

Federal Parks & Recreation

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A personal note from Publisher Jim Coffin:

Effective at the end of this month (December 2016) I will discontinue publication of *Federal Parks & Recreation* as a freestanding publication, after 34 years, barring an unlikely last-minute acquisition of the newsletter.

For those of you who have a few months left on your subscriptions in 2017 we will continue to provide coverage as an addendum to our sister publication *Public Lands News*, and we will send you *Public Lands News* at no charge. After June 30, 2017, we will discontinue *Federal Parks & Recreation* altogether.

Those of you who will receive the combined *Public Lands News* and *Federal Parks & Recreation* newsletter next year will not have to pay any additional fees.

I am closing down *Federal Parks & Recreation* to concentrate on publishing *Public Lands News*. At 75 years old, I find writing two newsletters is a bit much. My health appears to be holding – all clear on a half-dozen recent medical inspections.

I will dearly miss the interaction with all of you. It has been a joy watching the outdoors come of age politically and receive the attention it deserves.

Thank you,
Jim Coffin, Editor and Publisher

Congress lays the groundwork for Centennial programs

Virtually out of nowhere December 9 Congress gave final approval to a watershed National Park Centennial program in the very last seconds of the 114th Congress. President Obama signed the bill into law December 16 as PL 114-289.

The measure (HR 4680) includes a Centennial Challenge Fund, a National Park Foundation Endowment and expansion of National Park Foundation authorities, but with minimal funding.

Those three initiatives are relatively noncontroversial. More controversial, the bill would increase senior citizen America The Beautiful Pass rates from \$10 now to either \$20 annually or \$80 permanently.

The Obama administration requested most Centennial provisions in the bill, albeit with significantly more money per program than Congress approved.

The Western Slope No-Fee Coalition is not pleased with the senior citizen fee increase. It told its members December 14 in a bulletin, "The \$20-\$35 million in anticipated additional revenue (depending on whose estimate you choose) will make little dent in the Park Service's claimed maintenance backlog of \$12 BILLION. All of this is being done in the guise of celebrating the centennial of the National Park Service, although why making the Parks more expensive to visit constitutes a 'celebration' remains a mystery."

Other parks advocates were more sanguine. Said Dan Puskar, executive director of the Public Lands Alliance, which represents nonprofits that do business with NPS, "This bill creates new, long lasting opportunities for grassroots, charitable organizations to collaborate with the National Park Service on educational programs and increase resources for volunteerism."

Puskar singled out the Challenge Fund for praise. "Most importantly, the act establishes a Centennial Challenge Fund, building on almost a decade

of successfully leveraging private dollars with federal funds to improve visitor infrastructure, engage youth and veterans, rehabilitate historical assets and offer exceptional learning opportunities," he said.

The House approved HR 4680 December 6 as a stand-alone Centennial bill in anticipation it could be added to a comprehensive energy bill (S 2012) that was at the time in a House-Senate conference committee. However, the energy bill failed.

The stand-alone bill did not fail, perhaps in part because of support from a broad alliance of conservationists called the National Parks Second Century Action Coalition.

It wrote all House members just before the House approved HR 4680 December 6, "With the National Park Service Centennial this year, now is the time to ensure our parks are ready for another 100 years of protecting our most treasured resources and nation's history for the American people and international visitors."

Signing the letter were such groups as the Public Lands Alliance, the National Parks Conservation Association, the Outdoor Industry Association and the Coalition to Protect America's National Parks.

Sen. John Portman (R-Ohio) picked up the flag and brought HR 4680 to the Senate floor December 9 as the very last piece of legislative business for the 114th Congress. Only one obstreperous senator could have blocked the bill - as usually happens - but by unanimous consent the Senate approved HR 4680.

Parks advocates have already begun discussions with Portman and other leading Senate supporters on a bulked-up, follow-on bill for next year. Those other supporters include Senate Energy Committee Chairman Lisa Murkowski (R-Alaska), ranking committee Democrat Maria Cantwell (D-Wash.), and Sen. Ron Wyden (D-Ore.)

Said Derrick Crandall, counselor to the National Park Hospitality

Association, "Yes, we're in active talks with the senators." As for the House, he said the advocates were waiting to see how House Natural Resources Committee leadership and staffing sort out for next year.

Said Portman on the signing of the law, "I look forward to working in the future to continue improving the visitor experience and increasing visits to our National Parks for their second century."

Of course essential to any such campaign will be the support of the incoming Trump administration, particularly from Secretary of Interior nominee Rep. Ryan Zinke (R-Mont.) Given President-elect Trump's promise of decreased taxes and increased spending, finding a spare \$1 billion or so per year for the Centennial won't be easy.

Here are the key provisions of HR 4680:

National Park Centennial Challenge

Fund: This matching fund would build on a program that Congressional appropriators have been financing the last two years with \$10 million in fiscal year 2015 and \$15 million in fiscal 2016. Partners have put up twice that amount, according to the National Parks Conservation Association.

The bill would make available for the fund any collections over \$10 million from senior citizen fees. The Western Slope No-Fee Coalition estimates annual collections between \$20 million and \$25 million. So the program couldn't expand much over the current appropriated program.

The money would be used for projects selected by the Park Service, but it recommends that NPS "prioritize deferred maintenance projects, physical improvements to visitor services facilities and trail maintenance."

In its fiscal 2017 budget request the Obama administration recommended an appropriation of \$100 million per year for the program.

The House approved a fiscal 2017

Interior appropriations bill (HR 5538) July 16 that would put up a \$30 million appropriation for the Challenge Fund and the Senate Appropriations Committee June 14 approved an Interior bill (S 3068) that would appropriate \$20 million.

National Park Foundation

Endowment: This endowment would begin with senior citizen fee money of \$10 million per year (presumably money not used by the Challenge Fund) and donations to the National Park Foundation.

The money could be used for "projects and activities approved by the Secretary that further the mission and purposes of the Service."

Senior citizen passes: This is not politically popular. When it came to the House floor ranking House subcommittee on Public Lands Democrat Niki Tsongas (R-Mass.) said, "New revenue generated by fees, especially at the expense of our Nation's seniors, will not solve the issue of deferred maintenance."

The fee hike was criticized by the Western Slope No Fee Coalition. It advised its members when HR 4680 came to the House floor, "While there have been a multitude of bills introduced (and programs authorized) aimed at giving new groups free or reduced-cost access to the public lands - 4th Graders, military families, those with disabilities, veterans, volunteers - it is difficult to understand why Congress has taken this opportunity to reduce a long-standing benefit to seniors. It is being done in the guise of celebrating the centennial of the National Park Service."

LWCF supporter Zinke selected by Trump to head Interior

Barely a week after the Land and Water Conservation Fund (LWCF) was dealt a major setback by Congress, it received a major boost when President-elect Trump on December 15 chose Rep. Ryan Zinke (R-Mont.) as his secretary of Interior.

The setback came when Congress failed to make permanent LWCF. That

provision was included in a Senate version of an omnibus energy bill (S 2012) that was stuck in a House-Senate conference committee as the Congress concluded December 9.

Said Will Rogers, president of the Trust for Public Land on behalf of the Land and Water Conservation Fund Coalition, "We are extremely disappointed that this Congress will adjourn without adopting the bipartisan Senate-passed proposal to make the Land and Water Conservation Fund permanent. LWCF investments are essential to recreation access, economic vitality, and community character all across America."

However, 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.

The boost came on December 15 when Trump chose Zinke to head Interior. The Congressman has consistently supported full funding of \$900 million per year for LWCF as well as permanent authority for the program.

Support on the right for Zinke is not universal. Property rights advocates such as the American Land Rights Association (ALRA) December 20 mounted a campaign against his nomination, asking its members to contact the Trump transition team.

ALRA has consistently criticized federal land acquisition under LWCF.

"Forward this message to anyone on the Trump Transition Team," ALRA told its members in a bulletin. "Critical that you call anyone you know on Trump Transition Team listed below to oppose Rep. Ryan Zinke for Interior. Rep. McMorris Rodgers is far better choice." Rep. Cathy McMorris Rodgers (R-Wash.) was reportedly the Trump administration's first choice for the job, but she was replaced by Zinke.

In addition to his stance on LWCF Zinke has been outspoken in opposition

to the transfer of federal lands to the states. Most famously in January 2015 he told the Montana State legislature, "I will not tolerate selling our public lands."

More recently on June 15 in a House Natural Resources Committee mark-up he voted against a bill (HR 3650) that would have authorized the transfer of up to 2 million acres per state of national forest to a state.

Said Zinke of the bill introduced by senior Republican Don Young (R-Alaska), "I'm starting to wonder how many times I have to tell these guys in leadership I'm not going to allow Montana's public lands to be sold or given away."

Sportsmen and conservation groups praised Zinke, although environmentalists criticized Zinke for frequently supporting commodity development on the public lands.

In support of Zinke Outdoor Industry Association Executive Director Amy Roberts said, "He shares the industry's values specific to the importance of access to and funding for America's public lands and waters and the important role they play as the foundation and infrastructure of the \$646 billion outdoor recreation economy. We look forward to a collaborative relationship and constructive dialogue with him, but we will also be ready to defend the protection of our shared lands and waters - our American heritage - should they be threatened."

Environmentalists criticized the choice. "While he has steered clear of efforts to sell off public lands and supported the Land and Water Conservation Fund, far more often Rep. Zinke has advanced policies that favor special interests," said Jamie Williams, president of The Wilderness Society. "His overall record and the backdrop of cabinet nominations with close ties to the fossil fuel industry cause us grave concern."

As of a week ago Rep. McMorris Rodgers had been considered the frontrunner for the Interior position

but President-elect Donald Trump's son Donald Jr. reportedly preferred Zinke.

President-elect Trump and his son have consistently advocated retention of the public lands, despite a Republican Party Platform that proposes divestiture.

Senate Energy Committee Chairman Lisa Murkowski (R-Alaska) said she would hold hearings on Zinke's nomination "in early January." Murkowski said that in addition to Alaska issues, "I am also eager to learn more about Rep. Zinke's views on the differing roles of state and federal regulators on public lands, how he would restore balance to the multiple use of federal lands, and how he would approach federal lands transactions."

Like the human-powered recreation industry, the powered recreation industry endorsed Zinke. Said the Outdoor Recreation Industry Roundtable, "As a lifelong outdoor enthusiast, hunter and angler, Rep. Zinke understands the importance of access to and funding for America's public lands and waters, and the outdoor industry's critical economic impact."

The roundtable includes such groups as the Motorcycle Industry Council and the National Marine Manufacturers Association.

Zinke's selection creates a political problem for Senate Republican leaders. They had reportedly counted on Zinke to successfully challenge Sen. Jon Tester (D-Mont.) when he comes up for reelection in November 2018.

The National Parks Conservation Association (NPCA) concentrated its fire on the selection of former Texas Gov. Rick Perry (R) as secretary of Energy, a department he would eliminate.

Said NPCA President Theresa Pierno, "As governor, Mr. Perry sought to inhibit efforts to clean up outdated highly polluting coal plants that cause dirty air at Bing Bend and other national Parks."

At least one candidate for the

boss of a line agency has come forward - Utah House Rules Chairman Michael E. Noel (R) as Bureau of Land Management director. Noel is a champion of the campaign in Utah to transfer 31 million acres of federal land to the state.

No announcement has been made but it is rumored that the staff director of the House subcommittee on Public Lands, Erica Rhoad, may be nominated as under secretary of Agriculture for Natural Resources. In that position Rhoad would oversee policy for the Forest Service.

Meanwhile, the Trump administration and its Republican allies continue to gear up to reverse regulations and executive orders from the Obama administration. House and Senate Republican leaders are reportedly preparing to use a Congressional Review Act to revoke Obama regulations posted during the last half of this year.

A prime candidate for reversal is a new National Park Service Director's Order #100 of December 20 that would give protection of the park system priority over uses such as motorized vehicles. (See following article.)

Also on the chopping block might be new oil and gas regulations issued by the Park Service and Fish and Wildlife Service (FWS). FWS posted a final oil and gas rule November 14 that went into effect December 14. NPS announced completion of a counterpart rule November 3 that went into effect December 5.

But revocation of those regulations is child's play compared to a recommendation House Natural Resources Committee Chairman Rob Bishop (R-Utah) forwarded to the Trump transition team December 5. Bishop said that President Trump should roll back controversial national monument designations.

His immediate target is a widely anticipated designation by President Obama of a Bears Ears National Monument in southern Utah. But Bishop also told the Utah press that Trump could by executive order reverse the 1996 designation of a 1.7 million-acre Grand Staircase-Escalante National Monument in

Utah by former President Clinton.

Some scholars believe a President has no such reversal authority under the Antiquities Act of 1906. The Congressional Research Service in a report it prepared last month on the Antiquities Act said that reversals may not be legal. The research service said in its report:

"No President has ever abolished or revoked a national monument proclamation, so the existence or scope of any such authority has not been tested in courts. However, some legal analyses since at least the 1930s have concluded that the Antiquities Act, by its terms, does not authorize the President to repeal proclamations, and that the President also lacks implied authority to do so."

Jarvis follows through on Order #100 to protect parks

Park Service Director Jonathan B. Jarvis December 20 issued an order that insures that protection of the resource is a first priority for the agency, at least for a little while.

In the face of criticism from Republican Congressional policy makers Jarvis signed Director's Order #100 that would have NPS tilt toward protection if the impacts of an activity were uncertain.

At the heart of the whitepaper lies a "Precautionary Principle" strategy. It would establish protection as a priority even if a threat were not clear and imminent.

Order #100 describes the policy this way: "The Precautionary Principle requires that, when an action, activity, or emerging condition raises plausible or probable threats of harm to park resources and/or human health, management should take anticipatory action even when there is uncertainty. When such uncertainty exists, NPS managers will take actions that err on the side of caution to protect resources in accordance with existing authorities, including NPS obligations to prevent

resource impairment . . ."

The order is a prime candidate for a reversal or a rewrite by the Trump administration, but that may take time. NPS devoted four years to writing the Jarvis proposal.

Director's Order #100 is one of two major policies that Jarvis is expected to post in the last days of his watch that would guide the National Park System over the next decades. The other is a "system" plan that assesses the needs of the parks.

NPS described the system plan this way: "The purpose of a System Plan is to provide 'a framework for the proactive direction for the future of the national park system, identifying gaps in the nation's protected natural and cultural areas, and establishing a collaborative conservation system that fully reflects our nation's cultural and natural heritage.'"

A Park Service spokesman has advised us that Jarvis intends to complete the system plan before the Obama administration leaves office January 20.

On issuance of Director's Order #100 Jarvis said, "Our overarching goal of resource stewardship is to manage the resources under our care in an environment that is undergoing continuous change that is not yet fully understood. With this guidance, NPS employees will be better able to protect the extraordinary resources of the National Park System, provide visitors with transformative experiences, and ensure parks are a core of a national conservation land- and seascape."

Senate Energy Committee Chairman Lisa Murkowski (R-Alaska) on November 17 wrote Jarvis, and asked him for an additional 60-day comment period. House Natural Resources Committee Chairman Rob Bishop (R-Utah) did the same thing the next day.

Bishop also met with Park Service concessioners November 15 and told those critics of the order that, if Order #100 were approved, it would be a candidate

for revocation by the next Congress under something called the Congressional Review Act.

Sen. Murkowski said that the precautionary approach could backfire on park visitors. "Under such a precautionary approach, I am concerned that many of the roads and allowable activities in our parks today would be under assault," she wrote. "Traditional lifestyles and tourism economies do not deserve to be put at risk due to management philosophies developed in Washington."

Bishop said the proposed order would go beyond direction from Congress. "I am particularly concerned about the National Park Service adopting a number of operational definitions and goals which have not been addressed by the Congress, including 'expand[ing] land/seascape-scale resource management and connectivity by increasing the use of existing authorities to manage resources outside parks.' I have serious concerns about this management approach and respectfully request that you revisit this policy objective," he said.

Director's Order #100 is available at: https://www.nps.gov/policy/DOrders/DO_100.htm.

The proposed system-wide plan is drawing fire from agency concessioners because it is being prepared with minimal public input. NPS circulated the system proposal only to a handful of key players, and asked those players not to share it with the public.

The National Park Hospitality Association (NPHA) objects to the secrecy. Said association counselor Derrick Crandall, "We were not happy with this System Plan. Especially offensive to me was the prohibition on copying and sharing the draft plan. I was told that review was by invitation only and that I could brief NPHA and ARC members, but could not copy and share the contents of the plan." Crandall is also president of the American Recreation Coalition (ARC).

A Park Service spokesman said the system plan is an internal agency

undertaking. "The system plan is an internal management document which, as opposed to a NEPA document, does not require public notice and comment," said spokesman Jeffrey Olson. "We developed the National Park System Plan in response to 2012 National Park System Advisory Board recommendations on the future of the National Park System. We looked to the Advisory Board for comment. The Advisory Board represents the public."

Hill approves big Everglades project; restoration lags

Congress gave final approval December 9 to a water resources bill (S 612) that would authorize a major Everglades restoration project called the Central Everglades Planning Project (CEPP).

President Obama signed the bill, known as a Water Resources Development Act (WRDA), into law December 16 as PL 114-322.

The Central Everglades Planning Project provision would authorize the expenditure of almost \$2 billion on CEPP - \$976,375,000 from federal coffers and the same amount from the State of Florida.

In describing the importance of CEPP to Everglades National Park, the Park Service said the project "is designed to redirect water that is currently being discharged to the Atlantic Ocean and Gulf of Mexico to the Everglades and Florida Bay. The project optimizes the use of public lands to move additional water to the south. The CEPP will deliver approximately 210,000 acre-feet of water from Lake Okeechobee to the central Everglades every year."

A House-Senate conference committee reached agreement on the final bill December 5 and the House then accepted the conference bill December 8 by a vote of 360-to-61. The Senate gave final approval December 9 by a vote of 78-to-21.

Sen. Marco Rubio (R-Fla.) praised the bill for its CEPP provision. "The

passage of this water projects bill is great news, because we now have the opportunity to make real progress in restoring the Everglades and combatting the toxic algae threatening the livelihoods of thousands of Florida families and businesses," he said. "The Everglades is a national treasure that belongs to all Americans, and we must preserve it for future generations to learn from and enjoy. CEPP is a key piece of that puzzle, . . ."

Currently, the Corps of Engineers, the State of Florida, the Fish and Wildlife Service, the Park Service, Indian tribes and local governments are working on a \$7.8 billion - and counting - Comprehensive Everglades Restoration Plan (CERP) to restore the Everglades over the next 30 years. (CEPP and CERP unfortunately use confusingly similar acronyms.)

Various projects in CERP have been approved by past versions of WRDAs. A 2000 WRDA requires the feds and the state to each put up half of the money needed for each project. Florida appears to be doing its part because Florida Gov. Rick Scott (R) signed into law April 7 state legislation that would guarantee at least \$200 million per year for Everglades restoration. Although Congress has approved several CERP projects, the Corps didn't clear the CEPP project in time for past WRDA bills.

Congress doesn't approve CERP projects until the Corps of Engineers and other federal and state agencies and Indian tribes prepare environmental documentation and formally approve the documents.

CEPP had trailed some other Everglades restoration projects while the Corps worked on an EIS, which it completed in July 2014. Coincidentally, the Park Service said December 2 that it has adopted the Corps EIS as its own.

Scientists skeptical: Meanwhile, the National Academy of Sciences published a sixth biennial [report](#) December 15 on the restoration of the Everglades and concluded that CERP officials have seriously underestimated

the need for water in the ecosystem.

Said the report, "Sea level rise will reduce the footprint of the system, temperature and evaporative water losses are expected to increase, rainfall may become more variable, and more storage would likely be needed to accommodate future changes in the quantity and intensity of runoff. At the same time, over 1 million acre-feet of the originally envisioned storage has been lost due to design changes, new understanding of project feasibility, and changes to Lake Okeechobee's operating schedule."

The academy used a new estimate of CERP's cost, which began at \$7.8 billion 16 years ago in 2000 and has now doubled to \$16.4 billion. The Corps of Engineers and the Department of Interior prepared the cost estimate, the academy said.

Concluded the academy, "Although the outlook for CERP funding has shown modest improvements since the all-time low in 2012, outlays of funds continue to fall short of what is needed to complete the CERP within the next 50 years. Increased CERP funding would expedite project implementation and the delivery of restoration benefits and ameliorate ongoing ecosystem declines."

The report is not optimistic about the availability of money. "Sixteen years into the restoration (roughly half the original timeline of the CERP), only 16 to 18 percent of estimated total cost has been funded," said the authors.

The report, *Progress Toward Restoring the Everglades*, is available at:

<https://www.nap.edu/catalog/23672/progress-toward-restoring-the-everglades-the-sixth-biennial-review-2016>.

Congress gives up on energy bill and Utah lands bill

Congress failed to act on an ambitious energy bill (S 2012) with important park and rec provisions a fortnight ago as Speaker of the House

Paul Ryan (R-Wis.) said time had run out. The House and Senate on December 9 then called an end to the 114th Congress.

Individual House- and Senate-passed versions of the energy bill included provisions that would have made permanent the Land and Water Conservation Fund (LWCF), established a Park Service Centennial program, opened public lands to sportsmen, and transferred a portion of emergency wildfire money out of appropriations bills and into disaster funding.

Only the Park Service Centennial legislation survived, that in a stand-alone bill that the Senate approved December 9 as the very last piece of legislative business in the 114th Congress. (*See separate article page one.*)

In another major failure Congress let die a Utah Public Lands Initiative bill (HR 5780) that would have protected 1.4 million acres in the Bears Ears area of southern Utah. It would have established national conservation areas totaling 858,000 acres and designated a wilderness area.

The inability of bill sponsor Rep. Rob Bishop (R-Utah) to gain enactment of HR 5780 opens the way for President Obama to designate a 1.9 million-acre Bears Ears National Monument in his final days in office. Although Bishop says President-elect Trump can undo the monument designation, scholars are not so sure.

But that is for next year. For now the blame game has begun for the failure of the energy bill and the Utah bill in this past two-year Congress.

On the energy front Senate Energy Committee Chairman Lisa Murkowski (R-Alaska) and ranking committee Democrat Maria Cantwell (D-Wash.) criticized the House just before S 2012 expired. Said Murkowski, "The reality is that the House is attempting to run us out of time, in order to prevent this bill from moving forward, even though it contains the priorities of dozens of its members. I urge my House colleagues to reconsider and to allow our conference

report to come up for a vote before we adjourn." The House did not reconsider.

Murkowski and Cantwell said a House-Senate conference committee had agreed on such public lands issues as (1) wildfire funding, (2) timber management, and (3) several individual public lands bills. The senators didn't offer any details on the provisions.

In their brief list of provisions that were candidates for the final cut the senators did not include an extension of LWCF.

Not only were the Senate and House admittedly far apart on the substance of a greater energy bill, but some House Republicans said the bill should be scrapped altogether and rewritten next year with a Republican in the White House. That argument apparently carried the day.

For the record in late November House conferees made a new offer to a House-Senate conference committee and Senate conferees responded with their own offer. Neither side released the details of the offers.

On the Utah lands front Bishop blasted the Obama administration, charging that the Interior Department and a coalition of Indian tribes did not cooperate with him on the writing of HR 5780.

Bishop said he had proposed co-management of the area and asked for the Interior Department input but didn't get it. Said Bishop, "It is frustrating that efforts to work with people who claim a great interest in this area are continuously rebuffed with arguments that parrot special interest groups. Ironically, if this group is banking on a monument, they will never get the co-management they want. We're willing to give it to them. Why can't they just say yes?"

The Interior Department took exception the charge that it was not cooperating. "There appears to be a disconnect between public statements and facts here," Interior Department spokeswoman Jessica Crenshaw told

us. "On September 2 Interior provided technical assistance to the Hill which included thoughts on proposed management with the tribes."

Here are some of the provisions that were included in various iterations of the omnibus energy bill:

LWCF: The Senate version of the bill would have made the Land and Water Conservation Fund (LWCF) permanent. And it would have set aside \$150 million each year for Park Service maintenance from offshore royalties, but in a separate fund from LWCF. The House-passed version of S 2012 included neither of those provisions.

In fact the House singled out the Senate LWCF provision for disapproval May 25, directing House conferees to reject the Senate provision in a close 205-to-212 vote.

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 wanted to lock in LWCF now and the energy bill provided a golden opportunity. LWCF gained one important friend in the Trump administration when the President-elect selected Rep. Ryan Zinke (R-Mont.) as his choice for next secretary of Interior. Zinke has traditionally supported permanent authorization for LWCF as well as full funding.

CENTENNIAL: Although a Centennial provision in the energy bill theoretically died when the bill died the Senate came to the rescue December 9 and approved a stand-alone Centennial bill (HR 4680). Bishop was the lead sponsor of the measure.

HAZARDOUS FUELS: This House-passed bill (HR 2647) of July 9, 2015, would not only have shifted emergency fire-fighting costs out of line appropriations and into disaster spending, but would also have increased timber harvests.

The bill, later tacked on to the energy measure, would among other

things have categorically excluded from environmental review hazardous fuels projects in the national forests of up to 15,000 acres, required that at least 50 percent of burned areas be reforested, and required that 50 percent of a major category of projects paid for from the Secure Rural Schools program be spent on timber cuts.

The administration was not on board with the limits on categorical exclusions. Said OMB of HR 2647, "The Administration has substantial concerns with the design and scale of the categorical exclusions, provisions related to post-fire salvage and restoration (including unrealistic timelines for environmental assessments), and unrealistic targets for reforestation given current budgetary resources."

HUNTING AND FISHING: The House approved this bill (HR 2406) February 26 by a 242-to-161 margin, despite threats of a veto from President Obama. The bill was later added to the omnibus energy measure. The administration objected to amendments such as the delisting of the gray wolf from the Endangered Species Act in Wyoming and various provisions authorizing the carrying of guns.

Less controversially, the House bill would have declared public lands open to hunting and fishing unless specifically closed by land managers. The Senate version of an energy bill included that provision but not the provisions the administration opposed.

PARK SERVICE ROWs: The House-passed version of S 2012 would have delegated responsibility to approve energy rights-of-way (ROWs) across national parks to the Interior Department. Presently, only Congress has that authority. The Senate bill did not include the provisions.

RS 2477 and land transfer provisions out of DoD bill

President Obama is expected to sign shortly a Department of Defense authorization bill that is free of

controversial conservation provisions.

A House-Senate conference committee for the most part struck controversial provisions from the bill, such as an initiative to validate Utah county and state claims to 6,000 miles of RS 2477 rights-of-way (ROWS) across federal lands.

The Senate gave final Congressional approval December 8 to the huge National Defense Authorization Act (S 2943).

The controversies sprung from a version of the bill the House approved back in May that would have authorized the RS 2477 ROWs. A version the Senate approved in June would not. A House-Senate conference committee on November 30 dropped the House provision.

The House's RS 2477 provision was part of a larger proposal that would withdraw 625,000 acres of Bureau of Land Management (BLM) property for a Utah Test and Training Range. A second, related provision would have allowed the Defense Department to control more than 800,000 acres of the Desert National Wildlife Refuge in Nevada.

In the final bill the conferees retained the Utah Test withdrawal, increasing the acreage to 703,621 acres and dropped the Desert National Wildlife Refuge provision.

The Office of Management and Budget had objected to the RS 2477 provision and a subset of the Utah Test range withdrawal that would have authorized a land exchange between BLM and the State of Utah. That exchange would transfer 84,000 acres of Utah land for 99,000 acres of federal land.

In a veto threat of the House bill in May, the Office of Management and Budget (OMB) singled out the RS 2477 and Utah Test Range exchange in a laundry list of objections. "Further the Administration strongly objects to exchanges of Federal land in Utah without adequate consideration to the Federal taxpayer or NEPA contained in section 3023 and to section 3031, which would recognize the existence and validity of unsubstantiated and

disputed claims of road rights-of-way across Federal lands in Utah," said OMB. "These sections are not necessary to further the military mission of the Utah Test and Training Range."

The final version of S 2943 retains the land exchange but meets OMB at least part way by requiring that the exchange be subjected to BLM's planning and environmental regulations.

OMB also criticized the Nevada wildlife transfer to DoD. "The Administration stands ready to consider measures and approaches to make the use of public lands for military needs more efficient," said OMB. "The Administration cannot support provisions that would alter the current use and management structure of the Desert National Wildlife Refuge and strongly opposes provisions that could allow unrestricted Air Force activities in areas of the Refuge."

Utah Test Range withdrawal:

The base goal of the provision is to withdraw more than 700,000 acres for the Air Force to accommodate F-35 jets, while retaining the lands under BLM ownership. It would also validate 6,000 miles of RS 2477 rights-of-way in Box Elder, Juab, and Tooele Counties, Utah.

Again, the conferees dropped the RS 2477 provision.

When the House Natural Resources Committee took up the legislation committee Democrats offered an amendment to strike the RS 2477 ROW provision from the bill, but Republicans defeated it in a 14-to-20 vote.

Amendment sponsor Alan Lowenthal (D-Calif.) said, "There is an administrative procedure for counties to address their RS 2477 claims and many of these claims identified in these maps are part of active litigation. I believe it would be irresponsible of this committee to overrule the established administrative procedure and the judicial system."

But provision sponsor House Natural Resources Committee Chairman Rob Bishop (R-Utah) said, effectively, the

county claims qualify as RS 2477 ROWs. "These roads are actively used by the counties and they do come under the air space that surrounds the UTTR, . . ." he said. "These roads were grandfathered in under RS 2477. They are not being contested by the state but by BLM, which is having difficulty giving them up. All are actively used rights-of-way in these three counties."

Testifying for the Interior Department at a February 25 House committee hearing, Karen E. Mouristen, assistant director of BLM for Energy and Minerals, objected to the RS 2477 ROW conveyances. "The resolution of these disputed claims is not necessary for the management of the periodic closures around the UTTR," she said. "For this and many other reasons, the Administration strongly opposes the resolution of these right-of-way claims in the manner laid out in this bill."

Desert National Wildlife Refuge

transfer: The provision would have allowed the Defense Department to demand transfer from the Fish and Wildlife Service to it more than 800,000 acres of the Desert National Wildlife Refuge north of Las Vegas.

That would have taken away about half of the refuge's 1.65 million acres. Last year, at the request of Senate Minority Leader Harry Reid (D-Nev.), the provision was removed from a Defense authorization bill. Much of the land is located within the Nevada Test and Training Range.

Again, the provision was dropped from the final bill.

Administration moves to protect Boundary Waters rec

The Obama administration December 15 rejected a go-ahead for a massive copper and nickel mine near Boundary Waters Canoe Area Wilderness in Minnesota.

The proposed mine and the wilderness are both located in the Superior National Forest.

In announcing the rejection Secretary of Agriculture Tom Vilsack said the Obama administration was motivated by the damage the mine could do to the \$45 million per year recreation economy in the area.

"The Boundary Waters is a natural treasure, special to the 150,000 who canoe, fish, and recreate there each year, and is the economic life blood to local business that depend on a pristine natural resource," said Vilsack.

In addition to denying the renewal of two leases the Interior Department said it would withdraw 230,000 acres of the 1.09 million-acre watershed for two years and would consider a 20-year withdrawal of the 230,000 acres. Although the mine and the wilderness are located on Forest Service land, the Interior Department and its Bureau of Land Management regulate leases and have authority to withdraw land.

The holder of the two leases that cover less than 5,000 acres - Twin Metals Minnesota - filed a lawsuit in September in anticipation of the administration's disapproval of lease renewal. The company, a subsidiary of Antofagasta of Chile, said it had already put \$400 million into development of the mine.

Said Twin Metals in a statement, "If allowed to stand, the (Interior Department and Forest Service) actions will have a devastating impact on the future economy of the Iron Range and all of Northeast Minnesota, eliminating the promise of thousands of good-paying jobs and billions of dollars in investment in the region."

Twin Metals was first granted the two leases in 1966 and the government has twice renewed them. In 2013 the company applied for another 10-year extension of its leases, which the government denied December 15.

It is an open question if the Trump administration would attempt to reverse the lease denials and the land withdrawal next year.

Iron mining has long thrived in

northeastern Minnesota but copper and nickel mining are new and may be more polluting because of acidic pollution from extracting sulfide ore.

Sportsmen and environmentalists praised the Interior Department and the Department of Agriculture. Said Collin O'Mara, president of the National Wildlife Federation, "The Forest Service and Interior Department have wisely recognized that the Boundary Waters is an American crown jewel too special to risk. Too special for anglers, too special for hunters, too special for canoeists and communities and wildlife."

The Boundary Waters wilderness for the most part is roadless and motorboats are banned on much of its waters. Access there is by foot and canoe.

Appropriators approve interim bill to give Trump a shot

After the usual delays, Congress December 9 approved a short-term Appropriators approve interim bill to give Trump a shot

After the usual delays, Congress December 9 approved a short-term fiscal year 2017 spending bill (HR 2028) that will keep the government in money through April 28. The measure would roughly maintain fiscal 2016 spending under roughly the same terms and conditions.

The House approved the bill December 8 and the Senate followed suit December 9, only after overcoming a Democratic filibuster aimed at pension assistance to coal miners. President Obama immediately signed the bill December 10 as PL 114-254.

The continuing resolution is relatively spare of policy provisions. For instance, it does not include extra emergency wildfire money. Nor does it address any substantive park and rec issues. All that presumably can wait for a full-year appropriations bill next spring.

Naturally, the Republican majority would prefer to leave the policy options

in fiscal 2017 spending bills to incoming President Trump.

What happens when Congress reconvenes in January is up in the air. As a first order of business the Republican majority may attempt to blow up an overall spending agreement and start over with lower spending caps for appropriations bills.

A current overall spending agreement between the Obama White House and Congress (PL 114-74 of Nov. 2, 2015) gave appropriators extra money to work with for all domestic and military programs in fiscal years 2016 and 2017. For fiscal 2017 the total is \$1.070 trillion. Senate Appropriations Committee Chairman Thad Cochran (R-Miss.) said the continuing resolution was based on the \$1.070 trillion expenditure rate.

This past fall House Republicans from the House Freedom Caucus recommended trimming \$30 billion off the top of the \$1.070 trillion.

For the record the House approved its version of a fiscal 2017 Interior and Related Agencies spending bill (HR 5538) July 14 and the Senate Appropriations Committee approved its bill (S 3068). The two bills also include both wildfire and payments-in-lieu of taxes spending, which eat up much of annual appropriations.

If by some miracle Congress actually prepares an Interior appropriations bill next year based on HR 5538 and S 3068, here are some of the recommended House and Senate committee appropriations:

For the LAND AND WATER CONSERVATION FUND the House bill recommends an appropriation of \$145.8 million, or \$88.4 million short of a fiscal 2016 appropriation of \$234.2 million. The House also would reduce the state side of LWCF by \$30 million, cutting it from \$110 million to \$80 million.

The Senate committee bill recommends \$40 million more for federal land acquisition than the House,

approving \$184.4 million. The senators would also allocate \$10 million for state grants, a total of \$110 million.

CENTENNIAL CHALLENGE GRANTS:

The House approved \$30 million, or \$5 million less than the \$35 million the administration requested. The Senate committee approved \$20 million.

PARK SERVICE OPERATIONS: The House approved \$2.435 billion, or \$39 million more than a fiscal 2016 appropriation of \$2.396 billion. The Senate committee would appropriate \$2.406 billion.

STATE WILDLIFE CONSERVATION

GRANTS: The House approved \$62.6 million, or \$2 million more than the fiscal 2016 appropriation of \$60.6 million. The Senate committee would appropriate \$62.6 million, the same as the House.

FOREST SERVICE RECREATION: The House approved \$263.9 million, just over the fiscal 2016 appropriation of \$261.7 million. The Senate committee would appropriate \$264.6 million.

BLM RECREATION MANAGEMENT: The House would appropriate \$69.5 million, compared to a fiscal 2016 appropriation of the same, \$69.5 million. The Senate committee would appropriate \$68.7 million.

RIDERS: Conservationists object to numerous amendments/riders in the House and Senate committee bills.

They have singled out for special condemnation a House amendment that would forbid the designation of any national monument in specific counties in eight states - Arizona, California, Colorado, Nevada, New Mexico, Oregon, Utah and Maine. Critics of the amendment say the ban would apply to 160 million acres.

Other House amendments would bar the designation of any new ocean national monuments; block limits on motorboat use in Havasu Wildlife Refuge; block an Obama administration ocean policy; prevent designation of a national heritage area in southeastern Colorado; and bar the designation of any

new ocean national monuments.

Finally, both the House and the Senate committee would forbid EPA from implementing a May 27, 2015, rule that would expand the definition of a wetland subject to a Section 404 permit under the Clean Water Act. EPA and the Corps of Engineers said that the rule would go beyond the existing regulation that only requires a permit for navigable waters. The rule would also require permits for seasonal streams, wetlands near navigable waters and other waters.

Notes

Obama signs rec data bill.

President Obama signed into law (PL 114-249) December 9 legislation that directs the Department of Commerce to conduct a first-ever analysis of the economic activity generated in this country by recreation. The human-powered outdoor recreation industry celebrated and said the legislation would give the recreation economy more prominence. Said Outdoor Industry Association (OIA) Executive Director Amy Roberts when the Senate gave final Congressional approval to the bill (HR 4665) November 28, "OIA and the thousands of manufacturers, retailers and service providers in the outdoor recreation industry know about the hundreds of millions of dollars our industry contributes to the U.S. economy and the millions of jobs our businesses support. Today's Senate passage of the REC Act shows that Republicans and Democrats in both chambers of Congress understand that as well." On its own hook OIA commissioned a report published in 2012 that held that outdoor recreation is one of the nation's largest economic engines, producing \$646 billion in consumer spending each year. That trails only financial services and health care. The powered outdoor recreation industry said a federal government report would give the OIA data even more credence. Sens. Jeanne Shaheen (D-N.H.) and Cory Gardner (R-Colo.) were the lead bill sponsors.

Reconstruction era monument?

Park Service Director Jonathan B. Jarvis participated in a public hearing in South Carolina last week on the

possibility of the designation of a Reconstruction Era National Monument in the state. Rep. James Clyburn (D-S.C.) has introduced legislation (HR 5358) that would establish a Penn School-Reconstruction Era National Monument at five sites in the state. Jarvis sounded sympathetic to the idea. "The Reconstruction story that started so hopefully here in Beaufort County is rarely taught and little known," he said. "Those in attendance said that this is a story that must be told now, and offered their assistance in the effort." Penn Center is in the middle of the Gullah/Geechee Cultural Heritage Corridor that Congress designated in 2006. In the recent past when Jarvis has visited a proposed national monument area and praised the idea the President has followed through with a monument designation, i.e. a Maine Woods National Monument earlier this year.

Rim of Valley bill in, belatedly.

In one of her last acts in the Senate, Sen. Barbara Boxer (D-Calif.) introduced legislation (S 3514) December 7 to add 193,000 acres of the Rim of the Valley corridor to the Santa Monica Mountains National Recreation Area near Los Angeles. Boxer is retiring this month. Rep. Adam Schiff (D-Calif.) introduced a counterpart bill (HR 5467) in June. The Park Service would have to acquire any land not donated to the government. Although NPS studied Forest Service land in a landmark report, no Angeles National Forest land is included in the proposal. NPS estimates it would cost as much as \$2 million per year to manage the addition, and acquisition costs would come on top of that. Because the legislation was introduced so late in the 114th Congress and because the Republican majority is not sympathetic to expanding the federal footprint, the legislation went nowhere this year.

Mountain Rainier cells faulted.

The environmental group Public Employees for Environmental Responsibility (PEER) objected December 12 to the expansion of cell phone coverage in Mount Rainier National Park. The park is currently considering proposals from Verizon Wireless and T-Mobile to install wireless facilities in the Jackson Visitor Center. PEER says that

the facilities would extend cell phone coverage "deep" into park wilderness. Said PEER in a letter to the park, "Encouraging people to watch live sports programming or check current activity on Wall Street while backpacking through the wilderness of Mt. Rainier would seem to be the antithesis of protecting the wilderness experience. In short, the proposal facilitates people in the wilderness having access to all of the comforts of their living room or a Starbucks." PEER has often complained about cell phone coverage in Yellowstone National Park. But many park advocates say visitors will not come to the parks if they can't have cell phone service.

Rec trails program hits 25 years.

The Coalition for Recreational Trails is celebrating the 25th anniversary of the Recreational Trails Program that distributes gasoline taxes on off-highway vehicles to trail projects. Since its inception in 1991 as part of the Intermodal Surface Transportation Efficiency Act the program has distributed more than \$1 billion in federal money to 22,000 local trail projects. Under the current surface transportation law the program receives \$84 million per year from \$270 million per year in off-highway vehicle gasoline taxes paid to the federal government.

FS posts planning rule change.

The Forest Service November 15 issued a final rule for field offices to follow to *amend* rules prepared under a 1982 planning rule in conformance with policies set forth in a 2012 planning rule. The amendment rule is to go into effect January 17. The rule doesn't affect the ongoing writing of new forest plans in their entirety; the 2012 rule covers that. The service simply wants to ensure that field offices apply principles to amendments from the 2012 rule on such topics as sustainability, plant and animal diversity, multiple use, and timber. The March 2012 planning rule guides individual national forests in writing new forest plans developed under the 1982 rule. Information on the rule is available at: <http://www.fs.usda.gov/detail/planningrule/home/?cid=fseprd520491>.

Bundys rebel in court in Nevada.

At a preliminary hearing on charges that 17 men took up arms on BLM lands against federal agents in April 2014, the two sons of lead defendant Cliven Bundy refused to appear. So U.S. Magistrate Judge Peggy Leen provided a speaker so Ammon and Ryan Bundy could listen to the proceedings in a holding cell. According to *The Associated Press*, several other defendants verbally protested during the three-hour hearing. At issue were motions to have three trials, to dismiss the charges, to change the venue from Las Vegas to Reno, and more. The trial is scheduled to begin February 7. Cliven Bundy is a Nevada rancher who is often described as a national leader of critics of BLM and Forest Service land managers. The FBI charged him with leading an armed protest two years ago when BLM attempted to move him off his public lands grazing permit. The feds say Cliven Bundy owes more than \$1.1 million in fees and penalties for illegally grazing on public land. He is in the same jail as his son. Ammon Bundy was among the protestors who occupied the Malheur National Wildlife Refuge in Oregon from January 2 to February 11 to object to the sentencing to prison of a man and his son for setting fire to public lands. A jury declared the Malheur protestors innocent of criminal charges October 27.

Conference Calendar

JANUARY

5-8. **Archaeological Institute of America & SCS Joint Annual Meeting** in Toronto, Canada. Contact: Archaeological Institute of America, 656 Beacon St., Boston, MA 02215-2006. (617) 353-9361. <http://www.archaeological.org>.

10-12. **Outdoor Retailer Winter Market** in Salt Lake City, Utah. Contact: Outdoor Retailer, 310 Broadway, Laguna Beach, CA 92651. (949) 376-8155. <http://www.outdoorretailer.com>.

17-18. **National Ski Areas Association Western Winter Conference** in Steamboat, Colo. Contact: National Ski Areas Association, 131 South Van Gordon St., Suite 300, Lakewood, CO 80228. (303) 987-1111. <http://www.nsaa.org>.

17-19. **U.S. Conference of Mayors Winter**

Meeting in Washington, D.C. Contact: U.S. Conference of Mayors, 1620 I St., N.W., Fourth Floor, Washington, D.C. 20006. (202) 293-7330. <http://www.usmayors.org>.

28-Feb. 2 **National Association of Conservation Districts Annual Meeting** in Denver. Contact: National Association of Conservation Districts, 509 Capitol Court, N.E., Washington, D.C. 20002. (202) 547-6233. <http://www.nacdnet.org>.

31-1. **National Ski Areas Association Eastern Conference** in Mount Snow, Vt. Contact: National Ski Areas Association, 131 South Van Gordon St., Suite 300, Lakewood, CO 80228. (303) 987-1111. <http://www.nsaa.org>

FEBRUARY

12-16. **Association of Partners for Public Lands 2015 Partnership Convention & Trade Show** in Arlington, Texas. Contact: Association of Partners for Public Lands, 2401 Blueridge Ave, Suite 303, Wheaton, MD 20902. (301) 946-9475. <http://www.appl.org>.

25- March 1. **National Association of Counties Legislative Conference** in Washington, D.C. Contact: National Association of Counties, 440 First St., N.W., 8th Floor, Washington, D.C. 20001. (202) 393-6226. FAX (202) 393-2630. <http://www.naco.org>.

MARCH

6-10. **North American Wildlife & Natural Resources Conference** in Spokane, Wash. Contact: Wildlife Management Institute, 1146 19th Street, NW, Suite 700, Washington, DC 20036. (202) 371-1808. <http://www.wildlifemanagementinstitute.org>.

14-18. **American Alliance for Health, Physical Education, Recreation and Dance National Convention & Expo** in Boston, Mass. Contact: AAHPERD, 1900 Association Drive, Reston, VA 20191(703) 476-3400. <http://www.aahperd.org>.

29-April 2. **Society for American Archaeology Annual Meeting** in British Columbia, Canada. Contact: Society for American Archaeology, 900 2nd St., N.E., Suite 12, Washington, D.C. 20002-3557. (202) 789-8200. <http://www.saa.org>.