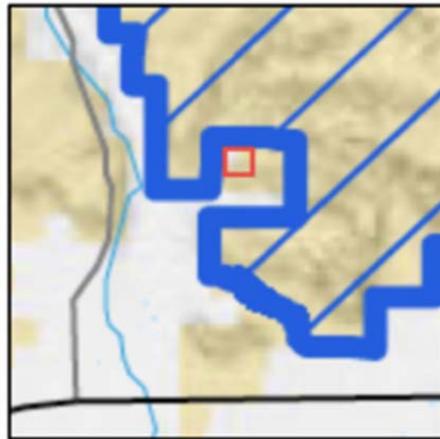
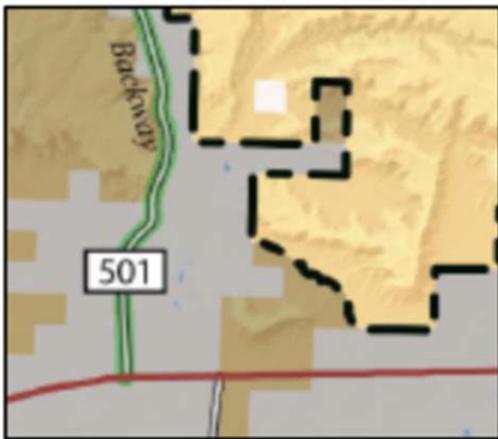


<https://westernvaluesproject.org/report-utah-rep-noel-to-benefit-personally-and-professionally-from-new-reduced-grand-staircase-escalante-national-monument-boundary/>

February 12, 2018 by [Jayson O'Neill](#)

Report: Utah Rep. Noel to benefit personally and professionally from new reduced Grand Staircase-Escalante National Monument boundary

Leading anti-public land Utah Representative Mike Noel's grand carveout leaves many questions unanswered



Left: Existing GSENM boundary with Noel's undisclosed land in white ([Bureau of Land Management](#)). Right: New GSENM boundary drawn to exclude Noel's land from the monument. A red square (added) indicates Noel's property. (Department of the Interior)

Background on Noel

Anti-public lands leader Mike Noel is a [Utah Rep.](#) for District 73 and the Executive Director of the [Kane County Water Conservancy District](#) (KCWCD). He is also a farmer and rancher with a personal stake in the Grand Staircase-Escalante National Monument (GSENM) boundary because his land outside Kanab, Utah straddles the boundary of the GSENM. [Kane County property searches]

Noel has been advocating against GSENM since it was created. He [left](#) his job at the Bureau of Land Management (BLM) over it. Now, he is using his positions of power to benefit himself and his KCWCD at the expense of public lands.

Noel Fails to Disclose Land Ownership in GSENM

Noel, as a Utah state rep, must disclose the names of his companies and what those companies do on his yearly disclosure form. [["Title 20A Chapter 11 Part 16 Section 1604,"](#) le.utah.gov, accessed 11/30/17]

Noel has never disclosed one of his companies, Noel Properties LLC, on his forms. [[Noel Properties LLC,](#) Utah.gov, accessed 11/30/17] [[Michael E. Noel,](#) le.utah.gov, accessed 9/30/17] This company owns \$1.29 million in land, including a 40-acre inholding in the GSENM.

Is Noel trying to hide a conflict of interest by not disclosing the company which owns land in the monument he opposes?

Noel's Undisclosed Land Now Excluded From Revised Monument Boundaries



Noel hosting Secretary Zinke and Congressman Chris Stewart at the KCWCD HQ (posted to Mike Noel's Facebook page from May 11, 2017)

As *The Salt Lake Tribune* [reported](#), "Proposals for a redrawn Grand Staircase were left to Kane County Leaders. They presented their map while meeting with Zinke on May 10..." The county refused to release the maps to the public or press.

The new GSENM boundaries specifically exclude the undisclosed land Noel owns in GSENM from the monument (see map above).

Was Noel one of the "Kane County leaders" who redrew the GSENM boundaries?

Does the Department of Interior know that Noel's undisclosed land was specifically excluded from the new boundaries?

New Boundary Excludes Path of Noel's Folly: The Lake Powell Pipeline

The redrawn GSENM boundary also excludes the path of Noel's Folly, the unnecessary Lake Powell Pipeline (LPP) that, if built, will benefit Noel more than anyone else in Kane County.



Green: area removed from GSENM by Trump. Brown: new monument boundary. Blue line: proposed route of LPP following Highway 89. (Department of the Interior, FERC)

For years, Noel has been using his positions in the legislature and KCWCD to advocate for the \$2 billion LPP.

To cover its share of the LPP costs, a University of Utah economic study shows that Kane County would need to raise property tax rates by 61 percent, increase water rates by 538 percent, and raise impact fees 344 percent “to an average cost of \$28,577 per connection.” [[Gail Blattenberger, et al](#), Letter to Gov. Gary Herbert, 10/7/13]

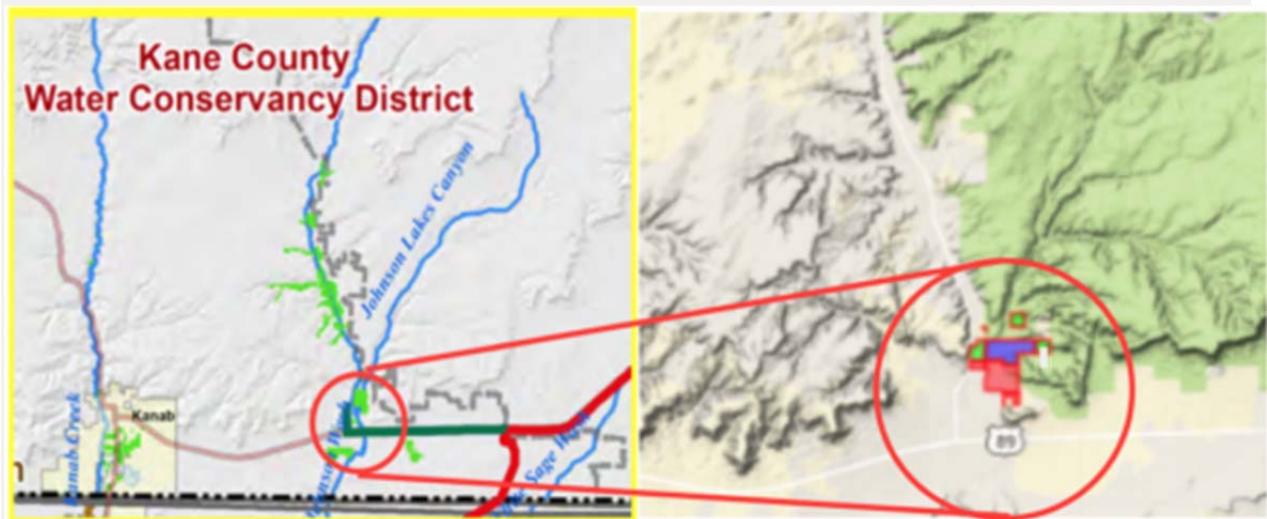
Noel, in the legislature, voted for the Lake Powell Pipeline Development Act (LPPDA) to authorize building the LPP. [[Meeting Minutes](#), Utah House Natural Resources, Agriculture, and Environment Standing Committee, 1/25/06] The LPPDA also created the Lake Powell Pipeline Management Committee, and Noel is a committee member; he told the committee that the KCWCD board of directors was “100 percent committed” to the LPP, even though he didn’t know KCWCD’s share of the cost of the project at the time. [[Meeting Minutes](#), Lake Powell Pipeline Management Committee, 9/11/08]

The assessment prepared for the Utah Division of Water Resources determined that KCWCD doesn’t need the LPP, as existing and new groundwater supplies are sufficient to meet all of the KCWCD’s water needs through the year 2060. The report said the KCWCD’s choice to participate in the LPP may be “simply out of convenience.” [[Utah Division of Water Resources](#)] When an engineering firm produced a report for KCWCD on the district’s projected future water needs to justify the LPP, Noel asked the firm to amend it because he did not think it projected enough water needs in the county. [October 2007 KCWCD minutes]

The Utah Division of Water Resources determined that one of the few areas under the KCWCD's jurisdiction that could benefit from the LPP is the "lower portions" of Johnson Canyon. This land has "substantial water quality issues," and LPP water could be used to "recharge" groundwater "in the Johnson Canyon area to extend the life of the groundwater basin," especially in lower Johnson Canyon. [[Utah Division of Water Resources](#)]

The Bureau of Land Management had concerns about the proposed LPP passing through GSENM, citing the "visual impacts" of a proposed booster pump station. BLM was also concerned about the location of the pipeline's high point regulating tank, which was proposed to be placed at a recreational trailhead in the monument. [[Meeting Minutes](#), Lake Powell Pipeline Management Committee, 3/19/10]

Location of Noel's Land in Lower Johnson Canyon



Left: Irrigated land served by KCWCD is in bright green [FERC folder (20151203-4007(31059550))]. The dark green shows how the route water from LPP would get to Johnson Canyon. The red line is the proposed LPP, which follows Highway 89. Right: Noel's Johnson Canyon agricultural land in bright green, blue and red. This map was created with data from the Kane County property searches.

Noel owns 749 acres of land in rural Kane County, both personally and through two companies (one of which he failed to disclose to the legislature, as required by Utah law). Most of this land is in lower Johnson Canyon, where the KCWCD serves 997 acres of irrigated land. [[Lake Powell Pipeline Water Needs Assessment](#), Utah Division of Water Resources, March 2011]

A map filed with the Federal Regulatory Energy Commission (FERC), the agency responsible for reviewing LPP, show that these irrigated acres in the Johnson Canyon Basin include Noel's property in the same area. (We believe, but have not confirmed, that Noel's land accounts for a significant

portion of the 997 acres of land irrigated with KCWCD water in Johnson Canyon.)

Did Noel help redraw the GSENM boundaries to ease the way for the LPP?

Does the Department of Interior know about this conflict of interest?

Noel's KCWCD could Profit from Selling Water Rights to Fossil Fuel Extractors

Noel's KCWCD, which he has run since 1996, [owns](#) the water rights from the once-proposed Andalex coal mine in GSENM. With the new boundaries, the value of those rights could go up.

When President Clinton designated the GSENM, he stopped Andalex Coal from opening a mine on a site now within the monument boundaries. Andalex donated the \$20 million in water rights it owned to Noel's KCWCD. [[E&E](#), 7/13/16]

Another Broken Promise to Native Americans

Noel and extractive industries will benefit from the redrawn boundaries, but Native Americans will suffer. Noel is leading the way as the federal government reneges on its deal with Native Americans to protect Bears Ears. As the L.A. Times put it:

It is hallowed ground for the Navajo and other Native American tribes whose ancestors scaled cliffs to build stone settlements on ledges and alcoves beneath trackless mesas.

Eleven months ago, descendants of these ancient people notched one of the great political achievements in Native American history. Following 14 months of government-to-government negotiation between the United States and five Native American tribes, President Obama signed Proclamation 9558.

The proclamation, made under the presidential authority of the Antiquities Act to protect public lands, conserves over 100,000 Native American archaeological and cultural sites within the newly established 1.35-million-acre Bears Ears National Monument.

Much of the history of Native Americans in the centuries after European settlement is a ledger of lost land — getting pushed off lands they considered sacred. This time, they gained protection for their land in a way that had never happened before.

That achievement is now under siege by the Trump administration, also in an unprecedented way.

After five years of extensive cultural mapping, the Bears Ears Inter-Tribal Coalition – comprised of the Navajo, Hopi, Ute Indian Tribe, Ute Mountain Ute, and Zuni Tribes – submitted a proposal to the previous administration requesting the 1.9 million acres be protected. The final monument area covered 1.3 million acres.

Despite [widespread support among Native Americans](#) for Bears Ears, Noel and other politicians have been trying to convince us otherwise. Noel even claimed that Native Americans who support Bears Ears were a “[charade](#)” orchestrated by environmental organizations and called for an investigation, which Navajo Nation Council said was “insulting.” Noel also said claims that looting happens in Bears Ears are a “scam,” and that only [badgers dig up artifacts](#). In an astonishing [interview](#) with National Public Radio’s Weekend Edition, Noel continued his disparaging remarks about local Native Americans:

GARCIA-NAVARRO: ...that oppose this. Six out of seven Navajo chapter houses in Utah oppose reducing the size of Bears Ears. Looting and vandalism of Navajo gravesites has been a huge problem.

NOEL: OK. Let’s talk about a couple of things. I do represent the Utah Navajo. The tribal people – if you go down into the reservation in Window Rock, in those areas, I can talk to nine out of 10 Native Americans there – some of my own relatives – and they would tell me that they don’t even know what the Bears Ears is about. They don’t even know what the monument is. They don’t have a clue...

Background on Mike Noel and the Kane County Water Conservancy District

Michael E. Noel has been a member of the Utah House of Representatives since 2002. He serves as chair of the powerful House Rules Committee, which sets rules for each legislative session and is responsible for recommending which bills in the Utah legislature are referred to committee.

Noel has also been the executive director of the Kane County Water Conservancy District (KCWCD) since 1996. KCWCD is a subdivision of the state of Utah that controls water infrastructure in rural Kane County.

Additionally, Mike Noel owns and operates a ranch in Johnson Canyon. Noel grazes cattle on land he owns and also has grazing leases through the Bureau of Land Management, including leases on allotments within Grand Staircase-Escalante National Monument. Noel has been described as “a successful hay grower.”

Mike Noel has built a reputation for hard-lined conservatism and a disdain for federal land management agencies. His brash style has antagonized

environmental advocates for decades; he recently said that “tree huggers and bunny lovers” are to blame for forest fires.

Mike Noel owns \$1.29 million worth of land through an LLC that he does not disclose on his personal financial disclosure form.

Michael E. Noel is the registered agent for Noel Properties, LLC, which is active and in good standing. It was first registered in on 10/24/06. Documents filed with the state of Utah indicate that Noel is also the manager of this company. Noel amended the filings on 9/30/17 to remove his deceased wife, Sherry Noel, as a registered principal. The records say the “business purpose” of Noel Properties LLC is “other crop farming.” [[Noel Properties LLC](#), Utah.gov, accessed 11/30/17]

Noel Properties LLC owns seven properties with a combined value of \$1.29 million in Kane County. [[Search results for Noel Properties](#), Kane.utah.gov, accessed 11/30/17]

Legislators in Utah, as constitutional officers, are required to complete Conflict of Interest and Financial Disclosure forms annually that includes every entity for which the legislator “is an owner or officer,” and “a brief description of the business or activity conducted by the entity.” [“[Title 20A Chapter 11 Part 16 Section 1604](#),” le.utah.gov, accessed 11/30/17]

A Utah law passed in 2014 says that legislators’ financial disclosure forms “shall include...for each entity in which the regulated officeholder is an owner or officer... the name of the entity... a brief description of the type of business or activity conducted by the entity... and the filer’s position in the entity.” [[H.B. 394 Campaign Finance Revisions](#), le.utah.gov, accessed 11/30/17]

None of Mike Noel’s current or past financial Conflict of Interest and Financial Disclosure forms indicate his involvement with Noel Properties LLC. [[Michael E. Noel](#), le.utah.gov, accessed 9/30/17]

Mike Noel is an outspoken advocate of the Lake Powell Pipeline (LPP), a controversial, \$2 billion project that would divert water from the Colorado river as it passes through Utah. Noel has used his positions as a legislator and the executive director of KCWCD to advocate for LPP.

Noel shepherded bills through the legislature to promote the LPP, including the Lake Powell Pipeline Development Act. [[Meeting Minutes](#), Utah House Natural Resources, Agriculture, and Environment Standing Committee, 1/25/06]

Noel is a member of the Lake Powell Pipeline Management Committee, which was created by the Lake Powell Pipeline development act to oversee the development of the LPP. Noel told the committee that the KCWCD board of

directors was “100 percent committed” to the LPP, even though he did not know what KCWCD’s share for the cost of the project would be at the time. [[Meeting Minutes](#), Lake Powell Pipeline Management Committee, 9/11/08]

Mike Noel promotes the LPP in public. He told the Washington County Republican Women that the LPP would help “reach the vision of Brigham Young” to populate Southwest Utah similarly to the Wasatch Front, which Noel said is his vision as well. [Julie Applegate, “[Noel tells Republican women thoughts on Lake Powell Pipeline, monument designations](#),” *St. George News*, 1/6/17]

When an engineering firm produced a report for KCWCD on the district’s projected future water needs to justify the LPP, Noel asked the firm to amend it because he did not think it projected enough water needs in the county. [October 2007 KCWCD minutes]

Mike Noel is a major customer of Kane County Water Conservancy District. Noel owns 749 acres of land in rural Kane County, both personally and through two companies. Noel’s landholdings could explain why he advocates for the controversial Lake Powell Pipeline (LPP) despite its “limited” benefit to water users in Kane County.

The majority of Noel’s land is in the lower part of Johnson Canyon. Maps from the Federal Regulatory Energy Commission (FERC), the agency responsible for reviewing LPP, show that the Johnson Canyon Basin includes 997 acres of irrigated land serviced by KCWCD. (We think, but are not yet sure, that Noel’s land accounts for a significant portion of the 997 acres of land irrigated with KCWCD water in Johnson Canyon.) This lower portion of Johnson Canyon is also plagued by water quality issues, which Noel says has caused water rights to be “taken offline.”

While the state of Utah says the Lake Powell Pipeline would have “a limited service area” within KCWCD, it says that the LPP would greatly benefit and “extend the life of the groundwater” in lower Johnson Canyon, where Noel’s irrigated land is.

The majority of Noel’s land is in Kane County’s Johnson Canyon, where Noel grazes cattle and is a “successful hay grower.” Photos of Noel’s land show that he uses irrigation. [[Salt Lake City Weekly](#), 5/13/15]



This map shows all of Noel's land in Kane County. His agricultural land, shown on the right side of this map, is east of Kanab and straddles the Grand Staircase-Escalante National Monument.

GREEN: Noel Properties, LLC RED: CSM Agriculture BLUE: Mike and Sherry Noel
PALE GREEN: Grand Staircase-Escalante National Monument



In a PBS documentary, Mike Noel was filmed on his ranch east of Kanab. B-roll in the video shows an irrigation system on his property. [John Howe, "Wilderness: The Great Debate," PBS, re-aired 4/1/15(13:37 and 13:51)]

KCWCD serves 997 acres of irrigated land in the Johnson Canyon basin.

[[Lake Powell Pipeline Water Needs Assessment, Utah Board of Water Resources](#), March 2011]. This irrigated land overlaps with land owned by Noel Properties LLC, a company Noel owns but does not disclose on the Conflict of Interest and Financial Disclosure forms required of Utah legislatures. In total,

Noel owns \$1,291,748 worth of land through that company (as explained above).

The Utah Division of Water Resources determined that one of the few areas under the KCWCD's jurisdiction that could benefit from the LPP is the "lower portions" of Johnson Canyon, where Noel's land appears to be. This land has "substantial water quality issues." Overall, the assessment said the LPP would have "a limited service area within KCWCD," but LPP water could be used to "recharge" groundwater "in the Johnson Canyon area to extend the life of the groundwater basin," especially in lower Johnson Canyon, which has the highest per liter TDS. [[Utah Division of Water Resources](#)]

The assessment prepared for the Utah Board of Water Resources determined that KCWCD doesn't need the LPP, as existing and new groundwater supplies are sufficient to meet all of the KCWCD's water needs through the year 2060. The report said the KCWCD's choice to participate in the LPP may be "simply out of convenience." [[Utah Board of Water Resources](#)]

Noel was aware of Utah Division of Water Resources assessment when he advocated for the pipeline in a meeting of the Lake Powell Pipeline Management Committee, a body which was established by the Lake Powell Development Act to oversee the pipeline's construction. As executive director of KCWCD, Noel was a member of the Lake Powell Pipeline Management Committee. [[Lake Powell Pipeline Development Act](#)]

Noel said that some of the water in the Johnson Canyon area is so high in total dissolved solids (TDS) that water rights "have been taken offline." He pointed out that using LPP water in these places would be much cheaper than cleaning it with reverse osmosis. [[LPP Management Committee Minutes, 10/14/15](#)]

Mike Noel's agricultural operation has received a total of \$267,958.29 in federal agricultural subsidies and disaster relief payments between 1995 and 2016.

Between 1995 and 2016, Michael Noel received \$156,471.53 in ag subsidies. Of that amount, Mike Noel received \$30,713 in conservation payments, \$127,674 in disaster payments, and \$84 in commodity subsidies for oats. [["USDA subsidy information for Michael Noel,"](#) EWG Farm Subsidy Database, accessed 11/13/17]

Between 1995 and 2016, Sherry Noel (Mike Noel's wife, who died in January 2016) received \$111,486.76 in ag subsidies, including \$111,423 in disaster subsidies and \$64 in commodity payments for oats. [["USDA subsidy information for Sherry Noel,"](#) EWG Farm Subsidy Database, accessed 11/13/17]

KCWCD pays Mike Noel for right-of-way easements across his ranch property. Meeting minutes also suggest that KCWCD built a water connection and hydrants on Noel's property.

In May 2009, the KCWCD board of trustees voted to “approve a water connection and the necessary line for the water connection and hydrants for Mike. This would be an additional cost beyond the approximately \$4,000 the district owes Mike for the right of way easement across his ranch property.” Noel said he would “dig the lines for the connection and help with the installation.” [KCWCD Meeting Minutes, May 2009]

Mike Noel employs his daughter to work as his “kind of” secretary at KCWCD, but details on her employment are murky.

Jennifer Stewart, Mike Noel's oldest daughter, has worked at the KCWCD since June 2006 or before. Her title is currently listed as “executive secretary.” Noel referred to her as “kind of my secretary.” When KCWCD was accused of violating the Utah state nepotism law, Noel and the board decided she should “go back to being a contract employee working for him,” not the KCWCD.

On KCWCD's website, Jennifer Stewart, Mike Noel's oldest daughter, is listed as the “executive secretary.” The earliest archived version of KCWCD's website from June 2006 lists her as a “part-time secretary.” [[“Staff,”](#) kcwcd.com, accessed 11/09/17 and [“Contact Us,”](#) KCWCD.com, archived 6/26/06]

Describing Jennifer Stewart, Mike Noel said, “she's kind of been my secretary.” [[“A Story to Tell with Mike Noel,”](#) Southern Utah Live, 1/15/17 (06:40)]

At a meeting of the KCWCD board of Trustees in July 2017, Noel “discussed with the board the complaint letter sent to the state by an individual who felt we were violating the nepotism law. Mike and the board discussed this and decided that Jennifer should go back to being a contract employee working for him. The counsel given by (attorney) Legrand Bitner was that we make our own decision on how to handle this issue.” [KCWCD Meeting Minutes, July 2017]

The state of Utah has no records on its transparency website indicating that Jennifer Stewart has been employed at KCWCD since 2011, the earliest year for which it keeps records. In response to an open records request for information about staff compensation in 2017 (2016 is the latest year shown on the website), KCWCD gave us a table of staff and their salaries with no mention of Jennifer Stewart. After we pointed this out to KCWCD, office manager Amanda Buhler promptly sent a revised table indicating Jennifer Stewart was paid \$6,216.00 and said the information was not initially included

because “it was just a simple over look on my part.” [Amanda Buhler email to Brent Manning, 11/8/17]

In another email, KCWCD said it “does not have a copy of any contracts with Michael Noel or any Business entity he or his immediate family have interest in. Also we do not have an anti-nepotism policy.” [Amanda Buhler email to Lori Anderson, 11/16/17]

More than a year after Noel’s son-in-law purchased a truck from KCWCD to use on Noel’s Ranch, Noel had the district pay to repair it.

Mike Noel’s son-in-law purchased a Dodge pick-up truck from KCWCD at auction, likely at the end of 2015. In summer 2017, when the truck developed engine issues, KCWCD paid to fix the truck at Noel’s request.

The only mention of selling a truck that occurred in a 10-year review of KCWCD meeting minutes was in November 2015, when Mike Noel said that KCWCD would have a surplus sale on hauling trucks and 4x4 trucks. Noel told board members that they could bid on the vehicles. [KCWCD Meeting Minutes, November 2015]

In June 2107, Mike Noel told the KCWCD board of trustees that the truck his son-in law-purchased from KCWCD “for their ranching operation” had “numerous problems,” including a “defective motor which had to be replaced.” Noel said repairs would cost \$10,000 and asked the board if there was “any possibility of getting some money back to pay for the costs of the repairs.” The meeting minutes refer to this as “a personal issue.” [KCWCD Meeting Minutes, June 2017]

Mike Noel submitted a request for reimbursement to “to Trevor Stewart for the Flood Canyon Ranch for the Dodge Truck purchased from the Water District.” Noel said the Patrick Painter Dodge Dealership couldn’t do anything to help him “because Stephen Wade took over the dealership.” Noel said the repairs “cost the Flood Canyon Ranch over \$8,000.” Mike asked for reimbursement of half the cost, and the board voted favorably. [KCWCD Meeting Minutes, July 2017]

The board voted favorably again to fund the truck repair in August. After the vote, the board voted to advertise all future vehicle sales “as is.” [KCWCD Meeting Minutes, August 2017]

View the GRAMA documents [here](#).

View the BLM Map [here](#).