried to really limit their review and not fully grapple with all of the impacts of their decisions and their approvals," Sierra Club attorney Elly Benson told E&E News.

Benson and other experts expect the ruling to have broad impacts on other challenges dealing with climate analysis under the National Environmental Policy Act.

"The issues here are going to be analagous in a lot of other contexts where a federal agency is approving a project where it's reasonably foreseeable, and in fact entirely foreseeable, that that fossil fuel is going to be combusted, which will release greenhouse gases, which contributes to climate change," she said.

"That situation arises all the time, and I think this opinion will be applicable in those circumstances."

'Litany of excuses'

The 2-1 decision directs FERC to dissect downstream climate impacts of the Southeast pipelines or offer a better explanation for why it's not doing so. Judge Thomas Griffith, a George W. Bush appointee, wrote the opinion, joined by Judge Judith Rogers, a Clinton appointee. Judge Janice Rogers Brown, another Bush appointee, dissented.

FERC and industry lawyers declined to comment on the decision, but many court watchers expect the agency and pipeline backers to ask the D.C. Circuit to reconsider.

"My assumption is that this decision will be appealed, either for an en banc rehearing or to the Supreme Court," said Michael Burger, executive director of Columbia Law School's Sabin Center for Climate Change Law. "FERC has long maintained that this is not its responsibility, including during the Obama administration."

"Given the split decision an appeal seems almost inevitable," he added. "So its long-term effects are uncertain."



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

The case centers on FERC's climate and environmental justice analysis in a 2015 environmental impact statement for the Southeast pipelines. The court tossed the environmental justice claims yesterday, but the climate arguments were successful.

Sierra Club and other groups had argued that the agency's environmental impact statement should have carefully quantified emissions from the power plants that ultimately burn natural gas delivered by the pipelines.

In court filings and during oral argument in April, government lawyers defended FERC's less precise approach to studying downstream climate effects. The agency concluded last year that impacts would be insignificant, largely because emissions from power plants receiving the natural gas would be offset by reductions in coal combustion.

FERC and industry lawyers have further argued that detailed calculations of downstream impacts are too speculative to be useful because of uncertain and constantly changing market conditions and other variables (Energywire, April 19).

"FERC provided this litany of excuses for why it couldn't really take a meaningful look at those greenhouse gas and climate impacts, and today the D.C. Circuit rejected those excuses," Benson said.

'A mixed bag'

The case is making waves in the environmental law community.

James Coleman, a Southern Methodist University law professor who has researched the government's obligations to consider climate impacts, said he was shocked by the decision — especially in light of a recent D.C. Circuit ruling that rejected a Sierra Club challenge to another agency's climate analysis.

Last week, a separate panel of judges rejected environmentalists' claims that the Department of Energy didn't adequately consider indirect greenhouse gas emissions from liquefied natural gas exports in Freeport, Texas.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Judge Robert Wilkins, an Obama appointee, endorsed nearly the same argument that FERC has pushed in the Sabal Trail case: that market uncertainties make it too difficult to precisely analyze indirect greenhouse gas emissions (Energywire, Aug. 16).

"That was a classic NEPA decision — that the agency has expertise here on what's feasible and what's not to consider, so it was reasonable to say that [further analysis] goes too far," Coleman said. "It seemed a week ago like this was all resolved, and I had assumed that the decision would be consistent."

Burger, of Columbia, also pointed out the contrast from last week's order, noting that "today's decision leaves the jurisprudence a mixed bag."

Still, yesterday's ruling gives environmentalists significant new ammunition, Coleman said.

"It's huge because this is an argument that's going to be repeated in many different contexts," he said. "People are going to make it for new oil pipelines and for every natural gas decision."

Richard Revesz, director of the Institute for Policy Integrity at New York University School of Law, said the ruling is in tension with the Trump administration's efforts to streamline pipeline approvals, leaving the government more legally vulnerable if it skirts any level of environmental review.

"But as these recent rulings show, agencies will lose legal challenges when they don't appropriately consider climate change impacts," he said, also referring to a recent district court decision ordering the Interior Department to consider the impacts of burning coal while approving a mine expansion. "Rather than speeding the process of infrastructure and energy development, the Trump administration has risked slowing it down."

Coleman, who agrees with FERC that the many moving pieces surrounding natural gas use and production make precise downstream analysis unreliable, warned that the court's favored approach could prove problematic.

"The court says, 'Well, we'd just like to see those numbers,'" he said. "Well, if those numbers don't provide any predictive power, how are the agencies attempting to use them?"



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

"If FERC wants to avoid doing that kind of speculation," he added, "it's going to have to explain better to the courts because it's obviously lost at least two judges on the D.C. Circuit."

Now, all eyes are on FERC's next steps with regard to the Southeast pipelines. The agency is expected to move quickly to address its climate analysis in light of the court's decision, but the pipelines may be in limbo in the meantime.

ClearView Energy Partners analyst Christi Tezak said the D.C. Circuit's decision to vacate FERC's approval of the project on NEPA grounds may be a first. But, she noted, the court has not yet issued its mandate. FERC now has the opportunity to seek rehearing and, if necessary, Supreme Court review.

"Therefore, while potential suspension of operations on Sabal Trail and the balance of the Southeast Market pipelines is possible, it is not yet a reality," she wrote in a memo last night.

Benson said environmental lawyers will be monitoring the situation closely.

"The court did vacate the certificate order, so it's basically an illegal project right now," the Sierra Club's Benson said. "It's operating without a valid certificate order, so we're going to be taking the appropriate next steps."

FERC declined to comment on what it plans to do next.

[BACK](#)

10. **FORESTS: Can drones save Myanmar's mangroves?**

E & E News, Aug. 23 | Thin Lei Win, Reuters

BANGKOK - Fast-dwindling mangroves in Myanmar's low-lying Ayeyarwady Delta, ravaged by decades of deforestation and conversion of land for agriculture and aquaculture, could find an unlikely saviour - drones.

Mangroves protect coastlines in the face of storms and rising sea levels, absorb carbon from the atmosphere, and boost fish stocks, experts say.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Yet Myanmar has lost more than 1 million hectares (about 2.5 million acres) of mangroves since 1980, said Arne Fjortoft, founder and secretary-general of Worldview International Foundation (WIF), which has worked with two local universities to restore mangroves in the Southeast Asian nation since 2012.

In the delta region, known as the country's rice bowl, only 16 percent of original mangrove cover remains, Fjortoft, former chairman of Norway's Liberal Party, told the Thomson Reuters Foundation by e-mail.

There is an "urgent need" to restore mangroves to stem saltwater invasion of farmland and shoreline erosion due to sea level rise, as well as to protect lives and property from storms and floods in coastal areas, he added.

An annual climate risk index by Germanwatch, a green research group, ranked Myanmar - which suffered decades of military rule - second among the 10 countries worst-affected by extreme weather from 1996 to 2015.

WIF has so far planted some 3 million mangrove trees, but the task is laborious and time-consuming.

Drones, on the other hand, could plant trees 10 times faster and cut costs by half, according to UK-based start-up BioCarbon Engineering (BCE), whose CEO is an ex-NASA engineer who worked on the search for life on Mars.

Once the process is fully automated, a single pilot operating six drones can plant up to 100,000 trees per day, BCE says.

In late July, the inaugural BridgeBuilder Challenge, which awards \$1 million in prize money for ideas with global impact, selected as one of its winners a proposal by BCE and WIF to test the use of BCE's drones to plant a million mangroves in Myanmar.

The plan covers 250 hectares and involves training and employing locals to collect and prepare seeds, as well as to maintain, monitor and protect the fragile ecosystems.

It still requires approval from Myanmar's authorities, but Bremley Lyngdoh, a WIF board member who is applying for further grants, is hopeful work could start later this year.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

"We don't want another big storm to come and destroy a lot of lives and livelihoods like in 2008," said Lyngdoh, referring to Cyclone Nargis which devastated the Ayeyarwady Delta region, killing nearly 140,000 people.

GLOBAL LAND GOAL

Drones are particularly useful in complicated or dangerous terrain that is hard for people to access, said Irina Fedorenko, a co-founder of BCE.

They can help green large areas of land very fast, and could contribute to meeting the international community's commitment to restore 350 million hectares of degraded forests and agricultural land by 2030, she said. That goal will be near impossible without technology and innovation, she added.

Experts say thriving mangrove ecosystems can store two to four times more carbon than most other tropical forests, helping reduce planet-warming gases in the atmosphere, while slowing coastal erosion and shielding communities against tsunamis and storm surges.

They also provide breeding grounds for fish and other sea creatures. Mangroves have been estimated to support 30 percent of Southeast Asia's fish catch, and almost 100 percent of its shrimp catch.

Yet they are being destroyed at rates three to five times higher than global deforestation, a 2014 U.N. report warned.

BCE's technology, which works in two phases, aims to change that.

First, drones flying 100 meters (328 ft) above the ground take highly detailed, 3D images of the land while sensors record information such as soil type, soil quality and moisture. The data is then used to create a planting pattern, pinpointing the best spots and species to plant in each location.

Then a drone uploaded with the mapping information flies 2 meters above the ground, shooting biodegradable seed pods designed to enhance germination success. A drone carrying 300 seed pods can cover 1 hectare in 18 minutes, according to BCE.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

DRONES FOR GOOD

Fedorenko said BCE had tested around 3,000 species of plants in different conditions, including in Britain and a post-mining restoration project in Australia, and was confident of finding the right combination for Myanmar.

"Mangroves grow very fast. We will see results in a year, but we will know what's working or not in six months, so there is time to modify the technology and the pods," she said.

Once perfected in Myanmar, the technology could help other large-scale restoration projects, said WIF's Lyngdoh.

Long associated with military operations, drones' growing availability, improved performance and falling cost have led to their application in humanitarian situations.

In June, Vanuatu's government announced a plan to test the use of drones to deliver life-saving vaccines and health supplies to remote communities in the Pacific archipelago. [nL8N1JB0B2]

And Myanmar, with help from the United Nations' Food and Agriculture Organization, will soon begin using drone-mapping technology to reduce disaster risks to agriculture.

[BACK](#)

11. **SCIENCE: Agency defends website changes on climate**

E & E News, Aug. 23 | Scott Waldman

Climate references on the website of the National Institute of Environmental Health Sciences have been altered under the Trump administration.

The institute has seen a number of sections related to climate change and human health disappear from its home page in the last few months. In some sections, the words "climate change" were removed and links to climate-related reports disappeared.

An NIEHS spokeswoman said the changes were part of a website restructuring, and she pointed to information about climate change still available on the agency site.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

The changes were first noticed by the Environmental Data & Governance Initiative, which has been tracking [changes](#) across federal websites. The group has found dozens of changes at the sites of U.S. EPA, the Department of Energy, the Interior Department and others.

"This is in line with a trend of other language changes across other agencies ... where mentions of climate change have been removed," said Toly Rinberg, a committee member at EDGI.

The changes to the NIEHS site mark the first observed climate-related edits related to public health under the Trump administration. The alterations include a fact sheet being removed without notice or explanation, Rinberg said. The group also said it found reduced access to web resources, including fewer links to an educational fact sheet about climate change.

EDGI is tracking 25,000 websites across the federal government.

Recently, the group found that the Department of Agriculture had broken web links for climate sites. A spokeswoman said the issue was related to a technical problem, not an overt attempt to minimize climate content. Similarly, an EPA link to the science supporting the endangerment finding was broken, but a spokeswoman said it was inadvertent and the result of routine maintenance.

All incoming administrations alter and update federal websites. Still, climate information on a number of sites has been altered or has disappeared since the inauguration of President Trump, who openly expresses skepticism about global warming.

EPA buried a climate website for children, for example. Elsewhere, language has been changed on a number of federal sites to focus on the benefits of oil and gas production, while sections about its health risks have been removed, according to EDGI.

At NIEHS, the changes occurred during general maintenance and the updating of webpages, said spokeswoman Christine Flowers. The website continues to host information about climate change pertaining to human health, she said, noting that the agency is always improving its educational material for the public.

She said it is adding information that is "broader than climate change" and that cutting the phrase "climate change" to "climate" saves room on the webpage.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

"All the climate change information is still right there, right up front, where it was," Flowers said. "We added some sidebar information that is on a related topic, on a broader scale that applies to global health."

Flowers said NIEHS has not been pressured by the Trump administration to change its language about climate change. The health portal related to global warming is still available on the website.

"We have had no pressure from anyone in the administration to make any changes whatsoever; we are simply trying to provide more information," she said.

[BACK](#)