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**Hill committees okay some money.** House and Senate appropriators last week approved versions of a fiscal year 2017 Interior and Related Agencies appropriations bill that would roughly maintain fiscal 2016 park and rec spending levels, at best.

The House Appropriations Committee and the Senate Appropriations Committee took similar tacks on riders. In approving an Interior and Related Agencies bill (HR 5538) June 15 the House committee included some 30 policy amendments, some of them major. In approving a counterpart bill (S 3068) June 16 the Senate committee included at least a dozen riders, by Democrats' count.

Sen. Richard Durbin (D-Ill.) warned the committee that because of the riders the Interior bill not only won't make it to the Senate floor, but also is destined for a continuing resolution or omnibus bill late this year.

“We may have reached a tipping point here with these 12 riders you put in the bill,” said Durbin, who is also the assistant Democratic leader in the Senate. “I believe it is quite likely this bill will never be considered on the (Senate) floor because of these riders.” (See following article on riders.)

On the spending front the House and Senate panels were hobbled by three factors: (1) spending caps slightly under the fiscal 2016 level; (2) an allocation of $480 million for a payments of lieu of taxes (PILT) county assistance program that is sometimes funded outside spending bills and (3) emergency fire fighting.

Both the House and Senate committees would tap the appropriations bills...
for $480 million for PILT, rather than deferring to authorizing committees to put up outside money.

The spending cap: The House Appropriations Committee assigned a spending cap to the Interior and Related Agencies subcommittee bill that is $64 million less than a fiscal 2016 ceiling of $30.416 billion. The committee set a cap of $32.095 billion for fiscal 2017. Still, that is marginally above the spending cap of $32.034 billion set by the Senate Appropriations Committee for S 3068.

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.

In the House committee, subcommittee on Interior Appropriations ranking Democrat Betty McCollum (D-Minn.) complained of the cap in the June 15 markup, “Unfortunately, the FY 2017 subcommittee allocation is $64 million less than last year’s level. That means the needs of many important programs protecting our nation’s cultural and natural resources will not be met as their needs far outpace the stagnant allocation.”

The die is pretty much cast for the Interior spending bill this year in both the House and the Senate. Any increases on the House and Senate floors would have to be offset by decreases in other programs, a tough row to hoe. And majority Republicans would likely beat back an attempt to remove any of the riders in the bill. Besides, as Sen. Durbin said, the bill may not even reach the Senate floor.

Beyond that, proponents of all spending bills in the House got a 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 ports trouble for all spending bills on the House floor.

Heretofore, House and Senate committees had been making reasonable progress in developing fiscal 2017 appropriations bills. That spawned the theory that that 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.

For individual programs such as federal land acquisition from the Land and Water Conservation Fund (LWCF) the House committee in HR 5538 recommended a fiscal 2017 appropriation of $145.8 million, or $88.4 million short of a fiscal 2016 appropriation of $234.2 million. The committee also would reduce the state side of LWCF by $30 million, cutting it from $110 million to $80 million.

The Senate committee in S 3068 would appropriate $40 million more for federal land acquisition than the House panel, or $184.4 million. The senators would also allocate $30 million more for state grants, a total of $110 million.

For Park Service operations the House committee would hike spending by $39 million, from $2.396 billion in fiscal 2016 to $2.435 billion in fiscal 2017. The Senate committee approved $2.406 billion.

For a Park Service Centennial Challenge matching grants program the House committee would put up $30 million, twice as much as a $15 million fiscal 2016 appropriation. The Senate committee would appropriate $20 million for the challenge program, which would be matched by nonfederal donations.

The House committee 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 administra-
tion 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.

The Senate committee did not mention Save America’s Treasures.

For wildfire suppression the House committee approved about $3.9 billion and the Senate committee about $3.8 billion. The Senate bill also contains language that would transfer emergency wildfire expenses above the average to disaster spending. According to Udall, that would free up $661 million from fiscal 2017 spending, either in the bill or in make-up payments next year.

Murkowski said S 3068 meets the needs of the Interior Department and Forest Service in anticipated wildfire suppression costs, assuming those costs don’t exceed the 10-year average.

“But,” she added, “we need a new permanent solution to fire budgeting. In the bill I have included a proposal to end fire borrowing at the Forest Service and Interior Department . . . Rather that using budget gimmicks to move significant portions of fire programs off budget my proposal would continue the practice of fully funding the 10-year average and provide access to disaster funding through a cap adjustment when regular suppression funds are exhausted.”

In the Senate committee mark-up Udall at first faulted the bill for not approving the extra $661 million in anticipated wildfire costs above the average, despite the Murkowski disaster-spending language.

“Finally, I am concerned that the bill undermines firefighting needs since it funds only the 10-year average of firefighting costs,” he said. “Just last year, this subcommittee finally recognized that simply funding the 10-year average isn’t enough to cover actual firefighting costs. We worked together on a bipartisan basis to pass an omnibus that gave federal firefighters the funding that they actually need, not just the 10-year average. Unfortunately, this bill walks away from that commitment.

“I appreciate that the majority has included legislation to authorize a new disaster cap to pay for wildland firefighting as part of this bill, but the proposal has a long way to go before it becomes law and we can actually use the funds it authorizes. And in the meantime, this bill doesn’t give agencies the funding they need up front before fire season starts.”

Udall then persuaded the committee to adopt an amendment that would authorize spending the $661 million as disaster spending, instead of just recommending a future disaster-spending adjustment for wildfires.

In the House, appropriators recommended for wildfire costs for the Forest Service $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.

The Senate committee would combine an appropriation of $2.842 billion for regular wildfire expenses with $490 million for emergency wildfire costs above the average as disaster spending, for a total of $3.332 billion.

In the House, appropriators recommended for Interior Department fire fighting $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.

The Senate committee would combine an appropriation of $943 million for regular wildfire expenses with $171 million for emergency wildfire costs above the average as disaster spending, for a total of $1.114 billion.

Sens. Ron Wyden (D-Ore.) and Mike Crapo (R-Idaho) have sponsored a bill (S 235) to move emergency wildland fire-
fighting costs above 70 percent of the average out of regular appropriations bills and into disaster funding.

House appropriators did not address a counterpart bill (HR 167, sponsored by Rep. Mike Simpson (R-Idaho)) that would likewise transfer emergency fire-fighting appropriations to disaster funding.

Ranking subcommittee Democrat McCollum said emergency fire fighting should not be paid for from the Interior spending bill.

“I’m so disappointed that the majority has left $1.2 billion on the table by not championing Mr. Simpson’s wildfire disaster spending bill. Every member of the Interior subcommittee is a sponsor,” she said, adding that the majority did not include the Simpson bill language for “jurisdictional” reasons.

But, said McCollum, “Jurisdictional issues did not hinder the majority from including legislative riders.”

House subcommittee on Interior Appropriations Chairman Ken Calvert (R-Calif.) addressed the fire situation. “The committee has provided robust wildland fire funding. Fire suppression accounts are fully funded at the 10-year level, which rose by $133 million from last year,” he said.

The numbers: Here’s a summary of the two bills:

LWCF FEDERAL: The House committee approved $145.8 million for federal land acquisition, or $88.4 million less than a fiscal 2016 appropriation of $234.2 million. The Senate committee approved almost $40 million more than the House committee, or $104.4 million.

Here is the agency-by-agency LWCF distribution with the Senate committee numbers in parenthesis after the House numbers: the Bureau of Land Management (BLM) would receive $19.4 million (Senate $33.4 million) compared to $38.6 million in fiscal 2016; the Fish and Wildlife Service (FWS) would receive $50.3 million (Senate $47.8 million) compared to $68.5 million; the Park Service would receive $48.4 million (Senate $48.4 million) compared to $63.7 million; and the Forest Service would receive $27.3 million (Senate $54.7) compared to $63.4 million.

LWCF STATE: The House committee would appropriate $80 million, or $30 million less than the $110 million in fiscal 2016. The Senate committee would appropriate $110 million once again.

PARK SERVICE OPERATIONS: The House committee 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.

CENTENNIAL CHALLENGE GRANTS: The House committee approved $30 million, or $5 million less than the $35 million the administration requested. The Senate committee approved $20 million.

PARK SERVICE RECREATION AND PRESERVATION: The House committee approved $2.435 billion, or $39 million more than a fiscal 2016 appropriation of $2.396 billion. The Senate committee would appropriate the same as the House and last year, $2.406 billion.

NATIONAL HERITAGE AREAS: The House committee approved $19.8 million, or $10.4 million more than the administration request of $9.4 million. The Senate committee would also appropriate $19.8 million.

PARK SERVICE CONSTRUCTION: The House committee approved $215.7 million, or $23.2 million more than a fiscal 2016 appropriation of $192.5 million. The Senate committee would appropriate $217.3 million.

PARK SERVICE HISTORIC PRESERVATION: The House committee 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. The Senate committee would appropriate $67.9 million.

SAVE AMERICA’S TREASURES: The House committee 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.” The Senate committee did not mention.

**STATE WILDLIFE CONSERVATION GRANTS:** The House committee 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 committee.

**NATIONAL FOREST SYSTEM:** The House committee approved $1.531 billion, or $37 million more than the fiscal 2016 appropriation of $1.494 billion. The Senate committee would appropriate $1.520 billion.

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

**FOREST SERVICE TRAILS:** The House committee approved $77.5 million, the same as the fiscal 2016 appropriation. The Senate committee would appropriate $74.8 million.

**FOREST LEGACY:** The House committee approved $55 million, compared to a $62.3 million appropriation in fiscal 2016. The Senate committee approved $61 million.

**BLM RESOURCE MANAGEMENT:** The House committee approved $1.082 billion, or $9 million more than the fiscal 2016 appropriation of $1.073 billion. The Senate committee would appropriate $1.088 billion.

**BLM RECREATION MANAGEMENT:** The House committee 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.

**NATIONAL LANDSCAPE CONSERVATION SYSTEM:** The House committee would appropriate $36.8 million, the same as the fiscal 2016 number. The Senate committee would appropriate $36.8 million also.

**FWS REFUGE MANAGEMENT:** The House committee would appropriate $484.8 million compared to a fiscal 2016 appropriation of $481.4 million. The Senate committee would appropriate $483.4 million.

**WILDFIRE FOREST SERVICE:** For a wildfire appropriation the House committee recommends $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.

The Senate committee would combine an appropriation of $2.842 billion for regular wildfire expenses with $490 million for emergency wildfire costs above the average as disaster spending, for a total of $3.332 billion.

**WILDFIRE INTERIOR:** For a wildfire appropriation the House 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.

The Senate committee would combine an appropriation of $943 million for regular wildfire expenses with $171 million for emergency wildfire costs above the average as disaster spending, for a total of $1.114 billion.

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Monuments ban among riders added to Hill money bills

House and Senate appropriators last week approved versions of a fiscal year 2017 Interior and Related Agencies appropriations packed with riders.

In approving an Interior and Related Agencies bill (HR 5538) June 15 the House Appropriations Committee included some 30 policy amendments, some of them major. In approving a counterpart bill (S 3068) June 16 the Senate Appropriations Committee included at least a dozen riders, by the count of Democratic members.
Sen. Richard Durbin (D-Ill.) warned the committee the riders could sink the bill. He said because of the riders the Interior bill not only won’t make it to the Senate floor, but also is destined for a continuing resolution (CR) or omnibus bill late this year.

“We may have reached a tipping point here with these 12 riders you put in the bill,” said Durbin, who is also the assistant Democratic leader in the Senate. “I believe it is quite likely this bill will never be considered on the (Senate) floor because of these riders.”

“It is unlikely you will have closure on a motion to proceed with this because of these riders. . . It is likely your bill will end up becoming part of a CR at some point or maybe an omnibus at the end of the year,” he said.

Durbin was addressing June 16 in committee an amendment to remove 12 riders from S 3068 offered by ranking Senate subcommittee on Interior Democrat Tom Udall (D-N.M.) The committee then voted to defeat the amendment and retain the riders by a close 14-to-16 margin.

Subcommittee chairman Lisa Murkowski (R-Alaska) defended the riders as necessary policy provisions that are oftentimes supported by Democrats. As an example she cited a provision that would block implementation of a “waters of the United States” wetlands regulation from EPA.

“In my state of Alaska I can tell ya it has been called a showstopper of a regulation,” she said. “When we have so much of our state that is basically defined as wetlands, or permafrost, we are in a position that effectively any level of development that might move forward – I’m not talking about big projects, I’m talking about someone who might want to put in a longer driveway up the their home – they would be held back by this interpretation of waters of the United States.”

Murkowski summed up, “What some would consider a poison pill, it is probably in the eye of the beholder. I repeat that many of the provisions Sen. Udall has objected to are bipartisan.”

In the House for western Republicans one important provision – a limit on national monument designsations – was missing from HR 5538 as it came out of subcommittee. In full committee the Republicans rectified that, adding an amendment that would forbid the designation of any national monuments in specific counties in eight states – Arizona, California, Colorado, Nevada, New Mexico, Oregon, Utah and Maine. It was approved by a 27-to-22 vote with a handful of Republicans voting against.

Amendment sponsor Rep. Chris Stewart (R-Utah) said he feared the imminent designation of a 2 million-acre monument (Bears Ears) in southern Utah. If that happened, he said, “This is devastating to local communities. It is devastating for hard working American who have no other choice and when these lands are taken from them and every other job is taken from them they are promised tourism will come in. . . But you can’t support a family working for $12 an hour from May to September.”

House subcommittee on Interior Appropriations ranking Democrat Betty McCollum (D-Minn.) objected to the Stewart amendment. “I understand the gentleman has specific concerns related to the possible designation of a national monument in his state. But including this poison pill rider in the bill is not the solution,” she said.

The riders: The House and Senate committee approved numerous other legislative amendments. McCollum objected to them also: “The number and outrageous nature of the riders included in this bill pander to special interests at the expense of the public good. . . The veto-bait provisions that seek to turn back protections for endangered species, restrict control of greenhouse gas emissions, and undermine clean water and clean air protections do not belong in this bill.”

NATIONAL MONUMENTS (House committee): The House committee provision
would forbid the designation of any national monument in specific counties in eight states—Arizona, California, Colorado, Nevada, New Mexico, Oregon, Utah and Maine.

FLREA (Both committees): The underlying law is scheduled to expire on Sept. 30, 2017. If the committees’ 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.

EISENHOWER MEMORIAL (Both committees): The House and Senate committees 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.

The House committee 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.” The Senate committee did approve $1 million for the commission.

ALASKA REFUGE HUNTING REGS (Senate committee): The Senate committee would block regulations proposed by the Fish and Wildlife Service January 8 that would limit the hunting of wolves and bears in national wildlife refuges in Alaska. FWS says it is proposing the rule in reaction to a new State of Alaska policy that opens up refuges to increased predator control.

But, Murkowski said, “This proposed rule is incredibly unsettling to the people of Alaska, as it contains provisions that would close areas currently open to hunting and fishing. It is in direct contradiction to the process and promises laid out within (the Alaska National Interest Lands Conservation Act of 1980), which gives the State of Alaska the authority to manage our preserves, refuges, and parks.”

LEAD RECREATION GEAR (Both committees): The provision would ban EPA from banning lead in “ammunition, ammunition components, or fishing tackle.”

WETLANDS (Both committees): The committees 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.

That followed up on an Aug. 27, 2015, injunction from Chief U.S. District Court Judge Ralph R. Erickson in North Dakota, that blocked the rule in 13 states, most of them in the West.

WATER RIGHTS (House committee): The committee 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.

NPS ethics problems aired again by House Republicans

House Natural Resources Committee Republicans had a field day June 23 in attacking the Interior Department for a host of recent ethical lapses.

The Republicans criticized NPS Director Jonathan B. Jarvis for signing a book deal without clearance from ethics officials, sexual harassment by NPS officials at Grand Canyon National Park, sexual harassment by NPS officials at Cape Canaveral National Seashore and contract steering at the NPS Denver Service Center.
House subcommittee on Oversight Chairman Louie Gohmert (R-Texas) offered a sweeping condemnation of Interior Department management for the behavior of the officials. “A month ago we examined unethical conduct on the part of officials at the Department of Interior, including Jonathan Jarvis, the director of the National Park Service, who openly lied to the secretary and attempted to mislead the (Office of Inspector General),” said Gohmert.

“I mentioned then that the department’s failure to hold its employees accountable facilitates unethical and illegal behavior.”

Last week Secretary of Interior Sally Jewell warned all Interior Department officials to act ethically. In an E-mail Jewell said, “First, everyone must obey the rules, protect taxpayer resources, and comply with the ethical responsibilities expected of all Federal employees.”

Jewell also asked her employees to respect their fellows, to report ethical violations and to not retaliate against those who ring alarms.

Ranking House subcommittee Democrat Debbie Dingell (D-Mich.) did not attend the hearing because she was up until the wee hours participating in a House floor protest of gun laws. The only line Interior Department witness, Stephen Guertin, deputy director for policy for the Fish and Wildlife Service addressed a conflict of interest by a former service employee, Stephen M. Barton. That conflict involved the joint role of the employee at FWS and Western Association of Fish and Wildlife Agencies.

Nor did the Justice Department testify, although Gohmert said the department should have. “Of 29 cases that the (Office of Inspector General) referred to the Department of Justice over the course of six months 17 were declined for prosecution,” he said. “This number is troubling.”

The person who headed up most of the investigations, Mary Kendall, Deputy Inspector General of the Office of the Inspector General (IG), had some praise for department employees. She said her office conducts investigations, “in part, by capitalizing on a culture at Interior that, for the most part, is populated by individuals who are committed to the mission and doing the right thing. In fact, they are quick to report wrongdoing to the OIG. Just short of 50 percent of our complaints are generated by DOI employees and management. Another 15 percent of our complaints come from anonymous sources, many of which include information known only to DOI employees, so the total percentage is likely higher.”

While the House subcommittee considered transgressions at several Interior Department agencies in the hearing, it concentrated its fire on NPS.

**Jarvis:** As we have reported NPS Director Jonathan B. Jarvis issued a mea culpa to agency employees last month for writing a book on the parks without prior approval of the Interior Department ethics office. Jarvis received no money for the book.

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

In the facts of the case the Interior Department Inspector General said in a Nov. 19, 2015, report that Jarvis 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.

But Jarvis bypassed consultation with the Interior Department 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.

Based on that report on Feb. 23, 2016, Deputy Secretary of Interior Michael Connor admonished Jarvis and said he would reprimand him and relieve him of oversight of the Park Service ethics program.
Grand Canyon: According to a January report of the Interior Department Inspector General, 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.

“We found evidence of a long-term pattern of sexual harassment and hostile work environment in the GRCA River District,” said the report. “In addition to the 13 original complainants, we identified 22 other individuals who reported experiencing or witnessing sexual harassment and hostile work environments while working in the River District.”

The Park Service is conducting an agency-wide survey of sexual harassment in the workplace. The NPS survey, of undetermined duration, was touched off in part by a request from a bipartisan group of House members. They in turn were upset about reports of extensive sexual harassment in the Grand Canyon River District of Grand Canyon National Park.

On May 17 the former superintendent of Grand Canyon, Dave Uberuaga, retired after federal investigators said he failed to properly investigate the allegations of sexual impropriety and report them. He was not implicated in any of the allegations.

The Park Service offered Uberuaga a position in Washington, D.C., but he turned it down.

Cape Canaveral: The Inspector General in a June 13 report said that a law enforcement supervisor over the last five years “has shown a pattern of sexual harassment involving (a) law enforcement employee and two other female employees at CANA.”

According to the IG, the supervisor denied the allegations. “The supervisor denied sexually harassing the administrative assistant,” said the IG. “He said that he had taken her to lunch alone only once, and the other times they had lunch as part of a group. He said that he had also taken just about every female CANA employee to lunch, including the superintendent.”

President takes the lead in promoting NPS’s Centennial

President Obama this last week both talked the talk and walked the walk on behalf of the National Park Service Centennial.

In talking the talk he plugged an annual Park Service report extolling the economic benefits of the parks - $106 billion in economic output in fiscal year 2015.

In walking the walk he and his family over the weekend visited Carlsbad Caverns National Park in New Mexico and Yosemite National Park in California.

The White House said, “The President understands that we have the responsibility to protect our natural and cultural heritage for future generations, in no small part because conservation and outdoor recreation drive our economy.”

The White House emphasized the economic pay-off of the national parks. “Studies have shown that every dollar invested in the National Park Service generates $10 for the economy through visitor spending, and those national parks, monuments and other protected public lands help contribute to local communities by supporting jobs, boosting tourism, and attracting new businesses and residents who believe that easy outdoor access improves their quality of life,” it said.

Conservationists were naturally pleased. Said Sierra Club President Aaron Mair, “We applaud President Obama for taking steps to make our public lands reflect the full American experience.”

That is all very nice, but Congress is a key player and is being asked to put up substantial amounts of money for the National Park System in this Centennial year and beyond. On that front the House Appropriations Committee June 15 and the Senate Appropriations Committee June 16 approved fiscal year
2017 spending bills (HR 5538, S 3068) with increases for the Centennial.

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

In addition to the $65 million, the committee would set aside $30 million for Centennial Challenge grants to be met by matching nonfederal contributions. That’s twice the $15 million appropriation Congress approved for the Challenge program in fiscal 2016.

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

The Senate committee said that among the Centennial increases outside the Challenge grants are an extra $25 million for the agency’s maintenance backlog and an extra $24 million for construction.

Separately, the Senate, in a huge energy bill (S 2012) that is awaiting a conference committee with the House, would allocate $150 million in new money 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.

The energy conference is temporarily stalled in the Senate because of the press of other business, but key House and Senate players are reportedly talking with each other. (See related article page 13.)

The Centennial also received a boost last week from the Western Governors’ Association. It gave the parks prominence at an annual meeting at Grand Teton National Park in Wyoming.

In a policy statement endorsing the Centennial the governors also dove into a couple of policy debates. For one they said they supported “efforts to protect the intellectual property of iconic NPS features, venues and landmarks so as to ensure and maintain their economic, cultural and historic values.” Without saying so the governors were acknowledging a controversy at Yosemite National Park where the Park Service and two concessioners are fighting in court about naming rights.

The Yosemite brouhaha involves the previous concessioner Delaware North Companies, which lost its contract March 1; Aramark, operating as Yosemite Hospitality LLC, which took over the concession March 1; and the National Park Service.

Delaware North is asking Aramark to pay $51 million for the naming rights within the park, which Delaware North trademarked. But the feds say the intellectual property is worth about $3.5 million.

In a second policy debate the governors urged the “federal government” to avoid future budget impasses and federal lands shutdowns, “particularly NPS units within the states, and major tourist attractions in the West.”

Although Congressional Appropriations committees are offering to increase Centennial spending by more than $65 million per year, the Obama administration has asked authorizing committees to set aside significantly more money than that.

Ranking Senate Energy Committee Democrat Maria Cantwell (D-Wash.) and ranking House Natural Resources Committee Democrat Raúl M. Grijalva (D-Ariz.) have introduced an Obama administration’s Centennial proposal as stand-alone legislation (S 2257, HR 3556).

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.

**Rim of the Valley bill would double Santa Monica rec area**

Rep. Adam Schiff (D-Calif.) June 14 followed up on a recommendation of the Park Service and introduced legislation (HR 5467) to more than double the size of the Santa Monica Mountains National Recreation Area (SMMNRA).

The measure would add 193,000 acres from the Rim of the Valley area to the 153,000-acre SMMNRA to increase recreational opportunities in the Los Angeles area. NPS said the new territory would be managed by a partnership between it and existing land managers. There would be some land acquisition, though.

The bill follows a February 14 Park Service recommendation in a resource study commissioned by Congress.

Schiff, the Congressman who wrote the original law requiring the report, now has introduced the bill to execute the report’s recommendations.

“The Rim of the Valley is the critical bridge between the urban city centers and suburbs in the Los Angeles basin and the spectacular wilderness beyond, and our bill would help protect these lands for generations to come,” said Schiff. “As more of this area is developed and open space diminishes, the wildlife it support is increasingly at risk. Congress has the power to preserve the Rim of the Valley for generations to come, but we must act quickly, or the opportunity will be gone.”

Sen. Barbara Boxer (D-Calif.) said she would introduce a companion Senate bill.

Environmentalists endorsed the legislation. “It is time for areas such as Griffith Park, El Pueblo de Los Angeles, the Los Angeles River and the Santa Susana Mountains to be included in the national park in LA’s backyard, to further enrich the lives of both local residents and visitors to the region,” said Dennis Arguelles, National Parks Conservation Association Los Angeles program manager and chair of the Rim of the Valley Coalition.

The Park Service, Schiff and others argue that the Los Angeles area is underserved in recreation opportunities. Thus, NPS told Congress in a letter submitting its report, “The selected alternative offers the potential for increasing the availability of recreational opportunities for a broad range of urban audiences, including many who are underrepresented in national parks and underserved by state and local parks.”

NPS explained its role in an expanded SMMNRA: “Approximately 42 percent of the boundary adjustment area is currently protected by other land management agencies and organizations for conservation, open space, and/or recreational purposes, and the NPS would serve as a catalyst in furthering these efforts.”

Said the NPS report, “Lands within the proposed boundary addition, unless purchased by or donated to the NPS, would generally be subject to existing general plans and local zoning, as well as state and local laws and policies.”

Although the Forest Service manages hundreds of thousands of acres north of the SMMNRA, the report does not recommend the transfer of any national forest land to the Park Service. Rather, it said the Forest Service would retain management of its land and the two agencies would coordinate the management of their respective properties.

The additions to SMMNRA would come from a 650,000-acre study area in the Los Angeles region of southern California, including the mountains encircling the San Fernando, La Crescenta, Santa Clarita, Simi and Conejo Valleys.

As mentioned, the Forest Service would play an integral role in managing the 650,000-acre area, without ceding
land to NPS. In fact on Oct. 10, 2014, President Obama designated a 346,000-acre San Gabriel Mountains National Monument near SMMNRA in the Angeles National Forest. The Forest Service manages that area. Congress authorized NPS to conduct a study of the San Gabriel Watershed that led to the designation.

Explained NPS, “The San Gabriel and the Rim of the Valley Corridor studies were each authorized through separate legislation, at different times and for different geographic areas. There is an overlapping portion of the two study areas in the western San Gabriel Mountains. Because this area was studied through the San Gabriel Watershed and Mountain study, information and final recommendations from that study have been integrated as appropriate into the Rim of the valley Corridor Study.”

Committee would put states in charge of red snapper in Gulf

The House Natural Resources Committee approved legislation (HR 3094) June 15 that would have five Gulf of Mexico states regulate recreational fishing of red snapper in federal waters in the Gulf.

Individual states already regulate recreational fishing within state waters, or 12 miles out from the shore.

Bill supporters, including most sport fishing organizations, say the National Oceanic Atmospheric Administration and the Gulf of Mexico Fishery Management Council have so lowered recreational fishing quotas that federal waters were only open for fishing nine days last year.

Said Jeff Crane, president of Congressional Sportmen’s Foundation, “The current federal model is clearly not working, and it’s time for a more balanced approach to the management of this fishery.”

Sportsmen were optimistic about the chances for the bill, given bipartisan support in the committee’s 24-to-14 vote. “The fact that you have Members of Congress, both Democrat and Republican, from across the nation supporting this legislation, shows that this fishery needs state-based innovation that this bill will provide,” said Patrick Murray, president of Coastal Conservation Association, in a statement.

But there are clouds on the horizon. Two leading Republican committee members voted against the bill – former committee chairman Don Young (R-Alaska) and subcommittee on Federal Lands Chairman Tom McClintock (R-Calif.) In addition the Obama administration opposed the bill, having testified that regulation of federal waters is a federal responsibility.

Finally, commercial fishermen opposed the legislation. Said Bubba Cochrane, commercial fisherman and the president of the Gulf of Mexico Reef Fish Shareholders’ Alliance, “Commercial red snapper fishermen in the Gulf of Mexico do not support this bill...This unfunded mandate is being forced on us against our will and without our consent. This is just one more example of the federal government bullying its way into my business. Why does a Congress-man from Louisiana who sits at a desk in Washington DC think he knows more about running my commercial fishing business than I do?”

Rep. Garrett Graves (R-La.), the lead sponsor of the 43 cosponsors, said, “The bottom line is this: The federal government is using flawed science and a self-preserving process to obstruct recreational and commercial access to Sportsman’s Paradise.”

Gulf senators have proposed a different approach than Graves. Rather than turn management entirely over to the states Sens. Bill Cassidy (R-La.) and Marco Rubio (R-Fla.) introduced legislation April 19 that would give states a veto of Park Service proposals to limit recreational or commercial fishing.

The measure (S 2807) would require parks to obtain the approval of state fish and wildlife management agencies before restricting fishing.
It targets among other things a Sept. 8, 2015, Biscayne National Park general management plan that is designed to restore coral reef ecosystems by, in part, limiting fishing in Biscayne Bay. Rep. Ileana Ros-Lehtinen (R-Fla.) has introduced a counterpart Biscayne bill (HR 3310).

The red snapper controversy is both political (the federal-state dispute) and legal (a federal court in 2014 ordered the feds to better justify the catch for the recreational industry).

According to a House committee memo, “For 2016, the total quota of 13.96 million pounds was split approximately 6.77 million pounds to commercial and 7.19 million pounds to recreational/charter-for-hire. However, in accounting for the ACT, the actual catchable quota for the charter-for-hire was only 3.04 million pounds and the recreational sector was only 4.15 million pounds for 2016. This resulted in a 2016 recreational angler season with nine days in federal waters for private anglers, . . .”

HR 3094 would have NOAA establish a Gulf States Red Snapper Management Authority composed of state representatives within 60 days. The authority, using federal appropriations, would then approve each state’s red snapper management plan. Once a plan was approved NOAA would have to announce the approval in the Federal Register.

Among the groups supporting Graves are the International Game Fish Association, Recreational Fishing Alliance, American Sportfishing Association, Theodore Roosevelt Conservation Partnership, the Center for Coastal Conservation, National Marine Manufacturers Association, and the Congressional Sportsmen Foundation.

**Energy conference with LWCF and other provisions slows**

House and Senate energy policy leaders are reportedly meeting semi-regularly behind the scenes to plot a conference committee to address omnibus energy legislation (S 2012). Among other things the Senate-passed version of S 2012 would make the Land and Water Conservation Fund (LWCF) permanent.

But the conference is still hung-up in the Senate. The House on May 25 reapproved its version of a bill and appointed its conferees.

It is unlikely the conferees can begin work this month because of the press of other business in the Senate, such as appropriations bills. Besides, Congress is due to begin a July 4 holiday shortly.

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

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

There is pushback. The American Land Rights Association (ALRA) asked its members last week to contact House and Senate members to oppose the LWCF provision in the Senate version of S 2012 in conference.

“If he or she voted for the LWCF amendment to the Energy Bill you need to bring your opposition to his or her attention at every public meeting in your district,” said the association in an alert to members. “Call your friends. Call your neighbors. You need to send faxes and e-mails. You need to call his or her office once a week.”

The association warned that a bulked-up LWCF could lead to federal acquisition of private property, even if the owner opposed it. “If you like condemnation or eminent domain of private property then you’ll love the LWCF,” said ALRA. “That’s why the Greens want it. They want to be able to use the Park Service, Forest Service, Fish and Wildlife Service and BLM to do their bidding and take your property by force if necessary.”

The Senate provision, developed by
Senate Energy Committee Chairman Lisa Murkowski (R-Alaska) and ranking minority member Lisa Cantwell (D-Wash.), would also revise LWCF allocations.

The Senate provision in S 2012 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 Rep. Raúl M. Grijalva (D-Ariz.), ranking Democrat on the House Natural Resources Committee, offered a motion directing House conferees to accept the Senate LWCF provision. The House said no in a close 205-to-212 vote.

Grijalva said the popularity of LWCF argued for its inclusion 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 drastically realign program priorities. The House committee held a hearing on a draft Nov. 18, 2015.

Bishop would slash funding for the federal side of LWCF but give great 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 Appropriations Committee June 15 and the Senate Appropriations Committee June 16 approved the following LWCF allocations for fiscal 2017, compared to fiscal 2016:

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

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

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

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

Arizona begins to consider claims to federal lands

Coconino County, Ariz., fired a warning shot early this month across the bow of state legislators who want to order the federal government to transfer
most public lands to the state.

County supervisors, aware that a state legislative committee is studying the possibility of wholesale land transfers, adopted pre-emptively a resolution against such an action. The vote was unanimous.

Said county commissioner Art Babbott, “It is clear that efforts to transfer or sell our public lands will negatively impact our citizens, communities, and the regional economy. Access and management of our Western landscapes would be significantly altered if the state government attempts to take control of these public assets.”

The Theodore Roosevelt Conservation Partnership lobbied the county supervisors on behalf of the resolution and emphasized the cost of managing public lands. Said John Hamill, Arizona field representative for the partnership, “Arizona simply does not have the funds to maintain roads and recreation facilities, prevent and fight wildfires, restore damaged wildlife habitat, and enforce laws or prevent abuses. Ultimately, the state would be left with no choice other than to sell these lands, which, once privatized, would be off-limits to hunters and anglers forever.”

Last year Gov. Doug Ducey (R-Ariz.) vetoed legislation that would have directed the federal government to transfer almost all public lands to the state by the year 2022, save for national parks. However, Ducey did sign a law establishing a Federal Lands Study Committee.

That committee is now up and running under the direction of Rep. Brenda Barton and Sen. Sylvia Allen, both Republicans.

Coconino County is not typical in that it includes the money-machine called Grand Canyon National Park. However, the state transfer legislation last year exempted national parks. The county has a population around 140,000.

Pima County in December adopted a similar resolution. The county includes the city of Tucson and has a population of about 1 million.

The Arizona legislature is one of many in the West that is assessing the possibility of a mass transfer of public lands to states. The proponents argue that the states could better manage federal lands, and at a profit.

In the lead test case in the West on March 23, 2012, Gov. Gary Herbert (R-Utah) signed a Transfer of Public Lands Act, HB 148, which demands the transfer of 31 million acres of federal land to the state. Although the Utah law said the transfers were to begin on Jan. 1, 2015, none have taken place yet.

The U.S. House and Senate are on record favoring a devolution of federal lands across the West, although that’s a political nonstarter. In March 2015 both the House and Senate adopted positions endorsing the disposal of federal lands to state and local governments.

They acted in the passage of fiscal year 2016 Congressional budgets that the House approved March 25, 2015, (H Con Res 27) and the Senate approved March 27, 2015, (S Con Res 11). Those positions are advisory to line committees that would still have to move additional legislation to actually authorize any land transfers.

The rebellion against federal land managers reached a peak in January when government critics took over the Malheur Wildlife Refuge in Oregon. Before the occupation ended one of the leaders, Arizona rancher Robert “LaVoy” Finicum, was shot dead January 26 in a traffic stop.

Several other people were arrested, including the putative leader of the occupation, Ammon Bundy.

Notes

NPS retirees hit Teton hunting.
The Coalition to Protect America’s National Parks last week asked NPS Director Jonathan B. Jarvis to bar hunting, trapping and harassment of wildlife on state and private land within Grand Teton National Park. The coalition ob-
jects to a commitment made to the State of Wyoming by NPS Associate Regional Director Tammy Whittington in the Intermountain Region. In a 2014 memo to the Wyoming Game and Fish Department Whittington said that NPS was in error in assuming a Park Service rule (36 CFR 2.2 – Wildlife Protection) applied to inholdings within Grand Teton. Said Whittington, “While NPS continues its interest in ensuring that wildlife management on private inholdings does not negatively impact park resources, we have concluded that 36 CFR 2.2 does not apply to private inholdings within Grand Teton.”

The coalition said in a letter to Jarvis that the regulations “apply, regardless of land ownership, on all lands and waters within a park area that are under the legislative jurisdiction of the United States.” Emphasis added by the coalition. The coalition’s letter is available at http://protectnps.org/coalition-objects-to-nps-hunting-jurisdiction-decision-at-grand-teton-np/.

**BLM committee would slow BLM 2.0.**

The House Appropriations Committee June 15 approved an amendment to a spending bill that would delay for three months a proposed Bureau of Land Management (BLM) planning rule. The legislation, attached to a fiscal year 2017 Interior spending bill, would give the public an opportunity to comment on an increasingly controversial rule, called planning 2.0. The amendment from Rep. Mike Simpson (R-Idaho) was approved by a voice vote. Western Republicans object to the February 25 BLM proposal because they say it could eliminate an existing practice of planning within a field office’s boundary in favor of landscape-wide planning, with the boundaries set in Washington, D.C. And they object to a proposed easing of a requirement that BLM plans be consistent with state and local planning.

**Senate approves Defense bill.**

The Senate June 14 approved 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 (ROWs) 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 the House bill, 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. Separately, the House approved a provision that would not only ban listing of the greater sage-grouse under the Endangered Species Act for 10 years but would also curb BLM and Forest Service plans. It would do the latter by allowing states with management plans in place (all of them) to oversee sage-grouse protections, instead of BLM and the Forest Service.

**NREPA bill on Senate table.**

Seven eastern Democratic senators and one western senator (Barbara Boxer of California) reintroduced June 6 long-standing legislation to designate 23 million acres of wilderness in the Northern Rockies. The measure would also designate 1,800 miles of wild and scenic rivers. The measure would affect Idaho, Montana, Oregon, Washington and Wyoming. Sen. Sheldon Whitehouse (R-R.I.) is the lead sponsor of the Northern Rockies
Ecosystem Protection Act (NREPA). Rep. Carolyn Maloney (D-N.Y.) introduced a House bill (HR 996) Feb. 13, 2015. Maloney and other House and Senate members have introduced the Northern Rockies Environmental Protection Act (NREPA) several times since 1992. Maloney has 37 cosponsors in this Congress. The Senate bill is 197 pages long. The Republican-managed House and Senate are expected to ignore the bill.

Wyden moves to protect Owyhee. Sen. Ron Wyden (D-Ore.) introduced legislation (S 3048) June 10 that would withdraw 2 million acres of the Owyhee Canyonlands from uranium mining and oil and gas development. Wyden said he feared that mining companies would explore for uranium in the Canyonlands, which in some quarters are a prime candidate for national monument designation this year. “This is deeply troubling because these mining operations are dangerous – to the existing local economies as well as to the overall environment,” Wyden said.

Astrodome may be a park. County leaders in Houston, Texas, are talking about converting the famed Astrodome enclosed sports arena into an enclosed park. But, the Houston Chronicle reported last week, two architects are urging Harris County to tear down the skin of the roof and build an outdoor park on the roof’s skeleton. The county plan emanated from the top elected county official, Judge Ed Emmett. Earlier this year he recommended leaving the roof on the building and construction of an indoor park. Emmett suggested the job would cost less than $65 million. The Astrodome opened in 1966 as the world’s first domed stadium. Two architects, James Richards and Ben Olschner, last week proposed removing the skin on the roof but leaving the skeleton in place as a platform for an outdoor park for walking, jogging and biking. Their proposal is available at: http://www.astrodomepark.org.

Conference Calendar

JULY


AUGUST


OCTOBER
4-6. Scientific Conference on the Greater Yellowstone Ecosystem in Moran, Wyo. The conference is hosted by the National Park Service. For more information go to: https://ww4.aievolution.com/ytcl601/.

