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Attached is the daily news report for June 24 26.

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## BUREAU OF LAND MANAGEMENT

### DAILY NEWS REPORT - UTAH

#### UTAH – TOP STORIES – JUNE 24-26, 2017

1. **Op-ed: Young leaders see value in preserving public lands**

*The Salt Lake Tribune, June 24 | Benjamin Pok*

At a tenuous moment for young Americans committed to preserving public lands, student leaders across the country can find solace in the words of a president who was the youngest ever elected.

2. **Lesli Allison: Trust and common interest can solve rural and wildlife challenges**

*The Deseret News, June 24 | Lesli Allison*

As Congress considers the Endangered Species Act (ESA) and the farm bill, both of which have far-reaching impacts in our rural communities, there are three things that could significantly improve outcomes for both people and wildlife. First, as a society we need to get ahead of the curve by better managing for species before they become imperiled. Second, landowners who maintain habitat for species should be recognized and supported rather than penalized for their efforts. Third, collaboration and relationships built on trust and common interest are essential to forging long-term solutions.

3. **Christa Sadler: The fossils from Grand Staircase-Escalante Monument have made Utah world-renowned**

*The Deseret News, June 24 | Christa Sadler*

In 1908, President Theodore Roosevelt used the brand-new Antiquities Act to establish 800,000 acres of northern Arizona as Grand Canyon National Monument. Ranchers, sportsmen and politicians were angry, claiming their access to the land and their ability to make money from it would be curtailed. Roosevelt stood firm, and in 1919, the monument became Grand Canyon National Park. Through the lens of history, virtually everyone agrees that Roosevelt was absolutely right to set aside such a large tract of land.



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#### 4. Dinosaur drilling proposal in dispute

*The (Grand Junction) Daily Sentinel, June 24 | Dennis Webb*

Environmentalists are questioning a proposal by the Bureau of Land Management to offer oil and gas leases near Dinosaur National Monument in Utah, where a recently adopted master leasing plan designed to better protect the monument doesn't apply.

#### 5. Zinke takes right approach with Bears Ears

*The (St George) Spectrum, June 25 | Evan Vickers, Utah State Senate*

When President Obama used his authority under the Antiquities Act to designate 1.3 million acres in San Juan County be set aside for the Bears Ears National Monument, he created quite a firestorm.

#### 6. Obama's Last-Minute Land Grab Was Bad for Utah. Trump Is Showing He Hears the People

*The Daily Signal, June 25 | Sen. Mike Lee*

During the Christmas season last year, the Obama administration ignored the majority of Utahans by designating a vast tract of land in southern Utah as a national monument.

#### 7. Ralph Becker: Agenda for a better public lands future in Utah and the West

*The Deseret News, June 25 | Ralph Becker*

Utah has reached a new level of hypertension around our public lands, which constitute three-fourths of our state's land ownership. We badly need to break the cycle of perpetual conflict, and break out of our public lands funk.

#### 8. Northern Corridor would devastate tortoise habitat

*The (St George) Spectrum, June 26 | Edward L. LaRue, Jr., Desert Tortoise Council*

The Desert Tortoise Council appreciates this opportunity to provide input on the likely effects the Northern Corridor would have on tortoises within the Red Cliffs Desert Reserve/National Conservation Area.



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#### 9. State forester: Provo at risk for wildfires

*The (BYU) Daily Universe, June 26 | Hayden Wise*

The Bureau of Land Management re-issued a year-round fire prevention order for select counties in the West Desert District, including Utah County.

#### 10. Favorable weather helps contain Utah's Brian Head Fire

*United Press International, June 26 | Andrew V. Pestano*

June 26 (UPI) -- The Utah Division of Forestry, Fire and State Lands said improved weather conditions helped contain the Brian Head Fire in southwest Utah, which has grown to 42,800 acres.

### E&E/NATIONAL NEWS – TOP STORIES

#### 1. Potential workforce reductions at Energy, Interior leave some lawmakers 'troubled'

*Federal News Radio, June 26 | David Thornton*

Lawmakers are beginning to probe the depths of civilian agency budget cuts to discover the extent of their cost in human terms, and it's leaving some of them concerned.

#### 2. Kathrens: Americans don't want horse slaughter -- better options exist

*The Casper Star Tribune, June 26 | Ginger Kathrens*

Secretary of the Interior Ryan Zinke has inherited a number of thorny problems. One of the thorniest is the management of our nation's wild horses.

#### 3. PUBLIC LANDS: Trump homes in on 4 conservation picks

*High Country News, June 26 | Sarah Gilman*

What do you see when you look at a trail? Dirt and rocks? A line sketched across the landscape by 100,000 footsteps? The adventure of some not-yet-visible lake or summit or cirque?





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#### 4. INTERIOR: Is Zinke cherry-picking data to boost drilling?

*E & E News, June 26 | Brittany Patterson*

Interior Secretary Ryan Zinke has a plan: Boost drilling in federal waters to raise cash for cash-strapped agency priorities.

#### 5. FEDERAL AGENCIES: Obscure 2011 law creates hurdle for undermanned Trump team

*E & E News, June 26 | Sean Reilly*

U.S. EPA Administrator Scott Pruitt may doubt the urgency of addressing climate change, but a key planning document on his agency's website proclaims otherwise.

#### 6. PUBLIC LANDS: Conservation groups urge lawmakers to oppose Izembek road

*E & E News, June 26 | Kellie Lunney*

Several conservation groups are urging members of the House Natural Resources Committee to oppose pending legislation to build a single-lane gravel road through the Izembek National Wildlife Refuge in Alaska, saying the bill "creates dangerous national policy implications for wild places" throughout the country.

#### 7. COAL: Focus on rookie miners, oversight as fatalities rise sharply

*E & E News, June 26 | Dylan Brown*

Marius Shepherd made nine.

The Alabama coal miner died June 19 after leaping from a runaway locomotive that was hauling supplies into the Oak Grove mine in central Alabama, according to the United Mine Workers of America. He was 33.



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8. **SUPREME COURT: Justices decline mine spill, air pollution cases**

*E & E News, June 26 | Amanda Reilly*

The Supreme Court today declined to add two environmental cases to its docket for the fall term.

9. **NATURAL RESOURCES: Panel takes up lands, forests and mining bills**

*E & E News, June 26 | Kellie Lunney*

The House Natural Resources Committee tomorrow will vote on 22 bills, including legislation to approve construction of a controversial road in Alaska and other measures related to water, recreation, mining cleanup and forest management.

10. **PUBLIC LANDS: Panel to home in on 'realistic fixes' to increase drilling**

*E & E News, June 26 | Scott Streater*

A House Natural Resources subcommittee hearing this week will target what GOP leaders call "realistic fixes" to what they say are regulatory barriers that have slowed oil and natural gas development on federal lands.



## BUREAU OF LAND MANAGEMENT

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#### UTAH – FULL STORY

##### 1. **Op-ed: Young leaders see value in preserving public lands**

*The Salt Lake Tribune, June 24 | Benjamin Pok*

At a tenuous moment for young Americans committed to preserving public lands, student leaders across the country can find solace in the words of a president who was the youngest ever elected.

President Theodore Roosevelt, a valiant founder of our National Parks system, wrote, "It is not what we have that will make us a great nation; it is the way in which we use it."

Amid a backdrop of rapid industrialization, Roosevelt made a strong case for conservation of the natural world, writing, "We are prone to speak of the resources of this country as inexhaustible; this is not so."

Now, more than a century later, we find ourselves fighting to protect his vision. This month, Interior Secretary Ryan Zinke preliminarily recommended boundary revisions for Utah's Bears Ears National Monument. This sets the stage for additional attacks on America's national parks and public lands — a wrong-headed effort to reduce protections that would lead to a loss in economic prosperity for future generations and the degradation of vital cultural resources.

On June 8, the 111th anniversary of Roosevelt's signing of the Antiquities Act, 100 student leaders representing 850,000 college students in 24 states sent a letter to Secretary Zinke urging him to protect Bears Ears and other monuments.

While attending the National Campus Leadership Council's National Leadership Summit in Washington, D.C., that week, I was proud to join other student leaders expressing grave alarm about President Trump's Executive Order directing the Department of Interior to review and propose changes to national monuments.

Bears Ears was established after a transparent and multi-year process that garnered broad public support in Utah and across the country, including among five tribal nations. Recent polling shows that seven in 10 Utahns support the Bears Ears, including 85 percent of Utah voters under 25. It's no surprise, considering the enormous economic benefits of protecting public lands. Areas with protected lands consistently enjoy better rates of employment and income growth compared to those without.



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We have only to look at Utah's Grand Staircase-Escalante National Monument. After it was declared a monument in 1996, jobs grew by 38 percent in two neighboring counties. In fact, studies examining the designation of 17 monuments show those designations led to significant increases in per capita income in adjacent regions.

As a Utahn, a student leader and an American, I feel obligated to ensure that future generations are able to enjoy the beauty of our wildlife and public lands unfettered by industrialization and unencumbered by corporate greed. Secretary Zinke's recommendation would annul our commitment to that goal.

I, the other 99 student leaders who signed our letter and thousands of students in my state, want to send a strong message: we must provide economic opportunities for young workers while preserving America's rich legacy and natural environment for generations to come. Fellow students can submit their comments in defense of Bears Ears at [regulations.gov](https://www.regulations.gov).

Rather than disassemble protections for our national treasures, we urge Secretary Zinke to carry forward President Roosevelt's remarkable leadership by reversing his current course. As President Roosevelt demonstrated, protecting our environment and boosting our economic potential are not mutually exclusive endeavors.

*Benjamin Pok is student body president of the Associated Students of Westminster College, Salt Lake City.*

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## 2. **Lesli Allison: Trust and common interest can solve rural and wildlife challenges**

*The Deseret News, June 24 | Lesli Allison*

As Congress considers the Endangered Species Act (ESA) and the farm bill, both of which have far-reaching impacts in our rural communities, there are three things that could significantly improve outcomes for both people and wildlife. First, as a society we need to get ahead of the curve by better managing for species before they become imperiled. Second, landowners who maintain habitat for species should be recognized and supported rather than penalized for their efforts. Third, collaboration and relationships built on trust and common interest are essential to forging long-term solutions.



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Yet, obvious as these things may seem, the opposites often seem to prevail. We wait until a species is imperiled before taking action. Landowners who maintain habitats suitable for imperiled species face the prospect of increased regulation and litigation. And collaboration takes a second seat to litigation.

Why is this the case? At the end of the day, postponing action until there's a crisis, regulating without investing, and litigating rather than collaborating are all about money. They are shortcuts that in the end are proving to be costly and ineffective.

Biodiversity is essential to sustaining life as we know it. Pollinators, for example, support 30 percent of our food supply. Yet pollinators, along with other plant and wildlife species, are experiencing dramatic declines. And once they're gone, they're gone forever.

For most wildlife, until a species becomes threatened or endangered, the responsibility for management rests with the states. State and local governments, however, have lacked the financial capacity and political will to meet all species' needs proactively, particularly in the face of continued human population growth. As a result, an increasing number of species are being listed under the ESA for federal protection. But while the act of listing a species may help avoid further injury, it doesn't necessarily foster recovery. This is one reason why the ESA is effective in preventing extinctions but less successful in recovering species to the point of delisting.

Similarly, society as a whole shares responsibility for the displacement of species and habitat. Every one of us impacts species in some way. Urbanites who depend on agricultural food production, energy development, mining and residential development have had at least as much impact on species as those who earn their livelihoods on the land. Yet landowners who keep land open and available to wildlife face increasing public expectations, regulatory oversight and associated financial costs. These pressures can make it harder to meet the bottom line and to keep land and habitat intact.

Finally, litigation is seen by some as a stand-alone model to achieve their desired outcomes. A lawsuit, however, can also create winners and losers. Like regulation, litigation is an important tool but one that should be used sparingly as a last resort. As critics have observed, there always seems to be enough money for lawyers but not for actually conserving land and improving habitat. And while collaboration does take time and committed long-term investment, it can also produce enduring win-win solutions that bring people together rather than driving them apart.



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We'll never resolve the issues associated with the ESA so long as we continue to fight with one another at the 11th hour before species go extinct. We can only succeed by making conservation a part of how we all do business and working together. Doing so is more than possible, and examples abound in many places. We can keep our working lands and communities economically sustainable while also conserving species and the habitats they depend on, but it will take sustained public investment, improved cooperation and bipartisan leadership in Congress.

*Lesli Allison is executive director of Western Landowners Alliance.*

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### **3. Christa Sadler: The fossils from Grand Staircase-Escalante Monument have made Utah world-renowned**

*The Deseret News, June 24 | Christa Sadler*

In 1908, President Theodore Roosevelt used the brand-new Antiquities Act to establish 800,000 acres of northern Arizona as Grand Canyon National Monument. Ranchers, sportsmen and politicians were angry, claiming their access to the land and their ability to make money from it would be curtailed. Roosevelt stood firm, and in 1919, the monument became Grand Canyon National Park. Through the lens of history, virtually everyone agrees that Roosevelt was absolutely right to set aside such a large tract of land.

We now must defend the future of a similar piece of land in southern Utah. Grand Staircase-Escalante National Monument lies directly in the crosshairs of Utah politicians (and the Trump administration), who want to gut the monument, reducing its size by as much as 75 percent. Among other reasons, they assert that most of the 1.9 million-acre monument is useless “vanilla” land and that nothing important will be lost in removing this acreage from monument protection.

In fact, nothing could be further from the truth. As a paleontologist and author, I know the portion of the monument that receives less press but is the crux of this whole battle. The Kaiparowits Plateau is an irreplaceable repository of our continent's past. Between 75 million and 90 million years ago, the Kaiparowits was home to great swamps and rivers. Exuberant plant growth supported an equally vigorous fauna, including dozens of species of dinosaurs and other ancient creatures.



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The fossils from this monument have proved to be of global significance and have made Utah a world-renowned paleontological mecca. Stories in national and international publications have introduced literally millions of people to the region. Nearly every week during field season something extraordinary is found, and scientists have only begun to scratch the surface of what is out there.

Not coincidentally, the Kaiparowits Plateau is also home to coal deposits formed from those ancient plants, and as such it is the main area that Utah politicians would like to remove from the monument. They are pushing to keep a much smaller scenic area around the towns of Escalante and Boulder — and to sacrifice the lands that have the greatest concentration of these significant fossils.

In the case of Grand Staircase-Escalante National Monument, the Antiquities Act was invoked to preserve not just a few archeological sites or one particularly pretty canyon. According to the 1996 declaration, the monument was designated “to protect myriad historic and scientific resources” in the region. The current boundaries of the monument reflect this mandate, and they were determined through intensive study with the National Biological Survey and a host of scientists from several disciplines. There was a very good reason to create this monument and to make it the size it is.

A century ago, Roosevelt saw the need to use the Antiquities Act to protect large areas of land that encompass important biological, archeological and paleontological resources. His prescience gave us one of the most iconic and beloved pieces of public land in the world.

We now have a choice. A century from now we can be living with and learning from an intact, healthy and thriving Grand Staircase-Escalante National Monument. The alternative will be to try to explain to our children why we let our politicians and a few special interests destroy a unique and important piece of our country’s heritage.

*Christa Sadler is the author of "Where Dinosaurs Roamed: Lost Worlds of Utah's Grand Staircase." She is a paleontologist, author and wilderness and river guide from Flagstaff, Arizona. She has lived in the region for more than 30 years.*

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#### 4. Dinosaur drilling proposal in dispute

*The (Grand Junction) Daily Sentinel, June 24 | Dennis Webb*

Environmentalists are questioning a proposal by the Bureau of Land Management to offer oil and gas leases near Dinosaur National Monument in Utah, where a recently adopted master leasing plan designed to better protect the monument doesn't apply.

Conservation groups also are waiting to see whether such plans, an approach introduced by the Obama administration, will continue to be available to the agency under the Trump administration and new Interior Secretary Ryan Zinke.

The adoption of such a plan by the BLM's White River Field Office in Meeker helped to address concerns about visual, noise and other impacts of possible leasing near Dinosaur in the case of BLM lands in Colorado. But the monument extends into northeastern Utah, where no such plan is in place, and the BLM is considering leasing acreage near the monument in December.

According to an environmental assessment released last week, one parcel would abut the monument and two others would be within a mile of it.

Nicolas Lund, with the National Parks Conservation Association, told reporters in a conference call that some lease acreage is in the area of Dinosaur's main entrance road within a mile of its Quarry Visitor Center.

The monument already has provided initial comments to the BLM, voicing several concerns. Monument spokesman Dan Johnson said the National Park Service believes a lease parcel south of the Green River would be in sight of the visitors center. Beyond visual concerns, the Park Service is worried about noise, reduced air quality, light pollution affecting night skies, impacts on lands the agency manages as recommended wilderness, and the potential for illegal off-road traffic if there is road development because of leasing.

He said the Park Service has no say over whether the BLM uses master leasing plans, but in the case of the plan adopted near the monument in Colorado, "It did provide a way to comment and take an overall look at where leasing and development would occur and how to think on a broader scale, how to handle those situations."

#### **Blm rethinking priorities**





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While the idea of a such a plan has been broached for Utah lands near Dinosaur, Utah BLM spokeswoman Lisa Bryant said the agency has paused work on any further such plans in the state as it works on aligning with Interior Department and Trump administration goals and faces a downsizing of the agency. Zinke is pursuing significant staff reductions in the BLM and other Interior agencies.

Master leasing plans entail a concentrated use of resources and the BLM is looking at how to best use its resources, Bryant said.

“We are re-evaluating what our capacity is to take on these large planning efforts and still move forward with some of our other priority work,” she said.

Although a previous BLM state director in Utah had deferred oil and gas leasing in proposed or pending master leasing plan areas, the BLM now is moving forward with evaluating bids by companies to have lands offered for leasing in those areas, she said.

She said the BLM hasn’t been directed by the new administration to stop undertaking master leasing plans, but its actions in Utah simply are based on prioritizing resources in line with the new administration’s goals.

“We are working very, very hard to make sure we are lining up with those priorities,” she said.

Lund said he is “certainly watching very carefully” to see if the Trump administration changes direction on the use of master leasing plans.

Kathleen Sgamma, president of the Western Energy Alliance industry group, said she has gotten no indication one way or the other from the Interior Department about whether it might steer away from the use of such plans. But she’d be happy to see them go away.

She calls them “another way for environmental groups to add yet another multi-year layer of land use planning on top of other multi-year layers of land use planning. They’re a needless additional bite at the same apple that’s meant to stall responsible energy development for many more years. We would hope that Secretary Zinke would rescind this 2010 policy that never went through a rulemaking process and does not have statutory authority, and get on with his agenda of energy independence.”

#### **Product of Salazar years**



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Master leasing plans were among oil and gas reforms instituted by then-Interior-Secretary Ken Salazar of Colorado after the BLM, during the George W. Bush administration, offered 77 Utah leases that included land near Arches and Canyonlands national parks. Salazar also canceled the leases.

The master leasing plans are intended to be collaborative efforts addressing a range of issues, not just proximity to parks and monuments. Such a plan recently was put into place in the Moab area, in part to address conflicts with recreation, and another has been implemented by the Grand Junction Field Office, primarily for acreage north of the Colorado River.

The BLM has been considering other master leasing plans in Utah, including ones that would take in acreage in the area of the San Rafael Swell outside Green River, and another closer to Colorado, in the Cisco area of Interstate 70.

Bryant said some of the proposals involved lands where BLM officials had discretion about whether to create the plans because they didn't meet all the eligibility criteria for such plans.

She said the BLM is looking closely into whether to pursue completion of plans, especially where they are discretionary, or whether some other management approach is more appropriate.

BLM officials in Colorado haven't received any directions from officials in Washington regarding changes in the use of master leasing plans, state BLM spokesman Steven Hall said.

But the BLM is looking into whether to continue work on a proposed master leasing plan for the South Park area, or to try to accomplish things it would hope to accomplish with such a plan through a new resource management plan it is working on for its eastern Colorado field office.

Hall said while there has been considerable local support for a master leasing plan in South Park, the same hasn't been the case in southwest Colorado, where there have been differing opinions, including among local counties, about whether such a plan is needed.

That plan would address things such as impacts of oil and gas development to Mesa Verde National Park and area residents.

Currently, the BLM is busy with higher-priority work in southwest Colorado, and if it wants to pursue a leasing plan there it would need to get resources to do so, Hall said.



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#### **Advocate: plans**

#### **Benefit companies**

Ashley Korenblat, chief executive officer of Western Spirit Cycling, based in Moab, was involved in the master leasing plan process there. She said it offers benefits to energy companies by letting them know what they'll need to do under the plan.

"It takes away a lot of risk, really, from the operator if they know what the plan's going to be," she said.

Bryant said BLM field office resource management plans still guide leasing decisions, and whether areas require certain lease stipulations or environmental protections. While the BLM's environmental assessment acknowledges the potential for impacts to Dinosaur and its visitors from the proposed leasing, two of the leases near the park would include measures to minimize noise and light impacts, despite the lack of a master leasing plan.

The environmental assessment process will allow the BLM to hear from the public and determine if further measures to minimize impacts are needed, Bryant said.

Earlier this month, the BLM removed acreage near Zion National Park from a lease sale planned for September after receiving more than 40,000 public comments and encountering opposition to the park-area leasing from the Zion gateway towns of Springdale and Toquerville, Washington County, and Republican Gov. Gary Herbert. Earlier this year, the BLM bowed to local pressure and dropped a proposal to offer leases west of Rocky Mountain National Park in Grand County.

Now activists are turning their attentions to protecting Dinosaur.

"The proposal to drill near Dinosaur National Monument is wrong on its face," Chris Saeger, director of the Western Values Project, said during last week's teleconference with reporters.

He believes that under the Trump administration, the BLM is bringing forward more proposals for leasing near parks and monuments, as well as in important greater sage-grouse habitat, to cater to fossil-fuel developers.



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Korenblat said the presence of lands adjacent to parks and monuments can attract local investment in other industries such as recreation, but such investment is threatened if the land is leased for energy development.

Bruce Lavoie, who runs river trips through Dinosaur as area manager of OARS Dinosaur/Don Hatch River Expeditions, expressed alarm at the prospect of oil and gas drilling occurring nearby.

“It’s truly a one-of-a-kind landscape. It would be a shame to see its breathtaking views and (wildlife) habitat reduced by development,” he said.

#### **Notion of threat disputed**

Sgamma takes issue with the notion that oil and gas leasing poses a threat to nearby parks and monuments.

She said park and monument boundaries “were set for a reason, to protect the important natural resource values contained within them. They do not imply a buffer around them for some unspecified distance that carries a veto over adjacent multiple-use lands.

“Rather, BLM conducts land use planning through an open, public process to determine the uses of lands, including energy development, and what types of restrictions will be put on them.

“Just because lands are near a national park doesn’t mean they should be off-limits to productive activities in all cases. After that public process, if lands are indeed designated as available for leasing they also contain restrictions to ensure that any development on the leases is done in an environmentally protective manner that does not ‘threaten’ the parks,” Sgamma said.

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#### **5. Zinke takes right approach with Bears Ears**

*The (St George) Spectrum, June 25 | Evan Vickers, Utah State Senate*

When President Obama used his authority under the Antiquities Act to designate 1.3 million acres in San Juan County be set aside for the Bears Ears National Monument, he created quite a firestorm.



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People on both sides of the issue lined up to either cheer the decision or show their displeasure. Residents of Utah are proud of our rural culture and the state's vast beauty. I am constantly amazed at the diverse splendor that is Utah. We also recognize that these pristine lands add a great deal to our economy and have done for some 200 years, primarily due to the multiple-use concept that is prevalent in our state.

Those of us who have used the lands over the years realize that if you take care of the land as a valuable resource that it will continue to allow for prosperity, and if you abuse the land it will quickly lose its value and its usefulness.

As often happens when you have two diametrically opposing sides on an issue, the best solution lies somewhere in the middle and that is the case with the Bears Ears designation. There has to be a balance whereby the natural beauty and areas of religious and tribal importance need to be protected while surrounding lands that don't meet those qualifications need to continue to fall under the multiple-use concept.

It was recently made known that Interior Secretary Ryan Zinke will be recommending to President Trump that he drastically reduce the size of Bears Ears to something that will indeed protect certain sensitive areas and still leave open access to the rest of the land. It is my opinion, and that of many of my legislative colleagues, that this is in fact the correct approach to this designation.

It is very hard to justify taking 1.3 million acres completely out of production when all of the national parks and national monuments (except for Grand Staircase-Escalante National Monument) in Utah as well as all of our state parks total only 850,000 acres. To create one national monument that exceeds all the land designated in those other designations does seem to beg the question of whether the size is appropriate.

If the same criteria that was used with Bears Ears was used when Cedar Breaks National Monument was created, then the town of Panguitch would be inside that monument.

There is still a lot that has to happen in Congress and the courts before the actual size of the Bears Ears National Monument is determined. There will be more contention and saber rattling on both sides. I do believe strongly that there are areas in the designation that deserve protection by a monument designation and I believe just as strongly that there are hundreds of thousands of acres in the designation that need to stay in the multiple-use domain.



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I would hope that we can all come together on a compromise that will best serve all of our citizens — both in Utah and outside of Utah — in this matter.

*Evan Vickers represents Senate District 28, which includes Beaver, Iron, and the eastern portion of Washington counties. He participates, along with other members of the state legislature from Southern Utah, in a rotating monthly column for The Spectrum & Daily News.*

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#### **6. Obama's Last-Minute Land Grab Was Bad for Utah. Trump Is Showing He Hears the People**

*The Daily Signal, June 25 | Sen. Mike Lee*

During the Christmas season last year, the Obama administration ignored the majority of Utahans by designating a vast tract of land in southern Utah as a national monument.

Last week, the Department of the Interior took a welcome step toward reversing this executive abuse and returning to a legislative solution.

President Barack Obama used the 1906 Antiquities Act, written to protect “objects of historic or scientific interest,” to transform 1.3 million acres in San Juan County into the Bears Ears National Monument.

There is no doubt that specific sites within the new monument demonstrate historic, scientific, as well as cultural and spiritual significance. Native American tribes believe the area is sacred. And every citizen can appreciate the natural beauty of the sandstone buttes that gave the area its name.

However, the Antiquities Act is very clear that monument designations should be limited to “the smallest area compatible with the proper care and management of the objects to be protected.”

Presidents have ignored this important qualifier in the past, locking up millions of acres that could be managed as multiple-use.

In most cases, these expansive monuments have drawn support not from local citizens, but from outside interest groups who may not have locals’ best interests at heart, including outdoor recreation corporations and environmental activists who oppose new development.



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Unsurprisingly, these unilateral monument designations have been resented by locals who sensed they were being stripped of control over their homes.

President Bill Clinton provoked anger in 1996 when he abruptly announced the transformation of 1.9 million acres in the Grand Staircase-Escalante area into a national monument.

Obama's designation has provoked a similar response. Public opinion polling consistently finds that a majority of Utahans oppose the monument.

These Utahans want a say in how their land is governed, and this week the Department of the Interior, led by Secretary Ryan Zinke, released a report informed by their concerns.

The report made it clear that the Obama administration abused the Antiquities Act and recommended that President Donald Trump reduce the monument boundary.

It also recommended that Congress craft a legislative solution to protect the landscape and allow tribal co-management of important cultural areas in the Bears Ears area.

We should not reward the executive branch for making unilateral decisions about our lands. If Obama's abuse of the Antiquities Act is allowed to stand, future abuses will not be far behind.

Decisions should instead be made by elected members of Congress with plenty of input from the general public—especially the local residents whose lives are affected by these decisions.

Thankfully, the current administration is signaling that it hears the people of Utah. Last week's report is a victory and a promising first step toward reversing Obama's monument designation.

The Department of the Interior will release a comprehensive report in late August detailing specific policy recommendations for Bear Ears and 26 other large national monuments.

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#### 7. **Ralph Becker: Agenda for a better public lands future in Utah and the West**

*The Deseret News, June 25 | Ralph Becker*

Utah has reached a new level of hypertension around our public lands, which constitute three-fourths of our state's land ownership. We badly need to break the cycle of perpetual conflict, and break out of our public lands funk.

Two of the most recent issues — creation of Bears Ears National Monument and calls for its rescission, and the exit of the Outdoor Retailer Show — underscore the consequences of Utah's inability to develop thoughtful public lands solutions.

Utah leads the nation in anti-public-lands policies and rhetoric, and it continues to appropriate millions of dollars to sue the United States to try to force the transfer of federal lands to the states. When the Western States Attorneys General organization reviewed the legal veracity of Utah's land transfer claims, an independent legal report concluded that the legal bases for transfer were not well-founded under the U.S. Constitution and U.S. Supreme Court rulings. Their report was approved by the Western States Attorney Generals 11-1. Utah's expensive folly should end.

As Utah continues its pursuit of these claims, and fights over the existence of Bears Ears National Monument and Grand Staircase-Escalante National Monument, our neighboring states are working together on inclusive and durable public lands management practices. In Idaho, for example, Rep. Michael Simpson and his congressional colleagues responded to a monument proposal by establishing the White Clouds Wilderness Area, resolving 20 years of contention.

In Colorado, "master leasing plans" are providing a path for oil and gas development that takes into account other users and uses of the state's public lands — including recreation businesses, local communities and its many cultural and historic resources.

Utah has a long and understandable tradition of distrust for the federal government. And, like all Western states, our rural communities have the ever-present reminder of surrounding federal lands, with decisions being made by outsiders about access to those lands and use of the resources on them. The culture and custom of grazing, logging and mining are threatened by both the economic reality facing those industries and by the increasing popularity of recreation and protection of cultural and natural resources. While rural communities value the land and its resources, they chafe at being told what to do.





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Utah urbanites also value the land and its resources. As the ninth most urban state in the nation, a growing population cherishes Utah public lands for their outdoor recreational opportunities, protected landscapes and wildlife and cultural resources.

Consensus between our rural and urban communities can occur. With inclusive and thoughtful agreement-seeking processes on specific lands and resources, Utahns can achieve more balanced and appropriate land management and decision-making.

After many years working in communities in Utah and across the West on public lands matters, I am convinced that when people representing all interests come together in their locales to address public lands issues, their differences diminish and they can find common ground.

Examples in Utah of such approaches include the Washington County Growth and Conservation Act, which helped advance community needs while protecting valued public lands; and the multi-stakeholder Mountain Accord process, which resulted in broad agreement on a desired future for the Central Wasatch Mountains. Similar approaches are used by Envision Utah and in a range of transportation planning and improvements. These projects and others offer proof that Utah can move from being an outlier in management of public lands to a model of how to work together to achieve thoughtful, inclusive public lands management.

As a starting point for changing the current dynamic — from one rife with conflict and hostility to one that is more pragmatic, collaborative and creative, I suggest Utah leaders adopt the following road map for managing our public lands:

- Commit to open, transparent, inclusive processes that engage everyone in dialog and collaborative decision-making.
- Agree on Utah values for public lands.
- Support local multi-interest governance approaches respecting federal laws as a framework for decisions. That is, empower people to work together who know the lands and the resources to make decisions and accept well-established federal law.
- Agree on key goals and objectives — including boosting the economies of rural communities and protecting important public lands and resources.
- Develop an agenda for carrying out these objectives.
- Implement decisions, assigning responsibility to the most effective public entity with participation by the affected public.



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By meeting face-to-face, getting to know one another and sharing information and options, Utah can arrive at sensible and durable solutions to managing our precious public lands.

*Ralph Becker is a former mayor of Salt Lake City.*

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#### 8. **Northern Corridor would devastate tortoise habitat**

*The (St George) Spectrum, June 26 | Edward L. LaRue, Jr., Desert Tortoise Council*

The Desert Tortoise Council appreciates this opportunity to provide input on the likely effects the Northern Corridor would have on tortoises within the Red Cliffs Desert Reserve/National Conservation Area.

The deleterious effects of roads on tortoise populations are well-documented. Vehicle traffic on even unimproved dirt roads, and particularly heavily-traveled paved roads and highways, results in direct mortality of tortoises; increased incidence of fire associated with vehicle traffic followed by an influx of non-native plant species in burned areas that provide no nutritional benefit to tortoises and provide conditions favorable for future wildfire; increased mortality of common desert animals resulting in higher incidences of tortoise predators, particularly common ravens and coyotes; increased access for both collecting tortoises and releasing pet tortoises into conservation areas; increased access that damages soil crusts, promotes erosion, fragments contiguous blocks of habitat, restricts animal movement and gene flow, encourages future linear development such as pipelines and transmission lines alongside the road, and promotes off-road vehicle traffic in adjacent areas.

Whereas a recent Spectrum & Daily News article asserts that “Washington County has the highest density of desert tortoises anywhere in their range,” a 2012 publication by Utah Division of Wildlife Resources found a 41 percent reduction in tortoise numbers in the Reserve/NCA between 1998 and 2003. They attributed the decline to drought, wildfire, recreational use, disease, and predation.

Since 2003, populations have stabilized according to UDWR. As stated above, four out of five of these impacts (all but drought) would be facilitated by development of the Northern Corridor. We note that as of 2012, 14,624 acres within the Reserve/NCA, including 25 percent of the tortoise critical habitat, was impacted by wildfires, so tortoises and their habitats within the



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Reserve/NCA have already been threatened and impaired, respectively, without development of the Northern Corridor.

Finally, and perhaps most importantly, 12,264 acres of tortoise habitat could be developed in Washington County in exchange for 18,609 acres of private and State Institutional Trust Lands to be acquired within the Reserve/NCA under the 1995 Washington County Habitat Conservation Plan. To date, 11,309 acres have been acquired with an unknown amount of habitat developed and tortoises displaced. Washington County's conservation of these 11,300 acres-plus acquired within the 62,000-acre Reserve/NCA will be impaired if the Northern Corridor is developed.

Given the known deleterious effect of roads on tortoises and habitats, the Council continues to support conservation management of the Red Cliffs Desert Reserve and National Conservation Area without development of the Northern Corridor.

Development of the Northern Corridor would not result in a net benefit to tortoises, would promote a currently nonexistent threat to the federally-threatened desert tortoise, and is an incompatible use that would undermine the conservation and recovery of the desert tortoise within the Reserve/NCA by Washington County and other agencies.

By developing the Northern Corridor, the promise of tortoise conservation within the Reserve/NCA envisioned by the Washington County HCP would be undermined without the possibility of regaining the tortoise habitats already lost elsewhere within the county.

*Edward L. LaRue, Jr. is chairperson of the Ecosystems Advisory Committee of the California-based Desert Tortoise Council.*

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#### 9. **State forester: Provo at risk for wildfires**

*The (BYU) Daily Universe, June 26 | Hayden Wise*

The Bureau of Land Management re-issued a year-round fire prevention order for select counties in the West Desert District, including Utah County.



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“With recent record temperatures, low humidity, and strong winds, the vegetation in the West Desert is drying out quickly. Additionally, Northern Utah had 15 human caused fires over last weekend,” said Erik Valdez, West Desert District fire management officer in a press release.

These year-round restrictions include fireworks, exploding targets, sky lanterns, and tracer and incendiary ammunition.

Valdez said outdoor enthusiasts should use caution and be prepared when recreating in the West Desert District during the dry summer months. He recommended keeping water, a shovel and a fire extinguisher handy, according to the press release.

Brian Cottam, state forester and director of the Utah Division of Fire, Forestry and State Lands said Provo is at risk for wildfires since it is surrounded by mountains and wild lands.

Cottam said there are wildland-urban interface zones — areas with homes intermixed with wild land — in Utah. He said the homeowners housed in wildlife areas are given instructions about preparedness and prevention of wildfires.

“We talk about what to do for preparedness, like moving flammable things away from the house,” Cottam said.

Cottam said weather and human cause are about the same, percentage-wise, in causing wildfires.

“We can’t control the weather, but if the public makes better decisions in fire prevention, then that’s all the less risk, cost and danger to the land the public,” Cottam said. “The best way to contain a fire is to never have it start.”

Provo Fire Marshal Kevin Paxton said more wildfires this year have been caused by humans than weather.

“This year, we’ve already had fires that were started illegally by fireworks, Chinese lanterns and kids playing with matches and lighters,” Paxton said.

Paxton said programs like Firewise USA help Provo residents be prepared for a wildfire. He said the program is geared toward educating communities on clearing pine needles from rain gutters and taking care of weeds, which can catch fire and spread the fire.



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Ryan Rasmussen, associate director of emergency management at BYU Risk Management, said BYU has an emergency plan for if a wildfire is close to campus.

“BYU maintains an emergency operations plan that is an all hazards incident management plan. Since we cannot plan for every possible situation, we plan for how we will manage any incident no matter what it is,” Rasmussen said in an email.

Rasmussen said the university has a preparedness plan, but he encourages all departments and colleges to have an emergency plan as well. He said his office provides guidance based on guidelines they receive from the Federal Emergency Management Agency, the Department of Homeland Security and the Department of Education.

Rasmussen said in the event of an emergency a mass alert will be sent to all students, faculty and staff who have registered their contact information in their Route Y account.

Rasmussen said there are many classes related to emergency and disaster preparedness available to students.

“The Risk Management Department, office of Emergency Management and Fire and Life Safety work hard to ensure the safety of students, faculty and staff during emergencies or disasters. We also work very close with Provo City when developing plans for managing emergencies and disasters on campus,” Rasmussen said.

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#### 10. **Favorable weather helps contain Utah's Brian Head Fire**

*United Press International, June 26 | Andrew V. Pestano*

June 26 (UPI) -- The Utah Division of Forestry, Fire and State Lands said improved weather conditions helped contain the Brian Head Fire in southwest Utah, which has grown to 42,800 acres.

The Utah forestry agency late Sunday said the fire was 10 percent contained. Tim Roide, the fire incident commander, described the day as "a good day for firefighters, who were able to have success securing areas of particular concern, including the many structures affected by the Brian Head Fire."



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About 1,140 total personnel were deployed in efforts to contain the Brian Head Fire. The fire was started June 17 by a resident burning weeds and has been fueled by hot, dry conditions and strong winds.

On Sunday, "weather conditions improved slightly ... leading to minimal growth on the fire perimeter," the Utah forestry agency said in a statement.

But the agency anticipates the fire will spread toward Horse Valley Peak on Monday due to winds from 10 mph and up to 25 mph gusts.

"To counter this spread, a dozer constructed indirect fireline, away from the current fire perimeter, across the valley," the agency added. "Airtankers dropped retardant immediately adjacent to the dozerline with the intent that the retardant should minimize the ability of embers to start spot fires across the dozerline."

Firefighting crews will continue to secure the southern perimeter of the fire to slow its progression toward Mammoth Creek on Monday and will also scout ahead of the fire to its north and south to prepare for possible increases in fire activity or a shift in movement, the agency said.

The blaze straddles Iron and Garfield counties. Since the fire began on June 17 in the resort town of Brian Head, several hundred people have been evacuated from their homes.

The Brian Head Fire is one of several wildfires affecting the U.S. Southwest: the Corral Fire in New Mexico's Gila National Forest has burned more than 17,000 acres; the Frye Fire in Arizona's Coronado National Forest has burned more than 35,500 acres; the Boundary Fire in Arizona's Kaibab National Forest has burned more than 17,150 acres; and the Poker Brown Fire in Nevada burned 15,537 acres in total.

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#### E&E/NATIONAL NEWS – FULL STORY

##### 1. **Potential workforce reductions at Energy, Interior leave some lawmakers 'troubled'**

*Federal News Radio, June 26 | David Thornton*

Lawmakers are beginning to probe the depths of civilian agency budget cuts to discover the extent of their cost in human terms, and it's leaving some of them concerned.

Interior Secretary Ryan Zinke and Energy Secretary Rick Perry attempted to alleviate some of those concerns during a series of hearings before the Senate and House Appropriations committees, as well as the Senate Energy and Natural Resources Committee.

"To speak to the energy and science accounts for a moment, initial estimates are that this budget request if enacted would result in the loss of approximately 7,000 highly skilled technical experts in job positions at the department's world class national labs. This is a big worry. This is a big class worry. Given that the labs have a multiplier effect on jobs in their communities, somewhere in the range of two to three, the total job loss would be in the range of 14,000 to 21,000 jobs," Rep. Marcy Kaptur (D-Ohio) said to Perry during the June 20 Appropriations committee hearing.

Sen. Tom Udall (D-N.M.) expressed similar concerns to Zinke during a June 22 Appropriations hearing on the other side of Capitol Hill.

"I am troubled by a number of recent personnel decisions that call into question the department's commitment to its workforce and to keeping Congress informed of major changes to the day-to-day operations of the department," Udall said.

Specifically, he referred to the announcement that the Bureau of Land Management is planning to reduce its workforce by 1,000 positions, and a sudden decision to reassign several senior career executives within the department.

"It's my understanding that the scale of these changes is virtually without precedent," Udall said. "These staff members appear to have been transferred with no clear plan regarding how or whether their current positions will be filled. And I have heard that many of these changes are set to take place quickly, potentially by the end of the month."



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But Zinke defended these changes, saying that moving around between positions is part and parcel of the Senior Executive Service. In addition, he said both staff and resources need to be reallocated to accomplish the mission of the department.

“What I’ve seen is a deteriorating infrastructure, especially to our national parks, and the front line, whether it’s our national parks, Bureau of Reclamation, fish and wildlife refuges, our front line is short of people while the headquarters and middle management seems to be just fine,” Zinke said.

Zinke has spent a significant amount of time visiting these front lines since he took office, plowing snow, touring public lands by canoe and horseback, and speaking with employees.

And these imbalances in the way the department has been staffed and the shortages at the front lines is reflected in the job satisfaction at agencies like the National Park Service, which ranked 15 out of 15 for land management organizations and bureaus.

“It bothers me that we’re not number-one. I’m a competitive person. But whether that’s being micromanaged, the authority has been stripped from the front line, whether the resources have been regionalized up, there’s a lot of reasons why. In some places, we have a culture of sexual discrimination and harassment. That’s got to end, zero tolerance,” Zinke said.

Perry took a different approach, claiming that with proper management, budget cuts across the Energy Department need not necessarily result in such large workforce reductions.

“You’re concerned about your constituents, you’re concerned about the observation that there could be massive loss at a lab,” he said. “I don’t necessarily agree with that reflection. And the reason I don’t agree with that reflection is because it doesn’t take into account our being able to manage, our being able to use year-end expended balances that take into account. I think it’s a very cold look ... it’s just a very sterile look at ‘here’s what the budget says, here’s going to be the result.’”

He said his intention was not to shut down any labs, but to manage them so as to minimize losses in employment while maintaining current technological and innovation levels.

But lawmakers aren’t necessarily convinced.





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“Mr. Secretary, President Trump promised to run the government like a business, but some of these personnel moves just don’t make sense,” Udall said. “It’s like taking your head of marketing and putting them in charge of accounting. That’s a bad business decision. Your workforce deserves better, and the Congress deserves to know more about what’s happening at the department.”

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#### 2. **Kathrens: Americans don't want horse slaughter -- better options exist**

*The Casper Star Tribune, June 26 | Ginger Kathrens*

Secretary of the Interior Ryan Zinke has inherited a number of thorny problems. One of the thorniest is the management of our nation’s wild horses.

Many ranchers who graze cattle on public land view wild horses as competition and support roundups that inhumanely remove horses from the range. The American public wants the herds preserved and treated more fairly. Navigating any middle ground between these two sides is difficult.

One thing that would help is a thoughtful, research-based approach to federal land management. The amount of acreage available to wild horses over the past few decades has dwindled, based on land-use allocations made by the U.S. Bureau of Land Management. However, two district courts recently ruled that the BLM’s allocations are completely arbitrary and not based on science. We must do the research to determine, truly, how many cattle, horses and other species can share the range.

This is a long-term project. In the short term, we must find an alternative to wild horse roundups and removals, which are cruel to horses and costly to taxpayers.

Fortunately, a solution already exists, in Zinke’s home state of Montana.

PZP contraceptive vaccine, which is manufactured by the nonprofit Science and Conservation Center in Billings, allows for safe, effective, inexpensive and humane management of wild horses on the range. It’s used by the BLM in several herd management areas and has reduced and even ended roundups. We need to use it more.



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By the BLM's own admission, the current roundup and removal system is unsustainable. Research published by the National Academy of Sciences shows that roundups don't work. Removing mustangs from the range merely prompts those that remain to breed more. The NAS, in its 2013 report "Using Science to Improve the BLM Wild Horse and Burro Program," advises increased use of PZP.

A dose of PZP costs around \$27, compared with \$49,000 that U.S. taxpayers spend on every mustang removed from the range and placed in BLM short-term holding corrals for its natural lifespan. Currently, there are more than 18,000 horses in short-term holding and 25,000 in long-term pastures.

Volunteers from our organization, The Cloud Foundation, have worked with the BLM and the Science and Conservation Center to vaccinate mares with PZP. The last removal in the Pryors was in 2015. Eighteen wild horses were adopted. They may be some of the last to be removed, as mortality and reproduction are now virtually equal thanks to PZP. We've found a way to manage the herd successfully and humanely at little cost to taxpayers.

Nearly 40 groups, including the Humane Society of the United States, have called on BLM to increase appropriate use of fertility control, yet President Donald Trump's budget would allow wild horses to be euthanized and shipped to foreign kill plants. Yet, the American public does not support this approach.

Last year, the BLM Wild Horse and Burro Advisory group, of which I am a member, suggested euthanizing all the wild horses currently in holding. I objected to this idea. When the board voiced its proposal, the public backlash made headlines around the world, and the BLM quickly distanced itself from the idea. Polls show that the great majority of Americans oppose horse slaughter and want to see wild horses preserved.

Why go down a path that's cruel to horses and unpopular with the public? We can save money and spare horses by using a solution found in Zinke's own backyard.

*Ginger Kathrens is an Emmy award-winning documentary filmmaker, award-winning author, and the producer of the Cloud programs for the PBS Nature series. She is executive director of The Cloud Foundation, a Colorado-based wild horse and burro preservation organization.*

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#### 3. Meet the woman behind Colorado's highest trails

*High Country News, June 26 | Sarah Gilman*

What do you see when you look at a trail? Dirt and rocks? A line sketched across the landscape by 100,000 footsteps? The adventure of some not-yet-visible lake or summit or cirque?

Master Forest Service trail designer Loretta McElhiney sees those things, too. But she also believes that a good trail is about controlling two unstoppable forces: People flowing up a mountain, and water flowing down.

And on a wintry May morning, I provide a perfect object lesson about one tool McElhiney uses to steer these two juggernauts: I fall hard on a hillside and get snow down my pants.

“Sideslope,” McElhiney says helpfully, after checking to make sure I’m OK. That’s why she’s picked this route for a new trail on the southern toe of Colorado’s Mount Elbert, where we’re bushwhacking over fallen aspens slick with fresh snow: The land here is steep enough that the path contouring across it will be the only place you can walk without tumbling ass-over-teakettle, and water will drain easily off its downhill edge, instead of scouring a trench down its center. “Sideslope,” McElhiney concludes as I brush off my butt, “really helps confine people onto a bench.”

The official South Mount Elbert Trail that this route will replace, meanwhile, is a textbook example of what happens when walkers and water run amok. Colorado has 54 peaks over 14,000 feet high — its famous “Fourteeners” — and Mount Elbert is the tallest, rising to 14,433 feet from the bulky Sawatch Range just southwest of Leadville. People once drove to its summit in jeeps, and climbers eager to tag the state’s highest point followed the same straight-up route. Today, above treeline, the trail is a series of nasty-looking parallel trenches and denuded patches of tundra that McElhiney calls a “catclaw” — 21 feet wide here, 13 there, knee-deep in places.

Over the next three years, professional trail crews and volunteers will close and revegetate 2 miles of this mess, and build more than 3 miles of new tread that McElhiney and her seasonal assistant, Dana Young, have designed. They’ll use landscape elements like sideslope and structures like rock retaining walls to keep people on the right path and protect fragile alpine plants and thin topsoil. It’s one of 42 new “sustainable” routes on the Fourteeners that McElhiney has conceived as the Forest Service’s Fourteener program manager.



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Slim and muscular at 54, today she wears a green shell and a daypack strapped with a pair of snowshoes. A blonde braid pokes from under her beanie, and her face is like a map of past mirths, its lines pointing straight into the Colorado high country.

It would be hard to find anyone else who has spent so much time there. She has shepherded Fourteeners trailwork for more than two decades, through so many thousands of feet of elevation gain that she refuses to consider how many Everests they add up to. Through a pair of boots every season. Through two divorces.

“I’m not very good at marriages. I don’t know why I do it,” McElhiney, now happily in the midst of her third, jokes when we drop our packs under the sheltering branches of a limber pine. “It’s like, do you love the mountains more than you love your husband?”

Colorado’s Fourteeners have been promoted as a group for their scenery and mountaineering opportunities since at least 1914. But it wasn’t until a wave of guide and coffee-table books were published in the 1970s that the moniker was cemented in the popular lexicon. Between the ’80s and ’90s, as the state’s urban Front Range ballooned, Fourteeners became a bona fide recreational craze and peak visits roughly doubled. By 2015, they were up to 260,000 each year, with hordes of hikers crossing into an ecosystem that is at once one of Earth’s toughest and most delicate.

McElhiney was among those drawn to the mountains’ magnetism. She was studying nutrition and exercise physiology at Kansas State University when she saw a documentary about Gudy Gaskill and the Colorado Trail, which now stretches 567 miles across the Rockies from Durango to Denver. The first female president of the Colorado Mountain Club, Gaskill was a sinewy hiker and trailbuilder who shepherded the development of the renowned singletrack for three decades, through funding lapses and presidential administrations, even hosting and cooking food for trail crews. “I’m going to go hike that thing,” McElhiney told herself, and in the summer of 1988, after her first husband settled in Leadville for college, she did. A year later, she put aside plans for a career in cardiac rehab and took a seasonal job with the local Forest Service, building and maintaining trail. One day, chopping through blown-down lodgepole, she turned to find Gaskill herself standing a short distance away. “Man,” Gaskill said. “I love to see a woman who can swing an ax.”

McElhiney was hooked.



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As she rose from trail grunt to wilderness ranger, she learned the Rockies as one comes to know her own skin. The cushion-shaped plants small as mixing bowls that might be a century old. The ground-nesting ptarmigan that phase from mottled gray to white when winter snows come. The alluring smell of alpine forget-me-nots that inspired her to plant the horticultural variety in her own lush backyard garden, even though they could never measure up.

The mountains also had a way of remembering human presence, and McElhiney found arrowheads and flakes, a Finnish bread oven made of stones, a hollowed log full of porn magazines. Hiking trails there were no different, except that, instead of fading with time, some incised deeper with every footstep, every torrent of spring runoff and summer monsoon. It didn't take long for McElhiney and others to notice that the Fourteeners had a problem.

Only two had designed trails — Pikes Peak and Rocky Mountain National Park's Longs Peak. All had routes created incidentally by hikers seeking the shortest path to the summit, usually straight uphill. Now, like the South Mount Elbert Trail, most were in bad shape, riddled with braids, chutes and bald spots. The damage wasn't just to vegetation; in some places, it endangered hikers. On Mount Evans, not far west of Denver, one route had become a "hideous gully" up to 15 feet deep that served as a bowling alley for rocks dislodged by careless feet. The trails needed to be rerouted in some places to switchback more gradually across slopes, and hardened in others to withstand erosion.

The Forest Service already struggled to fund recreation projects; it would never be able to tackle the 49 Fourteeners on its lands without help. So a group of statewide outdoor nonprofits joined the agency in a formal partnership in 1994, which spun off into its own nonprofit in 1996. Called the Colorado Fourteeners Initiative, it and other groups would supply professional and volunteer trail crews and most of the money for the needed work. It fell to McElhiney — first as a ranger and then in her current post, which she took in 2001 — to coordinate those crews and help pioneer the trailwork needed to accomplish the group's vision of creating a "sustainable" route for each peak.

McElhiney doesn't much like to talk about her first forays into trail design in the mid-'90s; one, on the north side of Elbert, is still a mess. But over time, her expertise grew. She hiked the old roads and rail lines that served Leadville's 19th century mining boom, and peered at retaining walls and support structures that had weathered the decades, sometimes taking them apart and reassembling them to learn their dry masonry secrets. She got on a first-name basis with people



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who designed the Appalachian and Pacific Crest trails, dropped in on trail designers on Mount St. Helens, built massive rock walls with a visiting Yosemite crew.

Today, thanks to McEllhiney's designs and the labor of countless trail workers, there are 33 more tightly built routes on 32 Fourteeners, many doing what good trail should. A 1,272-foot-long rock staircase through a talus field diverts people away from sensitive Canada lynx habitat and alpine wetlands on the back side of Mount Massive. On Pyramid Peak, a 30-foot-wide, 6-foot-tall retaining wall that a crew built with a cable and pulley system channels people across a dissolving gully instead of up it.

Over the years, some people have questioned whether such extensive construction draws yet more hikers into the alpine, causing more damage. "There's definitely concern that 'If you build it, they will come,' " McEllhiney says. "Well, we didn't have to build it, and they were coming. I think that putting in a trail that can be maintained is really important. And it seems to be working."

Back on South Elbert, Dana Young blows on her hands. It's still chilly, but the sun is out, and the falling flakes sparkle against the few blue patches of sky. Young, now 31, remembers well the first day she hiked into the high country with McEllhiney, when she started assisting with design four years ago. "I got altitude sickness," she says. "In my head I'm thinking, 'This woman is much older than I am, I should be able to keep up with her!' That was my first mistake."

The two women tinker with a GPS and clinometer — for measuring slope — as they get ready to plot a last-minute, 130-foot route adjustment around some late-season snowfields that could force hikers off the trail, causing exactly the kind of vegetation-stomping the project is meant to prevent. McEllhiney likes to say that the mountains talk to her. Now, she's mostly quiet as she listens, taking readings, hammering orange plastic tassels into the duff to mark the center line and yellow ones to mark needed structures. Young follows after, entering GPS locations to guide this summer's crews.

By late June, when the higher snows withdraw, McEllhiney and Young will venture into the alpine, hauling packs heavy with camping supplies, wooden stakes, tassels and metal staples. They'll rise between 3 and 5 a.m., work 10 hours or more when they can. They never know when a thunderstorm will cut a day short and chase them below treeline.



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McEllhiney has extra reason to be cautious. On Mount Belford, ground current from a nearby lightning strike knocked her down and blew off the soles of her boots. Even so, she stayed on the mountain for a week until her boss forced her to go to the hospital. Another time, in 2009, McEllhiney watched in horror near the summit of Mount Massive as a military helicopter lost its tail rotor to the wind and disintegrated against a ridgeline. There are funny stories, too: The map that she and a past assistant traded with some hikers for a flask of peach brandy; the time she accidentally stepped in a pile of human shit in her Chaco sandals, then had to steal them back from a strap-gnawing marmot who had spirited them into a rockpile.

The work, though, will likely continue long after McEllhiney's own story diverges from the Fourteeners'. After all, mountains are mountains, and even the best-built trail is sometimes no match for hard use, erosive soils, and the inexorable pull of gravity. In 1999, the Colorado Fourteeners Initiative envisioned completing the highest-priority trail fixes within six years, spending a season or less on each of 35 mountains. Eighteen years later, most peaks have taken two seasons or more, and several have yet to be tackled. While many rebuilt trails have endured, others are already falling apart. Fixing those and constructing 16 new sustainable routes will cost at least \$24 million, mostly supplied by partners. With so much left to do, says Lloyd Athearn, the group's executive director, "We all fear the day when Loretta might retire."

Fortunately, there's little sign that will happen soon. On our way back to the truck, McEllhiney leads us along the old South Mount Elbert Trail. We struggle to match her pace on its steep grade as she tells us how, when the new trail is complete, crews will come to this one and remove the sign that marks it. They will shift soil into its furrowed tread, lace it with native seed, transplant young trees every 10 feet, cover it with protective mats.

We pause to catch our breath at a graffiti-carved aspen. "I've been working on this trail since I began trail crew," McEllhiney observes after a moment. Someday, with luck, all trace of it will be gone, and this scarred tree will be marooned in a forest that has closed around it. "Smoked on Elbert," it will proclaim to an indifferent thatch of spring grass and flowers, shivered with leaf shadow. McEllhiney turns and smiles at me, then strides up the trail.

*Sarah Gilman is an HCN contributing editor and writer based in Portland, Oregon. Before becoming a journalist in 2006, she worked as a Colorado Fourteeners Initiative trail crew supervisor on Mount Massive, near Leadville, Colorado.*

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#### 4. **INTERIOR: Is Zinke cherry-picking data to boost drilling?**

*E & E News, June 26 | Brittany Patterson*

Interior Secretary Ryan Zinke has a plan: Boost drilling in federal waters to raise cash for cash-strapped agency priorities.

Zinke made his pitch to lawmakers last week during hearings on Capitol Hill, touting drilling revenue as a perfect solution for funding things like the National Park Service's massive infrastructure backlog and for other areas targeted for cuts under the Trump administration.

But critics accuse the Interior chief of cherry-picking data and ignoring big procedural hurdles to make that plan sound better than it is.

"Like you, I love clean air, clean water, and a lot of the programs that have savings in this budget we think they're valuable, and with more revenue we can afford to fund those," Zinke told the Senate Interior, Environment and Related Agencies Appropriations Subcommittee.

"We're looking at that side of the balance sheet much more closely."

He also criticized the Obama administration for failing to raise more cash from drilling. "The last administration did not look at revenue as the priority that I would."

Increasing the amount of money coming into the agency's balance sheet was a major selling point of Zinke's during a series of budget hearings on the administration's fiscal 2018 budget proposal. Lawmakers in the Senate and House grilled the agency head on the \$11.7 billion request, a 12 percent cut below fiscal 2017 levels that guts many science and conservation programs.

"While people are focused on \$1.6 billion in savings, our revenue picture across the board needs to be shored up," Zinke told senators.

#### **'Outlier year'**

But some in Congress as well as conservation advocates expressed fear that Zinke is focusing on data that show offshore drilling revenues are way down in order to justify opening up the country's coasts to oil and gas development.





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At public appearances since his confirmation in March and during multiple hearings this week, the former Montana congressman with a master's degree in business finance often tells an anecdote that illustrates the considerable drop in royalties, rents and bonus bids paid by oil and gas companies drilling on the outer continental shelf in 2008 compared with 2016.

"In 2008, the Department of the Interior made \$18 billion alone just in offshore," he told the Senate on Wednesday. "Last year, we made \$2.6 billion. That's a drop of \$15.5 billion a year in revenue just in offshore."

At a House hearing, Rep. Alan Lowenthal (D-Calif.) pressed the secretary on why he continues to use 2008 figures as a talking point, when they are not representative of the normal influx of money from the offshore sector.

"You are aware that 2008 was an outlier year?" he asked during a House Natural Resources Committee hearing on the budget last week.

Data from the Department of the Interior's Office of Natural Resources Revenue show that 2008 was by far the banner year for offshore oil and gas revenues, vastly outstripping the years before or after it.

The mid-2000s were exceptional years for offshore leasing and drilling for multiple reasons, including high oil prices, advances in deepwater drilling technology and shifting geopolitics overseas that made it increasingly difficult for oil majors to drill in other countries.

In 2008, for example, the data show almost \$9.5 billion of the \$18 billion in revenues came from companies paying bonus bids, or an upfront payment to the government by the company that is awarded the lease.

"There's a reason that Zinke cherry-picks 2008," said Kate Kelly, public lands director for the Center for American Progress. "It was an anomaly for a lot of reasons, including the high price of oil."

Lowenthal noted oil prices topped \$145 a barrel that summer, compared with \$40 a barrel today. He then asked Zinke to confirm which years following 2008 had the second- and third-highest levels of offshore oil and gas production, noting they were during the Obama administration.



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Zinke pushed back and said industry feels as if the Interior Department is not a good partner because of compensatory mitigation, "arbitrary" regulatory frameworks and other signals.

"If your contention was that it was up in the last eight years, I'll get you the statistics from the Department of the Interior that would show you a different line," Zinke said.

According to data from Interior, while natural gas production offshore has been falling since 2007, oil production peaked in 2010 at more than 603 million barrels. The second- and third-highest oil production years were 2015 and 2016, each with more than 550 million barrels of oil produced.

Federal onshore gas production has stayed relatively steady, while onshore oil production steadily increased during the Obama administration. Despite taking steps to develop a comprehensive policy on climate change, the administration said domestic oil and gas production increased every year during the former president's tenure.

#### **Zinke 'doesn't get to earmark' revenues**

Zinke's critics say he's also ignoring the fact that it would take a major act of Congress to send any additional revenues from offshore drilling from the Treasury to the Interior.

Kelly said the bigger issue with Zinke's push for more offshore drilling is that "he doesn't appear to fully appreciate that offshore revenues go directly to the Treasury."

"He doesn't get to earmark them to offset the huge cuts in Trump's budget proposal," she said.

As spelled out in the 1953 Outer Continental Shelf Lands Act — the law that drives offshore leasing policy — nearly all of the money that comes in from drilling goes straight to the general fund. More recently, Congress has passed laws that siphon some of the money to fund the Land and Water Conservation Fund and to pay Gulf states a share of the revenues.

Revenues from offshore drilling are the second-largest source of income for the U.S. government after taxes collected by the IRS.

Kevin Book, a managing director at ClearView Energy Partners LLC, said Congress would have to approve a budget allocation in order to tap into offshore revenues for the Interior specifically.



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"Maybe he's thinking there's an opportunity to show that resources production benefits the economy and therefore fund more resource production," he said of Zinke. "There isn't a single agency head that doesn't want more money to spend in the federal government."

Zinke told lawmakers last week that the agency is looking at multiple new sources of income, including from fees collected by national parks; from public-private partnerships; and by reviewing "across the board" royalties collected from the federal leasing of oil, gas, coal and renewable energy.

Even if the Interior Department opens additional areas for offshore drilling, it is unclear if the move would track with the Trump administration's desire to become "energy dominant."

A 2016 [report](#) by the Congressional Budget Office found levels of offshore production would be largely unchanged if the government took steps to bring in more money. Boosting competitiveness, adding a fee on nonproducing leases or raising royalty rates would boost revenues by \$25 million to \$500 million over 10 years but would not increase production.

Furthermore, the turnaround time for oil and gas companies to begin producing oil from a newly leased tract of land is counted in years, not months. The majority of the leased areas in production today were auctioned off royalty-free in the 1990s or in 2005, Book said.

While the Obama administration's regulatory regime for offshore drilling wasn't the most friendly to interested companies — especially after the Deepwater Horizon disaster — a central problem facing the new administration is that with oil prices hovering near a historically low price per barrel, it won't be easy to simultaneously entice industry to put new areas into production and raise more revenues by hiking royalties or some other mechanism.

Changing the terms of leases or lease lengths might work, but relaxing fiscal or environmental regulations only benefits industry, Book said. The same is true with reducing royalty rates, which might boost drilling, but maybe not.

"It's not obviously in the interest of the Trump administration," he said. "If you read between the lines in the budget proposal, what that says is these are folks who are thinking what they want to do is keep the revenue, and so it would be intellectually inconsistent — although it wouldn't be the first time in the history of government — if they were to say, 'Let's lower.'"

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#### 5. **FEDERAL AGENCIES: Obscure 2011 law creates hurdle for undermanned Trump team**

*E & E News, June 26 | Sean Reilly*

U.S. EPA Administrator Scott Pruitt may doubt the urgency of addressing climate change, but a key planning document on his agency's website proclaims otherwise.

"Climate change poses risks to human health, the environment, cultural resources, the economy and quality of life," says EPA's 2014-2018 [strategic plan](#), which touts Obama administration initiatives like the Clean Power Plan that Pruitt wants to unplug.

A similar mismatch is on display at the Energy Department, whose [long-term strategy](#) — adorned with a photo of former Secretary Ernest Moniz — pledges to support "international efforts to achieve significant global greenhouse gas emission reductions" even as President Trump vows to pull out of the Paris Agreement.

And the Interior Department's [plan](#) sets a goal to "understand, communicate and respond to the diversity of impacts associated with climate change across the various landscapes of the United States."

Five months after Trump was sworn in, the disconnect testifies to the flip side of the White House's eagerness to shred President Obama's record on environmental and energy policy: a still-to-be-fulfilled legal requirement to come up with a detailed agenda of its own.

Under a 2011 law, the administration is supposed to update long-term strategies for EPA and other agencies by early next year. The task, which could force Trump appointees to flesh out their vision for government, promises to be daunting.

While lawmakers wanted to give incoming presidents a chance to set their own priorities, "I'm not sure this dramatic a change was anticipated," said Robert Shea, who oversaw efforts to sharpen government performance during George W. Bush's administration and is now a principal at consulting firm Grant Thornton LLP, which works with agencies on meeting the law's requirements.

Under Obama, for example, cutting greenhouse gas emissions wasn't just a job for EPA, it was a governmentwide priority that summoned federal agencies to boost reliance on renewable



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electricity sources to 20 percent of consumption by 2020. By contrast, Trump's DOE secretary, Rick Perry, has suggested that wind and solar power could be a threat to national security (Energywire, April 26).

In scrolling through Interior's strategic plan, no one would likely quarrel with the theme of "Celebrating and Enhancing America's Great Outdoors." But the Obama administration took that charge to encompass goals like protecting the sage grouse. That may not fly with current Interior Secretary Ryan Zinke, who recently announced a review of conservation plans for the grasslands bird, in part to determine whether they are interfering with oil and gas production on public lands (Greenwire, June 7).

Among the State Department's goals: "Promote the transition to a low-emission, climate-resilient world" with expanded access to sustainable energy, according to its plan. Now heading the department is Rex Tillerson, the former chief executive of Exxon Mobil Corp.

That policy, along with many others, is under review, a State spokeswoman said in an email.

The plans, typically spanning 50 pages or more, are supposed to be salted with a handful of high-level objectives for each agency. Officials must then tether those objectives to more narrowly focused "priority goals" and report every three months on their progress in meeting the targets.

For the Trump White House, a first step has been to unravel adherence to the policies woven into those documents.

A key juncture came earlier this month when Office of Management and Budget Director Mick Mulvaney ordered agencies to halt quarterly reporting on dozens of Obama-era goals. Agency employees and teams should keep pursuing existing strategies "only when they are aligned with the policy priorities of the current administration," Mulvaney wrote.

Already mothballed was the Performance.gov website, created six years ago as an online window to make the reports publicly available. The site is undergoing an overhaul as agencies develop updated goals and objectives for release in February in connection with Trump's fiscal 2019 budget request, according to an online notice.

But to all appearances, work on the replacement strategies has only slowly gotten into gear, hindered by a dearth of top-level political appointees. Agency second in commands — typically deputy secretaries — are supposed to shoulder the lead in meeting performance requirements. At



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both the Energy and Interior departments, those jobs are vacant as Dan Brouillette and David Bernhardt await final Senate confirmation votes on their respective nominations.

Trump hasn't yet named a nominee to be EPA's deputy administrator, but the agency recently acknowledged the hiring of Henry Darwin, a top aide to Arizona Gov. Doug Ducey (R), to serve as the agency's chief operating officer (E&E Daily, June 15). In that role, he will "be instrumental in helping EPA develop a thoughtful, targeted strategic plan to provide real environmental results to the American people," spokeswoman Liz Bowman said in an email. Soon after Darwin joins EPA next month, she said, "we will be working with him on outlining our plan to the administration and the public."

Across government, updates to the strategic plans have also been "a little bit disrupted" by the administration's bid for a broader reorganization, Shea said. That restructuring is partly aimed at chopping the size of the federal workforce and saving money; agencies' blueprints are due at OMB by September. In general, Shea said, the lack of political appointees poses an impediment to the planning process, albeit less so if department leaders trust the career employees working on the revised road maps.

If elected leaders and appointees are fond of railing against government waste, they're usually far less enthusiastic about tackling the often thankless task of making bureaucracies work better. The 2011 law, known as the Government Performance and Results Modernization Act, was intended to breathe new life into a 1990s-era statute that had come to be seen as something of a paperwork drill.

"The hope is to provide more of a long-term strategic vision and consistency beyond the back-and-forth of election cycles," Rep. Henry Cuellar (D-Texas), the act's lead sponsor, said in an interview.

A key change was to mesh the timing of strategic planning updates with the start of presidential terms. But, Cuellar said, "the Trump administration is coming in with some very different positions from many other administrations in the past."

#### Uneven results

For agency officials, the job of hammering out plans, objectives and goals can be grueling; in a 2015 report, the Government Accountability Office laid out no fewer than seven specific practices for effective strategic reviews.



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At Interior, which took the process "very seriously," it involved working with leadership across the department's major offices to develop "specific, quantified goals," former Deputy Secretary David Hayes recalled in an email. There were then quarterly meetings to track progress, fine-tune priorities, "and address related budgetary and strategic approaches needed to reach our targets," he said.

The process, coupled with lessons gleaned from on-the-ground experience, paid off, Hayes said, when it came to setting budget allocations and handling the breakup of the scandal-plagued Minerals Management Service into separate leasing, revenue collection and enforcement arms.

Across government, however, outside audits have so far found uneven results. Last year, for instance, the GAO concluded that the Performance.gov site still wasn't meeting all the act's reporting requirements.

At individual agencies, the outcomes "depended both on the history of the organization, the career staff's sophistication and the political appointees' sophistication," said Shelley Metzenbaum, who oversaw the act's initial implementation as an OMB official in the Obama White House.

For Metzenbaum, the act's requirements are potentially powerful tools for harnessing federal money and manpower to a concrete set of objectives.

"Clearly, there is a huge difference between the last president and this president on what they think the nation's priorities should be," Metzenbaum said. The question then becomes, she said, "Are you going to actually use these businesslike tools in a very sensible way?"

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#### **6. PUBLIC LANDS: Conservation groups urge lawmakers to oppose Izembek road**

*E & E News, June 26 | Kellie Lunney*

Several conservation groups are urging members of the House Natural Resources Committee to oppose pending legislation to build a single-lane gravel road through the Izembek National Wildlife Refuge in Alaska, saying the bill "creates dangerous national policy implications for wild places" throughout the country.



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The committee will vote tomorrow on [H.R. 218](#), sponsored by Rep. Don Young (R-Alaska), which calls for exchanging more than 43,000 acres of state land for 206 acres of federal land within Izembek to build an 11-mile road connecting the towns of King Cove and Cold Bay. The road would cut through part of the 315,000-acre wildlife refuge.

The panel likely will advance the bill on a party-line vote.

"H.R. 218 would give away vital wildlands in the Izembek Refuge to the state of Alaska in exchange for comparatively low-quality state lands to make way for an unnecessary, costly, high maintenance, ecologically detrimental road," the 25 groups wrote to committee lawmakers in a [letter](#) Thursday.

The organizations signing the letter included Defenders of Wildlife, the Alaska Wilderness League, the Sierra Club, the National Wildlife Refuge Association and the Wilderness Society.

Young has called claims from environmentalists and others that the road will harm the area and the wildlife there "b.s." He and other supporters say the road is desperately needed to provide King Cove residents with reliable access to medical care (E&E Daily, April 6). Sen. Lisa Murkowski (R-Alaska) also has long championed construction of the road through the refuge.

"I think this is absolutely necessary for the 1,000 residents of King Cove," Young said Thursday during opening statements for tomorrow's markup, which includes 21 other bills (E&E Daily, June 26). "If there was to be a life saved, I think it's worth it."

During a March Senate Energy and Natural Resources Committee hearing, Della Trumble, business manager of the King Cove Corp., an Alaska Native village corporation, said the community needs the road now.

"It is the most vital element of missing infrastructure in King Cove to our well-being and will change our cost of living so that our residents can have a real, safe life and not always have to worry every time we risk our lives to travel for medical and health safety reasons — an activity that Lower 48 Americans take for granted every day of their lives," Trumble said.

Flying between King Cove and the Cold Bay airport is dangerous because of the turbulence and often harsh weather.





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Congress has allocated millions to upgrade access to medical care for the people in the affected community, "yet demands for the damaging road persist," the environmentalists' letter said.

The conservation groups argued that passage of H.R. 218 would "play into the hands of special interests who seek to dismantle our public lands, setting a dangerous political precedent." The National Wildlife Refuge System has become "a particular target" of an "extreme" agenda pushed by "a fringe social and political movement to divest the federal estate," the letter said.

In 2009, Murkowski won passage of a law that would allow the Interior Department to approve the road. During President Obama's administration, the Interior Department concluded that the road shouldn't be constructed, and in 2015, the U.S. District Court of Alaska upheld then-Interior Secretary Sally Jewell's decision.

The current Interior Department under Secretary Ryan Zinke is reviewing the decadeslong debate over building the road but hasn't committed to supporting it yet.

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#### 7. **COAL: Focus on rookie miners, oversight as fatalities rise sharply**

*E & E News, June 26 | Dylan Brown*

Marius Shepherd made nine.

The Alabama coal miner died June 19 after leaping from a runaway locomotive that was hauling supplies into the Oak Grove mine in central Alabama, according to the United Mine Workers of America. He was 33.

More coal miners have died already this year than in all of 2016, the safest year on record for an industry that has been grappling with safety for centuries (Greenwire, Jan. 4). MSHA says eight coal miners died last year after a ninth accident was recently [determined](#) by the agency to be unrelated to mining.

The doubled fatality rate and state-level cutbacks will greet whomever President Trump nominates as assistant secretary of Labor for mine safety and health.



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While Trump made big promises about putting coal miners back to work, UMWA spokesman Phil Smith said the president is "curiously silent" on the Mine Safety and Health Administration.

"That's a problem, frankly, when you're in a year where you've already had this many fatalities," Smith said. Safety "would be part of your goal if you're standing up for coal miners."

With Trump's promises to scrap regulations, his administration has already started negotiating a settlement with coal companies over an Obama-era crackdown on mines that repeatedly violated safety rules (Greenwire, May 23).

But Bruce Watzman, senior vice president for regulatory affairs for the National Mining Association, said the lack of an appointee at the helm of MSHA is not the problem.

"They have a very experienced team of professionals over there who have many, many years working in coal and coal enforcement," Watzman said, noting former MSHA chief Joe Main spent decades working for the miners' union.

On the day of Shepherd's death, the Department of Labor was unveiling a miner training initiative. While Shepherd wasn't a rookie, six of the workers killed in nine fatal mine accidents this year were "red hats," the name given to miners with less than a year's experience for the color of their helmets.

"We at MSHA will be working closely with mine operators and miners to eliminate these fatalities," said Patricia Silvey, the deputy assistant secretary of Labor, MSHA's de facto leader.

Through Sept. 30, federal training officers will visit coal mines, reviewing training programs and observing young miners on the job to identify room for improvement.

Inspectors already conducted "walk and talks" about working alone during their regular visits as part of another initiative launched last month after a spate of fatalities involving miners working alone (E&E News PM, May 2).

The problem for the miners' union is that operators are "encouraged" but not required to participate.



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"The UMWA is not and never has been in favor of so-called 'compliance assistance' programs, and this one is no different," President Cecil Roberts said in a statement. "To be effective, MSHA's program must be training everyone receives."

Roberts said MSHA didn't reach out to the group on the initiative, but the union will undertake its own outreach at mines where it still represents roughly 20 percent of the national workforce.

Compliance assistance was a buzzword, UMWA's Smith said, before the 2006 Sago, W.Va., disaster when 12 miners died at coal mine that was owned then by Trump Commerce Secretary Wilbur Ross (E&E Daily, Dec. 6, 2016).

"When you let up on enforcement and you want to coddle operators and ask them to comply and assist them with complying, instead of making them comply," Smith said, "you will inevitably, at least our experience is, see a increase in bad accidents, bad injuries and fatalities."

The mining trade group's Watzman countered that compliance assistance has proven successful in other industries and at other agencies, such as Labor's Occupational Safety and Health Administration. The Obama administration also pushed for it under Main as another set of eyes.

"When you don't have the threat of a citation, the dialogue and the discussion is quite different," Watzman said.

#### **Red hats**

Main lamented Shepherd's death as a distressing sign.

"Our progress preventing coal mine deaths slip away," he wrote on Twitter. "Already more than all last year, what's driving it?"

It's partly that 2016 had a dramatically low fatality rate.

Before World War II, as many as 3,242 coal miners died in a single year (1907). After 1947, coal fatalities never again topped 1,000 a year, driven mainly by the workforce's massive contraction as mines mechanized. But even accounting for fewer workers and slumping production, coal fatality and injury rates steadily fell to last year's historic low.

Yet while coal deaths are up, fatalities are down in the rest of the mining industry.



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"Clearly, something is going on," Smith said.

This year's uptick in coal production from its own record low in 2016 has led to a handful of new mine openings and more shifts at existing mines (Climatewire, June 6).

But the downturn saw many ex-miners leave for new jobs or new towns, with only red hats to take their place.

"Anytime you start bringing new workers into the workforce, there is a potential for incidents to occur," said Watzman of the mine industry group.

When MSHA launched its safety push, he said, companies were already talking about training as critical but competency as key.

According to MSHA, seven deaths this year involved workers who had been at a particular mine less than a year, and injury rates for them were double that of workers at a mine for more than a year.

"Just because you've trained someone for eight hours or whatever regimen of time doesn't mean they've fully acquired the skills to do the tasks," he said.

Mentoring is key, for both the industry group and the union.

Smith said the union is "making sure people understand how important it is to keep every aspect of safety on their minds when they're at work."

#### **Less oversight**

Another concern is that states are rolling back their oversight efforts.

Five of the deaths this year were in West Virginia, including one at a preparation plant owned by the state's governor and coal operator, Jim Justice (D) (Greenwire, April 26).

State legislators proposed for a time to do away with their state inspections agency, according to the Charleston Gazette-Mail.

In Kentucky, which has had two fatalities this year, the Legislature did away with the Kentucky Mining Board.



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The Kentucky Energy and Environment Cabinet said the advisory panel's duties were duplicative of other agencies', but mine safety attorney Tony Oppegard told Kentucky Public Radio, "It sends a bad message to coal miners that the state government really doesn't care about their safety."

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#### 8. **SUPREME COURT: Justices decline mine spill, air pollution cases**

*E & E News, June 26 | Amanda Reilly*

The Supreme Court today declined to add two environmental cases to its docket for the fall term.

Justices denied New Mexico's attempt to bring a lawsuit against Colorado over U.S. EPA's 2015 Gold King abandoned mine spill.

The court also declined to review a case over EPA authority to apply emissions standards during industrial equipment malfunctions.

The decisions came as the high court issued its final opinions for the current term and agreed to hear oral arguments in the fall over President Trump's immigration and travel executive order.

In the mine case, New Mexico says actions by Colorado helped lead to the August 2015 rupture at the Gold King mine, which sent 3 million gallons of water laced with toxins down the Animas and San Juan rivers.

U.S. EPA contractors helped cause the spill while working to prevent such an outcome. The Gold King site is near Silverton, Colo., but the spill affected New Mexico, Utah and tribes downstream.

New Mexico said Colorado regulators were responsible for employing a "risky strategy" by approving the plugging of abandoned mine shafts like Gold King's with bulkheads to contain wastewater.

In June 2016, New Mexico leaders moved to bring a complaint against Colorado in the Supreme Court, which hears interstate disputes.



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"Besides Colorado's direct role in the Gold King Mine release, Colorado is directly responsible for the hazardous conditions that preceded the catastrophe," New Mexico alleged.

But both Colorado and the federal government had urged the Supreme Court to pass on the case, arguing that New Mexico's case was barred or pre-empted by federal law.

They also argued the case would overlap too much with litigation that New Mexico brought in federal district court against EPA and the mine's operators. That lawsuit is still pending.

If New Mexico got its way in the Supreme Court, the Justice Department also argued it would "interfere with EPA's ongoing response actions." EPA added the Gold King site to the Superfund National Priorities List in September 2016.

It takes the votes of four justices to take up a case. According to today's announcement from the court, Justices Clarence Thomas and Samuel Alito, both from the conservative wing, sided with New Mexico.

The order rejecting the case said Thomas and Alito were partial to the litigation because of arguments by Thomas in a dissent last year to the court's decision not to hear marijuana-related litigation that Nebraska and Oklahoma brought against Colorado.

"The complaint, on its face, presents a 'controvers[y] between two or more states' that this court alone has authority to adjudicate," Thomas wrote then. "The plaintiff states have alleged significant harms to their sovereign interests caused by another state.

"Whatever the merit of the plaintiff states' claims," he wrote, "we should let this complaint proceed further rather than denying leave without so much as a word of explanation."

James Hallinan, a spokesman for New Mexico Attorney General Hector Balderas (D), pledged that the state would continue its legal fight.

"The Supreme Court's ruling only limited the venue in which the State of Colorado can be sued for the harm done to New Mexico children, families and businesses," Hallinan said in an email. "Attorney General Balderas will continue to fight for economic, social and environmental justice until New Mexico is compensated appropriately by all parties responsible for the horrific impacts of the Gold King Mine Spill."



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#### **Air pollution case**

The Supreme Court today also passed on a case challenging an Obama-era policy requiring industrial facilities to abide by emissions limits during equipment breakdowns.

An industry petitioner, the American Municipal Power Inc., had asked the court to take up the issue in the context of EPA's boiler standards.

In 2011, EPA rejected industry's call to set work-practice rules instead of numeric emissions limits during malfunctions, deciding that limits would apply at all times to industrial boilers, process heaters and smaller boilers.

The U.S. Court of Appeals for the District of Columbia Circuit upheld EPA's approach last year (E&E News PM, July 29).

According to American Municipal Power, a nonprofit corporation that provides services to communities operating municipal electric systems, EPA's standard would be impossible to achieve because malfunctions are "an inevitable fact of industrial life."

AMP also said in its March petition to the Supreme Court that the D.C. Circuit first erred in 2008 when it comes to EPA's authority to regulate emissions during malfunctions (E&E News PM, March 24).

In that litigation, *Sierra Club v. EPA*, the D.C. Circuit found that the agency couldn't automatically exempt sources from emissions limits during malfunctions. The Clean Air Act, the court found, requires continuous emissions standards.

The Trump administration's Justice Department had asked the Supreme Court to pass on taking up the boiler standards issue, arguing that EPA's rule was consistent with the 2008 D.C. Circuit decision.

Nothing in the Clean Air Act requires the agency to take equipment malfunctions into account, DOJ told justices. The administration noted that it would have been nearly impossible to set numeric standards accounting for malfunctions in the boiler standards because of the "myriad different types" of equipment breakdowns.



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EPA is also not required to set work-practice standards under the Clean Air Act, DOJ said. "The rule's treatment of malfunctions is, at a minimum, permissible under the [Clean Air Act]," DOJ said in a court brief.

The limits in the Obama-era rule reflect, the administration said, "a reasonable estimate of the emissions achieved in practice by the best-performing sources" (Greenwire, May 25).

Environmentalists today cheered the court's decision to decline review in the case and said it would have opened up a "loophole" for polluters.

"The government must not hand polluters a get-out-of-jail-free card, and polluters must not force people to live in fear for their health and the health of their families," said James Pew, an attorney at Earthjustice.

"A Clean Air Act loophole for malfunctions gives a perverse incentive for polluting companies to forego necessary investments in maintenance, upkeep and upgrades to their equipment," he said.

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#### 9. **NATURAL RESOURCES: Panel takes up lands, forests and mining bills**

*E & E News, June 26 | Kellie Lunney*

The House Natural Resources Committee tomorrow will vote on 22 bills, including legislation to approve construction of a controversial road in Alaska and other measures related to water, recreation, mining cleanup and forest management.

Members gathered last Thursday to give opening statements on their measures. Chairman Rob Bishop (R-Utah) singled out a few for praise, including the 2017 "Resilient Federal Forests Act" and H.R. 2937, from Rep. Darin LaHood (R-Ill.), which would protect from liability good Samaritans who help clean up abandoned mine sites.

"I congratulate the members for their work on these bipartisan measures," said Bishop.





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H.R. 2936 would encourage forest-thinning projects on public lands to reduce the threat of catastrophic wildfires. The legislation, sponsored by Rep. Bruce Westerman (R-Ark.), would provide dedicated funding to avoid the Forest Service's borrowing from other accounts to deal with fire suppression (E&E Daily, June 23).

Westerman said his bill was about improving the health of federal forests and good stewardship. "It's no secret that federal forest lands are in dire straits," he said.

"Federal forests have become overgrown, disease- and bug-infested, fire-prone thickets, partially due to no active forest management," Westerman said recently. "And unfortunately, this year looks to be another challenging wildfire season."

The panel will take up H.R. 218, sponsored by Rep. Don Young (R-Alaska), which calls for exchanging more than 43,000 acres of state land for 206 acres of federal land within the Izembek National Wildlife Refuge to build a single-lane gravel road connecting the towns of King Cove and Cold Bay.

Young has called claims from environmentalists and others that the road will harm the area "b.s." He and other supporters say the road is desperately needed to provide King Cove residents with reliable access to medical care (E&E Daily, April 6). Sen. Lisa Murkowski (R-Alaska) also has long championed construction.

"I think this is absolutely necessary for the 1,000 residents of King Cove," said Young on Thursday. "If there was to be a life saved, I think it's worth it."

Another bill up for review is Kentucky Republican Rep. Hal Rogers' H.R. 1731, or the "Revitalizing the Economy of Coal Communities by Leveraging Local Activities and Investing More (RECLAIM) Act." The markup has been two years coming for the measure, aimed at boosting coal community economies with \$1 billion in federal coal fee dollars. The legislation has bipartisan support but faces opposition from major coal state Wyoming and mining industry lobbyists (E&E Daily, June 23).

The committee will weigh in on water-related legislation as well tomorrow. Lawmakers will consider H.R. 2939, sponsored by Rep. Scott Tipton (R-Colo.) and dubbed the "Water Rights Protection Act."



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It would prohibit "the conditioning of any permit, lease, or other use agreement on the transfer of water right to the United States" by the Interior and Agriculture secretaries.

Other bills scheduled for the markup are:

H.R. 289, sponsored by Rep. Doug LaMalfa (R-Calif.), to authorize the Agriculture and Interior secretaries to issue permits for recreation services on federal lands.

H.R. 597, from Rep. Jeff Denham (R-Calif.), to take lands in Sonoma County, Calif., into trust as part of the reservation of the Lytton Rancheria of California.

H.R. 954, from Rep. Bob Goodlatte (R-Va.), to remove use restrictions on certain land transferred to Rockingham County, Va.

H.R. 1107, sponsored by Rep. Mark Amodei (R-Nev.), to promote conservation, improve land management and provide for development in Pershing County, Nev.

H.R. 1306, from Rep. Peter DeFazio (D-Ore.), to provide for the conveyance of certain federal land in the state.

H.R. 1397, from Rep. Barbara Comstock (R-Va.), dealing with the transfer of federal land.

H.R. 1404, from ranking member Raúl Grijalva (D-Ariz.), related to land for the Tucson Unified School District and to the Pascua Yaqui Tribe of Arizona.

H.R. 1399, from Rep. Paul Cook (R-Calif.), to reduce the royalty rate for mining soda ash on federal land.

H.R. 1541, from Rep. Lynn Jenkins (R-Kan.), to authorize the Interior secretary to acquire certain property related to the Fort Scott National Historic Site.

H.R. 1719, from Rep. Mark DeSaulnier (D-Calif.), to authorize the Interior secretary to acquire approximately 44 acres of land in Martinez, Calif.



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H.R. 1913, from Rep. Jimmy Panetta (D-Calif.), to establish the Clear Creek National Recreation Area in San Benito and Fresno counties, Calif., and to designate the Joaquin Rocks Wilderness in such counties.

H.R. 1927, from Rep. Lacy Clay (D-Mo.), to establish within the National Park Service the African-American Civil Rights Network.

H.R. 2053, from Rep. Martha McSally (R-Ariz.), to amend the 1977 Surface Mining Control and Reclamation Act to enhance and support mining and mineral engineering programs in the United States by funding activities at mining schools.

H.R. 2425, sponsored by Rep. Jared Huffman (D-Calif.), to support the establishment and improvement of communications sites on or adjacent to federal lands under the jurisdiction of the Agriculture or Interior secretaries through the retention and use of rental fees associated with such sites.

H.R. 2156, from Rep. Steve Knight (R-Calif.), to provide for the establishment of a national memorial and national monument to commemorate those killed by the collapse of the St. Francis Dam on March 12, 1928.

H.R. 2370, from Rep. Matt Gaetz (R-Fla.), to authorize Escambia County, Fla., to convey certain property that was formerly part of Santa Rosa Island National Monument and which was conveyed to Escambia County subject to restrictions on use and reconveyance.

S. 249, sponsored by Sen. Tom Udall (D-N.M.), to provide that Santa Clara Pueblo, N.M., may lease for 99 years certain restricted land, and for other purposes.

Schedule: The markup is Tuesday, June 27, at 10 a.m. in 1324 Longworth.

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#### 10. **PUBLIC LANDS: Panel to home in on 'realistic fixes' to increase drilling**

*E & E News, June 26 | Scott Streater*

A House Natural Resources subcommittee hearing this week will target what GOP leaders call "realistic fixes" to what they say are regulatory barriers that have slowed oil and natural gas development on federal lands.

Specifically, Thursday's Subcommittee on Energy and Mineral Resources hearing will focus on Obama-era regulations administered by the Bureau of Land Management that Republican leaders for years have complained restrict access to valuable mineral resources.

The oversight hearing falls in line with moves by President Trump and Interior Secretary Ryan Zinke to increase oil and gas development and hardrock and coal mining activity on federal lands. Trump has called on Interior to discard regulations deemed "burdensome" to energy development.

"We'll take a look at the BLM's leasing and permitting process during the previous administration, which has become increasingly burdensome, costly and duplicative," according to an emailed statement from Molly Block, a spokeswoman for majority members of the Natural Resources Committee.

A major area of focus at the hearing will be the time it takes BLM to process rights-of-way permits to drill on federal lands.

"BLM is supposed to review pending ROW permits within 60 days, but not a single field office meets that target," the statement says. "In many cases, it takes over six months just to process the permit."

BLM documents leaked to E&E News in April revealed a draft "priority work" list for the agency that calls on it to focus on permitting oil, gas and coal projects and reducing the "backlog" of oil and gas applications for permits to drill (Greenwire, April 10).

"There are realistic fixes and legislative solutions to the former administration's inherent deficiencies, excuses and biases that will be discussed," the statement concludes.



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The four-member witness panel is heavy on industry and government representatives who likely share the view that Obama administration land-use policies hindered oil and gas development.

Among the invited witnesses is Katharine MacGregor, Interior's deputy assistant secretary for lands and minerals management. MacGregor is a former senior staffer with the subcommittee and was recently appointed by Zinke to serve on a task force that's looking at cutting Interior regulations.

Also on the list is the executive director of the New Mexico Oil and Gas Association and Utah Gov. Gary Herbert's (R) top energy adviser.

But the witness panel also includes Mark Squillace, who served a brief stint in the Interior solicitor's office during the Clinton administration. Squillace has argued publicly in favor of Obama administration policies, such as the merits of a proposed Interior hydraulic fracturing rule.

Schedule: The hearing is Thursday, June 29, at 10 a.m. in 1324 Longworth.

Witnesses: Katharine MacGregor, deputy assistant secretary for land and minerals management, Department of the Interior; Ryan Flynn, executive director, New Mexico Oil and Gas Association; Laura Nelson, energy adviser, Utah Governor's Office of Energy Development; and Mark Squillace, natural resource law professor, University of Colorado Law School.

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