

# Federal Parks & Recreation

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**Centennial gets attention; PEER faults donation plan**

While Congress ponders the next step in addressing legislation to support the National Park Service Centennial, NPS and other institutions are busy promoting the system.

NBC's Today show this week featured the Centennial as it sent hosts around the country to visit national parks, beginning with Everglades National Park on May 9 and ending with Acadia National Park on May 12.

For its part the Western Governors' Association said last week it will feature the Centennial at its annual meeting in Jackson Hole, Wyo. June 12-to-14. The governors are scheduled to hear from Yellowstone National Park Superintendent Dan Wenk and Yosemite National Park Superintendent Don Neubacher.

Not everyone is beating the drums. The environmental group Public Employees for Environmental Resources (PEER) this week lashed out at the Park Service for a proposed new policy on philanthropic donations.

PEER criticized the possible use of park employees to solicit contributions. "It is both unprecedented and unseemly to use tax dollars to solicit donations and cultivate potential donors," said PEER Executive Director Jeff Ruch. "This plan would put fundraising on a par with conservation in our national parks."

A central plank of the March 20 philanthropy proposal would authorize Park Service leaders to accept significant single donations from private entities. For instance the Park Service director could accept more than \$1 million on his or her own signature but

more than \$5 million if he or she had the proper certification and training.

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

Ruch complained that the plan would have the NPS assume fund-raising functions usually conducted by the National Park Foundation.

Also controversial, the proposal would outright allow partnerships with companies that produce and sell alcohol.

Last year NPS Director Jonathan B. Jarvis stirred up a hornets' nest when he signed a waiver allowing Anheuser-Busch to contribute \$2.5 million to the Park Service Centennial campaign. The new policy would eliminate the need for waivers.

Meanwhile, an association of national park concessioners says Congress and the agency aren't doing enough to use the Centennial to modernize campgrounds. They cite a new report sponsored by Kampgrounds of America (KOA) that describes a large surge in camping from all demographics, including minorities and millennials. And those visitors want conveniences, such as showers, Wi-Fi and other accouterments, said KOA, whether on private, state or federal campgrounds.

The good news, says KOA, is the increase in camping has spread through all segments of society. "Now, as this report shows, there are more campers than ever before," says KOA. "Camping is making inroads into every ethnic group and age category in North America. It matters not if you are a senior citizen or a member of the millennial age group, the desire to get outside - and share the experience - is increasing."

But minority group campers want modern facilities, such as Wi-Fi. Says the report, "Campers who expect free Wi-Fi Internet service are three times more

likely to be influenced in their campground selection by the presence of free Wi-Fi at a campground. In particular, African American/Black campers are most likely to be influenced by free Wi-Fi, while both Hispanic and African American/Black campers are most likely to expect free Wi-Fi at campgrounds." The report is available at: at <http://koa.uberflip.com/i/654141-2016-north-american-camper-report>,

Referring to that report, Derrick Crandall, counselor to the National Park Hospitality Association, said NPS and other hosts should provide more modern facilities. "If you bring in new people the first time, I'm convinced many will never come back again - I'm talking about people in the urban community - if there are no showers and no electricity and no Wi-Fi's," he said.

Crandall said the report should encourage the Park Service to enlist private companies to manage and upgrade campgrounds, perhaps with long-term concessions contracts.

However, many if not most park units and campgrounds are already at or near capacity. Jarvis said April 21 at a press conference that a record 307 million visitors contributed more than \$32 billion to the economy in 2015. "Overnight stays are up, also campgrounds, RVs and backcountry overnights are all up and in most cases double digits," he said. "Campgrounds increased by 12.5 percent, RV overnights are up 10 percent and backcountry overnights are up seven percent."

In Centennial activity on Capitol Hill, the Senate April 19 approved legislation that may serve as a placeholder for more substantive legislation to spruce up the National Park System over the next few years.

The stand-in legislation, offered as an amendment to a comprehensive energy bill (S 2012), 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, proposed 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 also 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.

In the House, the House Natural Resources Committee March 16 approved a comparable Park Service Centennial bill (HR 4680). The House committee bill would also establish a Centennial Challenge Fund and endowment, but unlike the Senate, would also revise senior citizen America The Beautiful Pass rates.

For now both the Senate amendment and the House committee bill fall far short of the Obama administration's Centennial recommendation. It asks Congress for \$540 million in guaranteed new investments in fiscal 2017, plus appropriations increases of \$190.5 million.

Cantwell and ranking House Natural Resources Committee Democrat Raúl M. Grijalva (D-Ariz.) have introduced the administration's Centennial program request as stand-alone legislation (S 2257, HR 3556).

NBC's Today show kicked off the Park Service Centennial week May 9 by sending reporters Natalie Morales and Jenna Bush Hager (President George W. Bush's daughter) to Biscayne National Park, Everglades National Park and Dry Tortugas National Park.

On May 10 the Today show sent Matt Lauer and Al Roker to New Mexico to explore White Sands National Monument and Carlsbad Caverns National Park. On May 11 Roker visited Alcatraz Island and Sequoia National Park. On May 12 Dylan Dryer and Sheinelle Jones went to Acadia National Park in Maine.

## NPS looking to DoD model as it reviews sex infractions

The Park Service is reaching out to the Department of Defense for guidance on how to conduct 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 over the years in the Grand Canyon River District of Grand Canyon National Park (GRCA).

A Park Service spokesman told *FPR* last week, "The Director (Jonathan B. Jarvis) has said he will reach out to other entities, like DoD, that has done work on this issue in order to accomplish this."

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.

"We found evidence of a long-term pattern of sexual harassment and hostile work environment in the GRCA River District," said the IG in the January 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 IG added that management responded cautiously. "We also confirmed that some of the incidents were reported to GRCA supervisors and managers but were not properly investigated or reported to HR and EEO," said the IG. "This violated DOI policies requiring managers and supervisors to promptly report such complaints." HR is the Human Rights office and EEO is the Equal Employment Opportunity office of the Park Service.

The IG report prompted 20 House members from both political parties, led by Reps. Paul Gosar (R-Ariz.) and Niki Tsongas (R-Mass.), to ask NPS Director Jarvis to survey all NPS facilities for possible sexual harassment.

"As the National Park Service continues to take action to correct this pattern of misconduct at the Grand Canyon River District and respond to a bipartisan letter from the Arizona House delegation, we encourage the agency to broaden the scope of its investigation to all sites managed by the National Park Service," the House members wrote in a March 31 letter to Jarvis.

"Specifically, we recommend that the National Park Service conduct a service-wide anonymous survey of its employees to determine if there are other instances of long-term sexual harassment in the workplace."

The NPS spokesman told *FPR* last week, "We need to have a survey that has value and we need to get it to the field as expeditiously as possible."

On March 15 Jarvis told all employees in a memorandum that sexual harassment will not be tolerated in the agency. "The culture in this arena is of deep concern for me," he said. "I am asking every one of you to work to change this. Take it upon yourself to initiate the dialogue, as we all have the responsibility to bring these issues to the forefront. If you have concerns, discuss them first with your supervisor. Leadership, regardless of position, matters. If the response is inadequate, seek out a supervisor in a different discipline."

The Interior Department IG said that many of the instances of sexual harassment in Grand Canyon allegedly occurred during river trips. The most prominent events occurred during a February 2014 river trip. After complaints were filed against two employees, NPS did not renew their employment.

In September 2014 13 former and current NPS employees who worked or had worked at the Grand Canyon River District wrote a letter of complaint to

Secretary of Interior Sally Jewell. Jewell's office then asked the IG to investigate.

The IG interviewed more than 80 people, including the accusers and the accused. According to the report the accused said "that the four current and former River District employees had touched them inappropriately, made inappropriate sexual comments, propositioned them for sex, or otherwise behaved inappropriately during river trips."

The IG report is available at: [https://www.doioig.gov/sites/doioig.gov/files/Investigation\\_NPS\\_ParkRangerPurchases.pdf](https://www.doioig.gov/sites/doioig.gov/files/Investigation_NPS_ParkRangerPurchases.pdf).

Jarvis's memo is available at: <https://vipvoice.wordpress.com/2016/03/18/zero-tolerance-for-workplace-harassment/>.

The Congressional letter is available at: <https://tsongas.house.gov/press-releases/bipartisan-group-of-representatives-urge-national-park-service-to-conduct-agencywide-sexual-harassment-survey/>.

## Monument talk - and critics - heat up in Utah and Maine

The Utah state legislature will hold a special session beginning May 18 to consider a resolution opposing the designation of a 1.9 million-acre Bears Ears National Monument in southern Utah.

Utah Gov. Gary Herbert (R) called the special session in response to an April 19 speech of Secretary of Interior Sally Jewell saying she would visit Utah to consider "conservation proposals." Herbert - and others - took that to mean a quasi-endorsement of a Bears Ears monument on Bureau of Land Management (BLM) property.

"It is absolutely irresponsible for the Obama Administration to consider a new national monument that is over two and a half times the size of Rhode Island without input from Utahns from across the state who will be significantly impacted by this decision," Gov. Herbert said.

Meanwhile, NPS Director Jonathan B. Jarvis has scheduled meetings for May 16 in Maine to discuss the possibility of 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.

However, the Maine Congressional delegation has been less than enthusiastic about the proposal, given the opposition of Gov. Paul LePage (R), the State of Maine legislature and local governments. The critics fear a huge monument in the north of the state would lead to restrictions on snowmobiling and timber harvests.

Thus far only one member of Maine's four-person congressional delegation, Rep. Chellie Pingree (D), has supported Quimby's proposal.

Quimby and her allies say a monument/national park would give a shot in the arm to an ailing local economy struggling with the loss of two paper mills. Conservationists have long advocated a national park in the largely undeveloped woods of northern Maine.

As for a Bears Ears monument in Utah, during the regular session of the state legislature earlier this year the Utah State House of Representatives approved such a resolution of disapproval but the Utah State Senate did not vote on it.

However, even if the legislature approves such a resolution and Herbert signs it, it may not have any legal effect. The Bears Ears area is federal property and is managed by BLM. Bears Ears sits south of Canyonlands National Park and east of Glen Canyon National Recreation Area in southern Utah.

While some of the impetus for a national monument is coming from environmental groups, five Indian tribes located near the area are leading the campaign. The Ute Mountain Ute, Zuni, Hopi, Navajo, and Ute Tribe of the Uintah and Ouray An have assembled a coalition of Tribal governments in support of the monument.

"Protecting the Bears Ears as a National Monument is supported by all of the Tribal governments in the region, local grassroots Navajo and Ute people and the vast majority of the citizens of Utah," said Jonathan Nez, Navajo Nation Vice President. "We are looking forward to Secretary Jewell's visit and hope President Obama will act swiftly to protect the Bears Ears as a National Monument."

The coalition says of the area, "The member tribes of the Bears Ears Inter-Tribal Coalition hold the Bears Ears immediate landscape, as well as the lands fanning out from its twin plateaus, as traditional sacred lands. This land is a place where tribal traditional leaders and medicine people go to conduct ceremonies, collect herbs for medicinal purposes, and practice healing rituals stemming from time immemorial, as demonstrated through tribal creation stories."

Physically, the area ranges from an altitude of 3,700 feet to 11,300 feet. The Forest Service and BLM have recommended much of it for wilderness.

House Natural Resources Committee Chairman Rob Bishop (R-Utah) and Rep. Jason Chaffetz (R-Utah) January 20 unveiled a draft Utah Public Lands Initiative that would designate 1.1 million acres of Bears Ears as a national conservation area.

The Utah disagreement is but one of many across the West over the possibility that President Obama will designate major national monuments in his last few months using the Antiquities Act of 1906.

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. (See following article.)

As we have reported, Senate Minority Leader Harry Reid (D-Nev.) said in early April he will ask President Obama to designate a Gold Butte National Monu-

ment in Nevada that would include grazing land claimed by rancher Cliven Bundy.

In a lengthy Senate floor speech Reid extolled the natural resource values of the 300,000-acre plus region and excoriated Bundy for a confrontation with BLM over grazing trespass on the public lands in Gold Butte.

"I've tried to protect Gold Butte for a long time," said Reid, who has been stymied in Congress in his attempts to move legislation (S 199) to establish a national conservation area in southwestern Nevada. "And the reason we haven't been able to do anything to this point is (because of) the Bundy boys and his (sic) pals."

So Reid said in lieu of legislation he would ask President Obama to designate Gold Butte as a national monument under the Antiquities Act of 1906. Reid's fellow Nevada senator, Dean Heller (R-Nev.), is dead-set against a monument.

In 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. Their letter to appropriators would forbid designation of a national monument in Clark County, Nev., the home of Gold Butte. Rep. Paul A. Gosar (R-Ariz.) is the lead signatory of the letter.

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.

## **Obama expected to designate Stonewall monument in NYC**

Senior Obama administration officials held a "listening session" in Manhattan May 9 in advance of the near-certain designation as a national monument

of a site instrumental in the campaign for gay rights.

Obama likely will make the designation next month during Lesbian, Gay, Bisexual and Transgender Pride (LGBT) Month, according to media reports.

The focus of the designation will likely be the Stonewall Inn, a tavern in the Greenwich Village section of Manhattan. In that the inn/tavern is on private property and is still in operation, it may not form the initial monument because such monuments must be on federal property.

Instead, federal officials are reportedly considering the acquisition of a small portion of city land (two-tenths of an acre) in Christopher Park near Stonewall. In late April New York Gov. Andrew Cuomo (D-N.Y.) signed legislation that would authorize the transfer of Christopher Park to the federal government.

Sen. Kirsten Gillibrand (D-N.Y.) and Rep Jerrold Nadler (D-N.Y.) have introduced legislation (HR 4230, S 2386) to make the Stonewall Inn a unit of the National Park System. The legislation would designate a Stonewall National Historic Site and direct the Park Service to acquire land within the site to assemble a "manageable unit."

Whether as a park or monument the Park Service would manage the site.

Said Secretary of Interior Sally Jewell in a public meeting May 9 in Manhattan, "We are committed to ensuring our national parks, monuments and public lands help Americans better understand the places and stories that make this diverse nation great, and the site of the Stonewall Uprising is a compelling example."

"The National Park Service is America's storyteller and sites like this one enable all Americans to learn about our country's on-going struggle for civil rights."

The Stonewall Inn was the site of the beginning of the modern-day gay rights movement when tavern patrons re-

belled against arrests by New York City police on May 29, 1969, touching off riots.

Said Nadler prior to the May 9 visit of Secretary of Interior Sally Jewell and NPS Director Jonathan B. Jarvis, "Stonewall was the spark that ignited the movement for LGBT civil rights that continues to burn around the world today. We now have an opportunity to ensure that the contributions of all of the brave individuals who helped launch the fight for civil rights are recognized, including those who have not always been acknowledged, such as transgender women of color."

If Obama designates Stonewall as a national monument next month, it will mark the 24<sup>th</sup> time he has used the Antiquities Act of 1906 to designate national monuments on federal lands. That is, unless Obama designates some other supposedly pending monuments in the West and the State of Maine (*see previous article.*)

Most recently on April 12 Obama designated a Belmont-Paul Women's Equality National Monument in Washington, D.C. The Park Service will be in charge of managing the site, in cooperation with the National Women's Party. The designation of the Belmont-Paul monument symbolizes the long campaign to secure women's rights.

As in the potential Stonewall site, the administration had to use some legal gymnastics to designate the Belmont-Paul site near the nation's Capitol.

According to NPS, the National Women's Party petitioned the Superior Court of the District of Columbia for approval of the transfer of the Belmont-Paul property to the United States. The court approved the petition March 25 and the transfer became official April 12 with the inclusion of the property within the National Park Service by President Obama.

Supposedly in the works are two quite different kinds of national monuments in the West - a 1.9 million-acre Bears Ears National Monument in southern

Utah and a 300,000-acre Gold Butte National Monument in Nevada.

## **NPS approves Big Cypress oil and gas exploration project**

The Park Service May 6 rejected demands from environmental groups that it bar oil and gas seismic testing in the Big Cypress National Preserve.

NPS said in a finding of no significant impact that exploration of 110 square miles of the preserve could proceed because it would not cause significant environmental impacts. However, NPS said if the holder of subsurface mineral rights in the preserve, Burnett Oil Company, Inc., were to attempt to proceed to development after the testing the company would have to submit a new proposal for further environmental documentation.

Still, environmentalists objected to the seismic testing, perhaps laying the groundwork for a lawsuit. "The Park Service has failed in its *legal* (our emphasis) responsibility to protect the preserve from the irrevocable damage these activities will inflict," said Nicholas Lund, senior manager of the National Parks Conservation Association's (NPCA's) Landscape Conservation Program.

Lund said NPS did not conduct an adequate review of the impacts of the seismic testing, let alone future development. "Preserve staff conducted the minimum amount of environmental review necessary to approve a plan that would create up to 1,000 miles of new rutted trails through the habitat of nine federally endangered species in a previously roadless area, with other lasting impacts to soils and water quality," he said.

"When the four stages of Burnett Oil Company's testing plan are complete they will have driven 30-ton trucks over more than 360 square miles of the preserve," he added.

Burnett Oil holds subsurface oil and gas rights under Park Service lands in Big Cypress that were grandfathered when the preserve was estab-

lished in 1974 and expanded in 1988 and 1996. Congress designated the 729,000-acre site a preserve rather than a park in anticipation of continued oil and gas development there.

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

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

In January a coalition of environmental groups including NPCA and the South Florida Wildlands Association said in an 87-page response to NPS's environmental assessment that the Park Service should reject outright the proposal. Presumably, that would require Congress to purchase the subsurface mineral rights.

The groups suggested at the time the possibility that Congress may have to buy the subsurface rights. "Therefore, NPS must evaluate an alternative involving the purchase of the mineral rights beneath the Preserve," they wrote NPS. "Such analysis educates both the public and policy makers about more protective alternatives available to the proposed action."

However, the Park Service says in a question-and-answer paper that that is getting ahead of the game - the proposal from Burnett is only for seismic exploration. Development would require a new proposal and further environmental documentation.

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

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

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

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

## **Domestic spending bills may avoid usual Senate gridlock**

In what Senate Republican leaders are billing as a major breakthrough for all appropriations bills, the Senate May 10 found a way to break free a gridlocked Energy and Water appropriations bill (HR 2028).

The leaders arranged for a separate vote on an amendment that had stalled the bill that would have placed new restrictions on Iranian nuclear reactors. Senate Democrats had been filibustering the whole bill because of the provision.

Once the Iranian amendment was defeated by a 57-to-42 vote May 11, the Senate resumed consideration (with 60 votes needed to pass) of the Energy and Water bill. The Senate then approved the bill May 12.

Sen. Dianne Feinstein (D-Calif.) said the strategy of voting early to defeat poison pill amendments augurs well. "I hope that it sends a signal - a strong signal-for the rest of the appropriations process," she said. "We want to show that we can run this place and get business done and poisons pills have none (sic) place on appropriations bills"

Although the House is also beginning to move its spending bills, the Senate gridlock had threatened to force Congress to put together a jumbo continuing resolution at the end of the fiscal year. But now that the Senate has found a way to move one domestic bill, others may follow.

That said, the good news may not apply to a prospective Interior and Related Agencies measure. Despite a budget agreement from last fall, Senate appropriators April 14 actually reduced a spending cap for an Interior and Related Agencies bill by more than \$125 million.

The agreement had decreed a modest increase in domestic spending in fiscal year 2017, but left it up to appropriators to allocate the increase by agency bill.

The \$32.034 billion Interior appropriations bill, when it begins to move, is already facing several other major obstacles - such as a near mandatory allocation of \$4 billion-plus for fire programs, \$450 million for county assistance programs and numerous cost-of-living increases.

Here's where we stand:

**Energy and Water:** The Senate approved the Energy and Water bill (HR 2028) May WHAT by a vote of WHAT-to-WHAT.

In early action on that bill April 21 the Senate rejected a key amendment from Sen. John Hoeven (R-N.D.) that would overturn an Obama administration ruling expanding the kinds of waters subject to permitting provisions of the Clean Water Act. The vote was 56-to-42 with 60 votes needed to pass.

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.

Separately, the House Appropriations Committee April 19 approved its version of an energy and water spending bill (unnumbered) that would prohibit spending any money on implementation of the EPA rule.

**Transportation:** on April 21 the Senate Appropriations Committee approved a Transportation spending bill (S 2844). Of note the Senate bill would appropriate \$525 million for TIGER infrastructure grants that allocate money to broad infrastructure projects, including trails. In fiscal 2016 Congress appropriated \$500 million for the program. The Obama administration requested \$1.250 billion for fiscal 2017.

More broadly, the Senate transportation bill would carry out a new surface transportation law (Developing a Reliable and Innovative Vision for the Economy Act of Dec. 4, 2015) by distributing \$44 billion from the Highway Trust Fund to various programs. That would include more than \$800 million for a Transportation Alternatives Program that funnels money to such initiatives as transportation enhancements, recreational trails and scenic byways.

The House Appropriations Committee has yet to begin moving its Transportation spending bill.

**Agriculture:** On April 19 the House Appropriations Committee approved an Agriculture spending bill (HR 5054). The Senate Appropriations Committee has yet to begin moving a counterpart bill.

**Interior:** Neither the House Appropriations Committee nor the Senate Appropriations Committee has begun to move bills. This measure is often one of the last to go and one of the most difficult because of disagreements about EPA regulations and riders affecting public land management.

In addition the combination of a reduced Senate cap, fire-fighting money, county assistance and cost-of-living expenses combine to make the committee's job much more difficult.

The numbers: Here are some of the administration's recommendations compared to a fiscal 2016 appropriations law (PL 114-113 of Dec. 18, 2015):

**LWCF FEDERAL:** From appropriations, the budget recommends \$257.347 million for the traditional federal land acquisition side of LWCF, compared to a fiscal 2016 appropriation of \$234.2 million. By agency the Bureau of Land Management (BLM) would receive \$44 million compared to \$38.6 million in fiscal 2016; the Fish and Wildlife Service would receive \$58.7 million compared to \$68.5 million; the Park Service would receive \$68 million compared to \$63.7 million; and the Forest Service would receive \$65.7 million compared to \$63.4 million.

**LWCF STATE:** From appropriations, the administration recommended \$110 million, the same as in fiscal 2016.

**PARK SERVICE OPERATIONS:** The administration recommended \$2.524 billion, compared to a fiscal 2016 appropriation of \$2.396 billion.

**PARK SERVICE CONSTRUCTION:** The administration recommended \$252 million, compared to a fiscal 2016 appropriation of \$192.5 million.

**PARK SERVICE HISTORIC PRESERVATION:** The administration recommended \$87.4 million, compared to a fiscal 2016 appropriation of \$65.4 million.

**PARK SERVICE RECREATION AND PRESERVATION:** The administration recommended \$54.4 million, compared to a fiscal 2016 appropriation of \$62.6 million.

**PARK SERVICE HERITAGE GRANTS:** The administration recommended \$8.5 million, compared to a fiscal 2016 appropriation of \$19.8 million.

**STATE WILDLIFE CONSERVATION GRANTS:** The administration recommended \$67 million, compared to a fiscal 2016 appropriation of \$60.6 million.

**NATIONAL FOREST SYSTEM:** The administration recommended \$1.501 billion, compared to a fiscal 2016 appropriation of \$1.509 billion.

**NATIONAL FOREST RECREATION:** The administration recommended \$263.9 million, compared to a fiscal 2016 appropriation of \$261.7 million.

**NATIONAL FOREST TRAILS:** The administration recommended \$78.5 million, compared to a fiscal 2016 appropriation of \$77.5 million.

**BLM RESOURCE MANAGEMENT:** The administration recommended \$1.075 billion, compared to a fiscal 2016 appropriation of \$1.073 billion.

**BLM RECREATION MANAGEMENT:** The administration recommended \$71.9 million, compared to a fiscal 2016 appropriation of \$69.5 million.

**NATIONAL LANDSCAPE CONSERVATION SYSTEM:** The administration recommended \$50.7 million compared to a fiscal 2016 appropriation of \$36.9 million.

**FWS REFUGE MANAGEMENT:** The administration recommended \$506.6 million compared to a fiscal 2016 appropriation of \$481.4 million.

## **Another House committee approves claims to RS 2477s**

A second House committee a fortnight ago approved Utah county and state claims to 6,000 miles of RS 2477 rights-of-way (ROWS).

The House Armed Service Committee included the provision in a must-pass National Defense Authorization Act (HR 4909). The House Natural Resources Committee had approved the provision (HR 4579) March 16 as a stand-alone bill.

Inclusion in the Defense bill gives the provision a leg up in Congress this year.

The RS 2477 provision is part of a larger proposal that would withdraw 625,000 acres of Bureau of Land Management (BLM) property for a Utah Test and Training Range.

A second, related provision would authorize the Defense Department to take control of more than 800,000 acres of

the Desert National Wildlife Refuge in Nevada.

The Defenders of Wildlife attacked the provisions, which were also included in the House version of a Defense authorization bill last year. "The Department of Defense does not want these anti-wildlife riders and our men and women in uniform will not benefit from them," said Defenders President Jamie Rappaport Clark. "This is yet another assault on America's wildlife and conservation legacy by extractive industries and other extreme special interests."

But the sponsor of the provisions, House Natural Resources Committee Chairman Rob Bishop (R-Utah), said, "I'm happy we're one step closer to granting greater flexibility and capability to the servicemen and women who sharpen their skills at the Utah Test and Training Range. It is also great to see progress towards granting the military the ability to manage training lands, and not be beholden to the BLM to drain their time and resources with meaningless reviews and bureaucratic hurdles." Bishop also serves on the House Armed Services Committee.

**Utah Test Range withdrawal:** The House Armed Services Committee adopted this provision April 19 by a vote of 35-to-26 on Bishop's recommendation.

The base goal of the amendment is to withdraw the 625,000 acres for the Air Force to accommodate F-35 jets, while retaining the lands under BLM management. But it would also validate 6,000 miles of RS 2477 rights-of-way in Box Elder, Juab, and Tooele Counties, Utah.

The amendment has been introduced as stand-alone legislation (HR 4579, S 2383) by Rep. Chris Stewart (R-Utah) and Sen. Orrin Hatch (R-Utah).

But for the Southern Utah Wilderness Alliance (SUWA) the bills represent an attempt by the State of Utah to take advantage of military needs to assert claims to federal lands. Said SUWA in a bulletin to its members just before a February 25 House hearing, "Rep. Stewart's proposed expansion is merely

part of the broader effort by the State of Utah to seize our nation's public lands."

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

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

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

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

**Desert National Wildlife Refuge transfer:** The House Armed Services Committee adopted this amendment from Bishop April 19 by a vote of 33-to-28 (with two Republicans voting with the Democrats).

The provision would allow the Defense Department to demand transfer to it of more than 800,000 acres of the Desert National Wildlife Refuge north

of Las Vegas from the Fish and Wildlife Service.

That would remove about half of the refuge's 1.65 million acres. Last year, at the request of Sen. Harry Reid (D-Nev.), the provision was removed from a Defense authorization bill. Much of the land lies within the Nevada Test and Training Range.

## **Environmentalists ask BLM and FS to crack down on ORVs**

A new report from The Wilderness Society (TWS) says the Bureau of Land Management (BLM) and the Forest Service should limit off-road vehicle (ORV) use on the public lands, even more than they do now.

The agencies already operate under Presidential executive orders that require them to "minimize" impacts from ORVs on natural resources. However, said the report published May 4, too often the agencies simply identify activities that might impact resources, but don't actually limit those activities.

So, said Alison Flint, counsel and planning specialist for the society. "It's really important that the Forest Service and BLM stand up for the forests, deserts, critters, and majority of public land visitors who enjoy skiing, snowshoeing, and other quiet forms of winter recreation, and make sure that off-road vehicles don't cause unnecessary harm."

"It's now 44 years after President Nixon directed the agencies to do this and still we are seeing widespread disregard of this responsibility."

The report is available at: <http://wilderness.org/press-release/road-vehicle-damage-public-lands-must-stop>. TWS based its recommendations on a review of several ORV management decisions by the agencies that have been subject to lawsuits.

In saying that BLM and the Forest Service should "minimize" ORV impacts, TWS made clear that applies to

locating ORV trails as well as to managing already located trails. "Guidance should also clarify that agency attempts to mitigate impacts associated with an existing ORV system are insufficient to fully satisfy the executive order minimization criteria, which requires areas and trails to be located to minimize impacts in the first instance," said the report.

In 1972 President Richard Nixon issued Executive Order 11644 directing federal land managers to protect natural resources and other recreation uses in managing ORVs. In 1977 President Jimmy Carter followed up with Executive Order 11989.

BLM and FS then wrote travel management plans that have received mixed reviews in court. In one major controversy a federal judge in 2013 ruled that the Forest Service failed to write guidance for the use of oversnow vehicles in travel management plans.

In 2005 the service had published a regulation that led to the designation of roads, trails and other areas that were either available to "off-road vehicles" or off limits to ORVs. However, that rule did not apply to snowmobiles and other oversnow vehicles.

On March 29, 2013, U.S. Magistrate Judge Ronald E. Bush in the District of Idaho ruled that the agency must apply the regulation to oversnow vehicles. The Forest Service is now doing that with a new rule.

In its report The Wilderness Society referred to the oversnow dispute, and other disputes, and said, "We recommend that agencies issue guidance to clarify their obligations under the Executive Orders. Specifically, when designating ORV trails and areas, agencies must: (1) Actually minimize impacts - not just identify or consider them - and show how they did so in the administrative record."

For its part BLM is now working on hundreds of travel management plans, which TWS says provides an opportunity for the bureau to comply with the executive orders.

## Notes

### **Govs. focus on NPS Centennial.**

The Western Governors' Association is fleshing out an agenda featuring the National Park Service Centennial for its annual meeting June 12-to-14 at Jackson Hole, Wyo. With Wyoming Gov. Matt Mead (R-Wyo.) at the association helm this year the governors on June 13 will hear from Yellowstone National Park Superintendent Dan Wenk and Yosemite National Park Superintendent Don Neubacher. To celebrate Great Outdoors Month® Mead and the governors will host Fourth Grade students from across the West for a campout. Mead has invited 18 governors to select families from their states to participate. The youths will be able to use Every Kid in a Park free national passes.

### **LWCF counterattack intensifies.**

Private property rights advocates are doubling down in their opposition to Senate-passed legislation to make the Land and Water Conservation Fund (LWCF) permanent. The American Lands Rights Association (ALRA) May 5 turned its attention to the House, where the Senate-passed bill (S 2012) now goes. ALRA told its members to "deluge" the House with phone calls in opposition to S 2012, an omnibus energy bill that includes permanent authority for LWCF. For its part the House Dec. 3, 2015, approved an omnibus energy bill (HR 8) without the LWCF provision. "Urge your Congressman and both Senators to block any attempt to turn the LWCF into a permanent Trust Fund," ALRA told its members. "Tell them to include a provision saying that any funds from the LWCF cannot be used for condemnation (eminent domain). Otherwise eminent domain is automatically included." ALRA and its allies face an uphill climb because a dozen or so Republican senators have joined all Democratic senators in support of LWCF.

### **LaMalfa introduces guides bill.**

Rep. Doug LaMalfa (R-Calif.) announced on the House floor May 10 that he has introduced legislation (HR 5129) to simplify permitting for guides and outfitters on the public lands. LaMalfa said his bill would also put a cap on per-

mit fees. Among other provisions that may be controversial LaMalfa would allow categorical exclusions from environmental reviews "for previously studied lands." Said the Congressman on introducing his bill, "Guides and outfitters should not have to navigate arbitrary rules, inconsistent practices, and unresponsive federal agencies. The current process is just too expensive and too complicated." Representatives of the powered recreation industry applauded. Said Don Amador, western representative for the BlueRibbon Coalition, "Over the years, a growing avalanche of complex rules, regulations, and court decisions have driven up the costs and fees charged by federal agencies to local OHV clubs, outfitters and guides, and other recreation groups for special use permits. This important legislation will help ensure that public lands remain available for various recreational group activities."

**USDA chooses new CRP Lands.** The Department of Agriculture said May 5 that it has enrolled 800,000 acres in the latest sign-up of private land in the Conservation Reserve Program (CRP). In a 2014 Farm Bill Congress capped the number of acres in CRP at 24 million. The department said as of March 2016, 23.8 million acres were enrolled. Some 1.7 million acres are due to expire this fall. Under CRP the federal government pays nearly \$2 billion each year to landowners to not farm or develop their land and to implement conservation programs. Contracts last between 10 and 15 years. More information at [www.fsa.usda.gov/conservation](http://www.fsa.usda.gov/conservation).

**Historic Pres grants out.** NPS said May 2 that it has distributed \$56 million in fiscal year 2016 Historic Preservation Grants to states and Indian tribes. The annual allocations are made based on appropriations from Congress. For fiscal 2016 Congress approved \$46.9 million for state grants and \$10 million for tribal grants. For fiscal 2017 the Obama administration requested a \$22 million increase, with \$17 million of that for Civil Rights grants. Of the fiscal 2016 grants NPS Director Jonathan B. Jarvis said, "As we celebrate the 100th anniversary of the National Park Service and the 50th anniversary

of the National Historic Preservation Act, we are committed to telling a more complete and diverse story of America's history in our second century. This grant program helps us accomplish that goal at the state, tribal, and local community level."

## Boxscore of legislation

### Fiscal year 2017 appropriations

No bill yet. President Obama submitted request February 9. 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 approved Bishop bill March 16. 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. Wyden and Blumenauer introduced March 17. President Obama signed into law an extension of the fee law through Sept. 30, 2017, as part of PL 114-53 of September 30, 2015. House bill would revise FLREA. Wyden and Blumenauer would streamline rec fees and permits.

### Emergency fire spending

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

### Monument restrictions

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

### Wetlands regulations

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