

Federal Parks & Recreation

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Partners Outdoors message: Lobby (now!) for next year

The big hitters were unanimous at a Partners Outdoors conference last week in calling for heavy lobbying – stat – for park and recreation programs in advance of a new administration and a new Congress next year.

Convening in Washington, D.C., two former senators, Secretary of Interior Sally Jewell and numerous others speakers advised the recreation community to start advocating immediately for their programs with Presidential candidates, Congressional candidates and their staffs.

Jewell cited House Natural Resources Committee Chairman Rob Bishop (R-Utah), a persistent critic of federal land managers, as a starting point for the lobbying. “The (House) Natural Resources Committee is run by an individual from Utah,” she said. “Utah benefits tremendously from public lands in that state but Congressman Bishop and others from his state need to hear that from the people who use those lands that are driving so much into that economy.”

Jewell, former Sen. Mark Begich (D-Alaska), former Sen. Blanche Lincoln (D-Ark.) and other speakers at the conference talked in a general way about the need to campaign for park and recreation programs at the conference of government, nonprofit and business leaders.

The business side of the recreation community intends to assemble some specific policy recommendations, and soon, because political campaigns are well underway and key advisors are moving into place.

Derrick Crandall, president of the American Recreation Coalition and key

organizer of Partners Outdoors, said, "My target is to go after the big pipelines with little holes in them and collect the spillover. That's Health, Education, Energy Fuels Tax. I think it's clear we have to rally around something. A penny of the gasoline tax earmarked to the outdoors. . . Part of what the recreation industry is doing is to put together a platform."

The industry hopes to have some recommendations in place by the end of the month, said Crandall.

The recreation industry, in this instance, includes not only the American Recreation Coalition but also such individual groups as the National Marine Manufacturers Association, the Recreation Vehicle Industry Association, and more.

At this point the broader Partners Outdoors conferees are basing their campaigns on the early success of the Park Service Centennial and its motto Find Your Park.

Said Will Shafroth, president of the National Park Foundation, "The Centennial Find Your Parks (initiative) is starting to take effect. National park visitation is up, but visitation is also up across all state and local recreation areas as well, and in those other public lands."

The other federal public lands include national forests, national wildlife refuges, and lands managed by the Bureau of Land Management, the Corps of Engineers, the Bureau of Reclamation, and the National Oceanic and Atmospheric Administration.

Shafroth looked ahead. "The question is, now that we've caught the dog that caught the bumper, what do we do with it? It's a real challenge to take advantage of this momentum we got in the last couple of years. We don't intend to continue the Find Your Park campaign. It's probably going to look a little different since it's been focused about the Centennial, but we're getting a great deal of value."

Money is going to be needed, said

Begich, and there is no guarantee it will come from Congress. "One of the things I would highly support, and it's not as publicized as much as it could be in a lot of ways, and that is the economic value of the parks, not presented by park folks but by business folks," he said.

"Usually what happens when a request is made, representatives of the federal, state or local parks are the ones who present it. The reverse should happen. The people who benefit should present it and that's the business community."

Begich used the \$12 billion Park Service maintenance backlog as an example of the need for business to become more involved with lobbying for the public lands.

"I guarantee you that when they talk about \$12 billion for the Park Service the first word out of (Congressional) mouths is, how are you going to pay for it? This will be the challenge to show the value of our Park System. . . We have to think in a different way. We can't just go to Congress and say, where's the money? To solve this problem that's not going to be the answer. I think the parks need a lot more contributions from the business community."

Lincoln told the assembled of her family's love of the outdoors, but warned them that the times are a-changing. "I have twin boys who will be 20 this month," she said. "We have taught them a lot about the outdoors. They love to hunt and fish and hike. They adore it all and they love camping, all those experiences."

Then she dropped the hammer: "But they do it with a device in their hands. If we don't figure that out, we will have lost an entire generation."

Lincoln's warning may serve as a shot across the bow of some environmentalists and Park Service officials who resist commercial enterprises within the parks, including the siting of cell phone towers and the all-pervasiveness of cell phones themselves.

House spending outlook not rosy; Senate outlook same

With the passage of a fiscal year 2017 spending bill May 25 by the House Interior and Related Agencies Appropriations subcommittee, the die is pretty much cast for the outdoors this year in the House.

Any increases in full committee and on the House floor would have to be offset by decreases in other programs, a tough row to hoe. And majority Republicans would likely beat back attempts to remove any of the 29 riders in the bill.

Nonetheless, when the bill comes to the House Appropriations Committee in the next fortnight, committee Democrats are expected to force votes on the bill to at least make political statements.

Beyond that, all appropriations bill proponents in the House got a rude shock May 26 when the House rejected a fiscal 2017 Energy and Water bill (HR 5055). The bill was torpedoed by Democratic opposition to spending levels and Republican opposition to a provision to ensure protection of gays and transgender people. That double-whammy portends trouble for all spending bills on the House floor.

Until late May House and Senate appropriators had been making reasonable progress in developing fiscal 2017 appropriations bills. That spawned the theory that that, even if Congress could not move individual bills across the finish line, the progress could at least lead to an omnibus spending bill, perhaps in a lame-duck session after the November elections.

But the new disputes over gays and transgender people, and Democratic criticism of spending levels, could torpedo an omnibus bill. That would leave an unsavory continuing resolution as the only alternative strategy for funding the government.

But that's getting ahead of schedule. For the moment the Senate Appropriations Committee is reportedly considering a mark-up of its fiscal 2017

Interior and Related Agencies spending bill as early as next week. And the Senate is where conservationists are placing their hopes.

Of great concern to the conservationists is a spending reduction for the Land and Water Conservation Fund (LWCF) in the House subcommittee bill. Said Cameron Whitten, a government-relations associate for The Wilderness Society, "We are counting on the Senate to restore the funding for LWCF from the unfortunate cuts the House proposed, just as they have in recent years. LWCF has overwhelmingly bipartisan support in Congress and we expect that support will be honored in the Senate bill."

Whitten held out little hope that either the House or the Senate would transfer some energy wildfire spending money out of the appropriations bill and into disaster spending, making room for more conservation spending.

"As of right now there is no mechanism for disaster accounts to cover shortfalls in wildfire suppression costs. We are hopeful that the Forest Service will get this authority, however it seems unlikely this year," he said. "That said, barring an extraordinarily severe fire season, the House bill funding level will hopefully be sufficient to avoid the need for fire transfers this year."

Before approving its bill May 25, the House subcommittee was given a tough spending allocation that is \$64 million less than a fiscal 2017 appropriation of \$32.159 billion, or \$32.095 billion.

For individual programs such as federal land acquisition from LWCF the subcommittee recommended a fiscal 2017 appropriation of \$145.8 million, or \$88.4 million short of a fiscal 2016 appropriation of \$234.2 million. The subcommittee also would reduce the state side of LWCF by \$30 million, cutting it from \$110 million to \$80 million.

For Park Service operations the subcommittee would hike spending by \$39 million, from \$2.396 billion in fiscal 2016 to \$2.435 billion in fiscal 2017.

For a Park Service *Centennial* Challenge matching grants program the subcommittee would put up \$30 million, twice as much as a \$15 million fiscal 2016 appropriation.

Subcommittee chairman Ken Calvert (R-Calif.) praised his panel for approving money for the Centennial. "I am pleased that the bill will once again provide increases for our incredible National Parks as they celebrate their Centennial this year, and continues progress on a functional Earthquake Early Warning System," he said. (See *related article on the Centennial page 9.*)

The subcommittee would also revive the *Save America's Treasures* program by approving \$5 million for it from the Historic Preservation Fund. On the recommendation of the Obama administration Congress shut down the program in 2010.

Before that from 1999 to 2010 Congress appropriated \$315 million for 1,300 preservation *Save America's Treasures* projects around the country. The grants leveraged more than \$377 million in matching funds.

As for the overall spending cap in the subcommittee bill, ranking Democrat Betty McCollum (D-Minn.) lashed out at the House Republican majority. "The fiscal year 2017 subcommittee allotment is \$64 million less than in fiscal year 2016," she said. "That means that many of the needs of important programs vital to protecting our national natural and cultural resources will not be met."

She also objected to the inclusion of numerous policy amendments (29 by her count), in the bill. "While I am not surprised, I am disappointed that House Republicans have filled this bill with dozens of partisan riders that undermine clean air and clean water rules, prevent regulation of greenhouse gases, and roll back protections for endangered species," said McCollum (*see riders below*).

For its part the Senate Appropriations Committee reduced the cap for a counterpart Senate subcommittee on Interior Appropriations approving \$32.034 billion.

House and Senate Republicans struck a landmark, overall budget agreement with President Obama last November that laid out modest matching increases in domestic and military spending in fiscal 2016 and 2017 (PL 114-74 of Nov. 2, 2015). However, the appropriations committees have thus far committed the extra money to bills other than the Interior measure.

And conservative House Republicans object mightily to the November budget deal and are demanding that their leaders reduce all domestic spending in fiscal 2017. That fight is being led by the Freedom Caucus.

The Interior bill is not only burdened by a minimalist spending cap, it also is hindered by at least three other mandatory allocations - almost \$4 billion for fire fighting, \$480 million for the payments-in-lieu-of-taxes program and various cost-of-living/payroll increase expenses.

In total the subcommittee bill would allocate to fire fighting 55 percent of the Forest Service's total appropriation of \$5.3 billion, or \$2.9 billion.

However, there may be some hope on the wildfire front in the Senate because the chairman of the Senate subcommittee on Interior Appropriations, Sen. Lisa Murkowski (R-Alaska), May 25 released draft legislation that would shift emergency wildfire costs above 100 percent of the 10 year average to disaster spending. The draft, with key Republican and Democratic cosponsors, would also expedite environmental reviews of hazardous fuels reduction projects, which the Obama administration has frequently opposed.

The numbers: Here's a summary of the House subcommittee appropriations bill's provisions, compared to fiscal 2016:

LWCF FEDERAL: The subcommittee approved \$145.8 million for federal land acquisition, or \$88.4 million less than a fiscal 2016 appropriation of \$234.2 million. By agency the Bureau of Land Management (BLM) would receive \$19.4 million compared to \$38.6 million in fis-

cal 2016; the Fish and Wildlife Service (FWS) would receive \$50.3 million compared to \$68.5 million; the Park Service would receive \$48.4 million compared to \$63.7 million; and the Forest Service would receive \$27.3 million compared to \$63.4 million.

LWCF STATE: The subcommittee would appropriate \$80 million, or \$30 million less than the \$110 million in fiscal 2016.

PARK SERVICE OPERATIONS: The subcommittee approved \$2.435 billion, or \$39 million more than a fiscal 2016 appropriation of \$2.396 billion.

PARK SERVICE RECREATION AND PRESERVATION: The subcommittee approved \$62.6 million, about the same as the fiscal 2016 appropriation of \$62.6 million.

PARK SERVICE CONSTRUCTION: The subcommittee approved \$215.7 million, or \$23.2 million more than a fiscal 2016 appropriation of \$192.5 million.

PARK SERVICE HISTORIC PRESERVATION: The subcommittee approved \$78.4 million, or \$13 million more than a fiscal 2016 appropriation of \$65.4 million. As noted, \$5 million of the total would be used for Save America's Treasures grants.

SAVE AMERICA'S TREASURES: The subcommittee approved \$5 million, or \$5 million more than in fiscal 2016. Said McCollum, "I would like to thank the chairman for working to resurrect the Saving America's Treasures program. This program funds the preservation of nationally significant sites, structures and artifacts."

STATE WILDLIFE CONSERVATION GRANTS: The subcommittee approved \$62.6 million, or \$2 million more than the fiscal 2016 appropriation of \$60.6 million.

NATIONAL FOREST SYSTEM: The subcommittee approved \$1.531 billion, or \$37 million more than the fiscal 2016 appropriation of \$1.494 billion. The subcommittee has not yet released specific program numbers for recreation, trails, etc.

BLM RESOURCE MANAGEMENT: The subcommittee approved \$1.082 billion, or \$9 million more than the fiscal 2016 appropriation of \$1.073 billion. The subcommittee has not yet released specific program numbers for recreation management.

WILDFIRE FOREST SERVICE: For a wildfire appropriation the subcommittee recommended \$2.594 billion, compared to a fiscal 2016 appropriation of \$2.386 billion. For an emergency account called FLAME the recommendation is \$315 million, compared to a fiscal 2016 FLAME appropriation of \$823 million.

WILDFIRE INTERIOR: For a wildfire appropriation the recommendation is \$852 million, compared to a fiscal 2016 appropriation of \$817 million. For an emergency account called FLAME the recommendation is \$92 million, compared to a fiscal 2016 FLAME appropriation of \$177 million.

However, the subcommittee did not address a bipartisan legislative proposal that would transfer emergency fire-fighting appropriations to a category of disaster funding. Such a shift would free up some \$400 million per year from the appropriations bill for other purposes.

The riders: The subcommittee approved these legislative amendments:

FLREA (Section 422): The underlying law is scheduled to expire on Sept. 30, 2017. If the subcommittee provision were enacted, it would extend FLREA through Sept. 30, 2018. Congress usually extends the law that authorizes entrance and user fees on federal lands a year in advance to give land managers and the public time to gear up for the following recreation season. (See separate article page 10.)

EISENHOWER MEMORIAL (SECTION 419): The provision would extend a Congressional ban on the spending of construction money on a Dwight D. Eisenhower Memorial on the Washington, D.C. Mall. Republican leaders on the House Natural Resources Committee and some Eisenhower family members object to the design of the proposed memorial.

In addition the subcommittee approved no money for a memorial commission, although, it said, the measure does extend "the authority to build on the present site and requires all construction funding to be appropriated before construction begins."

LEAD IN RECREATION GEAR (SECTION 420): The provision would ban EPA from banning the use of lead in "ammunition, ammunition components, or fishing tackle."

RIDER WETLANDS (SECTION 427): The subcommittee 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.

That probably doesn't matter because two federal courts have already blocked implementation of the EPA rule of June 29, 2015. The Sixth U.S. Circuit Court of Appeals stayed the regulation nationwide on Oct. 10, 2015.

RIDER WATER RIGHTS (SECTION 433): The subcommittee would forbid any agency from attempting to transfer water rights to the federal government on renewal of a permit. This is aimed at a Forest Service policy, since retracted, which would have allowed the agency to assert a water claim when a ski resort renewed a permit.

The House Interior subcommittee bill is available at: <http://appropriations.house.gov/uploadedfiles/bills-114hr-sc-ap-fy2017-interior-subcommittee-draft.pdf>.

House, Senate differ on LWCF in energy confab, as usual

If a House and Senate conference committee convenes this month to address omnibus energy legislation (S 2012), at the top of the agenda will be a provision to make the Land and Water Conser-

vation Fund (LWCF) permanent.

The Senate-passed version of S 2012 includes an LWCF provision to both extend the program and to revise it. However, when the House agreed to go to conference with the Senate May 25 it explicitly barred the LWCF provision from its version of S 2012.

That happened after Rep. Raúl M. Grijalva (D-Ariz.), ranking Democrat on the House Natural Resources Committee, offered a motion on the House floor directing House conferees to accept the Senate LWCF provision. The House said no in a close 205-to-212 vote.

But LWCF supporters can be encouraged by the close House vote and by the inclusion of the provision in the Senate bill.

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 such as Grijalva and ranking Senate Energy Committee Democrat Maria Cantwell (D-Wash.) want to make the program permanent, and give it more heft. Thus they have introduced legislation (S 890 and S 2165 from Cantwell and HR 1814 from Grijalva) to extend LWCF and to exempt it from annual appropriations.

Among their concerns is a House Appropriations Committee that frequently lowballs the annual appropriation, particularly for the federal land acquisition side. Case-in-point, the House subcommittee on Interior appropriations May 25 approved a fiscal year 2017 appropriations bill that would reduce the federal land acquisition from LWCF by \$88.4 million.

The subcommittee recommended a fiscal 2017 federal side appropriation of \$145.8 million, or \$88.4 million short of a fiscal 2016 appropriation of \$234.2 million. The subcommittee also would reduce the state side of LWCF by \$30 million, reducing it from \$110 million to \$80 million.

So Congress is addressing LWCF on two tracks. LWCF qualifies for the energy bill because offshore oil and gas royalties pay for the program. However, Congress usually ponies up in appropriations only a fraction of the royalties paid into the fund.

The Senate provision, developed by Senate Energy Committee Chairman Lisa Murkowski (R-Alaska) and Cantwell, would also revise LWCF allocations. Their provision would allot 40 percent of the total LWCF appropriation per year for federal land acquisition and at least 1.5 percent per year (or more than \$10 million) for access to federal land for recreational purposes. It would also require expenditure of at least 40 percent of annual LWCF appropriations for a combination of state LWCF grants, Forest Legacy grants, endangered species grants and an American Battlefield Protection Program.

In addition the Senate bill would set aside \$150 million each year for Park Service maintenance from offshore royalties, but in a separate fund from LWCF.

On the House floor May 25 Grijalva asked the House to accept the Senate LWCF provision up-front, before a conference begins. He offered a motion on the House floor directing House conferees to accept the Senate LWCF provision, but it was defeated in a 205-to-212 vote.

Grijalva said the popularity of LWCF argued for inclusion of it in the conferenced energy bill. "There is no doubt that many of the provisions in the House and Senate energy bills are controversial," he said. "It is, frankly, difficult to see a path toward a bipartisan conference report. In such a contentious conference situation, a provision reauthorizing a program as widely popular as LWCF would play a constructive role in moving toward consensus."

But House Natural Resources Committee Chairman Rob Bishop (R-Utah) said the House should not insert in 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. The House committee held a hearing on the draft Nov. 18, 2015.

Bishop 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.

On the appropriations front the House subcommittee approved the following allocations for fiscal 2017 at the May 25 mark-up, compared to fiscal 2016:

LWCF FEDERAL: The subcommittee approved \$145.8 million for federal land acquisition, or \$88.4 million less than a fiscal 2016 appropriation of \$234.2 million. By agency the Bureau of Land Management (BLM) would receive \$19.4 million compared to \$38.6 million in fiscal 2016; the Fish and Wildlife Service (FWS) would receive \$50.3 million compared to \$68.5 million; the Park Service would receive \$48.4 million compared to \$63.7 million; and the Forest Service would receive \$27.3 million compared to \$63.4 million.

LWCF STATE: The subcommittee would appropriate \$80 million, or \$30 million less than the \$110 million in fiscal 2016.

Lots of new heritage area proposals, despite pushback

While some Congressmen are now campaigning for legislation that would require National Heritage Areas (NHAs) to meet national standards, others are campaigning for individual bills to designate new NHAs, now. And some legislators appear to want to have it both ways.

In the most recent action seven New York House members (four Republicans, three Democrats) introduced legislation (HR 5353) late last month to authorize a study of a possible Finger Lakes NHA in their state.

Lead sponsor Rep. Tom Reed (R-N.Y.) echoed the sentiments of most NHA supporters that the areas serve not only conservation purposes but also as economic engines.

"We care about protecting and preserving our lakes for future generations. They are an invaluable natural resource that bolsters our local economy, providing jobs and recreation for all. It's only right that we come together and recognize our rich regional heritage," said Reed.

On the other hand Democrats and Republicans alike have often criticized federal spending on the 49 existing NHAs (and roughly a dozen new legislative proposals) that benefit discrete communities.

The Obama administration has consistently proposed spending reductions for national heritage areas. In its fiscal year 2017 budget request the administration would cut NHA spending by the Park service in half, reducing it from \$19,821,000 in a fiscal 2016 appropriations law to \$9,447,000.

(In marking up a fiscal 2017 appropriations bill May 25, the House subcommittee on Interior did not indicate how much money it recommends for the program, but the subcommittee would maintain overall National Recreation and Preservation spending at \$62.6 million, suggesting the panel would reject the administration's heritage areas proposal and maintain fiscal 2016 spending on NHAs. And heritage areas are the one item in the rec and pres line item the administration would cut.)

A lone Congressman March 16 took an even more aggressive stance, introducing legislation (HR 4746) that would block future spending on any NHAs. Rep. Steve Russell (R-Okla.) complained that NPS has in the last three years spent almost \$52 million

for 49 NHAs around the country. The Congressman said there was little logic in the geographical distribution of NHAs. "Mississippi and Utah each have two NHAs, while the neighboring states of Arkansas and Arizona have none," he said. And he noted that Pennsylvania alone has seven. Russell's Oklahoma has none.

Separately, Rep. Charles Dent (R-Pa.) and 44 of his fellow House members introduced legislation (HR 581) last year that would place new restrictions on NHAs, without closing down spending altogether.

Dent would establish a national NHA program with specific standards for the areas. Before a Congressional designation could take effect NPS and an affected community would have to complete a management plan and secure the Secretary of Interior's approval of the plan. The measure would also make permanent the designation of the existing 49 NHAs. Unlike national parks NHAs are managed by state governments, nonprofits or even corporations.

When we mentioned that some Congressmen would like to have it both ways we note that Rep. Paul Tonko (D-N.Y.) is a cosponsor of both Dent's national standards bill and the Finger Lakes bill.

So Congress as usual has before it a dozen NHA recommendations from around the country sponsored by influential Republicans and Democrats alike. In the past House and Senate leaders have often batched the individual bills into larger public lands bills, or attached them to appropriations bills.

A Finger Lakes NHA would extend over 14 counties and 650 miles of shoreline in western and central New York. The sponsors say the area is noted for both its natural beauty and tourist attractions.

Here are a few of the other recommended NHAs pending before Congress: Central Coast in California (HR 1865, S 1423); Mountains to Sound Greenway in Washington (HR 2900, S 1690); Maritime Washington in Washington (HR 2833,

S 1623); Arizona Sonoran Desert in Arizona (HR 2926); Buffalo Bayou in Texas (HR 1783); Sacramento-San Joaquin Delta in California (HR 1208, S 630); Appalachian Forest in West Virginia (HR 693); Black Metropolis in Illinois (HR 904); and Susquehanna Gateway in Pennsylvania (S 211).

Centennial legislation facing major tests in Congress

Park Service Centennial initiatives this month are reaching crucial crossroads at several pressure points at the Capitol.

Most basically, the full House Appropriations Committee is expected to take up shortly an Interior subcommittee-approved money bill that would support NPS operations in fiscal year 2017. Likewise, the Senate Appropriations Committee is expected to begin work on its counterpart bill as soon as next week.

Longer-term there are a half-dozen *authorization* proposals floating around Congress, including a provision in a Senate-passed energy bill (S 2012) that would allocate \$150 million each year for Park Service maintenance. The money would come from offshore royalties, but in a separate fund from the Land and Water Conservation Fund (LWCF).

S 2012, which will likely go to conference shortly with a House-passed energy bill that contains no Park Service Centennial provisions, would also authorize a Centennial Challenge Fund and an endowment for the Centennial.

At a Partners Outdoors conference of leaders in the park and recreation field last week, the Park Service Centennial was front-and-center. Will Shafroth, president of the National Park Foundation, said the Centennial campaign and its Find Your Parks slogan is a success in the early going, not just for the national parks but for all park and rec areas at all levels.

"The Centennial Find Your Parks (initiative) is starting to take effect," he said. "National park visitation is up, but visitation is also up

across all state and local recreation areas as well and those other public lands."

In a fiscal 2017 appropriations bill the House subcommittee on Interior and Related Agencies May 25 approved \$30 million for a Park Service Centennial Challenge program, or twice as much as a \$15 million fiscal 2016 appropriation.

For Park Service operations - from whence most Centennial money comes - the subcommittee would hike spending by \$39 million, from \$2.396 billion in fiscal 2016 to \$2.435 billion in fiscal 2017.

Subcommittee chairman Ken Calvert (R-Calif.) praised his panel for approving money for the Centennial. "I am pleased that the bill will once again provide increases for our incredible National Parks as they celebrate their Centennial this year, and continues progress on a functional Earthquake Early Warning System," he said.

The Senate energy bill's Park Service maintenance provision is a subset of a larger provision that would make LWCF permanent and revise priorities within the program. The \$150 million NPS maintenance recommendation is a concession to western Republicans who oppose federal land acquisition.

How far the energy bill gets is unclear because the House-passed version is loaded with controversial provisions, such as restrictions on designating endangered species.

Finally, three different Centennial-specific pieces of legislation are floating around Congress that may be candidates for some end-of-the-year jumbo bill. They are:

House committee bill: The House Natural Resources Committee March 16 approved a Park Service Centennial bill (HR 4680) that would establish a Centennial Challenge Fund and endowment. In addition it would revise senior citizen America The Beautiful Pass rates.

The measure includes almost no funding authorizations, particularly

for the Fund and the endowment. The proposed increase in senior citizens passes is already causing a ruckus (see following article).

Senate amendment provisions: The Senate April 20 approved legislation similar to the House committee bill as part of a comprehensive energy bill (S 2012). It would establish a National Park Centennial Challenge Fund with up to \$17.5 million per year in federal appropriations. That's not much of a gain over the \$15 million Congress appropriated in a fiscal year 2016 appropriations bill for a challenge fund.

Nor does the legislation, submitted by Sen. Rob Portman (R-Ohio), include a \$100 million per year guarantee for Centennial Challenge projects proposed by the Obama administration.

The Portman amendment would establish an endowment for NPS called the Second Century Endowment for the National Park System. It would be financed by "gifts, devises, or bequests."

Although the Portman amendment falls far short of the \$540 million the administration requested for the Centennial in its fiscal 2017 budget request, it is a start. The Senate approved the amendment April 19 without a formal vote.

The amendment is of course in addition to the \$150 million per year for Park Service maintenance.

Administration recommendation: Ranking Senate Energy Committee Democrat Maria Cantwell (D-Wash.) and ranking House Natural Resources Committee Democrat Raúl M. Grijalva (D-Ariz.) have introduced the Obama administration's proposed Centennial program request as stand-alone legislation (S 2257, HR 3556).

As introduced by Grijalva and Cantwell, the administration measure would approve an additional \$500 million per year in new legislative authority, broken down into \$100 million for the new Centennial Challenge Fund, \$300 million for deferred maintenance in a new Second Century Infrastructure Investment

and \$100 million for a new competitive Public Lands Centennial Fund.

Hinterlands recreationists fault senior fees in House

With a lead House Park Service Centennial bill (HR 4680) now approaching the House floor, advocates of back-country recreation are raising an alarm about a proposal to increase senior passes to all federal lands.

The Western Slope No-Fee Coalition in a May 30 bulletin to its members objected to both the increase in the fee (from \$10 now for seniors over 62 to \$80) and to the allocation of fee revenues just to the Park Service.

However, both House Natural Resources Committee Republicans and Democrats appear to support the increase in the senior pass, for the most part. Although Democrats on the committee balked at a lack of funding in the overall Centennial bill, as drafted by committee Republicans, they effectively endorsed last month the senior pass provision in HR 4680.

In a committee report that moves the bill a step closer to the House floor, panel Democrats said in a minority statement of the increase in senior fees, "This has the potential to be an important new revenue source for NPS." But they said the committee should rejigger the provision to allow seniors who buy \$20 annual passes four years in a row to qualify for a permanent pass.

The Democrats did say they have a commitment from committee chairman Rob Bishop (R-Utah) to include the four-for-one idea in a final bill before House consideration.

But in the bulletin to its members the Western Slope No-Fee Coalition May 30 said of an \$80 seniors pass, "That would be an 800% increase for no additional benefits, and no guarantee the fee would not continue to skyrocket!"

As to the allocation of fee revenues to a Park Service Centennial Challenge Fund, the coalition said, "Under

this bill, only \$10 would stay at the local unit, while all revenue in excess of that would go into a National Parks Centennial Challenge Fund, to benefit the Parks only. The Forest Service and BLM, already struggling to find sufficient funding for their recreation programs, would have to turn over most of their proceeds to their sister agency, the much better-funded National Park Service."

The backcountry recreationists also criticized a new bill (HR 5129) from Rep. Doug LaMalfa (R-Calif.) that would simplify permitting for guides and outfitters on the public lands. LaMalfa said his bill would also put a cap on permit fees.

Critics of the bill object to a provision that would authorize land managers to require a permit and fee for the use of "special areas." Said the coalition, "Since neither 'special' nor 'area' is defined this would open the door to declaring everyplace 'special' and requiring everyone to have a permit, and pay a fee, just to be there."

The House Centennial bill addresses just the one senior pass issue involved in the possible renewal of the federal recreation fee law called the Federal Lands Recreation Enhancements Act (FLREA). It is set to expire on Sept. 30, 2017, but the House subcommittee on Interior appropriations May 25 approved a fiscal year 2017 appropriations bill that would extend FLREA another year through Sept. 30, 2018. Congress usually extends the law that authorizes entrance and user fees on federal lands a year in advance to give land managers and the public time to gear up for the following recreation season.

Meanwhile, the House Natural Resources Committee has before it a draft bill to replace FLREA. It would comprehensively revise the law but would not increase senior America The Beautiful passes, which authorize entrance not only to national parks but to all federal lands as well.

The draft bill did rouse the opposition of the Obama administration over

a provision that would require Congressional approval of fee increases. At an Oct. 28, 2015, hearing of the House committee, Leslie Weldon, deputy chief of the U.S. Forest Service, said, "Requiring an Act of Congress would add great complexity and uncertainty to the process that would significantly delay or even prevent the federal land management agencies from offering new and enhanced amenities and services to the public."

Jarvis apologizes for writing book without ethics approval

National Park Service Director Jonathan B. Jarvis issued a mea culpa to agency employees late last month for writing a book on the parks without prior approval of the Interior Department Ethics Office. Jarvis received no money from the book.

But Interior Department policy requires prior consultation and approval from the ethics office before any employee writes a book.

So, said Jarvis in a May 27 memo to all agency employees, "I wrote a book to celebrate the National Park Service's Centennial without appropriate appreciation and regard for my responsibility to follow established processes, including consulting the Department of the Interior's Ethics Office, before it was published. I have been held accountable and I have learned a valuable lesson."

By being held accountable, Jarvis was referring to a reprimand from the Department of Interior and his removal from management of the Park Service ethics program.

The Jarvis situation follows on the heels of another recent Park Service management controversy involving sexual harassment in Grand Canyon National Park.

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, according to the IG.

The Park Service is now reaching out to the Department of Defense for guidance on how to conduct an agency-wide survey of sexual harassment in the workplace.

In the facts of the Jarvis book case the Interior Department IG said that the director initiated the idea of a book describing the importance of the national parks with Eastern National, a nonprofit group that has numerous commercial contacts with NPS.

Jarvis said the book is based upon a speech he gave in October 2012 during a conference at Grand Canyon National Park.

Jarvis advised Secretary of Interior Sally Jewell that Eastern National had asked him to write the book, even though he had originated the idea. He also bypassed consultation with the Interior Department Ethics Office.

Jarvis erroneously said he bypassed the ethics office because (1) he was in a hurry to get the book printed before the Park Service Centennial began in 2016 and (2) he had been frustrated in the past with the office because of delays in gaining approval of routine letters, according to the IG report.

Eastern National printed 2,500 copies of Jarvis's book at a cost of \$11,000 to \$12,000 with all proceeds supposedly going to benefit the parks through the National Park Foundation.

At some point Jarvis's chief of staff Maureen Foster checked on the ethics of the book with Ed Keable, deputy solicitor for General Law in the department. Keable advised that Jarvis should check with the ethics office, and Foster said she so informed Jarvis. But he didn't check with the office. So Interior Department Chief of Staff Tommy Beaudreau asked the Inspector General to investigate the matter.

The Inspector General completed its report on Nov. 19, 2015. Based on that report on Feb. 23, 2016, Deputy Secretary of Interior Michael Connor ad-

monished Jarvis and said he would reprimand him and relieve him of oversight of the Park Service ethics program.

Like Sen. Feinstein, Udall is attempting to finish monuments

Sen. Tom Udall (D-N.M.) is following the well-worn path of introducing legislation to expand conservation protections for newly-designated national monuments.

Late last month Udall posted an amendment to a National Defense Authorization Act (S 2943) that would flesh out a 500,000-acre acre Organ Mountains-Desert Peaks National Monument in New Mexico. President Obama designated the monument on May 21, 2014.

The Udall amendment (SA 4330) would not only designate eight wilderness areas but also authorize the Department of Homeland Security to use wilderness areas for border security activities.

The Udall strategy of fleshing out a monument designation with complementary legislation follows the lead of Sen. Dianne Feinstein (D-Calif.)

After President Obama on February 12 designated 1.8 million acres of California Desert as parts of three national monuments Feinstein on February 23 introduced complementary legislation.

Her new bill (S 2568) would designate 230,000 acres of wilderness, 77 miles of wild and scenic rivers, and 142,000 acres for off-highway vehicle use. And it would address renewable energy by directing BLM to plan for thousands of acres of land exchanges with the State of California.

Udall and Feinstein had for years attempted to protect Organ Mountain-Desert Peaks and the California Desert areas with discrete legislation. While the monument designations under the Antiquities Act offer basic protections, they don't offer the broader protections that Congress can, such as wilderness designation and wild and scenic river designation.

However, there are enough Republican monument critics in the House and Senate to stall such legislation. So Udall and Feinstein are still trying to move the complementary legislation.

Those critics frequently have ideas of their own on how to protect conservation lands. For instance, Rep. Stevan Pearce (R-N.M.) has worked consistently to limit the size of an Organ Mountain-Desert Peaks Monument and to insure the Department of Homeland Security can use the area for border security. He represents the area.

To that end in the last Congress he introduced legislation to limit the size of an Organ Mountains National Monument to 54,800 acres, or about one-tenth the size of the new monument. He said of the 2014 Obama action, "With this land grab, the President is once again going out of his way to derail any attempt for form a consensus, and do what local people want."

In this Congress Pearce has introduced separate legislation (HR 2647) to insure that the Department of Homeland Security has authority to conduct law enforcement activities within the monument, to conduct law enforcement overflights and to install security installations.

The monuments dispute, long centered in the West, spread to the East last month over a possible North Woods national monument in the State of Maine. On May 16 NPS Director Jon Jarvis walked into public meetings in Maine sharply divided on a proposed North Woods national monument, and came down firmly on behalf of a monument.

"The land in the North Woods area proposed for donation absolutely fits the National Park Service's criteria for national park sites, including suitability, feasibility and national significance. There is no other representative landscape like the North Woods in the National Park System," said Jarvis after one of the May 16 hearings.

Some 1,400 citizens attended a meeting at the University of Maine in Orono to air their opinions about an

87,500-acre North Woods National Monument. The land is currently owned by Roxanne Quimby, who has proposed transferring it to the federal government as a down payment on a future Maine Woods National Park.

The proposal also includes what Jarvis called an unprecedented \$40 million endowment - an allocation of \$20 million on the day a national monument is created and the allocation of another \$20 million over three years.

Meanwhile, a controversy in Utah over a possible Bears Ears monument in the southern part of the state continues to percolate. As we have reported, the Utah legislature last month approved a resolution opposing the use of the Antiquities Act in designating the monument.

In monuments action in Washington last month on May 13 81 House Democratic members asked the House subcommittee on Interior appropriations to leave the Antiquities Act of 1906 alone. The Antiquities Act is the law Presidents use as authority to designate national monuments, such as a possible Bears Ears monument.

But in approving a fiscal 2017 appropriations bill March 25 the House subcommittee did NOT include any bans on monument designations.

From the Republican side of the House, 31 members March 23 asked the House Appropriations Committee to forbid the designation of any national monuments in specific counties in eight states - Arizona, California, Colorado, Nevada, New Mexico, Oregon, Utah and Maine. Rep. Paul A. Gosar (R-Ariz.) is the lead signatory of the letter.

On a more congenial note the Obama administration is expected to designate a national monument in New York City next month on a site instrumental in the campaign for gay rights. The Stonewall Inn designation is widely supported by New York politicians.

President Obama has used the Antiquities Act to designate 23 monuments. Recently, on April 12 he designated a

Belmont-Paul Women's Equality National Monument near the Capitol in Washington, D.C. The monument, to be co-managed by the National Park Service, honors the Women's Rights movement.

Notes

Shake-up in park cities. Last year the cities of Arlington County, Va., and Irvine, Texas, were not even in the top 74 best parks cities in the country. But this year The Trust for Public Lands moved Arlington up to the fourth best and Irvine eighth best. As usual, Minnesota's twin cities Minneapolis and St. Paul fought it out for number one and two. This time it was Minneapolis's turn after the two tied last year. The Trust for Public Lands, which has published the city ratings for five years, assesses city parks based on access to parks, size of parks and facilities. "Cities are investing in park systems and that's showing up on the ParkScore index. It is great news for public health, the environment, and local economies," said Adrian Benepe, senior vice president for the Trust. After Minneapolis and St. Paul, the top ten in order were Washington, D.C.; Arlington, Va.; San Francisco; Portland, Ore.; New York; Irvine and Boston. The bottom five - from worst to fifth worst - were Fort Wayne, Ind.; Fresno, Calif.; Indianapolis, Ind.; Charlotte, N.C.; and a tie between Winston-Salem, N.C.; and Louisville, Ky. Much more info is available at: <http://parkscore.tpl.org>.

DoI names nine new trails. To recognize National Trails Day the Interior Department June 3 designated six state and local recreation trails and three water trails. National Trails Day fell on June 4. The trails now become part of a National Trails System and a National Water Trails system. The trails are already in place and are to be distinguished from national scenic and historic trails that only Congress may designate. The Secretaries of Interior and Agriculture have authority to designate recreational trails on their own hooks. States and local governments apply to the Interior Department to be included in the recreational trails systems. They

receive a certification of designation and a set of trail markers. Of the nine new trails the longest are a 291-mile Great Miami River Watershed Water Trail in southwestern Ohio and 250 miles of Bartram Trail in Putnam County, Fla. The American Hiking Society hosts the National Recreational Trails website at: <http://www.americantrails.org/nationalrecreationtrails/stateindex.html>.

House and Senate poised on fire. As Congress returns to work this week the House and Senate have in front of them three major initiatives to combat the ever-expanding wildfire threat to the country. All three initiatives emerged on the same day, May 25. First, the House subcommittee on Interior and Related Agencies Appropriations approved robust wildfire funding for fiscal year 2017, \$3.9 billion. That's 18 percent of the subcommittee's total appropriations allocation of \$32 billion. The full House Appropriations Committee is expected to address the subcommittee bill shortly. Second, the whole House for a second time this Congress approved legislation to shift some emergency fire fighting costs out of line appropriations and into disaster spending, this time as an add-on to a comprehensive energy bill (S 2012). The measure would also exempt some hazardous fuels projects from environmental review. A House-Senate conference committee on the bill is expected to begin shortly. Finally, five bipartisan senators posted draft legislation that would also transfer emergency wildfire money to disaster spending, and, like the House bill, exempt some hazardous fuels projects from environmental review. All three initiatives target the increasing cost of wildfires around the nation, particularly in the urban wildland interface. On May 17 the Forest Service predicted a tough - if not dire - upcoming fire season.

EPA moves on haze over Utah parks. EPA June 1 rejected a portion of a State of Utah plan to lower haze over Class I areas of southern Utah and ordered two coal-fired power plants to cut back nitrogen-oxide emissions. EPA directed Rocky Mountain Power to reduce by 76 percent emissions from the Hunter and Huntington power plants. The National

Parks Conservation Association said that human-caused haze has sharply diminished visibility over Arches and Canyonlands National Parks. Said Cory MacNulty, the Southwest senior program manager for the National Parks Conservation Association, "The EPA's decision will result in real visibility and air quality improvements that will offer park visitors greater and more frequent opportunity to experience the full expanse of the dramatic vistas for which these national treasures are celebrated." The State of Utah prepared a plan for improving visibility under an EPA Regional Haze Rule. EPA accepted much of the plan, but said it would order Rocky Mountain Power to sharply reduce pollutants from the Hunter and Huntington power plants. Rocky Mountain Power says the EPA order could cost it, and its customers, as much as \$700 million.

PEER: Attacks on feds increase.

The environmental group Public Employees for Environmental Responsibility (PEER) said May 31 that attacks on Bureau of Land Management (BLM) and Forest Service employees increased substantially last year. PEER said its database indicates attacks on BLM employees were up by 87 percent, from 15 to 28 instances, and attacks on Forest Service employees were up by 60 percent, from 97 to 155. PEER said the sample covers the year after a 2014 confrontation between Nevada rancher Cliven Bundy and BLM, but before the January seizure of the Malheur National Wildlife Refuge in Oregon by Bundy supporters. "Security is a rising concern for scientists and other specialists working in the remote Western outposts," said PEER Executive Director Jeff Ruch. PEER has maintained a database on attacks on federal employees since the 1995 bombing of the federal building in Oklahoma City. PEER said the Park Service doesn't keep national data on attacks on its employees. A summary of PEER's data is available at: http://www.peer.org/assets/docs/violence/5_31_16_Threats_Violence_1995-2015.pdf.

Senate addressing DoD lands bill.

The Senate has before it a huge military authorization bill (S 2943) that contains few of the controversial public lands provisions in a House-passed version of a bill. The House approved

its bill (HR 4909) May 18 with a provision that would validate Utah county and state claims to 6,000 miles of RS 2477 rights-of-way across federal lands. The RS 2477 provision is part of a larger proposal that would withdraw 625,000 acres of BLM property for a Utah Test and Training Range. The Senate bill would also authorize a withdrawal for the Utah Test and Training Range, but minus the House rights-of-way. A second, related provision would authorize the Defense Department to take control of more than 800,000 acres of the Desert National Wildlife Refuge in Nevada. Inclusion in the must-pass House Defense bill gives the provisions a leg up in Congress this year. In a veto threat of HR 4909, the Office of Management and Budget (OMB) singled out the RS 2477 and Utah Test Range provision 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." OMB also criticized the Nevada wildlife transfer to the Department of Defense.

Wyden would help military.

Sen. Ron Wyden (D-Ore.) introduced legislation June 6 that would encourage the Department of Defense to work with federal land managers to provide access to the outdoors. Wyden introduced his legislation as an amendment (SA 4404) to a Department of Defense Authorization bill (S 2943) currently on the Senate floor. The amendment would have each branch of the military provide information to members of the Armed Forces about maps of outdoor parks and recreation areas within 200 miles of bases. And it would encourage each branch of the military to give "Permissive Temporary Duty Assignments" for seven days, presumably per year. On March 17 Wyden introduced outdoor recreation legislation (S 2706) that would rewrite existing laws. Among other things the Wyden bill would exclude minor recreation

activities from environmental review, establish a grant program to address recreation bottlenecks on roads and bridges, encourage federal land management agencies to authorize year-round recreation in seasonal areas and streamline permitting for outfitters. Meanwhile, the House Natural Resources Committee and the Senate Energy Committee are expected this year to focus their federal recreation reform attention on broader legislation.

Boxscore of legislation

Fiscal year 2017 appropriations

No numbered bill yet. House subcommittee approved May 25. President Obama submitted request February 9. House subcommittee 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.