

Federal Parks & Recreation

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In this issue. . .

Centennial focus moves to NYC.

On August 22 World Trade Center and Brooklyn Park will light up in honor of the national parks. That will touch off a domino celebration across USA. Critics fault commercialization..... Page 1

Dems would hold on to fed lands.

Party platform also endorses huge park and rec initiative to double size of outdoor economy. GOP more inclined to dispose of public lands, develop them.. Page 3

Greens take Big Cypress to court.

Object to seismic testing. Suit says NPS underestimates impacts. But NPS says any impactful drilling will be reviewed... Page 4

FWS to limit Alaska refuge hunting.

Rule would preempt Alaska policy allowing shooting of bear and wolf predators. Legality issue.. Page 5

Utah polls differ on Bears Ears.

Pew survey finds strong support for monument. Salt Lake paper survey finds opposition..... Page 7

Talk of ocean monuments crests.

Strong backing and criticism for monuments on one Atlantic and two big Pacific monuments.... Page 8

Energy/LWCF, approps up next?

Money bills will probably be deferred until after elections. But energy/LWCF has a shot.. Page 10

Notes..... Page 11

Boxscore of legislation..... Page 13

NPS Centennial to light New York sky; partnerships hit

Three days before the Park Service officially marks its Centennial on August 25, the agency and its partners plan to light up the New York City skyline.

The August 22 light display at One World Trade Center and Brooklyn Bridge Park is projected to trigger a national celebration of the Centennial as part of a "virtual park circuit." That is, each park will "tag" the next one to create a domino effect of events.

Already, the celebration of the agency's Centennial is spurring an increase in visitation in parks across the country. Although the agency's monthly statistical report for visitation at one point this week short-circuited and showed a national increase year-to-date of more than 100 percent, the agency has since revised that increase to 3.03 percent.

(The report went particularly haywire when it recorded Guilford Courthouse National Military Park in Greensboro, N.C., as showing visitation year-to-date in 2016 of 183,765,612, compared to just 123,944 in 2015. The report has since amended that to 177,041 visitors thus far in 2016 at Guilford.)

While the Park Service, the National Park Foundation, concessioners and agency friends continue to promote the Centennial, **there are critics.** Most recently on August 12 three liberal organizations submitted more than 200,000 petitions to NPS headquarters objecting to corporate advertising in the parks.

The petitions targeted NPS Director Jonathan B. Jarvis's proposed Director's Order #21 on philanthropic partnerships. The proposal of March 31 has drawn criticism from numerous groups,

including an alliance of agency retirees called The Coalition to Protect America's National Parks. The critics worry about commercialization of the parks stemming from incentives for employees to raise money.

A central facet of the proposal would authorize Park Service leaders to accept significant donations. For instance the Park Service director could accept more than \$1 million on his own signature but more than \$5 million if he or she had the proper certification and training.

The ceilings would decrease proportionately through various levels of the service down to superintendents, who could accept \$100,000 or less. However, with training, proper qualifications and delegations from above superintendents could accept up to \$5 million.

The liberal groups, led by Public Citizen, agree with the NPS retirees that the proposal would increase commercialization of the parks. "America's national parks have long served as an open resource for all citizens to explore, build social ties and camaraderie, and learn from the natural world void of commercial intrusions," said Kristen Strader, campaign coordinator for Public Citizen's Commercial Alert program, in a letter to the NPS. "This centennial year of the National Park Service is the time to reinvigorate, not abandon, that essential democratic character."

In a different kind of complaint the Public Employees for Environmental Responsibility (PEER) charged last month that individual parks are supposed to have a ceiling on visitors, called a carrying capacity. Yet, said PEER, a survey it conducted of 108 park units showed that only seven had carrying capacities. And of those seven only one had a unit-wide carrying capacity.

"Contrary to the clear dictates of law and official policy, the Park Service appears to be evolving to the position that there can never be too many visitors - a position with which many visitors in long lines would disagree," said

PEER Executive Director Jeff Ruch.

PEER said it checked the carrying capacities of 59 parks, 19 preserves, two reserves, 18 National Recreation Areas and 10 National Seashores in the 411-unit system.

Despite the criticisms, visitors are pouring into the parks. After NPS revised its data through July, it said visitation to all units year-to-date are up 3.03 percent over 2015, and 2015 was a record year. NPS said 185,929,894 visitors have come to the parks this year through July, compared to 180,454,053 in 2015.

The lighting ceremony in New York City will allow participants to control the color of the One World Trade Center. Said director Jarvis, "National parks reflect the innovative spirit of America, because after all, they embody one of our nation's most revolutionary ideas - that some of the most beautiful landscapes, iconic historic sites and culturally significant places should belong to every American. As we celebrate the centennial of the National Park Service this month illuminating the Manhattan skyline reflects this innovative, progressive American spirit and lights the way for the National Park Service as we enter our second century of service."

For their part the House July 14 and the Senate Appropriations Committee June 16 approved fiscal year 2017 spending bills (HR 5538, S 3068) with modest increases for the Centennial.

The House committee said it approved \$65 million in targeted increases above fiscal 2016 levels for the Centennial out of a total Park Service appropriation of \$2.9 billion. The increases include an extra \$35 million for repair and rehabilitation, an extra \$15 million for cyclical maintenance, \$10.7 million for new responsibilities and needs, and several other miscellaneous increases.

In addition to the \$65 million, the committee would set aside \$30 million for Centennial Challenge grants to be met by matching nonfederal contributions. That's twice the \$15 million appropriation Congress approved for the

Challenge program in fiscal 2016.

The Senate committee said it included an extra \$66.5 million for the Park Service Centennial, in addition to \$20 million for Centennial Challenge grants.

But the Obama administration has requested significantly greater increases, including authority to spend more than \$500 million per year.

The NPS statistics are available at: <https://irma.nps.gov/Stats/>.

Dems would keep federal lands, promote new parks

The Democratic Party took a substantially different approach last month than the Republican Party to park and recreation policy in approving a platform for the fall elections.

First and foremost, the Democrats would have the federal government retain public lands. Republicans would dispose of them.

The Democratic platform says, "As a nation, we need policies and investments that will keep America's public lands public, strengthen protections for our natural and cultural resources, increase access to parks and public lands for all Americans, protect native species and wildlife, and harness the immense economic and social potential of our public lands and waters."

As we have reported the Republicans adopted a platform that argues the opposite. It calls for the transfer of "certain" federal land to states. That follows the recommendation of the State of Utah and many western Republicans that the federal government give up tens of millions of acres to the states.

"Congress shall immediately pass universal legislation providing for a timely and orderly mechanism requiring the federal government to convey certain federally controlled public lands to states," says the Republican platform. "We call upon all national and state leaders and representatives to exert

their utmost power and influence to urge the transfer of those lands, identified in the review process, to all willing states for the benefit of the states and the nation as a whole."

In addition to retaining federal lands the Democratic Platform calls for a national initiative to expand park and recreation areas at all levels of government. "Democrats will work to establish an American Parks Trust Fund to help expand local, state, and national recreational opportunities, rehabilitate existing parks, and enhance America's great outdoors – from our forests and coasts to neighborhood parks – so 'America's Best Idea' is held in trust for future generations, and all Americans can access and enjoy natural spaces," says the platform.

The Democrats added, "Democrats are committed to doubling the size of the outdoor economy, creating nearly hundreds of billions of dollars in new economic activity and millions of new jobs."

Political party platforms are notorious for positing unachievable, wish-list policies to arouse the already committed. This time around the difference between the Democrats and Republicans on outdoor policy is particularly stark.

The Republicans adopted their party platform July 18 and the Democrats approved theirs July 26. Election Day is not until November 8. Presidential debates between Republican Donald Trump, Democrat Hillary Clinton and any qualified minor party candidate or candidates are scheduled for September 26, October 9 and October 19.

As to the Republican proposal to dispose of federal lands, the key qualifier is the proposal to unload "certain" lands. Theoretically, that could mean disposal of only those lands designated as excess lands by Bureau of Land Management (BLM) and Forest Service land management plans. Such a policy enjoys almost universal support.

However, the platform makes clear that Republicans are considering wholesale transfers, not just the relatively

few lands cleared for disposal by land management plans prepared by the Forest Service and BLM.

Says the platform, "It is absurd to think that all that acreage must remain under the absentee ownership or management of official Washington."

In a second major Republican conservation recommendation the platform would eliminate a President's authority to unilaterally designate national monuments on federal land under the Antiquities Act of 1906. The Republicans would require Congressional approval of national monuments.

"We support amending the Antiquities Act of 1906 to establish Congress' right to approve the designation of national monuments and to further require the approval of the state where a national monument is designated or a national park is proposed," says the platform.

The Democrats don't mention national monuments and the Antiquities Act.

The Republican platform is available at: <https://www.gop.com/the-2016-republican-party-platform/>. The Democratic platform is available at: <https://www.demconvention.com/platform/>.

Greens file lawsuit against Cypress oil and gas testing

As expected, a coalition of environmentalists last month filed suit against a Park Service decision to authorize oil and gas seismic testing in the Big Cypress National Preserve.

NPS on May 6 said that exploration of 110 square miles of the preserve by Burnett Oil Co. would not cause significant environmental impacts.

The environmental groups, including the National Parks Conservation Association, begged to differ. In their lawsuit filed in the U.S. District Court in mid-Florida the environmentalists said the seismic testing would have significant impacts.

Says the lawsuit, "The Park Service did not provide any scientific evidence that impacts from the seismic survey can be reclaimed or mitigated in order to fully restore the Preserve's wetlands and habitats, or to maintain its wilderness designation eligibility."

To emphasize the point the lawsuit says that in an environmental analysis, "the Park Service summarily and mistakenly asserted that the impacts of the thumper trucks on vegetation and habitats will be minimal, short-term, and similar to those caused by recreational ORVs that utilize the Preserve. However, the thumper trucks are more than twenty times heavier than a recreational ORV. Additionally, vibroseis truck tires are wider than ORV tires and will mat down wider strips of vegetation than typical ORVs."

The lawsuit asks the court to block any activity by Burnett and to direct the Park Service to redo its National Environmental Policy Act review.

The groups also gave the Interior Department notice that they intend to file a second lawsuit alleging the approval of the Burnett proposal violates the Endangered Species Act because the testing would harm endangered and threatened species in the preserve, such as the Florida panther.

Said Jennifer Hecker, director of natural resource policy for the Conservancy of Southwest Florida, a litigant, "Expanding oil and gas activities in this area, especially in light of the onset of fracking in Florida, poses enormous risks to water resources and threatens to undermine the substantial public investment being made to protect and restore a national treasure - the Everglades - which depends on sufficient amounts of clean freshwater."

However, Burnett said it has no plans to begin fracking, yet. Commercial development of the leases would be subject to a separate application and a separate review by the Park Service.

As the *Palm Beach Post* quoted Burnett President Charles Nagel, "We are only planning to conduct a 3-D seismic

survey at this point. Seismic operations have previously been conducted by other organizations within the preserve starting back from 1974. What separates our plan from previous operations is that we are using the most up-to-date, high-tech and least invasive methods to collect data."

NPS said in its finding of no significant impact that exploration of 110 square miles of the preserve would not cause significant environmental impacts.

Burnett Oil holds subsurface oil and gas rights under Park Service lands in Big Cypress that were grandfathered when the preserve was established in 1974 and expanded in 1988 and 1996. Congress designated the 729,000-acre site a preserve rather than a park in anticipation of continued oil and gas development there.

Indeed the Park Service said the first wells were drilled in the preserve area in 1943 and there are still several producing facilities within the preserve's boundaries.

The Park Service said it has no authority to outright reject Burnett's request but it does have authority to force the company to modify its request to minimize impacts. The park said in a press release, "The agency developed enforceable mitigation measures that were included in the assessment and incorporated into the selected action."

For now Burnett is proposing to send specially-adapted off-road vehicles into the north central portion of the preserve. The company would then attach plates to the ground to cause seismic acoustical signals, which might indicate oil and gas deposits.

Burnett Oil, which was founded more than 100 years ago on ranchland in Texas, says it takes pride in its environmental record in ongoing operations in Texas, New Mexico and Wyoming.

The Park Service says 12 of its units, including Big Cypress, now host oil and gas operations. The service on Oct. 23, 2015, completed a draft EIS on new regulations that would subject all

oil and gas development in the national parks to its regulations.

Currently, 60 percent of the 408 units in the National Park System are exempt from NPS oil and gas regulations. The proposal would also require operators to pay the full cost of reclamation. The NPS draft EIS is available at: <http://parkplanning.nps.gov/DEIS9B>.

House Republicans have already taken aim at a separate, proposed Fish and Wildlife Service regulation of Dec. 11, 2015, that would tighten regulations of nonfederal oil and gas rights in wildlife refuges. Before approving a fiscal year 2017 appropriations bill (HR 5538) July 14 the House approved an amendment from Rep. Kevin Cramer (R-N.D.) barring the spending of any money to implement the rule.

In some wildlife refuges private parties own subsurface rights to minerals and are developing those rights. FWS said the proposed rule would make sure that operators are financially liable for any damage they caused to refuges.

FWS completes rule limiting Alaska's predator policy

A dispute over hunting bears and wolves in national refuges and national parks in Alaska August 8 erupted into a national controversy.

That's when the Fish and Wildlife Service published a final rule pre-empting a State of Alaska policy authorizing "intensive predator management" in refuges.

Fish and Wildlife Service (FWS) Chief Dan Ashe detonated the controversy August 3 when he published a blog attacking the Alaska policy. "For example, over the past several years, the Alaska Board of Game has unleashed a withering attack on bears and wolves that is wholly at odds with America's long tradition of ethical, sportsman-like, fair-chase hunting, in something they call 'intensive predator management,'" he said.

"In this context, *intensive* means aggressive and sustained, and *management* means killing," Ashe wrote. "In the name of hunters and hunting, they have approved shooting of brown and grizzly bears over bait; shooting mother bears with cubs, and even the cubs themselves; targeting bears and wolves from planes; and killing wolves and wolf pups in their dens." Emphasis Ashe's.

He added, "But there comes a time when the U.S. Fish & Wildlife Service must stand up for the authorities and principles that underpin our work and say 'no'. That's why this week, we are joining our sister-agency, the National Park Service, and finalizing regulations governing predator management on Alaska refuges." (The Park Service helped draft the regulations.)

Alaska officials hit the roof. Senate Energy Committee Chairman Lisa Murkowski (R-Alaska) objected in particular to the Ashe blog. "I'm very disappointed to see Director Ashe criticizing the Alaska Board of Game and attempting to politicize this issue," she said. "His writing makes clear that this is about ideology and power - not responsible management or good government."

Murkowski defended the state predator program as a needed strategy to prevent wolves and grizzly bears from attacking moose and caribou that Alaskans depend on for food. "What we know, from experience, is that this will not end well for anything but predator populations. I find it shocking that this administration's policies are pointing to a future where we can fill our freezers with genetically engineered salmon, but not the moose and other game we have traditionally harvested in a sustainable manner from our refuges."

The FWS regulation holds that the State of Alaska may not regulate predators in 77 million acres of federal wildlife refuges unless state regulations are based on sound science. The rule does not affect subsistence hunting by Alaska Natives.

There is a major legal question underlying the dispute - how far does the Alaska National Interest Lands Con-

servation Act of 1980 (ANILCA) go in authorizing either the state or the Fish and Wildlife Service to regulate game in federal conservation areas?

Rep. Don Young (R-Alaska) said ANILCA puts the state in charge. "Not only does this rule undermine promises made in the Alaska Statehood Compact, it violates the law by ignoring provisions Senator Stevens and I secured within (ANILCA) to protect Alaska's sovereignty and management authority," he said.

But the Fish and Wildlife Service says ANILCA puts federal land managers in charge. "The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations," said FWS in the regulation. Ashe's blog and background on the regulation are available at: <https://www.fws.gov/news/?ref=topbar>.

Murkowski and Young have legislation in the pipeline to cancel out the FWS regulation. The House on July 14 approved a fiscal year 2017 appropriations bill (HR 5538) that would bar the expenditure of any money on implementing the rule. The Senate Appropriations Committee June 16 approved its version of a spending bill (S 3068) that would do the same thing.

Meanwhile, the environmental group Public Employees for Environmental Responsibility (PEER) August 8 charged that the State of Alaska predator program has all but wiped out wolf packs in Yukon-Charley Rivers National Preserve managed by the Park Service.

PEER said the state program has led to the killing of park-resident wolves when the wolves left the premises of the park.

"A clearly excessive and misguided state predator control program has succeeded in destroying the natural character of one of nation's premier natural places," said Rick Steiner, a retired University of Alaska professor. "We are aware of no other instance in which a

state has so extensively compromised the ecological integrity of a federal conservation area."

On Oct. 23, 2015, the Park Service published a regulation that limits sport hunting in national preserves in Alaska.

Polls not as one on Utah voter opinion of Bears Ears

Two recent polls of Utah voters come up with quite different estimates of support for a Bears Ears National Monument in the southern part of the state.

The most recent poll commissioned by the environmental group Pew Charitable Trusts says a clear majority, or 55 percent, support a monument and 41 percent oppose it. That poll was conducted the last week in July.

Just a month earlier the *Salt Lake Tribune* commissioned a poll that said only 33 percent of Utahns support a monument, or 22 percent less than the Pew poll. The *Tribune* said 39 percent oppose it.

Both polls contacted likely Utah voters. For the Pew Trust the Benenson Strategy Group and Public Opinion Strategies surveyed 600 voters, with an oversample in southeastern Utah where Bears Ears is located.

At the behest of the *Tribune*, SurveyUSA conducted a Hinckley/Tribune poll between June 2 and June 8 of a larger sample, 1,500 voters.

On the table in each poll was a proposal from five Indian tribes and environmentalists for a 1.9 million-acre Bears Ears national monument designated by President Obama. Five Indian tribes located near the area are leading the campaign - the Ute Mountain Ute, Zuni, Hopi, Navajo, and Ute Tribe of the Uintah and Ouray.

The U.S. House and Senate Utah delegation is trying to resolve the future of Bears Ears legislatively. Reps. Rob Bishop (R-Utah) and Jason Chaffetz (R-Utah) July 14 rolled out a massive

Public Lands Initiative (HR 5780) that would protect 1.4 million acres of the Bears Ears region of southern Utah. The bill would designate two national conservation areas totaling 858,000 acres and a wilderness area.

HR 5780, which Bishop has promised to mark up next month in the House Natural Resources Committee he chairs, doesn't just address Bears Ears. It would also designate uses for 18 million acres in seven Utah counties. Sen. Mike Lee (R-Utah) is expected to introduce a counterpart bill.

HR 5780 would designate 41 wilderness areas, 11 national conservation areas, 13 special management areas, an 867-acre Jurassic National Monument, and several segments of the Colorado and Dolores Rivers as wild and scenic.

The bill would also designate 1,000 miles of RS 2477 rights-of-way (ROWS), thus transferring ownership to the state or counties that claim them in Uintah, Duchesne, Carbon, Emery, Grand, and San Juan Counties. The counties have filed claims in federal court to the ROWs.

Secretary of Interior Sally Jewell and Under Secretary of Agriculture Robert Bonnie held a public hearing in Bluff, Utah, July 15 on both Bishop's areawide proposal and the Native/environmentalists proposal for Bears Ears. A Jewell spokeswoman told us the administration would consult the public before designating a monument and would work with Bishop and Chaffetz.

Separately, Bishop and Chaffetz introduced a second bill, HR 5781, that would forbid designation of any national monument by the Obama administration in the seven counties covered by HR 5780, including Bears Ears.

The Utah delegation promised to move fast on the legislation. "The House Committee on Natural Resources will hold a markup of the Utah Public Lands Initiative Act during the September work period. . . The markup will provide an opportunity for technical errors to be corrected, amendments to be offered, and language clarified before it

goes to the House Floor," the bill sponsors told Jewell just prior to bill introduction.

The conservation group Southern Utah Wilderness Alliance (SUWA) has posted a chapter-and-verse denunciation of the Utah conservation lands bill.

SUWA offered a sweeping critique, charging, "Utah's congressional delegation will no doubt repeat ad nauseam their talking point about 4.6 million acres of federal land 'designated for conservation' in the PLI. Don't believe it. The big acreages proffered by Rep. Bishop are disingenuous, as a hard look at the bill reveals that the PLI is a cobbled together mess that maximizes resource extraction and includes land 'protections' riddled with loopholes."

SUWA objected to, among other things, "bastardized National Conservation Areas that enshrine the Bush-era management plans that designated thousands of miles of off-road vehicle routes," a half-million acres of the Bears Ears area not protected, "Codifies the abysmal Bush-era motorized travel plans in protected areas," and grants many miles of RS 2477 rights-of-way.

But Bishop, chairman of the House Natural Resources Committee, outlined more lofty ambitions in the bill that took three years and some 1,200 meetings to produce:

"The effort of PLI was always to solve problems that have led to acrimony, and to do so by conserving lands worthy of conservation and providing for economic and recreational opportunities for all Utahns. The status quo does not provide that. It's not that the federal government is malicious, but when they own one third of America, it is just too much to effectively manage from Washington. Utah is a public lands state. It has always been, and it always will be. The question is how those public lands are managed. That's where local government has the advantage. PLI takes that premise and builds it to a reality."

More detail on the legislation is available at: UtahPLI.com.

In addition the House July 14 approved a fiscal year 2017 appropriations bill (HR 5538) that would bar the designation of national monuments in 160 million acres of land in eight states - Arizona, California, Colorado, Nevada, New Mexico, Oregon, Utah and Maine.

Lots of talk of Pacific and Atlantic Ocean monuments

Where there is smoke there is fire and there is plenty of smoke about the possibility that President Obama will designate three or more huge ocean national monuments in his final days in office.

Leading off, the Connecticut Congressional delegation August 4 asked President Obama to designate a New England Coral Canyons and Seamounts National Monument 150 miles off the New England coast.

"The New England Coral Canyons and Seamounts area, a pristine hotspot of diverse and fragile wildlife and habitats, is deeply deserving of this designation, and we urge you to employ your authority under the Antiquities Act to protect this area," the Connecticut delegation wrote. "This area is just as precious as any national park, and its riches just as priceless." Sen. Richard Blumenthal (D-Conn.) led the delegation.

Also in the works on the Pacific Coast is the possible expansion of a huge national monument off Hawaii called the Papahānaumokuākea Marine National Monument and the designation of a new monument in federal waters off the California coastline from seamounts, ridges and banks.

There is plenty of resistance. House Republicans July 13 approved an amendment to a fiscal year 2017 Interior appropriations bill (HR 5538) that would block any ocean monument designation within 200 miles of the coast of the United States.

Amendment sponsor Rep. Lee Zeldin (R-N.Y.) did not mention recreational fishing but he did say, "I introduced this amendment on behalf of all those

commercial fishermen, those hardworking commercial fishermen all along the northwest Atlantic concerned that, if this marine monument is enacted by this President, they will be put out of business."

To which Rep. Niki Tsongas (D-Mass.) said, "Instead of honoring this long bipartisan history of the Antiquities Act that has saved so much for our country, this amendment would foreclose any opportunity for local communities to seek to protect their regions' most valued marine resources located in Federal waters."

New England monument: Conservationists released a poll July 12 that indicates 80 percent of Massachusetts and Rhode Island residents support national monument designations off New England. The Conservation Law Foundation used the poll results to champion a Coral Canyons and Seamounts monument.

In its August 4 letter to Obama the Connecticut delegation - two senators and four Congressmen, all Democrats, said, "Though it is not apparent from the surface, beneath the ocean waves there is an abundance and diversity of sea life rivaled in few other places. The New England Coral Canyons and Seamounts area is home to at least 73 different species of deep-sea corals - some that can live for a thousand years or longer. There are countless sharks, whales, dolphins, sea turtles, sea birds and a tremendous diversity of other animals and organisms; many rare and unusual."

But commercial fishermen aren't convinced of the merits of a monument. The National Coalition for Fishing Communities, responding to the Connecticut delegation letter, said, "A monument designation, with its unilateral implementation and opaque process, is the exact opposite of the fisheries management process in which we participate. Public areas and public resources should be managed in an open and transparent manner, not an imperial stroke of the pen."

The comments were attributed to David Frulla and Andrew Minkiewicz of the Fisheries Survival Fund.

Hawaii Monument expansion: In June Sen. Brian Schatz (D-Hawaii) asked Obama to expand fourfold the Papahānaumokuākea monument to incorporate 582,578 square miles of ocean, or 60 percent of the exclusive economic zone (EEZ) around Hawaii.

But on August 5 the Congressionally-chartered, 13-member Western Pacific Fishery Management Council approved a resolution asking the administration to conduct a "public, transparent, deliberative, documented and science-based process" before expanding the monument. The Hawaii members of the council did not vote for the resolution.

The council resolution said the council is concerned about the impacts of a monument on commercial fishing. It worried "that the proposed expansion would harm commercial pelagic fisheries, especially the Hawaii longline fishery, by closing fishing grounds within the EEZ, making it likely that the fishery will become more dependent on the high seas, where it must compete with foreign longline fleets and may have to fish further from Hawaii thus incurring additional costs, increased safety risks and a larger carbon footprint."

Pacific Coast monument: Reps. Sam Farr (D-Calif.) and Ted Lieu (D-Calif.) introduced legislation (HR 5797) July 14 to protect seamounts, ridges and banks in federal waters off the California coastline. They would do that by designating a California Seamounts and Ridges National Marine Conservation Area.

Heretofore most of the focus on national monument designations under the Antiquities Act of 1906 has been on the possibility President Obama will create huge new national monuments onshore in the West, such as Bears Ears in southern Utah (see previous article). Obama has already used the Antiquities Act to designate 24 monuments.

While the national monument focus still remains on the West environmental groups and their supporters on both coasts are advocating for large ocean monuments.

Of Farr's bill Jane Lubchenco,

former administrator of the National Oceanic and Atmospheric Administration, said, "These are extraordinary places. Seamounts off of California support rare deep-water corals and sponges, endangered white abalone, endangered fin and blue whales, and many other iconic species. These remote, deep areas are also a vital frontier for scientific discovery, as research expeditions continue to yield new species and new knowledge."

But commercial fishermen and their allies asked President Obama not to designate a monument. "We ask you to inform the White House Council on Environmental Quality as well as the Secretaries of Commerce and Interior that you oppose the creation of these monuments and support the resolution of the Council Coordination Committee, signed by all eight regional Fishery Management Councils, that fishery management in the US EEZ should continue to be implemented under the (Magnuson-Stevens Fishery Conservation and Management Act)," they wrote Obama July 6.

Energy bill, approps bill headline fall Hill schedule

When Congress returns to work September 6, it will likely accomplish little because of the upcoming November 8 elections, with one exception.

The exception lies at the top of the Senate's agenda in the form of an omnibus energy bill. Both Senate Republicans and Democrats are eager to complete legislation in a House-Senate conference committee next month.

Of importance to the park and recreation world, the Senate-passed version of the bill (S 2012) would make the Land and Water Conservation Fund (LWCF) permanent. And it would set aside \$150 million each year for Park Service maintenance from offshore royalties, but in a separate fund from LWCF.

But the House-passed version of S 2012 contains neither of those provisions. Indeed the House rejected an amendment on the House floor May 25 that would have directed House conferees to accept the Senate LWCF provision. The

House said no in a close 205-to-212 vote.

So the question remains, how hard will the Senate push in a House-Senate conference committee? Ranking Senate Energy Committee Democrat Maria Cantwell (D-Wash.) is all in.

Last month she held a rally in Seattle in support of the LWCF provision. "Working with Sen. Murkowski, we were able to work out a compromise for permanent reauthorization, and that is what we would like to keep in the conference report with the House of Representatives," she said. Murkowski is Senate Energy Committee Chairman Lisa Murkowski (R-Alaska).

Joining Cantwell and recreation officials at the rally were Secretary of Interior Sally Jewell and Rep. Dave Reichert (R-Wash.) Jewell praised Cantwell, "We need places that will be untouched for future generations. She's been a real advocate for this, and it's not easy being in Congress."

With Cantwell on board that makes Murkowski's support crucial. Thus far she has been a strong supporter of a permanent LWCF. Her office did not respond to our inquiries about the upcoming conference.

There will be pushback. House Natural Resources Committee Chairman Rob Bishop (R-Utah), a leader of House conferees, spoke out against support for the LWCF provision in May.

He said the House should not insert into the energy bill provisions the whole House has not approved yet. "This now asks us to do something that has never been endorsed by the House. In fact, it is quite the opposite," he said.

Bishop has introduced a "discussion draft" bill that would extend LWCF for seven years and substantially realign program priorities.

Bishop's draft would slash funding for the federal side of LWCF but give greater support to the state side. States traditionally receive a small

fraction of the total LWCF pie; the draft Bishop bill would guarantee them 45 percent. In addition Bishop would allocate five percent of LWCF to an urban recreation fund, sort of a follow-on to an Urban Parks and Recreation Recovery program. He would allocate just 3.5 percent to federal land acquisition.

Because Congress left on a seven-week vacation July 14, the conference will not begin until mid-September at the earliest.

LWCF is not in danger of expiring any day soon. Congress extended the fund for three years in a fiscal 2016 appropriations law (PL 113-114 of Dec. 18, 2015) through fiscal 2018.

But supporters want to lock in LWCF now. Although there are several other legislative initiatives to do that floating around in Congress, the energy bill provides a golden opportunity.

Bishop has support in his resistance to the LWCF provision. The American Land Rights Association is asking its members to contact House and Senate members to oppose the provision in the Senate version of S 2012.

On the appropriations front the House Appropriations Committee June 15 (and the whole House on the floor July 14) and the Senate Appropriations Committee June 16 approved the following LWCF allocations for fiscal 2017, compared to fiscal 2016:

The House bill (HR 5538) recommends an appropriation of \$145.8 million, or \$88.4 million short of a fiscal 2016 appropriation of \$234.2 million. The committee also would reduce the state side of LWCF by \$30 million, cutting it from \$110 million to \$80 million.

The Senate committee bill (S 3068) recommends \$40 million more for federal land acquisition than the House panel, approving \$184.4 million. The senators would also allocate \$10 million for state grants, a total of \$110 million.

However, House and Senate leaders from both parties acknowledge the appro-

priations bill will not move until after the elections.

Hunting and fishing: Both House and Senate versions of S 2012 include a package of sportsmen's bills, including a provision to declare public lands open to hunting and fishing unless specifically closed.

However, the House sportsmen's package includes provisions the Obama administration objects to, such as the delisting of the gray wolf from the Endangered Species Act in Wyoming and various provisions authorizing the carrying of guns.

Notes

Jarvis addresses sex harassment.

(This item is a little dated but important.) NPS Director Jonathan B. Jarvis last month reemphasized to all agency employees that he expects zero tolerance of sexual harassment in the agency. In a July 20 memo to all 22,000 NPS employees Jarvis wrote, "I want to clearly state that this means that when incidents of harassment are reported, I expect NPS managers to follow up on those allegations. Specifically, in situations involving alleged harassment, including sexual harassment, I expect NPS managers to initiate an investigation of the allegations and to act promptly to ensure that harassment, if confirmed, does not continue. I also expect appropriate disciplinary action to be taken if any allegations are verified." NPS has been bedeviled by charges that managers have looked the other way when employees filed charges of sexual harassment. The two most notorious incidents were reported at Grand Canyon National Park and Cape Canaveral National Seashore. According to a January report of the Interior Department Inspector General (IG), numerous employees reported instances of sexual harassment in the Grand Canyon River District over 15 years. And the response of National Park Service supervisors was muted, at best. At Cape Canaveral the IG in a June 13 report said that a law enforcement supervisor over the last five years "has shown a pattern of sexual harassment involving (a) law enforcement employee and two other fe-

male employees at CANA.”

Murkowski thanks NPS on Wrangell.

The Park Service has extended until the end of this month a comment period on a new backcountry management plan for the Wrangell-St. Elias National Park and Preserve. Senate Energy Committee Chairman Lisa Murkowski (R-Alaska), who oversees the Park Service, requested the extension. Said Murkowski, “This extension will help ensure that Alaskans have a say in how the federal government proposes to manage wilderness and backcountry areas in our state. The NPS is considering changes that will affect the way the park operates for decades to come. I’ve heard from many concerned Alaskans who use the park on a regular basis—whether for subsistence purposes, recreational use, or as a base for operating concessions - that they simply need more time to digest this plan and work with the Park Service during this busy summer season.” Wrangell-St. Elias is the largest unit of the National Park System with almost 13.2 million acres. The proposed plan addresses management of 9.4 million acres of wilderness and 1.5 million acres of other backcountry. The proposed plan would update a 1986 management plan and govern visitor use and concessioner operations.

Court backs BLM on OHV decision.

A federal circuit court August 15 once again endorsed off-highway vehicle (OHV) use in the Imperial Sand Dunes Special Recreation Management Area in California. For a decade environmentalists have challenged Bureau of Land Management (BLM) decisions that delineate areas open for OHV use and areas closed to the use. In this most recent case the Ninth U.S. Circuit Court of Appeals upheld a BLM decision to expand access in the area, despite the presence of a threatened species, the Peirson’s milkvetch. The circuit court, as a district court before it had done, ruled that BLM made a judicious decision in allocating some of the recreation area to OHV use and in protecting most of the rest. In the legal issue at hand the Ninth Circuit upheld a Biological Opinion on the Milkvetch that BLM adopted. In 2013 BLM completed a management plan that opened 127,000 acres of the recreation management area to OHV use, while

closing 26,098 acres of a North Algodones Dunes Wilderness Area and 9,261 acres of milkvetch habitat. The opinion is at: <https://www.ca9.uscourts.gov/opinions/>. Scroll to August 15.

Yellowstone visitation slows.

Although most national park units have been receiving the expected big boost in visitation in this Centennial year of the system, Yellowstone National Park’s increase slowed last month. For the first six months of 2016 visitation was up by some seven percent compared to 2015, but visitation in July was up only 1.5 percent over July 2015. In fact three of the five park entrances showed a decrease in visitation in July. As we report on page one of this issue, visitation Park System-wide is up by about three percent for the year.

Missouri gets new park.

Missouri Gov. Jay Nixon (D) opened the state’s 88th park last month. The Echo Bluff State Park will offer both rustic and full-service campsites and activities such as kayaking, canoeing, fishing, hiking, etc. The park is located in the Ozark Mountains in Missouri. Guest Services, Inc. will serve as the chief concessioner. Nixon received the 2015 Sheldon Coleman Great Outdoors Award from the American Recreation Coalition for his support for outdoor recreation. More information on Echo Bluff State Park is available at: <https://mostate-parks.com/>.

FS planning committee to meet.

A Forest Service advisory planning board will meet next meet August 30 to September 1 in Washington, D.C. Members may also attend via webinar and conference call. The agenda calls for further “deliberations” on advising the Forest Service. The National Advisory Committee for Implementation of the National Forest System Land Management Planning Rule Committee was formed to advise the service on implementation of its March 2012 planning rule. That rule guides individual national forests in revising their forest plans. The advisory committee is made up of representatives of many interests. More information is available at: <http://www.fs.usda.gov/main/planningrule/committee>.

Boxscore of legislation

Fiscal year 2017 appropriations

HR 5538 (Calvert), S 3068 (Murkowski). House approved July 14. Senate committee approved June 16. Both committees would trim LWCF spending, include fire and PILT appropriation in bill. The administration asks for more conservation spending, including full funding for LWCF.

Fiscal year 2016 appropriations (full-year)

HR 2029 (Dent). President Obama signed into law Dec. 18, 2015, as PL 114-113. Increases spending over fiscal 2015, but wildfires and PILT reduce the total. Few riders make the cut.

Land and Water Conservation Fund

S 338 (Burr), S 890 (Cantwell), HR 1814 (Grijalva), S 2012 (Murkowski), S 1925 (Heinrich), S 2165 (Cantwell), unnumbered draft (Bishop), HR 4151 (Simpson), HR 2029 (Dent). Fiscal 2016 appropriations bill extends program as is for three years. Grijalva introduced April 15, 2015. Senate approved Murkowski bill April 20. Bishop posted draft November 5, 2015. Simpson introduced December 1, 2015. All but Bishop would extend program at \$900 million per year in perpetuity. Bishop would extend for seven years. S 890, HR 1814 and S 1925 would guarantee the money each year. Simpson would change allocation to 40 percent federal, 40 percent state and related initiatives and 20 percent flexible.

Urban park fund

HR 201 (Sires). Sires introduced January 7, 2015. Would authorize HUD grants and HUD loans to provide assistance to urban parks.

NPS Centennial

HR 3556 (Grijalva), S 2257 (Cantwell), HR 4680 (Bishop). House committee reported Bishop bill May 19. Senate approved placeholder legislation (S 2012) April 20. S 3556 and S 2557 are administration bills that would have Congress put up an additional \$800 million for the Park Service Centennial in 2016. Fiscal 2016 spending bill includes extra \$100 million for program. HR 4680 includes little new

money but several important program authorizations.

Federal land recreation fees

HR 1991 (Bishop), HR 2822 (Calvert), S 1645 (Murkowski), HR 719, S 2706 (Wyden), HR 4790 (Blumenauer). House committee approved HR 1991 April 29, 2015. Senate hearing September 17, 2015. Weyden and Blumenauer introduced March 17. President Obama signed into law an extension of the fee law through Sept. 30, 2017, as part of PL 114-53 of September 30, 2015. House bill would revise FLREA. Wyden and Blumenauer would streamline rec fees and permits.

Emergency fire spending

HR 167 (Simpson), S 235 (Wyden), S 508 (McCain), S 1645 (Murkowski), HR 2647 (Westerman). Simpson introduced January 6, 2015. Wyden introduced January 22, 2015. McCain introduced February 12, 2015. Senate committee approved S 1645 June 18, 2015. House approved HR 2647 July 9, 2015. All would shift emergency fire fighting costs out of line appropriations and into disaster spending. McCain would also increase timber harvests. Appropriators did not include provision in fiscal 2016 spending bill above.

Monument restrictions

HR 330 (Young), HR 488 (Amodei), S 437 (Murkowski), HR 900 (Labrador), S 228 (Crapo), HR 3946 (Gosar). Young introduced January 13, 2015. Amodei introduced January 22, 2015. Murkowski introduced February 10, 2015. Labrador introduced February 11, 2015. Crapo introduced January 21, 2015. Gosar introduced November 5, 2015. All would require Congressional or state approval of national monuments.

Wetlands regulations

HR 594 (Gosar), HR 2028 (Simpson), S 1140 (Barrasso). House approved HR 2028 May 1. Barrasso introduced April 30, 2015. Would forbid completion by EPA of regulations expanding kinds of water bodies requiring wetlands permits.

Surface transportation

S 1647 (Inhofe), HR 22 (Davis), HR 3763 (Shuster). President Obama signed into law (PL 114-94) on Dec. 4, 2015. Revises law for next six years.