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Attached is the daily news report for June 30 July 3.

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DAILY NEWS REPORT - UTAH

UTAH – TOP STORIES – JUNE 30 – JULY 3, 2017

1. Utah Fire Info gives snarky reminder about the start of firework season

The Standard-Examiner, June 29 | Jessica Kokesh

Utah Fire Info's social media accounts got their snark on Wednesday in a post reminding people when fireworks season starts.

2. The complex nature of public land management

The (St George) Spectrum, June 30 | Mike Small, Iron County Democrats

The proper management of BLM- and U.S. Forest Service-administered public lands is complicated.

To quote President Trump, who actually was speaking at the time about health care, "Who knew?"

3. The mounting cost of the Brian Head Fire

The (St George) Spectrum, June 30 | Bree Burkitt

Southern Utah is burning.

The forests surrounding the ski resort town of Brian Head were filled with dry, bark-beetle-killed timber. For decades, environmentalist groups had thwarted logging of the dead trees, which state politicians said created the perfect tinderbox for a large-scale wildfire.

4. Brian Head residents trickle back into town as evacuation order lifted; many relieved not to find more damage

The Salt Lake Tribune, June 30 | Luke Ramseth

Brian Head • As she evacuated two weeks ago, Shelly Calloway was certain her business, the Apple Annie's Country Store, would be destroyed.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

5. Op-ed: Wildfires demand real solutions, not political rhetoric

The Salt Lake Tribune, June 30 | Ethan Aumack

As of this writing, the Brian Head Fire continues to burn intensely. Our deepest sympathies go out to those who have lost homes in the fire, and our gratitude to the firefighters who are risking their safety and their lives to bring the fire under control.

6. Op-ed: Conservatives need national monuments, too

The Salt Lake Tribune, July 1 | Kira Minehart

It is seldom known that American environmental conservation began with Republicans.

In 1905, conservative outdoorsman Gifford Pinchot coined the term "conservation" while serving as the first chief of the U.S. Forest Service.

7. Cedar Breaks day; enlightening education at high altitude

The St George News, July 2 | Reuben Wadsworth

FEATURE – While Cedar Breaks National Monument may sport magnificent views of spires and hoodoos ranging in color from white to red and reminiscent of Bryce Canyon, education was actually one of the main reasons for the park's establishment, and it is still central to its mission today.

E&E/NATIONAL NEWS – TOP STORIES

1. Does the Government Track Anti-Public-Land Extremists?

The Atlantic, June 30 | Robinson Meyer

The United States government owns more than a fifth of the land in 12 states, all of which are in the West. Recently, Americans everywhere have been reminded of how controversial that fact remains.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

2. What 'America First' means for energy development

High Country News, June 30 | Tay Wiles

This week, members of Congress and expert witnesses discussed the Trump administration's plans for one of the West's most contentious issues: oil and gas leasing on public lands.

3. POLITICS: Cabinet secretaries' tough task: Lack of funding, support for agency missions

The Washington Post, July 2 | Juliet Eilperin and Emma Brown

As the Trump administration sets out to overhaul the federal government, a small group of Cabinet secretaries may have the most daunting task. They are running departments with missions they have sometimes disparaged, with employees who are secretly — and on occasion publicly — hostile.

4. OIL AND GAS: D.C. Circuit rejects EPA methane rule delay

E & E News, July 3 | Amanda Reilly

A federal appeals court today vacated the Trump administration's decision to delay an Obama-era U.S. EPA rule curbing methane emissions from new oil and gas operations.

5. EPA: Pruitt issued 'oral directive' to end 'sue and settle'

E & E News, July 3 | Amanda Reilly

U.S. EPA Administrator Scott Pruitt has directed his agency to limit the "sue and settle" practice that critics say the Obama administration used to issue new regulations.

6. NATURAL RESOURCES: Senators roll out bipartisan sportsmen's bill

E & E News, July 3 | Jennifer Yachnin

Senate Environment and Public Works Chairman John Barrasso (R-Wyo.) on Friday introduced a new sportsmen's bill that would prohibit federal protections for gray wolves across the Great Lakes region and in Wyoming.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

7. NATURAL RESOURCES: Senators roll out bipartisan sportsmen's bill

E & E News, July 3 | Jennifer Yachnin

Arizona Rep. Raúl Grijalva, the top Democrat on the House Natural Resources Committee, on Friday directed the Government Accountability Office to examine how federal land management agencies are tracking and responding to threats from "anti-government extremism."

8. WEATHER: Harsh winter tough for animals across West

E & E News, July 3 | Bob Moen, Billings Gazette

Severe weather across the western United States took a heavier-than-normal toll on wildlife this winter.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

UTAH – FULL STORY

1. **Utah Fire Info gives snarky reminder about the start of firework season**

The Standard-Examiner, June 29 | Jessica Kokesh

Utah Fire Info's social media accounts got their snark on Wednesday in a post reminding people when fireworks season starts.

“SHOWN IN GREEN BELOW, areas where fireworks are OK to use before July 1st: (Hint: it’s not OK anywhere),” the agency’s Facebook and Twitter posts read over an image of the state of Utah colored in red.

Utah Fire Info is an interagency website that provides information about wildfires and other Utah fire related news.

Fireworks can be purchased any time from June 23 through July 27, but can’t be shot off before July 1. Rules and restrictions regarding fireworks vary from municipality to municipality, but the dates for purchasing and discharging fireworks are consistent statewide.

The Bureau of Land Management Utah advised people Wednesday to be aware of high fire danger going into the holiday weekend.

“The State of Utah is experiencing high temperatures and low humidity, causing elevated wildfire danger,” BLM said in a press release. “The National Weather Services indicates these conditions will extend throughout the next several weeks and likely into the fall.”

Fireworks, sky lanterns, Chinese lanterns, fire balloons and acetylene balloons are all banned on BLM lands.

[BACK](#)

2. **The complex nature of public land management**

The (St George) Spectrum, June 30 | Mike Small, Iron County Democrats

The proper management of BLM- and U.S. Forest Service-administered public lands is complicated.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

To quote President Trump, who actually was speaking at the time about health care, “Who knew?”

In the good old days, both the BLM and the Forest Service managed for multiple use. The USFS managed for what they called the Five Double W’s. BLM was called them “Wood, Watershed, Wildlife, Wrecreation, and Wange.” Multiple uses were mostly extractive activities such as logging, livestock grazing and mining, where the various resources on public lands were harvested and removed from the public lands — usually for the profit of private individuals and corporations.

However, about the time of Teddy Roosevelt, many people also began to think about preserving and protecting some of the unique resources and values which were found on public land in order that future generations of Americans could see and enjoy these resources.

Members of Congress passed numerous pieces of legislation over the years to protect these resources and values, starting with The Antiquities Act of 1906, and other acts such as The Wild Horse and Burro Act (1971), The Endangered Species Act (1973), The Wilderness Act (1972), and many others. The result is that both agencies now manage for both multiple use and for resource protection, though not in the same place or time.

Thinking that resources and values can always be protected and preserved is a false narrative. Change is the only constant.

I think last year’s Saddle Fire near Pine Valley and the current Brian Head Fire demonstrate that Smokey Bear’s message was and continues to be overdone.

For approximately 100 years, Smokey’s message really meant that when smaller fires occurred, they were usually put out. Now without frequent fires to reduce fuel loads, the forest fuels have accumulated to where larger fires are inevitable, potentially catastrophic, and extremely costly to control.

Fire is a natural part of the ecosystem and cannot be eliminated. We should accept smaller, more frequent fires, and safeguard our homes from fire.

public use of the public lands over the years has greatly changed. Recreation use in many forms has especially taken off. While logging, mining, livestock grazing and other extractive uses have



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

generally declined in most areas, non-consumptive uses including photography, birding, climbing, biking, motorized vehicle travel have greatly increased.

As have the number of emergency search and rescue operations because more people using the public lands means more folks need help.

Finally, the current administration is considering reducing or eliminating what is called Payment In Lieu of Taxes (or PILT) funding. Land owned by the federal government is generally not subject to taxation by state or local governments; therefore, in 1976, Congress passed a law making federal payments to local governments affected by a loss in their tax base, hence PILT funding.

In fiscal year 2016, Utah received more than \$38 million in PILT money. Records show Washington County received \$2,948,879.00 and Iron County received \$3,223,658.00. The counties use this funding to support "Municipal Services," which includes supporting sheriff and search and rescue efforts.

Loss of this funding would have major impacts.

Mike Small of Cedar City is a member of the Iron County Democrats.

[BACK](#)

3. **The mounting cost of the Brian Head Fire**

The (St George) Spectrum, June 30 | Bree Burkitt

Southern Utah is burning.

The forests surrounding the ski resort town of Brian Head were filled with dry, bark-beetle-killed timber. For decades, environmentalist groups had thwarted logging of the dead trees, which state politicians said created the perfect tinderbox for a large-scale wildfire.

All it needed was a spark.

That came on June 17 when a yet-to-be-identified man was attempting to clear his property with the help of a weed torch. Dry conditions were accompanied by high winds and record-challenging temperatures. The fire quickly grew out of control.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

A 911 call released this week by the Utah Department of Public Safety revealed just how fast the blaze grew,

"Hi, I have a fire getting out of control," the caller, panting and out of breath, told the Cedar Communications Center dispatcher as 12:07 p.m. "We're trying to fight this, but it's getting out of control."

After a brief exchange, he tells the dispatcher they've given up on trying to stop fire themselves.

"It's big!" he said. "We need help."

It only spiraled from there. Just a few hours after that call, the fire had reached town limits and more than 750 visitors and residents had been evacuated. It swelled to 957 acres in the first 24 hours.

In the following days, the fire has grown to nearly 59,000 acres across Iron and Garfield counties. Brian Head, Panguitch Lake, Dry Lakes and Mammoth Creek residents were finally allowed to return to their homes Thursday and Friday after nearly two weeks of evacuations. Twenty-one buildings, including 13 residences, have been destroyed.

Throughout the fire, the question has remained: What price will the man accused of starting the massive blaze pay?

The Bureau of Land Management wrapped up its investigation Wednesday, Jason Curry, public information officer for the Utah Division of Forestry, Fire & State Lands said.

Generally, investigations into wildfires focus on identifying where and how the fire started, Curry said. After that, they attempt to figure out who — if anyone — is responsible.

Typically, the first two steps are the easiest. Curry said the investigating agency uses science and proven fire indicators to determine the fire's movement, such as the angle of rock char or the amount of burned vegetation. Next, they will look for physical evidence identifying where the fire started. This might be a campfire or a piece of a catalytic converter from a car.

Determining who is responsible is almost always the most challenging part of the investigation. Investigators rely on witnesses, physical evidence, video surveillance cameras and paper trails to provide them with clues of who might have been in the area.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

"If we're out in the wild land and we go to a camp site that's been abandoned for 24 hours, that's going to be difficult because we have to find that person," Curry said.

Weather reports and lightning records are also checked to see if they any of these factors could have had an effect.

This process can take months.

In the case of the Brian Head Fire, there was little doubt about who allegedly started the fire. Brian Head Marshal Jared Burton told The Spectrum & Daily News prior to the June 17 evacuations that the man had already been identified as the primary suspect since he made the 911 call and it began on his property.

His home was not one of the 13 destroyed.

Neither the Iron County Sheriff's Office nor the Brian Head Marshal's Office had previously been to the residence to order the man to stop any burning or use of the weed burner. Burton even checked because he had heard the rumor so much in the days after the fire started.

"If this person was warned, told or asked not to start a fire it was by nobody official," Burton said. "It's simply not true."

Iron County Attorney Scott Garrett confirmed he had received an investigation file from the Utah Division of Forestry, Fire and State Lands on Wednesday. His office is now tasked with deciding whether to press charges against the man, which will likely take weeks.

In an interview Thursday with The Spectrum & Daily News, Garrett said there are actually very few applicable charges in these types of situations — either a class A misdemeanor citation for reckless burning or arson, which is a felony. Ultimately, that decision all depends on intent.

"If they intentionally set a fire, then it is arson or perhaps even aggravated arson if they burn a residence," Garrett explained. "In this case, there's no evidence of that. Then you drop down to reckless burning."

While he is still reviewing the case, Garrett said he is currently screening for the reckless burning citation.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

According to state code, the misdemeanor carries a maximum penalty of one year in the county jail and a maximum \$2,500 fine.

There's plenty of local precedent for a reckless burning citation. Earlier this month, a 41-year-old Iron County man was charged with the misdemeanor after a six-acre fire started while he was burning a pile of weeds. Similar to the Brian Head Fire, dry conditions and high winds caused the blaze to quickly grow in size.

Based on the size and destruction of the fire, the Iron County Attorney's Office could ultimately decide to forward the case to the U.S. Attorney's Office.

"Considering the amount of acreage that has been burned, this case might qualify for the high magnitude threshold the feds deal with," Garrett said. "We may consult with them to see if a federal statute could apply here."

The possibility of recovering some of the money from the individual responsible likely won't be addressed until the case is adjudicated. So far, the cost of the Brian Head Fire has topped \$15 million. It could rise as high as \$20 million, possibly making it the most expensive fire in the state, Lt. Gov. Spencer Cox said. That's not including the cost of destroyed homes and structures in addition to future efforts to restore trails and forest roads.

The U.S. Forest Service and Bureau of Land Management are sharing the bill since some of the fire ravaged local, state and federal lands.

The defendant's ability to pay is a major consideration when identifying a restitution amount. Unfortunately, it generally doesn't come anywhere close to actually covering the total cost of the fire, Curry said.

"Many of these fires we're talking about millions of dollars and we don't have a lot of millionaires out there starting fire," Curry said. "It's really what we can recover. Sometimes it's just a sample of the cost."

Past wildfire cases show this process isn't quick, either.

It took five years to reach a settlement for the 2012 Dump Fire.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

The insurance company of one of the men who started the wildfire that burned more than 3,000 acres in Saratoga Springs and Eagle Mountain was ordered to pay \$300,000 to local, county, state and federal agencies as part of the June 2017 settlement.

The total cost of the Dump Fire exceeded \$3.5 million.

"We have to consider if we're going to put this person in bankruptcy when we go after them," Curry said. "Are we going to force them to sell their home and the clothes on their back in order to pay for the cost of the fire? What is the value in that and what is justice?"

The second man previously paid \$35,000 in 2016, while his insurance provider covered \$100,000.

[BACK](#)

4. Brian Head residents trickle back into town as evacuation order lifted; many relieved not to find more damage

The Salt Lake Tribune, June 30 | Luke Ramseth

Brian Head • As she evacuated two weeks ago, Shelly Calloway was certain her business, the Apple Annie's Country Store, would be destroyed.

When Gary Sylvester left town, he tucked his ATVs in a friend's underground garage, thinking his cabin would probably go up in smoke.

And as Brad Burdsall tracked television coverage of the exploding Brian Head Fire from Florida, he saw footage of flames directly behind his neighbor's home. Burdsall figured his cabin would burn to the ground.

But as residents and cabin owners slowly trickled back into this southern Utah resort town Thursday and Friday — after a two-week evacuation order finally lifted — they found the damage was not as bad as anticipated. Only one cabin was destroyed shortly after the 60,000-acre blaze ignited June 17, with three more damaged. Brian Head's largest tourist weekend of the summer, the Fourth of July, will go ahead largely as planned.

"We dodged a bullet," said Calloway, who runs the grocery and general store with her husband, Clayton.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

About 10 miles to the east, however, gusty winds continued Friday to fan the flames of the man-made fire, which had grown by about 5,000 acres since Wednesday. Containment rose to 60 percent late Friday.

And residents around Panguitch Lake were still not allowed back into their cabins and homes, except to briefly collect important belongings and take stock of damage. The fire has destroyed a total of 13 residences in Iron and Garfield counties.

Bryce Alexander, a U.S. Forest Service firefighting supervisor, said the Brian Head Fire hasn't behaved like most wildfires in his 22 years of experience. Typically, wildfires slow down when they hit stands of aspen, or a moist creek area. But this blaze has churned through all types of vegetation and terrain with surprising velocity, he said.

Windy and warm conditions haven't helped. Early June 22, the blaze remained well north of Panguitch Lake, far from cabins and businesses. Suddenly that evening, Alexander recalled, the temperature, wind speed and humidity "lined up perfect" for extreme fire growth. Flames raced downhill toward the lake.

"It cooked through here in an hour," Alexander said Friday during a tour of the burn area in Clear Creek Canyon, which contains dozens of high-end cabins.

Firefighters tried to defend structures as best they could, frantically clearing brush and moving flammable material such as firewood. But firefighters could only do so much, Alexander said, considering the sudden shift in conditions and threats to their safety. By the next morning, officials reported nine cabins and several other structures had burned.

The blaze came within about 800 feet of David Ekanger's livelihood, the Rocky Point Boat Dock on Panguitch Lake. It also got close to his cabin, which sits above the lake. The Ekanger family were still renting fishing boats on the morning of July 22. But by that evening, they faced immediate evacuation orders, hurriedly moving their fleet of boats to the opposite side of the lake from the fire.

Ekanger said he's slept better in recent days, knowing the blaze is no longer threatening the lake. But he said he didn't anticipate being evacuated this long — right as tourist season hits its peak.

"It's huge for us — it's impacted us in the tens of thousands of dollars," Ekanger said of the evacuation. "It's irreplaceable income."



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

The Calloways, meanwhile, scrambled to restock shelves Friday before holiday weekend visitors arrived. They were still awaiting several deliveries and an employee who hadn't yet made it back to town from Las Vegas. It was unclear what impact the fire might have on business, Calloway said.

"Our summer season had really only just started when we evacuated," she said.

Typically, Brian Head would already be packed by now, several days before the Fourth of July. Town Manager Bret Howser said Friday he hopes news of the fire doesn't keep people away.

The town, and corresponding resort, plans to go ahead with its usual festivities, which include vendors and live music through the weekend. However, some vendors canceled due to uncertainty over the evacuation situation, Howser said, and there will be no fireworks show this year. He is unsure how many tourists might ultimately show up.

For local business owners, Howser said, it may be painful for awhile.

"In the long term, I'm actually kind of hopeful [the fire] could be a good thing for us," he said. "What's the phrase — all publicity is good publicity? We're hoping with some strong marketing ... that we can turn this into a gain for us. People have now heard of Brian Head all over the place."

The blaze ended up burning within about 100 yards of Burdsall's cabin, which the Las Vegas resident bought in October. The roof and back deck is still speckled with the red patches of fire retardant dropped by air tankers two weeks ago.

Burdsall and his family were on a trip in Florida when the blaze broke out. For about a day, he said, "we just assumed the worst."

But then a remote-controlled security camera mounted inside the cabin suddenly flicked back on the evening of June 18. That's when he knew the cabin was still standing, thanks to the work of firefighters and a private fire defense team hired for free by Burdsall's insurance company.

As soon as he could, Burdsall wanted to return to inspect the damage. Early Friday morning, he sipped coffee on his back deck and looked out over the blackened landscape. It remains an impressive view.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

"It's great to be back," he said.

[BACK](#)

5. **Op-ed: Wildfires demand real solutions, not political rhetoric**

The Salt Lake Tribune, June 30 | Ethan Aumack

As of this writing, the Brian Head Fire continues to burn intensely. Our deepest sympathies go out to those who have lost homes in the fire, and our gratitude to the firefighters who are risking their safety and their lives to bring the fire under control.

In the midst of this fire, Rep. Mike Noel has done what politicians often do during fire season – recklessly fan the political flames. Going before TV cameras, Noel claimed that legal appeals had prevented logging of the forest, and that environmentalists, including the Grand Canyon Trust, were responsible for the fire. He concluded, "When we turned over the Forest Service to the bird and bunny lovers, the tree huggers, and rock lickers, we lost our history."

The Grand Canyon Trust has never litigated a forest-thinning project in the Dixie National Forest, so not only was Noel's claim completely false, it deflected attention from the real causes of extreme fires in the Southwest and the potential management solutions.

Over the last two decades, our staff have worked closely with many others – state and local officials, federal land managers, community members and sportsmen – to launch and help lead forest restoration efforts across the region. In all cases, the intent is to restore forest health, protect clean water and key wildlife habitat and shield communities from wildfire. Today, we help lead the collaborative Monroe Mountain project in Utah, and the nation's largest collaborative forest restoration effort – the Four Forest Restoration Initiative – in northern Arizona.

Through these efforts we and others have learned many things about forest management and fire. Above all, we have learned that one-size-fits-all approaches to forest and fire management don't work. Lower elevation ponderosa pine forests often need small tree thinning and reintroduction of low-intensity fire – sometimes at large scales – to restore forest health and prevent much larger, more intense wildfires. Higher elevation forests, like those around Brian Head, represent a different challenge. In anything resembling a natural state (appreciated by not only bird and bunny lovers, but also by deer, elk and fish lovers), these forests burn more intensely – and



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

always will – thus requiring homeowners and communities to do everything they can to minimize future developments in these fire-prone areas, and ensure that existing developments are adequately prepared for wildfire.

We have learned that a whole host of challenges face us as we confront forest management in the Southwest. A century of fire suppression was well-intentioned but misguided and disastrous in its effects. Global warming will exacerbate wildfire challenges. And seemingly simple solutions like removing insect-killed trees are never as simple as they seem and often cause more harm to forests than good.

Over the course of two decades, we have come to know that National Environmental Policy Act-prescribed public involvement in forest management discussions is a good thing, and that, working together, stakeholders with seemingly disparate perspectives, ideologies and worldviews can generate durable solutions across vast landscapes that keep forests healthy and protect communities.

Lastly, we have experienced time and again the kind of divisiveness, demagoguery and political profiteering practiced by Mr. Noel and other politicians during fire season, and we know that it often hurts those who need real solutions most.

Wildfires often bring out the best in us – a sense of compassion, a renewed commitment to work together to find solutions to vexing problems, a sense of common purpose and civic virtue. It will take this, the best part of us, to meet the forest and fire management challenges that lie ahead.

Ethan Aumack is the conservation director at the Grand Canyon Trust, where he has worked on forest restoration since 1999.

[BACK](#)

6. **Op-ed: Conservatives need national monuments, too**

The Salt Lake Tribune, July 1 | Kira Minehart

It is seldom known that American environmental conservation began with Republicans.

In 1905, conservative outdoorsman Gifford Pinchot coined the term "conservation" while serving as the first chief of the U.S. Forest Service.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

In 1906, Republican President Theodore Roosevelt was the first president to protect public lands under the Antiquities Act, designating 18 national monuments during his presidency.

Today, our president is threatening a heritage of conservation so carefully constructed by those who came before.

On April 26, President Donald Trump enacted Executive Order 13792, a plan to reconsider the protected status of 27 national monuments. Places like Bears Ears and Grand Staircase-Escalante will be reviewed and possibly released from protection.

Executive Order 13792 threatens the very landscapes that Make America Great. In a time of political polarization, these lands might be the last thing holding us together, the last of our beautiful, wild and sacred common ground.

One argument for withdrawing the protection of our common ground is to increase oil, gas and mineral extraction on public lands. However, over 90 percent of public lands managed by the Bureau of Land Management are already available for oil and gas leasing.

Additionally, the national monument designation does not prevent fossil fuel extraction on federal lands, it just prohibits the sale of new energy leases. Oil and gas are a part of America's identity, however, they need not replace the last of our remaining wild places — places like Bears Ears or Grand Staircase.

Some argue that these lands should be managed by the states and not the federal government. While many Western states successfully manage some of their lands for recreation, mining and energy extraction, it comes with a cost.

A report by the University of Utah shows that the transfer of 31.2 million acres of federally managed land will cost Utah \$280 million in 2017, nearly \$100 per Utah resident. Meanwhile, it costs the American taxpayer only \$4 per year to to manage public lands.

Finally, the profitability of selling federal land to the states is only guaranteed when oil and gas prices are high. And yet, anyone who visits the gas pump understands how quickly these prices change.

Selling land to states yields an uncertain economic future while tourism on federal lands provide financial security. In 2016, visitors spent \$18.4 billion dollars in communities surrounding parks



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

and monuments, supporting over 202,000 jobs. These numbers are only expected to grow as more and more people visit parks and monuments each year — and I have a feeling that Giant Sequoia and the Grand Canyon will never go out of style.

National monuments are a force for economic vitality in the United States, so long as we conserve them appropriately. If conservation seeks the proper use of nature, we must recognize that sometimes, the proper use is to leave it be. Theodore Roosevelt would agree.

"Leave it as it is. You cannot improve on it. The ages have been at work on it, and man can only mar it." — Theodore Roosevelt, in response to the landscape surrounding Grand Canyon-Parashant National Monument.

Harness your inner Teddy Roosevelt and fight for the thoughtful conservation of our public lands, lands that truly Make America Great. Submit a comment by July 10 in support of our Monuments online at <http://www.regulations.gov> by entering "DOI-2017-0002" in the search bar.

But maybe most importantly — get out there and explore your public lands — your uniquely American backyard. Visit a national park or monument. Teach your children to fish and hike and enjoy these vast and rugged landscapes. If you promise to listen to the land — to our national monuments, parks, seashores and battlefields — I promise you this: We can find common ground in the lands that belong to all of us.

Kira Minehart is a Westerner, environmental science master's student at Stanford University and past employee of the National Park Service.

[BACK](#)

7. **Cedar Breaks day; enlightening education at high altitude**

The St George News, July 2 | Reuben Wadsworth

FEATURE – While Cedar Breaks National Monument may sport magnificent views of spires and hoodoos ranging in color from white to red and reminiscent of Bryce Canyon, education was actually one of the main reasons for the park's establishment, and it is still central to its mission today.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

The park, which sits above 10,000 feet approximately 20 miles east of Cedar City, is the crown jewel of the Markagunt Plateau. In archaic days, it was the domain of early people down to the Paiutes, who migrated to and from the plateau with the weather. Settlers – shepherders, dairymen and ranchers – discovered it in 1868, describing it as “a paradise on the mountain,” according to one early scout.

That paradise eventually became part of the climax of the National Park Service’s early rivalry with the Forest Service.

In a 1987 article in the Utah State Historical Quarterly entitled “The Cedar Breaks Proposal,” former UNLV history professor Hal Rothman reported that the Forest Service felt slighted because it believed too much of its land was being transferred to National Park Service jurisdiction and that if it kept happening it would threaten the Forest Service’s very existence.

Cedar Breaks was on the radar of Stephen Mather, the park service’s first director, since the early 1920s, Rothman wrote. Mather hoped to add it to the agency’s Southern Utah portfolio as part of loop tours through the other parks in the area. However, Mather’s successor, Horace Albright, vociferously campaigned for its designation as a national park, initially planning to add it as a segregated section of Zion or Bryce Canyon national parks.

If it would have been up to a group of Salt Lake City businessmen, Cedar Breaks and Bryce Canyon would have been part of a large, contiguous Zion National Park, said Dale Topham, a history instructor at Brookhaven College in Texas who is writing a followup article to Rothman’s for the Summer 2017 issue of UHQ.

At first, Albright met strong resistance from the Forest Service, local ranching interests, then Utah Sen. William King (Utah’s other senator at the time, Reed Smoot, supported it) and even a few within his own agency, but he would not give up.

To get the monument approved, Albright relented on its size, only choosing the area having the most scenic merit. After receiving a proposal from the Forest Service’s Chief Forester, Robert Stuart, to keep it under that agency’s auspices and offer the same type of services the park service provided, including education, Albright saw his opening, Rothman reported.

In a letter to Stuart dated April 4, 1933, Albright wrote:



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

If the Cedar Breaks area is most valuable to the public because of timber or grazing resources, administration would naturally come under the Forest Service. However, this area is scenic rather than industrially useful . . . and the public (should be) afforded a unified educational service such as the Park Service is equipped to supply.

Early tourists felt the same way.

In the 1920s, the Utah Parks Company, a subsidiary of the Union Pacific that led national park tours and administered prime lodging in Zion, Bryce Canyon and the Grand Canyon's North Rim, started leading tours that included the three parks. Cedar Breaks was included on some of those tours.

Visitors noticed that the experience was different at Cedar Breaks because it was under Forest Service jurisdiction at the time. They came expecting the same educational experience they'd received at the other parks but didn't get it.

"The National Park Service was set up to provide education, the Forest Service was not," said Josh LaMore, an intern at Cedar Breaks who has done extensive research on the monument's history.

The park service's ability to provide education became the avenue Albright needed to establish the monument. Rothman reports that even Stuart himself could not refute Albright's argument and agreed to transfer the monument, which paved the way for the Franklin D. Roosevelt administration to designate it a national monument on Aug. 22, 1933.

A ceremony commemorating the monument's creation took place on July 4, 1934, and was the first time Civilian Conservation Corps enrollees made an appearance in the monument. CCC boys directed traffic, assisted drivers with stalled cars and served a barbecue dinner at the event, LaMore said.

The CCC had a lasting impact on Cedar Breaks. The corps was responsible for building the visitor center as well as the caretaker's cabin in 1937. The visitor center, built in the rustic style popular at the time and designed to blend into the park environment, is one of the few CCC-built visitor centers still in use today within the National Park Service system, LaMore said.

The story of lodging in the monument is both interesting and sometimes contentious.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

From 1921 to approximately 1926, a building affectionately known as Minnie's Mansion, located on what is now the monument's north end and built by one of Brian Head's original homesteading families, the Adamses, played host to many dairy and sheepherding families as a place to eat, lodge and even dance the night away. It also became a popular place to go for the Fourth of July, LaMore said – a tradition that the town of Brian Head has kept going to this day. Sadly, the season was too short to turn a profit and its heyday was short-lived. Today, small pieces of its foundation and shards of its window glass are all that remain.

In 1924, the Utah Parks Company built the Cedar Breaks Lodge to accommodate tourists enjoying its Grand Circle national park bus tours. Designed by renowned architect Gilbert Stanley Underwood, it was the smallest of the four lodges the UPC constructed.

The UPC tour buses stopped at Cedar Breaks for dinner before returning to Cedar City's train depot.

"A dollar twenty-five bought a chicken dinner, complete with mashed potatoes, gravy, homemade bread and dessert," one Cedar Breaks history page states. "The Lodge seated 120 people — some nights the tables were set three times to accommodate tour buses and locals who had come up to spend the evening."

The 1920s was the heyday of the Utah Parks Company. As passenger service on the railroads declined, more tourists arrived via private automobile, slowly signaling the death knell of the subsidiary, which held on until the late 1960s in Cedar Breaks. Forced to complete costly improvements on Cedar Breaks Lodge to renew its concessionaire contract in 1968, the UPC discontinued service in Cedar Breaks but TWA Recreational Services took over its operations in the other three parks.

UPC donated the Lodge to the park service in 1971.

"They handed it all over and said, 'Good luck,'" LaMore said.

The building and its outlying cabins were offered to various institutions "as a National Outdoor Environmental Study Area," LaMore wrote in an article prepared for the park service about the lodge's demise. All of the organizations declined and the buildings were put up for auction in 1972. Only three bidders showed up for the auction and the winning bidder ended up paying \$1 each for the cabins, which were hauled out intact on flatbed trailers. However, none of the bidders bid on the lodge. Some suggest that no one wanted the lodge because of the expensive



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

upgrades for which the park service was asking, Lamore said, and that led to the building's dismantling and removal.

"There has been lots of talk about parts and pieces of the Cedar Breaks Lodge existing in various locations of southern Utah," LaMore wrote in the article. "The good news is that these rumors are more than likely true."

Many locals were not happy about the lodge's demise, LaMore said, but there was a silver lining.

"As sad and disappointing as the removal of Cedar Breaks Lodge is," LaMore wrote, "it's important to remember that its removal brought forth such an outcry from the local communities that the Zion Lodge and Bryce Canyon Lodge were saved from a similar fate."

In more recent history, attempts have been made to fulfill Albright's original vision for Cedar Breaks – make it a national park. The proposals have garnered a lot of local support, but have never gotten over the hump. One proposal included expanding the park to take in Ashdown Gorge Wilderness Area and Flanigan Arch, Ken Watson, Cedar Breaks chief of interpretation, said.

Even to this day, the thought to elevate the monument's status has not died. There is talk of trying it again, Watson said, but nothing has materialized.

The Zion National Park Forever Project, a recently reorganized nonprofit partner of Zion National Park and Cedar Breaks and Pipe Spring national monuments, will be a boon to Cedar Breaks, Watson said. One hundred percent of entrance fees stay within the monument, but they're not enough to truly make the park great and that's where the Forever Project comes in.

"It's going to prop up those extra things," Watson said of the nonprofit's funding, which will help bolster outreach programs and other worthy causes at the park.

Current funding priorities the Zion Forever Project is working on for Cedar Breaks are for preserving Southern Utah's dark skies, establishing a citizen science monitoring program, preparing a design and site plan for an education center, curating an oral history project and establishing a Cedar Breaks-to-Brian Head trail network. The park itself boasts four trails, ranging from the easy, short, paved Campground and Sunset trails to the Spectra Point/Ramparts Overlook Trail that traverses the rim with more elevation gain.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Visiting Cedar Breaks, events

Cedar Breaks National Monument can be reached by either of state Routes 143 or 148 from several directions.

July and August in Cedar Breaks offer many event opportunities as well, including the Chasing Light Plein Air Art Festival and Wildflower Festival. See links for details.

Just like days of yore, Cedar Breaks offers its modern-day visitors a plethora of educational opportunities: Summer and winter star parties; wintertime guided snowshoe excursions. Many of these events are seeing full attendance.

Proud of its designation as an International Dark Sky Park, Cedar Breaks has ramped up its astronomy programs, established eight years ago.

“We want to make astronomy accessible,” Watson said.

The weekly summer star parties provide visitors a chance to learn about the importance of dark night skies, go on a constellation tour and view celestial bodies such as the moon, star clusters, nebulae and other galaxies through telescopes.

A fall astronomy festival will be held Sept. 23-24. Winter star parties are held outside of Brian Head Resort’s Navajo Lodge, 329 South Highway 143, Brian Head.

In addition to its remarkable scenery and a spate of summer activities, because of its high altitude Cedar Breaks offers a welcome respite from the summer heat permeating the Southern Utah regions below.

[BACK](#)



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

E&E/NATIONAL NEWS – FULL STORY

1. Does the Government Track Anti-Public-Land Extremists?

The Atlantic, June 30 | Robinson Meyer

The United States government owns more than a fifth of the land in 12 states, all of which are in the West. Recently, Americans everywhere have been reminded of how controversial that fact remains.

In the past four years, armed militants have twice attempted to occupy federal facilities or stop federal employees from doing their job. In April 2014, Cliven Bundy and his supporters initiated an armed standoff with officers from the Bureau of Land Management, who were seizing Bundy's cattle from federal land. Bundy's cattle had previously illegally grazed on public property for 20 years.

Two years later, armed militants—including some of Bundy's sons—occupied a small facility on Malheur National Wildlife Refuge in eastern Oregon to protest the federal government's right to own any land at all.

Some supporters of public lands and former federal officials argue that these high-profile occupations are only the tip of a more serious crisis: a simmering and abusive siege on federal employees who work for the Bureau of Land Management, the Fish and Wildlife Service, the National Park Service, and other agencies that manage public lands.

They also allege that the federal government does not keep track of these types of extremist threats to federal employees.

On Friday, Democratic leadership on the House Natural Resources Committee will ask the Government Accountability Office to investigate whether any of the agencies that oversee public land systematically follow anti-federal threats against public employees. The Government Accountability Office is Congress's watchdog over federal agencies and public finances.

“Unfortunately, while the events at Malheur may have been unusually public, they were not an isolated incident. Many of the Malheur plotters are associated with a broader anti-government movement that, for decades, has targeted federal facilities and employees throughout the Western



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

United States,” says Raúl Grijalva, a Democratic congressman from Arizona and the ranking member on the House Natural Resources Committee.

In the letter, Grijalva requests that the GAO investigate whether any federal agency tracks threats from anti-government protesters or keep a security plan to address them. He also asks it to calculate the cost of “intentional damage done to federal property” by these groups.

David Hayes, the former second highest-ranking official at the Department of the Interior in both the Obama and Clinton administration, says that he does not believe any federal agency currently tracks threats or attacks from these groups “in a systematic way.”

“The Bundy situation and Malheur—those are obviously the extreme. And we have to hope they remain rare. But there’s quite a serious movement underfoot that needs to be confronted and dealt with,” Hayes told me.

“The violence is disturbing and the armed takeovers are disturbing. But what’s equally disturbing is what they’re fomenting—they are putting at risk the federal employees that are doing their job,” he said, referring to field workers and officers for the Bureau of Land Management, the Fish and Wildlife Service, and other agencies.

The committee’s Republican leadership declined to comment on the letter. The Department of the Interior did not respond to a request for comment before publication.

Last year, ranking Democrats on the Natural Resources Committee requested hearings on anti-government extremism, but Republican leadership declined to hold them. Democrats eventually held an unofficial “forum” with experts.

Rob Bishop, the Republican chairman of the committee and a Utah congressman, has previously disavowed both the Bundy standoff and the Malheur occupation while signaling that he understands the protesters’ anger.

“I want it to end without violence, but I also understand the frustration and feelings people have working with land agencies,” he told E&E News in January 2016. “They have been very heavy-handed.”



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

“This did not have to take place. If the Department of Interior was concerned about people instead of dogma this situation would not have occurred,” Bishop said later that month.

Hayes said that he hopes the letter to the GAO pushes lawmakers to take the threat more seriously. “What I hope comes out of this is confirmation that federal employees are, in fact, at risk,” he said. “There are hazards to their job, and they need to be supported more—and not singled out as though they were part of the problem.”

[BACK](#)

2. What ‘America First’ means for energy development

High Country News, June 30 | Tay Wiles

This week, members of Congress and expert witnesses discussed the Trump administration’s plans for one of the West’s most contentious issues: oil and gas leasing on public lands.

Department of Interior Secretary Ryan Zinke has taken steps in recent months toward more extraction-friendly policies, spurred on by executive orders from President Donald Trump, including creating a position to help streamline the energy leasing process. In a subcommittee meeting of the House Committee on Natural Resources on Thursday, members grilled four experts on Interior plans to make the U.S. “energy-dominant,” as the president has promised.

“Public lands are integral to the administration’s America First agenda,” Acting Assistant Secretary of Land and Minerals Management Katharine MacGregor told committee members. Here’s what you need to know from the hearing on what that “America First” vision for public lands will look like.

Who controls the permitting process?

Currently, the federal government administers the energy leasing process for lands that they manage — a tradition some state representatives apparently want to change. The Utah governor’s energy advisor Laura Nelson testified that permitting for oil and gas on federal lands would be better administered by the state. “Not to diminish the importance of BLM or DOI in the overall management of multi-use of our federal lands,” Nelson said, but the state of Utah would be more efficient in approving leases. Rep. Don Beyer, D-Virginia, countered that citizens outside Utah should have a say, too: “How do you balance the rights of Americans who live across the country



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

— the other 49 states — who own that land and have their rights represented by the federal agencies?”

How much should companies pay?

Committee members also grappled with the longstanding question over whether to increase royalty rates for oil and gas leases on federal lands. The BLM currently charges a minimum of just two dollars per acre leased. “That doesn’t generate much revenue,” said Mark Squillace, a professor of natural resource law at University of Colorado-Boulder. “We have not reformed our royalty rates since 1920.” A recent Government Accountability Office report found that raising rates would have a negligible impact on industry production but would raise federal revenues by millions annually.

Rep. Rob Bishop, R-Utah, countered that despite low royalty rates, the legal processes required for actually producing on federal land can be so cumbersome companies sometimes opt not to bid at all. “The only reason somebody would bid on federal lands is if they can make money,” Bishop said. “And the longer it takes to permit, the longer it takes to go through litigation... it simply means it’s not profitable.”

Speeding up the process

As of this spring, the Bureau of Land Management, which oversees much of Interior’s 700 million acres of subsurface minerals, had a backlog of nearly 3,000 applications for permits to drill oil and gas. MacGregor testified at the hearing that the government aims to cut through the backlog, hold more lease sales and speed up permit approvals.

The 2005 Energy Policy Act requires the agency to approve applications for permits within 30 days, but the process takes over 200 days, according to MacGregor. The BLM has 325 staffers working on oil and gas permitting; there are currently 90 vacancies, the acting assistant secretary said. BLM is focusing on its top five busiest offices, including in Casper, Wyoming, and recruiting more staff to speed up the permit approval process.

Rep. Alan Lowenthal, D-Calif., pointed out that the backlog is at its lowest number since 2005, and that as of September 2015, there were 7,532 approved permits that industry had yet to use. In 2016, companies bid on less than 39 percent of allowed leases.

Big picture? More drilling



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

In practice, the America First agenda means more oil and gas development, which sets the Interior Department on a collision course with conservation-minded stakeholders. Lowenthal said the approach makes Interior “service station for the oil and gas industry.” The Bush administration took a similar tack in opening more federal land to drilling, but Lowenthal said that President Trump “has made the Bush administration look bush league.” The California representative also argued that Trump’s priorities make all other uses, from hunting and boating to off-roading and grazing, lower priority than oil and gas.

Rep. Niki Tsongas, D-Mass., asked MacGregor if the department would be working to ease permitting processes for renewable energy projects as well. “We are remaining supportive of those projects that have already been permitted,” MacGregor said. “(We will be) focusing on our permitting process in general and making sure we’re looking at efficiencies across the board.”

[BACK](#)

3. POLITICS: Cabinet secretaries’ tough task: Lack of funding, support for agency missions

The Washington Post, July 2 | Juliet Eilperin and Emma Brown

As the Trump administration sets out to overhaul the federal government, a small group of Cabinet secretaries may have the most daunting task. They are running departments with missions they have sometimes disparaged, with employees who are secretly — and on occasion publicly — hostile.

Across the agencies, these Cabinet members have made very public efforts to court their staff, yet frequently are crafting key initiatives in private. They are forming alliances where they can and skirmishing where they cannot. For the most part they have erected small, secluded citadels within each department, where they can advance policies that reflect the priorities of the -president.

At the Education Department, Secretary Betsy DeVos has been trying to build rapport with a leery staff, dining at times in the employee cafeteria and convening a group of LGBT employees to talk about hot-button issues relating to transgender students. But some employees complain they are being cut out of decision-making. The head of the financial aid division resigned in



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

May, warning in a farewell email of severe constraints being placed on the ability of career officials to “make decisions and deliver on the organization’s mission.”

Interior Secretary Ryan Zinke has invited staffers to his grand office overlooking the Mall to imbibe IPA beer from his home state of Montana and has trumpeted a new policy of allowing employees’ dogs to roam the department’s hallways on selected days. But as soon as government rules allowed, he reassigned dozens of Senior Executive Service career staff members without consultation or notice, relocating some to other parts of the country.

Housing and Urban Development Secretary Ben Carson has braved rush-hour crowds at the L’Enfant Plaza Metro stop to greet employees and shake their hands. But when the agency decided to reconsider a controversial HUD policy granting transgender people access to sex-segregated shelters of their choice, Carson surprised the staffers who had crafted the policy by excluding them from the discussion.

White House spokeswoman Natalie Strom said in an email that President Trump’s Cabinet members are determined to overhaul the way their agencies -operate.

The president “has recruited an incredibly talented group of individuals to serve in his Cabinet — one of most visible and active Cabinets in recent history,” Strom said. She added, “He has instructed them to work with both political appointees and career employees to streamline the federal government to make it smarter, more effective and more responsive to the American people.”

Among all the Cabinet members, DeVos and Environmental Protection Agency Administrator Scott Pruitt have faced the most vocal resistance from employees, despite efforts to win them over.

Unlike her predecessors, DeVos no longer uses the private, express elevator to reach her seventh-floor suite, taking the same ones that everyone else uses, and has given up the agency’s private chef, according to spokeswoman Liz Hill.

But some employees dismiss her lunches in the cafeteria as photo ops.

DeVos has made more of an impact with her decision to rescind a department policy requiring school districts to let transgender students use restrooms and other facilities of their choice. Her decision to reverse that policy — coupled with her refusal to say whether she would block



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

federal funding for private schools that discriminate against LGBT students — has prompted some agency employees to begin talking about resigning.

One staffer who recently quit said he had been disappointed not only by DeVos's refusal to stand up for LGBT students at a Senate hearing in May, but also by the way he said she refrained from committing to protect African American students and students with disabilities. He criticized "the few and general ways the secretary has claimed to be standing up for students and families."

DeVos, who has called such accusations "hurtful," says she is opposed to discrimination of any kind and that any school accepting federal funds must abide by federal law.

At the EPA, Pruitt's relationship with the agency was destined to be difficult from the outset because as Oklahoma attorney general, he had sued the EPA more than a dozen times, challenging its regulations policing greenhouse gas emissions, toxic emissions from power plants and the dredging of waterways.

Pruitt has clashed with many staffers over the issue of climate change, in part by questioning the extent to which human activity is driving global warming. Some employees at the agency's headquarters grouse about having to walk by a sign featuring Pruitt shaking hands with miners. When Pruitt's appointees directed that the agency take down its climate Web pages containing scientific data and policy details, career officials initially balked. The pages have been removed from the EPA's website.

Employees at the agency's regional office in Chicago have participated in nearly a half-dozen public protests over the agency's budget and administration policy decisions, including the U.S. withdrawal from the Paris climate agreement.

Still, EPA spokeswoman Liz Bowman said that Pruitt has found "the vast majority of the staff are committed to working with us," and he is working to follow the agency's statutory authority. She added that he "doesn't experience the tension that is drummed up in the press."

At the Energy Department, Secretary Rick Perry is running an agency that he had promised, as a presidential candidate in 2012, to eliminate. (He had famously forgotten the Energy Department's name during a presidential debate.)

Since taking over, he has kept a lower profile than many other Cabinet secretaries. But Perry has also praised some aspects of the agency, such as its national -laboratories.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

"It's good to be able to realize when you've made an error and admit it," Perry said during a stop at Oak Ridge National Laboratory last month. "I'm very happy that I've had the opportunity to be associated with this agency now."

The spending cuts included in the administration's budget, drafted with limited input from the agencies themselves, have left many Cabinet members in a difficult position as they defend the White House's plan while in some cases seeking to soften the blow.

DeVos has backed a budget proposal that would slash more than 13 percent of the Education Department's budget while investing in her top priority, school choice.

Pruitt privately pressed for less draconian cuts than those proposed by the White House but was rebuffed, according to senior administration officials briefed on the process. Once the White House settled on a 31 percent cut in the EPA's budget, Pruitt defended the reductions, although he identified a handful of programs he hopes Congress will restore.

After initial budget figures were released, both Carson and Zinke vowed to restore some of the money that was cut. Carson urged his staff in a memo to disregard the "preliminary numbers" — only to see the final reductions be even deeper. HUD's budget is to be reduced by 16 percent and Interior's by 12 percent. Zinke said last month that he plans to eliminate 4,000 jobs. Officials have declined to detail what, if anything, Carson and Zinke did to push for more -money.

Carson and Zinke seem to have made some inroads, although modest, with their employees.

Carson has tried to get to know his staff, holding events at least once a week at agency offices across the country, including job fairs and town halls for career employees, according to HUD spokesman Raffi Williams. After Carson's first speech to his staff, some employees grilled him about his priorities. But one staffer, who did not give her name, praised him for addressing the "uncertainties" that she and her colleagues had about the new administration.

Many HUD employees, however, remain skeptical of Carson because of his lack of expertise in housing, his support for scaling back long-standing programs, and his comments in a radio interview last month that poverty is a "state of mind."

Zinke has sought to boost morale through several initiatives, including a new zero-tolerance policy for sexual misconduct and efforts to secure more comfortable employee uniforms.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

But he has upset some of his career employees by asking them to brief him on Interior policies, such as regulating oil and gas drilling in national parks and national wildlife refuges, without telling them that those policies were about to be reversed.

Zinke, perhaps more than any other Cabinet secretary, reflects the Trump administration's ambivalence about the operations of federal agencies and the people who work in them.

He is quick to praise employees in public, at times tweeting out a "bravo zulu," the Navy version of a shout-out. But he also has held them up for public ridicule.

Addressing a meeting in June of the Recreational Vehicle Industry Association, Zinke mocked elements of his department's "bureaucracy" for standing in the way of change.

"When you start to drain the swamp, you know what happens?" Zinke asked. "You start to expose serpents."

[BACK](#)

4. **OIL AND GAS: D.C. Circuit rejects EPA methane rule delay**

E & E News, July 3 | Amanda Reilly

A federal appeals court today vacated the Trump administration's decision to delay an Obama-era U.S. EPA rule curbing methane emissions from new oil and gas operations.

The U.S. Court of Appeals for the District of Columbia Circuit agreed with environmentalists that EPA lacked authority under the Clean Air Act to issue the 90-day administrative stay of the rule.

EPA's decision was "arbitrary and capricious" under the law, the three-judge panel ruled.

The Obama administration issued the standards in 2016 to halt leaks of methane, a potent greenhouse gas, from new oil and gas operations. The rule also aimed to reduce emissions of volatile organic compounds that contribute to the formation of smog.

In June, EPA Administrator Scott Pruitt granted a 90-day delay of key provisions of the rule, including its fugitive emissions, pneumatic pumps and professional engineer certification requirements.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Pruitt's decision came after EPA granted requests by energy industry trade groups to reconsider parts of the rule (Greenwire, May 31). He then announced EPA would further delay those provisions by two years (Energywire, June 14).

Green groups — the Clean Air Council, Earthworks, the Environmental Defense Fund, the Environmental Integrity Project, the Natural Resources Defense Council and the Sierra Club — filed a lawsuit over the first delay, along with an emergency motion to overturn EPA's decision and put the standards back in place (Greenwire, June 5).

A group of states led by Massachusetts lined up behind the environmental groups, while companies and a separate coalition of states led by West Virginia said they supported Pruitt's position.

The Trump administration premised the stay on a provision in the Clean Air Act that allows EPA to pause certain regulatory requirements when it has granted a petition for reconsideration of a rule.

But in court documents, environmentalists argued the energy industry's reconsideration request was invalid because the issues it raised had already been extensively hashed out during the Obama rulemaking process. The D.C. Circuit agreed in today's per curiam opinion.

The administrative record, according to the court, "makes clear that industry groups had ample opportunity to comment on all four issues on which EPA granted reconsideration, and indeed, that in several instances the agency incorporated those comments directly into the final rule."

The panel, though, emphasized that "nothing in this opinion" prevents the Trump administration from reconsidering the methane curbs using formal rulemaking procedures.

"It is free to do so as long as 'the new policy is permissible under the statute ... , there are good reasons for it, and ... the agency believes it to be better,'" the court said.

Judges David Tatel and Robert Wilkins, two Democratic appointees, heard the case with Judge Janice Rogers Brown, a George W. Bush appointee.

Brown issued a dissenting opinion, disagreeing with her colleagues that the court had jurisdiction to hear the case in the first place.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

She wrote that EPA's decision to delay implementation was not a final agency action subject to court review.

"I would dismiss the Environmental Petitioners' motion on the grounds that we lack jurisdiction to review EPA's stay, and not reach the remaining issues," Brown wrote.

[Click here](#) to read the opinion.

[BACK](#)

5. **EPA: Pruitt issued 'oral directive' to end 'sue and settle'**

E & E News, July 3 | Amanda Reilly

U.S. EPA Administrator Scott Pruitt has directed his agency to limit the "sue and settle" practice that critics say the Obama administration used to issue new regulations.

Pruitt's order was an "oral directive" without a formal written document, EPA said in response to an E&E News Freedom of Information Act request. The agency didn't say when the administrator issued that directive.

EPA's release follows requests last week from Republicans on the House Energy and Commerce and Judiciary committees on how Pruitt and Attorney General Jeff Sessions intend to end the practice.

Republican lawmakers have long argued that environmental groups have exploited citizen lawsuit provisions in environmental laws to force friendly agencies — namely, EPA — to issue regulations.

"During the previous administration, EPA entered numerous settlements or consent decrees, a practice known as 'sue and settle,' committing the agency to undertake significant new rulemakings subject to timelines or schedules," Republicans said in their June 29 [letter](#).

At an environmental policy conference in May, Pruitt said he "sent out a directive across the agency" to curtail the practice. The E&E News FOIA request sought a copy of any order issued by Pruitt on the subject.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

In last week's letter, House Republicans said they were encouraged by Pruitt's statements but asked for a staff briefing to understand "the scope of the recent directive."

"We appreciate this change in policy, and hope that Attorney General Sessions shares Administrator Pruitt's views," the Republicans' letter said, "and urge EPA and the Justice Department to develop conforming written guidelines as soon as possible."

Jeffrey Wood, acting chief of DOJ's Environment and Natural Resources Division, last month told the House Judiciary Committee that sue and settle was "an important issue" but did not elaborate on whether the division intends to change any practices.

As they press Trump administration officials on the issue, Republicans have tried to drum up support for bills introduced earlier this year in the House and Senate aimed at preventing sue and settle lawsuits.

But former EPA and DOJ administration officials have rejected the notion that agencies have invited litigation to create regulations, and environmentalists likewise say sue and settle is a made-up phenomenon.

Justin Pidot, a former DOJ environmental attorney, told the House Oversight and Government Reform Committee in May that there was nothing "nefarious" about the government seeking to settle lawsuits and that settlements often save money for parties in the long run.

Most lawsuits at issue arise because agencies are "consistently underfunded" and miss deadlines Congress has written into statutes, he said.

"That, to me, has nothing to do about lawsuits and settlements," said Pidot, now an associate professor at the University of Denver's Sturm College of Law. "It's about congressional objectives established in statutes and agencies that have not been given enough capacity to meet those objectives" (E&E Daily, May 25).

[BACK](#)



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

6. **NATURAL RESOURCES: Senators roll out bipartisan sportsmen's bill**

E & E News, July 3 | Jennifer Yachnin

Senate Environment and Public Works Chairman John Barrasso (R-Wyo.) on Friday introduced a new sportsmen's bill that would prohibit federal protections for gray wolves across the Great Lakes region and in Wyoming.

The "Hunting Heritage and Environmental Legacy Preservation for Wildlife Act" would also reauthorize several key government conservation efforts, including the Chesapeake Bay cleanup program.

Along with Barrasso, [S. 1514](#) is being backed by Sens. Shelley Moore Capito (R-W.Va.), John Boozman (R-Ark.), Ben Cardin (D-Md.), Amy Klobuchar (D-Minn.) and Tammy Baldwin (D-Wis.).

"America has been blessed with remarkable wildlife," Barrasso said in a statement. "The HELP Wildlife Act promotes conservation based on sound science and provides needed protections for America's sportsmen."

The bill would prohibit judicial review of the Fish and Wildlife Service's decision to remove gray wolves in Wyoming from the endangered species list.

Earlier this year, the U.S. Court of Appeals for the District of Columbia Circuit reversed a lower court's ruling that restored protection for the wolves and upheld FWS's initial 2012 determination (Greenwire, March 3).

The bill would mandate the reissuance of a final rule for delisting the species in the western Great Lakes. The Humane Society of the United States challenged a prior decision to remove ESA protections for that population of gray wolves.

The legislation would also reauthorize numerous conservation programs through 2023, including the North American Wetlands Conservation Act, National Fish and Wildlife Foundation Establishment Act, Neotropical Migratory Bird Conservation Act, Chesapeake Bay Program,



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

Chesapeake Bay Gateways and Watertrails Network, and Chesapeake Bay Gateways Grants Assistance Program.

"A healthy Bay means a healthy economy for Maryland and the entire Chesapeake Bay Watershed region, which cannot be accomplished without a reliable federal partner," Cardin said.

Cardin used the bill's introduction to urge Senate appropriators to reject President Trump's call for eliminating federal funds to the region.

"Combined with reauthorization of the Chesapeake Bay Gateways and Watertrails Initiative, National Fish and Wildlife Foundation, and protection for our fish and birds, this bipartisan bill is a significant victory for the bay. Less pollution means more oysters and crabs, healthier farmland, more boats and tourism on the water, and more jobs," the Democrat said.

The legislation would also promote the building and expansion of public target ranges. "This bipartisan legislation will create greater opportunities for outdoor recreation, hunting, and fishing so Minnesotans can continue to enjoy our state's outdoor traditions," Klobuchar said in the statement.

The legislation drew praise from the National Wildlife Federation for its support of conservation programs. "By protecting and bolstering our outdoor heritage, we can help recover America's wildlife and empower the next generation of conservation champions," said NWF CEO Collin O'Mara.

O'Mara expressed confidence the bipartisan legislation could pass even though recent efforts to achieve a sportsmen's bill have failed.

The Center for Biological Diversity slammed the legislation for blocking federal protections for gray wolves, as well as for a provision it said would block U.S. EPA from addressing lead in fishing gear.

"This legislation won't help conservation on the ground anywhere — not a single animal or plant will benefit from this horrible legislation," said CBD Government Affairs Director Brett Hartl. "Sadly, Cardin is trading killing thousands of wolves for a largely symbolic effort to help Chesapeake Bay. This is a disaster."



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

[BACK](#)

7. **NATURAL RESOURCES: Senators roll out bipartisan sportsmen's bill**

E & E News, July 3 | Jennifer Yachnin

Arizona Rep. Raúl Grijalva, the top Democrat on the House Natural Resources Committee, on Friday directed the Government Accountability Office to examine how federal land management agencies are tracking and responding to threats from "anti-government extremism."

In a letter to Comptroller General Gene Dodaro, Grijalva criticized the lack of available data on incidents involving threats to federal lands and government employees, despite recent incidents including last year's occupation of the Malheur National Wildlife Refuge by anti-government activists.

"Federal agencies have not always swiftly responded to these groups' threats, attacks and open provocations," Grijalva wrote. He noted that the National Park Service, Fish and Wildlife Service, Bureau of Land Management, and Forest Service "do not consistently track, catalogue, or respond to violent threats."

In a statement announcing his request, Grijalva also pointed to the 2014 armed standoff between ranchers and federal agents near Bunkerville, Nev., involving rancher Cliven Bundy and his sons, who were likewise involved in the Oregon incident, as well as an illegal ATV ride in Utah's Recapture Canyon in May 2014; an incident at the Sugar Pine Mine in Oregon in April 2015 involving armed individuals who feared BLM would close the mine; and an incident near the White Hope Mine in Montana in August 2015.

Federal prosecutors have faced some difficulty prosecuting people involved in those incidents.

In April, a federal judge declared a mistrial for four of the men involved in the Bunkerville standoff. While a jury convicted two defendants in the case, it deadlocked on charges against four others (E&E News PM, April 24).

A new trial is set to begin next week in that case, which has delayed a trial involving Bundy and his co-defendants that had been expected to start last month. Federal prosecutors are seeking charges against defendants in that case — which began when federal agents attempted to seize Bundy's cattle over unpaid grazing fees — via a series of three trials (Greenwire, June 20).



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DAILY NEWS REPORT - UTAH

In the meantime, Grijalva has asked GAO to study what actions the various federal agencies have taken to "track, assess and protect against security threats," particularly in rural and remote locations.

"This movement includes hundreds of militias and other groups violently opposed to federal ownership and management of lands in the West," Grijalva wrote. "Broadly speaking, this movement views the federal government as the enemy and does not respect the laws of this country."

His request also instructs GAO to report back on how many credible threats or attacks have been made against those agencies and their employees, as well as federal property itself.

"For each agency, what is the cost of intentional damage done to federal property over that time period? What portion of those costs were ultimately covered or paid by taxpayers?" he wrote in the [letter](#).

According to the House Natural Resources Committee's Democratic staff, although researchers at both Northern Arizona University and the International Association of Chiefs of Police have conducted studies involving the National Park Service — with the most recent released in 2005 — GAO has not completed a similar review in the past.

[BACK](#)

8. **WEATHER: Harsh winter tough for animals across West**

E & E News, July 3 | Bob Moen, Billings Gazette

Severe weather across the western United States took a heavier-than-normal toll on wildlife this winter.

The casualties included all of the known fawns in one Wyoming deer herd and dozens of endangered bighorn sheep in California.

Wildlife managers in Colorado, Utah, Idaho, Oregon and Washington also reported more animal losses after one of the coldest and snowiest winters in decades.



BUREAU OF LAND MANAGEMENT

DAILY NEWS REPORT - UTAH

"This year, we kind of had all the factors that we don't want — we had deep snow, we had periods of fairly cold weather, subzero, and then we also had some crusting on top of that snow," said Roger Phillips, a spokesman for the Idaho Fish and Game Department.

Other species hit hard include mule deer in several states and elk in eastern Washington. In Wyoming, where heavy antelope losses are expected, the last winter of comparable wildlife deaths was over three decades ago, said Bob Lanka, a wildlife and habitat supervisor with the state's Game and Fish Department.

In response, wildlife managers are reducing hunting permits in some hard-hit areas.

"There will be less hunting opportunity this coming fall for sure, and the people that do get a license, whether it's a general license or a limited quota tag, I don't think there's going to be any doubt they're going to notice less animals on the landscape," said Lanka.

Biologists say herds should recover with reduced hunting and more normal weather conditions, but it is too early to predict how next winter will play out.

"What happens in the future depends a lot on what kind of winter we see next year," said Phillips. "If we have back-to-back hard winters, it could be tough" (Bob Moen, Billings Gazette, July 2).
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[BACK](#)